Basic information

2018/0162(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Directive	Procedure completed
Minimum level of training of seafarers Repealing Directive 2005/45/EC 2004/0098(COD) Amending Directive 2008/106/EC 2007/0219(COD) **Subject** 3.20.03 Maritime transport: passengers and freight 3.20.10 Transport undertakings, transport industry employees 4.15.06 Professional qualifications, recognition of qualifications 4.40.15 Vocational education and training	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
TRAN Transport and Tourism	RIQUET Dominique (ALDE)	05/07/2018
	Shadow rapporteur ANDERSON Lucy (S&D) ZĪLE Roberts (ECR) PIMENTA LOPES João (GUE/NGL) TAYLOR Keith (Verts/ALE)	

Committee for opinion	Rapporteur for opinion	Appointed
EMPL Employment and Social Affairs	RIBEIRO Sofia (PPE)	29/06/2018

Council of the European Union

Council configuration	Meetings	Date
Transport, Telecommunications and Energy	3658	2018-12-03

European Commission

Commission DG	Commissioner
Mobility and Transport	BULC Violeta

European Economic and Social Committee

European Committee of the Regions

Key events

Date	Event	Reference	Summary
24/05/2018	Legislative proposal published	COM(2018)0315	Summary
11/06/2018	Committee referral announced in Parliament, 1st reading		
10/01/2019	Vote in committee, 1st reading		
10/01/2019	Committee decision to open interinstitutional negotiations with report adopted in committee		
11/01/2019	Committee report tabled for plenary, 1st reading	A8-0007/2019	Summary
14/01/2019	Committee decision to enter into interinstitutional negotiations announced in plenary (Rule 72)		
16/01/2019	Committee decision to enter into interinstitutional negotiations confirmed by plenary (Rule 72)		
04/03/2019	Approval in committee of the text agreed at 1st reading interinstitutional negotiations	GEDA/A/(2019)001490 PE636.119	
04/04/2019	Decision by Parliament, 1st reading	T8-0354/2019	Summary
04/04/2019	Results of vote in Parliament		
06/06/2019	Act adopted by Council after Parliament's 1st reading		
20/06/2019	Final act signed		
20/06/2019	End of procedure in Parliament		
12/07/2019	Final act published in Official Journal		

Technical information

Procedure reference	2018/0162(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
Amendments and repeals	Repealing Directive 2005/45/EC 2004/0098(COD) Amending Directive 2008/106/EC 2007/0219(COD)
Legal basis	Treaty on the Functioning of the European Union TFEU 100-p2
Mandatory consultation of other institutions	European Economic and Social Committee European Committee of the Regions
Stage reached in procedure	Procedure completed
Committee dossier	TRAN/8/13251

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary

Committee draft report		PE628.404	29/10/2018	
Committee opinion	EMPL	PE627.001	27/11/2018	
Amendments tabled in committee		PE629.599	03/12/2018	
Committee report tabled for plenary, 1st reading/single reading		A8-0007/2019	11/01/2019	Summary
Text agreed during interinstitutional negotiations		PE636.119	15/02/2019	
Text adopted by Parliament, 1st reading/single reading		T8-0354/2019	04/04/2019	Summary

Council of the EU

Document type	Reference	Date	Summary
Coreper letter confirming interinstitutional agreement	GEDA/A/(2019)001490	15/02/2019	
Draft final act	00039/2019/LEX	20/06/2019	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2018)0315	24/05/2018	Summary
Document attached to the procedure	SWD(2018)0239	24/05/2018	
Commission response to text adopted in plenary	SP(2019)443	12/06/2019	

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES4142/2018	12/12/2018	

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act

Directive 2019/1159
OJ L 188 12.07.2019, p. 0094 Summary

Minimum level of training of seafarers

2018/0162(COD) - 24/05/2018 - Legislative proposal

PURPOSE: to improve the level of knowledge and skills of the Union seafarers.

PROPOSED ACT: Directive of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: in order to maintain a high level of maritime safety and pollution prevention at sea, it is essential to improve the level of knowledge and skills of the Union seafarers by developing maritime training and certification in line with the international rules.

The training and certification of seafarers is regulated at the international level by the **International Maritime Organisation (IMO) Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978** ('STCW Convention') which was revised in 2010. Further amendments to the STCW Convention were adopted in 2015 and 2016.

