



Study for the REFIT evaluation of Directives 2008/106/EC and 2005/45/EC

Final Report

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evaluation of Directives
2008/106/EC and
2005/45/EC**

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Executive Summary

This report was drafted by the European Maritime Safety Agency (EMSA), as part of the **Regulatory Fitness and Performance Programme** (REFIT) evaluation of Directive 2008/106/EC on the minimum level of training of seafarers and Directive 2005/45/EC on mutual recognition of seafarers' certificates issued by Member States. The report is in accordance with the guidance document issued by the European Commission's Directorate General for Mobility and Transport (DGMOVE).

The REFIT evaluation of Directive 2008/106/EC, as amended, and of the related Directive 2005/45/EC, was aimed at assisting the European Commission (EC) services in assessing the actual effects of these legislative interventions and to what extent such interventions are fit for purpose.

The STCW Convention is one of the key International Maritime Organization (IMO) instruments. At EU level the importance of the human element for the safety of life at sea and the protection of the human element was noted in the conclusions of the Council of 25 January 1993¹. In the Council Resolution of 8 June 1993 on a Common Policy on Safe Seas² the Council set the objective of removing substandard crews and gave priority to Community action aimed at enhancing training and education by developing common standards for minimum training levels of key personnel.

Directive 2001/25/EC on the minimum level of training of seafarers was adopted in 2001. It was amended on several occasions, in particular by Directive 2003/103/EC. Eventually, due to the different amendments adopted it was considered desirable that, for reasons of clarity, the provisions in question should be recast. The resulting Directive 2008/106/EC (recast) has as its objective the enhancement of maritime safety through the improvement of maritime education, training and certification of seafarers. Following the 2010 amendments to the STCW Convention it was amended by Directive 2012/35/EU.

Directive 2005/45/EC on the mutual recognition of seafarers' certificates issued by the Member States was adopted in 2005.

A mix of primary and secondary data analysis was used for the REFIT evaluation of both directives. Primary data was collected by means of an open public consultation and a survey conducted among relevant stakeholders. Sources of secondary data, covering the period 2005-2017, included the following:

- Accident investigation reports,
- Port State control STCW-related deficiencies,
- Data from EMSA's missions, regarding duration and use of resources,
- Complaints received regarding the implementation of the Directive,
- Process of visits and inspections,
- Assessment files and results from the horizontal analysis of findings identified during visits to Member States and inspections to third countries,
- EMSA STCW Information System.

The assessment criteria applied to formulate the evaluation questions were agreed with the European Commission's Interservice Steering Group (ISG) considering also the Better Regulation Guidelines and Toolbox. The criteria considered five elements: Effectiveness, Efficiency, Relevance, Coherence and the European Added Value.

In terms of Effectiveness, the results suggest that Directive 2008/106/EC, the main aim of which was to introduce the STCW Convention requirements in EU legislation, has greatly contributed to the improvement of maritime education and training. Both Directive 2008/106/EC and Directive 2005/45/EC, which aims at mutual recognition of certificates at EU level, have contributed to the professional mobility of seafarers in the EU. Moreover, all available data (primary and secondary) suggest that the verification mechanism put in place as a result contributed to

¹ http://europa.eu/rapid/press-release_PRES-94-49_en.htm

² [http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:31993Y1007\(01\)&from=EN](http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:31993Y1007(01)&from=EN)

improving Member State and third country compliance with the provisions of Directive 2008/106/EC and the STCW Convention. However, since a number of complaints were received regarding non-recognition of seafarers' certificates, the mutual recognition process as established in Directive 2005/45/EC may have to be clarified.

In terms of Efficiency, the evaluation gathered important evidence that supports the view that the centralised EU mechanism for the recognition of third country systems of seafarer training and certification has reduced administrative burden and costs for Member States. However, the data available did not allow the study to reach firm conclusions on how efficient the mechanism of mutual recognition has been for seafarers as individuals. During the stakeholder consultation, seafarers were difficult to reach or failed to reply to the survey, although input from seafarers was received during the Open Public Consultation. Only one trade union replied to the stakeholder consultation. Ultimately, three main issues emerged from the evaluation:

- the unduly long time it takes from the notification to the decision of recognition of a third country,
- the very limited number of certificates issued by some third countries, which were recognised following notification by Member States,
- The difficulty in managing to conclude visit cycles in the prescribed five year intervals.

These issues need to be addressed in order to ensure good use of the available resources, both human and financial.

In terms of Relevance, it was confirmed that the scope and objectives of the two directives correspond to the needs of the maritime sector. The consultation highlighted that the provisions of Directive 2008/106/EC ensure that all those working on board EU flagged vessels are trained to a similar level. It also concluded that mutual recognition of certificates as established through Directive 2005/45/EC contributed to reducing the burden to maritime administrations and shipping companies in the process of recognition of certificates.

In terms of Coherence, and in order to ensure compliance with Article 3 of Directive 2008/106/EC in its paragraph 1, the amendments to the STCW Convention adopted in 2014, 2015 and 2016 may need to be considered and possibly incorporated. The evaluation also points to a need for the term 'appropriate certificate' to be removed from the text of Directive 2005/45/EC as both the STCW Convention as amended and Directive 2008/106/EC as amended refer now to certificates of competency and certificates of proficiency.

Finally, concerning the European Added Value of having EU legislation incorporating the international standards for training and certification of seafarers, one of the main advantages is the existence of the EU centralised mechanism because it allows the use of a common methodology for evaluations, saves costs and reduces administrative burden to the Member States.

The limitations of the study are noted in section 3. These include difficulties in linking accident investigation data and PSC STCW deficiencies to the systems of education, certification and training of seafarers.

Conclusions and recommendations resulting from the evaluation are listed in section 6 of this report. The evaluation concludes that the harmonised and centralised system for recognition of third countries and monitoring of Member States is effective, although some improvement is needed. It also suggests the need to address the problems identified in the mutual recognition of certificates at EU level, the need to update Directive 2008/106/EC with the latest amendments to the STCW Convention and the merging of Directives 2008/106/EC and 2005/45/EC.

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List of Abbreviations

CAP	Corrective Action Plan
COLREG	International Regulations for Preventing Collisions at Sea
CF	Contributing Factor
CoC	Certificate of Competency
CoP	Certificate of Proficiency
DGMOVE	Directorate General for Mobility and Transport
EaR	Endorsement attesting the recognition of a certificate of competency or proficiency
EC	European Commission
ECDIS	Electronic Chart Display and Information System
EFTA	European Free Trade Association
EMCIP	European Marine Casualty Information Platform
EMSA	European Maritime Safety Agency
EU	European Union
IMO	International Maritime Organization
IMSAS	IMO Member State Audit Scheme
IGF Code	The International Code of Safety for Ships using Gases or other Low-flashpoint Fuels
ISG	Interservice Steering Group
MARPOL	International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto and by the Protocol of 1997 (MARPOL)
MET	Maritime Education and Training
MoU	Memorandum of Understanding
OOW	Officer in Charge of a Navigational Watch
OPA	Oil Pollution Act of 1990
OPC	Open Public Consultation
PSC	Port State Control
PSCRB	Proficiency in Survival Craft and Rescue Boats other than Fast Rescue Boats
QSS	Quality Standards Systems
REFIT	Regulatory Fitness and Performance programme
SC	Stakeholders Consultation
SOLAS	International Convention for the Safety of Life at Sea 1974, as amended
STCW Code	The Seafarers' Training, Certification and Watchkeeping Code
STCW Convention	International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, as amended

1. INTRODUCTION

This report was drafted by the European Maritime Safety Agency (EMSA), as part of the REFIT evaluation of Directive 2008/106/EC on the minimum level of training of seafarers and Directive 2005/45/EC on mutual recognition of seafarers' certificates issued by Member States. The report was drafted in accordance with the guidance document issued by the European Commission's Directorate General for Mobility and Transport (DGMOVE) and following what was agreed after the approval of the related inception report. This report describes the methods used for data collection and data analysis and presents the findings, conclusions and recommendations for the REFIT evaluation.

1.1. Purpose

The REFIT evaluation of the directives referred to above was aimed to help the European Commission (EC) services assess the actual effects of these legislative interventions and the extent to which they are fit for purpose.

In particular, based on evidence-based judgement, the evaluation aimed at defining to what extent these interventions have been effective and efficient, relevant to the objectives, coherent both internally and with other European Union (EU) policy interventions and whether it has achieved EU added value. During the evaluation the identification of any possible excessive administrative and regulatory burdens, inconsistencies and gaps which could be addressed in the light of simplification and burden reduction were among the primary purposes.

Finally, the evaluation for which this report serves as a basis is intended to be used for drawing up policy conclusions and, if necessary, for a possible review of the two directives.

2. BACKGROUND TO THE INITIATIVES

2.1. The IMO STCW Convention

The International Maritime Organization's (IMO) International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW) was the first international instrument addressing the minimum standards of competence for seafarers. Its development dates back to the late 1960s but it was adopted only in 1978 and entered into force in 1984.

The STCW Convention is considered by the IMO as one of its key conventions, the other ones being the International Convention for the Safety of Life at Sea 1974, as amended (SOLAS) and the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto and by the Protocol of 1997 (MARPOL). Due to technical developments in the shipping industry and also because within the original text of the Annex to the STCW Convention much was left to the Parties' discretion, the Annex was completely revised in the early 1990s and a new version was adopted in 1995. In this new version seafarer certification requirements were clarified and mechanisms for enforcing the provisions of the Convention were provided. In addition, minimum standards of competence were fully specified in a new associated instrument, the STCW Code. Today the STCW Convention includes the articles, the Annex (regulations) and the STCW Code included by reference (sections related to the regulations in the Annex).

One of the main obligations of the Parties to the Convention, established in its Article IV, is to communicate to the IMO "the text of laws, decrees, orders, regulations and instruments promulgated on the various matters within the scope of the Convention". In addition, Parties are required to communicate "full details, where appropriate, of contents and duration of study courses, together with their national examination and other requirements for each certificate issued in compliance with the Convention". In the 1995 amendments, a new regulation on communication of information was adopted and introduced in the Annex. Regulation I/7 and the corresponding Section A-I/7 of the STCW Code defined in detail what information the Parties must submit, and established that a panel of competent persons, approved by the IMO Maritime Safety Committee, would have to verify the submissions to ensure that the Parties gave full and complete effect to the requirements of the Convention. If the Party was confirmed by the IMO Maritime Safety Committee as having given full and complete effect to the provisions of the Convention, it would be included in a list of such Parties, the so-called "White List". It was the first time and so far the only one when such type of provision was included in an IMO Convention. Eventually, this provision was slightly amended but its principle was retained.

In addition, the 1995 amendments introduced Regulation I/10 on recognition of certificates, which established the provisions that should be followed when a Party recognises by endorsement a certificate of competency or certain certificates of proficiency issued by another Party. Under the requirements of the STCW Convention, when a master or officer holds a certificate of competency, or certain certificates of proficiency, issued by a national administration of a Party and is to be employed on board a vessel under the flag of another Party, such master or officer should have his/her certificates endorsed by that Party to attest to their recognition. The certificates so endorsed are known as “endorsements of recognition” or, in some countries, “certificates of equivalent competency”. The Party seeking the recognition of master and officer certificates issued by another Party is allowed to verify the maritime education, training and certification system in place in such Party, which may include inspecting its facilities and procedures. Since the adoption of the 2010 amendments, referred below, an evaluation of the Party to be recognised is required.

Regulation I/1 of the STCW Convention defines certificate of competency as “a certificate issued and endorsed for masters, officers and GMDSS radio operators in accordance with the provisions of chapters II, III, IV and VII” and entitling the holder “to serve in the capacity and perform the functions involved at the level of responsibility specified”. It defines certificate of proficiency as “a certificate, other than a certificate of competency issued to a seafarer, stating that the relevant requirements of training, competencies or seagoing service in the Convention have been met”. It is also important to note for the purpose of this evaluation that the Convention also identifies the term “documentary evidence”. This term is defined as “documentation, other than a certificate of competency or certificate of proficiency, used to establish that the relevant requirements of the Convention have been met”.

In 2006, the IMO initiated a new comprehensive review of the STCW Convention and the STCW Code and in June 2010 a significant number of amendments to the Convention and the Code were adopted in a Conference of the Parties, which took place in Manila. These amendments entered into force in 2012. Since then, other amendments have been adopted and entered into force or are expected to enter into force in the short term: the amendments related to the verification of compliance with the IMO instruments entered into force on 1 January 2016, while the amendments relating to training and qualification of masters, officers, ratings and other personnel on ships subject to the International Code of Safety for Ships using Gases or other Low-flashpoint Fuels (IGF Code) entered into force on 1 January 2017. Amendments requiring training for masters and officers on board vessels operating in Polar Waters will enter into force on 1 July 2018.

2.2. The human element at EU level

The importance of the human element for the safety of life at sea and the protection of the marine environment has been recognised at Union level since the beginning of the 1990s. In its conclusions of 25 January 1993 on maritime safety and pollution prevention in the Community, the Council noted the importance of the human element in the safe operation of ships. Also, in its resolution of 8 June 1993 on a Common Policy on Safe Seas, the Council set the objective of removing substandard crews and gave priority to Community action aimed at enhancing training and education by developing common standards for minimum training levels of key personnel.

Given the global nature of shipping, at EU level it was considered appropriate that education, training and certification of seafarers should be in line with internationally agreed rules and standards, mainly enshrined in the STCW Convention. The active participation of the European Commission at IMO level has reflected this approach.

The STCW Convention was incorporated into EU law by Council Directive 94/58/EC on the minimum level of training of seafarers. Since then, the EU rules on seafarer education, training and certification have been amended several times in order to be kept in line with subsequent amendments to the STCW Convention.

Following Directive 94/58/EC on the minimum level of training of seafarers, Directive 2001/25/EC was adopted mainly to bring into the Community law the comprehensive amendments to the STCW Convention and the new STCW Code adopted by the IMO in 1995. The latter was significantly amended on several occasions after its adoption, in particular by Directive 2003/103/EC on the minimum level of training of seafarers and by Directive 2005/45/EC on the mutual recognition of seafarers' certificates issued by the Member States.

Through Directive 2003/103/EC the Commission was entrusted to verify compliance by third countries with the STCW Convention provisions, in order to harmonise the process of recognition defined in Regulation I/10 of the STCW Convention, as amended and explained in section 2.1 of this report. While this Regulation requires each administration to confirm through an evaluation of the other Party, that the requirements of the STCW Convention

are complied with, the requirements established under the Directive allow such evaluation to be done by the Commission assisted by EMSA on behalf of all Member States.

A common EU mechanism for the recognition of third countries' seafarers training and certification systems was then established at Union level. According to it, "the Commission was then entrusted – on behalf of the whole Union and with the assistance of EMSA – to carry out an assessment of any such third country to be recognised, and to verify that it complies with the requirements of the STCW Convention".

The process is opened by a notification from a Member State of its intention to recognise a third country system thus triggering an assessment of such third country system. This assessment is initiated by an EMSA inspection the report of which serves as basis for the Commission to conduct and complete the assessment. In order to ensure that a country which is recognised at EU level continues to comply with the STCW Convention, the said country is reassessed regularly by the Commission assisted by EMSA. Directive 2008/106/EC provides for withdrawal of recognition of a non-compliant third country.

Prior to the adoption of Directive 2003/103/EC, each Member State was recognising third countries individually using different procedures and methodologies. While some Member States conducted inspections to the third countries to be recognised, others relied only on the fact that the country was included on the IMO "White List", i.e., as referred in section 2.1, the list of countries considered to have given full and complete effect to the provisions of the STCW Convention. Some Member States also relied on the decision for recognition taken by other Member States.

Whereas the recognition of certificates of competency and proficiency issued to masters and officers by third countries is regulated by Directive 2008/106/EC, Directive 2005/45/EC puts emphasis on procedures on recognition between Member States of seafarers' certificates of competency and certificates of proficiency, while ensuring thorough compliance with the requirements of the STCW Convention in its up to date version.

In order to ensure that Member States comply with the minimum standards for training and certification of seafarers, Directive 2005/45/EC amended Directive 2001/25/EC requiring regular verification of Member States' compliance with the Directive 2001/25/EC requirements. Such verification was to be done by the European Commission, with the assistance of EMSA, regularly but at least every five years.

The adoption of Directive 2005/45/EC highlighted also the necessity of fostering the professional mobility of seafarers within the European Union.

As a consequence of the series of amendments referred to above, a decision was made that it would be desirable, for reasons of clarity, that the provisions of Directive 2001/25/EC be recast.

Directive 2008/106/EC (recast) applies to all seafarers working on board EU flagged ships irrespective of their nationality and incorporates both the verification of compliance of third countries that provide education and training in line with the provisions of the STCW Convention, and the regular monitoring of compliance of Member States.

Furthermore, since Directive 2008/106/EC is directly linked to Directive 2005/45/EC on the mutual recognition of seafarers' certificates issued by Member States, certificates issued in accordance with Directive 2008/106/EC have to be recognised by other Member States without the need for compensation measures. Therefore, each Member State should permit seafarers who acquired their certificate in another Member State according to the requirements of Directive 2008/106/EC, to take up the maritime profession for which they are qualified without additional prerequisites other than those imposed on its own nationals.

Following the 2010 amendments to the STCW Convention resulting from its review, and in order to incorporate them into Directive 2008/106/EC, Directive 2012/35/EU was adopted on 21 November 2012.

2.3. EMSA visits and inspections

EMSA visits and inspections were initiated in 2005. EMSA conducted the first inspection to third countries in June 2005 following a technical methodology based on a process approach, which was agreed with the Commission after consultations with Member States. EMSA initiated visits to Member States in February 2007 after minor modifications to the methodology adopted previously for the inspections to third countries. Based on the reports

completed by EMSA, the Commission initiated an assessment of compliance as required by Directive 2008/106/EC (recast).

By the end of April 2017, EMSA had completed the first cycle of visits to all EU Member States, Iceland and Norway and conducted 11 visits to EU Member States as part of the second cycle. By then it had completed 65 inspections to 48 third countries.

As referred in the previous section, EMSA visits and inspections aim at verifying how a Party to the Convention (third country) implements the requirements established in the STCW Convention and how the EU Member States implement the provisions of Directive 2008/106/EC. The principle of a visit or inspection is the same. However, due to different scopes, the approved technical methodology for visits to Member States contains more processes to be verified, as described below.

The objectives of the third country inspections are the following:

- to observe and gather evidence of the third country's compliance with the requirements of the STCW Convention;
- to forward the findings of the inspection in the form of a report to the Commission and to the concerned third country.

Based on the report, the Commission assesses whether the third country meets the requirements of the STCW Convention. Figures 2-1 and 2-2 illustrate the process from the start of the inspection until the decision taken at the Committee on Safe Seas (COSS).

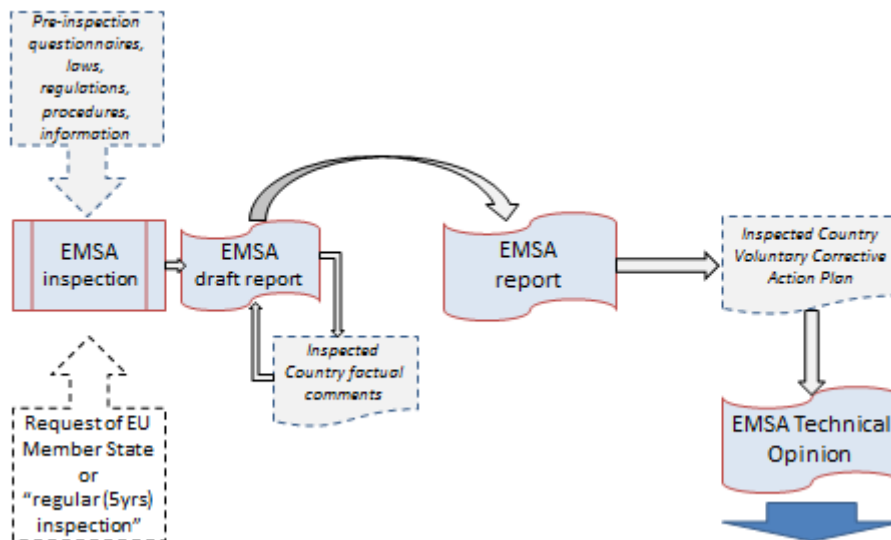


Figure 2-1 Process of inspections to third countries (From the start of the inspection to the issue of the Technical Opinion)

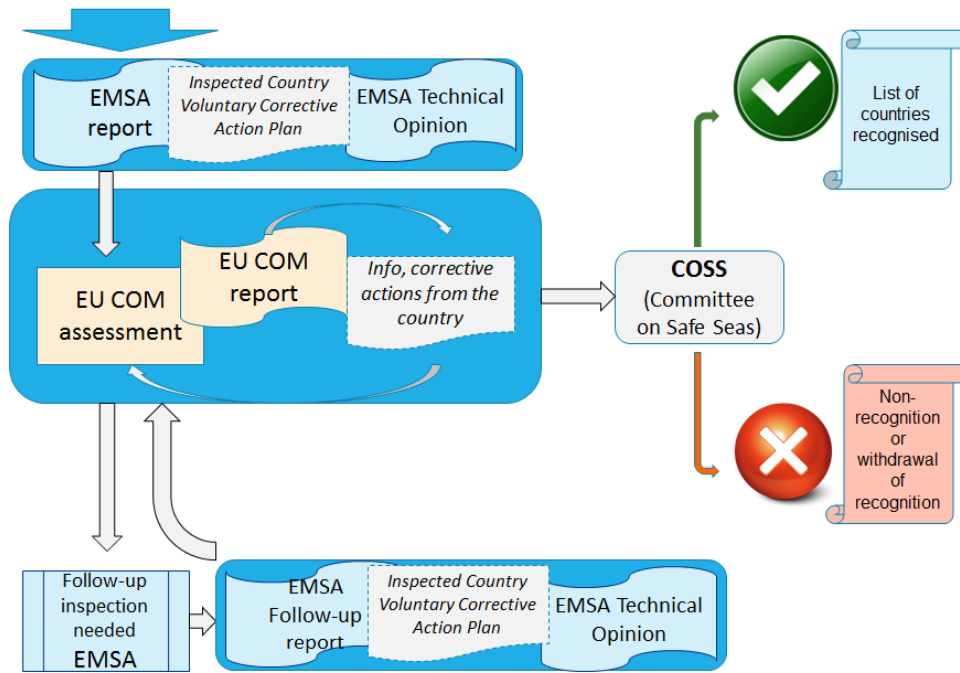


Figure 2-2 Process of inspections to third countries (from the report to the decision taken at COSS)

The objectives of the visits to Member State are the following:

- to observe and gather evidence of the Member State’s compliance with the requirements of the Directive;
- to forward the findings of the visit in the form of a report to the Commission and to the concerned Member State.

Based on the report, the Commission verifies that the Member State complies with the minimum requirements laid down by the Directive. Figure 2-3 illustrates the process of the visits to Member States, from the start of the visit until the decision taken by the Commission.

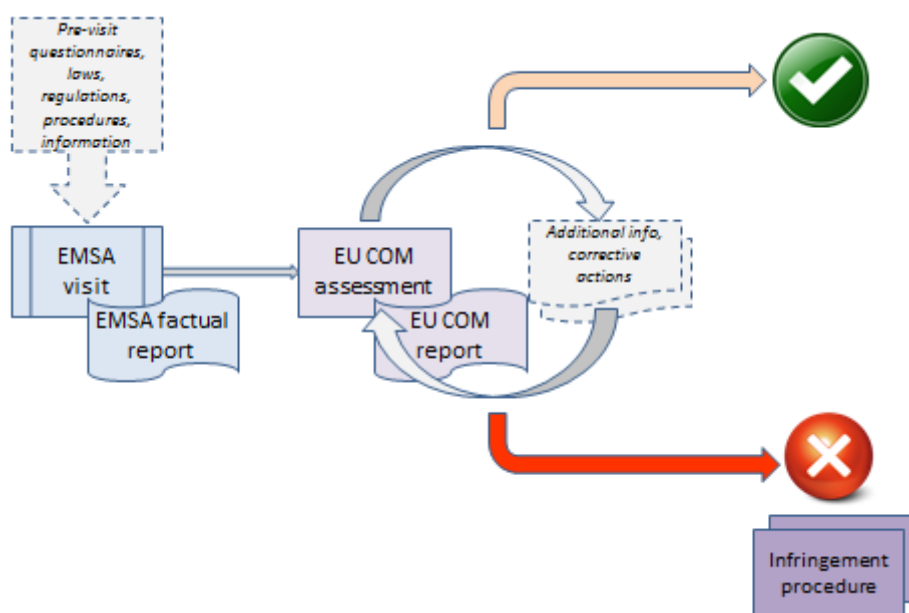


Figure 2-3 Process of visits to Member States

2.3.1. Methodology for inspections to third countries

All Parties to the STCW Convention are required to implement and enforce relevant legislation and to take all necessary steps to give full and complete effect to its provisions. This entails the establishment of specific activities to be carried out by the respective maritime administrations and maritime education and training (MET) institutions, in order to implement the adopted provisions.

In considering how such provisions are being implemented, it becomes evident that considering individual provisions in isolation may impair a comprehensive understanding of the whole implementation, given that generally, entities follow a process rationale to implementation rather than a provision-by-provision approach.

Consequently, EMSA in agreement with the Commission and following meetings with the Member States adopted a process-based approach for conducting the inspection of the maritime education, training and certification system in third countries. Instead of analysing the implementation of each provision in isolation, the inspection seeks evidence of implementation of the STCW Convention through the functional processes taking place in the entities of the inspected third country. Each functional process is a set of interactive and interrelated activities carried out both by the maritime administrations and the MET institutions, in order to give effect to all the provisions. These activities are analysed in the functional processes (taking account of their correlation with specific requirements of the STCW Convention) defined separately for maritime administrations and MET institutions.

The processes adopted for the inspection of the maritime administrations in third countries are the following:

1. Quality Management – Regulation I/8
2. Programme and Course Approval – Article IX and Regulations I/2, I/6, I/8, I/11 and I/12
3. Monitoring and Evaluation of Training and Assessment – Article IX and Regulations I/6 and I/8
4. Qualifications and Training of Assessors, Instructors and Supervisors – Regulations I/6 and I/8
5. Assessment of Competence – Regulations I/6, I/8, I/12 and I/15
6. On board Training – Regulations I/6 and I/8
7. Certification and Endorsement – Article VI and Regulations I/2, I/3, I/8 and I/15
8. Registration – Regulations I/2 and I/8
9. Revalidation – Regulations I/8, I/11, I/14, I/15 and sections A-VI/1, A-VI/2 and A-VI/3
10. Medical Standards – Regulations I/8 and I/9
11. Incompetence and Fraud Prevention – Regulation I/5

The processes adopted for the inspection of maritime education and training institutions in third countries are the following:

1. Quality Management – Regulation I/8
2. Programme and Course Design, Review and Approval – Regulations I/2, I/6, I/8 and I/12
3. Qualifications and Training of Assessors, Instructors and Supervisors – Regulations I/6, I/8 and I/12
4. Training Facilities – Regulations I/6, I/8 and I/12
5. Monitoring and Supervision of Training – Regulations I/6 and I/8
6. Use of Simulators – Regulations I/8 and I/12
7. Examination – Regulations I/6, I/8 and I/12
8. Admission of Students and Issue of Documentary Evidence – Regulation I/2 and I/8

Within each of the above-mentioned functional processes, the inspection aims to analyse the third country's legislation, practices and procedures against the related requirements of the STCW Convention.

In addition, the national legislation related to issue of the certificates of competency, including principles governing near-coastal voyages, is analysed in detail.

The list of processes adopted for these inspections are aimed only – in line with regulation I/10 of the STCW Convention – to conduct an evaluation of the third country in question for the purpose of recognition and without any intent to verify matters in respect of the national fleets and communication with the IMO.

2.3.2. Methodology for visits to Member States

Likewise, the visits to Member States are conducted with a view to verify the implementation of the provisions under a process based approach.

The processes adopted for visits to Member States are the following:

1. Quality Management – Article 10
2. Programme and Course Approval – Articles 3, 6, 7, 10, 12, 13 and 17
3. Monitoring and Evaluation of Training and Assessment – Articles 3, 6, 10 and 17
4. Qualification and Training of Assessors, Instructors and Supervisors – Articles 10 and 17
5. Assessment of Competence – Articles 10, 13, 17 and 30
6. On-board Training – Articles 3, 6, 10 and 17
7. Certification and Endorsement – Articles 3, 5, 7, 10, 11, 17 and 30
8. Registration – Articles 5, 8 and 10
9. Revalidation – Articles 10, 12 and 30 and sections A-VI/1, A-VI/2 and A-VI/3
10. Medical Standards – Article 10 and 11
11. Recognition of Certificates – Articles 10, 19 and 20
12. Dispensation – Articles 10, 16 and 17
13. Incompetence and Fraud Prevention – Articles 8 and 9
14. Responsibility of Companies - Articles 12, 14, 15 and 18
15. Penalties – Article 29
16. Communication of Information – Articles 5a, 7, 8, 10, 19, 20, 25a and 31

The processes adopted for visits to MET institutions in the Member States are verified in relation to the articles in Directive 2008/106/EC rather than the regulations in the STCW Convention, but their content is exactly the same, namely:

1. Quality Management – Article 10
2. Course Design, Review and Approval – Articles 6, 10, 12, 13 and 17
3. Qualification and training of Assessors, Instructors and Supervisors – Articles 10 and 17
4. Training Facilities – Articles 6, 10, 13 and 17
5. Monitoring and Supervision of Training– Articles 10 and 17
6. Use of Simulators – Articles 10 and 13
7. Examination – Articles 10, 13 and 17
8. Admission of Students and Issue of Documentary Evidence – Articles 5, 10 and 10

Within each of the above-mentioned functional processes, the visit aims to analyse the Member State's legislation, practices and procedures against the related requirements of the Directive.

In addition, the national legislation related to issue of certificates of competency, including principles governing near-coastal voyages is analysed in detail.

2.3.3. Follow-up of EMSA's visits and inspections

Following its visit or inspection, EMSA produces a draft report which is sent to the visited or inspected country. It is a factual report that refers to the shortcomings and observations identified by the EMSA team. The authorities of the country are given the opportunity to provide factual corrections, following which the final report is generated. Since 2012, the report is accompanied by an invitation to the inspected third country to provide a voluntary Corrective Action Plan (CAP) listing the measures already taken or to be taken to address the deficiencies identified in the report. If the third country sends the CAP, EMSA evaluates it and prepares a technical opinion which is considered by the Commission when conducting the assessment of compliance.

The technical opinions and the evaluation of the responses of the third countries to the Commission's assessments of compliance were also considered for the purpose of conducting the REFIT evaluation as such exercises have been undertaken in a consistent way since 2012.

In the case of EU Member States, a CAP has not been so far requested. However, when a third cycle of visits is initiated such CAP may be submitted by the Member States as established by the methodology for visits to Member States adopted by the EMSA Administrative Board in November 2015. At the time the second cycle of visits had already been initiated.

Following the visit, the participation of EMSA in the process of monitoring the system in EU Member States has been limited to a few requests by the Commission for EMSA's assistance in evaluating the responses provided by EU Member States in relation to EU Pilots initiated following completion of the assessment by the Commission.

2.4. The centralised EU system and other control mechanisms related to the STCW Convention

The Commission's assessment of compliance which is based on the inspection report followed by the technical opinions on CAP prepared by EMSA is different not only from any evaluation conducted by STCW Convention Parties before recognising the systems in place in another Parties, in line with Regulation I/10, but also from the IMO Member State Audit Scheme (IMSAS).

The Framework for the IMSAS, adopted by Resolution A.1067(28), excludes specifically any duplication with other audits and evaluations provided for by the STCW Convention. Item 7.2.2 of IMO Resolution A.1067(28) states that *“with regard to the STCW Convention, as amended, the audit should not seek to duplicate existing mandatory audit requirements contained in that Convention. Only the aspects of that Convention that are specified therein should be covered by audits”*. The audit requirements of the STCW Convention referred to in the new Regulation I/16 of the STCW Convention and the associated Section A-I/16 of the STCW Code are those concerning communication of information to the IMO, including those relevant to the independent evaluation provided in Regulations I/8 and I/7 of the Annex to the STCW Convention.

Regulation I/10 of the STCW Convention requires *“Administrations when recognising by endorsement the certificates issued by another Party to a master, officer and radio operator, to confirm through an evaluation of that Party that the requirements of the Convention regarding standards of competence, training and certification and quality standards are fully complied with”*. The aspects that shall be subject to the IMSAS scheme are specified in Section A-I/16 of the STCW Code. These aspects cover three areas only, namely, the initial communication of information to the IMO by the Parties on the implementation of the Convention, the subsequent reports, and the fitness for duty and watchkeeping arrangements. Reg I/10 is only verified in terms of communicating *“report summarising the measures taken to ensure compliance with reg I/10”* (Section A-I/7.3.2 and Section A-I/16).

As referred above, EMSA's inspections to third countries on the STCW Convention concern specifically the evaluation required by Regulation I/10 from administrations when recognising by endorsement the certificates issued by another Party to a master, officer and radio operator. Having considered the above, it is clear that the scope of the IMSAS scheme and that of the EMSA's STCW inspections in third countries do not coincide and no duplication is possible. In addition, in the case of the Member States, the EMSA visits aim at monitoring the implementation of Directive 2008/106/EC in a process approach similar to that applied to the inspections to third countries.

3. RESEARCH METHODOLOGY FOR THE REFIT EVALUATION

The methodology for the REFIT Evaluation of the two referred directives was discussed between EMSA and the Commission services. The methodology was designed by EMSA based on the principles of objectivity, reliability and evidence-based assessment. Furthermore, an evaluation matrix was designed in order to establish the criteria, questions, measurements, indicators, sources and methods for answering the evaluation questions.

