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A7-0162/ 001-056

AMENDMENTS 001-056

by the Committee on Transport and Tourism

Report

Brian Simpson

Minimum level of training of seafarers

A7-0162/2012

Proposal for a directive (COM(2011)0555 – C7-0246/2011 – 2011/0239(COD))

Amendment 1

Proposal for a directive

Recital 1

Text proposed by the Commission

(1) **Rules on** training and certification of seafarers **have been agreed at an international level by means of** the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers ("STCW"), **adopted in 1978 by conference at the International Maritime Organization (IMO)**, entered into force in 1984 and significantly amended in 1995.

Amendment

(1) **The** training and certification of seafarers **is regulated** by the International **Maritime Organisation (IMO)** Convention on Standards of Training, Certification and Watchkeeping for Seafarers **1978** ("STCW **Convention**"), **which** entered into force in 1984 and **which had been** significantly amended in 1995.

Justification

This wording is introduced to improve the clarity of the text.

Amendment 2

Proposal for a directive

Recital 3

Text proposed by the Commission

(3) ***In 2010 a Conference between the State Parties to the STCW Convention was held in Manila and introduced several significant changes to the Convention, namely on the prevention of fraudulent practices for certificates, in the field of medical standards, in the matter of training on security and with respect to training in technology-related matters. The Manila amendments have also introduced requirements for able seafarers and established new professional profiles, such as electro-technical officers.***

Amendment 3

Proposal for a directive Recital 4 b (new)

Text proposed by the Commission

Amendment 4

Proposal for a directive Recital 5

Text proposed by the Commission

(5) ***At the Manila Conference the State-parties intended, amongst others, to set objective limits to the exceptions to the minimum rest hours for watchkeeping personnel and seafarers with designated safety, security and prevention of pollution related tasks. Also such new provisions should be integrated into EU law. However, they should respect the provisions on hours of rest applicable to seafarers under Council Directives***

Amendment

(3) ***A Conference of Parties to the STCW Convention was held in Manila in 2010 and introduced significant amendments to the STCW Convention ("Manila amendments"), namely on the prevention of fraudulent practices for certificates, in the field of medical standards, in the matter of training on security including on anti-piracy practices, and with respect to training in technology-related matters. The Manila amendments have also introduced requirements for able seafarers and established new professional profiles, such as electro-technical officers.***

Amendment

(4b) Improved training for seafarers should include all specialist categories among crew members and officers and cover proper theoretical and practical instruction on the safety of human life at sea.

Amendment

(5) ***European social partners have agreed on minimum hours of rest applicable to seafarers and Council Directive 1999/63/EC of 21 June 1999¹ has been adopted for the implementation of such agreement. Directive 1999/63/EC also allows for the possibility of authorising exceptions to the minimum hours of rest for seafarers. The faculty of authorising exceptions, however, should be limited in terms of maximum duration, frequency***

1999/63/EC of 21 June 1999 and 2009/13/EC of 16 February 2009. Furthermore, the faculty of authorising exceptions should be limited in terms of maximum duration, frequency and scope. Provisions to this effect should be introduced in the directive.

and scope. The Manila amendments intended, amongst others, to set objective limits to the exceptions to the minimum rest hours for watchkeeping personnel and seafarers with designated safety, security and prevention of pollution related tasks **with a view to preventing fatigue. The Manila amendments should be incorporated in Directive 2008/106/EC in a manner that ensures coherence with Directive 1999/63/EC as amended by Directive 2009/13/EC of 16 February 2009².**

¹ OJ L 167, 2.7.1999., p. 33.

² OJ L 124, 20.5.2009., p. 30.

Amendment 5

Proposal for a directive Recital 5 a (new)

Text proposed by the Commission

Amendment

(5a) Further recognising the potential danger to EU passengers and the need for protection of the marine environment, Council Directive 2009/13/EC will take effect as specified therein when the Maritime Labour Convention, 2006, enters into force.

Justification

This amendment aims at recalling that Member States will have to abide by the provisions of Council Directive 2009/13/EC of 16 February 2009 implementing the Agreement concluded by the European Community Shipowners' Associations (ECSA) and the European Transport Workers' Federation (ETF) on the Maritime Labour Convention, 2006 and amending Directive 1999/63/EC. As specified in its Article 7, the above-mentioned directive will enter into force on the date of entry into force of the Maritime Labour Convention, 2006.

Amendment 6

Proposal for a directive Recital 6

Text proposed by the Commission

Amendment

(6) Directive 2008/106/EC also contains a

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mechanism for the recognition of the systems of training and certification of seafarers of the third countries. The recognition is realised by a decision of the Commission further to a procedure within which the Commission is assisted by the European Maritime Safety Agency (the Agency) established by Regulation (EC) No 1406/2002 and by the Committee on Safe Seas and the Prevention of Pollution from Ships (COSS), established by Regulation (EC) No 2099/2002; the experience gained in applying the provisions of Directive 2008/106/EC on recognition of third countries for STCW purposes suggests that a change should be introduced in the relevant procedure, namely with respect to the three-month deadline for deciding on the recognition currently imposed on the Commission by Article 19(3) of the said Directive. Since the recognition requires an inspection to be performed by the Agency, which has to be planned and carried out, and, in most cases, significant adjustments to the STCW requirements by the involved third country, the whole process cannot be realised in three months; on the basis of experience, a more realistic time-frame in this respect appears to be eighteen months. The mentioned deadline should therefore be modified accordingly, while the possibility for the requesting Member State to provisionally recognise the third country should be kept in order to preserve flexibility.

