



European Economic and Social Committee

TEN/676
Minimum level of training of seafarers

OPINION

European Economic and Social Committee

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 [COM(2018) 315 final – 2018/0162 (COD)]

Rapporteur: **Tanja BUZEK**

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| Referrals | European Parliament, 11/06/2018 Council, 06/06/2018 |
| Legal basis | Article 100(2) of the Treaty on the Functioning of the European Union |
| Section responsible | Transport, Energy, Infrastructure and the Information Society |
| Adopted in section | 20/11/2018 |
| Adopted at plenary | 12/12/2018 |
| Plenary session No | 539 |
| Outcome of vote (for/against/abstentions) | 201/3/6 |

1. **Conclusions and recommendations**

- 1.1 The EESC broadly supports the objectives set out by the Commission in its proposal amending Directive 2008/106/EC on the minimum level of training of seafarers, repealing Directive 2005/45/EC on the mutual recognition of seafarers' certificates issued by Member States. The EESC considers the changes provided in the regulatory framework to be necessary, proportionate and cost effective.
- 1.2 Whilst acknowledging the fact that both directives have contributed to both the improvement of maritime education and training of seafarers working on board EU-flagged vessels and the professional mobility of seafarers certified in the EU, the EESC considers it advisable to take one step further in that field. Therefore, the EESC recommends capitalising on the revision of Directive 2008/106/EC to call for a wider European debate involving the Commission, the Member States, the training institutions and the industry on how to further invest in the European maritime skills base in order to safeguard both the competitiveness of the European fleet and the sector's capacity to generate good quality jobs for European seafarers and other maritime professionals.
- 1.3 In particular, the EESC recommends working towards establishing an EU forum involving the training institutions, the industry, the broader maritime cluster and national maritime administrations to improve seafarers' maritime training and to develop European maritime postgraduate courses which go beyond the internationally agreed minimum level of training of seafarers. Such advanced training would make it possible to create a competitive advantage for European seafarers by equipping them with skills above those required at international level and enhance the attractiveness of the seafaring professions in the EU, especially as regards women and young people.
- 1.4 The EESC emphasises the importance of developing future-proof learning packages with a particular focus on training on quality management, green skills and digital skills and considers that the promotion of advanced skills should go hand in hand with forms of certifying/labelling.
- 1.5 The EESC also recommends developing a European network of Maritime Education and Training institutions (METs) which would meet quality criteria in order to further improve the maritime educational system in Europe. It also recommends introducing, for the education of masters and officers, an "Erasmus"-type model for exchanges between METs across the EU adapted to the specific features of the sector.
- 1.6 Regarding the revamped mechanism for the recognition of seafarers' certificates issued by third countries, the EESC sees it of utmost importance for requesting Member States to consult with national shipowners' associations and trade union organisations on the desirability of recognising a new third country, prior to submitting the request to the Commission. The EESC wishes further to clarify that – where available – the estimation of seafarers likely to be employed will only be one criteria in the decision process of the recognition of a new third country and that it needs to be followed in a transparent manner.

- 1.7 As regards the extension of the deadline for adopting a decision on the recognition of new third countries from 18 months to 24 months, and up to 36 months under certain circumstances, the EESC expresses concerns as to whether this is the right mechanism as the process may be unnecessarily lengthened for a country that clearly meets all the requirements. Therefore, the EESC asks for the process to be completed in as short a time as is reasonable with the proviso that it can be lengthened for as long as necessary if corrective action is required.
- 1.8 With a view to ensuring appropriate use of Community resources, the EESC proposes to amend Article 20 so that the provisions on the withdrawal of the recognition of a third country also apply to those third countries which fail to provide a substantial number of masters and officers for at least five years. The EESC wishes to clarify that the final decision for the withdrawal of a recognition or not will rest with the Member States under the normal procedures within COSS and that these procedures leave discretion to consider relevant information provided by Member States.
- 1.9 As there can be no compromise on maritime safety, the EESC recommends that those third countries which supply a limited number of masters and officers to the EU fleet should not undergo a less stringent reassessment regime than the other countries.
- 1.10 In addition to the proposed changes to the amendment procedure (Article 27) which provides that the Commission is empowered to amend Directive 2008/106/EC through delegated acts, the EESC calls on the Member States to take early action to implement amendments so as to negate the need for extensions and periods of pragmatic interpretation that have been made necessary by flag State inaction in previous instances.