The evaluation questions, which were agreed with the Interservice Steering Group (ISG), were designed considering the five evaluation criteria to be used: effectiveness, efficiency, relevance, coherence and the European added value. The better regulations guidelines were also taken into account as agreed with the Commission.

The methods used for the evaluation consisted of secondary research (data gathered through desk research) and primary research (data gathered through the consultation strategy).

The objective of the primary research (open public and targeted stakeholders' consultation) was to produce more acute and up to date information, in addition to that gathered through secondary data in order to focus both on quantitative and qualitative aspects of the implementation of both directives. The Open Public Consultation (OPC) and the targeted stakeholders' consultation, as the main tools of the primary research, underpinned the evidence-based approach of evaluation and allowed provided opportunities of direct insight on the evaluated issues through understanding of the views of the different actors involved in the implementation and enforcement of the directives and the STCW Convention.

The OPC on the fitness of EU legislation for maritime transport safety and efficiency, which included the consultation geared towards this evaluation, had a consultation period of twelve weeks, from 07/10/2016 to 20/01/2017. It was available on the European Commission webpage.

3.1. Intervention logic

An intervention logic describes how the intervention in question is expected to work, particularly in terms of how the different inputs/activities/outputs resulting from it are expected to interact to deliver the planned changes over time and eventually achieve intended objectives. The intervention logic also considers external factors, which may affect the EU intervention.

In pursuing the above, the intervention logic de-constructs the expected chain of events by using a simplified model of causality which shows how the intervention was triggered by a certain set of needs and how it was designed, with the intention of producing the desired changes. In the case of this exercise, the ISG agreed to follow the intervention logic presented in Appendix C, which also illustrates its different components. The needs, which include the enhancement of maritime safety, the protection of the marine environment and the fostering of professional mobility of seafarers, are linked to general, specific and operational objectives. The objectives together with the inputs were expected to generate specific outputs, results and impacts. Based on the data that were already available (secondary data) and data gathered through open public and targeted stakeholders' consultations (primary data), the study looked at whether and how the original objectives of the intervention were met.

3.2. Primary and secondary data

During the study and as referred above, extensive primary and secondary data were obtained in order to check the extent to which the legislative acts in question can be considered to be fit for purpose. The identification of data sources took into consideration the articles of the directives, so that analysis of the data collected could draw conclusions on the suitability of the different instruments to meet the five elements of the evaluation criteria adopted.

A complete description of the data used is presented in the following sub-sections.

3.2.1. Accident Investigation

Data were gathered between 2011 and 2016 from occurrences reported to EMSA's European Marine Casualty Information Platform (EMCIP) by Member States.

EMCIP is a centralised database for EU Member States (plus the European Free Trade Association (EFTA) Member States, Iceland and Norway) to store and analyse information on marine casualties and incidents. This EMSA-run platform relies on the competent national authorities to provide data. It is this data which forms the basis of the EMSA's Annual Overview of Marine Accidents.

The starting data for each contributing factor (CF) to the accident consisted of the casualty report number related to the CF, the CF coding and the CF description. In some cases, the factors could have the same report number and CF coding but the CF description varied. In those cases the factors were counted as separated ones, as each one represented different situations.

In the period under analysis 194 items of accident investigation data related to STCW matters were identified. Those items related to seven different CFs featuring in the data. Examples of such CFs included 'lack of skill', 'lack of knowledge' or 'inadequate training programme'. Initially, in order to see how relevant each one was, a recount of how many times each different contribution factor appeared was done, the results of this were shown in pie and bar charts.

This was followed by the introduction of a set of coding combinations to represent the most common factors occurrences. Each casualty report number was assigned a code. Then, a count of each combination was done and bar charts were produced.

It should be noted that the contributing factors, identified in EMCIP may be interlinked and could be also classified differently. For instance, 'lack of skill' may be caused by 'inadequate training programme'.

3.2.2. EMSA's mission data

The impact of the EU verification mechanism of third countries' maritime education and training system on the administrative burden of Member States had to be verified. However, such verification is not straightforward. For instance, during the stakeholders consultation only one administration offered a quantitative estimation of this, as it said it "reduced the burden to the administration at least 160 man/hours per country." Consequently, such source of data could not be considered for this exercise.

Given the difficulty also in obtaining information regarding monetary costs, other indirect ways of analysing the impact of EMSA inspections' on the administrative burden of Member States were considered.

In the first place the number of days required for EMSA's inspections to third countries (2005-2017) was taken into consideration. However, given that EMSA inspection teams are always composed of more than one team member and that sometimes parallel inspections are carried out in the same country (e.g. the Philippines), man-days were adopted as a unit measure of resource use. For the purpose of analysis it should also be taken into consideration that follow up inspections were treated as inspections.

With respect to 2017, it has to be noted that only inspections carried out in the first trimester were considered as that was the information available at the time.

It should also be noted that in 2005 and 2006 there were three inspections to Croatia, Romania and Bulgaria. At the time of the inspections these countries were not part of the EU, but they are Member States now, and so they have not been taken into account for this analysis.

3.2.3. Port State Control STCW-related deficiencies

For Port State Control (PSC) STCW-related deficiencies, the data used was extracted from the MARINFO database. For reliability purposes, as explained below, only Paris MoU data was analysed within the period 2011-2015.

The information includes the total number of STCW-related deficiencies for all ships per year, and it also differentiates between those pertaining to EU flag ships and to non-EU flag ships. The sum of both is not always equal to the total because for some (very few) ships the flag of which could not be identified at time of inspection/deficiency.

The graphs represent various combinations of the available Paris MoU data. There are two temporal series represented in the graphs, one longer between 2005-2015 and another shorter between 2011-2015. This is because in 2011 there was a change in the PSC coding system. Therefore, it is possible that data previous to that year may not be reliable for comparison purposes.

It should be noted that deficiencies identified during PSC inspections relate mainly to certification, manning and non-compliance with rest periods. Manning and rest periods are regulated in neither Directive 2005/45 /EC nor Directive 2008/106/EC. Only deficiencies associated to certificates relate to both directives.

However, unless more details are obtained about the origin of each deficiency, it is not possible to trace back the reasons behind it. From interviews conducted with PSC experts working in EMSA, it would appear that the majority of the deficiencies relate to certificates improperly issued. It should also be taken into consideration that during PSC inspections, the inspecting bodies check mainly the requirements in accordance with the STCW Convention rather than with the directives themselves.

For the reasons expressed above, the trends in terms of STCW deficiencies need to be understood with caution and considered only as indicative of how such type of deficiencies have evolved. Finally, just from PSC data, it is not realistically possible to assess the quality of education and training. Any conclusion and/or recommendations in this respect should be based on the findings or conclusions of the EMSA visits and inspections.

3.2.4. *Complaints*

Complaints received by the European Commission and EMSA were coded and analysed so that it would be possible to identify whether in any way they were a result of any deficiency or non-clarity in the text of the Directives.

3.2.5. *Assessment files*

The Commission's assessment reports are based on the findings identified by EMSA during the visits and inspections. The countries visited and inspected take actions in order to remedy the deficiencies. It is possible to verify how many deficiencies were corrected and draw conclusions on the extent to which the centralised system has contributed to the implementation of the provisions established in the STCW Convention and in the Directives. This greatly facilitates the analysis of the extent to which the Directives are fit for purpose.

3.2.6. *Horizontal analysis*

A horizontal analysis of the first cycle of visits to Member States was conducted by EMSA. This helped identify the areas where the Directive 2008/106/EC provisions were more difficult to implement. A horizontal analysis was also conducted internally to analyse the same areas in relation to inspected third countries. The findings are similar and described in section 4. It is hoped that these findings can help in future reviews of the STCW Convention and the directives, as they identify from a horizontal perspective the regulations and articles that result to be more difficult to implement. Such difficulty may in some cases be the consequence of problems in the drafting of the provisions of the STCW Convention and/or the Directive.

3.2.7. *Open Public Consultation*

The OPC was freely available for members of the public to express their views on the matters through the choice of weighting numeric and likert scores. The OPC was hosted on the Commission web portal and in addition publicised through the list of contacts existent in EMSA and in the Commission and through social media. The consultation period was between 7 October 2016 and 20 January 2017. In addition, the OPC allowed to collect the views from people who were not initially identified among the stakeholders. In total, 53 respondents with different background but interested in the evaluation of the directives replied to the consultation.

3.2.8. *Targeted Stakeholder Consultation*

The stakeholder consultation targeted specific stakeholder groups and comprised five different questionnaires addressed to each group: maritime administrations, MET institutions, shipowners, trade unions and seafarers. The contact points in maritime administrations, MET institutions, shipowners and trade unions were obtained from the lists available in EMSA and provided to the Commission. Trade unions were asked to circulate, among their members, the questionnaires addressed to seafarers. In total, twenty eight questionnaires were received from 13 EU maritime administrations, 7 EU MET institutions, 7 shipowners and 1 trade union representative. No questionnaires were received from seafarers.

Some of the questions were common to all questionnaires while others were stakeholder-specific. In such latter cases, when a stakeholder was not asked a specific question, in the analysis of the replies the code used was "no question", in order to differentiate from the code "no answer given", used when the stakeholder was asked but did not answer.

Charts for the common questions were drawn up either taking into account the "no question" codes or eliminating them. Charts were also drawn up specifically for the type of entity; in such cases this was noted specifically in the analysis. No charts were prepared for the questions for which qualitative and more subjective answers were given.

Some questions in the targeted stakeholders' questionnaires were repeated in the OPC. As this could help to give a more precise idea of the perception of the directives given the small number of questionnaires answered (81 in total), those questions were gathered together. There was also the possibility for respondents to answer as having 'no opinion'. As in the case of the targeted stakeholders' consultation, charts for the common questions were prepared either taking into account the "no question" codes or eliminating them.

3.2.9. *Visits and inspections process*

The process of inspections to third countries is initiated when a Member State notifies the Commission of its intention to recognise a third country's maritime education training and certification system. During the evaluation attention was paid to the time that it takes from notification to the decision as well as the justification of the reasons behind such notification.

3.2.10. *STCW Information System (STCW-IS)*

Data on certificates and endorsements issued to seafarers were extracted from the national registries of Member States and made available to EMSA by the Member States through the STCW-IS. After receiving the data in its anonymous format, EMSA conducted a validation to ensure that only the documents with a valid status were considered. The tables presented in this report on endorsements attesting recognition (EaRs) of original certificates of competency were built based on data registered by Member States until 31 December 2015.

3.2.11. *Text of the directives*

The REFIT evaluation of Directives 2008/106/EC and 2005/45/EC required verification of the content of the provisions included in the respective text in order to identify possible inconsistencies or out of date definitions. This is particularly relevant regarding Directive 2005/45/EC which has not been amended since the 2010 amendments to the STCW Convention entered into force in 2012. The 2010 Manila amendments entered into force in the EU on 4 January 2014 through Directive 2012/35/EU which amended Directive 2008/106/EC only.

3.3. **Limitations of the Study**

The analysis was conducted based on the Evaluation Matrix agreed before the start of the Evaluation. In the discussions that involved EMSA, the Commission services and the ISG, it was agreed that the data covered should include even information in relation to which there was uncertainty as to whether it could be used to evaluate the effectiveness, efficiency, relevance and coherence of the Directives. Such data included PSC deficiencies and accident investigation reports. As expected, although some information was useful to identify trends of PSC deficiencies or CF of accidents, it was not possible to link them to education and training issues or to particular deficiencies in this respect. For such objective, it would be necessary to trace back the reasons for the deficiencies and the accidents to identify any link to education and training of seafarers. The coding in place would also need to be changed. Although for this evaluation such was not possible, consideration should be given to the conduct of further research that could trace back the reasons for deficiencies and accidents and use the results in future evaluation exercises.

The basis of the analysis, conclusions and suggestions result from the work conducted by DGMOVE and EMSA (in the inspections and visits and consequent follow-up) as well as from the consultation. The consultation was particularly relevant because it allowed an understanding of the general attitude of the maritime industry players towards the directives. Nonetheless, in the end, it results that the amount of replies received, in particular through the stakeholders' consultation, was insufficient to ensure a representative response in particular where it concerns trade unions and seafarers. Nevertheless, as some trade unions and seafarers replied to the OPC and the replies reflect some consistency in views, there should be some confidence that a greater number of responses would not have deviated from those actually obtained.

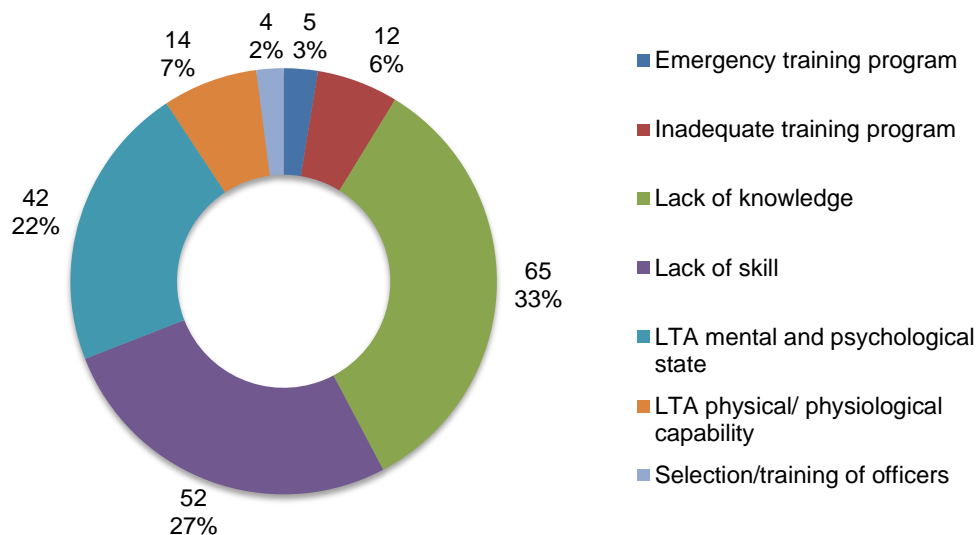
4. **DATA ANALYSIS**

4.1. **Accident investigation**

The data obtained from accident investigation reports are presented based on the human element coding factors (CF) displayed in the same, covering the period 2011-2016. Data before 2011 was not available for analysis.

As with the PSC data presented below, it is important to take into account that solely by looking at the human element causes, it is not possible to draw conclusions on the implementation of the directives and in particular to the education and training delivered at EU level. The CF given to the accident data when collected are too generic for one to understand the underlying causes.

To reach solid conclusions in this respect it would be necessary to trace back the causes of the accidents to their origins. This was neither possible nor expected from this evaluation. Nevertheless, it is important to keep this possibility open because a proper analysis of the causes of maritime accidents could yield findings that are solid enough to instigate proposals for amendments to the standards of seafarers' certification, education and training in the future.



Source: EMCIP

Figure 4-1 Causes of maritime accidents revealed through accident investigation

The four CFs that can be linked to education and training are: 'inadequate training programme', 'lack of knowledge', 'lack of skill' and 'emergency training programme'. Training programmes not properly designed may have as a consequence lack of knowledge or lack of skill. The examples below extracted from the reports demonstrate this.

Lack of knowledge is illustrated by data made available, such as a statement that "the weather was good which gave the impression that an approaching ship would be seen visually", while lack of skill is described, for instance, by such observations as "Master did not act on the weather warnings received". Both descriptions could plausibly be traced to a possible 'inadequate training programme'. Indications of inadequate training programmes were also evident in such observations as "Officer in Charge of a Navigational Watch (OOW) unable to set up radar" or "lack of Electronic Display and Information System (ECDIS) specific training".

It can be observed that when aggregated, the four above mentioned factors represent 69% of the contributing factors for a maritime casualty: lack of knowledge (33%), lack of skill (27%), inadequate training programme (6%) and emergency training programme (3%). More significantly, all of them fall within the scope of education and training. Factors linked to a psychological and mental state contribute to 29% of the casualties. Finally, aspects related to the selection and training of officers represent just 2% of the contributing factors for maritime casualties. In the description of this last CF we find one case of "OOW inexperienced – insufficient mentoring/continuation training". Such factors are not directly attributable to education and training but can be traced back to issues in the familiarisation of crew members and be consequently linked to the responsibility of the company.

Although the data from EMCIP may provide indications as to what may need to be addressed in the future in terms of education, training and responsibility of the companies it does not allow as yet to link the report's conclusions to the evaluation of the implementation of the Directives and whether they are fit for purpose. Consequently, caution should be taken when using the data to reply to the evaluation questions.

4.2. EMSA's mission data

An inspection conducted by EMSA to a third country comprises an initial desk study prior to the field inspection in the country and a final desk study, which includes the report drafting. One of the elements considered in this study is a general idea of the impact that the EU centralised system for recognition can have on the administrative burden of Member States. For the purpose of acquiring this, the number of days of the EMSA on-site inspections

over the period 2005-2017 – which inspections would have otherwise had to be conducted by the Member States themselves – was considered. As EMSA teams were comprised of several staff members, mission durations have been based on man-days. During the period under analysis, it emerged that 1,272 man-days were spent in third countries. The number of days spent by EMSA in the desk study and by the Commission in the assessment process was not factored in due to the difficulty in obtaining exact figures since these were not specifically logged and staff members involved were also engaged in other tasks. However, based on in-house experience 4 to 6 man-weeks would appear to be a reasonable allocation. The minimum number of man-days spent on an inspection was 4 days and the maximum number of days was 115 in the case of the Philippines (five staff members spent 23 days each in 2006).

If the system was not centralized, each Member State would be required to use its own resources, incurring not only travelling and other expenses but also the opportunity cost in terms of conducting other tasks that would have had to be sacrificed for resources to be channelled in this activity.

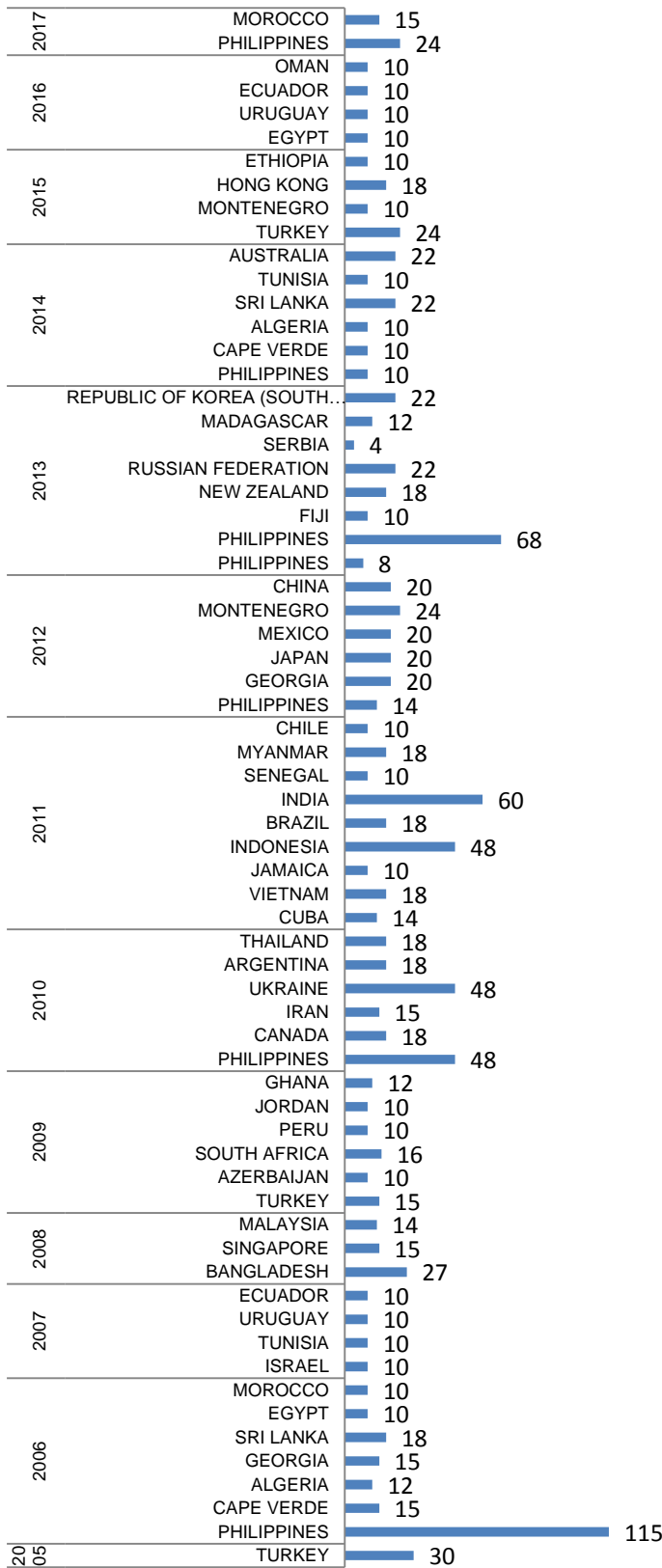


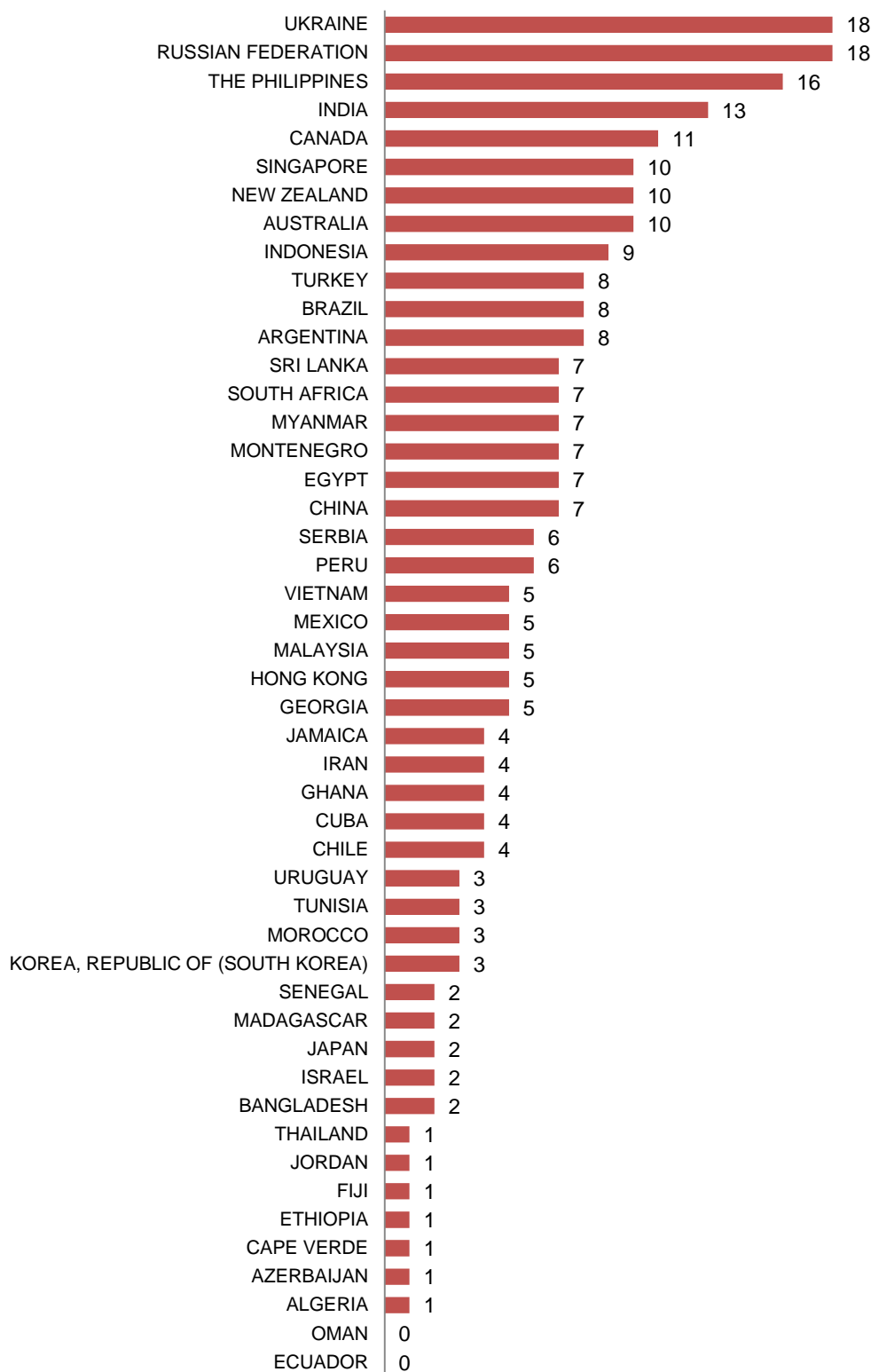
Figure 4-2 Total number of days for field inspection

The number of days spent by EMSA staff cannot be multiplied by the number of Member States, as not all of them recognised all the third countries listed in the graph above. However, from the information obtained through the EMSA STCW-IS taking 2015 as reference, it is possible to verify the number of Member States that have issued

EaRs of certificates issued by those countries, as illustrated in the chart shown in figure 4-4. Only in two cases, Oman and Ecuador, are there no EaRs issued by Member States to CoCs issued by the inspected country. However, the inspection to the mentioned countries was conducted following notification by at least one EU Member State. The non recognition of CoCs issued by Oman can be explained by the fact that in 2015 it was not yet recognised at EU level. In all other cases at least one Member State has issued EoRs to CoCs issued by the inspected country.

The inspected countries with most Member States issuing EaRs to their CoCs are Ukraine (18 Member States), the Russian Federation (18 Member States) and the Philippines (16 Member States). These three countries are also those that have the most number of EaRs issued by Member States. The Philippines has 34,393 EoRs, Ukraine has 24,027 EoRs and the Russian Federation has 16,862 EoRs.

A quote taken from a comment made by a Maritime Administration to the stakeholder's consultation, states that the centralised system "omits the need for multiple inspections made by all Member States on the third country". As the above figures suggest, such Member States' effort would be substantial. Using Australia as an example, in order to conduct an assessment within a similar scope, a Member State would need to have an expert in that country for a period of 22 days, as can be observed in Figure 4-2 above.



Source STCW-IS

Figure 4-3 Number of Member States recognising CoCs of individual third countries inspected by EMSA

EMSA’s mission data have also to be seen in the perspective that Directive 2008/106/EC requires the Commission to conduct not only an initial assessment but also a re-assessment on a regular basis and at least every five years. If the centralised system was not in place, Member States would be bound only by what the STCW Convention requires which is the initial assessment, or evaluation, under Regulation I/10 of the STCW Convention. Due to the

costs involved and the related administrative burden that one inspection entails it is possible that many maritime administrations would opt not to conduct regular visits to the third countries recognised by them. Based on the experience gained by EMSA since 2005 it results very difficult to verify all the details of the system in one inspection. Furthermore, amendments to the STCW Convention are adopted regularly and need to be implemented by the Parties, thus necessitating additional effort also from the recognising State. As a result of not conducting re-assessments it is likely that deficiencies that could affect the education, training and certification and consequently maritime safety would go unnoticed. Prior to the establishment of the centralised system, the few Member States that visited third countries before deciding to recognise the systems in place did it through a single visit; there is no information that any system was not recognised as a result of any such visits or that actions were requested from those countries to address presumed deficiencies. Consequently, the only way to ensure constant monitoring would be if EU legislation required such re-assessment to be conducted thus leading to an increase in administrative burden and costs for Member States if they were to conduct it themselves.

It would therefore appear that the centralised system as established at EU level is the only cost-effective way to ensure that recognised third countries are inspected on a regular basis, in this way also ensuring that implementation and enforcement of new STCW Convention provisions is verified. In parallel maritime safety is improved while the administrative burden and costs that might have been put to the Member States are kept to a minimum.

Finally, as regards the mutual recognition among Member States it should be taken into account that without the Commission assisted by EMSA monitoring the implementation of Directive 2008/106/EC, all Member States as parties to the STCW Convention, would each have to conduct an evaluation of all the others before recognising each other's maritime education, training and certification systems, in line with Regulation I/10.

4.3. PSC STCW-related deficiencies

As referred in section 3.2.3, only the data gathered from the Paris MoU was considered for this analysis. In order to allow a better interpretation of the data, interviews were conducted with three in-house EMSA officers competent in PSC affairs. These experts were provided with graphs and data obtained not only from the Paris MOU but also from the other memoranda as well as from MARINFO, a database that contains information on PSC deficiencies. They were asked the following questions:

- What can be the reasons behind the variations in the number of STCW-related deficiencies?
- What information is obtained during PSC inspections?
- What are the STCW-related deficiencies that are found during PSC inspections?
- Can PSC officers identify the reasons that led to such deficiencies?

From the interviews with these experts, it transpired that pre-2011 data had been coded differently and was therefore not comparable to post-2011 data which was based on the new coding system introduced that year. It was therefore decided that only data from 2011 onwards would be considered.

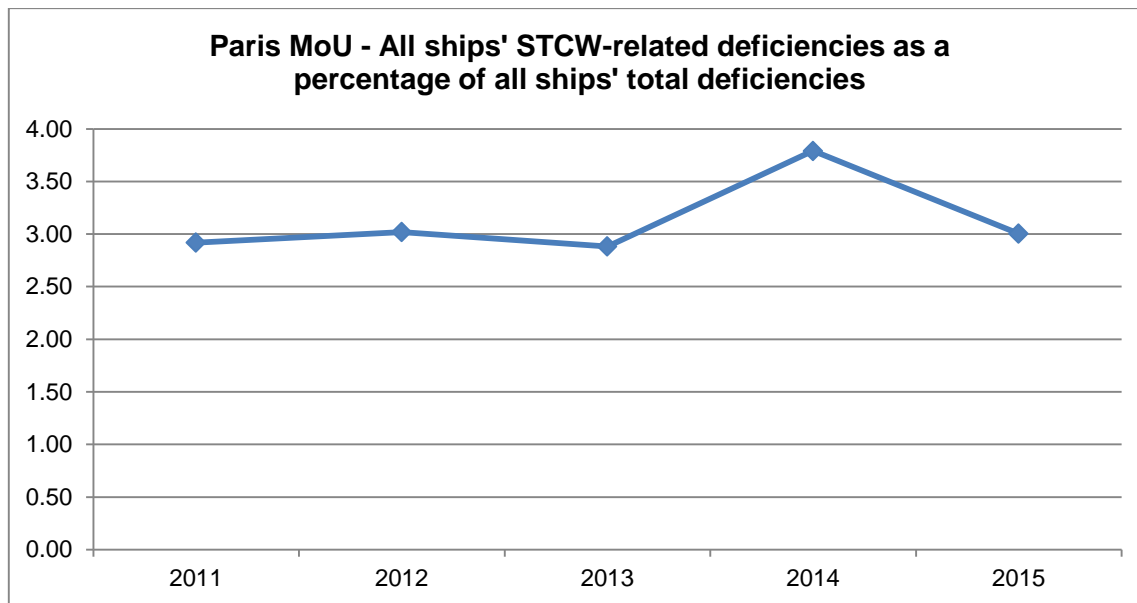
Despite the availability of the data considered, it should be noted that PSC STCW-related deficiency statistics alone do not provide adequate elements for a comprehensive understanding of the implementation of the two directives under review. Port State Control inspections start with a verification of the certificates of the vessel and of the crew members. Only if there are clear grounds for a more detailed inspection would such inspection be carried out by a Port State Control officer. The text of Article 13, paragraph 3 of Directive 2009/16/EC states:

'Clear grounds' shall exist when the inspector finds evidence which in his/her professional judgement warrants a more detailed inspection of the ship, its equipment or its crew".

While in terms of the state of the vessel itself, such clear grounds may often be more evident after a look at the vessel and its equipment, a decision to conduct a more detailed inspection related to the competency of crew members is more complex. IN the area of crew competency for example, clear grounds may be the result of a crew member not being able to operate certain equipment or operating it in a wrong or dangerous way. Yet, this requires that such operation be witnessed by the Port State Control officer, a situation that may not be necessarily easy to occur.

According to EMSA's PSC experts, it would appear that the majority of STCW-related deficiencies concern improperly issued CoCs or CoPs. Another cause mentioned was non-compliance with the minimum manning

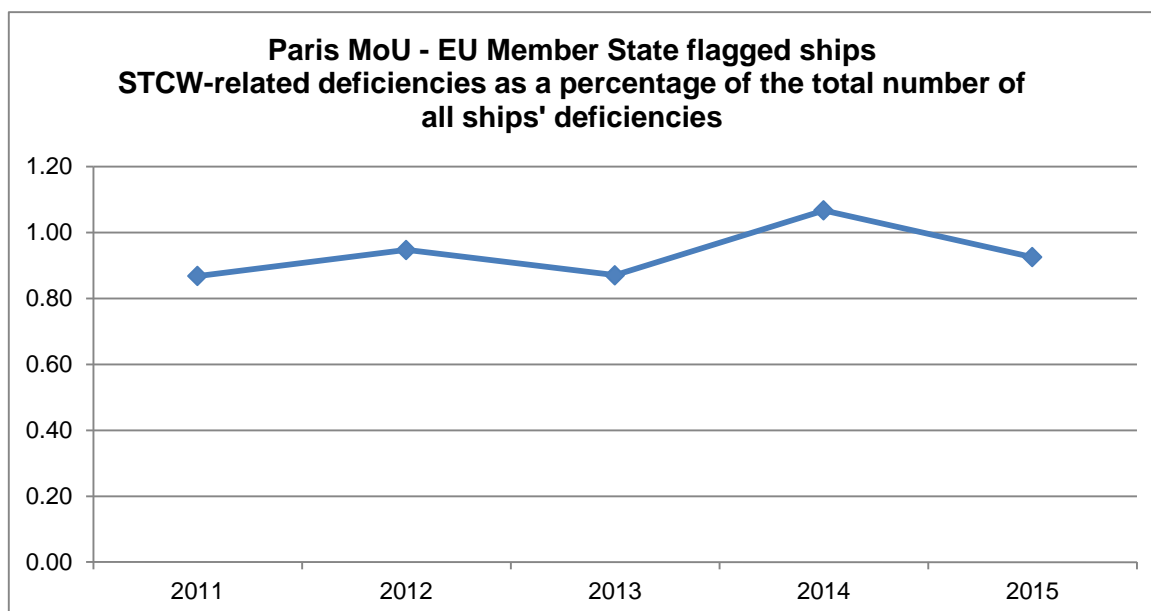
approved by the ship's flag administration. Given the generic nature of such feedback and the absence of more scientifically procured data, caution needs to be applied when taking into account PSC inspection data since the in most cases, the link to education and training results tenuous at best.