mechanism for the recognition of the systems of training and certification of seafarers of the third countries. The recognition is realised by a decision of the Commission further to a procedure within which the Commission is assisted by the European Maritime Safety Agency (the Agency) established by Regulation (EC) No 1406/2002 and by the Committee on Safe Seas and the Prevention of Pollution from Ships (COSS), established by Regulation (EC) No 2099/2002; the experience gained in applying the provisions of Directive 2008/106/EC on recognition of third countries for STCW purposes suggests that a change should be introduced in the relevant procedure, namely with respect to the three-month deadline for deciding on the recognition currently imposed on the Commission by Article 19(3) of the said Directive. Since the recognition requires an inspection to be performed by the Agency, which has to be planned and carried out, and, in most cases, significant adjustments to the STCW requirements by the involved third country, the whole process cannot be realised in three months; on the basis of experience, a more realistic time-frame in this respect appears to be eighteen months. The mentioned deadline should therefore be modified accordingly, while the possibility for the requesting Member State to provisionally recognise the third country should be kept in order to preserve flexibility. ***Furthermore, the provisions for recognition of professional qualifications under Directive 2005/36/EC of 7 September 2005¹ are not applicable with regard to the recognition of certificates of seafarers under this Directive.***

¹ OJ L 255, 30.9.2005., p. 22.

Justification

This amendment underlines that Directive 2008/106/EC contains a specific mechanism for the recognition of the systems of training and certification of seafarers of the third countries and

that, therefore, the relevant provisions for recognition of professional qualifications under Directive 2005/36/EC are not applicable under this Directive.

Amendment 7

Proposal for a directive

Recital 7

Text proposed by the Commission

(7) Available statistics on European seafarers are incomplete and often inaccurate, which makes policy-making in this *delicate* sector more difficult. Detailed data on certification of seafarers can not entirely solve this problem but they would clearly help. Under the STCW Convention **State** Parties are obliged to maintain registers of all certificates and endorsements and the relevant revalidations or other measures affecting them (Regulation I/2(14)). Member States, under Article 11(4) of Directive 2008/106, have the obligation to maintain a register of issued certificates and endorsements. In order to have a complete as possible picture of the labour employment situation in Europe, Member States should be required to send to the Commission selected information already contained in their registers of seafarers' certificates. This information should be *used* for statistical purposes and be in line with the data protection requirements of the Union. A provision to that effect should be introduced in Directive 2008/106/EC.

Amendment

(7) Available statistics on European seafarers are incomplete and often inaccurate, which makes policy-making in this sector more difficult. Detailed data on certification of seafarers can not entirely solve this problem but they would clearly help. Under the STCW Convention Parties are obliged to maintain registers of all certificates and endorsements and the relevant revalidations or other measures affecting them (Regulation I/2(14)). Member States, under Article 11(4) of Directive 2008/106/EC, have the obligation to maintain a register of issued certificates and endorsements. In order to have a complete as possible picture of the labour employment situation in Europe, Member States should be required to send to the Commission selected information already contained in their registers of seafarers' certificates *of competency*. This information should be *communicated* for *the purposes of* statistical *analysis only, it may not be used for administrative, legal or verification* purposes and *it must* be in line with the data protection requirements of the Union. A provision to that effect should be introduced in Directive 2008/106/EC.

Justification

This amendment reinforces the obligation on the Commission to use the data provided by Member States solely for the purpose of statistical analysis and in accordance with the data protection requirements of the Union.

Amendment 8

Proposal for a directive

Recital 7 a (new)

(7a) The results of the analysis of such information should be used to anticipate trends in the labour market and to support seafarers in career planning and taking advantage of available vocational education and training opportunities. These results should also contribute to the improvement of vocational education and training offered by Maritime Higher Education Institutions.

Amendment 9

Proposal for a directive

Recital 8

Text proposed by the Commission

Amendment

(8) In order to gather data on the seafaring profession consistently with the evolution of the latter and of technology, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of adaptations of Annex V of Directive 2008/106/EC. Those delegated acts would regard, in particular, the content of the information on endorsements, on certificates of competency or proficiency and on the number and details of seafarers whose certificates are issued or endorsed, taking into account the safeguards on data protection indicated in the mentioned Annex. Also, the Commission should have the power to adopt delegated acts in order to establish measures for collecting, storing **and** analysing this kind of statistical information by Member States with a view to accommodating new statistical needs on seafarers, and with a view to gathering information up-to-date and consistent with reality. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing-up delegated

(8) In order to gather data on the seafaring profession consistently with the evolution of the latter and of technology, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of adaptations of Annex V of Directive 2008/106/EC. Those delegated acts would regard, in particular, the content of the information on endorsements, on certificates of competency or proficiency and on the number and details of seafarers whose certificates are issued or endorsed, taking into account the safeguards on data protection indicated in the mentioned Annex. ***Those delegated acts should not modify the provisions on anonymising data referred to in that Annex.*** Also, the Commission should have the power to adopt delegated acts in order to establish measures for collecting, ***submitting,*** storing, analysing ***and disseminating*** this kind of statistical information by Member States with a view to accommodating new statistical needs on seafarers, and with a view to gathering information up-to-date and consistent with reality. It is of particular importance that the Commission

acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and Council.

carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing-up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and Council.

Justification

This amendment reinforces the need for data to be provided in an anonymised format, safeguarding data protection in the collection of statistics on the seafarer profession.

Amendment 10

Proposal for a directive Recital 8 a (new)

Text proposed by the Commission

Amendment

(8a) The EU is the world's principal maritime power with cutting-edge maritime expertise helping underpin its competitiveness. The quality of training for seafarers is closely linked to the EU's competitiveness in this area and must therefore be given particular attention. It is also necessary to raise awareness of the numerous maritime professions, with a view to attracting European workers, in particular young people, to them. In order to uphold quality standards regarding training for seafarers and on European shipping, the EU should combat the proliferation of fraudulent certificates of competency.