2. **Background**

- 2.1 The EU legislation on maritime education, training and certification of seafarers is mainly based on minimum international requirements imposed by the Convention of the International Maritime Organisation (IMO) on Standards of Training, Certification and Watchkeeping (STCW), as amended.
- 2.2 In addition to the integration of the STCW Convention at EU level through Directive 2008/106/EC, as amended, the EU framework provides for a cost-effective common EU mechanism for the recognition of the systems of maritime education, training and certification of third-country seafarers. This mechanism is designed in such a way that the assessment and reassessment of third countries' compliance with the STCW Convention are carried out in a centralised and harmonised manner, avoiding the situation where each Member State would have to perform them individually. Especially since there are currently more than 40 third countries recognised at EU level for this purpose.
- 2.3 The regulatory system also features a simplified procedure for the recognition of seafarers' certificates issued by the Member States through Directive 2005/45/EC. This Directive aimed at encouraging the mobility of EU seafarers among EU flagged vessels, allowing for the recognition of the certificates held by masters and officers without any further compensation measures.

- 2.4 The above-mentioned legislative framework seeks to ensure a high level of safety of life at sea and the protection of the marine environment by minimising the risks of maritime accidents. To reach such a goal, there is a common understanding that the enhancement of the education, training and certification of the key personnel on board EU-flagged vessels is of paramount importance.
- 2.5 The proposal flows from the Commission Regulatory Fitness and Performance Programme (REFIT) that assesses the extent to which both Directives have met their objectives. The EESC notes that the proposed revision is the result of an in-depth evaluation that included a comprehensive study by the European Maritime Safety Agency (EMSA) ([Study for the REFIT evaluation of Directives 2008/106/EC and 2005/45/EC dated September 2017](#)), a public consultation accompanied by a more targeted consultation, as well as dedicated workshops involving Member States together with the two sides of the industry, namely shipowners and trade unions representing seafarers.
- 2.6 The results of the REFIT evaluation were considered generally positive and it was concluded that the EU legislation had contributed to the elimination of substandard crews, the mobility of seafarers in the Union and the achievement of a level playing field between seafarers trained in the EU and those trained in the third countries.
- 2.7 However, some shortcomings were identified in the efficiency of the regulatory framework and the proportionality of some of its requirements. The intention of the Commission proposal is therefore to alleviate the deficiencies identified by simplifying and streamlining the existing legislation. In more concrete terms, further intervention was considered necessary, namely to:
- Ensure alignment with latest amendments of the STCW;
 - Update the definition of certificates recognised between Member States through a merger of Directive 2005/45/EC with Directive 2008/106/EC;
 - Design criteria for new recognition/reassessment of third countries for more efficient use of financial and human resources;
 - Set priority criteria for the reassessment of third countries, focusing on the major supplying countries whilst considering extending the reassessment cycle for the other countries;
 - Extending the deadline for the recognition of new third countries to give these countries enough time to adopt and implement corrective actions if need be.

3. **Gist of the proposal**

- 3.1 The general objective of the proposal is to simplify and streamline the existing legislation. In particular, this includes:
- The continuous alignment of the relevant EU legislation with the STCW Convention;
 - The improvement of the efficiency and effectiveness of the centralised mechanism for the recognition of third countries;

- An increase of legal certainty regarding the mutual recognition of the seafarers' certificates issued by Member States.
- 3.2 The centralised mechanism for the recognition of seafarer' certificates issued by third countries requires that substantial human and financial resources are made available by the Commission, assisted in this task by the European Maritime Safety Agency, to evaluate new recognition requests by the Member States on the one hand, and, carry out the periodic reassessment of the already recognised third countries on the other hand.
- 3.3 For the sake of better use of the available resources, the Commission proposes to make the recognition process more transparent by allowing the requesting Member State to justify the reasons for submitting the recognition request. This measure consists in introducing a discussion between the Member States on the need to recognise new third countries.
- 3.4 Besides, the Commission proposes priority criteria for the reassessment of recognised third countries based on the notion that the available resources should be redirected from countries that provide a low number of seafarers to the EU fleet to those major labour supplying third countries.