Source: MARINFO

Figure 4-4 STCW-related deficiencies: all ships

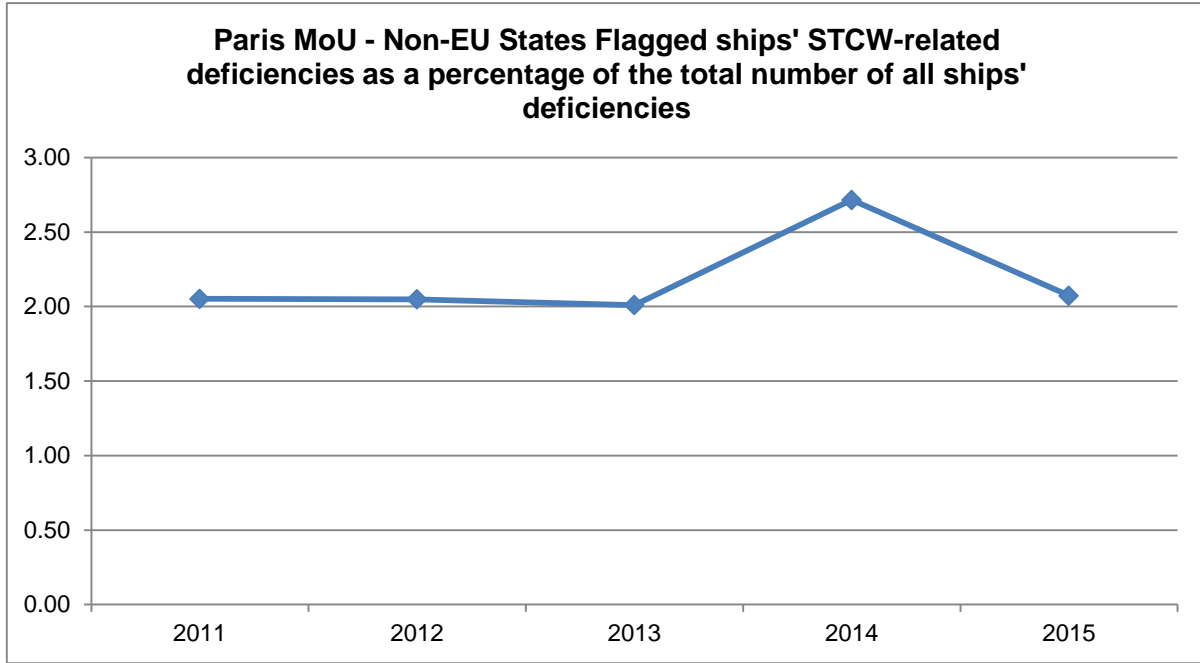
The graph above shows, between 2011 and 2015, a variation in the number of STCW deficiencies with a peak in 2014. The peak observed between 2013 and 2014, according to EMSA PSC experts, may be linked to the concentrated campaign on hours of rest which was also conducted in other MoUs across the globe.



Source: MARINFO

Figure 4-5 STCW-related deficiencies: EU Member States flagged ships

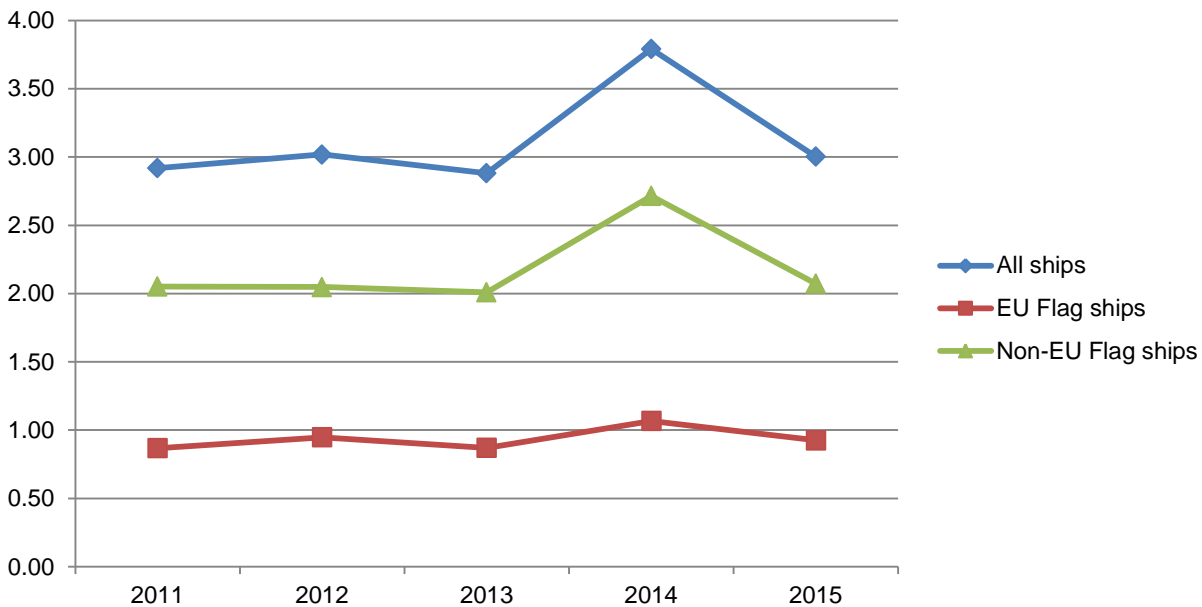
The graph above represents only the related deficiencies in terms of EU Member State flagged ships. A 2014 peak similar to that in Figure 4-5 may also be linked to the referred concentrated campaign. This is also illustrated in the graph below when only non-EU flag ships are considered.



Source: MARINFO

Figure 4-6 STCW-related deficiencies: non-EU States flagged ships

Finally the information presented in the graph below juxtaposes the three scenarios presented above, thus facilitating observation of their parallel trends.



Source: MARINFO

Figure 4-7 STCW-related deficiencies (%): Paris MoU

Taking into account that the concentrated inspection campaign focussed on hours of rest, it results more difficult to distinguish any specific link between the above trends and improper or insufficient education and training. As already pointed out in 3.2.3 above, the current way of collating data about deficiencies does not allow for such surgical observation. This depth would be possible if a different methodology were to be used, essentially allowing for the tracing back of the cause for every single STCW-related deficiency.

The text in Articles 5 (Inspection system and annual inspection commitment), 6 (Modalities of compliance with the inspection commitment) and 7 (Modalities allowing a balanced inspection share within the Community) of Directive

2009/106/EC establish that not all vessels entering Paris MoU ports may be subject to an inspection. The inspection commitment for each Member State is established at the start of the year with Priority 1 and Priority 2 vessels (in accordance with the THETIS system) being those targeted for inspection. Priority 1 vessels shall be inspected while Priority 2 may be inspected in case it is not possible for a Member State to reach its inspection commitment target only with Priority 1 vessel inspections. Consequently as not all vessels are inspected even from a certification point of view, PSC data is not sufficient to allow an evaluation of Directives 2008/106/EC and 2005/45/EC.

4.4. Complaints

A total number of 22 STCW-related complaints were received by the Commission services between 2009 and 2016. However, only four of them had been considered valid by the Commission services. The complaints referred to the qualification of instructors, non-acceptance of seagoing service and the number of hours required for training. All these complaints were addressed by the Commission legal services based on the text of the directives.

However, in addition to the complaints which could be clarified forthwith, other complaints were received on:

- the non-recognition of training documents issued to seafarers by MET institutions located in other Member States for the purpose of issuing or revalidating a certificate of competency or of proficiency;
- the non-recognition by a Member State (for the purpose of issuing or revalidating a certificate of competency or certificate of proficiency) of training documents issued by MET institutions located in its own territory even if the same training documents are recognised by another Member State;
- the non-recognition of certificates of proficiency issued by institutions located in another Member State for the purpose of issuing or revalidating a certificate of competency or certificate of proficiency; and
- the non-recognition of documentary evidence of training, required by the STCW Convention for service on board certain types of ships, issued by MET institutions located in another Member State.

The mutual recognition of certificates for the purpose of issuing endorsements of recognition under Regulation I/10 of the STCW Convention (certificates of competency and certificates of proficiency (issued under Regulations V/1-1 and V/1-2 of the STCW Convention) does not appear to be an issue, as no complaint was received.

In its Article 3, Directive 2005/45/EC states:

1. Every Member State shall recognise appropriate certificates or other certificates issued by another Member State in accordance with the requirements laid down in Directive 2001/25/EC.
2. The recognition of appropriate certificates shall be limited to the capacities, functions and levels of competency prescribed therein and be accompanied by an endorsement attesting such recognition.

In line with what is described above, both these Article 3 provisions do not appear to be the source of any doubt regarding the obligation that Member States have to issue endorsements attesting the recognition of a certificate of competency or certificate of proficiency issued by another Member State. This has enabled holders of EU certificates of competency and certificates of proficiency to get employed on board any EU Member State flagged vessel.

In relation to complaints on non-recognition of education and training diplomas, certificates of proficiency and documentary evidence needed for the issue of national certificates, the Commission, has sought to bring clarity to the matter and on 1 March 2016, circulated a note to Member States' Transport Attaches which, inter alia, states:

"Please be reminded that Directive 2005/45/EC on mutual recognition of seafarers' certificates within the EU requires Member States to recognise certificates issued by or under the authority of a Member State in accordance with the requirements of Directive 2008/106/EC on the minimum level of training of seafarers. In this context, please note that certificates of proficiency issued by a training institution recognised by a Member State under Article 17 of Directive 2008/106/EC fall within the scope of Directive 2005/45/EC and have to be recognised by other Member States".

Despite this note, complaints continued being received on the matter. During the two consultations (OPC and targeted stakeholders' consultation), the difficulty in mutual recognition of certificates and diplomas was also highlighted by some respondents. The quotes below exemplify it:

“Mutual recognition is not always implemented by all Member States (there have been issues on occasion with the recognition of a Member State certificate by another Member States” (OPC) or

“Mutual recognition Directive should be revised. At this moment there are sometimes misunderstandings or refusal of recognition some CoP's by EU Member States. Some of the EU Member States recognise the document of training issued by the MET, and deny from others the same” (Stakeholder consultation - Maritime Administration)

The complaints received reflect the difficulties that shipping companies and seafarers regularly face in terms of mutual recognition of certificates and documentary evidence and cast doubts on the extent of achievement of the goal intended by the adoption of Directive 2005/45/EC concerning the mutual recognition of certificates between Member States.

Clarifications to the Member States and to the industry and possible review of the text in Directive 2005/45/EC appears to be necessary. Any such clarifications, should include one about the meaning of ‘approved’ education and training at EU level. The STCW Convention and Directive 2008/106/EC establish that ‘approved’ means approved by the Party (STCW Convention) or by a Member State (the Directive). Based on such definition, the Parties to the Convention and consequently the Member States can only issue certificates of competency or proficiency if the candidates have completed ‘approved’ education and training programmes. EU Member States have refused to accept training documents issued by MET institutions offering programmes not approved by them for the purpose of issuing their own certificates even if those MET institutions are located in another EU Member State and their programmes and courses are approved by that Member State, a situation which raises questions on the extent to which mutual recognition also applies to education programmes and training courses.

4.5. Assessment files

This analysis considered the period between 2012 and 2016 since, prior to 2012, EMSA was not conducting in a systematic way the follow-up of the assessments of third countries conducted by the Commission. Also before 2012 EMSA was not requesting a voluntary CAP from the inspected third countries.

Out of 443 findings identified during the inspections to third countries, 127 (28.67%) were rectified and closed based on the analysis of the related Corrective Action Plans (CAP) and supporting evidence provided. Three hundred and sixteen remained open to be analysed in the subsequent phase, i.e., during the assessment conducted by DGMOVE.

Of the total number of findings, 350 were considered by the inspection teams as shortcomings, 90 of which were closed while 260 were carried forward to the above mentioned subsequent phase.

Of the 93 findings that were observations, 37 were closed while 56 remained open for the next phase.

For the purpose of this report, only third countries’ assessment files were considered because EMSA has not played a role in the Member State visits’ follow-up process. Nevertheless, the percentage of findings already closed at the stage of the CAP can be considered as an indication of the effectiveness of the system in place in encouraging parties to the STCW Convention to implement and enforce the requirements adopted at IMO level. When the Commission proposes the recognition of a specific third country the actions taken should be already accepted and the deficiencies closed, except minor deficiencies which may need more time to be addressed and consequently are listed for verification during future re-assessment.

4.6. Horizontal analysis

EMSA carries out horizontal analyses of the results of its visits, in order to identify areas related to the implementation of Union Law that are of common concern among Member States and best practices that can be shared.

For the purpose of the REFIT Evaluation the findings of two horizontal analyses were considered. The first was the horizontal analysis completed in 2014 after the end of the first cycle of visits to Member States, while the second was the horizontal analysis completed internally in 2016 specifically for the purpose of this evaluation and comprising the findings resulting from the inspections to third countries.

The results do not differ substantially, with both analyses indicating similar issues.

The horizontal analyses identified that administrations and MET institutions which had no Quality Standards Systems (QSS) or had QSS that were not fully implemented, ran a greater risk of registering deficiencies in a number of processes such as monitoring, training facilities and assessment of competence/examination.

Monitoring of education and training also registered significant deficiencies, which were identified in about half the third countries visited and related to the way in which such responsibility was being fulfilled through adequate control, recording and follow-up. Co-ordination problems were a characteristic occurrence when such monitoring required the involvement of several institutions.

Some deficiencies were also identified in the provision of training facilities, the main issue generally relating to the use of simulators for training and assessment. Findings identified pointed out to deficiencies in the testing of exercises prior to delivery to students. In most of the cases, instructors had not followed a systematic approach (QSS) and as a consequence did not retain evidence to demonstrate that they tested said exercises to ensure that these were appropriate for the intended learning objectives.

The requirements for certification were also subjected to horizontal analysis, which showed that the relevance of seagoing service required for certification is interpreted in widely different ways by Member States/third countries. In order to be certified, seafarers are required not only to achieve the standards of education and training established in the STCW Convention but also to complete a certain period on board a vessel. Article 1.28 of the Directive uses the definition of the STCW Convention in its regulation I/1.28 which states that “seagoing service means service on board a ship relevant to the issue or revalidation of a certificate of competency, certificate of proficiency or other qualification”. While some Member States/third countries interpret that in this clause, the mentioned relevance is intended to be attributed to the ship, others interpret that the relevance is attributed to the service. Other views suggest that both the ship and the service should be relevant. An open approach has been used by the Commission in the assessment of compliance whereby Member States should ensure that they have established criteria to ensure that the seagoing service is relevant. This approach appears to be satisfactory although the formulation of some guiding principles for the establishment of the underlying criteria could be considered. Modifying the definition of ‘seagoing service’ in the STCW Convention would be more challenging given that, due to the international nature of the shipping industry and its international workforce, any such change would have to be agreed at IMO level.

Finally, when the international standards as reflected in the STCW Convention were incorporated in EU legislation, Article IX of the STCW Convention on ‘Equivalents’ was not included in Directive 2008/106/EC. Article IX states that the Convention “shall not prevent an administration from retaining or adopting other educational and training arrangements, including those involving seagoing service and shipboard organisation especially adapted to technical developments and to special types of ships and trades, provided that the level of seagoing service, knowledge and efficiency as regards navigational and technical handling of ship and cargo ensures a degree of safety at sea and has a preventive effect as regards pollution at least equivalent to the requirements of the Convention”. This is particularly relevant as some Member States have used the STCW provision on ‘Equivalents’ despite the same not being included in Directive 2008/106/EC.

In future amendments to the STCW Convention and subsequent incorporation into EU legislation the issues above should be addressed. In particular, when it comes to EU legislation, consideration should be given to whether or not to introduce Article IX on equivalents in the text of the future Directive.

In this respect, it is important to note that the Legal Services of the European Commission did not agree with the view supported by DGMOVE that considered that the references to specific provisions of the STCW Code included in Annex I were to be read as being in their up-to-date versions and that only for completely new requirements would a formal amendment of the Directive be necessary. In a note sent to DGMOVE on 14 December 2015, the Legal Services state that by including in Article 3(1) of the Directive 2008/106/EC the phrase “the requirements of the STCW Convention, as laid down in Annex I of the Directive”, the legislator intended to provide for static rather than dynamic reference for the parts of the STCW Convention which are “laid down in this Annex”. The Legal Services concluded by saying that “a formal legislative procedure is necessary in order to make amendments to the provisions of the STCW Convention laid down in Annex I of Directive 2008/106/EC”.

4.7. Open Public consultation

The OPC was conducive to the formation of an overview of different perspectives of various segments of the public, not necessarily directly involved in the implementation of the instrument being evaluated but having an interest and at least some extent of knowledge of the subject. In this particular case it was noticeable that – possibly because of the specificity of the directives – those who replied to the OPC were to a certain extent interested parties, some of them even having a role in the implementation process.

During the OPC, the respondents were asked to identify the capacity in which they were replying. Of the 53 respondents, 24% replied as a public authority, 21% as concerned citizens, 15% as industry associations, same as those who identified as companies, and those who were other type of actors. Only 6% were seafarers, and 4% non-governmental organisations.

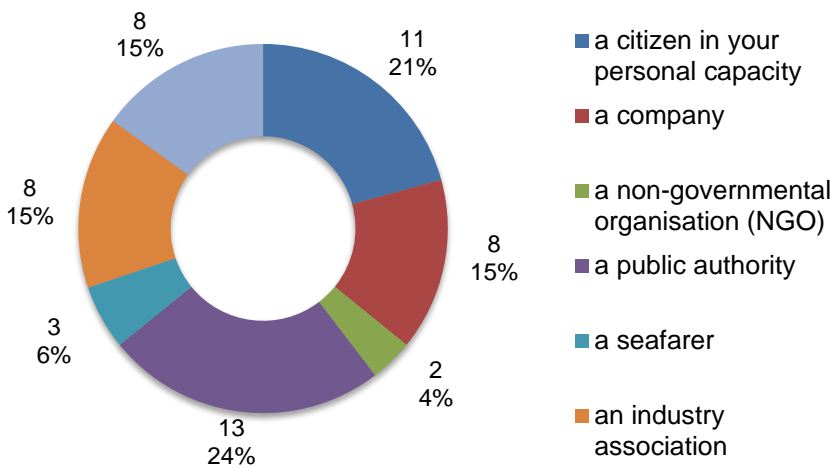


Figure 4-8 OPC respondents

The questions in the consultation addressed each Directive separately. The results and analysis are presented accordingly. However, by way of general observation, it was noted that in their majority, the opinions provided were favourable to the centralised approach that both directives established.

4.7.1. Questions related to Directive 2008/106/EC

In your view, how important is maritime specific education and training of seafarers for the prevention of maritime accidents?

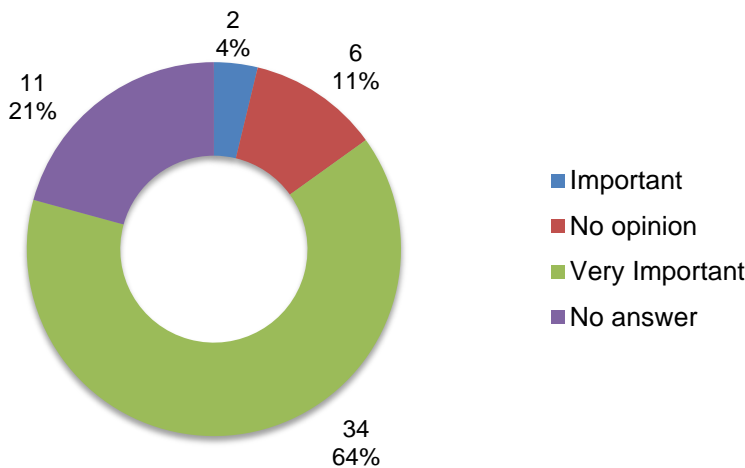


Figure 4-9 Importance of education

Sixty-four per cent of the respondents scored maritime-specific education and training of seafarers as ‘very important’ in the prevention of maritime accidents.

At the same time, 11% among respondents opted for a “No opinion” response and 21% did not answer the question. It is not clear why such a considerable number of respondents did not reply to the question. Nevertheless, the general feeling among the respondents points to the importance of education and training in the prevention of maritime accidents.

In your view, how important is it that the EU verifies that the maritime specific education and training system of third countries complies with the minimum international standards set by the STCW Convention?

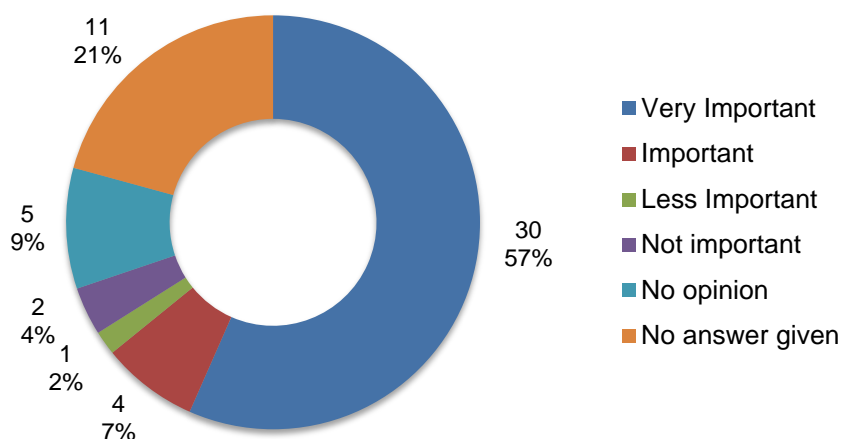


Figure 4-10 Importance of MET

Fifty-seven per cent of the respondents scored as ‘very important’ that the EU verifies that the maritime-specific education and training system of third countries complies with the minimum international standards set by the STCW Convention.

The 30% total of ‘no opinion’ and ‘no answer’ responses suggests that the responses might be influenced by the nature of the topic but also by the respondents’ knowledge – or lack of it – of the system. Following the first question on education and training, the verification is an aspect that is commonly agreed to be an important principle in establishing an effective MET system.

Whilst the majority of respondents agreed on the high importance of verification, some respondents also enclosed comments on the strong relationship between competences and the need to have students effectively assessed. A point was strongly made about the importance that EMSA findings arising out of visits in MET institutions and administrations be used more in producing relevant guidelines to help stakeholders overcome the related deficiencies.

In terms of education and training, respondents also stated that shoreside personnel involved in ship’s cargo planning and related activities should be trained and evaluated in the same manner as ‘maritime officers’ in order to have a strong background to manage effectively difficulties that might arise.

Some criticism was also received as highlighted from the quote below:

“It is difficult to say that the Commission should do more, when it has been incapable to do a proper job regarding the Philippines”.

Proposals have also been put forward by respondents who stated that this verification exercise is very important, as reflected by the following quotes:

“It would be useful that the findings from EMSA visits to those countries are available for research purposes. I do not see the benefit of EMSA and the EC safeguarding this information as confidential. Does EMSA use those reports to conduct research and help those countries to improve in their shortcomings? Why does EMSA not get a more strong role in research like the US Coast Agency and AMSA?”

The system was also supported because “it expresses a common EU policy”, “it reduces the expenses of small EU Member States” and avoids “unnecessary duplication of effort”.

A respondent saw a positive and a negative fact which in his view makes the system less important. On one hand, “it is very slow and cumbersome” but, on the other hand, “EMSA acts as a check where some EU Member States might not otherwise audit”.

In your view, how important is it that the EU verifies the maritime education and training systems of the Member States?

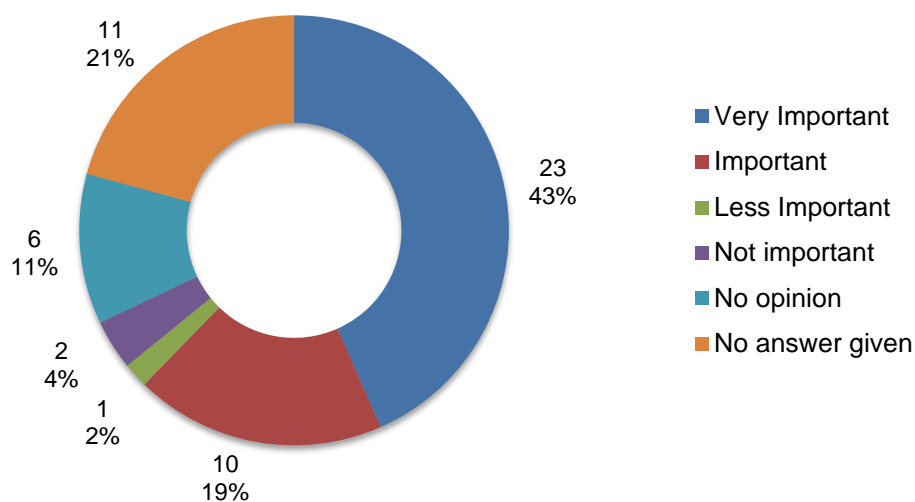


Figure 4-11 Importance of the verification mechanism

The majority of the respondents scored as ‘very important’ that the EU verifies the maritime education and training system of the Member States. Respondents’ comments clearly highlighted the strict need to make sure that the quality of the maritime education is aligned to the “high level of standardisation provided by the EU and streamlined towards the high degree of excellence required as a cornerstone of the sustainability of European policies on legislative continuance, legitimacy as a legislative body and leadership”.

The example that follows illustrates this point:

“If the EU is going to maintain legitimacy as a governing and legislative body as regards this subject matter, it needs to make sure it is compliant internally. The EU normally sets high standards for compliance in most issues. However, if the Member States do not follow the international standards and conventions that they have ratified and the EU does not ensure a level playing field and compliance with international legislation, it will undermine its right to ensure compliance in other countries by bilateral control and through mutual recognition of education and certificates. EMSA cannot make a legitimate claim to control other countries if compliance within the EU cannot be guaranteed”.

Some replies provided examples of and suggestions on inconsistencies across Member States in various curricula in a series of education and training disciplines.

“It would be suggested that these inconsistencies must be addressed by aligning the EU training requirements to international STCW requirements. Where training is provided in excess of the STCW requirements, the curricula must be investigated, elaborated, drafted, proposed and adopted at an European level in order to provide

consistency across the European Union. These standards will then be expanded to the third parties' countries, of which trained nationals serve or will be employed on EU flagged vessels or within the European maritime industry".

A low 4% of the respondents scored Member State systems' verification as 'not important', claiming that most of the content of the regular audits from the International Maritime Organization (IMO) covers the same aspects. Strictly related to respondents' view on the IMO role, some comments considered that the verification of STCW implementation should be an exclusive role of IMO in order to avoid confusion and administrative burden.

"From our point of view it is not much important due to mandatory Audits from IMO and EU verification will be mostly the same" or "consider verification of STCW implementation to be an exclusive role of IMO in order to avoid confusion and administrative burden".

These last comments may be indicative of a misunderstanding about the EU centralised system, not relating it to Regulation I/10 of the STCW Convention (see in this regard section 2.2 above which describes other control mechanisms).

Respondents also noted a non-harmonisation throughout the EU "in spite of EMSA audits, the quality of provision varies widely across the EU. For example there is a large variation between Member States vis-à-vis fire-fighting requirements".

In your view, should the EU legislation be kept aligned with the internationally agreed standards set by the STCW Convention on maritime education and training?

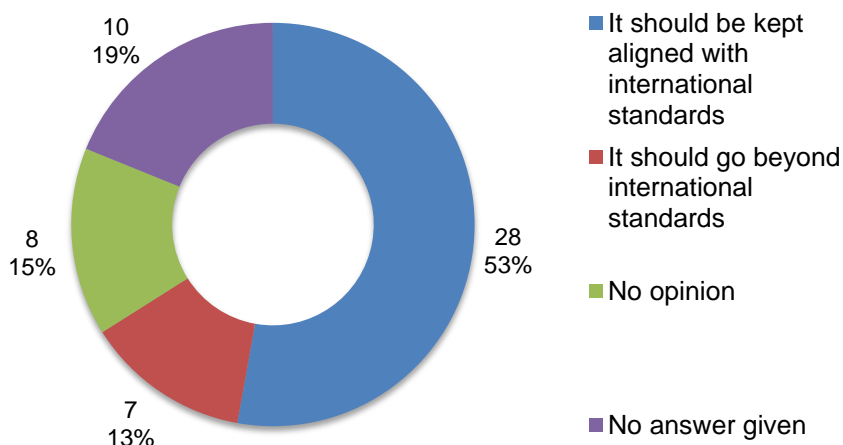


Figure 4-12 Alignment with international standards

Fifty-three percent of the respondents agreed that the EU legislation should be kept aligned with international standards. Thirteen percent opted for it going beyond international standards. In general the indication is that most of the respondents are interested in keeping alignment in the legislation, as illustrated below.

"It should be kept aligned with international standards. The shipping industry was the first truly international industry. For shipping to function efficiently it needs a global level playing field by way of mainly globally agreed rules. This means that shipping must primarily be regulated through IMO. IMO ensures that all international shipping must comply with a minimum set of regulations that safeguards the life of the seafarer, the environment and the ships. Whenever there are local regulations that try to regulate shipping, there are usually adverse consequences. International legislation takes longer to create, but is more durable and will have the same consequences for all stakeholders, creating a level playing field and enabling smooth sailing between different markets and regions. However, we are of the opinion that individual countries should be allowed to improve the quality of their seafarers beyond the limits of the STCW to enhance the competitiveness of the said country's seafarers in the international labour market."

Respondents' opinions on this matter brought to light related matters such as the view that increased standards would definitely force third countries to invest more in maritime education in order to remain competitive.

“For shipping to function efficiently it needs a global efficient legislative framework. This means that shipping must primarily be regulated by the UN through IMO, ensures international compliance with a minimum set of regulations that safeguards the life of the seafarer, the environment and the ships. Whenever there are regional or local regulations that try to regulate shipping, there are usually adverse consequences”.

“It would not be appropriate for EU legislation to go beyond the standards set out in the STCW Convention. Being a global industry it is necessary to have a global level playing field through international regulations and standards, reducing administrative burden and improving safety. Currently, European regions are second and third most popular destinations for cruise ships worldwide. As Europe competes with other regions worldwide, aligning legislation worldwide and providing a level playing field would ensure cruise ships not choosing a non-European destination due to lack of regulatory alignment and administrative burden.”

“The same happens when there are several global or regional legislations applicable to the same industry. For example, the contradictions and the dual compulsory provision of MARPOL and OPA regulations, which impose a financial and compliance burden on commercial enterprises”.

It was also suggested that an additional study be performed in order to determine additional areas where the knowledge and skills of the seafaring personnel could be improved, and relevant steps be taken towards elaboration of new programmes and curricula.

The advance of technology in maritime business must be taken into account when such research and studies are made in order to cover the technological leap for a foreseeable period of time.

A very few views countering the above mentioned general drift are exemplified through the comment below:

“It should go beyond international standards - It should go beyond international standards to keep the quality of European flags of a very high level - but only up to a certain point to keep vessel operation costs internationally competitive. The already very high standard of European maritime education and training should also be manifested in the European maritime regulations”.

In your view, how does the common EU mechanisms of recognition of third countries' maritime specific education and training systems impact the administrative burden for the EU Member States?

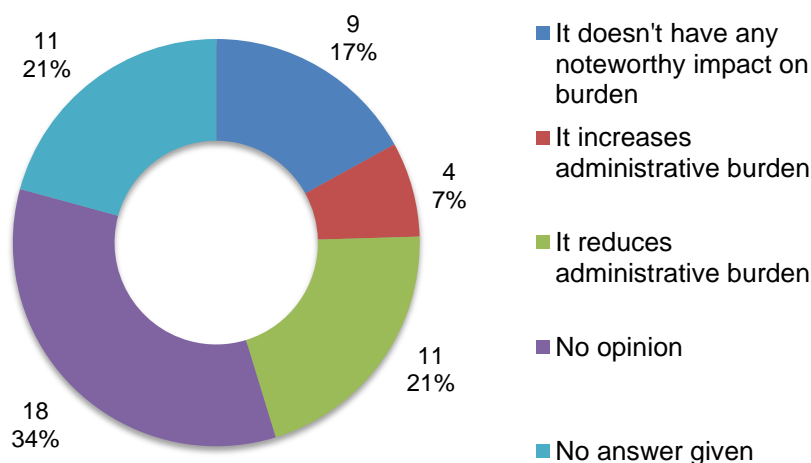


Figure 4-13 EU mechanism and administrative burden

Twenty-one percent of respondents stated that the provisions in Directive 2008/106/EC reduced administrative burden, especially for small EU countries. Around 17% per cent stated that in their view there was no significant

impact and 34% refrained from responding. Only 7% stated that the Directive increased administrative burden, explaining that it increased the administrative burden by “a detailed review of records”.

In your view, how does the common EU mechanism of recognition of third countries’ maritime specific education and training systems influence the costs for the EU Member States?