Amendment 11

Proposal for a directive Recital 11

Text proposed by the Commission

Amendment

(11) The amendments to ***the Convention*** enter into force on 1 January 2012, ***while*** transitional arrangements until 1 January 2017 ***have been provided for in the Manila Agreement in*** order to allow for a

(11) The ***Manila*** amendments ***were due*** to enter into force on 1 January 2012. ***However, those amendments provide for*** transitional arrangements until 1 January 2017. ***In*** order to allow for a smooth

smooth transition to the new rules. **The present** Directive should provide for the same **timeframe and** transitional arrangements.

transition to the new rules, **this** Directive should provide for the same transitional arrangements.

Justification

This amendment introduces a slightly modified wording for reasons of greater clarity.

Amendment 12

Proposal for a directive
Recital 11 a (new)

Text proposed by the Commission

Amendment

(11a) The IMO Maritime Safety Committee at its 89th session noted the need for some clarification on the implementation of the 2010 Manila amendments, taking into account the abovementioned transitional provisions, on the one hand, and Resolution 4 of the STCW Conference which recognises the need for full compliance to be achieved by 1 January 2017, on the other hand. Such clarifications were provided by IMO Circulars STCW.7/Circ.16 and STCW.7/Circ.17. In particular, STCW.7/Circ.16 states that for seafarers holding certificates issued in accordance with the provisions of the STCW Convention which applied immediately prior to 1 January 2012, and who have not met the requirements of the 2010 Manila amendments, as well as for seafarers who commenced approved seagoing service, an approved education and training programme or an approved training course before 1 July 2013, the validity of any revalidated certificate should not extend beyond 1 January 2017.

Justification

This amendment brings the text up to date by including further IMO clarifications on the implementation of the 2010 Manila amendments.

Amendment 13

Proposal for a directive Recital 11 b (new)

Text proposed by the Commission

Amendment

(11b) For the sake of uniform implementation of the Manila amendments within the Union, it is advisable that, when transposing this Directive, Member States should take into account the guidance contained in the abovementioned IMO circulars.

Justification

This amendment is in line with the previous one.

Amendment 14

Proposal for a directive Recital 11 c (new)

Text proposed by the Commission

Amendment

(11c) Further delays in transposing the Manila amendments to the STCW Convention in European legislation should be avoided, in order to maintain the competitiveness of European seafarers as well as to uphold safety on board ships through up-to-date training of crews.

Amendment 15

Proposal for a directive Article 1 – point 1 – point a Directive 2008/106/EC Article 1 – point 18

Text proposed by the Commission

Amendment

"18. "Radio Regulations" means the ***revised radio regulations, adopted by the World Radiocommunication Conference for the Maritime Mobile Service in their up-to-date version;***".

"18. "Radio Regulations" means the ***Radio Regulations annexed to, or regarded as being annexed to, the most recent International Telecommunication Convention;***".

Justification

This amendment introduces a modified wording for reasons of greater clarity.

Amendment 16

Proposal for a directive

Article 1 – point 1 – point a a (new)

Directive 2008/106/EC

Article 1 – point 19

Text proposed by the Commission

Amendment

(aa) point 19 is replaced by the following:

''Passenger ship' means a [...] ship as defined in the International Convention for the Safety of Life at Sea, 1974, as amended.

Justification

This amendment should bring the text up to date.

Amendment 17

Proposal for a directive

Article 1 – point 1 – point b

Directive 2008/106/EC

Article 1 – point 24

Text proposed by the Commission

Amendment

"24. "STCW Code" means the Seafarers' Training, Certification and Watchkeeping (STCW) Code as adopted by **Resolution 2 of the 2010 STCW Conference of Parties**, in its up-to-date version;"

"24. "STCW Code" means the Seafarers' Training, Certification and Watchkeeping (STCW) Code as adopted by the **1995 Conference resolution 2**, in its up-to-date version;"

Justification

This amendment aims to rectify the reference to the Conference.

Amendment 18

Proposal for a directive

Article 1 – point 1 – point c a (new)

Directive 2008/106/EC

Article 1 – point 28

Text proposed by the Commission

Amendment

(ca) point 28 is replaced by the following:

"28. "Seagoing service" means service on board a ship relevant to the issue or revalidation of a certificate of competency, certificate of proficiency or other qualification;"

Justification

This amendment intends to bring the text in line with the distinction between the different kinds of certificates and adds, beside issuing, the revalidation of certificates.

Amendment 19

Proposal for a directive

Article 1 – point 1 – point d

Directive 2008/106/EC

Article 1 – point 35

Text proposed by the Commission

Amendment

35. "security duties" include all security tasks and duties on board ships as defined by chapter XI/2 of the International Convention for the Safety of Life at Sea (SOLAS 1974, as amended) **Convention** and the International Ship and Port Facility Security (ISPS) Code;

35. "security duties" include all security tasks and duties on board ships as defined by chapter XI/2 of the International Convention for the Safety of Life at Sea (SOLAS 1974, as amended) and the International Ship and Port Facility Security (ISPS) Code;

Justification

This amendment adjusts the text linguistically.

Amendment 20

Proposal for a directive

Article 1 – point 1 – point d

Directive 2008/106/EC

Article 1 – point 42 (new)

Text proposed by the Commission

Amendment

"42. "electro-technical rating" means a rating qualified in accordance with the provisions of Chapter III of Annex I."