Directive 2008/106/EC of the European Parliament and of the Council incorporates the STCW Convention into the Union law. It also contains a centralised mechanism for the recognition of seafarers' certificates issued by third countries.

Directive 2005/45/EC aimed to foster the professional mobility of seafarers within the EU, by facilitating the mutual recognition of seafarers' certificates issued by the Member States.

An evaluation was carried out and concluded that both Directives are fit for purpose and have met to a great extent the initial objectives and expectations. However, it also identified elements that have hindered the effectiveness and the efficiency of the legislative framework.

CONTENT: this proposal seeks to amend Directive 2008/106/EC currently in force and repeals Directive 2005/45/EC. The objective of the proposed revision is to **simplify and streamline the current EU regulatory framework** for the training and certification of seafarers in order to:

- **to maintain the alignment of EU rules with the international framework**: the proposal incorporates the new amendments to the STCW Convention relating to the new qualification and training requirements for seafarers working on board passenger ships and ships falling under the IGF Code and the Polar Code;
- **increase legal clarity regarding the mutual recognition of seafarers' certificates issued by the Member States** by clarifying which certificates are mutually recognised for the purpose of authorising seafarers whose certificates have been issued by another Member State to work on board ships flying the flag of another Member State;
- **modernise the centralised mechanism for the recognition of third countries in order to increase its effectiveness**: the proposal provides for an implementing decision on the need to initiate the procedure for recognising new third countries. This new procedural step shall allow the requesting Member State to present the reasons for submitting the recognition request while the Member States will have an opportunity to discuss and decide on the relevant request.

The deadline for the adoption of a Commission decision should be extended from 18 to 24 months. Lastly, it is proposed to extend the interval of reassessment of third countries to up to 10 years on the basis of priority criteria.

Minimum level of training of seafarers

2018/0162(COD) - 04/04/2019 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 563 votes to 32, with 22 abstentions, a legislative resolution on the proposal for a directive of the European Parliament and of the Council amending Directive 2008/106/EC on the minimum level of training of seafarers and repealing Directive 2005/45/EC.

The European Parliament's position adopted at first reading under the ordinary legislative procedure amended the Commission proposal as follows:

Streamline the regulatory framework for training and certification of seafarers

The amending directive shall aim to update European standards with the rules of the 1978 International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, as revised (STCW Convention) defined under the aegis of the International Maritime Organisation (IMO). The amended text underlines the need to take further measures to enhance the European maritime skills base in line with international rules and technological advances.

Mutual recognition of seafarers' certificates issued by Member States

Every Member State shall accept certificates of proficiency and documentary evidence issued by another Member State, or under its authority, in hard copy or in digital format, for the purpose of allowing seafarers to serve on ships flying its flag. The endorsement attesting the recognition shall be limited to the capacities, functions and levels of competency or proficiency prescribed therein. It shall only be issued if all requirements of the STCW Convention have been complied with.

The Commission shall process without delay that request and shall decide on the initiation of the assessment of the training and certification system in the third country within a reasonable time.

When a positive decision for initiating the assessment has been adopted, the Commission shall carry out an assessment of the training and certification systems in the third country for which the request for recognition was submitted, in order to verify that the country concerned meets all the requirements of the STCW Convention and that appropriate measures have been taken to prevent issuance of fraudulent certificates, and to consider whether it has ratified the Maritime Labour Convention, 2006.

Where the Commission concludes that all those requirements are fulfilled, it shall adopt implementing acts laying down its decision on the recognition of a third country.

If there are no endorsements attesting recognition issued by a Member State in relation to certificates of competency or certificates of proficiency issued by a third country for a period of more than eight years, the recognition of that country's certificates shall be re-examined.

Each Member State should accept certificates of competency and supporting documents issued by or under the authority of another Member State, in paper or electronic form, for the purpose of authorising seafarers to serve on board ships flying its flag. The visa attesting recognition would be limited to the capacities, functions and levels of ability specified in the document concerned. It would only be issued if all the requirements of the STCW Convention have been met.

The Commission should process without delay the application for recognition of third-country certificates of competence submitted by a Member State and take a decision on the opening of the evaluation of the training and qualifications system in the third country within a reasonable period of time.

