REPORT


Committee on Transport and Tourism

Rapporteur: Dominique Riquet
Symbols for procedures

* Consultation procedure
*** Consent procedure
****I Ordinary legislative procedure (first reading)
****II Ordinary legislative procedure (second reading)
****III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

Amendments by Parliament set out in two columns

Deletions are indicated in bold italics in the left-hand column. Replacements are indicated in bold italics in both columns. New text is indicated in bold italics in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

Amendments by Parliament in the form of a consolidated text

New text is highlighted in bold italics. Deletions are indicated using either the ✈ symbol or strikeout. Replacements are indicated by highlighting the new text in bold italics and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.
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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION


(Ordinary legislative procedure: first reading)

The European Parliament,

– having regard to the Commission proposal to Parliament and the Council (COM(2018)0315)),
– having regard to Article 294(2) and Article 100(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0205/2018),
– having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
– having regard to the opinion of the European Economic and Social Committee of …¹,
– having regard to the opinion of the Committee of the Regions of …²,
– having regard to Rule 59 of its Rules of Procedure,
– having regard to the report of the Committee on Transport and Tourism and the opinion of the Committee on Employment and Social Affairs (A8-0007/2019),

1. Adopts its position at first reading hereinafter set out;
2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

¹ OJ C...(not yet published in the Official Journal).
Amendment 1
Proposal for a directive
Recital 1

Text proposed by the Commission

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

Amendment

(1) In order to maintain a high level of maritime safety and pollution prevention at sea, it is essential to improve the level of knowledge and skills of the Union seafarers by developing maritime training and certification in line with the international rules and technological progress, as well as to take further action to enhance the European maritime skills base through the provision of advanced training and development opportunities for Union seafarers.

Amendment 2
Proposal for a directive
Recital 2 a (new)

Text proposed by the Commission

(2a) The STCW Code already contains guidance on the prevention of fatigue (Section B-VIII/1) as well as on fitness for duty (Section A-VIII/1). In order to ensure high levels of safety, it is imperative that the standards laid out in this international convention are enforced and followed without exception.

Amendment

(3a) In order to foster the professional mobility of seafarers within the EU and avoid the European maritime sector facing a shortage of competent staff with
the right mix of skills and competences, the mutual recognition of seafarers’ certificates issued by Member States should be facilitated. Therefore, Member States should fully recognise certificates of proficiency and documentary evidence issued to seafarers by other Member States, including for the purposes of issuing national certificates of competency. If a Member State refuses to endorse or accept such a valid certificate issued by another Member State, it should state the reasons on which that decision is based.

Amendment 4

Proposal for a directive
Recital 5

Text proposed by the Commission

(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) evaluation\(^\text{14}\) 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.

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) evaluation\(^\text{14}\) 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 these third countries.

\(^{14}\) SWD(2018)19.
Amendment 5
Proposal for a directive
Recital 6 a (new)

Text proposed by the Commission

Amendment

(6a) In order to ensure the right of all seafarers to decent employment and to limit distortions of competition in the internal market, the recognition of seafarers' certificates issued by third countries should be conditional upon the ratification of the international Maritime Labour Convention by those third countries.

Amendment 6
Proposal for a directive
Recital 7

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.
Amendment 7
Proposal for a directive
Recital 8

Text proposed by the Commission

(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.

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, the recognition of third countries which have not provided the Union fleet with seafarers for a period of at least eight 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 addition, this information shall be also used in order to prioritise the reassessment of the recognised third countries.

Amendment 8
Proposal for a directive
Recital 9

Text proposed by the Commission


Amendment

States. However, the definitions of seafarers' certificates referred in Directive 2005/45/EC have become obsolete following the 2010 amendments to the STCW Convention. Therefore the mutual recognition scheme of seafarers' certificates issued by Member States should be amended in order to reflect the international amendments and the new definitions of seafarers certificates included in Directive 2008/106/EC. In addition, the seafarers' medical certificates issued under the authority of Member States should also be included in the mutual recognition scheme. In order to remove ambiguity and the risk of inconsistencies between Directive 2005/45/EC and Directive 2008/106/EC, the mutual recognition of seafarers' certificates should be regulated by Directive 2008/106/EC.