4. **General comments**

- 4.1 The EESC supports the Commission proposal to amend Directive 2008/106/EC on minimum level of training of seafarers, including the integration in its scope of the simplified procedure for the mutual recognition of seafarer' certificates issued by the Member States, repealing Directive 2005/45/EC.
- 4.2 The EESC is of the opinion that this is a necessary revision as there is indeed scope for improving the efficiency of the administrative framework regarding the mutual recognition system under this Directive to enable more efficient allocation of Commission and EMSA financial and human resources.
- 4.3 The EESC particularly welcomes the emphasis the Commission places upon the level of transparency that should prevail in processing demands for the recognition of seafarers' certificates of new third countries. The EESC considers the new procedural step that allows the requesting Member State to present the reasons for submitting the recognition request as proportionate, transparent and cost-effective. The requesting Member States will still have an opportunity to unilaterally recognise the third country until a collective decision is made. Hence, the decision process leading to the recognition of a third country will strike a balance between the need for transparency as regards the control and good use of public money – cost to be accrued by the recognition – and the aim of maintaining the competitiveness of the EU fleet – competitive advantage for the EU fleet by employing seafarers from the relevant third country.
- 4.4 The EESC considers that the EU regulatory framework on maritime education, training and certification of seafarers has contributed to satisfy the needs of the shipping labour market by facilitating access to employment on board EU-flagged vessels for all masters and officers holding a valid STCW certificate, irrespective of their place of residence or nationality. Whilst

there is no doubt shipping operates in a globalised labour market, the EESC wishes to recall the importance for the EU to massively invest in its own maritime skills base in order to safeguard a critical mass of European seafarers that sustains the competitiveness of European shipping and the maritime clusters across the EU. Hence creating the prospect of highly skilled jobs and rewarding careers at sea or on shore-based related activities, for young Europeans in particular whilst maintaining or even increasing the share of EU seafarers in the global seafaring workforce (the current 220 000 EU seafarers represent 18% of the total number of seafarers globally)¹.

- 4.5 In light of the above, the EESC encourages the Member States to finally implement the recommendations contained in the EU Maritime Transport Strategy until 2018² as well as the policy recommendations made by the Task Force on Maritime Employment and Competitiveness (TFMEC)³ to the European Commission, when it comes to strengthening the effectiveness and efficiency of the educational system in maritime transport. In particular, the EESC calls on the EU Commission and the co-legislators to consider the recommendations listed below in this section.
- 4.6 The EESC recommends working towards the establishment of an EU forum involving the training institutions, the industry, the broader maritime cluster and national maritime administrations to improve seafarers' maritime training, and in turn their placement, career development and mobility. One key task of this network would be to develop European maritime postgraduate courses which go beyond the internationally agreed minimum level of training of seafarers (also referred to as "maritime certificates of excellence", or "STCW+")⁴. Such advanced training would make it possible to create a competitive advantage for European seafarers by equipping them with skills above those required at international level.
- 4.7 In light of the above, the EESC emphasises the importance of developing future-proof learning packages with a particular focus on training on quality management, green skills and digital skills. The latter is of paramount importance as shipboard technology, information and communication data exchange and shore-based support systems are evolving rapidly. The EESC considers that the promotion of advanced skills should go hand in hand with forms of certifying/labelling so that the upgrade of the maritime education will be a precious asset to help European seafarers advance their career prospects. This will in turn enhance the attractiveness of the seafaring professions in the EU, especially as regards women and young people, while also improving the efficiency and quality of ship operations, including continuing innovation and cost reduction.
- 4.8 In the same vein, it would also be advisable to consider developing a European network of METs that would meet quality criteria in order to further improve the maritime educational system in Europe. To that end, the EESC recommends drawing inspiration from the European

1 SWD (2016) 326 final.

2 COM(2009) 8 final.

3 The Task Force on Maritime Employment and Competitiveness was set up by Commission Vice-President Kallas and delivered its report on 9 June 2011.

