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| European Parliament2014-2019 |  |

<Commission>{EMPL}Committee on Employment and Social Affairs</Commission>

<RefProc>2018/0162</RefProc><RefTypeProc>(COD)</RefTypeProc>

<Date>{27/11/2018}27.11.2018</Date>

<TitreType>OPINION</TitreType>

<CommissionResp>of the Committee on Employment and Social Affairs</CommissionResp>

<CommissionInt>for the Committee on Transport and Tourism</CommissionInt>

<Titre>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 </Titre>

<DocRef>(COM(2018)0315 – C8-0205/2018 – 2018/0162(COD))</DocRef>

Rapporteur for opinion: <Depute>Sofia Ribeiro</Depute>

PA\_Legam

SHORT JUSTIFICATION

Improving education and training is an absolute priority for the European Union and its policymakers. Providing European citizens with skills is an ambition that will boost the sustainability of many sectors of the economy; maritime transport is no exception.

Ninety per cent of goods exports from the European Union and 40% of intra-EU trade are sent by sea. Maritime transport is thus a crucial axis for the advancement of European trade, with enormous economic impact and consequent job creation. We must therefore ensure training, specialisation and certification for seafarers so as to minimise potential threats to the safety of human lives and goods at sea or to the marine environment during operations on board ships. EU legislation on the minimum level of training and minimum acceptable working conditions and safety arrangements on board must also be consistent with international standards and conventions, given that the maritime sector is inherently globalised in nature.

The current EU normative framework has already made great strides in helping eliminate substandard crews working on board the EU-flagged ships by enhancing maritime education training and certification. At the same time, a level playing field has been achieved between seafarers trained in the Union and seafarers employed from third countries through the establishment of the EU-centralised mechanism, in accordance with the obligations the Member States assumed upon acceding to the STCW Convention. However, in view of recent legislative developments, EU legislation needs to be adapted, simplified and reformulated.

The current process of reviewing Directive 2008/106/EC on the minimum level of training of seafarers and repealing Directive 2005/45/EC will meet this need and should therefore attempt both to eliminate loopholes that have already been identified and to simplify and streamline the current EU regulatory framework in these areas.

AMENDMENTS

The Committee on Employment and Social Affairs calls on the Committee on Transport and Tourism, as the committee responsible, to take into account the following amendments:

<RepeatBlock-Amend>

<Amend>Amendment <NumAm>1</NumAm>

<DocAmend>Proposal for a directive</DocAmend>

<Article>Recital 5</Article>

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| Text proposed by the Commission | Amendment |
| (5) Directive 2008/106/EC also contains a centralised mechanism for the recognition of seafarers' certificates issued by third countries. The Regulatory Fitness Programme (REFIT) evaluation14 showed that significant cost savings for the Member States were achieved since the introduction of the centralised mechanism. However, the evaluation also revealed that, with regard to some of the recognised third countries, only a very limited number of ***seafarers was subsequently employed in Union vessels. Therefore, in order to use the available human and financial resources in a more efficient way, the procedure for*** the recognition ***of*** third countries ***should be based on an analysis of the need for such recognition, including an estimation of the number of masters and officers originating from that country who are likely to be employed in Union vessels.*** | (5) Directive 2008/106/EC also contains a centralised mechanism for the recognition of seafarers' certificates issued by third countries. The Regulatory Fitness Programme (REFIT) evaluation14 showed that significant cost savings for the Member States were achieved since the introduction of the centralised mechanism. However, the evaluation also revealed that, with regard to some of the recognised third countries, only a very limited number of ***endorsements attesting to*** the recognition of ***certificates were issued by Member States in relation to certificates of competency or certificates of proficiency issued by those*** third countries. |
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| 14 SWD(2018)19 | 14 SWD(2018)19 |

</Amend>

<Amend>Amendment <NumAm>2</NumAm>

<DocAmend>Proposal for a directive</DocAmend>

<Article>Recital 7</Article>

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| Text proposed by the Commission | Amendment |
| (7) In order to further increase the efficiency of the centralised system for the recognition of third countries, the reassessment of third countries which provide low number of seafarers in the Union fleet should be performed in longer intervals which should be increased to ten years. However, this longer period of reassessment of the system of such third countries should be combined with priority criteria which take into account safety concerns, balancing the need for efficiency with an effective safeguard mechanism in case of deterioration of the quality of seafarers' training provided in the relevant third countries. | (7) In order to further increase the efficiency of the centralised system for the recognition of third countries, the reassessment of third countries which provide low number of seafarers in the Union fleet should be performed in longer intervals which should be increased to ten years. ***The aptitude of those seafarers should also be assessed by the Member States and, if necessary, they should undergo training.*** However, this longer period of reassessment of the system of such third countries should be combined with priority criteria which take into account safety concerns, balancing the need for efficiency with an effective safeguard mechanism in case of deterioration of the quality of seafarers' training provided in the relevant third countries. |