Furthermore, in order to reduce the administrative burden on the Member States and to facilitate the management of ships, an electronic system for the presentation of seafarers' qualifications needs to be introduced with a view to the qualifications and certificates system becoming completely paperless by 2027.


Amendment 9
Proposal for a directive
Recital 9 a (new)
(9a) In order to help increase safety, improve efficiency with regard to the management of vessels flying a Member State flag and promote seafarers trained within the Union, it is important to further develop European maritime know-how and improve seafarers’ qualifications and skills, in particular in the context of technological developments and the digitisation of the sector. Training should therefore be offered above and beyond the minimum requirements laid down in the STCW Convention and results in the award of a European Maritime Diploma of Excellence, as the Task Force on Maritime Employment and Competitiveness at the Commission recommended in its report of 9 June 2011. Furthermore, in order for benefits to be derived from exchanges of good practice among Member States, encouragement should be given to promoting the Erasmus+ scheme for seafarer training.

Amendment 10
Proposal for a directive
Recital 9 b (new)

Text proposed by the Commission

(9b) Certificates should be centralised by means of an EU-level electronic database, which is also linked to the database referred to in Directive 2009/16/EC\(^1a\) of the European Parliament and of the Council. This digitisation of data is part and parcel of technological progress in the area of data collection and communication with a view to helping to bring down costs and making efficient use of human resources.

\(^1a\) Directive 2009/16/EC of the European Parliament and of the Council
Amendment 11
Proposal for a directive
Recital 10 a (new)

Text proposed by the Commission

(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.

Amendment 12
Proposal for a directive
Recital 10 b (new)

Text proposed by the Commission

(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 +.

Amendment 13
Proposal for a directive
Article 1 – paragraph 1 – point 2 a (new)
Directive 2008/106/EC
Article 5 – paragraph 10

Present text

10. Subject to Article 19(7) any certificate required by this Directive shall be kept available in its original form on board the ship on which the holder is serving.

Amendment

(2a) In Article 5, paragraph 10 is replaced by the following:

‘10. Subject to Article 19(7) any certificate required by this Directive shall be kept available in its original form on board the ship on which the holder is serving, on paper or in electronic format, the authenticity and validity of which shall be guaranteed by the issuing State, and which may be verified under the procedure laid down in point (b) of paragraph 12 and paragraph 13 of this Article.’


Amendment 14
Proposal for a directive
Article 1 – paragraph 1 – point 2 b (new)
Directive 2008/106/EC
Article 5 – paragraph 13

Present text

13. As of 1 January 2017, the information required to be available in accordance with point (b) of paragraph 12 shall be made available by electronic means.

Amendment

(2b) In Article 5, paragraph 13 is replaced by the following:

‘13. As of 1 January 2017, the information required to be available in accordance with point (b) of paragraph 12 shall be made available by electronic means. As of 1 January 2027, all certificates and endorsements shall, in accordance with point (a) of paragraph 12, be made
available by electronic means.®


Amendment 15

Proposal for a directive
Article 1 – paragraph 1 – point 3
Directive 2008/106/EC
Article 5a – paragraph 1

Text proposed by the Commission

For the purposes of paragraph 8 of Article 20, paragraph 2 of Article 21 and for use by the Member States and the Commission in policy-making, Member States shall submit to the Commission, on a yearly basis, the information referred to in Annex V to this Directive on certificates of competency and endorsements attesting the recognition of certificates of competency. They may also provide, on a voluntary basis, the information on certificates of proficiency issued to ratings in accordance with Chapters II, III and VII of the Annex to the STCW Convention.

Amendment

For the purposes of paragraph 8 of Article 20 and paragraph 2 of Article 21, as well as to facilitate the implementation of Article 8, the Commission shall create, manage and update a database to which all the Member States shall be connected, and which shall contain all the information referred to in Annex V to this Directive on certificates of competency and endorsements attesting the recognition of certificates of proficiency issued in accordance with Regulations V/1-1 and V/1-2 of the STCW Convention.