4 COM(2009) 8 final.

network of inland navigation schools – EDINNA (Education Inland Navigation) founded in 2009 to foster the harmonisation of education and training curricula upwards. This platform proved to be an excellent tool for enabling the exchange of know-how and a concerted approach towards the development of professional competencies. The EESC further recommends introducing, for the education of masters and officers, an "Erasmus"-type model for exchanges between METs across the EU adapted to the specific features of the sector.

- 4.9 Furthermore, the EESC calls for a concerted political drive by the EU and the Member States to support the industry as it strives to respond to the challenges of digitalisation, automation and the necessary greening of the sector. The EESC observes that these challenges can be more readily met by guaranteeing a European-based high-quality maritime training and education system that is future-proof. In this regard, the EESC welcomes the imminent launching of the four-year project SkillSea. This project will foster cooperation between the industry - including the European social partners in maritime transport, the European Community Shipowners' Associations (ECSA) and the European Transport Workers' Federation (ETF) - education and training providers and national authorities, with a view to enhancing maritime educational curricula upwards in Europe.

5. **Specific comments**

- 5.1 The EESC welcomes the fact that Directives 2005/45/EC and 2008/106/EC have been amalgamated as it considers that such a merger makes implementation more effective and is likely to improve clarity and simplify the framework of seafarers' training and certification. Such consolidation will in particular address the problem of the obsolete definition of certificates in Directive 2005/45/EC and provide clarification and alignment of the definition of seafarers' certificates recognised by the Member States. It must indeed be ensured that the definition of seafarers' certificates is updated to accord with the new definitions that were introduced in 2012. Such an update is likely to increase legal certainty in the mutual recognition scheme between EU Member States.
- 5.2 A new Article 5b aims to include the mutual recognition of seafarers' certificates issued by Member States in the scope of Directive 2008/106/EC. The EESC sees this addition as essential as it provides clarification as to which certificates shall be recognised mutually for the purpose of allowing seafarers certified by one Member State to work on board vessels flying the flag of another Member State.
- 5.3 The EESC fully supports and further encourages labour mobility to help masters and officers certified in the EU and shipowners in Europe find each other in a smoother manner. In this regard, the EESC notes with satisfaction that according to the Commission⁵, in the year 2015 itself, more than 47,000 endorsements of Certificate of Competency issued initially by another Member State were valid in the Union, representing approximately 25% of the total number of masters and officers available to work on board EU-flagged vessels.

⁵ SWD(2017) 18 final.