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<Amend>Amendment <NumAm>3</NumAm>

<DocAmend>Proposal for a directive</DocAmend>

<Article>Recital 8</Article>

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| Text proposed by the Commission | Amendment |
| (8) Information on the seafarers employed from third countries has become available at Union level through the communication by the Member States of the relevant information kept in their national registers regarding issued certificates and endorsements. This information should be used not only for statistical and policy making purposes but also for the purpose of improving the efficiency of the centralised system recognising third countries. Based on the information communicated by the Member States, ***recognised*** third countries which have not provided the Union fleet with seafarers for a period of at least ***five*** years ***shall be withdrawn from the list of recognised*** third ***countries***. In addition, this information shall be also used in order to prioritise the reassessment of the recognised third countries. | (8) Information on the seafarers employed from third countries has become available at Union level through the communication by the Member States of the relevant information kept in their national registers regarding issued certificates and endorsements. This information should be used not only for statistical and policy making purposes but also for the purpose of improving the efficiency of the centralised system recognising third countries. Based on the information communicated by the Member States, ***the recognition of*** third countries which have not provided the Union fleet with seafarers for a period of at least ***10*** years ***should be re-examined. The re-examination process should cover the possibility of retaining or withdrawing the recognition of the relevant*** third ***country, in accordance with the examination procedure***. In addition, this information shall be also used in order to prioritise the reassessment of the recognised third countries. |

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<Amend>Amendment <NumAm>4</NumAm>

<DocAmend>Proposal for a directive</DocAmend>

<Article>Recital 10 a (new)</Article>

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| Text proposed by the Commission | Amendment |
|  | ***(10a) 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. The increasing digitisation of the maritime sector should help improve and develop those skills and qualifications.*** |

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<Amend>Amendment <NumAm>5</NumAm>

<DocAmend>Proposal for a directive</DocAmend>

<Article>Recital 10 b (new)</Article>

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| Text proposed by the Commission | Amendment |
|  | ***(10b) The education of European seafarers as masters and officers should be supported by exchanges of students between Maritime Education and Training Institutions across the Union. 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 training of seafarers should fully benefit from the opportunities provided by Erasmus +.*** |

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<Amend>Amendment <NumAm>6</NumAm>

<DocAmend>Proposal for a directive</DocAmend>

<Article>Article 1 – paragraph 1 – point 4</Article>

<DocAmend2>Directive 2008/106/EC</DocAmend2>

<Article2>Article 5b – paragraph 5 a (new)</Article2>

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| Text proposed by the Commission | Amendment |
|  | ***5a. Member States should, in so far as is possible, keep the list of their needs and job offers for seafarers updated.*** |

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<Amend>Amendment <NumAm>7</NumAm>

<DocAmend>Proposal for a directive</DocAmend>

<Article>Article 1 – paragraph 1 – point 4</Article>

<DocAmend2>Directive 2008/106/EC</DocAmend2>

<Article2>Article 5b – paragraph 7 a (new)</Article2>

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| Text proposed by the Commission | Amendment |
|  | ***7a. By … [five years after the entry into force of this directive], the Commission shall present an evaluation of the impact of the mutual recognition of certificates issued by Member States on the employment of European seafarers.*** |

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<Amend>Amendment <NumAm>8</NumAm>

<DocAmend>Proposal for a directive</DocAmend>

<Article>Article 1 – paragraph 1 – point 5 – point a</Article>

<DocAmend2>Directive 2008/106/EC</DocAmend2>

<Article2>Article 12 – paragraph 1 – point a</Article2>

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| Text proposed by the Commission | Amendment |
| (a) to meet the standards of medical fitness prescribed by Article 11; and | (a) to meet the standards of medical fitness prescribed by Article 11***, physical as well as mental***; and |