Justification

This amendment introduces a new profile in accordance with the provisions of Chapter III of Annex I.

Amendment 21

Proposal for a directive

Article 1 – point 2

Directive 2008/106/EC

Article 3 – paragraph 1

Text proposed by the Commission

1. Member States shall take the measures necessary to ensure that seafarers serving on ships as referred to in Article 2 are trained as a minimum in accordance with the requirements of the STCW Convention, as laid down in Annex I to this Directive, and hold certificates as defined in Article 1(36) and (37).

Amendment

1. Member States shall take the measures necessary to ensure that seafarers serving on ships as referred to in Article 2 are trained as a minimum in accordance with the requirements of the STCW Convention, as laid down in Annex I to this Directive, and hold certificates as defined in Article 1(36) and (37), **and/or documentary evidence as defined in Article 1(38).**

Justification

This amendment brings the paragraph in line with the requirement of documentary evidence defined in the new point 38 under Article 1.

Amendment 22

Proposal for a directive

Article 1 – point 4 – point f

Directive 2008/106/EC

Article 5 – paragraph 11 – introductory part

Text proposed by the Commission

11. **Each candidate** for certification shall provide satisfactory proof:

Amendment

11. **Candidates** for certification shall provide satisfactory proof:

Justification

The plural form must be preferred, as it includes both male and female candidates and, to this respect, avoids misunderstandings that would be possible in most linguistic versions with a singular form.

Amendment 23

Proposal for a directive

Article 1 – point 4 – point f

Directive 2008/106/EC
Article 5 – paragraph 11 – point a

Text proposed by the Commission

Amendment

(a) of **his** identity;

(a) of **their** identity;

Justification

The plural form must be preferred, as it includes both male and female candidates and, to this respect, avoids misunderstandings that would be possible in most linguistic versions with a singular form.

Amendment 24

Proposal for a directive

Article 1 – point 4 – point f

Directive 2008/106/EC

Article 5 – paragraph 11 – point b

Text proposed by the Commission

Amendment

(b) that **his** age is not less than that prescribed in the regulations listed in Annex I relevant to the certificate applied for;

(b) that **their** age is not less than that prescribed in the regulations listed in Annex I relevant to the certificate applied for;

Justification

The plural form must be preferred, as it includes both male and female candidates and, to this respect, avoids misunderstandings that would be possible in most linguistic versions with a singular form.

Amendment 25

Proposal for a directive

Article 1 – point 4 – point f

Directive 2008/106/EC

Article 5 – paragraph 11 – point c

Text proposed by the Commission

Amendment

(c) that **he meets** the standards of medical fitness, ***specified in section A-I/9 of the STCW Code***;

(c) that **they meet** the ***prescribed*** standards of medical fitness ***as applicable to the specific duties to be performed***;

Justification

The plural form must be preferred, as it includes both male and female candidates and, to this respect, avoids misunderstandings that would be possible in most linguistic versions with a singular form. In addition, it must be underlined that medical fitness can only be ascertained with reference to the specific duties to be performed.

Amendment 26

Proposal for a directive

Article 1 – point 4 – point f

Directive 2008/106/EC

Article 5 – paragraph 11 – point e

Text proposed by the Commission

(e) that **he meets** the standards of competence prescribed in the regulations listed in Annex I for the capacities, functions and levels that are to be identified in the endorsement to the certificate.

Amendment

(e) that **they meet** the standards of competence prescribed in the regulations listed in Annex I for the capacities, functions and levels that are to be identified in the endorsement to the certificate.

Justification

The plural form must be preferred, as it includes both male and female candidates and, to this respect, avoids misunderstandings that would be possible in most linguistic versions with a singular form.

Amendment 27

Proposal for a directive

Article 1 – point 7 – point a – point i

Directive 2008/106/EC

Article 10 – paragraph 1 – point a

Text proposed by the Commission

(a) all training, assessment of competence, certification, including medical certification, endorsement and revalidation activities carried out by non-governmental agencies or entities under its authority are continuously monitored through a quality standards system to ensure the achievement of defined objectives, including those concerning the qualifications and experience of instructors and assessors;

Amendment

(a) all training, assessment of competence, certification, including medical certification, endorsement and revalidation activities carried out by non-governmental agencies or entities under its authority are continuously monitored through a quality standards system to ensure the achievement of defined objectives, including those concerning the qualifications and experience of instructors and assessors, **in accordance with the provisions of sections A-I/6 and A-I/8 of the STCW Code;**

Justification

This point reproduces the text of Regulation I/8 of the STCW Convention and it should be reminded that the relevant sections of Part A of the STCW Code apply.

Amendment 28

Proposal for a directive

Article 1 – point 7 – point a – point i a (new)

Directive 2008/106/EC
Article 10 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(ia) point (b) is replaced by the following:
"(b) where governmental agencies or entities perform such activities, there is a quality standards system in accordance with the provisions of sections A-I/6 and A-I/8 of the STCW Code;"

Justification

This point reproduces the text of Regulation I/8 of the STCW Convention and it should be reminded that the relevant sections of Part A of the STCW Code apply.

Amendment 29

Proposal for a directive
Article 1 – point 7 – point a – point ii
Directive 2008/106/EC
Article 10 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) education and training objectives and related quality standards of competence to be achieved are clearly defined and that the levels of knowledge, understanding and skills appropriate to the examinations and assessments required under the STCW Convention identified. ***The objectives and related quality standards may be specified separately for different courses and training programmes and shall cover the administration of the certification system;***

(c) education and training objectives and related quality standards of competence to be achieved are clearly defined and that the levels of knowledge, understanding and skills appropriate to the examinations and assessments required under the STCW Convention ***are*** identified;

Justification

The last sentence is deleted because the same text is included in Article 10 paragraph 1 point d), subparagraph 2 of Directive 2008/106/EC.

