

*European Economic and Social Committee*

**TEN/131**

**Amending/Training of  
seafarers**

Brussels, 26 March 2003

**OPINION**

of the European Economic and Social Committee

on the

**Proposal for a Directive of the European Parliament and of the Council amending European Parliament and Council Directive 2001/25/EC on the minimum level of training of seafarers**

COM(2003) 1 final – 2003/001 (COD)

On 23 January 2003 the Council decided to consult the European Economic and Social Committee, under Article 80 of the Treaty establishing the European Community, on the

*Proposal for a Directive of the European Parliament and of the Council amending European Parliament and Council Directive 2001/25/EC on the minimum level of training of seafarers*

COM(2003) 1 final – 2003/0001 (COD).

The Section for Transport, Energy, Infrastructure and the Information Society, which was responsible for preparing the Committee's work on the subject, adopted its opinion on 13 March 2003. The rapporteur was **Mr Chagas**.

At its 398<sup>th</sup> plenary session of 26 and 27 March 2003 (meeting of 26 March 2003), the European Economic and Social Committee adopted the following opinion by 97 votes for and 3 abstentions.

## 1. Background

1. The Commission presented, on 13 January 2003, a proposal for a directive concerning the setting up at Community level of an efficient and reliable system for the recognition of Certificates of Competency issued outside the European Union (EU), the purpose being for the recruitment of proficient third countries' crews to work on board Community ships.
2. Measures already in place include:
  - Directive 94/58 on the Minimum Level of Training of Seafarers<sup>1</sup>;
  - Directive 98/35<sup>2</sup> Amending Directive 94/58;
  - Consolidation Directive 2001/25<sup>3</sup>.
3. According to the current procedure, when a Member State recognises by endorsement a certificate issued by a third country it is required to notify the Commission after having verified whether the third country complies with the requirements of STCW95. In addition, the Commission informs the other Member States about the notification submitted so as to afford the opportunity to raise an objection.
4. The new proposals remain consistent with the objective of earlier Directives, namely, the establishment of a specific procedure and criteria for the recognition by Member States of Certificates of Competency issued by third countries in accordance with the requirements of the International Maritime Organisation (IMO) Convention of Standards of Training, Certification and Watchkeeping from 1978 as amended.
5. In addition, the Commission makes proposals to bring existing provisions in line with the international Conventions, laying down language requirements for certification of seafarers, as well as for the communication between ship and shore-based authorities.
6. The Commission's proposal seeks to amend Directive 2001/25/EC in the following way, to:
  - improve, strengthen and simplify the current procedure for the recognition of certificates issued by third countries, by introducing a system of Community-wide recognition of third countries complying with the minimum requirements of the STCW Convention;
  - introduce specific procedures for the extension and withdrawal of the Community-wide recognition of third countries' certificates, as well as the continuous monitoring of compliance of the third countries with the relevant requirements of the STCW Convention;

- update the Directive as regards language requirements for certification of seafarers and communication between the ship and the shore-based authorities, in line with the relevant requirements of the STCW Convention and the International Convention for the safety of life at sea, 1974, as amended (SOLAS Convention);
- provide for specific amendment procedures for adapting the Directive to future changes in Community law.

## 2. General comments

2.1 The EESC recognises the necessity for a procedure for the recognition of Certificates of Competency for seafarers, which are issued by third countries, the purpose being to allow ship owners the ability to recruit seafarers holding such certificates to serve onboard ships flying the flag of a Member State.

**2.2 The EESC recognises the application of the procedure is an indispensable condition for the recruitment of non-community seafarers onboard any Community ship in order to ensure the safety of life at sea and protection of the marine environment.**

**2.3 The EESC acknowledges the need for uniformity in the recognition process and to ensure that the administrative burden is kept at a minimum, consistent with integrity of the system employed. The recognition of a third country, following the evaluation of Maritime Training and Certification systems posed is consistent with the requirements of STCW95.**

**2.4 In order to avoid duplication it is recognised that the European Maritime Safety Agency (EMSA) has an important function in ensuring quality of the assessment procedures. The EESC duly notes that this must be thorough and complete given that recognition will be global Community-wide of a third country's systems and procedures. In order to ensure effectiveness it will be necessary to provide appropriate resources of a financial, human and technical nature.**

**2.5 The EESC acknowledges that the validation period, for a third country, will be for a period of 5 years. In so doing it is noted that there is provision for extension or withdrawal of recognitions in order to accommodate any unpredictable change of the situation in a third country.**

**2.6 The EESC welcomes the additional provision concerning language requirements for Certificates of Competency issued by Member States.**

**2.7 The EESC draws the attention of the Commission to the adverse effects of permitting third country nationals to sail in unlimited numbers on ships of Member States. While acknowledging a necessity, in some instances, lack of any limitation on the number of certificates issued presents a considerable threat to the continued**

## **employment of EU national seafarers and the sustainability of the maritime skills base in Member States.**

2.7.1 The EESC urges Member States to work with the social partners to bring about a balanced employment regime to ensure the sustainability of the EU maritime skills base.

