

17.2.2005

A6-0057/ 1-9

AMENDMENTS 1-9

tabled by the Committee on Transport and Tourism

REPORT by Robert J.E. Evans
Recognition of seafarers' certificates

A6-0057/2004

Proposal for a directive
(COM(2004)0311 – C6-0033/2004 – 2004/0098(COD))

Text proposed by the Commission

Amendments by Parliament

Amendment 1 Recital 9

(9) Member States should therefore take and enforce specific measures to prevent and penalise fraudulent practices associated with certificates of competency issued in their territory.

(9) Member States should therefore ***pursue their efforts within the IMO to achieve strict and enforceable agreements on the world-wide combating of fraudulent practices associated with certificates of competency and*** take and enforce specific measures to prevent and penalise fraudulent practices associated with certificates of competency issued in their territory.

Justification

Fraud involving certificates is mainly a problem outside the European Union. However, vessels flying the flag of, and with crews from, third countries also enter European ports and so constitute a risk to safety at sea in the Union. It is not therefore sufficient to combat fraud within the EU. The Member States should continue to make their presence felt within the IMO to this end.

Amendment 2
Article 2, point (a)

(a) “**seafaring professions**” means *the regulated professional activities carried out by seafarers* trained at least in accordance with the requirements *of the STCW Convention, as* laid down in Annex I to Directive 2001/25/EC;

(a) “**seafarer**” means *a person* trained at least in accordance with the requirements laid down in Annex I to Directive 2001/25/EC;

Justification

The term ‘seafaring professions’ is not used throughout the whole of the proposal. The definition in question should consequently be clarified.

Amendment 3
Article 2, point (b)

(b) “certificate” means a valid document *within the meaning of Article 4 of Directive 2001/25/EC; covered under* this definition are certificates of competency for masters and officers, endorsements, special certificates, medical certificates and documentary evidence of training, including sea service time, that are issued to any seafarer in accordance with Directive 2001/25/EC;

(b) “certificate” means a valid document *by whatever name it may be known, issued by or under the authority of the competent authority of a Member State, authorising the holder to serve as stated in that document or as authorised by national regulations; included within* this definition are certificates of competency for masters and officers, endorsements, special certificates, medical certificates and documentary evidence of training, including sea service time, that are issued to any seafarer in accordance with Directive 2001/25/EC;

Justification

The difference between "certificate" and "appropriate certificate" is not self-evident. To avoid misinterpretations, the full definition as formulated in Directive 2001/25/EC, should be given instead of just a reference to this directive.

Amendment 4
Article 2, point (c)

(c) “appropriate certificate” means a certificate of competency for masters, officers and radio officers *as defined in Article 1 point 27) of Directive 2001/25/EC;*

(c) “appropriate certificate” means a certificate of competency for masters, officers and radio officers *issued and endorsed in accordance with Directive 2001/25/EC and entitling the lawful holder thereof to serve in the capacity and*

perform the functions involved at the level of responsibility specified therein on a ship of the type, tonnage, power and means of propulsion concerned while engaged on the particular voyage concerned;

Justification

The difference between "certificate" and "appropriate certificate" is not self-evident. To avoid misinterpretations, the full definition as formulated in Directive 2001/25/EC, should be given instead of just a reference to this directive.

Amendment 5 Article 3, paragraph 1

1. Every Member State shall recognise the appropriate certificates or any other certificate of seafarers awarded to nationals or non-nationals of Member States by another Member State in accordance with the requirements laid down in Directive 2001/25/EC.

1. Every Member State shall, ***within one month of receiving an application for recognition***, recognise the appropriate certificates or any other certificate of seafarers awarded to nationals or non-nationals of Member States by another Member State in accordance with the requirements laid down in Directive 2001/25/EC.

Amendment 6 Article 3, paragraph 1a (new)

1a. Member States shall guarantee a right of appeal against recognition decisions taken pursuant to paragraph 1, or the absence thereof within the period laid down therein, before a court or tribunal in accordance with national legislation and procedures.

Amendment 7 Article 3, paragraph 3a (new)

3a. The host Member State shall ensure that seafarers who present for recognition certificates for functions at the management level have an appropriate knowledge of the maritime legislation of that Member State relevant to the functions

they are permitted to perform.

Justification

The amendment clarifies the requirements for recognition of certificates.

Amendment 8
Article 5, paragraph 3

3. In the event of justified doubts, the host Member State may require of the competent authorities of another Member State **to** furnish written confirmation of the authenticity of seafarers' certificates, corresponding endorsements or any other documentary evidence of training issued in that other Member State.

3. At the request of a host Member State, the competent authorities of another Member State **must** furnish written confirmation **or denial** of the authenticity of seafarers' certificates, corresponding endorsements or any other documentary evidence of training issued in that other Member State.

Justification

The existing wording is too loose. The directive must require Member States to supply the requested information.

Amendment 9
Article 8a (new)

Article 8a

Compliance report

No later than [5 years from the date of entry into force of this Directive] the Commission must submit to the European Parliament and the Council an evaluation report drawn up on the basis of the information obtained pursuant to Article 6. In this report the Commission will analyse the Member States' compliance with this Directive and, where necessary, make proposals for additional measures.

Justification

By submitting an evaluation report after 5 years, the Commission will enable the European Parliament and the Council to judge whether the Member States have met their obligations and whether there is a need for additional measures.