Amendment 30
Proposal for a directive
Article 1 – point 7 – point a – point ii a (new)
Directive 2008/106/EC
Article 10 – paragraph 1 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

(ii) the following subparagraph 2a is added:

"The quality standards and quality standards systems referred to in the first subparagraph shall be developed and implemented taking into account, where applicable, the Recommendation of the European Parliament and of the Council of 18 June 2009 on the establishment of a European Quality Assurance Reference Framework for Vocational Education and Training and related measures adopted by the Member States."

Justification

Consistency with relevant EU legislation in the field of quality assurance for vocational education and training should be ensured.

Amendment 31

Proposal for a directive

Article 1 – point 8

Directive 2008/106/EC

Article 11 – paragraph 1

Text proposed by the Commission

Amendment

1. Each Member State shall establish standards of medical fitness for seafarers and procedures for the issue of a medical certificate in accordance with the provisions of this Article and Section A-I/9 of the STCW Code.

1. Each Member State shall establish standards of medical fitness for seafarers and procedures for the issue of a medical certificate in accordance with the provisions of this Article and Section A-I/9 of the STCW Code. ***The guidance given in section B-I/9 of the STCW Code should also be taken into account when establishing medical standards.***

Justification

Although not compulsory for the parties to the STCW Convention, Section B-I/9 of the STCW Code gives very useful and relevant guidance for the establishment of medical standards.

Amendment 32

Proposal for a directive

Article 1 – point 8

Directive 2008/106/EC

Article 11 – paragraph 4 – introductory part

Text proposed by the Commission

Amendment

4. **Every candidate** for certification shall:

4. **Candidates** for **medical** certification shall:

Justification

The plural form must be preferred, as it includes both male and female candidates and, to this respect, avoids misunderstandings that would be possible in most linguistic versions with a singular form. In addition, the word "medical" should be introduced for clarity's sake.

Amendment 33

Proposal for a directive

Article 1 – point 8

Directive 2008/106/EC

Article 11 – paragraph 4 – point b

Text proposed by the Commission

Amendment

(b) provide satisfactory proof of **his** identity; and

(b) provide satisfactory proof of **their** identity; and

Justification

The plural form must be preferred, as it includes both male and female candidates and, to this respect, avoids misunderstandings that would be possible in most linguistic versions with a singular form.

Amendment 34

Proposal for a directive

Article 1 – point 8

Directive 2008/106/EC

Article 11 – paragraph 4 – point c

Text proposed by the Commission

Amendment

(c) meet the **applicable** medical fitness standards established by the Member State concerned.

(c) meet the medical fitness standards established by the Member State concerned **as applicable to the specific duties to be performed.**

Justification

It must be underlined that medical fitness can only be ascertained with reference to the specific duties to be performed.

Amendment 35

Proposal for a directive
Article 1 – point 9 – point c
Directive 2008/106/EC
Article 12 – paragraph 5

Text proposed by the Commission

5. For the purpose of updating the knowledge of masters, officers and radio operators, each Member State shall ensure that the texts of recent changes in national and international regulations concerning the safety of life at sea, security and the protection of the marine environment are made available to ships entitled to fly its flag.’

Amendment

5. For the purpose of updating the knowledge of masters, officers and radio operators, each Member State shall ensure that the texts of recent changes in national and international regulations concerning the safety of life at sea, security and the protection of the marine environment are made available to ships entitled to fly its flag.’, ***ensuring that the text is available in the working language(s) of the vessel and that the provisions of Article 14(3)(b) and Article 18 concerning multilingualism are respected.***

Justification

It is essential that amendments to national and international rules on the safety of human life at sea and the protection of the marine environment are understood by all members of the crew, whatever their nationality and mother tongue. Reference should accordingly be made to the principle of multilingualism established in the directive.

Amendment 36

Proposal for a directive
Article 1 – point 11 – point a
Directive 2008/106/EC
Article 14 – paragraph 1 – point g

Text proposed by the Commission

(g) at all times on board its ships there shall be effective oral communication in accordance with chapter V, regulation 14, paragraphs 3 and 4 of the SOLAS Convention.

Amendment

(g) at all times on board its ships there shall be effective oral communication in accordance with chapter V, regulation 14, paragraphs 3 and 4 of the SOLAS Convention ***as amended.***

Justification

The amendment should bring the text up to date.

Amendment 37

Proposal for a directive
Article 1 – point 11 – point b
Directive 2008/106/EC
Article 14 – paragraph 4

Text proposed by the Commission

4. Companies shall ensure that masters, officers and other personnel assigned specific duties and responsibilities on board their ro-ro passenger ships shall have completed familiarization training to attain the abilities that are appropriate to the capacity to be filled and duties and responsibilities to be taken up, taking into account the guidance given in section B-I/14 of the STCW Code.

Amendment

4. Companies shall ensure that masters, officers and other personnel assigned specific duties and responsibilities on board their ro-ro passenger ships shall have completed familiarization training to attain the abilities that are appropriate to the capacity to be filled and duties and responsibilities to be taken up, ***so as to be able to operate the vessel in accordance with maximum security and safety standards and be able to respond to hazards and emergencies***, taking into account the guidance given in section B-I/14 of the STCW Code.

Justification

Companies must be able to guarantee that officers and crew have the necessary skills to operate the vessel under normal circumstances and in emergency situations.