Amendment 16

Proposal for a directive
Article 1 – paragraph 1 – point 3
Directive 2008/106/EC
Article 5a – paragraph 1 a (new)

Text proposed by the Commission

1a. The database of seafarers’ certificates must be interconnected with the inspection database referred to in Article 24 of Directive 2009/16/EC.

Amendment

Amendment 17

Proposal for a directive
Article 1 – paragraph 1 – point 4
Directive 2008/106/EC
Article 5b – paragraph 1

Text proposed by the Commission

1. Every Member State shall accept Certificates of Proficiency and Documentary evidence issued by another Member State, or under its authority, for the purpose of allowing seafarers to serve on-board its fleet.

Amendment

1. Every Member State shall accept certificates of proficiency and documentary evidence issued by another Member State, or under its authority, on paper or in electronic format, for the purpose of allowing seafarers to serve on board vessels in its fleet, and for issuing Certificates of Competency or Certificates of Proficiency. The initial decision regarding the acceptance of such certificates or evidence shall be issued within one month of receipt of the request and supporting documentation.

Amendment 18

Proposal for a directive
Article 1 – paragraph 1 – point 4

Text proposed by the Commission

2. Every Member State shall recognise Certificates of Competency issued by another Member State or Certificates of Proficiency issued by another Member State to masters and officers in accordance with Regulations V/1-1 and V/1-2 of Annex I, by endorsing that certificate to attest its recognition. The endorsement attesting the recognition, shall be limited to the capacities, functions and levels of competency or proficiency prescribed therein. The form of the endorsement used shall be that set out in paragraph 3 of Section A-I/2 of the STCW Code.

Amendment

2. Every Member State shall recognise Certificates of Competency issued by another Member State or Certificates of Proficiency issued by another Member State to masters and officers in accordance with Regulations V/1-1 and V/1-2 of Annex I, by endorsing that certificate to attest its recognition. The endorsement attesting the recognition, shall be limited to the capacities, functions and levels of competency or proficiency prescribed therein. The endorsement shall only be issued if all requirements of the STCW Convention have been complied with, in accordance with paragraph 7 of Regulation 1/2 of the STCW Convention. The form of the endorsement used shall be that set out in paragraph 3 of Section A-I/2 of the STCW Code.
Amendment 19

Proposal for a directive
Article 1 – paragraph 1 – point 4
Directive 2008/106/EC
Article 5b – paragraph 4

Text proposed by the Commission

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

Amendment

4. Member States shall ensure that seafarers have the right to appeal against any refusal to endorse or accept a valid certificate, the absence of any response or unjustified delays, in accordance with national legislation and procedures and that seafarers shall be provided with adequate advice and assistance free of charge regarding such appeals.

Amendment 20

Proposal for a directive
Article 1 – paragraph 1 – point 4
Directive 2008/106/EC
Article 5b – paragraph 5 a (new)

Text proposed by the Commission

5 a. Member States should, in so far as is possible, keep the list of their needs and job offers for seafarers updated.

Amendment

5 a. Member States shall, in so far as is possible, keep the list of their needs and job offers for seafarers updated.

Amendment 21

Proposal for a directive
Article 1 – paragraph 1 – point 4
Directive 2008/106/EC
Article 5b – paragraph 7 a (new)

Text proposed by the Commission

7 a. Member States shall, with the assistance of the Commission and the involvement of social partners, develop a mutually recognised European Maritime
Proposed Diploma of Excellence providing advanced training for seafarers above and beyond the requirements of the STCW Convention in order further to enhance the European maritime skills base.

Amendment 22

Proposal for a directive
Article 1 – paragraph 1 – point 4
Directive 2008/106/EC
Article 5b – paragraph 7 b (new)

Text proposed by the Commission

7 b. By [insert date five years after entry into force] the Commission shall submit to the European Parliament and the Council an evaluation of the impact of mutual recognition of seafarers’ training and qualifications on the employment and skills of European seafarers, including proposals for further action in the light of that evaluation.

