


Procedure file

Basic information		
SYN - Cooperation procedure (historic)	1996/0240(SYN)	Procedure completed
Maritime safety: minimum level of training of seafarers Amending Directive 94/58/EC 1993/0517(SYN) Subject 3.20.03.01 Maritime safety 3.20.10 Transport undertakings, transport industry employees 3.20.15.06 Maritime or inland transport agreements and cooperation 4.40.15 Vocational education and training		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	TRAN Transport and Tourism		29/10/1996
		UPE PARODI Eolo	
	Former committee responsible		29/10/1996
	TRAN Transport and Tourism		29/10/1996
		UPE PARODI Eolo	
Council of the European Union	Council configuration	Meeting	Date
	Agriculture and Fisheries	2098	25/05/1998
	Agriculture and Fisheries	2034	20/10/1997
	Transport, Telecommunications and Energy	2016	17/06/1997

Key events			
01/10/1996	Legislative proposal published	COM(1996)0470	Summary
23/10/1996	Committee referral announced in Parliament		
21/05/1997	Vote in committee		Summary
21/05/1997	Committee report tabled for plenary, 1st reading/single reading	A4-0174/1997	
29/05/1997	Debate in Parliament		Summary
29/05/1997	Decision by Parliament	T4-0272/1997	Summary
15/09/1997	Modified legislative proposal published	COM(1997)0375	Summary
20/10/1997	Council position published	10064/2/1997	Summary
06/11/1997	Committee referral announced in Parliament, 2nd reading		

09/12/1997	Vote in committee, 2nd reading		Summary
09/12/1997	Committee recommendation tabled for plenary, 2nd reading	A4-0411/1997	
29/01/1998	Debate in Parliament		Summary
29/01/1998	Decision by Parliament, 2nd reading	T4-0053/1998	Summary
25/05/1998	Act adopted by Council after consultation of Parliament		
25/05/1998	End of procedure in Parliament		
17/06/1998	Final act published in Official Journal		

Technical information

Procedure reference	1996/0240(SYN)
Procedure type	SYN - Cooperation procedure (historic)
Procedure subtype	Legislation
	Amending Directive 94/58/EC 1993/0517(SYN)
Legal basis	EC before Amsterdam E 084-p2
Stage reached in procedure	Procedure completed
Committee dossier	TRAN/4/09440

Documentation gateway

Legislative proposal	COM(1996)0470 OJ C 367 05.12.1996, p. 0001	01/10/1996	EC	Summary
Economic and Social Committee: opinion, report	CES0460/1997 OJ C 206 07.07.1997, p. 0029	23/04/1997	ESC	Summary
Committee report tabled for plenary, 1st reading/single reading	A4-0174/1997 OJ C 182 16.06.1997, p. 0002	21/05/1997	EP	
Text adopted by Parliament, 1st reading/single reading	T4-0272/1997 OJ C 182 16.06.1997, p. 0014-0034	29/05/1997	EP	Summary
Modified legislative proposal	COM(1997)0375 OJ C 337 07.11.1997, p. 0028	15/09/1997	EC	Summary
Council position	10064/2/1997 OJ C 389 22.12.1997, p. 0001	20/10/1997	CSL	Summary
Commission communication on Council's position	SEC(1997)2008	03/11/1997	EC	Summary
Committee recommendation tabled for plenary, 2nd reading	A4-0411/1997 OJ C 034 02.02.1998, p. 0004	09/12/1997	EP	
Text adopted by Parliament, 2nd reading	T4-0053/1998 OJ C 056 23.02.1998, p. 0012-0029	29/01/1998	EP	Summary
Commission opinion on Parliament's position at 2nd reading	COM(1998)0195	25/03/1998	EC	

Additional information

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Final act

[Directive 1998/35](#)
[OJ L 172 17.06.1998, p. 0001](#) Summary

Maritime safety: minimum level of training of seafarers

OBJECTIVE: To adapt Directive 94/58/EC on the minimum level of training of seafarers, based on the internationally agreed training rules as contained in the IMO Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW Convention) of 1978.

