

AMENDMENT 10

by Robert Evans and Willi Piecyk, on behalf of the PSE Group

Report**A6-0057/2004****Robert Evans**

Recognition of seafarers' certificates

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

Text proposed by the Commission

Amendment by Parliament

Amendment 10

Recital 6a (new)

(6a) Since this Directive is aimed at facilitating the mutual recognition of certificates, it does not regulate the conditions concerning access to employment.

Or. en

Justification

This amendment forms part of a package aimed at a first reading agreement with Council and Commission.

AMENDMENT 11

by Robert Evans and Willi Piecyk, on behalf of the PSE Group

Report**A6-0057/2004****Robert Evans**

Recognition of seafarers' certificates

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

Text proposed by the Commission

Amendment by Parliament

Amendment 11
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 take and enforce specific measures to prevent and penalise fraudulent practices associated with certificates of competency *as well as pursue their efforts within the IMO to achieve strict and enforceable agreements on the world-wide combating of such practices. The Committee on Safe Seas and the Prevention of Pollution from Ships (COSS) is an appropriate forum for exchanging information, experience and best practices in this respect.*

Or. en

Justification

This amendment forms part of a package aimed at a first reading agreement with Council and Commission.

AMENDMENT 12

by Robert Evans and Willi Piecyk, on behalf of the PSE Group

Report**A6-0057/2004****Robert Evans**

Recognition of seafarers' certificates

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

Text proposed by the Commission

Amendment by Parliament

Amendment 12
Recital 13a (new)

(13a) The Council should, in accordance with paragraph 34 of the Interinstitutional Agreement on better law-making¹, encourage Member States to draw up, for themselves and in the interest of the Community, their own tables, which will, as far as possible, illustrate the correlation between this Directive and their transposition measures and to make those tables public.

¹ OJ C 321, 31.12.2003, p. 1.

Or. en

Justification

This amendment forms part of a package aimed at a first reading agreement with Council and Commission.

AMENDMENT 13

by Robert Evans and Willi Piecyk, on behalf of the PSE Group

Report**A6-0057/2004****Robert Evans**

Recognition of seafarers' certificates

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

Text proposed by the Commission

Amendment by Parliament

Amendment 13
Article 1

This Directive shall apply to ***the seafaring professions carried out by:***

- a) nationals of a Member State; and
- b) non-nationals who hold a certificate ***of competency*** issued by a Member State.

This Directive shall apply to ***seafarers who are:***

- a) nationals of a Member State; and
- b) non-nationals who hold a certificate issued by a Member State.

Or. en

Justification

This amendment forms part of a package aimed at a first reading agreement with Council and Commission.

AMENDMENT 14

by Robert Evans and Willi Piecyk, on behalf of the PSE Group

Report**A6-0057/2004****Robert Evans**

Recognition of seafarers' certificates

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

Text proposed by the Commission

Amendment by Parliament

Amendment 14
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 who is trained and who is certificated by a Member State* at least in accordance with the requirements laid down in Annex I to Directive 2001/25/EC;

Or. en

Justification

This amendment forms part of a package aimed at a first reading agreement with Council and Commission.

AMENDMENT 15

by Robert Evans and Willi Piecyk, on behalf of the PSE Group

Report**A6-0057/2004****Robert Evans**

Recognition of seafarers' certificates

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

Text proposed by the Commission

Amendment by Parliament

Amendment 15
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 within the meaning of Article 4 of Directive 2001/25/EC;

Or. en

Justification

This amendment forms part of a package aimed at a first reading agreement with Council and Commission.

AMENDMENT 16

by Robert Evans and Willi Piecyk, on behalf of the PSE Group

Report**A6-0057/2004****Robert Evans**

Recognition of seafarers' certificates

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

Text proposed by the Commission

Amendment by Parliament

Amendment 16
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 as defined in Article 1 point 27) of Directive 2001/25/EC;

Or. en

Justification

This amendment forms part of a package aimed at a first reading agreement with Council and Commission.