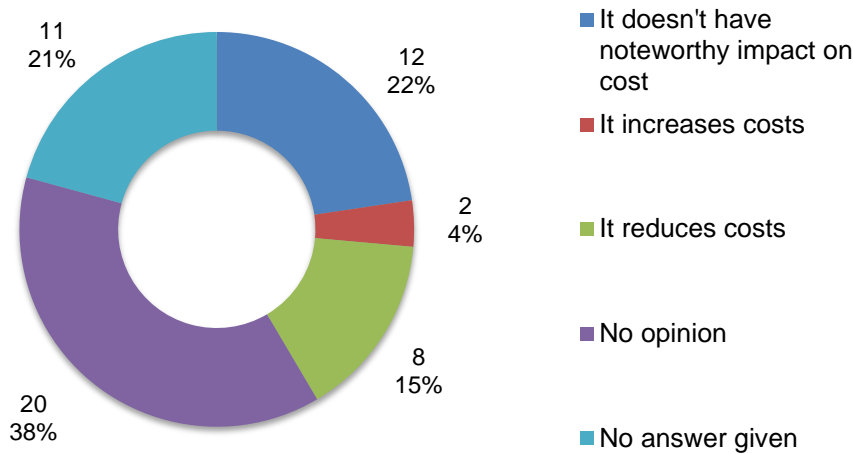


Figure 4-14 EU mechanism and costs

Thirty-eight percent of the respondents did not have an opinion while 21% did not reply to this question. This may reflect the fact that the reply to this question hinges on knowledge of the costs in question, which not many people have, apart from those who are involved in the activity. This is reflected by the following quote: “No data is published by the EC or EMSA in this respect. How are we supposed to know it?”

Despite the above, 15% consider that it reduces costs, highlighting the reduction in travel and accommodation costs. Only a minority of 4% responded that it increases costs. Interestingly, 22% do not see the activity as having a noteworthy impact on cost.

4.7.2. Questions related to Directive 2005/45/EC

To what extent does the mutual recognition of seafarers’ certificates facilitate their professional mobility within the EU?

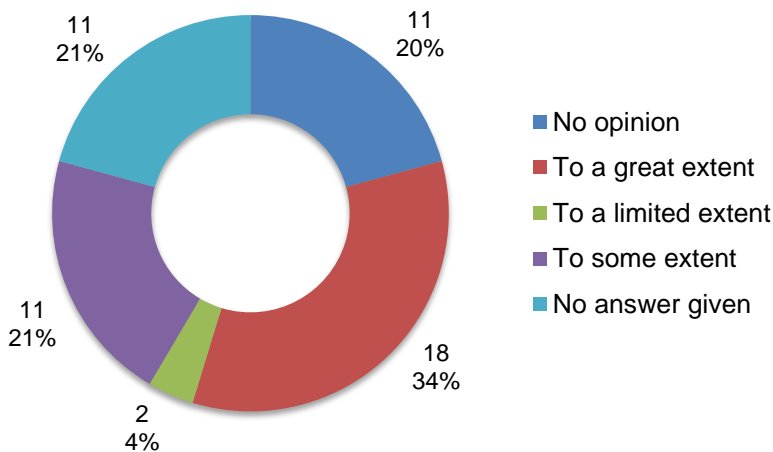


Figure 4-15 Mutual recognition and professional mobility

Twenty-one percent of respondents did not answer and 20% had no opinion on the matter. Respondents agreed that to different degrees, mutual recognition facilitated professional mobility; 34% stated that it facilitated to a great extent, 21% to some extent, and 4% to a limited extent. Countering various difficulties such as language and cultural barriers, respondents stated that certification is the main facilitator of mobility and therefore it is essential that seafarers' certificates be mutually recognised within the EU.

“Mutual recognition is an essential component of the professional mobility of officers within the EU (i.e. they cannot sail on a ship flying the flag of another EU Member State until their certificate is recognised). There are also other factors that may affect mobility (language etc.), however certification is the main facilitator of mobility and therefore it is essential that certificates of officers are recognized within the EU”.

Respondents also stated that this Directive allows for the bypassing of bureaucratic burdens that would otherwise exist were Member States to recognise each other's certificates by their own means. Despite the majority of the respondents not being seafarers, they all agreed on the importance of mutual recognition of the certificates which provides them the right to work on ships under other flags.

“Without mutual recognition of the certificates the seafarer will not be able to work on ships sailing under other flags”

A low 4% stated that the mutual recognition of seafarers' certificates facilitates professional mobility within the EU to a limited extent and there are Member States that encountered situations where certificates were not recognised.

“Unfortunately there are still countries where certificates are not recognised” or “mutual recognition is not always implemented by all Member States”.

Table 4.1 presents the number of EaRs issued by Member States in relation to CoCs originally issued by other Member States. The high number of EaRs shows also the importance of the centralised system to facilitate the work of the Member States by reducing the administrative burden that the evaluation of the Parties as required by the STCW Convention entails.

Table 4-1: Table mutual recognition

EU & EFTA Countries issuing the original CoC	Number of officers holding valid EaRs during 2015																							Total [1]	
	BE	CY	DE	DK	EE	ES	FI	FR	GB	GR	HR	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI		SK
Austria	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
Belgium	0	20	10	2	0	2	0	102	8	4	0	0	0	0	476	0	44	155	0	0	0	0	0	0	814
Bulgaria	202	303	94	19	0	0	0	100	463	27	0	3	109	0	62	0	1763	53	0	106	1	1	0	0	3151
Croatia	388	475	39	90	0	5	1	52	681	0	0	0	109	0	822	0	1396	368	0	96	3	0	6	1	4340
Cyprus	0	0	0	0	0	0	0	0	0	58	0	0	0	0	0	0	429	0	0	1	0	0	0	0	488
Czech Republic	0	1	1	0	0	0	0	0	0	0	0	0	0	0	1	0	4	0	0	3	0	0	0	0	10
Denmark*	2	38	5	0	0	0	1	1	45	0	0	2	0	0	3	3	80	49	0	0	0	49	0	0	276
Estonia	4	236	25	34	0	0	175	3	217	0	0	3	13	9	16	125	204	210	0	25	0	5	0	0	1247
Finland	0	18	3	6	43	0	0	0	21	2	0	0	0	0	5	1	46	29	0	2	0	256	0	0	413
France	28	40	2	2	0	5	0	0	85	0	0	0	18	0	455	0	99	17	0	0	0	2	0	0	749
Germany	1	179	0	16	3	26	2	4	100	0	0	0	54	0	181	1	403	144	4	214	0	0	0	0	1302
Greece	3	1274	1	1	1	0	0	1	41	0	0	6	0	0	3	0	3369	23	0	30	0	6	0	0	4754
Hungary	0	6	1	0	0	0	0	0	0	0	0	0	0	0	0	0	3	0	0	2	0	0	0	0	12
Iceland	0	2	5	7	12	2	0	0	4	0	0	0	0	1	1	0	0	0	12	0	0	2	0	0	48
Ireland	0	34	1	8	0	0	0	0	326	0	0	0	0	0	6	0	31	16	0	2	0	0	0	0	415
Italy	2	114	4	1	0	3	1	4	602	1	0	0	0	0	19	0	376	14	0	72	0	1	5	0	1202
Latvia	35	445	50	131	13	0	3	78	731	3	0	3	24	8	63	0	851	355	1	118	0	19	0	0	2734
Lithuania	25	418	108	57	3	14	0	29	489	0	0	35	11	0	209	20	303	265	1	109	0	3	0	2	1804
Malta	0	2	2	0	0	0	0	0	9	0	0	0	0	0	2	0	0	1	0	2	0	0	0	0	18

Netherlands	452	558	136	38	0	6	7	11	118	0	5	1	0	0	449	3	433	0	0	8	2	4	0	0	2191
Norway	0	175	2	27	0	1	5	9	200	0	0	0	0	0	3	0	405	21	0	2	0	31	0	0	878
Poland	59	2619	810	437	0	2	5	117	2039	19	0	340	37	0	345	5	2853	246	0	579	0	29	0	6	10114
Portugal	1	8	2	8	0	5	0	0	16	0	0	0	0	0	2	0	80	5	0	0	0	0	0	0	126
Romania	71	437	182	290	0	1	0	529	828	196	0	0	371	0	204	1	2398	276	0	332	0	4	0	0	5815
Slovakia	0	3	3	0	0	0	0	0	0	0	0	0	0	0	1	0	7	0	0	7	0	0	0	0	21
Slovenia	2	54	1	1	0	12	0	3	28	0	7	0	31	0	14	0	55	13	0	11	0	0	0	1	199
Spain	11	147	6	7	0	0	0	5	173	9	0	0	5	0	36	0	434	44	0	176	0	1	0	0	1032
Sweden	1	88	11	388	1	1	26	2	84	0	0	0	0	0	3	1	118	16	0	2	0	0	0	0	736
United Kingdom	109	650	10	559	2	4	1	79	0	3	0	53	189	0	170	0	1394	389	0	51	0	5	0	0	3636

[1] The sum of the columns may not be equal to the total because some officers held EaRs issued by different EU/EFTA Countries

* Includes Faroe Islands

Are you aware of the type of certificates that are covered under the mutual recognition regime?

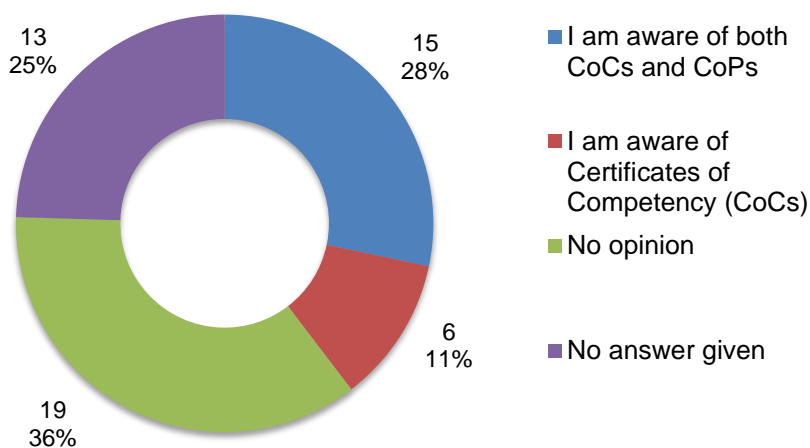


Figure 4-16 Awareness of certificates

Respondents’ knowledge of and familiarity with the matter enquired and its implications is a significant factor to be considered, together with their openness and social status. It is to be noted that the respondents belong to a large range of stakeholders with differing levels of knowledge concerning the evaluated directives and their implication in the maritime sector. The findings following this specific question highlighted that a significant number of respondents does not possess strong knowledge related to the type of certificates covered under the mutual recognition scheme. This fact might have influenced respondents’ tendency for the ‘no opinion’ (36%) and ‘no answer’ (25%) options.

Twenty-eight per cent of respondents have replied that they are aware of both CoCs and CoP and other “Boat masters Certificates and Fishing CoCs”.

What is the impact of the mutual recognition of seafarers' certificates on administrative burden and costs for seafarers when applying to work on board another EU flagged vessel?

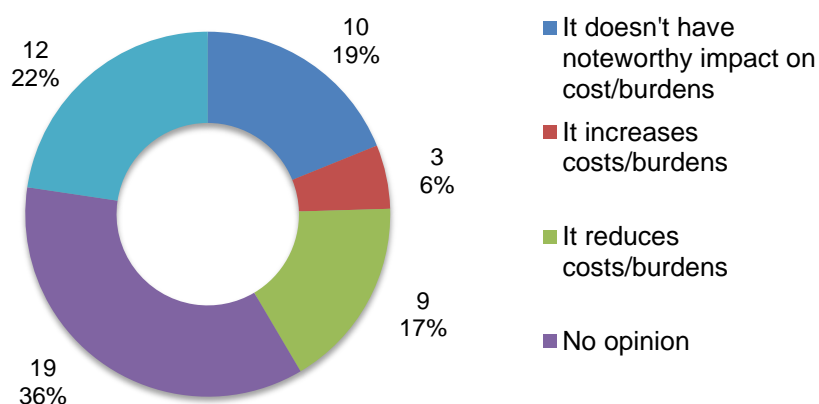


Figure 4-17 Impact of mutual recognition of seafarers certificates on administrative burden and costs for seafarers

A significant percentage of respondents had 'no opinion' on the matter or did not answer. An extremely low percentage of respondents stated that costs and burdens were increased.

Respondents agreed on the benefit for seafarers holding a qualification issued by a Member State which is automatically recognised by other Member States, so that "seafarers do not need to duplicate training".

Furthermore, the mutual recognition of seafarers' certificates is highlighted as a facilitator in the process of their education, training and certification and 17% of respondents stated that costs were reduced for seafarers due to the simplification of administrative processes and burden.

Moreover, "because of mutual recognition of seafarers' certificates the costs can be reduced because in most cases no additional or parallel certificates/training are needed".

Do you know cases where a seafarer's certificate issued by a Member State was not recognised by another one?

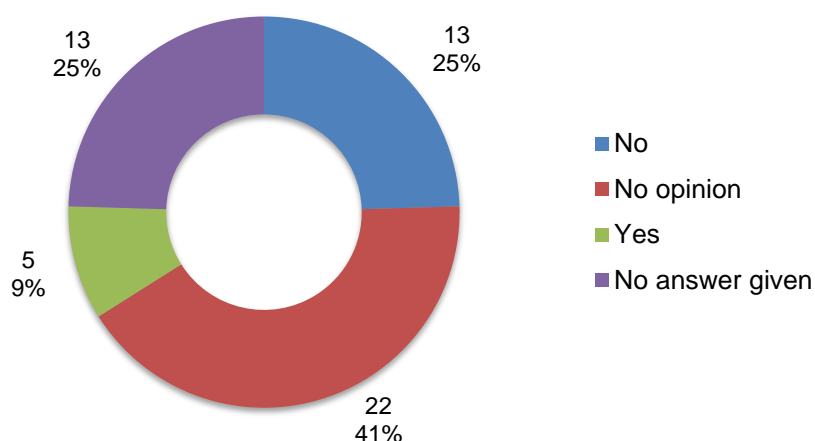


Figure 4-18 Non-recognition of certificates

Respondents stated that there are still Member States where certificates issued in another Member State are not recognised. They mentioned various situations where certain training courses, such as ancillary courses under chapter VI of the STCW Convention (basic safety, advance firefighting, Proficiency in Survival Craft and Rescue Boats other than Fast Rescue Boats (PSCRB), conducted within a training institute approved in one Member State were not recognised by other EU Member States.

“We experience often that certain training, such as STCW Chapter VI (basic safety, advance firefighting, PSCRB) conducted within the EU at an approved training institute is not recognised by other EU Member States”. This issue is further discussed in another section of the report.

4.8. Targeted Stakeholder consultation

While the public consultation did not have a particular target but was open to all interested parties, the targeted stakeholders consultation aimed at a specific respondent base made up of people who, in different roles and through different aspects, are fully engaged in the implementation of the Directives and the STCW Convention. Stakeholders addressed included all EU maritime administrations, EU shipowners, EU MET institutions, EU trade unions and seafarers. Targeting seafarers resulted to be difficult because no individual contact details could be procured. For this reason trade unions were invited to distribute the questionnaire among their members. Unfortunately, this channel turned out not to be effective since no individual seafarer replied to the questionnaire. Nevertheless, because seafarers replied to the OPC, this group was covered and the views of those who work at sea were considered for the evaluation exercise.

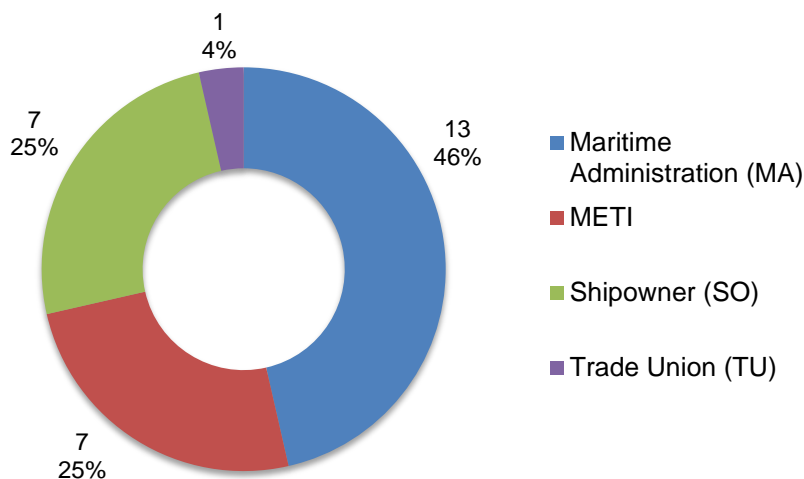


Figure 4-19 Type of stakeholders

Forty six percent of the respondents to the questionnaire work in maritime administrations, 25% in MET institutions and the same percentage in shipping companies. Despite the request by the European Commission when sending the questionnaire, only one trade union replied to it. Nevertheless, it is the largest trade union in the EU, with members from two relevant maritime EU Member States. Being so concentrated, this response may not be the ideal sample but it still provides a view from the trade unions' side.

The replies are presented and analysed per question.

In your view, how important is maritime education and training of seafarers for the prevention of maritime accidents?

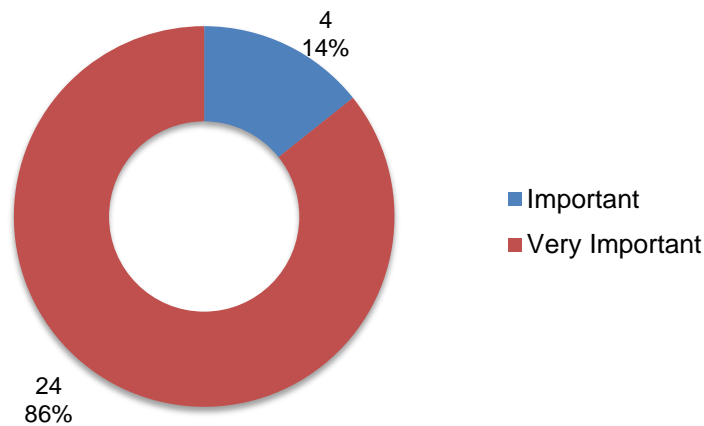


Figure 4-20 Importance of MET for prevention of accidents

The maritime players are aware of the importance of the human element in maritime accidents. Around 80% of accidents are accepted to have a human element root cause. Thereagain, this number could be even higher if the human element as an indirect cause were to be factored in.

The perception of this reality by respondents is evidenced not only by an 86% response that considered maritime education and training as very important for the prevention of accidents but also by the comments included in the replies, some of which are quoted below. Examples include:

“obviously any lack of training may increase risk of accidents” (Maritime administration) or “the nature of shipping is quite complicated and sophisticated, this demands for deep knowledge in the field. This knowledge can be obtained only by combined sea practice and study” (Maritime administration).

Additional comments put forward by the respondents reflect the general perception that exists of the importance of maritime education and training, such as,

“for safety reasons, in particular, it is very important that qualification of seafarers meet the minimum international required standards, as laid down by the STCW Convention. The main issues which can have an effect on the potential for human error are education, training, as well as working conditions. Therefore, the better the education and training received by seafarers is, the safer shipping will become” (Maritime administration).

In addition to the 86% of respondents that considered education and training as very important for the prevention of accidents, 14% considered it important. On a scale that included five options and that varied from very important to less important, only the two referred options were chosen by the participants. Such responses can illustrate support for the implementation of standards on education and training and consequent delivery of education and training courses designed to comply with them.

In your view, how important is it that the EU verifies that the maritime education and training systems of Member States and third countries comply with the minimum standards set by Directive 2008/106/EC and the STCW Convention, respectively?

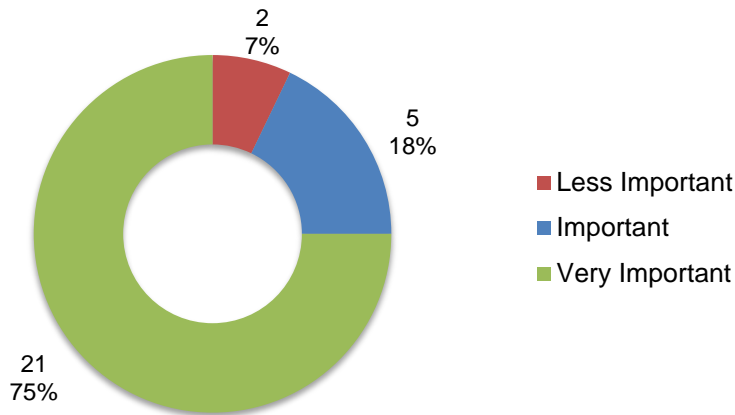


Figure 4-21 Importance of the EU mechanism

A high percentage of the respondents (75%) considered ‘very important’ that the EU verifies compliance with Directive 2008/106/EC and the STCW Convention, with 18% stating it as ‘important’. Such a high number of respondents giving importance to the centralised task conducted by the Commission and EMSA reflects a positive perception of what has been achieved.

The following pie charts show the breakdown of opinions per stakeholder profile. Only information for trade unions is not included, as only one of them responded to the questionnaire.

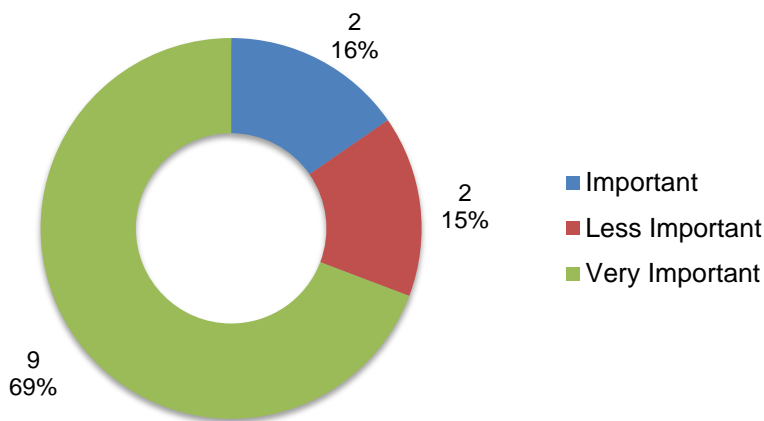


Figure 4-22 Breakdown per maritime administration

Of the maritime administrations that responded, a high percentage (85%) considered it at least important that the EU verifies that the maritime education and training systems of Member States and third countries comply with the minimum standards set by Directive 2008/106/EC and the STCW Convention. It is also interesting to note that some – albeit only 15% of – maritime administrations answered that this was “less important”.

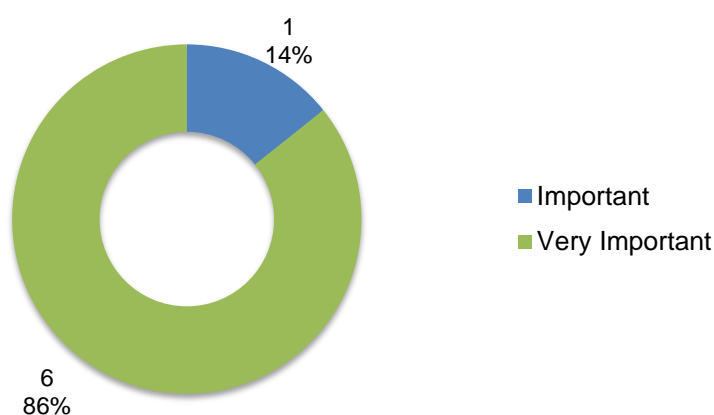


Figure 4-23 Breakdown per MET institution

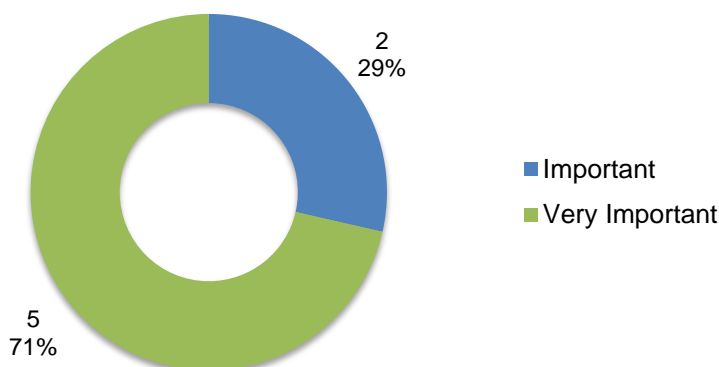


Figure 4-24 Breakdown per shipowners

In the case of MET institutions and shipowners, in both cases all respondents said it was either important or very important. Eighty-six percent of the MET institutions replied that it was very important, with 14% stating that it was only important. Seventy-one percent of shipowners answered “very important”, with 29% replying it was important.

Also in relation to this question interesting comments were put forward and are illustrated by the following:

“The quality of seafarers depends on the education and training that they passed. Quality of education among others depends on the control exercised. The control carried out by the IMO is based on papers submitted and once a Member State is entered in the so called "White List" no chance to be taken out. Instead the EU carries out verification on site and has the right to take out a country from the list of recognises third countries” (Maritime administration), or also “Taking into account that large number of foreign seafarers (holding certificates issued outside the European Union) work on board EU flagged vessels and their numbers are increasing and they are also taking over more and more senior officer functions, EU plays very important role in verifying that maritime education and training system of third countries complies with the minimum international standards set by Directive 2008/106/EC and the STCW Convention” (Maritime administration).

One respondent also addressed the reduction of burden that such verification implies,

“When the EU verifies Member States’ and third countries’ compliance with the international standards and the directive 2008/106/EC, it contributes to a common global training and education level and reduces the burdens of a verification system” (Maritime administration).

Despite the above, two negative views were also put forward and are illustrated by the following quotes,

“This double verification imposes higher standards for the Member States as against non EU Member States, and it's also facilitating non EU seafarers' access in the detriment of the EU ones” (Maritime administration) and

“Since a Member State's IMO Audit scheme became a mandatory instrument, in principle the same verification by EU body does not seem to be of much value anymore” (Maritime administration)

However, these two views appear to be based on lack of familiarity with the verification conducted at EU level since they ignore two salient points. First, there are no double standards imposed, as the standards of education, training and certification are commonly based on the STCW Convention and therefore the same, irrespective of whether the country in question is a Member State or a third country. Secondly, as referred in other parts of the report, the EU centralised system is based on Regulation I/10 of the STCW Convention while the IMO mandatory audit scheme (see section 2.2) has different purposes and the verification is distinct.

Are you aware of maritime accidents where lack of training could have been a cause?

This question was asked to maritime administrations, shipowners and trade unions. The majority of the respondents, as evidenced by the pie chart below claimed to have knowledge of such situations.

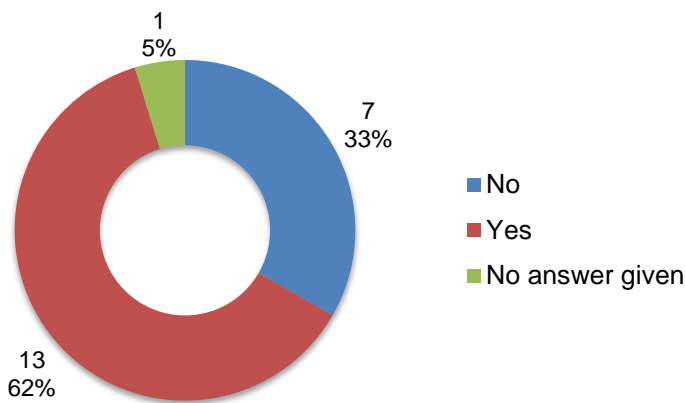


Figure 4-25 Awareness of accidents caused by lack of training

However when analysing the responses provided by the maritime administrations, such number goes to 77% while when analysing the responses provided by shipowners it only reaches 29%. Although the question was listed in the questionnaire addressed to the trade unions, only one replied. Therefore, a pie chart is not presented but such response was affirmative.

Maritime administrations:

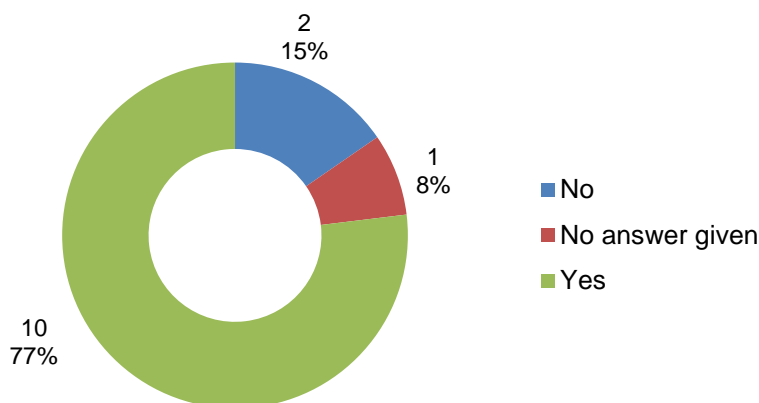


Figure 4-26 Awareness of accidents caused by lack of training: maritime administrations

Shipowners:

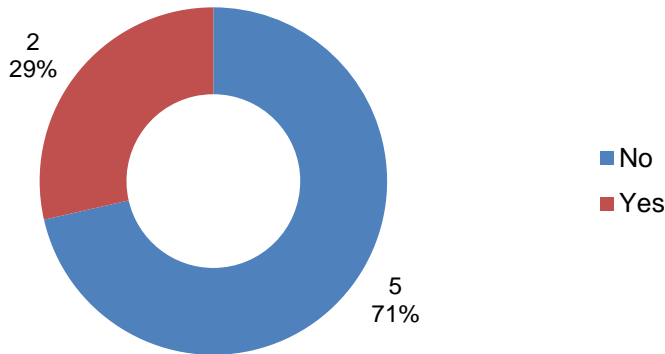


Figure 4-27 Awareness of accidents caused by lack of training: shipowners

The respondents were asked to provide specific examples of maritime accidents that they were aware of where lack of training could have been a cause. Some examples were provided where improper use of the COLREG, inadequate use of the English language, inability to identify corrosion or unsuitable maintenance plans were noted by the respondents.

Maritime Administration only: In your view, how does the EU verification mechanism of third countries' maritime education and training system impact the administrative burden for the EU Member States?

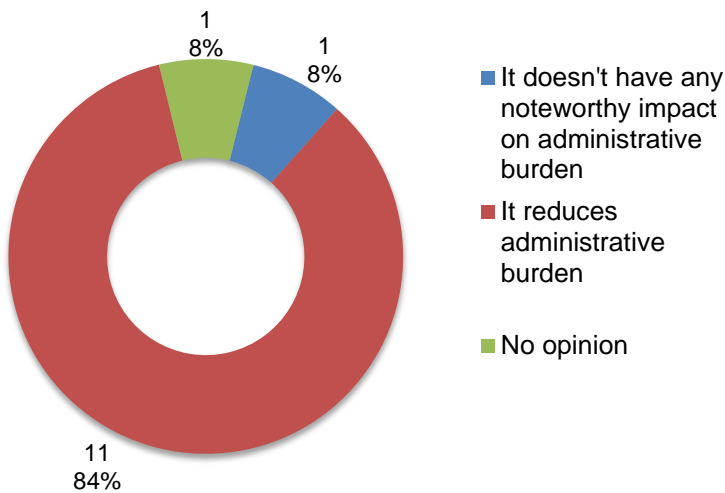


Figure 4-28 Impact on administrative burden

The number of maritime administrations which consider that the EU verification mechanism reduces the administrative burden is very high, reaching 84% of the respondents, while 8% consider that it does not have any noteworthy impact on administrative burden and another 8% did not express any opinion. Among those responses which consider that the EU system reduces administrative burden the following quote is illustrative:

“The work to evaluate a third country education and training system, as it is required by the STCW Convention amounts to review and evaluate hundreds of pages of legislation, education curricula and administration arrangements. To visit education and training institutions, evaluations have to be done by proper qualified persons having maritime background. All this is entrusted to EMSA and EC which reduce the burden to the administration at least 160 man/hours per a country”.

Other respondents also acknowledged that there is a reduction in the administrative burden but were less sure about the cost saving element, stating for instance that it is “impossible to estimate” or that “we do not have any statistics to highlight the amount of money and time reduced”.

Of relevance is also the following quote from one maritime administration which stated that:

“The EU verification system of third countries helps by giving EU Member States an extra peace of mind when recognising certificates issued by third parties as such parties would have only been recognised when they are fully compliant with Directive 2008/106/EC. It also omits the need for multiple inspections made by all Member States on the third country. Both man hours and costs would vary according to the organisational structure of the training/certification setup of the third country”.

Among the administrations that see a cost reduction, one noted that “if the EU recognises a third country, that is the signal for all other EU countries that this third country has the same standards. After that, there is no need to recognise that country by every EU Member State, as such could increase the costs. Generally it saves the audit costs multiplied by every EU country”.

Finally, another administration stated that, although without costs to present, it considers that the “administrative burden is significantly lowered by removing the responsibility from the Member State”.

Maritime Administration only: The Commission, assisted by the European Maritime Safety Agency, assesses the maritime education, training and certification systems of third countries. Does your administration carry out additional assessments?