SUBSTANCE: At the IMO Conference which took place in London from 26 June to 7 July 1995 the STCW 1978 Convention was substantially revised. In the light of the revised Convention (STCW 95), the Commission proposal to adapt the Directive concerns: - the new training and certification requirements including watchkeeping provisions which deal, inter alia, with the mandatory minimum rest period for watchkeeping personnel; - the introduction of common criteria for the recognition of seafarers' certificates issued by third countries. It should be noted that the proposal does not amend the articles of Directive 94/58/EC concerning communication on board ship and Port State controls. ?

Maritime safety: minimum level of training of seafarers

The Committee was of the opinion that nothing should be done which might in any way undermine the integrity and enforceability of the revised STCW Convention at international level and considered that a European directive giving effect to the revised STCW Convention could complement this Convention provided: - it did not cause any unnecessary duplication of requirements and would not require frequent revision; - it would not create legal uncertainty or a legal conflict between the international and national obligations of Member States who were also Parties to IMO Instruments; - it was fully in line with the undertakings of the Commission, as contained in the Communication on Safe Seas (COM(93)66 final); - it did not prejudice the aims the IMO articulated when it adopted the revised STCW Convention; - it did not contain any provisions which could be interpreted as permitting any watch-keeping arrangements which contradicted the provisions of the revised Convention. The Committee was also of the opinion that the amending directive should fully reflect the clarification provided by the transitional provisions of the revised STCW Convention and the implementation dates for the various requirements which had been agreed within the IMO. As regards the recognition of seafarers' certificates issued by third countries, the Committee agreed with the new text of Article 9(3) as it complied with the requirements of Regulation 1/10 of the revised STCW Convention. Finally, the Committee noted that neither Directive 94/58/EC nor the 1978 or 1995 STCW Conventions applied to fishing vessels and that a parallel convention had been adopted by the IMO (the STCW-F Convention). It urged the Commission to encourage the Member States to ratify the new convention in order to ensure a harmonised EU approach on the standards of training and certification of fishing vessel crews.

Maritime safety: minimum level of training of seafarers

The Committee has given the green light to proposals ensuring a consistent EU wide implementation of standards concerning the minimum level of training for seafarers. The Committee adopted the report by Mr Eolo PARODI (UFE, I) on the revised Directive 94/58, which will also include the revised principles concerning the General Provisions and Watch keeping requirements. The rapporteur saw an amendment adopted calling for the creation of a European institute for the training of seafarers, being an essential means for promoting safety at sea by providing highly qualified seafarers. Also adopted was an amendment concerning the introduction of a new annex on procedures and criteria for the recognition of certificates of third countries. In future, member states may only recognize and endorse seafarers' certificates, issued by third countries, if a great number of conditions are fulfilled. ?

Maritime safety: minimum level of training of seafarers

In adopting the report by Mr Eolo PARODI (UPE, I), the European Parliament has approved the proposal for a Directive with the following amendments: - the present proposal is intended to replace rather than amend Directive 94/58/EC, in order to ensure legal clarity; - Member States must be limited to recognition of certificates attesting to a level of training which satisfies the requirements of the STCW Convention. They may impose stricter standards than those of the Directive; - training standards should ideally be 'harmonized' or 'homogenized' within the Union in order to ensure safety in this field (Parliament in particular proposes the creation of a European training institute for seafarers and measures to attract young people to the maritime profession); - all the provisions and recommendations of the STCW Convention (Parts A and B) will become an integral part of the Directive as soon as it enters into force; - the concept of 'ship flying the flag of a Member State' is redefined as meaning a 'ship registered in and flying the flag of a Member State', and ships not corresponding to this definition are assimilated to ships flying the flag of a third country; - decisions on the definition of near-coastal voyages will have to be taken independently of any committee procedure; - employers must comply with rules and standards on workers' health and safety under national and Community law; - provision is made for 'effective' oral communication on board ships with a view to safety, including a common working language (which must be established and recorded in the ship's log-book and regarded as the 'working language' for all activities). The provisions on working language also apply on board oil, chemical and gas tankers; - Member States must impose penalties if the competent port authorities establish that the master, officers or ratings are unable to furnish proof of their vocational competence; - an officer in charge of the watch may not leave the bridge until relieved by another officer; - the Directive will be reviewed after it has been in force for five years (Parliament also makes provision for cases in which the committee procedure may be used to amend the Directive); - a new annex is added, covering procedures and

criteria for the recognition of certificates of third countries; in future, Member States may only recognize and endorse seafarers' certificates issued by third countries for service on board ships flying the flag of the Member State concerned if a large number of conditions (described in the Annex) are fulfilled. ?