When a decision in favour of opening the assessment has been adopted, the Commission should assess the training and credentialing systems of the third country for which the application for recognition has been made, in order to verify that the country concerned meets all the requirements of the STCW Convention, and that appropriate measures to prevent credential fraud have been taken, and to verify whether the country concerned has ratified the 2006 Maritime Labour Convention.

If the Commission concludes that all these requirements are met, it should adopt implementing acts incorporating its decision on the recognition of a third country.

In the event that no endorsement attesting recognition is issued by a Member State for certificates of competence or certificates of competence issued by a third country during a period of more than 8 years, the recognition of that country's qualifications should be subject to review

Reassessment

The Commission, with the assistance of the European Maritime Safety Agency, shall carry out the reassessment of the third countries based on priority criteria. Those priority criteria shall include the following:

- the number of seafarers' training and professional development programmes approved by the third country;

- the overall numbers of seafarers certified by the third country, serving on ships flying the flags of Member States and the level of training and qualifications of those seafarers;

- information concerning education and training standards in the third country provided by any concerned authorities or other stakeholders, if available.

Evaluation report

No later than five years after the entry into force of this amending Directive, the Commission shall submit to the European Parliament and to the Council an evaluation report, including suggestions for follow up actions to be taken in the light of that evaluation.

In that evaluation report, the Commission shall analyse the implementation of the mutual recognition scheme of seafarers' certificates issued by Member States, and any developments regarding digital certificates for seafarers at international level.

The Commission shall also evaluate any developments regarding a future consideration of the European Maritime Diplomas of Excellence, as underpinned by the recommendations provided by the social partners.

Education and training

The amended text underlines the importance of supporting the education and training of European seafarers as masters and officers through student exchanges between maritime education and training institutions throughout the Union.

In order to cultivate and develop the skills and qualifications of seafarers under European flag, an exchange of good practices between Member States is necessary. The opportunities offered by the Erasmus+ programme for the education and training of seafarers should be fully exploited

Minimum level of training of seafarers

2018/0162(COD) - 11/01/2019 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Transport and Tourism adopted the report by Dominique RIQUET (ADLE, FR) on the proposal for a directive of the European Parliament and of the Council amending Directive 2008/106/EC on the minimum level of training of seafarers and repealing Directive 2005/45/EC

The Commission proposal aims to update European standards in line with the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW), 1978 rules laid down under the auspices of the International Maritime Organisation (IMO).

The committee recommended that the position of the European Parliament adopted at first reading in the framework of the ordinary legislative procedure should amend the Commission proposal as follows.

Mutual recognition of certificates

In order to foster the professional mobility of seafarers within the EU, Member States should fully recognise certificates of proficiency and documentary evidence issued to seafarers by other Member States, including for the purposes of issuing national certificates of competency. If a Member State refuses to endorse or accept such a valid certificate issued by another Member State, it should state the reasons on which that decision is based.

The recognition of seafarers' certificates issued by third countries should be conditional upon the ratification of the international Maritime Labour Convention by those third countries.

With regard to applications from Member States to the Commission for the recognition of third-country certificates of competency or proficiency, Members took the view that such applications must be considered on the basis of the law.

In addition, Members felt that the period in which recognition of third countries that have not supplied seafarers to the Union fleet should be re-examined should be extended from 5 to 8 years.

Certificates

Any certificate required by the directive shall be kept available in its original form on board the ship on which the holder is serving, on paper or in electronic format, the authenticity and validity of which shall be guaranteed by the issuing State and which may be verified under the procedure laid down in the directive.

As of 1 January 2027, all certificates and endorsements shall be made available by electronic means.

The initial decision regarding the acceptance of such certificates or evidence shall be issued within one month of receipt of the request and supporting documentation.

Members proposed that certificates should be centralised by means of an EU-level electronic database, which is also linked to the database referred to in Directive 2009/16/EC of the European Parliament and of the Council on port State control.

Improve the quality of training for seafarers

Members suggested offering training above and beyond the minimum requirements laid down in the STCW Convention and resulting in the award of a European Maritime Diploma of Excellence.