**2.8 The EESC expresses disappointment that, in updating the current procedures with respect to the issuance of certificates for third country nationals, there are no protective social provisions with respect to their employment so as to ensure equality of protection under the relevant national laws of Member States.**

**2.9 What is more, despite the concerns expressed in the 2002 Commission's Communication on the training and recruitment of seafarers, in particular with regard to the need of attracting EU youngsters into the profession, the only concrete measure introduced will precisely have the contrary effect, making it easier for third countries' cheaper crews to be admitted onboard EU vessels.**

2.10 The EESC notes with interest that the Commission will address the issue of seafarers' working and social conditions on board EU vessels in future legislation. This might be a positive step towards ensuring an appropriate treatment of all seafarers independently of their nationality at EU level.

### **3. Specific comments**

#### **1. Article 1.1**

The proposal to insert, into the existing relevant provisions of the Directive, a reference to Regulation I/2, paragraph 1, Article VI, paragraph 1 of the STCW Convention the requirement for the translation of certificates and endorsements into English, in case the original language is not English: *"If the language used is not English, the text [the endorsement] shall include the translation into that language"*, is accepted. Similarly, it is acknowledged that endorsements shall be issued in accordance with Article VI, paragraph 2 of the STCW Convention. These two amendments should be as stated.

#### **2. Article 1.2**

The amendment should be made to ensure that Regulation 14, paragraph 4 of Chapter V of the SOLAS Convention that prescribes *"... English shall be used on the bridge as the working language for ... bridge-to-shore safety communications ... unless those directly involved with the communication speak a common language other than English"*.

#### **3. Article 1.3(b)**

The proposal should be accepted with no further amendments though arguments may be offered for further extension with respect to the decision on the recognition of a third country by the Commission. This would only serve to introduce delay into the recognition process and possibly introduce additional unnecessary risks. For this reason it should remain at the three-month period, as suggested.

#### 4. **Article 1.3(d)**

It is acknowledged that, where the Maritime Safety Committee (MSC) of the International Maritime Organisation (IMO) has not been able to identify the third country as having demonstrated full and complete effect of the provisions of the STCW Convention, the Commission will reassess the recognition of the country and the Member States concerned shall take appropriate measures to implement the decision taken in accordance with established procedures. Recognising the need for some flexibility in order to effect replacement of seafarers on ships, a transitional period of a maximum of three months is suggested.

#### 5. **Article 1.4**

It is suggested that the decision for extension of a recognition should be taken at least three months before the expiry period of validity. The one-month period provided in the Commission's proposal, is too short for the ship operating company to organise properly and proceed with the replacement of the crewmembers whose endorsed certificates would not be extended.

It is also suggested that Member States intending to withdraw recognition, should provide adequate time to ship operating companies in order to proceed with the replacement of affected crewmembers. A period of at least three months is proposed.

#### 4. **Conclusion**

1. Without prejudice to the comments above, the EESC acknowledges the Commission's proposal.
2. The EESC, while accepting the desirability for an efficient and reliable system for the recognition of Certificates of Competency issued outside the European Union, expresses grave concern with the respect to the future employment of EU nationals and the retention of the European Maritime Skills Base.
3. The EESC acknowledges the intended role of the EMSA in ensuring integrity of the procedures and request that the Commission consider that adequate resources are made available at both the Member State and European levels.

4. The EESC, while acknowledging the importance that the Commission places on maritime education and training in the interests of safety of life at sea and protection of the marine environment, expresses concern that no additional measures have been taken to ensure that third country nationals are not exploited on ships of Member States. It encourages the Commission to progress in the presentation of legislation that ensures adequate protection onboard vessels calling EU ports.

Brussels, 26 March 2003.

The President

of the

European Economic and Social Committee

The Secretary-General

of the

European Economic and Social Committee

**Roger Briesch**

**Patrick Venturini**

<sup>1</sup> Council Directive 94/58/EC of 22.11.1994 on the minimum level of training of seafarers (OJ L 319, 12.12.1994, p. 28) – EESC Opinion: OJ C 34, 2.2.1994, p 10.

<sup>2</sup> Council Directive 98/35/EC of 25.5.1998 amending Directive 94/58/EC on the minimum level of training of seafarers (OJ L 172, 17/06/1998, p. 1) – EESC Opinion: OJ C 206, 7.7.1997, p. 29.

<sup>3</sup> Directive 2001/25/EC of the European Parliament and of the Council of 4.4.2001 on the minimum level of training of seafarers (OJ L 136, 18.5.2001, p. 17) – EESC Opinion: OJ C 14, 16.1.2001, p. 41.

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