Maritime safety: minimum level of training of seafarers

Pointing out that 80% of accidents at sea were caused by human error, the rapporteur called for minimum levels of training for seafarers. The amendments tabled aimed, among other aspects, to reduce the legal uncertainty which still existed as regards the mutual recognition of training certificates between Member States. The rapporteur therefore called for the creation of a European institute for the training of seafarers. Commissioner Kinnock firstly stressed that amending the 1994 Directive was preferable to drafting a new directive which would slow the procedure. He then pointed out that consistency needed to be ensured between the 1994 Directive, the new requirements of the IMO inserted in the STCW Convention and the common criteria for the recognition, in the European Union, of seafarers' certificates issued by third countries.

Maritime safety: minimum level of training of seafarers

The Commission's amended proposal incorporates, wholly or in part, 19 of the 35 amendments adopted by Parliament at first reading. The main amendments accepted relate to the following points: - recognition by Member States of qualifications only where they testify to a level of training equivalent to the requirements of the STCW Convention; - possibility for Member States to adopt stricter standards than those of the directive; - application, from the date of entry into force of the directive, of all provisions and recommendations of the STCW Convention; - implementation of measures to attract young people to the maritime profession; - updating of the definition of ships flying the flag of a Member State; - notification of the Commission of the decision on the definition of near-coastal voyages (rather than the establishing of a committee procedure); - improvement of oral communication on ships; - introduction of a single working language on ships (including oil and other tankers). Ships flying the flag of a third country and operating in a Member State will be inspected by the competent port authorities under the provisions of Directive 95/21/EC in order to ensure that a common working language has been adopted; - introduction of specific provisions on watchkeeping; - review of the Directive every five years, and more frequently if required in certain sectors, through a simple committee procedure; - addition of a new annex on procedures and criteria for the recognition of certificates of third countries. The Commission has not accepted the amendments on harmonizing levels of training of seafarers in the Community or on setting up a European training institute. ?

Maritime safety: minimum level of training of seafarers

The common position on the proposal for the amending of the Directive on the training of seafarers incorporates the substance of the amendments proposed by the European Parliament and introduces a substantial number of new provisions. The Council has adopted 13 of the 19 amendments included in the Commission's amended proposal, relating primarily to the following points: - recognition by the Member States of levels of training only where these are consistent with the provisions of the STCW Convention, and the possibility for Member States to establish higher standards than those of the Directive, should they wish to do so; - introduction of provisions to optimize oral communication and introduce a common working language on ships, both passenger ships and tankers, in accordance with the IMO's SOLAS Convention; - notification of the Commission rather than a committee procedure concerning the adoption of a decision on the definition of near-coastal voyages; - review of the Directive after it has been in force for five years, with possible amendments before then through a committee procedure; - addition of a new annex to ensure a harmonized Community approach to the recognition of certificates issued by third countries, whilst allowing Member States a certain amount of leeway to take individual action where collective action is not necessary. The Council has also introduced new provisions concerning mainly: - the scope of the directive, by aligning the Community text to the new STCW Convention of 1995, which applies to all seafarers and not just crew members; - improvement of the definitions contained in the Directive; - the recommendations (Part B) of the STCW Convention: the Council has deleted this section on the grounds that the recommendations are non-mandatory; - mutual recognition of foreign certificates: the Council felt it was more appropriate for the definition of the criteria for the recognition of foreign certificates to be based on compliance with the provisions of the STCW Convention by the third countries concerned. The procedures agreed by the Council in order to verify that the third countries satisfy the STCW standards refer to the requirement that the country should figure in the IMO White List. Member States must ensure that the standards of competence and rules on the issue and endorsement of certificates are fully complied with. The committee provided for by the Directive is authorized to check and approve the foreign certificates to be recognized by Member States; - port State control: the Council has replaced the Directive's provisions on compliance with Directive 95/21/EC on port State control by the provisions of the Convention on the same subject. The Council has not accepted the amendments proposed by Parliament on watchkeeping or on the establishing of a European training institute for seafarers. ?