Amendment 38

Proposal for a directive
Article 1 – point 12
Directive 2008/106/EC
Article 15 – paragraph 1 – point a

Text proposed by the Commission

(a) establish and enforce rest periods for watchkeeping personnel and those whose duties involve designated safety, security and prevention of pollution duties in accordance with paragraphs 3 to **15**;

Amendment

(a) establish and enforce rest periods for watchkeeping personnel and those whose duties involve designated safety, security and prevention of pollution duties in accordance with paragraphs 3 to **13**;

Justification

The Commission's proposal under Article 15 counts 14 paragraphs in total. The numbering must be corrected in other versions (for ex. DE). Up to paragraph 13 the text includes provisions on rest periods. The 14th Paragraph provides provisions for the purpose of preventing alcohol abuse. The amendment therefore proposes a change of number 15 to 13.

Amendment 39

Proposal for a directive

Article 1 – point 12

Directive 2008/106/EC

Article 15 – paragraph 6

Text proposed by the Commission

6. The requirements for rest periods laid down in paragraphs 4 and 5 need not be maintained in the case of an emergency **or drill** or in other overriding operational conditions. Musters, fire-fighting and lifeboat drills, and drills prescribed by national laws and regulations and by international instruments, shall be conducted in a manner that minimizes the disturbance of rest periods and does not induce fatigue.

Amendment

6. The requirements for rest periods laid down in paragraphs 4 and 5 need not be maintained in the case of an emergency or in other overriding operational conditions. Musters, fire-fighting and lifeboat drills, and drills prescribed by national laws and regulations and by international instruments, shall be conducted in a manner that minimizes the disturbance of rest periods and does not induce fatigue.

Justification

The requirements for rest periods need to be maintained also in the case of drill.

Amendment 40

Proposal for a directive

Article 1 – point 12

Directive 2008/106/EC

Article 15 – paragraph 11

Text proposed by the Commission

11. With due regard for the general principles of the protection of the health and safety of workers, Member States may authorise or register collective agreements permitting exceptions to the required hours of rest **in paragraph 4(b) and 5 provided that the rest period is no less than 70 hours in any 7-day period.** Such exceptions shall, **in accordance with directive 1999/63/EC**, as far as possible, follow the standards set out but may take account of more frequent or longer leave periods, or the granting of compensatory leave and should equally, **as far as possible**, take into account the guidance regarding prevention of fatigue laid down

Amendment

11. **Exceptions to the required hours of rest provided for in paragraphs 4 and 5 of this Article for seafarers who are assigned duty as officer in charge of a watch or as rating forming part of a watch or those whose duties involve designated safety, prevention of pollution and security duties may be allowed in accordance with Directive 1999/63/EC.** With due regard for the general principles of the protection of the health and safety of workers, Member States may **have national laws, regulations or a procedure for the competent authority to** authorise or register collective agreements permitting exceptions to the required hours of rest.

in section B-VIII/1 of the STCW Code.

Such exceptions shall, as far as possible, follow the standards set out but may take account of more frequent or longer leave periods, or the granting of compensatory leave *for watch-keeping seafarers or seafarers working on board ship on short voyages. However, for the purpose of preventing the danger posed by fatigue, exceptions to the minimum hours of rest provided for in paragraph 4(a) shall not be allowed and exceptions to the required hours of rest in paragraphs 4(b) and 5 shall respect the limits set in paragraphs 12 and 13. Such exceptions* should equally take into account the guidance regarding prevention of fatigue laid down in section B-VIII/1 of the STCW Code.

Justification

Possible exceptions provided for under Directive 2008/106/EC must respect the relevant provisions of Directive 1999/63/EC, which implements an agreement between European social partners. Consistency of EU legislation must be ensured.

Amendment 41

Proposal for a directive

Article 1 – point 12

Directive 2008/106/EC

Article 15 – paragraph 13

Text proposed by the Commission

13. In the framework of possible exceptions to paragraph 5 referred to in paragraph 11, the hours of rest provided for in paragraph 4(a) may be divided into no more than three periods, one of which shall be at least 6 hours in length and neither of the two other periods shall be less than one hour in length. The intervals between consecutive periods of rest shall not exceed 14 hours. Exceptions shall not extend beyond two 24-hour periods in any 7-day period.

Amendment

13. In the framework of possible exceptions to paragraph 5 referred to in paragraph 11, the **minimum** hours of rest **in any 24-hour period** provided for in paragraph 4(a) may be divided into no more than three periods **of rest**, one of which shall be at least 6 hours in length and neither of the two other periods shall be less than one hour in length. The intervals between consecutive periods of rest shall not exceed 14 hours. Exceptions shall not extend beyond two 24-hour periods in any 7-day period.

Justification

Clarity of the text should be improved.

Amendment 42

Proposal for a directive

Article 1 – point 12 a (new)

Directive 2008/106/EC

Article 17 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(12a) In Article 17, paragraph 1, point (c) is replaced by the following:

"(c) issue the certificates of competence referred to in Article 5;"

Justification

The amendment brings in line the reference to the relevant Article of the amended Directive regarding the issue of certificates of competence.

Amendment 43

Proposal for a directive

Article 1 – point 16

Directive 2008/106/EC

Article 25a – paragraph 1

Text proposed by the Commission

Amendment

1. The Member States shall communicate the information listed in Annex V to the Commission for statistical purposes.

1. The Member States shall communicate the information listed in Annex V to the Commission for ***the purposes of statistical analysis only. Such information may not be used for administrative, legal or verification*** purposes.

Justification

In line with recital 7, the amendment reinforces the obligation on the Commission to use the data provided by Member States solely for the purpose of statistical analysis.