</Amend>

<Amend>Amendment <NumAm>9</NumAm>

<DocAmend>Proposal for a directive</DocAmend>

<Article>Article 1 – paragraph 1 – point 6 – point a</Article>

<DocAmend2>Directive 2008/106/CE</DocAmend2>

<Article2>Article 19 – paragraph 2 – subparagraph 1</Article2>

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| Text proposed by the Commission | Amendment |
| A Member State which intends to recognise, by endorsement, the certificates of competency or the certificates of proficiency referred to in paragraph 1 issued by a third country to a master, officer or radio operator, for service on ships flying its flag, shall submit a request to the Commission for the recognition of that third country, accompanied by a preliminary analysis of the third country's compliance with the requirements of the STCW Convention by collecting the information referred to in Annex II, ***including*** an estimation of the number of masters and officers from that country likely to be employed. | A Member State which intends to recognise, by endorsement, the certificates of competency or the certificates of proficiency referred to in paragraph 1 issued by a third country to a master, officer or radio operator, for service on ships flying its flag, shall submit a request to the Commission for the recognition of that third country, accompanied by a preliminary analysis of the third country's compliance with the requirements of the STCW Convention by collecting the information referred to in Annex II, ***and whenever possible*** an estimation of the number of masters and officers from that country likely to be employed. |

</Amend>

<Amend>Amendment <NumAm>10</NumAm>

<DocAmend>Proposal for a directive</DocAmend>

<Article>Article 1 – paragraph 1 – point 6 – point a</Article>

<DocAmend2>Directive 2008/106/EC</DocAmend2>

<Article2>Article 19 – paragraph 2 – subparagraph 2</Article2>

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| Text proposed by the Commission | Amendment |
| Following the submission of the request by a Member State***, a decision for initiating*** the recognition procedure for that third country ***shall be taken by the Commission. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 28(2)***. | Following the submission of the request by a Member State, ***the Commission initiates*** the recognition procedure for that third country. |

</Amend>

<Amend>Amendment <NumAm>11</NumAm>

<DocAmend>Proposal for a directive</DocAmend>

<Article>Article 1 – paragraph 1 – point 6 – point a</Article>

<DocAmend2>Directive 2008/106/EC</DocAmend2>

<Article2>Article 19 – paragraph 2 – subparagraph 3</Article2>

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| Text proposed by the Commission | Amendment |
| ***When a positive decision for initiating the recognition procedure has been adopted, the*** Commission, assisted by the European Maritime Safety Agency and with the possible involvement of the Member State submitting the request, shall collect the information referred to in Annex II and 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 whether the country concerned meets all the requirements of the STCW Convention and whether appropriate measures have been taken to prevent issuance of fraudulent certificates. | ***The*** Commission, assisted by the European Maritime Safety Agency and with the possible involvement of the Member State submitting the request, shall collect the information referred to in Annex II and 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 whether the country concerned meets all the requirements of the STCW Convention and whether appropriate measures have been taken to prevent issuance of fraudulent certificates. |

</Amend>

<Amend>Amendment <NumAm>12</NumAm>

<DocAmend>Proposal for a directive</DocAmend>

<Article>Article 1 – paragraph 1 – point 6 – point b</Article>

<DocAmend2>Directive 2008/106/EC</DocAmend2>

<Article2>Article 19 – paragraph 3 – subparagraph 3</Article2>

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| Text proposed by the Commission | Amendment |
| The Member State submitting the request may ***decide*** to recognise the third country ***unilaterally until*** a decision is taken under this paragraph. In ***case*** such a ***unilateral recognition takes place***, the Member State ***shall communicate to*** the Commission ***the number of endorsements attesting recognition issued in relation to certificates of competency*** and ***certificates of proficiency referred*** to ***in paragraph 1, issued by the third country until the*** decision ***on its recognition is adopted***. | The Member State submitting the request may ***apply to the Commission for provisional authorisation*** to recognise the third country ***until such time as*** a decision is taken under this paragraph. In such a ***case***, the Member State ***must provide*** the Commission ***with all the necessary information*** and ***documentation*** to ***justify that request until such time as a*** decision ***is taken under this paragraph***. |

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<Amend>Amendment <NumAm>13</NumAm>

<DocAmend>Proposal for a directive</DocAmend>

<Article>Article 1 – paragraph 1 – point 6 – point b</Article>

<DocAmend2>Directive 2008/106/EC</DocAmend2>

<Article2>Article 19 – paragraph 3 – subparagraph 3 a (new)</Article2>

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| Text proposed by the Commission | Amendment |
|  | ***In the absence of such documentation, the Commission shall reject the request for provisional recognition, stating its reasons.*** |