AMENDMENT 17

by Robert Evans and Willi Piecyk, on behalf of the PSE Group

Report**A6-0057/2004****Robert Evans**

Recognition of seafarers' certificates

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

Text proposed by the Commission

Amendment by Parliament

Amendment 17
Article 2, point (d)

(d) “endorsement” means a valid document issued by the competent authority of a Member State ***to attest the issuance of a certificate***, in accordance with Article VI, ***paragraph 2 and Regulation I/2, paragraph 3 of the STCW Convention***;

(d) “endorsement” means a valid document issued by the competent authority of a Member State in accordance with Article ***5(2) and (6) of Directive 2001/25/EC***;

Or. en

Justification

This amendment forms part of a package aimed at a first reading agreement with Council and Commission.

AMENDMENT 18

by Robert Evans and Willi Piecyk, on behalf of the PSE Group

Report**A6-0057/2004****Robert Evans**

Recognition of seafarers' certificates

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

Text proposed by the Commission

Amendment by Parliament

Amendment 18
Article 2, point (e)

(e) “recognition” means the *permission to use* a certificate or appropriate certificate issued by another Member State *with a view to employment on board a ship registered in a Member State in the capacities and functions and at the levels of responsibility specified in the endorsement to the certificate or as otherwise required by Directive 2001/25/EC*;

(e) “recognition” means the *acceptance by the competent authorities of a host Member State of* a certificate or appropriate certificate issued by another Member State;

Or. en

Justification

This amendment forms part of a package aimed at a first reading agreement with Council and Commission.

AMENDMENT 19

by Robert Evans and Willi Piecyk, on behalf of the PSE Group

Report**A6-0057/2004****Robert Evans**

Recognition of seafarers' certificates

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

Text proposed by the Commission

Amendment by Parliament

Amendment 19
Article 2, point (f)

(f) “host Member State” means any Member State in which a seafarer *intends to take up or pursue a seafaring profession, other than the Member State in which he/she obtained his/her certificate or other documentation of training or first exercised the profession in question;*

(f) “host Member State” means any Member State in which a seafarer *seeks recognition of his/her appropriate certificate(s) or other certificate(s);*

Or. en

Justification

This amendment forms part of a package aimed at a first reading agreement with Council and Commission.

AMENDMENT 20

by Robert Evans and Willi Piecyk, on behalf of the PSE Group

Report**A6-0057/2004****Robert Evans**

Recognition of seafarers' certificates

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

Text proposed by the Commission

Amendment by Parliament

Amendment 20
Article 2, point (g)

(g) “STCW Convention” means the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, **as amended**;

(g) “STCW Convention” means the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, **in its up-to-date version**;

Or. en

Justification

This amendment forms part of a package aimed at a first reading agreement with Council and Commission.

AMENDMENT 21

by Robert Evans and Willi Piecyk, on behalf of the PSE Group

Report**A6-0057/2004****Robert Evans**

Recognition of seafarers' certificates

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

Text proposed by the Commission

Amendment by Parliament

Amendment 21
Article 2, point (h)

(h) “STCW Code” means the Seafarers’ Training, Certification and Watchkeeping Code, as adopted by Resolution 2 of the 1995 STCW Conference of Parties, *as amended*;

(h) “STCW Code” means the Seafarers’ Training, Certification and Watchkeeping Code, as adopted by Resolution 2 of the 1995 STCW Conference of Parties, *in its up-to-date version*;

Or. en

Justification

This amendment forms part of a package aimed at a first reading agreement with Council and Commission.

AMENDMENT 22

by Robert Evans and Willi Piecyk, on behalf of the PSE Group

Report**A6-0057/2004****Robert Evans**

Recognition of seafarers' certificates

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

Text proposed by the Commission

Amendment by Parliament

Amendment 22
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 recognise appropriate certificates or other *certificates issued* by another Member State in accordance with the requirements laid down in Directive 2001/25/EC.

Or. en

Justification

This amendment forms part of a package aimed at a first reading agreement with Council and Commission.

17.2.2005

A6-0057/23

AMENDMENT 23

by Robert Evans and Willi Piecyk, on behalf of the PSE Group

Report

A6-0057/2004

Robert Evans

Recognition of seafarers' certificates

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

Text proposed by the Commission

Amendment by Parliament

Amendment 23
Article 3, paragraph 2

<i>2. Any seafarer holding an appropriate certificate or any other certificate as defined in paragraph 1 shall be permitted to serve on board ships flying the flag of another Member State.</i>	<i>deleted</i>
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Or. en

Justification

This amendment forms part of a package aimed at a first reading agreement with Council and Commission.