Amendment 44

Proposal for a directive

Article 1 – point 16

Directive 2008/106/EC

Article 25a – paragraph 2

Text proposed by the Commission

Amendment

2. This information shall be made available

2. This information shall be made available

by Member States to the Commission on a yearly basis and in electronic format and will include information registered until 31 December of the previous year.

by Member States to the Commission on a yearly basis and in electronic format and will include information registered until 31 December of the previous year. ***Member States shall retain all property rights to the information in its raw data format. Statistics drawn up on the basis of such information shall be publicly available.***

Justification

For the sake of transparency and in order to obtain a clearer picture of the employment situation of seafarers, statistics elaborated on the seafarer profession should be publicly available.

Amendment 45

Proposal for a directive

Article 1 – point 16

Directive 2008/106/EC

Article 25a – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. In order to ensure the protection of personal data, Member States are required to anonymise, by using software provided or accepted by the Commission, all personal information as indicated in Annex V before transmitting it to the Commission.

Justification

This amendment strengthens the safeguard on data protection requirements of the Union.

Amendment 46

Proposal for a directive

Article 1 – point 16

Directive 2008/106/EC

Article 25a – paragraph 3

Text proposed by the Commission

Amendment

3. The Commission shall be empowered to adopt delegated acts in accordance with Article 27a in order to establish appropriate measures for collecting, storing ***and*** analysing this information.

3. The Commission shall be empowered to adopt delegated acts in accordance with Article 27a in order to establish appropriate measures for collecting, ***submitting,*** storing, analysing ***and disseminating*** this

information.

Justification

This amendment specifies further the task of the Commission. Without submitting and disseminating the statistical information, the process stays incomplete.

Amendment 47

Proposal for a directive

Article 1 – point 16

Directive 2008/106/EC

Article 25a – paragraph 3

Text proposed by the Commission

3. The Commission shall be empowered to adopt delegated acts in accordance with Article 27a in order to establish appropriate measures for collecting, storing and analysing this information.'

Amendment

3. The Commission shall be empowered to adopt delegated acts in accordance with Article 27a in order to establish appropriate measures for collecting, storing and analysing this information ***in compliance with the data protection requirements as established in EU legislation. The information, as well as the results of analyses based on it, shall be communicated, collected, stored and analysed in an anonymous format.***'.

Amendment 48

Proposal for a directive

Article 1 – point 17

Directive 2008/106/EC

Article 27

Text proposed by the Commission

The Commission shall be empowered to adopt delegated acts amending Annex V to this Directive with respect to specific and relevant content and details of the information that need to be reported by Member States, while ***taking into account*** the safeguards on data protection, in accordance with Article 27a.

Amendment

The Commission shall be empowered to adopt delegated acts amending Annex V to this Directive with respect to specific and relevant content and details of the information that need to be reported by Member States, while ***respecting*** the safeguards on data protection ***established by applicable EU legislation***, in accordance with Article 27a. ***Such delegated acts may not change the provisions on anonymisation of data as required by paragraph 2a of Article 25a.***

Justification

This amendment strengthens the safeguard on data protection requirements of the Union and is in line with the amendment on recital 8 and with the new Article 25a.

Necessary respect of data protection safeguards must be highlighted.

Amendment 49

Proposal for a directive

Article 1 – point 18

Directive 2008/106/EC

Article 27a – paragraph 2

Text proposed by the Commission

2. The delegation of power referred to in Article 25a and Article 27 shall be conferred on the Commission for ***an indeterminate*** period of ***time*** from the date of entry into force of this Directive.

Amendment

2. The delegation of power referred to in Article 25a and Article 27 shall be conferred on the Commission for ***a*** period of ***five years*** from the date of entry into force of this Directive. ***The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five- year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period of time from ...*.***

**** OJ: please insert date of entry into force of this Directive.***

Justification

The new 2011 inter-institutional common understanding on delegated acts requires the use of specific standard clauses which are inserted here to replace the wording of the Commission's proposal.

Amendment 50

Proposal for a directive

Article 1 – point 20

Directive 2008/106/EC

Article 30 – paragraph 1

Text proposed by the Commission

1. In respect of those seafarers who

Amendment

1. In respect of those seafarers who

commenced approved seagoing service, approved education and training programme or an approved training course before 1 July 2013, a Member State may continue to issue, recognise and endorse, until 1 January 2017, certificates in accordance with the requirements of this Directive as they were before ***the present Directive entered into force.***

Until 1 January 2017, a Member State may continue to renew and revalidate certificates and endorsements in accordance with the requirements of this Directive as they were before ***the present Directive entered into force.***'

commenced approved seagoing service, approved education and training programme or an approved training course before 1 July 2013, a Member State may continue to issue, recognise and endorse, until 1 January 2017, certificates ***of competency*** in accordance with the requirements of this Directive as they were before ...*.

Until 1 January 2017, a Member State may continue to renew and revalidate certificates ***of competency*** and endorsements in accordance with the requirements of this Directive as they were before ...*.

**** OJ: please insert date of entry into force of this Directive.***

Justification

This amendment introduces a technical adaptation. Furthermore, it is in line with amendments 10 and 11 regarding the specification of certificates.

Amendment 51

Proposal for a directive Article 2 – subparagraph 2

Text proposed by the Commission

Amendment

It shall apply from 1 January 2012.

deleted

Amendment 52

Proposal for a directive Annex I

Directive 2008/106/EC
Annex I – Regulation III/6 – point 2.4 new

Text proposed by the Commission

Amendment

2.4 meet the standards of competence specified in section A-VI/1, paragraph 2, section A-VI/2, paragraph 1 to 4, section A-VI/3 paragraph 1 to 4 and section A-VI/4 paragraphs 1 to 3 of the STCW Code.