Maritime safety: minimum level of training of seafarers

In its opinion on the Council's common position relating to the amending of the Directive on the training of seafarers, the Commission states that the Council's text is acceptable, since it respects the basic principles of the Commission's original proposal and constitutes progress in terms of its consistency with international training and certification standards as contained in the STCW Convention of 1995. The Commission also considers that the common position includes the substance of the amendments adopted by Parliament at first reading. ?

Maritime safety: minimum level of training of seafarers

On the basis of the STCW Convention (International Convention on Standards of training, Certification and Watchkeeping for Seafarers) revised in 1995, the Commission had proposed to update and harmonize the directive concerned, in order to ensure consistent application of the requirement as regards the minimum level. At first reading, rapporteur Eolo PARODI (I, UFE) had tabled 35 amendments, which have

been only partially incorporated in Council's common position. The rapporteur proposed four amendments for second reading. These are concerning safety at sea. Promotion of the employment of highly qualified EU-seafarers. The establishment of standards of fitness appropriate to the functions, to be carried out. The clarification of the exceptions, curtailing the crew's resting time. Finally, the rapporteur re-introduced the amendment which aims at clarifying watchkeeping conditions on the bridge. The Council did not accept this amendment, but the rapporteur pointed out that watchkeeping is part of the STCW Convention.

Maritime safety: minimum level of training of seafarers

The rapporteur pointed out that 80% of accidents at sea were caused by human error. This was why the impact of the human factor needed to be minimised, by rationalising the qualification criteria and ensuring that these were correctly applied. Commissioner Bjerregaard considered that the common position was acceptable as it was and urged Parliament not to insist on adopting its amendments at second reading so that the directive could enter into force as soon as possible.

Maritime safety: minimum level of training of seafarers

In adopting the recommendation for second reading by Mr Eolo PARODI (UPE, I), the European Parliament approved the common position of the Council, reinstating only one of the amendments adopted at first reading, namely that concerning the principles governing watch-keeping on board vessels. Two other amendments were also adopted, concerning: - the eyesight and hearing of seafarers, which should meet standards appropriate to their tasks and responsibilities; - rest periods: it should only be possible to reduce these in exceptional situations which could not reasonably have been anticipated at the commencement of the voyage.?

Maritime safety: minimum level of training of seafarers

OBJECTIVE: to amend Directive 94/58/EC on the minimum level of training of seafarers. COMMUNITY MEASURE: Council Directive 98/35/EC amending Directive 94/58/EC on the minimum level of training of seafarers. SUBSTANCE: the amendments to Directive 94/58/EC take account of the provisions of: a) the revised annex adopted in 1995 to the International Convention on Standards of Training, Certification and Watchkeeping (STCW Convention of 1978); b) the STCW Code adopted in 1995. The main changes concern the following points: -certificates for masters, officers and radio operators, -the principles governing near-coastal voyages, -penalties or disciplinary measures, -quality standards (training), -revalidation of certificates, -use of simulators, -responsibilities of shipping companies, -fitness for duty (particularly physical fitness, eyesight and hearing), -port State control, -detention. The Directive lays down the principle that Member States are to recognise seafarers' qualifications only if they have been issued by (or on behalf of) parties to the STCW and if the qualifications, at the minimum, comply with the provisions of the Convention. An annex (Annex I) clearly defines the training required by the Member States in accordance with the STCW Convention. However, Member States may adopt standards higher than the minimum standards laid down by the STCW Convention and the Directive. The Directive lays down common criteria for recognition by Member States of certificates issued in third countries (Annex II), while leaving them a measure of discretion where harmonised action is not necessary. Member States must ensure that standards of competence and rules on the issue and approval of certificates are fully complied with. These criteria will be reviewed within 5 years of the application of the Directive. As regards minimum rest periods for watchkeeping personnel, the Directive states that a separate instrument concerning length of working time will be adopted later. Nonetheless, it contains provisions on rest periods for officers in charge of a watch. Provisions are also laid down to facilitate comprehension of communications on board, particularly that personnel must receive essential information in a language which they understand. ENTRY INTO FORCE OF THE DIRECTIVE: 17.06.1998. DEADLINE FOR TRANSPOSITION OF THE DIRECTIVE INTO NATIONAL LAW: 01.07.1999.?