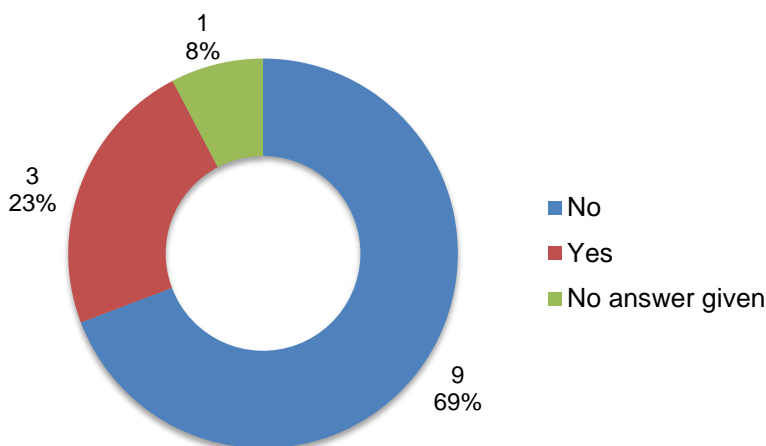


Figure 4-29 Additional assessments

Sixty-nine percent of the 13 administrations which replied to the questionnaire stated that they did not carry out additional assessments following the Commission’s assessment. In general, it would appear that what is carried out is not a physical on-site inspection but a documentary review, as illustrated by the following quotes:

“The Administration carries out additional assessments to ensure that the country with which an undertaking in terms of Article 19 of the Directive is being finalised meets the requirements of the Directive, furthermore all document trails are kept in the Administration’s records. One of the requested documents would be the report of the EMSA (EU) inspection as the findings in the said report would definitely give more peace of mind”, and “on a case by case basis we have contacts to foreign maritime administration, if necessary in most cases via e-mail and exchange of relevant information, no field visits or inspections so far”.

Another maritime administration, however, highlighted that “additional inspections are carried out only in situations where we have serious doubts about the third country MET system. The costs mostly relate to the travel activity, preparation and reporting. They will vary depending on the said country and are comparable to the cost EMSA hold for same kind of activities”.

Addressed to all stakeholders except MET institutions: In your view, could the EU verification mechanism of third countries' and Member States' maritime education and training systems be somehow improved?

Sixty seven percent of the respondents replied that the verification mechanism can somehow be improved while 28% did not express any opinion, as illustrated in the chart below.

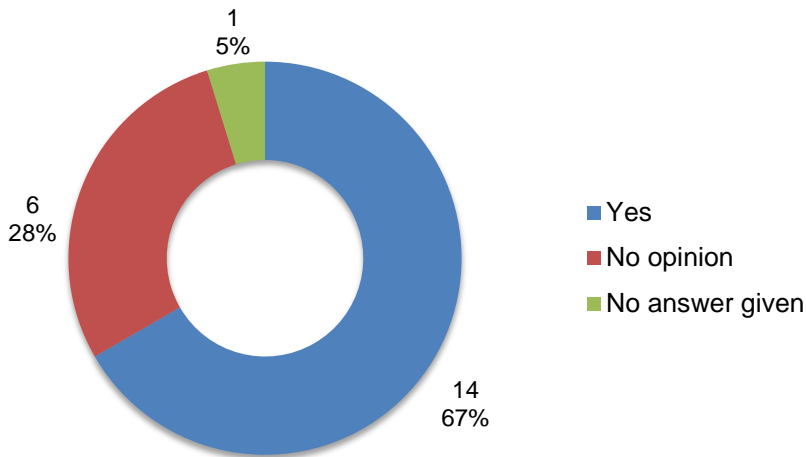


Figure 4-30 Suggestions for improvement of the mechanism

All shipowners and the relevant trade union agreed that the MET verification system of the EU could be improved. As for the maritime administrations, whose results are shown in the chart below, 46% of them considered that there could be an improvement of the EU system, while a further 46% had no opinion, and 8% did not give an answer.

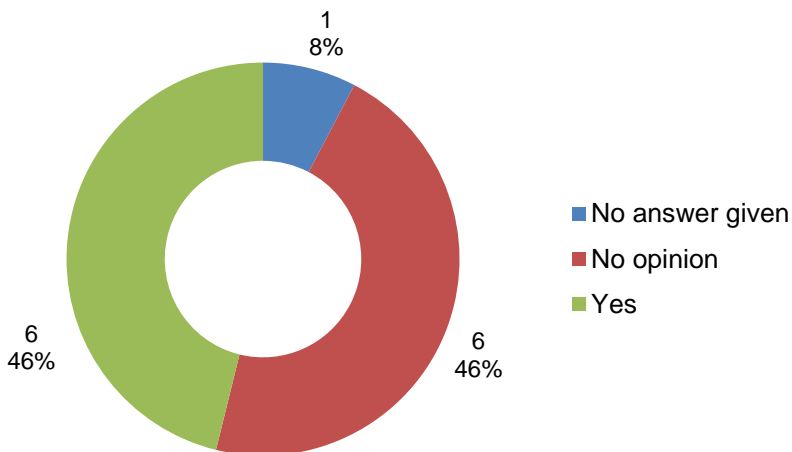


Figure 4-31 Breakdown by maritime administrations – suggestions for improvement

Suggestions for improvement received from these stakeholders are listed below:

- Reduction in time gap between inspection completion and approval decision;
- Reduction of visits to Member States and increase in the number of visits to third countries;
- Assessment of the resources available to comply with the intended intervals between inspections;
- Detailing of the specifications of which training and certificates should be recognised;
- Invitation for Member States to be invited to participate in the inspections.

As regards the suggestion to reduce time between the inspection and the approval decision, this matter is addressed in another section of this report wherein it was indeed found to be an area where improvements can be

made. The recognition of education, training and certification is also addressed in the complaints section and it is an issue that has been mentioned often by different players and that deserves the attention from both the European Commission and EMSA. The remaining suggestions focus on the way the inspections are planned and conducted but propose arrangements which would be conducive to non-compliance with the text of the Directive. With regards to the suggestion to reduce Member State visits, for example, it should be highlighted that the current number of visits to Member States already struggles to meet the directive's prescription that a full cycle should be completed within five years. With reference to the suggested participation of Member States in inspections, this may require further discussion among the Member States to define what would be the role of a Member State representative in an inspection, acknowledging also that there would be limits to such involvement in order to ensure that inspections are conducted in an organised way.

Shipowners put forward additional suggestions such as:

"Transparency and published lists of approved training providers would be very useful. A database linking individual member state records would be very useful";

"More clarity and transparency in the process and a clear timeline for recognition of certificates would benefit the industry as it will greatly help understand the supply available to the EU fleet at any given time. In particular, information on who is being assessed, who will be assessed next, who was assessed last, the length of time before another assessment takes place, when the recommendations of assessment will be discussed and when the decision is expected to be made at COSS would be of considerable assistance to EU-based companies";

"EMSA should play a more centralised role in verifying Member States MET systems and those of third countries but always in collaboration and alignment with IMO. Especially for EU Member States it is necessary to adopt a universal approach with EMSA being the competent entity. Once confirmed by EMSA it should not be possible anymore to place national restrictions by individual Member States. For example, it is reported that at least one Member State does not recognise STCW certificates (CoPs) of other EU Member States issued to its nationals/seafarers".

Again this last suggestion highlights the issue being faced by some administrations and shipowners regarding mutual recognition of certificates.

Addressed to all stakeholders except MET institutions: In your view, should EU legislation be kept aligned with the internationally agreed standards set by the STCW Convention on maritime education and training?

Eighty-six percent of the respondents would like to see the EU legislation kept aligned with the STCW standards. This is mainly justified by the objective of keeping a level playing field at international level without establishing standards "more stringent to EU seafarers" (Maritime administration). Nevertheless, those few who would like the European standards to exceed international ones justify this option by the fact that "the national legislation of some EU Member States" is "more advanced than STCW" (Maritime administration). Despite this view it should be noted that in general there is no evidence to confirm such statement.

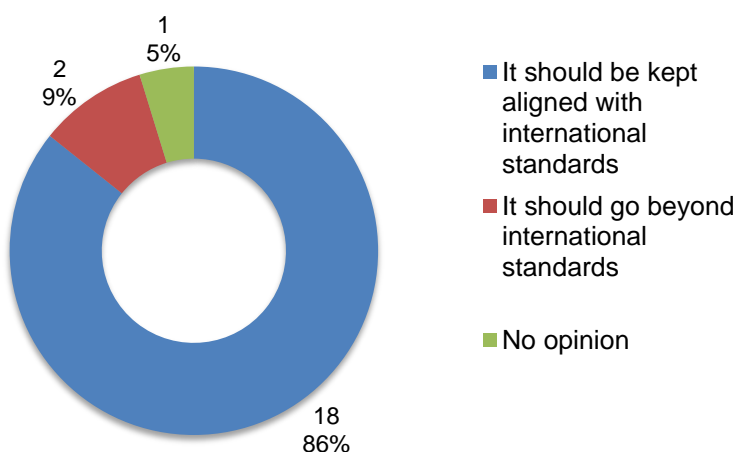


Figure 4-32 Alignment with international standards

The chart below shows the opinion of the maritime administrations.

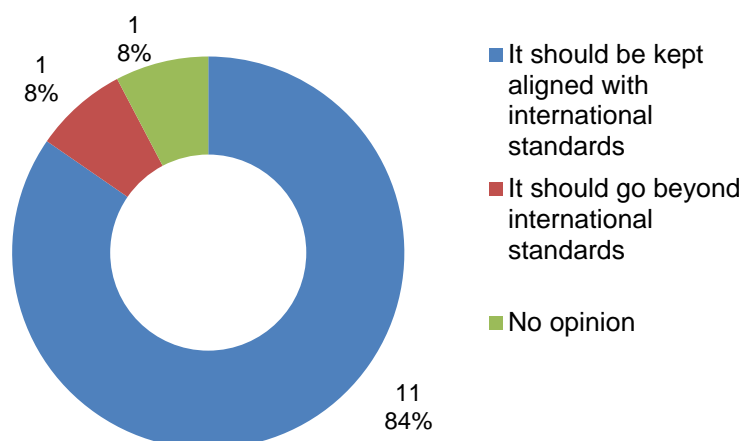


Figure 4-33 Alignment of standards – maritime administrations

Eighty-four percent of maritime administrations replied that EU legislation should be kept aligned with international standards. Eight percent had no opinion, and a further 8% answered that it should go beyond international standards. All shipowners commented that it should be kept aligned, while the trade union replied that EU legislation should go beyond international standards.

Addressed to all stakeholders except MET institutions: Are you aware of the type of certificates that are covered under the Directive on mutual recognition of seafarers' certificates?

Sixty-six percent of all respondents expressed awareness regarding both CoCs and CoPs.

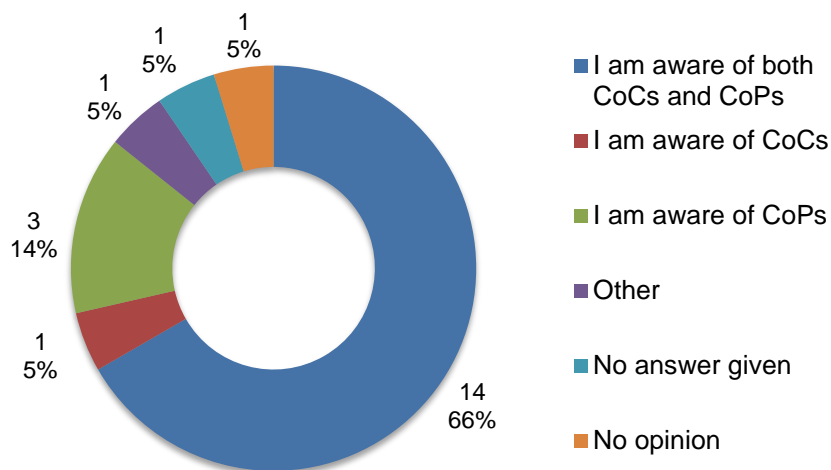


Figure 4-34 Awareness of certificates

The chart below shows the awareness of different types of certificates shown by the maritime administrations and shipowners.

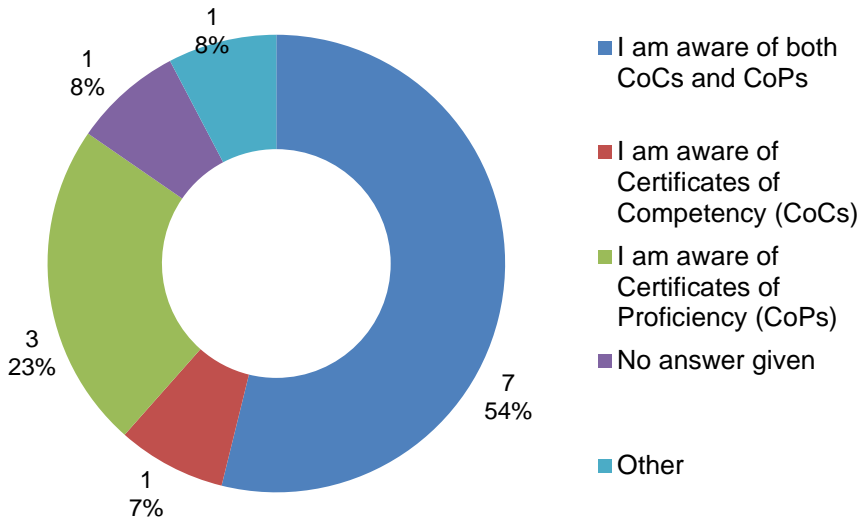


Figure 4-35 Awareness of CoCs and CoPs – maritime administrations

Fifty-four percent of the maritime administrations that answered the questionnaire replied that were aware of both CoCs and CoPs.

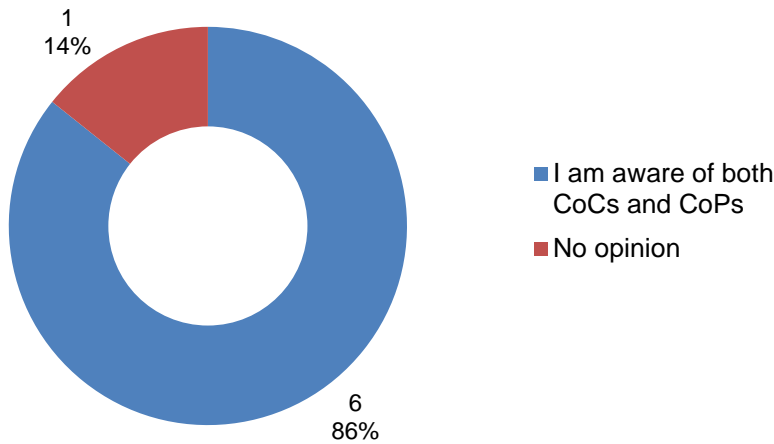


Figure 4-36 Awareness of CoCs and CoPs - shipowners

Eighty-six percent of the shipowners that replied to the targeted consultation said they were aware of both CoCs and CoPs, while 14% had no opinion. The trade union answered it was aware of both CoCs and CoPs.

The following questions were addressed to MET institutions with a view to understanding what the respondents think of the methodology used by EMSA during the visits to their institutions,

Do you believe that the methodology of inspections could be improved?

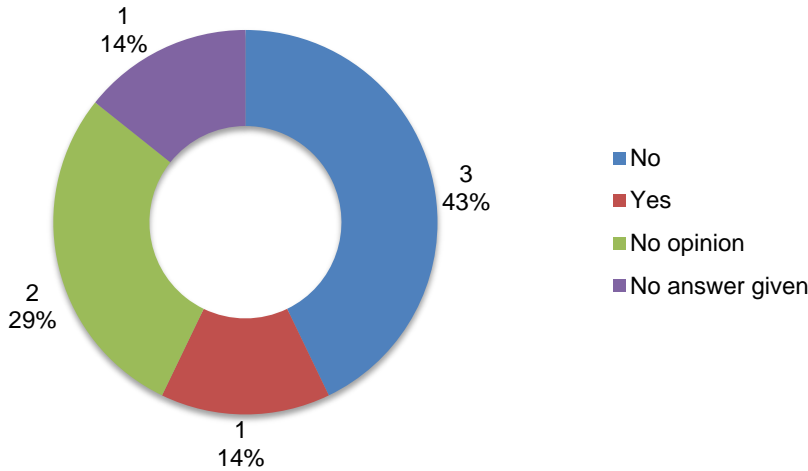


Figure 4-37 Improvement of the methodology for inspections: MET

The distribution of responses to this question suggests that the current methodology for visits/inspections is in general satisfactory, with only 14% of the respondents from MET institutions seeing room for improvement in the methodology. No specific suggestions were put forward, except “requesting check lists to be sent to the MET institutions to allow them to be better prepared for the inspection”. This suggestion does not take into account that the conduct of EMSA visits/inspections is not solely based on a limited and pre-defined set of straight-answer questions but follows a process approach which includes various verification and inquiry techniques. It should be noted that the methodology used for the visits/inspections is the same for the institutions located in Member States as well as those located in third countries.

In your view, to what extent have the inspections conducted by EMSA to your institution contributed to the improvement of your system?

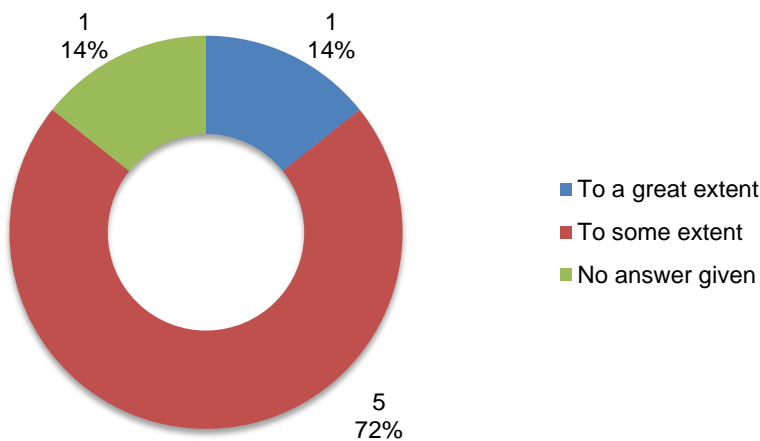


Figure 4-38 Improvement of the system

Seventy-two percent of the respondents considered that to some extent the inspections contributed to the improvement of their system of education and training with 14% stating that they contributed to a great extent.

If the inspections of EMSA have contributed to the improvement of your system, in which areas have they contributed the most?

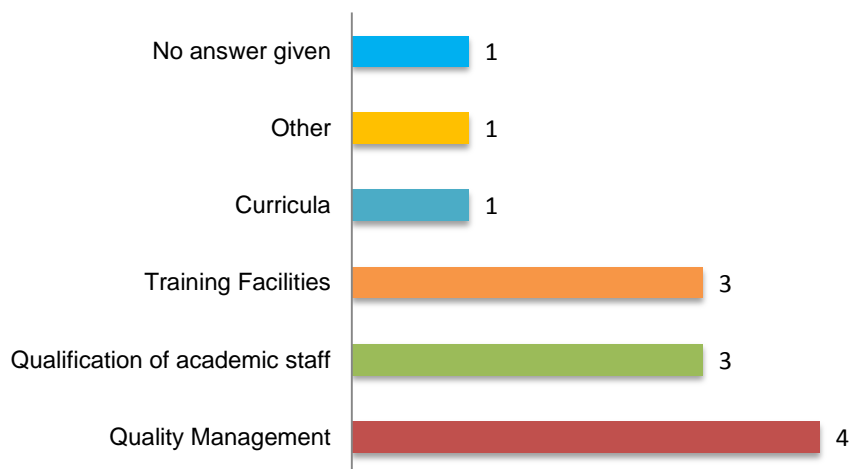


Figure 4-39 Areas where improvement in MET was referred

Interestingly the area mostly referred to as being subject to the major impact was quality management. This may also be a consequence of the introduction of quality management systems in the maritime education and training institutions being still at a very early stage. The fact that the sample of MET institutions that participated in the stakeholder consultation was not high requires these results to be treated with caution but the perspective gained from the EMSA visits and inspections also points in this direction. Some years down the line with the maritime sector more familiarised with the implementation of quality management systems, in particular in the MET area, it will be important to verify what changes occur. Difficulties in the implementation of quality systems were also identified through horizontal analysis of the findings in the reports of the visits to Member States and third countries.

Addressed to shipowners and trade unions: Are you aware of cases where a Member State refused the recognition of a seafarer’s certificate issued by another Member State?

Sixty-two percent of these stakeholders are not aware of cases where a Member State refused the recognition of a certificate. Not being a significant number, due to the limited number of respondents who replied, this response is nevertheless relevant because of the objective of Directive 2005/45/EC on mutual recognition of certificates across Member States.

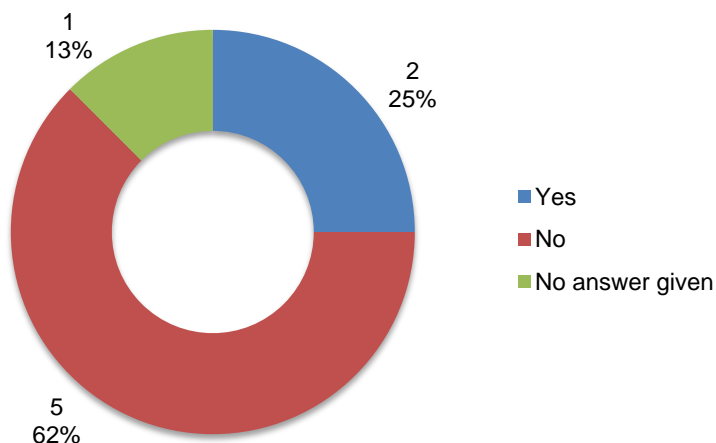


Figure 4-40 Refusal of recognition of certificates: shipowners and trade unions

The 25% of respondents who replied positively represent only two respondents and refer specifically to the non-recognition of a CoP or training certificates. The following is an excerpt of a comment written by one of them: “the administration does not recognize certificates issued by a Member State if they are issued through an institution that is not in that Member State” (Shipowner). The second respondent’s feedback on this issue is part of a complaint about another matter. The relevant quote notes that, “we experience often that certain training, such as STCW Chapter VI (basic safety, advance firefighting, PSCRB), conducted within the EU at an approved training institute is not recognised by other EU Member States” (Shipowner).

Once again the above illustrates the constraints that exist in terms of mutual recognition, highlighting the need for further clarification.

Maritime administration only: Has your Administration refused the recognition of certificates issued by another Member State?

Linked to the previous questions, which were addressed to the other stakeholders, this question was asked only to maritime administrations as they have the responsibility to recognise the certificates. In this case, 12 out of the 13 administrations answered that they had never refused the recognition of a certificate while only 1 chose to reply ‘no opinion’. No maritime administration mentioned having refused the recognition of a certificate.

Addressed to all stakeholders except MET institutions: To what extent does the mutual recognition of seafarers’ certificates facilitate their professional mobility within the EU?

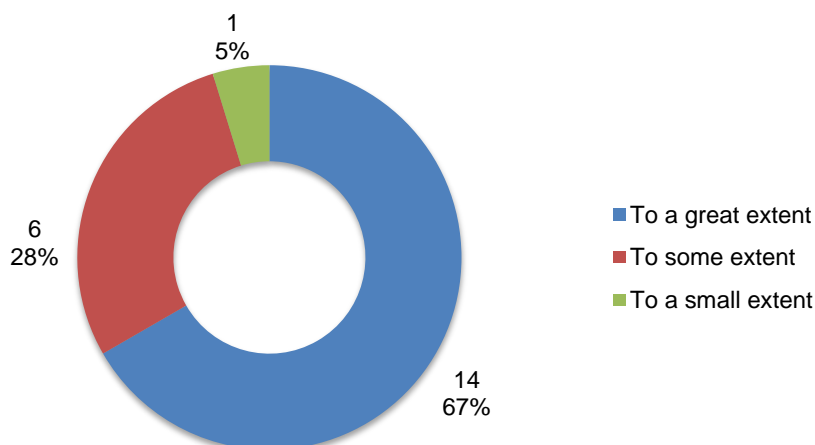


Figure 4-41 Mutual recognition and professional mobility

Sixty-seven percent of the respondents agreed that the mutual recognition of seafarers’ certificates facilitates the professional mobility within the EU “to a great extent”. However, one of the maritime administrations which answered this, when asked to elaborate, responded that “mutual recognition of seafarer certificates help in recognising training (certificates of proficiency) undertaken in another Member State with a direct recognition between the Member States without the need of further certification”. Nevertheless, as mentioned in several parts of this report, mutual recognition of CoPs appears to be part of a wider problematic issue.

Twenty-eight percent of the respondents answered that mutual recognition facilitated professional mobility within the EU “to some extent”. One of the respondents explained that “due to the economic differences that exist between Member States and the relative rigour of the training and examination systems in place, this produces a one way movement of labour, thereby undercutting MET in Member States with higher standards” (Trade union).

Only one maritime administration referred that mutual recognition only facilitated mobility “to a small extent”, elaborating this view with the following comment “it could be explored whether the current practice of bilaterally issuing certificates of recognition between EU Member States in line with the STCW Convention could be simplified by replacing this with a general framework for automatic recognition internally in the European Union to be notified to the IMO, if legally feasible” (Maritime administration). This view may indicate that some stakeholders would like

the centralised system to be elaborated further. Table 4.1, as presented in section 4.7.2, shows the number of EaRs issued among Member States.

The chart below shows the views of the maritime administrations that answered the questionnaire.

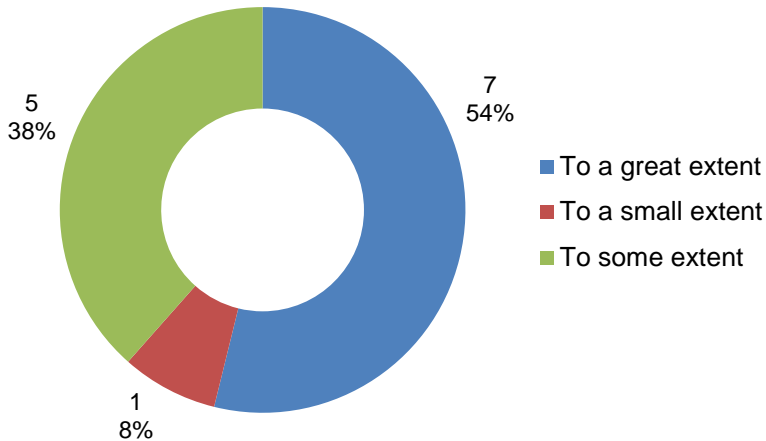


Figure 4-42 The centralised system and professional mobility

Fifty-four percent said it facilitated the professional mobility of seafarers to a great extent, 38% said it did it to some extent, and 8% said it did it to a small extent. All the shipowners replied that the mutual recognition facilitated to a great extent the mobility, and the trade union replied it did to some extent.

4.9. Visits and inspections process

The experience gained by EMSA during the visits and inspections points at some emerging concerns:

- the time that it takes between notification and decision (also noted by some stakeholders);
- the limited number of endorsements of recognition issued by some Member States which notified their intention of recognising a third country system;
- the difficulty in complying with the period of the cycles established in Directive 2008/106/EC.

4.9.1. The decision process

Article 19, paragraph 3 of Directive 2008/106/EC states:

“The decision on the recognition of a 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), within 18 months of the date of the request for the recognition. The Member State submitting the request may decide to recognise the third country unilaterally until a decision is taken under this paragraph.”

It is to be noted that the 18-month period represents an extension of the 3-month period initially established in the text of Directive 2003/103/EC. This resulted from the realisation that such a short period was not feasible for the full process to be completed. Nevertheless, based on the experience gained and shown in the following table, the 18-month period has also not been complied with for the reasons highlighted below.

Table 4-2: Period between notification and decision

Non-EU Country	Notification date	Visit date: From	Visit date: To	Inspection final report	Date of the decision	In years, months, days
Cape Verde	25/07/2005	26/06/2006	30/06/2006	19/12/2006	07/12/2011	6 years, 4 months, 24 days
Algeria	12/02/2005	16/09/2006	21/09/2006	16/01/2007	28/06/2010	5 years, 4 months, 11 days
Sri Lanka	21/10/2005	20/11/2006	29/11/2006	11/05/2007	22/11/2010	5 years, 1 months, 20 days
Egypt	21/10/2005	04/12/2006	08/12/2006	21/05/2007	17/09/2012	6 years, 10 months, 20

						days
Morocco	08/12/2005	11/12/2006	15/12/2006	20/06/2007	31/08/2011	5 years, 8 months, 7 days
Israel	30/01/2005	26/03/2007	30/03/2007	26/09/2007	28/06/2010	5 years, 4 months, 29 days
Tunisia	09/03/2006	16/04/2007	20/04/2007	18/12/2007	27/04/2011	5 years, 1 months, 8 days
Uruguay	14/03/2006	25/06/2007	29/06/2007	07/02/2008	09/02/2012	5 years, 10 months, 13 days
Ecuador	03/04/2006	23/07/2007	27/07/2007	26/03/2008	28/06/2011	5 years, 2 months, 2 days
Bangladesh	31/07/2007	03/02/2008	11/02/2008	31/10/2008	07/12/2011	4 years, 4 months, 30 days
Azerbaijan	07/08/2008	16/02/2009	20/02/2009	17/07/2009	25/08/2011	3 years, 0 months, 6 days
Ghana	21/10/2005	07/12/2009	11/12/2009	31/03/2010	09/02/2012	6 years, 3 months, 20 days
Japan	23/02/2006	06/02/2012	15/02/2012	16/07/2012	17/12/2014	8 years, 9 months, 22 days
Montenegro	12/01/2009	21/02/2012	28/02/2012	07/08/2012	23/03/2017	8 years, 2 months, 11 days

Although in principle, inspection priority is given to countries that the Member States notify their intention to recognise, such Member States' notifications are often submitted when, for a number of reasons, it is difficult to alter the inspection programme for the year. Such reasons could vary from the fact that the programme would already be under way or is starting imminently (in the latter case, it is to be noted that national entities are usually contacted at least six months before the field visit) to difficulties with restructuring the composition of appointed EMSA teams, given that mission assignment can be a complex task taking into account individual skills of the team members such as knowledge about a specific country or language, previous experience, etc. An additional constraint that may also exist is the geographical location of the countries as sometimes, during certain periods of the year, meteorological or other reasons may hamper a detailed inspection to take place. Consequently, the inspection can only take place during the following year.

From notification to the conduct of the inspection a series of steps take place that include the notification to the third country via EU diplomatic channels (EU Delegation), consideration of security issues in the country, the acceptance of the inspection by the competent authority in the third country concerned, the preparatory phase (contact with the maritime administration, sending the pre-inspection questionnaire and conducting the desk study and agreeing on the agenda). The on-site inspection is then followed by the drafting of the report, the request and analysis of the CAP and the issuing of a technical opinion thereon, the subsequent Commission assessment, the evaluation of the country's responses to the Commission assessment (if applicable) and ultimately, the decision on recognition. Therefore, the duration of this process is arguably well justified. However, delays are sometimes also caused by the undue time that some third countries take to reply and also by the fact that in some cases, the corrective actions ultimately reported would result not to be sufficient to ensure compliance with the STCW requirements. The minimum period recorded between notification and the recognition decision was 3 years (Azerbaijan) and the maximum 8 years and 9 months (Japan).

Whilst there can always be room for improvement in identifying ways where the work between DGMOVE and EMSA could be streamlined in order to reduce such duration, it is also a reality that as seen above, a number of steps of the notification process are inevitable while others are beyond the control of EMSA and the Commission. To this effect, consideration should also be given to rectifying the current situation whereby the text of the Directive still mentions a duration of 18 months for this process, despite the reality described above.

4.9.2. Recognition of third countries' certificates

In addition to the time that it takes between notification and the decision, the following table illustrates another issue for consideration. This is the reduced number of EaRs issued by Member States to CoCs of a few third countries following the notification and the closure of the process that followed.

Table 4-3: Number of officers from countries recognised after the adoption of Directive 2003/103/EC who hold valid EaRs in 2015

Non-EU Country	Number of seafarers holding valid Endorsements of Recognition during 2015												Total
	BE	CY	DE	DK	ES	FR	GB	GR	LU	MT	PT	SK	
Algeria	0	0	0	0	0	2	0	0	0	0	0	0	2
Azerbaijan	0	0	0	0	0	0	0	0	0	464	0	0	464
Bangladesh	1	12	0	0	0	0	0	0	0	0	0	0	13
Cape Verde	0	6	0	0	0	0	0	0	0	0	0	0	6
Ecuador	0	0	0	0	0	0	0	0	0	0	0	0	0
Egypt	2	174	1	1	0	0	0	0	52	689	28	0	946
Ghana	0	85	0	0	0	0	0	0	27	7	2	0	121
Israel	0	30	0	0	0	0	0	0	0	49	0	0	79
Japan	0	3	0	0	0	0	0	0	0	2	0	0	5
Jordan	0	0	0	0	0	0	0	0	0	79	0	0	79
Montenegro	0	263	18	0	0	0	200	17	40	343	0	1	849
Morocco	0	41	0	0	0	37	0	0	19	0	0	0	97
Sri Lanka	3	143	13	0	0	0	94	0	6	211	31	0	496
Tunisia	0	0	0	0	0	18	0	0	23	5	0	0	46
Uruguay	0	11	0	0	2	0	0	0	22	0	0	0	35
Total	6	768	32	1	2	57	294	17	189	1849	61	1	3238

Source: STCW-IS 2015 data

Table 4-2 shows the number of masters and officers holding valid EaRs during 2015 per country issuing the original CoC, which were endorsed at EU level. It is to be clarified that this is a situation snapshot, meaning that the EaRs held in 2015, may not have been necessarily issued during 2015 but could have been issued in the previous five years. Considering that data available in STCW-IS dates back only to 2014, it is not possible to verify if – and which – EaRs had been issued prior to then. Nonetheless, within these parameters, it can still be observed that in 2015, the number of valid EaRs was very reduced in relation to Algeria (2), Cape Verde (6), Ecuador (0) and Japan (5). In all these countries at least 10 days of on-site inspection were used.