Amendment 53

Proposal for a directive

Annex I

Directive 2008/106/EC

Annex I – Chapter IV – title

Text proposed by the Commission

Amendment

RADIO COMMUNICATION AND
RADIO **PERSONNEL**

RADIO COMMUNICATION AND
RADIO **OPERATORS**

Justification

This wording has been introduced for reasons of greater clarity.

Amendment 54

Proposal for a directive

Annex I

Directive 2008/106/EC

Annex I – Regulation IV/1 – point 2

Text proposed by the Commission

Amendment

2. Radio **personnel** on ships not required to comply with the provisions of the GMDSS in Chapter IV of the SOLAS 74 are not required to meet the provisions of this chapter. Radio operators on these ships are, nevertheless, required to comply with the Radio Regulations. **The Administration** shall ensure that the appropriate certificates as prescribed by the Radio Regulations are issued to or recognised in respect of such radio operators.

2. Radio **operators** on ships not required to comply with the provisions of the GMDSS in Chapter IV of the SOLAS 74 are not required to meet the provisions of this chapter. Radio operators on these ships are, nevertheless, required to comply with the Radio Regulations. **Member States** shall ensure that the appropriate certificates as prescribed by the Radio Regulations are issued to or recognised in respect of such radio operators.

Justification

This wording has been introduced for reasons of greater clarity.

Amendment 55

Proposal for a directive

Annex I

Directive 2008/106/EC

Annex I – Regulation IV/2 – point 1

Text proposed by the Commission

Amendment

1. Every person in charge of or performing

1. Every person in charge of or performing

radio duties on a ship required to participate in the GMDSS shall hold an appropriate certificate related to the GMDSS, issued or recognised by the *Administration* under the provisions of the Radio Regulations.

radio duties on a ship required to participate in the GMDSS shall hold an appropriate certificate related to the GMDSS, issued or recognised by the *Member State* under the provisions of the Radio Regulations.

Justification

This wording has been introduced for reasons of greater clarity.

Amendment 56

Proposal for a directive

Annex III

Directive 2008/106/EC

Annex V – point 1

Text proposed by the Commission

1. Where reference is made to this Annex, the following information specified in Section A-I/2, paragraph 9 of the STCW Code for all certificates of competency or endorsements attesting their issue, all endorsements attesting the recognition of certificates of competency issued by other countries, and all certificates of proficiency issued to ratings, shall be provided:

Certificates of competency (CoC) /
Endorsements attesting their issue (EaI):

- seafarer’s unique identifier;
- ***seafarer’s name***;
- seafarer's date of birth;
- seafarer's nationality;
- seafarer's gender;
- ***CoC endorsed number***;
- ***EaI number***;
- capacity(ies);
- date of issue or the most recent date of revalidation of the document;
- date of expiry;

Amendment

1. Where reference is made to this Annex, the following information specified in Section A-I/2, paragraph 9 of the STCW Code for all certificates of competency or endorsements attesting their issue, all endorsements attesting the recognition of certificates of competency issued by other countries, shall be provided ***and where marked (*) this provision shall be in an anonymised form as required by paragraph 2a of Article 25a***:

Certificates of competency (CoC) /
Endorsements attesting their issue (EaI):

- seafarer’s unique identifier, ***if available, ****;
- ***seafarer’s name****;
- seafarer's date of birth;
- seafarer's nationality;
- seafarer's gender;
- ***CoC endorsed number****;
- ***EaI number****;
- capacity(ies);
- date of issue or the most recent date of revalidation of the document;
- date of expiry;

- status of the certificate (*valid, suspended, cancelled, reported lost, destroyed*);
- limitations.

Endorsements attesting the recognition of certificates of competency issued by other countries (EaR):

- seafarer's unique identifier;
- **seafarer's name**;
- seafarer's date of birth;
- seafarer's nationality;
- seafarer's gender;
- country issuing the original CoC;
- **original CoC number**;
- **EaR number**;
- capacity(ies);
- date of issue or the most recent date of revalidation of the document;
- date of expiry;
- status;
- limitations.

Certificates of proficiency *for* ratings (CoP) (*if available*):

- seafarer's unique identifier;
- **seafarer's name**;
- seafarer's date of birth;
- seafarer's nationality;
- seafarer's gender;
- **CoP number**;
- capacity(ies);
- date of issue or the most recent date of revalidation of the document;
- date of expiry;
- status.

2. The items of information subject to

- status of the certificate;
- limitations.

Endorsements attesting the recognition of certificates of competency issued by other countries (EaR):

- seafarer's unique identifier, *if available*,*;
- **seafarer's name***;
- seafarer's date of birth;
- seafarer's nationality;
- seafarer's gender;
- country issuing the original CoC;
- **original CoC number***;
- **EaR number***;
- capacity(ies);
- date of issue or the most recent date of revalidation of the document;
- date of expiry;
- status *of the endorsement*;
- limitations.

Certificates of proficiency (CoP) *issued to* ratings *in accordance with Chapters II, III, and VII of the Annex to the STCW Convention, such as*:

- seafarer's unique identifier, *if available*,*;
- **seafarer's name***;
- seafarer's date of birth;
- seafarer's nationality;
- seafarer's gender;
- **CoP number***;
- capacity(ies);
- date of issue or the most recent date of revalidation of the document;
- date of expiry;
- status *of the CoP*.

***data protection legislation can be provided
in an anonymised format.***

Justification

The amendment is in line with the requirement of anonymised statistical data to be provided by Member States in accordance with Article 25 a, paragraph 2a and with the previous amendments introduced on this particular issue.