Amendment 23

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

Text proposed by the Commission

(a) to meet the standards of medical fitness prescribed by Article 11; and

Amendment

(a) to meet the standards of medical fitness prescribed by Article 11, physical as well as mental; and

Amendment 24

Proposal for a directive
Article 1 – paragraph 1 – point 6 – point a a (new)
Directive 2008/106/EC
Article 19 – paragraph 1

Present text

Amendment
1. Seafarers who do not possess the certificates of competency issued by Member States and/or the certificates of proficiency issued by Member States to masters and officers in accordance with Regulations V/1-1 and V/1-2 of the STCW Convention, may be allowed to serve on ships flying the flag of a Member State provided that a decision on the recognition of their certificates of competency and certificates of proficiency has been adopted through the procedures set out in paragraphs 2 to 6 of this Article and that the third country covered by the recognition procedure has ratified the International Maritime Labour Convention.


Amendment 25

Proposal for a directive
Article 1 – paragraph 1 – point 6 – point a
Directive 2008/106/EC
Article 19 – paragraph 2 – subparagraph 1

Text proposed by the Commission

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

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 and the Maritime Labour Convention by collecting the information referred to in Annex II. In the
masters and officers from that country likely to be employed.

preliminary analysis, further information on the reasons for recognition of the third country shall be provided by the Member State in support of its request. In addition to the preliminary analysis on compliance, the Member State shall submit a reasoned estimation of the number of masters, officers and radio operators from that country likely to be employed, except in duly justified cases.

Amendment 26

Proposal for a directive
Article 1 – paragraph 1 – point 6 – point a
Directive 2008/106/EC
Article 19 – paragraph 2 – subparagraph 2

*Text proposed by the Commission*

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).*

*Amendment*

Following the submission of the request by a Member State, the Commission shall initiate the recognition procedure for that third country.

Amendment 27

Proposal for a directive
Article 1 – paragraph 1 – point 6 – point a
Directive 2008/106/EC
Article 19 – paragraph 2 – subparagraph 3

*Text proposed by the Commission*

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

*Amendment*

The Commission, assisted by the European Maritime Safety Agency, and with the possible involvement of the Member State submitting the request and any other affected Member States, 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
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.

Amendment 28

Proposal for a directive
Article 1 – paragraph 1 – point 7
Directive 2008/106/EC
Article 20 – paragraph 8

Text proposed by the Commission

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.

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 8 years, the recognition of that country's certificates shall be re-examined. 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 three months in advance.

Amendment 29

Proposal for a directive
Article 1 – paragraph 1 – point 8 – point a
Directive 2008/106/EC
Article 21 – paragraph 1

Text proposed by the Commission

1. The third countries that have been recognized under the procedure referred to in the first subparagraph of Article 19(3), including those referred to in Article 19(6), shall be reassessed by the Commission, with the assistance of the European Maritime Safety Agency, on a regular basis.

Amendment

1. The third countries that have been recognized under the procedure referred to in the first subparagraph of Article 19(3), including those referred to in Article 19(6), shall be reassessed by the Commission, with the assistance of the European Maritime Safety Agency, on a regular basis.
and at least within ten years of the last assessment, to verify that they fulfil the relevant criteria set out in Annex II and whether the appropriate measures have been taken to prevent issuance of fraudulent certificates. and at least within seven years of the last assessment, to verify that they fulfil the relevant criteria set out in Annex II and whether the appropriate measures have been taken to prevent issuance of fraudulent certificates.

Amendment 30

Proposal for a directive
Article 1 – paragraph 1 – point 8 – point b
Directive 2008/106/EC
Article 21 – paragraph 2 – point d

_text proposed by the Commission_

d) the number of programs approved by the third country;

 Amendmen_t
d) the number of seafarers’ training and development programs approved by the third country;

Amendment 31

Proposal for a directive
Article 1 – paragraph 1 – point 8 – point b
Directive 2008/106/EC
Article 21 – paragraph 2 – point f a (new)

_text proposed by the Commission_

(f a) the overall numbers of seafarers provided by the third country to the Union fleet, and the level of training and qualifications of those seafarers;

Amendment 32

Proposal for a directive
Article 1 – paragraph 1 – point 8 – point b
Directive 2008/106/EC
Article 21 – paragraph 2 – point f b (new)

_text proposed by the Commission_

(f b) information concerning education and training standards in that third
Amendment 33

Proposal for a directive
Article 1 – paragraph 1 – point 9
Directive 2008/106/EC
Article 25a – paragraph 1

Text proposed by the Commission

1. The Member States shall communicate the information referred to in Annex V to the Commission for the purposes of paragraph 8 of Article 20, paragraph 2 of Article 21 and for use by the Member States and the Commission in policy-making.