Table 4-4: Number of officers holding valid EaRs during 2015 (countries recognised previous to 2003)

Non-EU Country	Number of seafarers holding valid Endorsements of Recognition during 2015																				Total		
	BE	CY	DE	DK	EE	ES	FI	FR	GB	GR	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO		SE	SK
Argentina	75	18	1	9	0	7	0	0	0	0	0	1	0	10	0	0	0	6	0	0	0	0	127
Australia	38	191	3	58	14	0	0	6	187	0	0	0	0	136	0	286	116	0	0	0	0	0	1010
Brazil	0	281	0	183	0	0	0	12	73	0	0	3	0	25	0	0	10	0	18	0	0	0	591
Canada	3	23	0	14	0	0	0	1	110	12	1	0	0	4	0	100	13	0	2	0	0	0	279
Chile	0	31	0	0	0	6	0	0	0	0	0	0	0	23	0	0	0	0	1	0	0	0	61
China	0	206	5	3	0	0	0	0	767	0	0	0	0	0	0	455	51	0	8	0	0	0	1487
Cuba	0	58	0	0	0	99	0	0	0	0	0	0	0	0	0	176	0	0	84	0	0	0	416
Georgia	0	118	0	0	0	0	0	0	0	30	0	0	1	0	0	357	0	0	4	0	0	0	510
Hong Kong	1	3	1	0	0	0	0	0	6	0	0	0	0	0	0	9	0	0	0	0	0	0	19
India	283	939	5	1113	1	0	0	179	1271	34	0	252	0	160	0	3336	75	0	40	0	0	0	7626
Indonesia	14	384	0	0	0	0	0	6	0	14	0	8	0	84	0	236	320	0	54	0	0	0	1118

Iran, Islamic Republic Of	1	479	0	0	0	0	0	0	8	0	0	0	0	0	0	1260	0	0	0	0	0	0	1746
Jamaica	50	1	0	0	0	0	0	0	26	0	0	0	0	0	0	6	0	0	0	0	0	0	82
Korea, Republic Of	0	38	0	0	0	0	0	0	14	0	0	0	0	0	0	255	0	0	0	0	0	0	307
Madagascar	0	0	0	0	0	0	0	55	0	0	0	0	61	0	0	0	0	0	0	0	0	0	115
Malaysia	1	27	0	0	0	0	0	8	9	0	0	0	4	0	0	0	0	0	0	0	0	0	49
Mexico	1	28	0	0	0	6	0	0	0	0	0	0	8	0	0	0	0	0	4	0	0	0	47
Myanmar	0	136	26	0	0	0	0	1	121	0	0	0	24	0	302	0	0	101	0	0	0	0	707
New Zealand	8	82	0	31	8	0	0	2	160	0	0	0	34	0	106	68	0	3	0	0	0	0	491
Pakistan	0	76	0	0	0	0	0	0	20	4	0	0	0	0	0	0	0	0	0	0	0	0	100
Peru	1	56	1	0	0	11	0	0	0	0	0	0	0	0	141	0	0	122	0	0	0	0	332
Russian Federation	345	4273	389	152	22	0	16	14	1120	0	50	25	52	569	185	6678	2452	0	516	0	2	2	16381
Senegal	0	0	0	0	0	0	0	19	0	0	0	0	9	0	0	0	0	0	0	0	0	0	28
Serbia	0	1	1	0	0	0	0	0	5	7	0	0	0	0	5	0	0	1	0	0	0	0	19
Singapore	8	88	0	184	0	0	0	7	93	0	0	1	0	15	0	164	16	0	3	0	0	0	576
South Africa	33	51	0	8	0	0	0	0	149	0	0	0	0	21	0	0	1	0	1	0	0	0	235
The Philippines	253	7043	1273	1399	0	0	125	708	2120	3661	36	0	0	517	0	13806	2285	1	654	6	506	0	33966
Turkey	0	6	4	0	0	0	1	0	0	0	0	0	21	0	6291	4	0	48	0	0	0	3	6377
Ukraine	935	5689	494	380	1	0	2	269	1817	614	13	0	9	1240	59	9604	1907	1	966	0	0	27	23192
United States	14	13	1	20	0	0	0	0	108	0	0	0	0	7	0	58	0	0	0	0	0	0	220
Vietnam	0	94	0	0	0	0	0	2	0	0	0	0	0	6	0	38	41	0	0	0	0	0	181
Total	2060	20422	2204	3549	46	129	144	1289	8177	4376	100	290	62	2978	244	43669	7349	2	2636	6	508	32	98351

Source: EMSA STCW-IS

Table 4-4 presents the number of endorsements of recognition that were valid but in this case in relation to those third countries that had been recognised prior to the start of the centralised system. There are third countries in relation to which Member States issued a considerable number of EaRs to the original CoCs. This is illustrated by the number of EaRs issued to CoCs issued by the Philippines (33,966), Ukraine (16,381), Russian Federation (16,381), India (7,626), Turkey (6,377), Iran (1,746) or China (1,487). On the other hand, the number of EaRs of CoCs issued by countries such as Serbia (19), Senegal (28), Hong Kong (19), Malaysia (49) or Mexico (47) is relatively limited.

Taking into account the data presented above and to ensure the best use of resources priority criteria for re-assessments could be considered. Criteria for new recognitions may be difficult to establish considering that shipowners which request to the flag administrations the endorsements of recognition may for commercial or other reasons decide at a later stage to alter their crewing policies. Nevertheless, EU Member States when submitting requests for recognition should as required by Directive 2008/106/EC stating their reasons to facilitate the Commission prioritising the needed inspection and consequent assessment.

4.9.3. Visit and inspection cycles

Directive 2008/106/EC in its Article 21 (reassessment) states that third countries already recognised “shall be reassessed by the Commission, with the assistance of the European Maritime Safety Agency, on a regular basis and at least every five years”. Furthermore, Article 25 of the same Directive (regular monitoring of compliance) stipulates that “the Commission, assisted by the European Maritime Safety Agency, shall verify on a regular basis and at least every five years that Member States comply with the minimum requirements laid down by this Directive”.

While the first cycle of visits to Member States was conducted between 2007 and 2012 lasting precisely five years, the second cycle of visits initiated in 2014 and based on an average four Member State visits annually, may last approximately 7 years. This is due to the fact that Member State visits need to share the EMSA visits and inspection programme with an increasing number of third countries that get recognised by the EU. Moreover, it is also to be considered that Member State visits on the MET-related Acquis are just one of a number of Member State visit cycles carried out by EMSA in respect of various maritime directives. All this Member State visit activity is governed by EMSA's Methodology for Visits to Member States, as adopted by the EMSA Administrative Board. This document introduced various limitations in terms of the sequence, timing and frequency of visits that can be conducted to each Member State to monitor compliance. For instance, generally, a Member State should be visited twice a year at the most, in which case it would not be visited the following year. Furthermore, the Member States cannot be visited by EMSA when they are holding the Presidency of the Council.

Compliance with the reassessment of third countries is also affected although in this case, despite possible resource limitations, new recognitions take priority and the number of countries at the start of a cycle may be enlarged due to new notifications.

4.10. Text in the Directives

The provisions in both directives were reviewed during this study to look at which amendments to the STCW Convention that have been adopted since the directives entered into force have not yet been included in any of the directives as well as to identify inconsistencies and outdated definitions.

The review identified:

- amendments to the STCW Convention adopted in 2014, 2015 and 2016 have not yet been incorporated in Directive 2008/106/EC;
- inconsistencies exist in relation to the text in Articles 7 and 12.3 of Directive 2008/106/EC on the principles governing near coastal voyages and on the comparison of the standards of competence, respectively;
- an outdated reference in Directive 2005/45/EC in relation to the term 'appropriate certificate';
- the non inclusion of "Article IX of the STCW Convention on equivalents" in the text of the Directive;
- the use of Directive instead of Convention in some provisions.

4.10.1. Amendments to the STCW Convention

The amendments to the STCW Convention and Code adopted at IMO level in 2014, 2015 and 2016 need to be considered for inclusion in the text of Directive 2008/106/EC in order to address the incoherence in relation to its Article 3 which states in paragraph 1 that "Member States shall take the measures necessary to ensure that seafarers serving on ships as referred to in Article 2 are trained as a minimum in accordance with the requirements of the STCW Convention, as laid down in annex I to this Directive, and hold certificates as defined in points (36) and (37) of Article 1 and/or documentary evidence as defined in point (38) of Article 1". This implies the introduction of the 2015 amendments (IGF Code) and the 2016 amendments (Polar Code). The 2015 amendments adopted through Resolutions MSC 396(95), referring to the Annex and MSC.397(95), referring to the Code entered into force on 1 January 2017. The 2016 amendments adopted through Resolutions MSC 417 (96), referring to the Annex and MSC.417(97), referring to the Code will enter into force on 1 July 2018. These amendments were adopted and entered or will enter into force through the tacit acceptance procedure. However, the 2014 amendments on verification of compliance may not be relevant for the directives because they refer to the obligation related to verification of compliance of IMO instruments, that is to say the IMSAS audits.

EU legislation needs to be kept aligned with the STCW standards. Not amending the directives may create the risk of Member States not complying with the STCW requirements with all the problems that would result from the fact that seafarers need to hold relevant STCW certification to be employed and work on board a ship.

4.10.2. Inconsistencies in relation to the text in Articles 7 and 12.3 of Directive 2008/106/EC

Article 7 of Directive 2008/106/EC on the principles governing near-coastal voyages, may have the inconsistencies referred below, which are deleted and replaced by a proposal shown in bold.

Principles governing near-coastal voyages

1. When defining near-coastal voyages Member States shall not impose training, experience or certification requirements on seafarers serving on board ships entitled to fly the flag of another Member State or another Party to the STCW Convention and engaged in such voyages in a manner resulting in more stringent requirements for such seafarers than for seafarers serving on board ships entitled to fly their own flag. In no case shall a Member State impose requirements in respect of seafarers serving on board ships flying the flag of another Member State or of another Party to the STCW Convention in excess of those of this Directive the STCW Convention in respect of ships not engaged in near-coastal voyages.

1a. A Member State, for ships afforded the benefits of the near coastal voyage provisions of the STCW Convention, which includes voyages off the coast of other Member States or of Parties to the STCW Convention within the limits of their near-coastal definition, shall enter into an undertaking with the Member States or Parties concerned specifying both the details of the trading areas involved and other relevant provisions.

2. With respect to ships entitled to fly the flag of a Member State regularly engaged in near-coastal voyages off the coast of another Member State or of another Party to the STCW Convention, the Member State the flag of which a ship is entitled to fly shall prescribe training, experience and certification requirements for seafarers serving on such ships at least equal to those of the Member State or the Party to the STCW Convention off the coast of which the ship is engaged, provided that they do not exceed the requirements of ~~this Directive~~ **the STCW Convention** in respect of ships not engaged in near-coastal voyages. Seafarers serving on a ship which extends its voyage beyond what is defined as a near-coastal voyage by a Member State and enters waters not covered by that definition shall fulfil the appropriate **competency** requirements of this Directive.

In addition,

Article 12.3 of Directive 2008/106/EC, as amended, requires every Member State to “compare the standards of competence it required of candidates for certificates of competency issued until 1/1/2017 with those specified for the relevant certificate of competency in Part A of the STCW Code, and shall determine the need to require the holders of such certificates of competency to undergo appropriate refresher and updating training or assessment”. Besides, Regulation I/11.4 of the STCW Convention requires each Party to compare the standards of competence it required of candidates for certificates issued until 1/1/2017 with those specified for the appropriate certificate in Part A of the STCW Code, and shall determine the need for requiring the holders of such certificates to undergo appropriate refresher and updating training or assessment. Regulation I/11.4 is applicable to all certificates, CoCs and CoPs alike. However, according to the Directive, it is clear that the required comparison of standards of competence is exclusively applicable to those of CoCs. The matter may have its impact on the assessments conducted by DGMOVE as it may not be legally possible to invoke Article 12.3 of the Directive when it comes to findings concerning the comparison of standards of competence for tanker CoPs and the relevant refresher/updating training since the 2010 amendments brought certain specific amendments to the minimum standards of competence for tankers.

If the inconsistencies referred above are not addressed, introducing the recent amendments to the STCW Convention will not be sufficient and could constitute a clear case of lack of coherence.

4.10.3. Outdated reference in Directive 2005/45/EC to the term ‘appropriate certificate’

The term ‘appropriate certificate’ is defined in Article 2 of Directive 2005/45/EC as “a certificate as defined in Article 1 (27) of Directive 2001/25/EC”. Following the 2010 amendments to the STCW Convention as well as the amendments to Directive 2008/106/EC (recast) the term ‘appropriate certificate’ does not exist. The STCW Convention and Directive 2008/106/EC, as amended refer to certificates of competency and certificates of proficiency.

In addition, Directive 2005/45/EC still makes reference to Directive 2001/25/EC instead of Directive 2008/106/EC. Therefore, Directive 2005/45 should be amended to reflect the 2010 amendments.

4.10.4. Directive 2008/106/EC and Directive 2005/45/EC

The inconsistencies identified in the text of the directives as well as the amendments to the STCW Convention that are not yet incorporated need to be addressed. Both directives are unquestionably important to ensure that seafarers certified at EU level and those certified in third countries and recognised at EU level are educated and trained in line with the standards adopted at the IMO level.

Furthermore, both directives are interlinked. Article 25 of Directive 2008/106/EC on 'regular monitoring of compliance' requires the Commission, assisted by EMSA, to verify on a regular basis and at least every five years that Member States comply with the minimum requirements laid down in the Directive. Moreover, in the preamble of Directive 2005/45/EC in (13) it is stated that EMSA should assist the Commission in verifying that Member States comply with the requirements laid down in the two directives. In fact the mutual recognition principle assumes that all Member States comply with the requirements established in the directives. Through the regular monitoring by the Commission and EMSA it is ensured that such compliance exists. This suggests that consideration should be given to merge the two directives. Merging the two directives would require adoption of a new text that would have to address the inconsistencies and could facilitate the implementation of the provisions by the Member States.

5. EVALUATION QUESTIONS

This section is presented under the criteria of effectiveness, efficiency, relevance, coherence and European added value. To show that replies to all evaluation questions asked under each criterion were considered, the presentation is structured in line with the evaluation matrix presented in the inception report and included in Appendix A.

5.1. Effectiveness

Has Directive 2008/106/EC contributed to the improvement of maritime education and training?

Following analysis of the data gathered from the study, the response to this question is based on the number of deficiencies corrected by the visited Member States and inspected third countries. Although the number of PSC deficiencies and maritime accidents were considered during the evaluation, the data available in this respect could not support the drawing of conclusions therefrom. Stakeholders' consultation data can however be referred to as several questions in the said consultation can be considered relevant to this part of the evaluation.

The text of the Directive is based on the STCW Convention and the centralization of the system allowed the EMSA inspections/visits to be conducted under a common methodology, leading to the identification of findings and the establishment of a follow-up process that allowed the reduction of deficiencies. The inspected third countries in particular established CAPs to address the deficiencies, which included those specifically on maritime education and training. Of 443 findings identified registered during the period under analysed, 28,67% of them were closed during the CAP phase, thus attesting the effectiveness of the system in place in encouraging parties to the STCW Convention to implement and enforce the requirements adopted at IMO level, through the STCW Convention.

The percentage of findings closed already at the stage of CAPs show the relevance of the system in place to force parties to the STCW Convention to implement and enforce the requirements adopted at IMO level. When the Commission proposes the recognition of a specific third country the actions taken should be accepted and the deficiencies already closed, except minor deficiencies which may need more time to be addressed and consequently are listed for verification during future re-assessment.

Stakeholders consulted – in this case the MET Institutions – answered prevalently (86%) that the EMSA inspections, based on Directive 2008/106/EC, had contributed at least to some extent to the improvement of their systems. It has to be considered, however, that this percentage represents the opinion of six MET Institutions, and also that the diverging 14% (one MET Institution) did not answer negatively to the question but declared not to have an opinion.

To what extent have the Directives contributed to the professional mobility of seafarers in the EU?

In line with the STCW Convention, CoCs and some CoPs need to have associated a EaR from the flag State of the vessel. Directive 2008/106/EC transposes this STCW Convention requirement. The endorsement of recognition has to be issued by any EU flag State to holders of those certificates issued by another Member State. In that sense what facilitates mobility in the EU is the fact that a mutual recognition of certificates is in place for the purpose of employment on any EU flagged vessel. Although under the STCW Convention an undertaking has to be established between the concerned States, the mutual recognition arrangement avoids the need for any such individual undertaking among EU Member States, in order to comply with the requirements established in the STCW Convention. By extension it also does away with the need for them to conduct evaluations of each other; such evaluation is conducted in a centralised way through the EMSA visits and the Commission assessments.

At the time of writing this report it is not yet possible to compare the number of endorsements of recognition issued before and after the entering into force of Directive 2005/45/EC. The STCW-IS, which can in the future provide trend analysis, only became operational in 2014. It is important that when data is available for more than five years, such trends are analysed and a method to verify the professional mobility of seafarers in the EU is agreed. Only then would it be possible to verify with some confidence to what extent the Directives have contributed to such professional mobility.

Nevertheless, in terms of stakeholder perceptions, maritime administrations, shipowners and trade unions were asked this question and 67%, which represents the opinion of fourteen stakeholders, agreed that the directives did contribute to a great extent to seafarers' professional mobility in the EU. It should also be noted that the rest of them answered also positively to the question, with only a difference in the degree of the contribution, answering to some or to a small degree only. There was no negative answer, thought given the small number of respondents this may not be conclusive.

Unfortunately, the only direct input from seafarers comes from the OPC, as three of the respondents in this consultation identified themselves as seafarers. In the targeted consultation one of the questionnaires was specifically directed to individual seafarers, while another was directed to trade unions, but in the last case there was only one respondent, and in the former no input at all was received. Nevertheless, in the answers to the OPC, their views were positive in that the directives contributed to their professional mobility, though none made any comment on the question that would permit for more interpretation. The only respondent trade union, however, answered that the Directive only contributed to some extent to the professional mobility of seafarers, but elaborated with a comment that shows a slight misunderstanding of the EU system, reflected in a comment claiming that "due to the economic differences that exist between member states and, the relative rigour of the training and examination systems in place, this produces a one way movement of labour, therefore undercutting MET in member states with higher standards". During the EMSA visits and inspections despite the fact that some MET institutions located in the EU provide in fact a good level of education and training there was no evidence that such is their exclusive. Some institutions located in third countries were also providing education and training above the standards established by the STCW Convention.

To what extent has the verification mechanism set out in Directive 2008/106/EC led to the compliance of Member States and of third countries with the requirements of the Directive 2008/106/EC and the STCW Convention respectively?

For the purpose of this interrogative, the analysis considered the period between 2012 and 2016 since, prior to 2012, EMSA was not conducting the follow-up of Commission assessments in a systematic way. Prior to 2012 a voluntary CAP was also not requested from the inspected third countries.

Out of 443 findings identified during inspections to third countries, 127 (28.67%) were closed based on the analysis of the CAPs, and 316 (71.33%) remained open to be analysed during the following phase, i.e., during the assessment conducted by DGMOVE.

Of the total number of findings, 350 were considered by the inspection teams as shortcomings, out of which 90 shortcomings (25.71%) were closed while 260 (74.29%) remained open for the above mentioned further phase.

There were 93 observations in total, out of which 37 (39.78%) were closed and 56 (60.22%) remained open for the following phase.

Regarding EU Member States, EMSA had not been conducting any follow-up and consequently the data regarding the number of closed deficiencies, which could be indicative of the influence of the mechanism on compliance could not be ascertained. Nevertheless, it can be noted that there were 7 EU Pilots initiated for Directive 2008/106/EC and one for Directive 2005/45/EC. At the time of writing this report, two cases are still ongoing while four cases were closed at the EU Pilot level by accepting the response of the Member State. However, there was one case where the Member State response was not accepted and thus an infringement procedure was initiated through the issuance of a letter of formal notice. The actions taken by the Member State and its response to the letter of formal notice were considered satisfactory and thus the case was closed.

In addition, the perception of those who replied to the OPC and stakeholders' consultation shows that a great majority gives importance to the centralised task conducted by the Commission and EMSA. In the stakeholders' consultation, a high percentage of the respondents (75%), which represents the opinion of twenty-one

stakeholders, considered 'very important' that the EU verifies compliance with the Directive and the STCW Convention, with 18% stating it as 'important'. For more clarification, 69% (9) of the maritime administrations, 86% (6) of MET institutions, 71% (5) of shipowners, alongside with the only trade union, replied 'very important' to the question. Only 7% of the stakeholders answered that it was 'less important', and this corresponds to two maritime administrations (15% of those which replied to the questionnaire). In the OPC 57% (30) of the respondents scored as 'very important' that the EU verifies that the maritime specific education and training system of third countries complies with the minimum international standards set by the STCW Convention, while a 7% (4) considered it 'important'. A further 30% (16) either had no opinion or did not give an answer, and only 4% (2) replied it was not important at all.

Has the mutual recognition of seafarers' qualifications been effective towards the mutual recognition of seafarers' certificates? In this respect, are there complaints for non-recognition of seafarers' certificates?

Regarding the effectiveness towards mutual recognition of seafarers' certificates, in the targeted stakeholder consultation, maritime administrations were asked whether they had knowledge of their services having refused certificates issued by other Member States. Twelve out of thirteen respondents answered negatively. However, when trade unions and shipowner were asked whether they had any knowledge of such situations, two of them answered positively.

Complaints regarding the non-recognition of seafarers' certificates were received during the OPC and the targeted stakeholders consultation. In the case of complaints originating from the stakeholders targeted consultation, they come in all cases (two) from shipowners, while the five that were referred by the respondents to the OPC come from a variety of agents. In the last case some of them may not be relevant such as the one referring to CoCs for fishermen, which are outside the scope of the STCW Convention. As referred above, it should be noted that no complaint was received regarding mutual recognition of CoCs. In fact the number of CoCs recognised among Member States and presented in table 4-1 demonstrate the benefits of the mutual recognition system, facilitating employment of the holders on any EU flagged vessel. The characteristic scenarios where such problems were the subject of complaints can be summarised as follows:

- the non-recognition of training documents issued to candidates by MET institutions located in other Member States for the purpose of issuing or revalidating a CoC or CoP;
- the non-recognition of training documents issued by MET institutions located in the Member State A territory but that were not recognised by the Member State A for the purpose of issuing or revalidating a CoC or CoP, although those training documents being recognised by Member State B;
- the non-recognition of JCoPs issued by institutions located in another Member State for the purpose of issuing or revalidating a CoC or CoP; and
- the non-recognition of documentary evidence of training, required by the STCW Convention for service on certain types of ships, issued by MET institutions located in another Member State.

Despite the Legal Opinions referred to in section 4.4 above, the fact that complaints are still being received may indicate that legislative initiatives may have to be considered together with clarifications regarding the use of the definition of "certificate" in Directive 2005/45/EC, in order to address the issue conclusively. This is important in terms of ensuring the relevance of the directives and mobility across the European Union, as shown in table 4-1 of section 4.7.2.

5.2. Efficiency

Has the centralized EU mechanism for the recognition of the systems of training and certification of seafarers of third countries been efficient for the Member States (e.g. in terms of simplification, reduced administrative/regulatory burden, lower costs)? – (Directive 2008/106/EC, as amended)

The response is based mainly on the results of the analysis of the OPC and targeted consultation. In the OPC 21% (11) of the respondents stated that the EU mechanism of recognition reduced administrative burden 17% (9) considered that it had no impact and another 7% (4) claimed that the burden actually increased. Nonetheless, it should be noted that 55% (29) either had no opinion or did not give an answer. In the OPC this question was followed by another asking specifically for the impact on costs for Member States. However, in this case 59% (31) did not answer or had no opinion, and of the other 22% (12) answered that it had no impact, 15% (8) that it reduced costs, and 4% (2) that it actually increased them. But, in this case it has to be considered that many of the respondents who replied to the OPC do not have a specific knowledge about the the centralised system. When

what is considered is just the targeted stakeholders' consultation, the number of maritime administrations which consider that the EU verification mechanism reduces the administrative burden is very high, reaching 84% (11) of the respondents, with 8% (1) considering that it does not have any noteworthy impact on administrative burden while another 8% (1) not expressing any opinion. These two last maritime administrations did not elaborate their answer, nor replied on whether they conducted further inspections and evaluations on their own.

The evaluation also indicates that with the centralised system in place, the recognition process for individual Member States is simplified, without the need to conduct an evaluation. Moreover, centralisation of the system leads to better rationalisation of resources, allowing EMSA visits to allocate more resources to a visit than those that any one Member State would otherwise afford. Similarly, from the cost aspect, inspections conducted with the detail and the use of a common methodology as those being conducted under the centralised system provide an overall perspective that would not be possible when the work is done on an individual level.

However, despite the above, two main issues resulted from the evaluation in terms of efficiency. These concerned firstly, the arguably long time that it takes from the notification to the decision of recognition of a third country and secondly, the limited number of certificates issued by some third countries which were recognised following notification by a Member State.

Empirical data shows that in reality, the time that lapses from the notification to the decision exceeds the 18 months established in Directive 2008/106/EC. The reasons are various. The main constraints lie in the difficulty to immediately initiate an inspection due to operational limitations in reassigning missions to preconstituted inspection teams, the time needed to notify the third country, the time needed to agree on the dates and programme, the time that the third country may take in replying with a corrective action plan after receiving the final EMSA report, the time that the third country needs to reply to the assessment of compliance conducted by the Commission and the time needed for the implementation of corrective actions. The fact that there are constraints regarding staffing levels, particularly in the Commission, may also force some assessments to be delayed. Such issues may need to be addressed between DGMOVE and EMSA to improve the efficiency of the system.

Regarding requests for new recognitions, the number of EaRs that had been issued and that were valid at the time of the analysis was very reduced in relation to Algeria (2), Cape Verde (6), Ecuador (0) and Japan (5). Regarding countries already recognised prior to the implementation of the centralised system, the number of EaRs issued to CoCs issued by countries such as Serbia (19), Senegal (28), Hong Kong (19), Malaysia (49) or Mexico (47) is also limited, although higher than in relation to the other three countries.

Considering the difficulty in complying with the 5-year cycle of inspections to third countries, as mentioned in section 4.9.3, priority criteria for re-assessments based on risk, which will have necessarily to include as part of it the number of EaRs issued by Member States could be contemplated. Adoption of such criteria would contribute to increase the efficiency of the centralised system and a better management of resources towards those countries whose systems pose more risks in case non-compliances exist.

Finally the incorporation of the STCW Convention in EU legislation facilitates the mutual recognition of certificates among EU Member States, which has an effect in the reduction of administrative burden, as mentioned in section 4.7 (analysis of the OPC), section 4.8 (analysis of the targeted stakeholders' consultation) and section 4.9 (analysis of the EMSA's mission data).

Between 2005 and the first semester of 2017, EMSA conducted 66 inspections to 48 third countries on behalf on the European Commission.

Based on the data available through the STCW-IS, in 2015, with the already above mentioned exception of Oman and Ecuador, there were valid EaRs to CoCs issued by the inspected third countries. While 9 third countries had their CoCs endorsed for recognition by one Member State the remaining had them endorsed by at least two. Ukraine and the Russian Federation had CoCs endorsed by 18 Member States and the Philippines by 16 Member States. If the European centralised inspection mechanism had not been established, in order to comply with the obligation established in Regulation I/10 of the STCW Convention each of these 18 Member States would have to conduct an evaluation. In addition, in order to ensure that the recognised countries would comply with any amendment to the Convention additional evaluations would have to be conducted in order to ensure the same level of safety and enforcement that is ensured through the centralised mechanism.

Has the mutual recognition of seafarers' certificates within the EU been efficient for the seafarers (e.g. in terms of simplification, reduced burden, lower costs)? – (Directive 2005/45/EC)

In the OPC, in response to this question 19% (10) of the respondents answered that it did not have any impact on burden and costs, 17% (9) that it reduced them, and 6% (3) that it actually increased them. However, 36% (19) had no opinion and 22% (12) did not answer. Nevertheless, in appraising this response, caution should be taken as only 3 respondents reported to be seafarers, while the others had different backgrounds and there is no evidence that the adoption of the mutual recognition scheme had any effect on their activities. Furthermore, as reported above, no seafarer replied to the stakeholders consultation.

Consequently, based on the responses to the OPC and targeted consultations, it is not possible to reach firm conclusions. However, the mutual recognition, with the exception of those reported cases when a Member State refused the recognition of a certificate, appears to facilitate the employment process, allowing EU seafarers or holders of EU certificates to be transferred from vessels flying EU Member States flags (see table 4-1).

5.3. Relevance

To what extent are the Directives still relevant? How well do the objectives still correspond to the needs of the maritime sector? – (Directive 2008/106/EC, as amended and Directive 2005/45/EC)

Based on the responses to the OPC and targeted consultations the directives are considered relevant to the needs of the maritime sector.

As referred in different parts of this report, the view expressed during the consultation is that the provisions of both directives ensure that all those working on board EU flagged vessels are required to achieve the same standards, in this way improving maritime safety on board EU flagged vessels and also in European waters and ports. Seventy-five percent of all stakeholders agreed that it is very important that the EU verifies that the maritime education and training system of Member States and third countries complies with the minimum international standards set by Directive 2008/106/EC and the STCW Convention respectively, and a further 18% think it as important.

Mutual recognition of certificates is an important factor to reduce the burden to maritime administrations and shipping companies when they want to employ seafarers from different Member States. It also facilitates to a certain extent mobility within the community, as can be surmised from the fact that 67% (14) of questioned stakeholders agreed that it contributed to a great extent to seafarers' professional mobility in the EU. All the shipowners (7) replied that it facilitated it 'to a great extent', the only respondent trade union answered 'to some extent', and the 54% (7) of the maritime administrations replied 'to a great extent', while 38% (5) 'to some extent' and 8% (1) 'to a small extent'. None of the stakeholders asked replied negatively to the question of the extent of the impact of the Directive on professional mobility of seafarers in the EU. MET institutions were not asked about this aspect.

The fact that the directives incorporate internationally agreed standards also puts European seafarers in a same playing level field as far as qualifications are concerned.

However, the different interpretation of 'seagoing service' as referred in section 4.6 is a matter for further consideration. Article 1.28 of the Directive uses the definition of the STCW Convention in its regulation I/1.28 which states that 'seagoing service' means "service on board a ship relevant to the issue or revalidation of a certificate of competency, certificate of proficiency or other qualification". While some Member States interpret that it is the ship that should be relevant, others interpret that it is the service that should be relevant. There were also views that suggest that both the ship and the service should be relevant. An open approach has been used by the Commission in the assessment of compliance whereby Member States should ensure that they have criteria established to ensure that the seagoing service is relevant. This approach appears to be satisfactory although some principles for the establishment of such criteria could be considered.

5.4. Coherence

To what extent is Directive 2008/106/EC coherent with regard to the most recent amendments of the STCW Convention adopted at the IMO? – (Directive 2008/106/EC, as amended)

Amendments to the STCW Convention, introducing new provisions related to the IGF, the Polar Code and verification of compliance, may still need to be incorporated in European law. However, if the amendments related to the IGF and the Polar Code are linked to standards of education, training and certification, the amendment related to verification of compliance may need to be discussed further as it addresses verification of compliance with the IMO instruments. It may not be relevant for incorporation in the text of the directives. All amendments are needed to incorporate in the EU legislation the standards agreed at the IMO level, in this way ensuring that the certificates are issued only when all requirements of the STCW Convention are complied with. Inconsistencies in the text of the directives need to be addressed.

Fifty-three percent of the respondents in the OPC and 86% of those asked in the stakeholder consultation answered that they would like to see EU legislation kept aligned with STCW standards. Not amending the directives may create the risk of Member States not complying with the STCW requirements and seafarers need to hold a STCW Certificate to be employed and work on board.

In view of the above, the following needs to be considered:

Article 7 of Directive 2008/106/EC on the principles governing near-coastal voyages has inconsistencies that need to be addressed. In addition, Article 12.3 of Directive 2008/106/EC may not be invoked when it comes to findings concerning the comparison of standards of competence for tanker CoPs and the relevant refresher/updating training since the 2010 amendments brought certain specific amendments to the minimum standards of competence for tankers. According to this Directive, the required comparison of standards of competence is exclusively applicable to those of CoCs.

As mentioned in section 4.8 based on the analysis of the targeted stakeholders consultation, there is support for continuing to incorporate the STCW Convention requirements in EU legislation. This facilitates the implementation of the obligations by the EU Member States and allows the maintenance of the centralised system. Furthermore, if the inconsistencies referred in section 4.10.2 are not addressed, introducing the recent amendments to the STCW Convention will not be sufficient and could contribute to lack of coherence in the text. Finally, it should be taken into account that on board, seafarers are required to hold STCW certificates and not “Directive certificates”, making this a strong case for addressing the referred inconsistencies and introducing the amendments.

To what extent are the Directives coherent with the wider EU policy on maritime safety and in particular with the EU Maritime Transport Strategy? – (Directive 2008/106/EC, as amended and Directive 2005/45/EC)

The EU policy on maritime safety as referred at the beginning of this report puts a focus on the human element. The six main lines of action of the EU Maritime Transport Strategy include specifically ‘human resources: taking care of sea professionals’, ‘promoting quality shipping’ and ‘working together in the international scene’, among others. Under ‘human resources’ actions include the support to review the STCW Convention and within the social agenda the promotion of maritime employment, higher profile for shipping professionals, life-long career paths, working and living conditions at sea. Under ‘working together in the international scene’ actions include enhancing the EU status within the IMO and enhancing the EU role as initiator for the adoption of international rules and standards. Such is coherent with the preamble of Directive 2008/106/EC (3) which states that “it is important to pay appropriate attention to maritime training and the status of seafarers in the Community” or in (7) that the minimum level of training for seafarers in the Community should be based “on the standards of training already agreed at international level namely the IMO STCW Convention”. Coherence between the Directives and the EU policy and strategy is also highlighted in the preamble (1) of Directive 2005/45/EC when stating that “the Council highlighted the necessity of fostering the professional mobility of seafarers within the European Union”.