They stated that a broad debate involving social partners, Member States, training institutions and other stakeholders is necessary to investigate the possibility of creating a voluntary system of harmonised certificates going beyond the STCW in the level of training, in order to increase the competitive advantage of European seafarers. Such a STCW+ could establish “maritime certificates of excellence” based on European maritime postgraduate courses, which would provide European seafarers with skills above and beyond those required at international level.

Minimum level of training of seafarers

2018/0162(COD) - 12/07/2019 - Final act

PURPOSE: to simplify the rules for the training of seafarers and the issue of certificates.

LEGISLATIVE ACT: Directive (EU) 2019/1159 of the European Parliament and of the Council amending Directive 2008/106/EC on the minimum level of training of seafarers and repealing Directive 2005/45/EC on the mutual recognition of seafarers' certificates issued by the Member States.

CONTENT: the Directive amending Directive 2008/106/EC aims to align European standards with the rules of the International Convention on Minimum Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as revised (STCW Convention) defined under the auspices of the International Maritime Organisation (IMO).

Objectives

The reformed regulatory framework shall:

- increase the level of knowledge and skills of EU seafarers by improving maritime training and issuance of certificates in accordance with international rules and technological developments;

- facilitate the movement of seafarers within the Union in order to make the Union's maritime transport sector attractive for future generations;

- make the centralised mechanism for the recognition of seafarers' certificates issued from third countries more effective and to enhance legal clarity with regard to the mutual recognition of seafarers' certificates issued by Member States.

Mutual recognition of seafarers' certificates issued by Member States

The new rules specify which certificates shall be mutually recognised so that seafarers whose certificates have been issued by an EU Member State can work on board ships flying the flag of another EU Member State.

Every Member State shall accept certificates of proficiency and documentary evidence issued by another Member State, or under its authority, in hard copy or in digital format, for the purpose of allowing seafarers to serve on ships flying its flag. The endorsement attesting the recognition shall be limited to the capacities, functions and levels of competency or proficiency prescribed therein. It shall only be issued if all requirements of the STCW Convention have been complied with.

Host Member States shall ensure that decisions on mutual recognition are taken within a reasonable time. In addition, they shall ensure that seafarers have the right to appeal against any refusal to endorse or accept a valid certificate, or the absence of any response, in accordance with national legislation and procedures and that seafarers are provided with adequate advice and assistance regarding such appeals in accordance with established national legislation and procedures.

Recognition of seafarers' certificates issued by third countries

As part of the EU's common mechanism for the recognition of seafarers' certificates issued by third countries, the Commission shall regularly monitor whether EU Member States and third countries comply with the requirements of the EU Directive and the STCW Convention. The amending directive streamlines the procedure for the recognition of new third countries and revises the deadlines.

The Commission shall process without delay the application for recognition of a third country's certificates of competence submitted by a Member State and take a decision on the opening of the evaluation of the training and qualifications system in the third country within a reasonable time.

When a positive decision for initiating the assessment has been adopted, the Commission shall carry out an assessment of the training and certification systems in the third country for which the request for recognition was submitted, in order to verify that the country concerned meets all the requirements of the STCW Convention and that appropriate measures have been taken to prevent issuance of fraudulent certificates, and to consider whether it has ratified the Maritime Labour Convention, 2006.

Where the Commission concludes that all those requirements are fulfilled, it shall adopt implementing acts laying down its decision on the recognition of a third country.

Re-examination

If there are no endorsements attesting recognition issued by a Member State in relation to certificates of competency or certificates of proficiency issued by a third country for a period of more than eight years, the recognition of that country's certificates shall be re-examined.

Third countries that have been recognised in accordance with the recognition procedure shall be regularly reassessed, and at the latest 10 years after the last assessment, by the Commission, with the assistance of the European Maritime Safety Agency.

Evaluation report

By 2 August 2024 at the latest, the Commission shall submit to the European Parliament and the Council an evaluation report containing proposals for follow-up measures to be taken in the light of that evaluation. The Commission shall also assess any developments regarding the further consideration of the European Maritime Diplomas of Excellence, in accordance with the recommendations made by the social partners.

In order to cultivate and develop the skills and qualifications of seafarers under a European flag, an exchange of good practices between Member States is necessary. The education and training of seafarers should fully benefit from the opportunities provided by the Erasmus+ programme.

ENTRY INTO FORCE: 1.8.2019.

TRANSPOSITION: no later than 2.8.2021.