Amendment

1. The Member States shall ensure that the information listed in Annex V is transferred to the database established pursuant to Article 5a as soon as the relevant certificate or endorsement has been issued.

The Member States shall ensure that the information transferred to the database referred to in Article 5a is validated for publication purposes within 72 hours.

The Member States shall have access to all the information recorded in the database established pursuant to Article 5a for the purposes of implementing Article 8.
EXPLANATORY STATEMENT

Introduction
The importance of the human element when it comes to safety at sea and the protection of the marine environment is recognised at EU level. Improving the education, training and certification of seafarers has been considered particularly important with a view to attaining a high level of safety.

There are two directives that govern this issue within the EU: Directive 2008/106/EC, which lays down minimum standards of training and education, and Directive 2005/45/EC, which fosters the professional mobility of seafarers within the EU by facilitating the mutual recognition of certificates issued by the Member States. More specifically:

- Directive 2008/106/EC integrates, at EU level, the international framework on the training, certification and watchkeeping requirements for seafarers developed under the auspices of the International Maritime Organisation (IMO) and prescribed by the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers 1978, as amended (STCW Convention).
- Directive 2005/45/EC fosters the professional mobility of seafarers within the EU by means of a simplified procedure to facilitate the mutual recognition of certificates issued by the Member States.

Fitness checks on existing legislation
The REFIT (Regulatory Fitness and Performance Programme) evaluation showed that the EU framework for seafarers' training and certification has for the most part achieved its key objectives and remains fully relevant. On the one hand, the framework has helped eliminate insufficiently qualified crews working on board vessels flying EU-flags by enhancing education, training and certification for seafarers. At the same time, a level playing field has been established between seafarers trained in the EU and seafarers recruited in third countries through the introduction of the centralised EU mechanism. Finally, the mutual recognition of seafarers’ certificates under Directive 2005/45/EC has increased the mobility of seafarers among within the fleet of vessels flying the flags of EU Member States.

The REFIT evaluation identified a number of shortcomings with regard to the efficiency and proportionality of some of the regulatory requirements laid down in the directive, for example:

- the administrative framework applicable to the recognition and re-assessment procedure for third countries is inefficient;
- the scope of the scheme for the mutual recognition of seafarers’ certificates issued by the Member States lacks clarity and legal certainty;
- Directive 2008/106/EC needs to be harmonised on a regular basis to reflect the latest amendments to the STCW Convention, especially as regards the new rules on the qualifications and training of seafarers working on board passenger ships, vessels using gas or other low-flashpoint fuels (falling under the IGF Code) and vessels operating in polar waters. In this respect, the current procedure for taking STCW Convention amendments into account causes considerable delays and means there is a risk of EU law being out line with the international framework for a significant period of time.

The Commission proposal
The aim of the Commission proposal is to simplify and streamline the existing EU regulatory
framework on minimum training and certification for seafarers with a view to attaining the following three aims:

- first, keep the EU rules aligned with the international framework;
- second, revamp the centralised mechanism for the recognition of third countries in order to enhance its efficiency;
- and third, step up legal clarity regarding the mutual recognition of seafarers’ certificates issued by the Member States.

**The rapporteur’s position**

The rapporteur supports and welcomes the Commission proposal, the aim of which is to update European standards in line with the STCW Convention rules laid down under the auspices of the IMO. The rapporteur is aware of the need to support and monitor the quality of training for seafarers working on board vessels flying EU Member State flags, in particular by monitoring the quality of the training undertaken by seafarers recruited in third countries under arrangements for the mutual recognition of certificates. The overarching aim here is to ensure safety on board ships.

More specifically, the rapporteur takes the view that the changes made by the Commission with regard to the mutual recognition of seafarers’ certificates issued by Member States do simplify matters, removing legal duplication between the international framework and Directive 2008/106/EC.