To what extent are the Directives coherent with each other especially given the update of the definition of the term ‘appropriate certificate’? – (Directive 2008/106/EC and Directive 2005/45/EC)

The term ‘appropriate certificate’ is defined in Article 2 of Directive 2005/45/EC as “a certificate as defined in Article 1 (27) of Directive 2001/25/EC”. Following the 2010 amendments to the STCW Convention as well as the amendments to Directive 2008/106/EC (recast) the term ‘appropriate certificate’ does not exist. The STCW Convention and Directive 2008/106/EC, as amended refer to CoCs, CoPs and documentary evidence.

In addition, Directive 2005/45/EC still makes reference to Directive 2001/25/EC instead of Directive 2008/106/EC. Therefore, Directive 2005/45 should be amended.

5.5. European added value

What is the added value of having EU legislation that is incorporating the international standards for training and certification of seafarers? – (Directive 2008/106/EC and Directive 2005/45/EC)

The surveys indicate that support does exist for the EU legislation to incorporate the international standards established by the STCW Convention. Eighty-six percent of those asked in the targeted stakeholder consultation, and fifty-three percent of the OPC, responded that EU legislation should be kept aligned with international standards. This is justified by the fact that seafarers need to be holding an international certificate in line with the STCW Convention in order to be employed on board. Although all EU Member States are parties to the STCW Convention, the existence of a directive facilitates the monitoring of the implementation of the defined standards at EU level, ensuring in this way fair treatment of all EU seafarers. Seventy-five percent of the stakeholders consulted think that it is very important that the EU verifies that the maritime education and training systems of Member States and third countries comply with the minimum standards set by Directive 2008/106/EC and the STCW Convention.

In addition, having Regulation I/10 as the basis, the centralised system ensures an evaluation of the third countries' systems to be recognised using a common methodology and at the same time reducing the involved costs as discussed in section 4.9. Eighty-four percent of the maritime administrations that replied to the questionnaire acknowledged that the EU verification mechanism of third countries' maritime education and training system reduced their administrative burden. This is also very clear when looking at EMSA's mission data about the number of days spent during the period between 2005 and the first trimester of 2017, as the total of days in field inspection was of 1272.

The incorporation of the STCW Convention in EU legislation facilitates the mutual recognition of certificates among EU Member States, which has also an effect in the reduction of administrative burden. Finally, of the 48 third countries recognised at EU level, 39 had CoCs endorsed by at least two Member States with 18 endorsing CoCs from Ukraine and the Russian Federation and 16 endorsing CoCs issued by the Philippines. Such numbers show how complex the system would be if each of the EU Member State had conducted the exercise by itself. For instance 18 visits to Ukraine or 16 visits to the Philippines would be needed with the costs in terms of human resources and travelling.

The 28.67% of findings closed in the CAP reflect the impact that the incorporation of international standards in the EU legislation has in improving certification, education and training. The incorporation of the STCW standards in the EU legislation facilitates also the sharing of findings that results precisely from the centralised system established under Directive 2008/106/EC. Seventy-two percent of the MET Institutions that answered the stakeholder consultation indicated that EMSA's inspections, based on Directive 2008/106/EC had contributed to some extent to making their system better, and a further 14% indicated they had contributed to a great extent.

It is also important to highlight that 75% of all stakeholders agree that it is very important that the EU verifies that the maritime education and training system of Member States and third countries complies with the minimum international standards set by Directive 2008/106/EC and the STCW Convention respectively, and a further 18% see it as important. Such numbers demonstrate the European Added Value of the system put in place through Directive 2008/106/EC.

6. CONCLUSIONS AND RECOMMENDATIONS

Conclusions are presented following the analysis of the data referred in the methodology and in section 4 while recommendations are presented in terms of the experience gained by EMSA, the need to update the Directive following the amendments to the STCW Convention, proposals from the OPC and the targeted stakeholders consultations. The conclusions are linked to the responses to the evaluation questions. The detailed analysis should be read in conjunction with the conclusions and recommendations. Whilst every effort has been made to avoid repetitions, whenever necessary text extracted from the analysis is added to this section to facilitate its reading.

Generally, there is enough evidence to suggest that education and training is very important to increase maritime safety. The two directives contributed to increased maritime safety as they established the centralised mechanism which permits the identification of findings using a common methodology and a follow-up.

The analysis conducted for the REFIT Evaluation highlights some areas for consideration particularly under the Effectiveness, Efficiency and Coherence criteria, as such:

Effectiveness:

- a) The need to address the problems identified in the mutual recognition of certificates at EU level;

Efficiency:

- b) The possibility of improving the efficiency of the harmonised and centralised system for recognition of third countries and monitoring of Member States;

Coherence:

- c) The need to update Directive 2008/106/EC with the 2014, 2015 and 2016 amendments to the STCW Convention;
- d) The need to harmonise the terminology used in Directives 2008/106/EC and 2005/45/EC, hence the opportunity of merging the two directives. In addition, this would contribute to solve the lack of clarity in Directive 2005/45/EC.

In addition, proposals of a general nature were also put forward by respondents to the OPC and stakeholders consultation and are listed at the end of the section.

6.1. Effectiveness

6.1.1. *The mutual recognition of certificates*

A number of complaints were received by the Commission and also by EMSA regarding the refusal by some Member States to recognise certificates issued by MET institutions located in another Member State. Such complaints were analysed during this exercise, as described in section 4.4.

Although the mutual recognition of CoCs and CoPs for employment on board does not appear to have caused so far any problem, the mutual recognition of certificates and/or diplomas issued by MET institutions located in other Member States and presented for the issue/revalidation of national CoCs or CoPs has been an issue.

Legal Opinions providing clarification on this aspect have been circulated to the Member States. Nonetheless, complaints continued to be received. This, together with the unclear definition of 'certificate' in Directive 2005/45/EC, suggests the need to proceed with legislative initiatives to address the concern. In addition the 'approval' of maritime education and training programmes across the European Union is not addressed in the current text of any of the directives as reflected also by the complaints received.

6.2. Efficiency

6.2.1. *The harmonised and centralised system*

There are benefits of the harmonised and centralised system in terms of reliability and reduction of costs. Through analysis of the responses to the OPC and to the targeted stakeholders consultation it is evident that those who responded are generally satisfied with the quality of the work done so far and the cost reduction that it entails. The majority of the respondents agreed that maritime education and training is important for maritime safety and that the standards established in the directives should be in line with the STCW Convention.

However, the evaluation also identified issues that need to be addressed.

These include:

- The time that it takes between the notification by a Member State of the intention to recognise a third country and the publication of the decision. In general, such time period varies between 3 and 8 years, i.e. well above

the period of 18 months established in Article 19 of Directive 2008/106/EC. Consequently, consideration should be given to alter such deadline and possibly discuss how, within that period, work between DGMOVE and EMSA can be streamlined;

- The prioritisation of inspections to third countries after notification by a Member State. Although a notification by a Member State of its intention to recognise a third country system has taken priority and inspections were conducted, in a few cases, as reported in the body of the report, the number of endorsements of recognition was very limited;
- The difficulty in complying with the five-year period for reassessment of countries already recognised: While when submitting a request for recognition Member States should state their reasons, the situation may change after five years of the third country being recognised. Consideration should be given to the establishment of up-to-date priority criteria for the re-assessment. Such criteria were adopted in 2005 before the inspections to third countries commenced but at present became obsolete;
- The difficulty in complying with the regular 5 year monitoring of Member States. Although the first cycle was completed within such period, the second cycle cannot be done within that window not only due to the limitations in terms of the EMSA establishment plan and DGMOVE staff but also because of the adoption by the EMSA Board of the methodology for visits to Member States (includes all visits related to the different directives). This methodology does not allow more than two visits per year to a Member State and if such two visits are conducted, the Member State cannot be visited the following year. Moreover, there should be a gap of at least three months between EMSA visits to any one Member State and also the programming of maritime security inspections has to be taken into account. Also, visits are not to be conducted when a Member State holds the Presidency. This document is introduced in Article 3 of Regulation (EC) No 1406/2002 of the European Parliament and of the Council of 27 June 2002 establishing a European Maritime Safety Agency, as amended) which states that “the Agency shall carry out visits to Member States in accordance with the methodology established by the Administrative Board”. Consequently, a change in the timeline of the cycles may have to be considered.

Suggestions were also put by some respondents in terms of making the EMSA reports public and supporting the publication of relevant guidelines to support stakeholders to overcome the deficiencies.

6.3. Coherence

6.3.1. *The update of Directive 2008/106/EC*

The amendments to the STCW Convention and Code adopted by the IMO in 2015 and 2016 may have to be included in the Directive as otherwise there is incoherence in relation to Article 3 of Directive 2008/106/EC where it is stated under paragraph 1 that “Member States shall take the measures necessary to ensure that seafarers serving on ships as referred to in Article 2 are trained as a minimum in accordance with the requirements of the STCW Convention, as laid down in annex I to this Directive, and hold certificates as defined in points (36) and (37) of Article 1 and/or documentary evidence as defined in point (38) of Article 1”. This implies the introduction of the 2015 amendments (seafarers serving on board ships subject to the IGF Code) and 2016 amendments (seafarers serving on board ships operating in Polar waters) because the Directive should include the provisions from the Convention and not from the two Codes

As referred above, the term “appropriate certificate”, as defined in Directive 2005/45/EC, needs also to be amended following the 2010 amendments to the STCW Convention and Code which have been introduced into Directive 2008/106/EC by Directive 2012/35/EU.

The inconsistencies in the text of Directive 2008/106/EC in Articles 7 and 12.3 should be addressed during the amendment process. As Article IX of the STCW Convention on ‘Equivalentents’ was not included in the text of Directive 2008/106/EC and despite that a very few EU Member States use it, contemplation on its future inclusion might be necessary.

6.3.2. *Merging of Directives 2008/106/EC and 2005/45/EC*

Consideration should be given to merge the two directives. Article 25 of Directive 2008/106/EC on ‘regular monitoring of compliance’ requires the Commission, assisted by EMSA, to verify on a regular basis and at least every five years that Member States comply with the minimum requirements laid down in the Directive. Moreover, in the preamble of Directive 2005/45/EC in (13) it is stated that EMSA should assist the Commission in verifying

that Member States comply with the requirements laid down in the two directives. In fact the mutual recognition principle assumes that all Member States comply with the requirements established in the directives. Through the regular monitoring by the Commission and EMSA it is ensured that such compliance exists. As Directive 2005/45/EC refers to terms not any longer used and in its text refers to Directive 2001/25/EC such merger would eliminate the inconsistencies and would facilitate the implementation of the provisions by the Member States. This would also be in the interest of those respondents that during the stakeholders' consultation suggested such merging, stating that it would facilitate the implementation of the relevant provisions.

6.4. Relevance

The analysis revealed the relevance of the two directives. Nevertheless, the different interpretations of the definition of 'seagoing service' indicates the need to address this definition. Different interpretations of the definition of 'seagoing service' may result in different Member States requiring such service to be performed on board different types of vessels but at the end issuing the same certificate. It is an issue of considerable relevance to shipping companies who employ the seafarers. As a result of the different interpretations, seafarers holding certificates issued by different Member States may at the end have been acquired different experience, possibly without any consideration being given to criteria to ensure relevance of such experience.

6.5. European added value

The centralised system as established by Directive 2008/106/EC has demonstrated to have an European Added Value, providing a general acceptance of the implementation of the standards of maritime education, training and certification not only in the EU but also world-wide.

The centralised system allowed the adoption of a common technical methodology for inspections to third countries and visits to Member States. This technical methodology was adopted following consultations with the Member States ensuring a wide European involvement and acceptance. Irrespective of the team appointed for the visits and inspections and the country system being verified the use of a common methodology ensures that the same approach is followed and that certain number of processes are verified in a consistent way. Furthermore, through the use of a common methodology the findings can be shared and analysed in a horizontal way. In the middle of every cycle of visits to Member States a preliminary horizontal analysis is conducted being completed at the end of the same. Without referring names of countries such analysis allows to identify which provisions have been more difficult to implement. It also provides material that can be used when a new amendment to the STCW Convention is being considered at the IMO level. EU Member States and the Commission have access to this analysis which is not available to other parties to the STCW Convention.

The fact that the centralised system is in place with EMSA conducting the inspections to third countries and the European Commission conducting its assessment reduces the costs that would be involved had each Member State the obligation to conduct such exercise by itself. A quote from one of the respondents to the stakeholders targeted consultation also illustrates a particular view also shared by others "EMSA acts as a check where some EU Member States might not otherwise audit".

Finally, the centralised system also ensures outside the EU that the Member States are strictly monitored during the regular monitoring visits and, consequently, comply with their obligations arising from being Parties to the STCW Convention.

6.6. General proposals resulting from the consultation

Respondents to the OPC and the targeted stakeholder consultation put forward some suggestions in terms of standards to be developed in the near future. Although this was not a principal purpose of the evaluation, any potential added value as can be extracted from such suggestions should not be discarded, even if after further analysis, said suggestions may result not to be feasible to take up.

The list of proposals included:

- Approval of recognised standards for instructors. This would imply first the development of common standards accepted at MET level. For the time being Section A1/6 of the STCW Code in its paragraph 3 states that "Each Party shall ensure that instructors, supervisors and assessors are appropriately qualified for the particular types and levels of training or assessment of competence of seafarers, either on board or ashore". In the case of

training using a simulator the text is more specific referring that in this case instructors shall “have received appropriate guidance in instructional techniques involving the use of simulators” and “have gained practical operational experience on the particular type of simulator being used”. In Directive 2008/106/EC such is addressed in paragraph 2 of Article 17 under ‘Responsibilities of Member States with regard to training and assessment’;

- Address unmanned vessels. This proposal was put forward in the consultation but at this stage falls short of the objective of the two directives under evaluation;
- STCW Regulation I/13 allows for Conduct of trials, “in order to evaluate alternative methods or performing specific duties or satisfying particular arrangements by the Convention, which would provide at least the same degree of safety, security and pollution prevention as provided by these Regulations”. That provision is not included in Directive 2008/106/EC, as amended, which has the effect of preventing any Member State from authorising trials and potentially reducing the scope for finding improved ways of operating ships safely. At least one Member State has conducted trials on vessels, in order to assess the safety of an alternative pattern of work which does not fully comply with Section A-VII/1 paragraphs 2, 3, and 9 of the STCW Code but over two days provides more than the minimum required period of rest. This was limited to vessels operating solely on what that Member State defined as domestic voyages, which limited its value assessing more general application. This trial was conducted with the knowledge of the European Commission and the proposal put forward by the respondent would imply adding it to the Directive if accepted;
- Consideration to be given to the draft of a consolidated version of the directives after amendments in order to make reading/interpretation easier;
- The development of a directive containing the STCW-F provisions. This needs to be addressed by the adequate Commission services but a member State administration expressed concern and put forward a proposal within the consultation process.

A respondent noted that consideration “for the digitalisation of the issue and handling of certificates” should be considered. With this in view the respondent to the consultation suggested a European standardization process to be initiated in order to set a common framework. The respondent suggests the EU to be “a moderator during a transition time and to find near-future solutions”.

Finally, it became evident that data obtained from PSC inspections and from accident investigation reports cannot be used to identify the need for improvements in maritime education and training. The STCW-related deficiencies identified during PSC inspections relate mainly to certification, in many cases printing mistakes or certificates not correctly filled by the maritime administrations. Although the data from EMCIP may provide indications as to what may need to be addressed in the future in terms of education, training and companies’ responsibility, it does not allow as yet to link the report’s conclusions to the evaluation of the implementation of the directives and whether they are fit for purpose. Also the contributing factors identified in EMCIP may be interlinked and could be also classified differently. For instance, ‘lack of skill’ may be caused by ‘inadequate training programme’. The current classification may therefore not be conducive to the evaluation of the directives. As a follow-up, a research study on the extent to which causes of maritime accidents and detentions in Port State Control can be linked to deficiencies in maritime education and training could be useful and provide another input into how much the directives are fit for purpose.

Appendix A Evaluation matrix as agreed at the beginning of the exercise

EVALUATION MATRIX	
Title	Evaluation of Directive 2008/106/EC and Directive 2005/45/EC
Background	<p>Directive 2008/106/EC on minimum level of training of seafarers as amended incorporates into Union law the International Maritime Organization (IMO) Convention on Standards of Training, Certification and Watchkeeping for Seafarers (the 'STCW Convention'). It also contains a common EU mechanism for the recognition of the systems of maritime education, training and certification of seafarers of third countries. The basic element of the Directive 2008/106/EC is the regular verification by the Commission, assisted by the European Maritime Safety Agency (EMSA), of compliance of the Member States and of third countries with the requirements of Directive 2008/106/EC and the STCW Convention respectively.</p> <p>Directive 2005/45/EC on the mutual recognition of seafarers' certificates issued by the Member States provides for an automatic recognition of seafarers' qualifications issued in accordance with Directive 2008/106/EC without the need for compensation measures.</p>
Evaluation scope	The scope of the evaluation will cover Directive 2008/106/EC as amended and the related Directive 2005/45/EC. The evaluation will cover the period from 2005 – when EMSA, on behalf of the Commission, started its visits/inspections to Member States/ third countries – to April 2016.

Evaluation criteria	Evaluation questions	What to be measured	Indicator	Sources	Additional inputs for evaluation	Sources	Method for answering evaluation questions	Remarks
Effectiveness								
	Has Directive 2008/106/EC contributed to the improvement of maritime education and training?	How the current Directive influences the improvement of the systems.	<p>The number of rectified / corrected deficiencies in the process of assessment of MSs and third countries; PSC deficiencies on STCW;</p> <p>Number of STCW deficiencies identified during PSC inspections;</p> <p>Number of cases where accident investigation reports identified human element related causes.</p>	<p>Desk research:</p> <ul style="list-style-type: none"> - STCW-IS; - Assessment files; - PSC; - Accident investigation. <p>Targeted consultation:</p> <ul style="list-style-type: none"> - MET; - Maritime administrations; - Shipowners; - Trade Unions; - Seafarers. 			<p>Comparison between the number of rectified deficiencies versus the number of initial deficiencies;</p> <p>Evolution of the number of PSC STCW-related deficiencies between 2005 and 2015;</p> <p>Evolution of the number of cases where accident investigation reports identified human</p>	

							<p>element failures between 2010 and 2015;</p> <p>Analysis of the reasons of the shortcomings identified during EMSA visits to the Member States</p>	
	<p>To what extent have the Directives contributed to the professional mobility of seafarers in the EU?</p>	<p>The extent to which the number of EaRs issued by Member States to holders of CoCs issued by other Member States has increased.</p>	<p>The number of EaRs issued by MSs to the CoCs issued by another MS.</p>	<p>Desk research: - STCW-IS.</p> <p>Targeted consultation: - Member States; - Trade Unions; - Seafarers.</p>	<p>The number of EaRs issued before 2005 (entry into force of Dir 2005/45/EC)</p>	<p>Member States</p>	<p>The comparison of the results may shed light on the effectiveness with respect to mobility.</p>	<p>Account given to the fact that STCW existed before the Directive, and that the seafarers' sector had been "global" before it too.</p>
	<p>To what extent has the verification mechanism set out in Directive 208/106/EC led to the compliance of Member States and of third countries with the requirements of the Directive 2008/106/EC and the STCW Convention respectively?</p>	<p>How well the Directive is implemented in the MSs.</p> <p>How well the STCW Convention is implemented in EU recognised third countries (with respect to those areas of STCW that are important for recognition).</p>	<p>The number and the reasons of shortcomings identified during the EMSA visits to Member States.</p> <p>The number of shortcomings identified in the EMSA inspections to Third countries.</p>	<p>Desk research: - Horizontal Analysis reports - STCW-IS.</p>			<p>Comparison between the number of findings identified in the reports and the number of findings still remaining after the corrective actions.</p> <p>Analysis of the reasons of the shortcomings identified during EMSA visits to the Member States.</p>	<p>Consideration to be given to the Corrective Action Plans (CAPs).</p>
	<p>Has the mutual recognition of seafarers' qualifications been effective towards the mutual recognition of seafarers' certificates? In this respect, are there complaints for non-</p>	<p>How effective the current system of automatic recognition of certificates is within the MSs</p>	<p>The number and the reasons of complaints registered about recognition refusal.</p>	<p>Desk research: - COM files;</p> <p>Targeted consultation: - Member States; - Shipping Companies;</p>			<p>Verification and analysis of the number and the reasons of complaints received.</p>	<p>The term "appropriate certificate" found in the Directive 2005/45/EC is outdated. Thus, confusion could be</p>

	recognition of seafarers' certificates?			- Seafarers.				created on the type of certificates covered.
Efficiency								
	Has the centralized EU mechanism for the recognition of the systems of training and certification of seafarers of third countries been efficient for the Member States (e.g. in terms of simplification, reduced administrative/regulatory burden, lower costs)?	Costs, process simplification, administrative burden.	Costs, process simplification and administrative burden referred by the Member States in the targeted consultation.	Targeted consultation: - Member States.	Possible Focus groups Possible workshop, if agreed	EU Maritime Administrations	Analysis of questionnaires replies. Analysis of discussions in other fora where considered relevant. Responses to the questionnaire indicate a "Yes" tendency.	
	Has the mutual recognition of seafarers' certificates within the EU been efficient for the seafarers (e.g. in terms of simplification, reduced burden, lower costs)?	Costs, process simplification, administrative burden.	Costs, process simplification and administrative burden referred to by the Member States in the targeted consultation.	Targeted consultation: - Trade Unions; - Seafarers; - Maritime administrations; - Shipowners.	Possible Focus Group		Analysis of questionnaire replies Analysis of discussions in other fora? Responses to the questionnaire indicate a "Yes" tendency	
Relevance								
	To what extent are the Directives still relevant? How well do the objectives still correspond to the needs of the maritime sector?	Satisfaction with the text of the directives	Responses to the targeted consultation	Targeted consultation: - Member States; Shipowners; Trade Unions			Focus group, group discussions	Important to get alternatives, if so suggested
Coherence								
	To what extent Directive is 2008/106/EC coherent with regard to the most recent amendments of the STCW Convention adopted at the IMO?	Whether the content of the Directives is in line with the amendments introduced in the STCW Convention, following their adoption	The number and the impact of inconsistencies between the Directive and the STCW Convention All amendments to the Convention	Desk research: - Directives - STCW Convention - Text of the Legal Services Opinion			Comparison between the text in each Directive and the text in the Convention	

			are included in the text of the Directive					
	To what extent are the Directives coherent with the wider EU policy on maritime safety and in particular with the EU Maritime Transport Strategy?	Whether the content of the Directives reflects the text of the EU Maritime Transport Strategy	Identify whether the content of the Directives are aligned with the EU Maritime Transport Strategy	Desk research: - Directives - EU Maritime Transport Strategy document - Athens Declaration Targeted consultation: - Member States			Comparison between the content of the texts and taking into account the responses from the targeted consultation.	
	To what extent are the Directives coherent with each other especially given the update of the definition of the term 'appropriate certificate'?	Comparison between the text in the two directives	The number and impact of inconsistencies between the two Directives	Desk research: - Directives - Opinion Legal Services - Targeted consultation: - Member States			Review of the text in the directives and taking into account the responses from the targeted consultation.	
European Added Value								
	What is the added value of having EU legislation that is incorporating the international standards for training and certification of seafarers?	Perceived EU added value Value brought to the employment market by providing EU-wide acceptance and comparability of procedures and requirements	Costs; administrative burden; facilitation	Targeted consultation: - Member States - Stakeholders			Analysis of implementation of the Directive Analysis of stakeholders' feedback Mechanism benefits Enforcement of legislation Deficiencies closed	

Appendix B Questionnaires

Open Public Consultation

Introduction

The EU has one of the world's strictest regimes regarding maritime safety in and around EU waters covering the whole chain of responsibility. Amongst others, key parts of the EU Maritime Safety Framework are:

- Directive 2009/21/EC on compliance with flag State requirements
- Directive 2009/18/EC establishing the fundamental principles governing the investigation of accidents in the maritime transport sector
- Directive 2009/16/EC on port State control
- Directive 2002/59/EC on vessel traffic monitoring and information system
- Directive 2008/106/EC on the minimum level of training of seafarers and Directive 2005/45/EC on the mutual recognition of seafarers

In addition there is EU legislation to promote the performance of maritime transport through simplification and streamlining of reporting formalities – Directive 2010/65/EU on reporting formalities – with a view to achieve a European Maritime Transport Space without Barriers, a concept which extends the Internal Market to intra-EU maritime transport. Underpinning both objectives is the Union Maritime Information and Exchange System, enabling efficient maritime transport and maritime traffic.

The Commission has decided to conduct a Fitness Check of the related EU maritime legislation to identify any excessive burdens, inconsistencies and obsolete or (cost) ineffective measures in the policy area being considered. The individual legislative acts will be evaluated thoroughly. The overall fitness check will be complementary to show the full picture and a more strategic and global view by studying the interaction between the acts and assessing whether overall they allow achieving the above-mentioned objectives in the most cost-efficient way supporting growth and competitiveness.

In parallel to the fitness check, the maritime transport legislation related to the training of seafarers will undergo an evaluation under the Commission's Regulatory Fitness and Performance programme (REFIT) which aims to make EU law simpler, lighter, more efficient and less costly. The REFIT should ensure that the legislative framework is fit for purpose and that the objectives of maritime safety and promotion of seafarers' mobility by facilitating mutual recognition of their certificates are effectively fulfilled considering also the international context.

The following questionnaire is built in a way to allow the non-initiated audience to voice their views on the regulatory framework in place and the related limitations and achievements. You may decide to respond to the full questionnaire or only parts of it by going directly to:

- Fitness check of maritime transport legislation for better safety and efficiency
- Flag state responsibilities and accident investigation
- Port state control
- Simplification and digitalisation of maritime transport
- Maritime transport legislation for the training of seafarers

Respondents are welcome to expand on their answers in the text boxes foreseen for this purpose. At the end of the questionnaire, it is also possible to upload supporting documents (e.g. position papers, statistics) to complement the contribution.

SECTION A – RESPONDENT DETAILS

Are you replying as/on behalf of:

a citizen

a seafarer

a public authority

an industry association

a non-governmental organisation (NGO)

a company

other (please specify)

Please provide your full name or the name of the entity on whose behalf you are replying

Is the entity on whose behalf you are replying registered in the EU Transparency Register? If your organisation is not registered, we invite you to register here, although it is not compulsory to be registered to reply to this consultation. Why a transparency register?

Yes

No

If so, please indicate the registration number in the Transparency Register

Please give your email address in case we have questions about your reply and need to ask for clarifications

Please indicate the country where you live or, if you reply on behalf of an entity, the country where it has its headquarters/place of establishment. International and/or European organisations please choose 'international'

Austria

Belgium

Bulgaria

Croatia

Cyprus

Czech Republic

Denmark

Estonia

Finland

France

Germany

Greece

Hungary

Italy

Latvia

Lithuania

Luxembourg

Malta

Netherlands

Poland
Portugal
Ireland
Romania
Slovakia
Slovenia
Spain
Sweden
UK
Iceland
Norway
Switzerland
other European non-EU
non-European
international

Please specify which interests you (the organisation on behalf of which you respond) represent:

National maritime authorities/administrations
Shipowners/operators
Port and terminal operators
Seafarers and their organisations / Trade unions
Maritime related European associations
Third Country Flag States
Classification societies
Other actors involved in maritime transport such as ships agents, pilots, VTS operators etc.
Standardisation bodies
Consultancies
Research and academia
General interests (environmental, social, NGOs etc.)
Passengers
other (please specify)

Please indicate whether you agree to the publication of your response.

Under the name indicated – I agree to the publication of all information in my response

Anonymously – I agree to the publication of all information in my response, except the replies to question 2 (name), question 4 (registration number) and question 5 (email address)

No, I do not agree to the publication of my response – I understand that my anonymised response may be included in any published statistical data, for example to show general trends in the responses to the consultation.

B5 - MARITIME TRANSPORT LEGISLATION FOR THE TRAINING OF SEAFARERS

Directive 2008/106/EC on the minimum level of training of seafarers

In your view, how important is maritime specific education and training of seafarers for the prevention of maritime accidents?

Very Important

Important

Less Important

Not important

No opinion

In your view, how important is it that the EU verifies that the maritime specific education and training system of third countries complies with the minimum international standards set by the STCW Convention?

Very Important

Important

Less Important

Not important

No opinion

In your view, how important is it that the EU verifies the maritime education and training system of the Member States?

Very important

Important

Less Important

Not important

No opinion

In your view, should the EU legislation be kept aligned with the internationally agreed standards set by the STCW Convention on maritime education and training?

It should be kept aligned with international standards

It should go beyond international standards

No Opinion

In your view, how does the common EU mechanism of recognition of third countries' maritime specific education and training system impact the administrative burden for the EU Member States?

It reduces administrative burden (Please specify in the text box)

It increases administrative burden (Please specify in the text box)

It doesn't have any noteworthy impact on burden

No Opinion

In your view, how does the common EU mechanism of recognition of third countries' maritime specific education and training system influence the costs for the EU Member States?

It reduces costs (Please specify in the text box)

It increases costs (Please specify in the text box)

It doesn't have noteworthy impact on cost

No Opinion

Do you have any general comment on the functioning and/or impact of Directive 2008/106/EC you would like to share?

Directive 2005/45/EC on the mutual recognition of seafarers' certificates issued by the Member States

To what extent does the mutual recognition of seafarers' certificates facilitate their professional mobility within the EU?

To a great extent

To some extent

To a limited extent

Not at all

No opinion

Are you aware of the type of certificates that are covered under the mutual recognition scheme?

I'm aware of Certificates of Competency (CoCs)

I'm aware of Certificates of Proficiency (CoPs)

I'm aware of both CoCs and CoPs

Other (please mention below)

No opinion

What is the impact of the mutual recognition of seafarers' certificates on administrative burden and costs for seafarers when applying to work on board another EU flagged vessel?

It reduces costs/burdens (Please specify in the text box)

It increases costs/burdens (Please specify in the text box)

It doesn't have noteworthy impact on cost

No Opinion

Do you know cases where a seafarer's certificate issued by a Member State was not recognised by another one?

Yes (please specify in the text box)

No

No opinion

Do you have any general comment on the functioning and/or impact of Directive 2005/45/EC you would like to share?

Targeted consultation: "Seafarers' Training and Mutual Recognition Directives" for Maritime Administrations

Fields marked with * are mandatory.

Introduction

The maritime transport legislation related to the training of seafarers is undergoing an evaluation under the Commission's Regulatory Fitness and Performance programme (REFIT) which aims to make EU law simpler,

lighter, more efficient and less costly. The REFIT evaluation should ensure that the legislative framework is fit for purpose and that the objectives of maritime safety and promotion of seafarers' mobility by facilitating mutual recognition of their certificates are effectively fulfilled considering also the international context. The Refit evaluation comprises of Directive 2008/106/EC on the minimum level of training of seafarers as amended by Directive 2012/35/EU and Directive 2005/45/EC on the mutual recognition of seafarers' certificates issued by the Member States.

The Directive 2008/106/EC incorporates the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW Convention) into Union law. It also contains a common EU mechanism for the EU wide recognition of the systems of maritime education, training and certification of seafarers of third countries. This mechanism ensures that seafarers holding certificates issued by non-EU countries and who are to be employed on board EU flagged vessels comply with the minimum standards established by the STCW Convention.

With the assistance of the European Maritime Safety Agency (EMSA), the Commission carries out a regular verification of compliance of the Member States and of EU recognised third countries with the requirements of the Directive 2008/106/EC and the STCW Convention, respectively.

Directive 2005/45/EC requires every Member State to recognise certificates issued by another Member State in accordance with the requirements laid down in Directive 2008/106/EC.

About You

*Your full name

*The Maritime Administration on which behalf you are replying

*Is the entity on whose behalf you are replying registered in the EU Transparency Register? (If your organisation is not registered, we invite you to register here, although it is not compulsory to be registered to reply to this consultation. Why a transparency register?)

Yes

No

*If so, please indicate your Register ID number.

*In which country is your Maritime Administration located?

Austria

Belgium

Bulgaria

Croatia

Cyprus

Czech Republic

Denmark

Estonia

Finland

France

Germany

Greece

Hungary

Ireland

Italy

Latvia
Lithuania
Luxembourg
Malta
Netherlands
Poland
Portugal
Romania
Slovak Republic
Slovenia
Spain
Sweden
United Kingdom
Other

Please provide your email address in case we have questions about your reply and need to ask for clarifications

*Your contribution (Note that, whatever option chosen, your answers may be subject to a request for public access to documents under Regulation (EC) N°1049/2001)

can be published with your personal information (I consent the publication of all information in my contribution in whole or in part including my name or my organisation's name, and I declare that nothing within my response is unlawful or would infringe the rights of any third party in a manner that would prevent publication)

can be published provided that you remain anonymous (I consent to the publication of any information in my contribution in whole or in part (which may include quotes or opinions I express) provided that it is done anonymously. I declare that nothing within my response is unlawful or would infringe the rights of any third party in a manner that would prevent the publication.

Questionnaire

Minimum level of training of seafarers (Directive 2008/106/EC)

1.a. In your view, how important is maritime education and training of seafarers for the prevention of maritime accidents?

Very Important
Important
Less Important
Not important
No opinion

1.b. Could you please briefly explain your answer?

2.a. Are you aware of maritime accidents where lack of training could have been a cause?

Yes
No

2.b. If yes, please explain

3.a. In your view, how important is it that the EU verifies that the maritime education and training system of Member States and third countries complies with the minimum international standards set by Directive 2008/106/EC and the STCW Convention respectively?

- Very Important
- Important
- Less Important
- Not important
- No opinion

3.b. Could you please briefly explain your answer?