- 5.4 The figures mentioned above show that the scheme for the mutual recognition of seafarers' certificates issued by Member States have produced encouraging results when it comes to fostering the mobility of EU seafarers among EU-flagged vessels. Furthermore the EESC highlights the importance of continuously contributing to protecting European jobs at sea, securing the future of the METs across the EU and safeguarding the European maritime know-how as a whole.
- 5.5 The EESC supports the proposal for an alignment of Directive 2008/106/EC to the latest amendments of the STCW Convention so as to avoid legal inconsistencies in the Directive in relation to the international regulatory framework. Such an alignment is likely to safeguard harmonised implementation at EU level, help crews to acquire new skills and competences – in particular the training and qualification requirements for seafarers working on board passenger ships and ships falling under the Code of Safety for Ships using Gases or other Low-flashpoint Fuels (IGF Code) and the Code of Safety for Ships operating in Polar Waters (Polar Code) by the IMO – while supporting career development.
- 5.6 The EESC questions a disproportionate use of Community financial and human resources for assessing new third countries which may fail to provide a substantial number of masters and officers. Therefore, the EESC fully supports the Commission proposal that every new request submitted by a Member State for the recognition of a third country be accompanied by an analysis including estimates of the number of officers and masters likely to be employed from that country. In addition, the EESC sees it of utmost importance for Member States to consult with the national shipowners' associations and trade union organisations on the desirability of recognising a new third country, prior to submitting the request to the Commission. However, the EESC wishes to clarify that – where available – the estimation of seafarers likely to be employed will only be one criteria in the decision process of the recognition of a new third country and that it needs to be followed in a transparent manner.
- 5.7 For the sake of further effectiveness and better use of available resources, the EESC is pleased to note that under the proposal (Article 19), justification will have to be given and discussed amongst Member States when a Member State wishes to lodge a request for the recognition of a new third country. The EESC wishes to clarify that the final decision on the recognition of a new third country or not will rest with the Member States under the normal procedure which includes qualified majority voting in the Committee on Safe Seas and prevention of pollution from ships (COSS). The EESC further welcomes the fact that an allowance is made so that a Member State can unilaterally recognise a third country's certificates while the result of the assessment is awaited. The EESC strongly supports such an allowance which offers a proportionate and cost-effective solution whilst preserving the competitiveness of the EU fleet.
- 5.8 With regard to the extension of the deadline for adopting a decision on the recognition of new third countries from 18 months to 24 months, and to 36 months under certain circumstances, the EESC considers the proposed measure as justified as long as there is a compelling need for the third country to implement corrective actions. However, the EESC expresses concerns as to whether lengthening the recognition process automatically is the correct mechanism as it may be the case that a country that clearly does meet all of the requirements has the process unnecessarily lengthened. The EESC would hence suggest that the aim continues to be to

complete the process in as short a time as is reasonable with the provision that this can be lengthened for as long as necessary if corrective action is required.

- 5.9 The revised Article 20 introduces a distinctive reason to derecognise a third country on the basis of not providing any seafarers for at least five years to the EU fleet. The EESC wishes to clarify that the final decision on the withdrawal of recognition or not will rest with the Member States under the normal procedures within COSS and that the procedure leaves discretion to consider relevant information provided by Member States. In principal support of this revision the EESC wishes to point out that for the sake of appropriate use of resources, the argument still applies whether a third country fails to provide any or a substantial number of masters and officers. Against this background and in full line with the procedures, the EESC proposes that the recognition of a third country can be revoked in case a third country fails to provide a substantial number of masters and officers for at least five years.
- 5.10 The EESC questions the rationale behind the amendment to Article 21 requiring that the reassessment period can be extended to 10 years based on priority criteria. The EESC understands that from a strictly mathematical point of view, third countries which supply a high number of seafarers pose, in theory, a bigger threat to the safe operation of vessels than those which provide limited numbers of seafarers. For the above-mentioned reasons, and whilst assuming that there can be no compromising on maritime safety, the EESC recommends that those third countries which supply a limited number of masters and officers to the EU fleet should not undergo a less stringent assessment regime.
- 5.11 The EESC supports the amendment to Article 25a which is a necessary amendment to make it possible to use in a transparent manner the information provided by the Member States on the number of endorsements attesting recognition of certificates issues by third countries for the purpose of derecognising and prioritising the reassessment of third countries, as provided for in Article 20 and Article 21.
- 5.12 The EESC is fully aware that given the global nature of shipping, the goal must be to prevent a conflict between the international commitments of Member States and their Union commitments. This calls for a continuous alignment of the European framework with the STCW Convention, allowing for the establishment of a level playing field between EU and third countries in the implementation of the international framework on maritime education, training and certification of seafarers. In the light of the above considerations, and in the event of future amendments to the STCW Convention, the EESC considers it relevant to empower the Commission to amend, through delegated acts, to ensure smoother and quicker adaptation to the changes in the STCW Convention and Code.

5.13 In the above respect, the EESC calls on the Member States to take early action to implement amendments so as to negate the need for extensions and periods of pragmatic interpretation that have been made necessary by flag State inaction in previous instances.

Brussels, 12 December 2018.

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