AMENDMENT 24

by Robert Evans and Willi Piecyk, on behalf of the PSE Group

Report**A6-0057/2004****Robert Evans**

Recognition of seafarers' certificates

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

Text proposed by the Commission

Amendment by Parliament

Amendment 24
Article 3, paragraph 3

3. The recognition of appropriate certificates shall be limited to the capacities, functions and levels of competency prescribed by ***the*** endorsement.

3. The recognition of appropriate certificates shall be limited to the capacities, functions and levels of competency prescribed ***therein and be accompanied by an*** endorsement ***attesting such recognition.***

Or. en

Justification

This amendment forms part of a package aimed at a first reading agreement with Council and Commission.

AMENDMENT 25

by Robert Evans and Willi Piecyk, on behalf of the PSE Group

Report

A6-0057/2004

Robert Evans

Recognition of seafarers' certificates

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

Text proposed by the Commission

Amendment by Parliament

Amendment 25
Article 3, paragraph 3a (new)

3a. Member States shall ensure the right to appeal against any refusal to endorse a valid certificate, or the absence of any response, in accordance with national legislation and procedures.

Or. en

Justification

This amendment forms part of a package aimed at a first reading agreement with Council and Commission.

AMENDMENT 26

by Robert Evans and Willi Piecyk, on behalf of the PSE Group

Report**A6-0057/2004****Robert Evans**

Recognition of seafarers' certificates

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

Text proposed by the Commission

Amendment by Parliament

Amendment 26
Article 3, paragraph 3b (new)

3b. Notwithstanding paragraph 3, the competent authorities of a host Member State may impose further limitations on capacities, functions and levels of competence relating to near-coastal voyages, as referred to in Article 7 of Directive 2001/25/EC, or alternative certificates issued under Regulation VII/1 of Annex I to Directive 2001/25/EC.

Or. en

Justification

This amendment forms part of a package aimed at a first reading agreement with Council and Commission.

AMENDMENT 27

by Robert Evans and Willi Piecyk, on behalf of the PSE Group

Report**A6-0057/2004****Robert Evans**

Recognition of seafarers' certificates

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

Text proposed by the Commission

Amendment by Parliament

Amendment 27
Article 3, paragraph 3c (new)

3c. A 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.

Or. en

[note for translation: the text of this compromise amendment is identical to amendment 7 of the Evans report adopted in the TRAN committee (RR\54839XT.doc)]

Justification

This amendment forms part of a package aimed at a first reading agreement with Council and Commission.

AMENDMENT 28

by Robert Evans and Willi Piecyk, on behalf of the PSE Group

Report**A6-0057/2004****Robert Evans**

Recognition of seafarers' certificates

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

Text proposed by the Commission

Amendment by Parliament

Amendment 28
Article 4

Member States shall ensure that seafarers acquire adequate language proficiency, as defined in Sections A-II/1, A-III/1, A-IV/2 and A-II/4 of the STCW Code so as to enable them to perform their specific duties in a host Member State.

deleted

Or. en

*(see amendment to Article 7)**Justification*

This amendment forms part of a package aimed at a first reading agreement with Council and Commission.

AMENDMENT 29

by Robert Evans and Willi Piecyk, on behalf of the PSE Group

Report**A6-0057/2004****Robert Evans**

Recognition of seafarers' certificates

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

Text proposed by the Commission

Amendment by Parliament

Amendment 29
Article 5

1. Member States shall take and enforce the appropriate measures to prevent and penalise fraud involving the certification process or certificates issued and endorsed by their competent authorities.

deleted

2. Member States shall designate the national authorities competent to detect and combat fraudulent practices and exchange information with other Member States' competent authorities concerning certification of seafarers.

Member States shall forthwith inform the other Member States and the Commission thereof.

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.

Or. en

(see amendment to Article 7)

Justification

This amendment forms part of a package aimed at a first reading agreement with Council and Commission.