</Amend>

<Amend>Amendment <NumAm>14</NumAm>

<DocAmend>Proposal for a directive</DocAmend>

<Article>Article 1 – paragraph 1 – point 7</Article>

<DocAmend2>Directive 2008/106/EC</DocAmend2>

<Article2>Article 20 – paragraph 8</Article2>

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| Text proposed by the Commission | Amendment |
| 8. If there are no endorsements attesting recognition issued by a Member State in relation to certificates of competency or certificates of proficiency, referred to in ***paragraph 1*** of Article 19, issued by a third country for a period of more than ***5*** years, the recognition of that country's certificates shall be ***withdrawn***. To this end, the Commission shall adopt implementing decisions, in accordance with the examination procedure referred to in Article 28***(2)***, after notifying the Member States as well as the third country concerned at least two months in advance | 8. If there are no endorsements attesting recognition issued by a Member State in relation to certificates of competency or certificates of proficiency, referred to in Article 19, issued by a third country for a period of more than ***10*** years, the recognition of that country's certificates shall be ***re-examined in consultation with the Member States and the relevant stakeholders***. To this end ***following the abovementioned re-examination procedure***, the Commission shall adopt implementing decisions, in accordance with the examination procedure referred to in Article 28, after notifying the Member States as well as the third country concerned at least two months in advance. |

</Amend>

<Amend>Amendment <NumAm>15</NumAm>

<DocAmend>Proposal for a directive</DocAmend>

<Article>Article 1 – paragraph 1 – point 8 – point b</Article>

<DocAmend2>Directive 2008/106/EC</DocAmend2>

<Article2>Article 21 – paragraph 2 – point f a (new)</Article2>

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| Text proposed by the Commission | Amendment |
|  | ***(fa) The fact that fraudulent certificates have been issued;*** |

</Amend>

</RepeatBlock-Amend>

PROCEDURE – COMMITTEE ASKED FOR OPINION

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| **Title** | Minimum level of training of seafarers |
| **References** | COM(2018)0315 – C8-0205/2018 – 2018/0162(COD) |
| **Committee responsible**       Date announced in plenary | TRAN11.6.2018 |  |  |  |
| **Opinion by**       Date announced in plenary | EMPL11.6.2018 |
| **Rapporteur**       Date appointed | Sofia Ribeiro29.6.2018 |
| **Discussed in committee** | 9.10.2018 |  |  |  |
| **Date adopted** | 27.11.2018 |  |  |  |
| **Result of final vote** | +:–:0: | 24170 |
| **Members present for the final vote** | Guillaume Balas, David Casa, Ole Christensen, Michael Detjen, Lampros Fountoulis, Elena Gentile, Marian Harkin, Czesław Hoc, Danuta Jazłowiecka, Agnes Jongerius, Jan Keller, Ádám Kósa, Jean Lambert, Jérôme Lavrilleux, Patrick Le Hyaric, Jeroen Lenaers, Verónica Lope Fontagné, Javi López, Dominique Martin, Miroslavs Mitrofanovs, Elisabeth Morin-Chartier, Emilian Pavel, Georgi Pirinski, Sofia Ribeiro, Robert Rochefort, Claude Rolin, Siôn Simon, Romana Tomc, Yana Toom, Marita Ulvskog, Renate Weber |
| **Substitutes present for the final vote** | Maria Arena, Georges Bach, Amjad Bashir, Tania González Peñas, Krzysztof Hetman, António Marinho e Pinto, Tamás Meszerics, Michaela Šojdrová, Tom Vandenkendelaere, Flavio Zanonato |

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

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| **24** | **+** |
| ALDE | Marian Harkin, António Marinho e Pinto, Robert Rochefort, Yana Toom, Renate Weber |
| ECR | Amjad Bashir, Czesław Hoc |
| PPE | Georges Bach, David Casa, Krzysztof Hetman, Danuta Jazłowiecka, Ádám Kósa, Jérôme Lavrilleux, Jeroen Lenaers, Verónica Lope Fontagné, Elisabeth Morin-Chartier, Sofia Ribeiro, Claude Rolin, Michaela Šojdrová, Romana Tomc, Tom Vandenkendelaere |
| VERTS/ALE | Jean Lambert, Tamás Meszerics, Miroslavs Mitrofanovs |

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| **17** | **-** |
| ENF | Dominique Martin |
| GUE/NGL | Tania González Peñas, Patrick Le Hyaric |
| NI | Lampros Fountoulis |
| S&D | Maria Arena, Guillaume Balas, Ole Christensen, Michael Detjen, Elena Gentile, Agnes Jongerius, Jan Keller, Javi López, Emilian Pavel, Georgi Pirinski, Siôn Simon, Marita Ulvskog, Flavio Zanonato |

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Key to symbols:

+ : in favour

- : against

0 : abstention