The rapporteur also welcomes the proposal to review the procedure for recognising seafarers’ certificates issued by a third country, and the proposal for a system for the withdrawal of recognition. He takes the view, however, that where there is no recruitment of seafarers from a third country to work on board vessels flying a Member State flag, the period at the end of which recognition may be withdrawn from the third country concerned should be extended from five to eight years. The longer period is required so that it fits in with the duration of the training and validation.

With regard to applications from Member States to the Commission for the recognition of third-country certificates of competency or proficiency, the rapporteur takes the view that such applications must be considered on the basis of the law. The Commission cannot decide for itself, on the basis of the third country involved, whether or not to initiate the procedure.

The rapporteur also proposes two new measures to enhance the quality of training for European seafarers. First, he proposes a European Certificate of Excellence for seafarer training that goes beyond the minimum standards laid down at international level, with a view to developing European know-how and bringing seafarers’ skills into line with the digitisation of their job, alongside other measures with the ultimate goal of using training to give European seafarers a competitive edge on the global market.

Second, he proposes that the certificates issued by Member States or recognised third countries should be transferred immediately to an electronic, centralised EU-level database which is connected to the inspections database referred to in Directive 2009/16/EC on port State control. The aim here is to bring down financial and human resources costs, whilst enhancing the efficiency of the monitoring system as a whole.
27.11.2018

OPINION OF THE COMMITTEE ON EMPLOYMENT AND SOCIAL AFFAIRS

for the Committee on Transport and Tourism


Rapporteur for opinion: Sofia Ribeiro

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:

**Amendment 1**

**Proposal for a directive**

**Recital 5**

*Text proposed by the Commission*

(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) evaluation\(^\text{14}\) 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.

\(^{14}\) SWD(2018)19

**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) evaluation\(^\text{14}\) 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.

\(^{14}\) SWD(2018)19

**Amendment 2**

**Proposal for a directive**

**Recital 7**

*Text proposed by the Commission*

(7) In order to further increase the efficiency of the centralised system for the recognition of third countries, the

*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.

Amendment 3

Proposal for a directive
Recital 8

Text proposed by the Commission

(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.

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, 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.

Amendment 4
Proposal for a directive
Recital 10 a (new)

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.

Amendment 5
Proposal for a directive
Recital 10 b (new)

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 +.

Amendment 6
Proposal for a directive
Article 1 – paragraph 1 – point 4
Directive 2008/106/EC
Article 5b – paragraph 5 a (new)

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.

Amendment 7
Proposal for a directive
Article 1 – paragraph 1 – point 4
Directive 2008/106/EC
Article 5b – paragraph 7 a (new)

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.

Amendment 8
Proposal for a directive
Article 1 – paragraph 1 – point 5 – point a
Directive 2008/106/EC
Article 12 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) to meet the standards of medical fitness prescribed by Article 11, physical
fitness prescribed by Article 11; and  

as well as mental; and

Amendment 9
Proposal for a directive
Article 1 – paragraph 1 – point 6 – point a
Directive 2008/106/CE
Article 19 – paragraph 2 – subparagraph 1

Text proposed by the Commission

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.

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, and whenever possible an estimation of the number of masters and officers from that country likely to be employed.

Amendment 10
Proposal for a directive
Article 1 – paragraph 1 – point 6 – point a
Directive 2008/106/EC
Article 19 – paragraph 2 – subparagraph 2

Text proposed by the Commission

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).

Amendment

Following the submission of the request by a Member State, the Commission initiates the recognition procedure for that third country.
Amendment 11
Proposal for a directive
Article 1 – paragraph 1 – point 6 – point a
Directive 2008/106/EC
Article 19 – paragraph 2 – subparagraph 3

Text proposed by the Commission

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.

Amendment

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.

Amendment 12
Proposal for a directive
Article 1 – paragraph 1 – point 6 – point b
Directive 2008/106/EC
Article 19 – paragraph 3 – subparagraph 3

Text proposed by the Commission

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.

Amendment

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.
Amendment 13

Proposal for a directive
Article 1 – paragraph 1 – point 6 – point b
Directive 2008/106/EC
Article 19 – paragraph 3 – subparagraph 3 a (new)

Text proposed by the Commission

In the absence of such documentation, the Commission shall reject the request for provisional recognition, stating its reasons.