17.2.2005

A6-0057/30

AMENDMENT 30

by Robert Evans and Willi Piecyk, on behalf of the PSE Group

Report

A6-0057/2004

Robert Evans

Recognition of seafarers' certificates

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

Text proposed by the Commission

Amendment by Parliament

Amendment 30
Article 6

Without prejudice to the powers of the Commission under Article 226 of the Treaty, the Commission, assisted by the Agency, shall verify, at intervals of not more than five years, that the appropriate measures have been taken in accordance with Article 5 (1).

deleted

Or. en

(see amendment to Article 7)

Justification

This amendment forms part of a package aimed at a first reading agreement with Council and Commission.

AMENDMENT 31

by Robert Evans and Willi Piecyk, on behalf of the PSE Group

Report

A6-0057/2004

Robert Evans

Recognition of seafarers' certificates

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

Text proposed by the Commission

Amendment by Parliament

Amendment 31
Article 7

Directive 2001/25/EC shall be amended as follows:

Directive 2001/25/EC shall be amended as follows:

1. Article 4 is replaced by:

***“Article 4
Certificate***

A certificate shall be any valid document, by whatever name it may be known, issued by or under the authority of the competent authority of a Member State in accordance with Article 5 and with the requirements laid down in Annex I.”

2. The following Article 7a is inserted:

***“Article 7a
Prevention of fraud and other unlawful practices***

1. Member States shall take and enforce the appropriate measures to prevent fraud and other unlawful practices involving the certification process or certificates issued and endorsed by their competent authorities, and shall provide for sanctions that are effective, proportionate and dissuasive.

2. Member States shall designate the national authorities competent to detect

and combat fraudulent practices and exchange information with other countries' competent authorities concerning the certification of seafarers.

Member States shall forthwith inform the other Member States and the Commission thereof.

Member States shall also forthwith inform thereof any third countries with which they have entered into an undertaking in accordance with Regulation I/10, paragraph 1.2 of the STCW Convention.

3. At the request of a host Member State, the competent authorities of another Member State shall provide 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."

(a) Article 18(1) and (2) are deleted with effect from [the same date as the date in the first sub-paragraph of Article 8(1)];

(b) The following Article **22a** is inserted:

"Article 22a

Regular monitoring of compliance

Without prejudice to the powers of the Commission under Article 226 of the Treaty, the Commission, assisted by the Agency, shall verify ***at intervals of not more than*** five years that Member States comply with the minimum requirements laid down by this Directive."

3. Article 18(1) and (2) are deleted with effect from [the same date as the date in the first sub-paragraph of Article 8(1)];

4. The following Article **21a** is inserted:

"Article 21a

Regular monitoring of compliance

Without prejudice to the powers of the Commission under Article 226 of the Treaty, the Commission, assisted by the Agency, shall verify ***on a regular basis and at least every*** five years that Member States comply with the minimum requirements laid down by this Directive."

5. *The following article 21b is inserted:*

"Article 21b

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 21a. In this report the

Commission will analyse the Member States' compliance with this Directive and, where necessary, make proposals for additional measures.”

6. The following paragraph 1a is inserted in Annex I:

***“Annex I, Chapter I, paragraph 1a
Member States shall ensure that seafarers possess adequate language proficiency, as defined in Sections A-II/1, A-III/1, A-IV/2 and A-II/4 of the STCW Code so as to enable them to perform their specific duties on a vessel flying the flag of a host Member State.”***

Or. en

See amendments to Articles 4, 5 and 6

Justification

This amendment forms part of a package aimed at a first reading agreement with Council and Commission.

17.2.2005

A6-0057/32

AMENDMENT 32

by Robert Evans and Willi Piecyk, on behalf of the PSE Group

Report

A6-0057/2004

Robert Evans

Recognition of seafarers' certificates

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

Text proposed by the Commission

Amendment by Parliament

Amendment 32
Article 8, paragraph 1

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [...]¹ at the latest. They shall forthwith communicate to the Commission the text of those provisions **and a correlation table between those provisions and this Directive**.

¹ **18 months** after the date of entry into force of the directive.

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [...]¹ at the latest. They shall forthwith communicate to the Commission the text of those provisions.

¹ **24 months** after the date of entry into force of the directive.

Or. en

Justification

This amendment forms part of a package aimed at a first reading agreement with Council and Commission.