Amendment

Amendment 14

Proposal for a directive
Article 1 – paragraph 1 – point 7
Directive 2008/106/EC
Article 20 – paragraph 8

Text proposed by the Commission

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.

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 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.
Amendment 15

Proposal for a directive
Article 1 – paragraph 1 – point 8 – point b
Directive 2008/106/EC
Article 21 – paragraph 2 – point f a (new)

Text proposed by the Commission

Amendment

(fa) The fact that fraudulent certificates have been issued;
<table>
<thead>
<tr>
<th>Title</th>
<th>Minimum level of training of seafarers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Committee responsible</td>
<td>TRAN 11.6.2018</td>
</tr>
<tr>
<td>Opinion by</td>
<td>EMPL 11.6.2018</td>
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<tr>
<td>Rapporteur</td>
<td>Sofia Ribeiro 29.6.2018</td>
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<tr>
<td>Discussed in committee</td>
<td>9.10.2018</td>
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<td>Date adopted</td>
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| Result of final vote | +: 24  
-: 17  
0: 0 |
| 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 Kós, 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 Tome, 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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<td><strong>ECR</strong></td>
<td>Amjad Bashir, Czesław Hoc</td>
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<td><strong>PPE</strong></td>
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<td><strong>VERTS/ALE</strong></td>
<td>Jean Lambert, Tamás Meszerics, Miroslavs Mitrofanovs</td>
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<td><strong>S&amp;D</strong></td>
<td>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</td>
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| 0 | 0 |

Key to symbols:
+ : in favour
- : against
0 : abstention
### PROCEDURE – COMMITTEE RESPONSIBLE

<table>
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<tr>
<th><strong>Title</strong></th>
<th>Minimum level of training of seafarers</th>
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<td><strong>Date submitted to Parliament</strong></td>
<td>24.5.2018</td>
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<td>EMPL 11.6.2018</td>
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<tr>
<td><strong>Rapporteurs</strong></td>
<td>Dominique Riquet 5.7.2018</td>
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<tr>
<td><strong>Date adopted</strong></td>
<td>10.1.2019</td>
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<td><strong>Result of final vote</strong></td>
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<td><strong>Members present for the final vote</strong></td>
<td>Daniela Aiuto, Lucy Anderson, Inés Ayala Sender, Georges Bach, Izaskun Bilbao Bardenic, Deirdre Clune, Michael Cramer, Luis de Grandes Pascual, Andor Deli, Isabella De Monte, Ismail Ertug, Jacqueline Foster, Dieter-Lebrecht Koch, Merja Kyllönen, Innocenzo Leontini, Peter Lundgren, Marian-Jean Marinescu, Georg Mayer, Cláudia Monteiro de Aguiar, Renaud Muselier, Markus Pieper, Tomasz Piotr Poręba, Gabriele Preuß, Dominique Riquet, Massimiliano Salini, David-Maria Sassoli, Keith Taylor, Pavel Telička, Marita Ulvskog, Wim van de Camp, Marie-Pierre Vieu, Roberts Zīle, Kosma Złotowski</td>
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<tr>
<td><strong>Substitutes present for the final vote</strong></td>
<td>Rosa D’Amato, Michael Gahler, Stefan Gehrold, Maria Grapini, Karoline Graswander-Hainz, Peter Kouroumabashev, Evžen Tošenovský, Matthijs van Miltenburg</td>
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<td><strong>Substitutes under Rule 200(2) present for the final vote</strong></td>
<td>Pascal Durand, Jude Kirton-Darling, Andrey Novakov, Georgi Pirinski, Sergei Stanishev, Mylène Troszczynski</td>
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### FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

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<tr>
<td>VERTS/ALE</td>
<td>Michael Cramer, Pascal Durand, Keith Taylor</td>
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| **5** | **-** |
| ECR | Jacqueline Foster, Peter Lundgren |
| EFDD | Daniela Aiuto, Rosa D'Amato |
| ENF | Mylène Troszczynski |

| **2** | **0** |
| ENF | Georg Mayer |
| GUE/NGL | Marie-Pierre Vieu |

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