4.a. In your view, how does the EU verification mechanism of third countries' maritime education and training system impact the administrative burden for the EU Member States?

- It reduces administrative burden
- It increases administrative burden
- It doesn't have any noteworthy impact on administrative burden
- No opinion

4.b. If you believe that it reduces or increases the administrative burden, could you explain how or by how much? (e.g. in euro, man/hours?)

5.a. The Commission, assisted by the European Maritime Safety Agency, assesses the maritime education, training and certification systems of third countries. Does your administration carry out additional assessments?

- Yes
- No

5.b. If your administration carries out additional assessments, what type of assessments is it carrying out?

- Field visit / Inspections
- Document review
- Both the above
- Other (Please specify in comments)

5.c. If yes, why does your administration carry out additional assessments and could you estimate the costs of these?

6.a. In your view, could the EU verification mechanism of third countries' and Member States' maritime education and training systems be somehow improved?

- Yes (Please specify how)
- No
- No opinion

6.b. Please specify how

7.a. In your view, should the EU legislation be kept aligned with the internationally agreed standards set by the STCW Convention on maritime education and training?

- It should be kept aligned with international standards

It should go beyond international standards

No opinion

7.b. Could you please briefly explain your answer?

8. Do you have any general comment on the functioning and impact of the seafarers' training Directive you would like to share?

Mutual recognition of seafarers' certificates issued by the Member States (Directive 2005/45/EC)

1.a. To what extent does the mutual recognition of seafarers' certificates facilitate their professional mobility within the EU?

To a great extent

To some extent

To a small extent

Not at all

No opinion

1.b. Could you please briefly explain your answer?

2.a. Are you aware of the type of certificates that are covered under the Directive on mutual recognition of seafarers' certificates?

I am aware of Certificates of Competency (CoCs)

I am aware of Certificates of Proficiency (CoPs)

I am aware of both CoCs and CoPs

Other (please specify)

No opinion

2.b. Please specify "Other"

3.a. Has your administration refused the recognition of certificates issued by another Member State?

Yes

No

No opinion

3.b. If your administration has refused the recognition of certificates issued by another Member State, could you identify the type of certificate that was refused?

CoCs

CoPs

Other (Please specify)

3.c. Please specify "Other"

3.d. Could you identify on what grounds that refusal was based?

3.e. Did your administration receive any appeals in relation to non-recognition of certificates?

Yes

No

3.f. If yes, how many?

4. Do you have any general comment on the functioning and impact of the mutual recognition Directive you would like to share?

Targeted consultation: "Seafarers' Training and Mutual Recognition Directives" for Maritime Education and Training Institutions (METIs)

Fields marked with * are mandatory.

Introduction

The maritime transport legislation related to the training of seafarers is undergoing an evaluation under the Commission's Regulatory Fitness and Performance programme (REFIT) which aims to make EU law simpler, lighter, more efficient and less costly. The REFIT evaluation should ensure that the legislative framework is fit for purpose and that the objectives of maritime safety and promotion of seafarers' mobility by facilitating mutual recognition of their certificates are effectively fulfilled considering also the international context. The Refit evaluation comprises of Directive 2008/106/EC on the minimum level of training of seafarers as amended by Directive 2012/35/EU and Directive 2005/45/EC on the mutual recognition of seafarers' certificates issued by the Member States.

The Directive 2008/106/EC incorporates the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW Convention) into Union law. It also contains a common EU mechanism for the EU wide recognition of the systems of maritime education, training and certification of seafarers of third countries. This mechanism ensures that seafarers holding certificates issued by non-EU countries and who are to be employed on board EU flagged vessels comply with the minimum standards established by the STCW Convention.

With the assistance of the European Maritime Safety Agency (EMSA), the Commission carries out a regular verification of compliance of the Member States and of EU recognised third countries with the requirements of the Directive 2008/106/EC and the STCW Convention, respectively.

Directive 2005/45/EC requires every Member State to recognise certificates issued by another Member State in accordance with the requirements laid down in Directive 2008/106/EC.

About You

* Your full name

*The Maritime Education and Training Institution on which behalf you are replying

*Is the entity on whose behalf you are replying registered in the EU Transparency Register? (If your organisation is not registered, we invite you to register here, although it is not compulsory to be registered to reply to this consultation. Why a transparency register?)

Yes

No

*If so, please indicate your Register ID number.

*In which country is your Maritime Education and Training Institution located?

Austria

Belgium

Bulgaria

Croatia

Cyprus
Czech Republic
Denmark
Estonia
Finland
France
Germany
Greece
Hungary
Ireland
Italy
Latvia
Lithuania
Luxembourg
Malta
Netherlands
Poland
Portugal
Romania
Slovak Republic
Slovenia
Spain
Sweden
United Kingdom
Other

Please provide your email address in case we have questions about your reply and need to ask for clarifications

*Your contribution (Note that, whatever option chosen, your answers may be subject to a request for public access to documents under Regulation (EC) N°1049/2001)

can be published with your personal information (I consent the publication of all information in my contribution in whole or in part including my name or my organisation's name, and I declare that nothing within my response is unlawful or would infringe the rights of any third party in a manner that would prevent publication)

can be published provided that you remain anonymous (I consent to the publication of any information in my contribution in whole or in part (which may include quotes or opinions I express) provided that it is done anonymously. I declare that nothing within my response is unlawful or would infringe the rights of any third party in a manner that would prevent the publication.

Questionnaire

1.a. In your view, how important is maritime education and training of seafarers for the prevention of maritime accidents?

Very Important
Important

Less Important

Not important

No opinion

1.b. Could you please briefly explain your answer?

2.a. In your view, how important is it that the EU verifies that the maritime education and training system of Member States and third countries complies with the minimum international standards set by Directive 2008/106/EC and the STCW Convention respectively?

Very Important

Important

Less Important

Not important

No opinion

2.b. Could you please briefly explain your answer?

3. In case your maritime training institution has been visited and evaluated by EMSA and shortcomings/problems have been identified during these visits what were the main reasons for these shortcomings?

4.a. In your view, to what extent have the inspections conducted by EMSA to your institution contributed to the improvement of your system?

To a great extent

To some extent

To a small extent

Not at all

No opinion

4.b. If the inspections of EMSA have contributed to the improvement of your system, in which areas have they contributed the most? You can choose several options.

Quality Management

Qualification of academic staff

Training Facilities

Curricula

Other

4.c. Please explain your answer

4.d. In case you believe that EMSA inspections have not contributed to the improvement of your system or it has contributed to a limited extent, could you explain why?

5.a. Do you believe that the methodology of inspections could be improved?

Yes (Please specify)

No

No opinion

5.b. Please specify

6.a. Do you believe that the methodology of inspections could be improved?

It should be kept aligned with international standards

It should go beyond international standards

No opinion

6.b. Could you please briefly explain your answer?

7. Do you have any general comment on the functioning and impact of seafarers' training and mutual recognition Directives you would like to share?

Targeted consultation: "Seafarers' Training and Mutual Recognition Directives" for Seafarers

Fields marked with * are mandatory.

Introduction

The maritime transport legislation related to the training of seafarers is undergoing an evaluation under the Commission's Regulatory Fitness and Performance programme (REFIT) which aims to make EU law simpler, lighter, more efficient and less costly. The REFIT evaluation should ensure that the legislative framework is fit for purpose and that the objectives of maritime safety and promotion of seafarers' mobility by facilitating mutual recognition of their certificates are effectively fulfilled considering also the international context. The Refit evaluation comprises of Directive 2008/106/EC on the minimum level of training of seafarers as amended by Directive 2012/35/EU and Directive 2005/45/EC on the mutual recognition of seafarers' certificates issued by the Member States.

The Directive 2008/106/EC incorporates the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW Convention) into Union law. It also contains a common EU mechanism for the EU wide recognition of the systems of maritime education, training and certification of seafarers of third countries. This mechanism ensures that seafarers holding certificates issued by non-EU countries and who are to be employed on board EU flagged vessels comply with the minimum standards established by the STCW Convention.

With the assistance of the European Maritime Safety Agency (EMSA), the Commission carries out a regular verification of compliance of the Member States and of EU recognised third countries with the requirements of the Directive 2008/106/EC and the STCW Convention, respectively.

Directive 2005/45/EC requires every Member State to recognise certificates issued by another Member State in accordance with the requirements laid down in Directive 2008/106/EC.

About You

*Your full name

*Your country of residence

Austria

Belgium

Bulgaria

Croatia

Cyprus

Czech Republic

Denmark

Estonia

Finland

- France
- Germany
- Greece
- Hungary
- Ireland
- Italy
- Latvia
- Lithuania
- Luxembourg
- Malta
- Netherlands
- Poland
- Portugal
- Romania
- Slovak Republic
- Slovenia
- Spain
- Sweden
- United Kingdom
- Other

*Please specify "Other"

*Please specify the country that has issued your certificate

- Austria
- Belgium
- Bulgaria
- Croatia
- Cyprus
- Czech Republic
- Denmark
- Estonia
- Finland
- France
- Germany
- Greece
- Hungary
- Ireland
- Italy
- Latvia
- Lithuania

Luxembourg
Malta
Netherlands
Poland
Portugal
Romania
Slovak Republic
Slovenia
Spain
Sweden
United Kingdom
Other

*Please specify "Other"

Please specify the capacity and the department you are serving onboard

Please provide your email address in case we have questions about your reply and need to ask for clarifications

*Your contribution (Note that, whatever option chosen, your answers may be subject to a request for public access to documents under Regulation (EC) N°1049/2001)

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can be published provided that you remain anonymous (I consent to the publication of any information in my contribution in whole or in part (which may include quotes or opinions I express) provided that it is done anonymously. I declare that nothing within my response is unlawful or would infringe the rights of any third party in a manner that would prevent the publication.

Questionnaire

1.a. In your view, how important is maritime education and training of seafarers for the prevention of maritime accidents?

Very Important
Important
Less Important
Not important
No opinion

1.b. Could you please briefly explain your answer?

2.a. In your view, how important is it that the EU verifies that the maritime education and training system of Member States and third countries complies with the minimum international standards set by Directive 2008/106/EC and the STCW Convention respectively?

Very Important
Important
Less Important

Not important

No opinion

2.b. Could you please briefly explain your answer?

3.a. To what extent does the mutual recognition of seafarers' certificates facilitate your professional mobility within the EU?

To a great extent

To some extent

To a small extent

Not at all

No opinion

3.b. Could you please briefly explain your answer? Is there an impact on costs or administrative burden?

4.a. Are you aware of the type of certificates that are covered under the mutual recognition scheme?

I am aware of Certificates of Competency (CoCs)

I am aware of Certificates of Proficiency (CoPs)

I am aware of both CoCs and CoPs

Other (please specify "Other")

No opinion

4.b. Please specify "Other"

5.a. Has a Member State refused the recognition of your certificate?

Yes

No

5.b. If yes, could you identify the type of certificate that was refused?

CoCs

CoPs

Other (Please specify)

5.c. Could you identify on what grounds that refusal was based? Did you make an appeal?

6.a. Has a Member State (other than the one issuing your certificate) requested the fulfilment of additional requirements from you in order to recognise your certificate?

Yes

No

6.b. If yes, what type of additional requirements did the other Member State required you to fulfil?

I had to repeat the full training programme from the beginning

I had to do some additional training

I had to acquire additional seagoing service

Other (Please specify)

6.c. Please specify "Other"

7. Do you have any general comment on the functioning and impact of Seafarers' Training and Mutual Recognition Directives you would like to share?

Targeted consultation: "Seafarers' Training and Mutual Recognition Directives" for Shipowners

Fields marked with * are mandatory.

Introduction

The maritime transport legislation related to the training of seafarers is undergoing an evaluation under the Commission's Regulatory Fitness and Performance programme (REFIT) which aims to make EU law simpler, lighter, more efficient and less costly. The REFIT evaluation should ensure that the legislative framework is fit for purpose and that the objectives of maritime safety and promotion of seafarers' mobility by facilitating mutual recognition of their certificates are effectively fulfilled considering also the international context. The Refit evaluation comprises of Directive 2008/106/EC on the minimum level of training of seafarers as amended by Directive 2012/35/EU and Directive 2005/45/EC on the mutual recognition of seafarers' certificates issued by the Member States.

The Directive 2008/106/EC incorporates the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW Convention) into Union law. It also contains a common EU mechanism for the EU wide recognition of the systems of maritime education, training and certification of seafarers of third countries. This mechanism ensures that seafarers holding certificates issued by non-EU countries and who are to be employed on board EU flagged vessels comply with the minimum standards established by the STCW Convention.

With the assistance of the European Maritime Safety Agency (EMSA), the Commission carries out a regular verification of compliance of the Member States and of EU recognised third countries with the requirements of the Directive 2008/106/EC and the STCW Convention, respectively.

Directive 2005/45/EC requires every Member State to recognise certificates issued by another Member State in accordance with the requirements laid down in Directive 2008/106/EC.

About You

*Your full name

*The Ship-owners Association on which behalf you are replying

*Is the entity on whose behalf you are replying registered in the EU Transparency Register? (If your organisation is not registered, we invite you to register here, although it is not compulsory to be registered to reply to this consultation. Why a transparency register?)

Yes

No

*If so, please indicate your Register ID number.

*In which country is your Ship-owners Association located?

Austria

Belgium

Bulgaria

Croatia

Cyprus

Czech Republic

- Denmark
- Estonia
- Finland
- France
- Germany
- Greece
- Hungary
- Ireland
- Italy
- Latvia
- Lithuania
- Luxembourg
- Malta
- Netherlands
- Poland
- Portugal
- Romania
- Slovak Republic
- Slovenia
- Spain
- Sweden
- United Kingdom
- Other

*Please specify "Other"

Please provide your email address in case we have questions about your reply and need to ask for clarifications

*Your contribution (Note that, whatever option chosen, your answers may be subject to a request for public access to documents under Regulation (EC) N°1049/2001)

can be published with your personal information (I consent the publication of all information in my contribution in whole or in part including my name or my organisation's name, and I declare that nothing within my response is unlawful or would infringe the rights of any third party in a manner that would prevent publication)

can be published provided that you remain anonymous (I consent to the publication of any information in my contribution in whole or in part (which may include quotes or opinions I express) provided that it is done anonymously. I declare that nothing within my response is unlawful or would infringe the rights of any third party in a manner that would prevent the publication.

Questionnaire

1.a. In your view, how important is maritime education and training of seafarers for the prevention of maritime accidents?

- Very Important
- Important

Less Important

Not important

No opinion

1.b. Could you please briefly explain your answer?

2.a. Are you aware of maritime accidents where lack of training could have been a cause?

Yes

No

2.b. If yes, please explain

3.a. In your view, how important is it that the EU verifies that the maritime education and training system of Member States and third countries complies with the minimum international standards set by Directive 2008/106/EC and the STCW Convention respectively?

Very Important

Important

Less Important

Not important

No opinion

3.b. Could you please briefly explain your answer?

4.a. In your view, could the EU verification mechanism of third countries' and Member States' maritime education and training system be somehow improved?

Yes

No

No opinion

4.b. If yes, please specify how?

5.a. In your view, should the EU legislation be kept aligned with the internationally agreed standards set by the STCW Convention on maritime education and training?

It should be kept aligned with international standards

It should go beyond international standards

No opinion

5.b. Could you please briefly explain your answer?

6.a. To what extent does the mutual recognition of seafarers' certificates under Directive 2005/45/EC facilitate their professional mobility within the EU?

To a great extent

To some extent

To a small extent

Not at all

No opinion

6.b. Could you please briefly explain your answer?

7.a. Are you aware of the type of certificates that are covered under the mutual recognition scheme?

I am aware of Certificates of Competency (CoCs)

I am aware of Certificates of Proficiency (CoPs)

I am aware of both CoCs and CoPs

Other (please specify)

No opinion

7.b. Please specify "Other"

8.a. Are you aware of cases where a Member State refused the recognition of a seafarer's certificate issued by another Member State?

Yes

No

8.b. If yes, could you provide the number of cases, the type of refused certificates (Cocs, CoPs, other) and the grounds on what that refusal was based?

9. Do you have any general comment on the functioning and impact of Seafarers' Training and Mutual Recognition Directives you would like to share?

Targeted consultation: "Seafarers' Training and Mutual Recognition Directives" for Trade Unions

Fields marked with * are mandatory.

Introduction

The maritime transport legislation related to the training of seafarers is undergoing an evaluation under the Commission's Regulatory Fitness and Performance programme (REFIT) which aims to make EU law simpler, lighter, more efficient and less costly. The REFIT evaluation should ensure that the legislative framework is fit for purpose and that the objectives of maritime safety and promotion of seafarers' mobility by facilitating mutual recognition of their certificates are effectively fulfilled considering also the international context. The Refit evaluation comprises of Directive 2008/106/EC on the minimum level of training of seafarers as amended by Directive 2012/35/EU and Directive 2005/45/EC on the mutual recognition of seafarers' certificates issued by the Member States.

The Directive 2008/106/EC incorporates the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW Convention) into Union law. It also contains a common EU mechanism for the EU wide recognition of the systems of maritime education, training and certification of seafarers of third countries. This mechanism ensures that seafarers holding certificates issued by non-EU countries and who are to be employed on board EU flagged vessels comply with the minimum standards established by the STCW Convention.

With the assistance of the European Maritime Safety Agency (EMSA), the Commission carries out a regular verification of compliance of the Member States and of EU recognised third countries with the requirements of the Directive 2008/106/EC and the STCW Convention, respectively.

Directive 2005/45/EC requires every Member State to recognise certificates issued by another Member State in accordance with the requirements laid down in Directive 2008/106/EC.

About You

*Your full name

*The Trade Union on which behalf you are replying

*Is the entity on whose behalf you are replying registered in the EU Transparency Register? (If your organisation is not registered, we invite you to register here, although it is not compulsory to be registered to reply to this consultation. Why a transparency register?)

Yes

No

*If so, please indicate your Register ID number.

*In which country is your Trade Union located?

Austria

Belgium

Bulgaria

Croatia

Cyprus

Czech Republic

Denmark

Estonia

Finland

France

Germany

Greece

Hungary

Ireland

Italy

Latvia

Lithuania

Luxembourg

Malta

Netherlands

Poland

Portugal

Romania

Slovak Republic

Slovenia

Spain

Sweden

United Kingdom

Other

*Please specify "Other"

Please provide your email address in case we have questions about your reply and need to ask for clarifications

*Your contribution (Note that, whatever option chosen, your answers may be subject to a request for public access to documents under Regulation (EC) N°1049/2001)

can be published with your personal information (I consent the publication of all information in my contribution in whole or in part including my name or my organisation's name, and I declare that nothing within my response is unlawful or would infringe the rights of any third party in a manner that would prevent publication)

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Questionnaire

1.a. In your view, how important is maritime education and training of seafarers for the prevention of maritime accidents?

- Very Important
- Important
- Less Important
- Not important
- No opinion

1.b. Could you please briefly explain your answer?

2.a. Are you aware of maritime accidents where lack of training could have been a cause?

- Yes
- No

2.b. If yes, please explain

3.a. In your view, how important is it that the EU verifies that the maritime education and training system of Member States and third countries complies with the minimum international standards set by Directive 2008/106/EC and the STCW Convention respectively?

- Very Important
- Important
- Less Important
- Not important
- No opinion

3.b. Could you please briefly explain your answer?

4.a. In your view, could the EU verification mechanism of third countries' and Member States' maritime education and training system be somehow improved?

- Yes
- No
- No opinion

4.b. If yes, please specify how?

5.a. In your view, should the EU legislation be kept aligned with the internationally agreed standards set by the STCW Convention on maritime education and training?

It should be kept aligned with international standards

It should go beyond international standards

No opinion

5.b. Could you please briefly explain your answer?

6.a. To what extent does the mutual recognition of seafarers' certificates under Directive 2005/45/EC facilitate their professional mobility within the EU?

To a great extent

To some extent

To a small extent

Not at all

No opinion

6.b. Could you please briefly explain your answer? Is there an impact on costs or administrative burden?

7.a. Are you aware of the type of certificates that are covered under the mutual recognition scheme?

I am aware of Certificates of Competency (CoCs)

I am aware of Certificates of Proficiency (CoPs)

I am aware of both CoCs and CoPs

Other (please specify)

No opinion

7.b. Please specify "Other"

8.a. Are you aware of cases where a Member State refused the recognition of a seafarer's certificate issued by another Member State?

Yes

No

8.b. In case you are aware of such cases, could you identify the type of certificate that was refused?

CoCs

CoPs

Both CoCs and CoPs

Other (Please specify)

8.c. Please specify "Other"

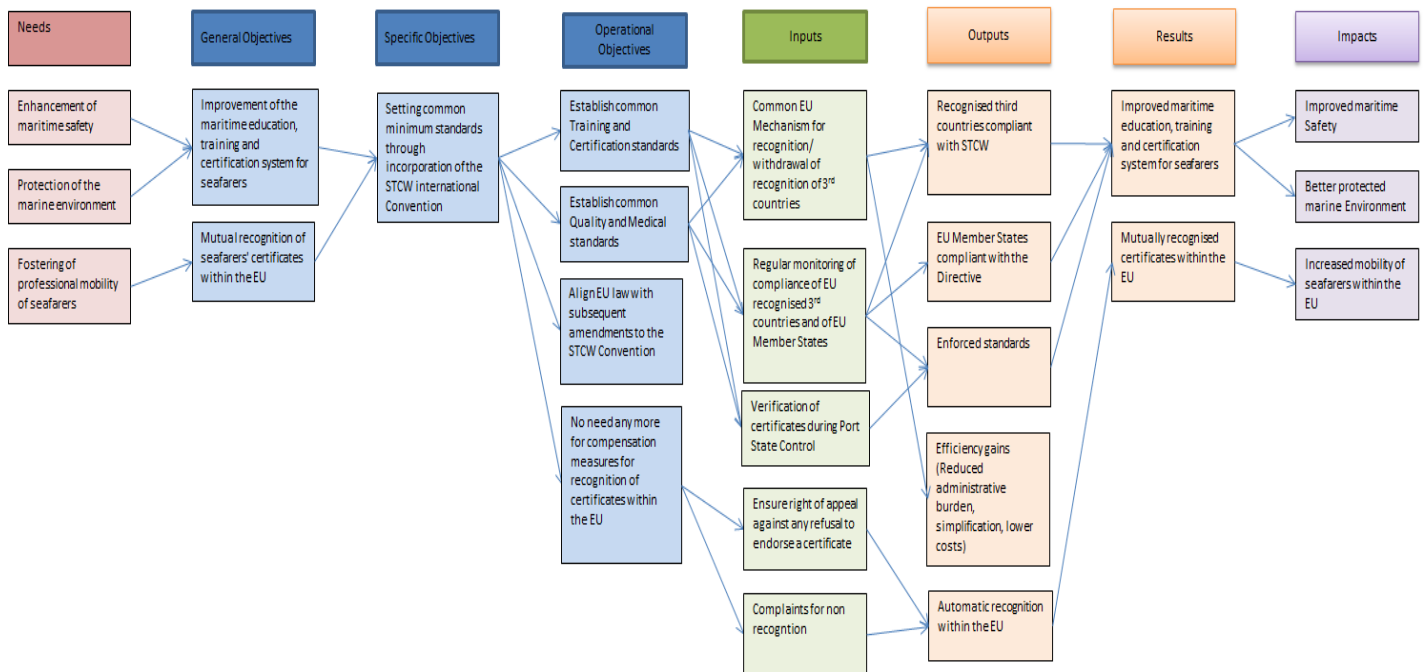
8.d. Could you provide the number of cases and identify on what grounds that refusal was based?

9. Are you aware of any appeals in relation to non-recognition of certificates?

10. Do you have any general comment on the functioning and impact of Seafarers' Training and Mutual Recognition Directives you would like to share?

Appendix C Intervention Logic

The intervention logic deconstructs the expected chain of events by using a simplified model of causality which shows how the intervention was triggered by certain set of needs and how it was designed, with the intention of producing the desired changes. The needs, which include the enhancement of maritime safety, the protection of the marine environment and the fostering of professional mobility of seafarers, are linked with general, specific and operational objectives. The objectives together with the inputs were expected to generate specific outputs, results and impacts.



Appendix D Resolutions regarding new amendments to the STCW Convention

RESOLUTION MSC.373(93)

(adopted on 22 May 2014)

AMENDMENTS TO THE INTERNATIONAL CONVENTION ON STANDARDS OF TRAINING, CERTIFICATION AND WATCHKEEPING FOR SEAFARERS (STCW), 1978

THE MARITIME SAFETY COMMITTEE,

RECALLING Article 28(b) of the Convention on the International Maritime Organization concerning the functions of the Committee,

RECALLING ALSO article XII of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW), 1978 (hereinafter referred to as "the Convention"), concerning the procedures for amending the Convention,

RECALLING FURTHER that the Assembly, by resolution A.1070(28), adopted the IMO Instruments Implementation Code (III Code),

NOTING proposed amendments to the Convention to make the use of the III Code mandatory,

HAVING CONSIDERED, at its ninety-third session, amendments to the Convention proposed and circulated in accordance with article XII(1)(a)(i) of the Convention,

1 ADOPTS, in accordance with article XII(1)(a)(iv) of the Convention, amendments to the Convention, the text of which is set out in the annex to the present resolution;

2 DETERMINES that, pursuant to new regulation I/16, whenever the word "should" is used in the III Code (Annex to resolution A.1070(28)), it is to be read as being "shall", except for paragraphs 29, 30, 31 and 32;

3 DETERMINES ALSO, in accordance with article XII(1)(a)(vii)(2) of the Convention, that the amendments to the Convention shall be deemed to have been accepted on 1 July 2015, unless, prior to that date more than one third of Parties or Parties the combined merchant fleets of which constitute not less than 50% of the gross tonnage of the world's merchant shipping of ships of 100 gross register tonnes or more, have notified their objections to the amendments;

4 INVITES Parties to note that, in accordance with article XII(1)(a)(viii) of the Convention, that the amendments to the Convention, shall enter into force on 1 January 2016 upon their acceptance in accordance with paragraph 2 above;

5 REQUESTS the Secretary-General, in conformity with article XII(1)(a)(v) to transmit certified copies of the present resolution and the text of the amendments contained in the annex to all Parties to the Convention;

6 ALSO REQUESTS the Secretary-General to transmit copies of this resolution and its annex to Members of the Organization, which are not Parties to the Convention.

ANNEX

AMENDMENTS TO THE INTERNATIONAL CONVENTION ON STANDARDS OF TRAINING, CERTIFICATION AND WATCHKEEPING FOR SEAFARERS (STCW), 1978, AS AMENDED

CHAPTER I

GENERAL PROVISIONS

1 The following new definitions are added at the end of regulation I/1.36:

"37 Audit means a systematic, independent and documented process for obtaining audit evidence and evaluating it objectively to determine the extent to which audit criteria are fulfilled.

38 Audit Scheme means the IMO Member State Audit Scheme established by the Organization and taking into account the guidelines developed by the Organization*.

39 Code for Implementation means the IMO Instruments Implementation Code (III Code) adopted by the Organization by resolution A.1070(28).

40 Audit Standard means the Code for Implementation.

* Refer to the Framework and Procedures for the IMO Member State Audit Scheme, adopted by the Organization by resolution A.1067(28)."

2 A new regulation I/16 is added after the existing regulation I/15:

"Regulation I/16

Verification of compliance

1 Parties shall use the provisions of the Code for Implementation in the execution of their obligations and responsibilities contained in the present Convention.

2 Every Party shall be subject to periodic audits by the Organization in accordance with the audit standard to verify compliance with and implementation of the present Convention.

3 The Secretary-General of the Organization shall have responsibility for administering the Audit Scheme, based on the guidelines developed by the Organization*.

4 Every Party shall have responsibility for facilitating the conduct of the audit and implementation of a programme of actions to address the findings, based on the guidelines developed by the Organization*.

5 Audit of all Parties shall be:

.1 based on an overall schedule developed by the Secretary-General of the Organization, taking into account the guidelines developed by the Organization; and

.2 conducted at periodic intervals, taking into account the guidelines developed by the Organization*.

* Refer to the Framework and Procedures for the IMO Member State Audit Scheme, adopted by the Organization by resolution A.1067(28)."

RESOLUTION MSC.374(93)

(adopted on 22 May 2014)

AMENDMENTS TO THE SEAFARERS' TRAINING, CERTIFICATION AND WATCHKEEPING (STCW) CODE

THE MARITIME SAFETY COMMITTEE,

RECALLING Article 28(b) of the Convention on the International Maritime Organization concerning the functions of the Committee,

RECALLING ALSO article XII and regulation I/1.2.3 of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW), 1978, hereinafter referred to as "the Convention", concerning the procedures for amending part A of the Seafarers' Training, Certification and Watchkeeping (STCW) Code,

HAVING CONSIDERED, at its ninety-third session, amendments to part A of the STCW Code, proposed and circulated in accordance with article XII(1)(a)(i) of the Convention,

1 ADOPTS, in accordance with article XII(1)(a)(iv) of the Convention, amendments to the STCW Code, the text of which is set out in the annex to the present resolution;

2 DETERMINES, in accordance with article XII(1)(a)(vii)(2) of the Convention, that the said amendments to the STCW Code shall be deemed to have been accepted on 1 July 2015 unless, prior to that date, more than one third of Parties or Parties the combined merchant fleets of which constitute not less than 50% of the gross tonnage of the world's merchant shipping of ships of 100 gross register tons or more (replaced by MSC 93/22/Add.1/Corr.1), have notified their objections to the amendments;

3 INVITES Parties to the Convention to note that, in accordance with article XII(1)(a)(ix) of the Convention, the annexed amendments to the STCW Code shall enter into force on 1 January 2016 upon their acceptance in accordance with paragraph 2 above;

4 REQUESTS the Secretary-General, in conformity with article XII(1)(a)(v) of the Convention, to transmit certified copies of the present resolution and the text of the amendments contained in the annex to all Parties to the Convention;

5 ALSO REQUESTS the Secretary-General to transmit copies of this resolution and its annex to Members of the Organization, which are not Parties to the Convention.

ANNEX

AMENDMENTS TO PART A OF THE SEAFARERS' TRAINING, CERTIFICATION AND WATCHKEEPING (STCW) CODE

CHAPTER I – GENERAL PROVISIONS

1 A new section A-I/16 is added after the existing section A-I/15 that reads as follows:

"Section A-I/16

Verification of compliance

1 For the purpose of regulation I/16 the areas that shall be subject to audit are indicated in the table below:

AREAS SUBJECT TO BE AUDITED		
	AREA	
INITIAL COMMUNICATION OF INFORMATION		
Article IV, regulation I/7, and section A-I/7, paragraph 2	Initial communication of information	Has the Party communicated information pursuant to article IV and regulation I/7? If yes, has the Maritime Safety Committee confirmed that the information provided demonstrates that "full and complete effect" is given to the provisions of the STCW Convention?

AREAS SUBJECT TO BE AUDITED		
	AREA	
SUBSEQUENT REPORTS		
Article IX and section A-I/7, paragraph 3.1	Equivalentents	<p>Has the Administration retained/adopted any equivalent educational and training arrangements since communicating information pursuant to regulation I/7?</p> <p>If yes, have the details of such arrangements been reported to the Secretary-General?</p>
Regulation I/10 and section A-I/7, paragraph 3.2	Recognition of certificates	<p>Does the Administration recognize certificates issued by other Party in accordance with regulation I/10?</p> <p>If yes, has the Party submitted reports on the measures taken to ensure compliance with regulation I/10?</p>
Regulation VII/1, section A-I/7, paragraph 3.3	Alternative certification	<p>Does the Party authorize employment of seafarers holding alternative certificates issued under regulation VII/1 on ships entitled to fly its flag?</p> <p>If yes, has a copy of the type of minimum safe manning document issued to such ships been provided to the Secretary-General?</p>
Regulation I/8.3 and section A-I/7, paragraph 4	Communication of information concerning the periodic independent evaluation	Has the Party communicated its report of independent evaluation pursuant to regulation I/8?
Regulation I/7.4 and section A-I/7, paragraphs 5 and 6	Communication of information concerning STCW amendments	Has the Party communicated a report concerning implementation of subsequent mandatory amendments to the STCW Convention and Code?
Regulation I/13, paragraphs 4 and 5	Conduct of trials	<p>Has the Administration authorized ships entitle to fly its flag to participate in trials?</p> <p>If yes, have the details of such trials been reported to the Secretary-General (paragraph 4)?, and</p> <p>Have the details of results of the trials been reported to the Secretary-General (paragraph 5)?</p>
Article VIII	Dispensations	<p>Has the Administration issued any dispensation?</p> <p>If yes, are reports related to dispensations issued during each year sent to the Secretary-General?</p>

AREAS SUBJECT TO BE AUDITED		
	AREA	
CONTROL		
Article X and regulation I/4	Port State control	Has the Party exercised port State control? If yes, have control measures as required under article X been established?
FITNESS FOR DUTY AND WATCHKEEPING ARRANGEMENTS		
Regulation VIII/1, paragraph 1 and section A-VIII/1	Fatigue prevention	Has the Administration established measures to enforce the STCW Convention and Code requirements in respect of fatigue prevention?
Regulation VIII/ 1, paragraph 2 and section A-VIII/1, paragraph 10	Prevention of drug and alcohol abuse	Has the Administration established measures to enforce STCW Convention and Code requirements for the purpose of preventing drug and alcohol abuse?
Regulation VIII/2	Watchkeeping arrangements and principles to be observed	Has the Administration directed the attention of companies, masters, chief engineer officers and all watchkeeping personnel to the requirements, principles and guidance set out in the STCW Code to ensure that safe continuous watches appropriate to prevailing circumstances and conditions are maintained in all seagoing ships at all times?

2 The following new text is inserted at the end of the existing notes 6 and 7 of table A-I/9 as follows:

"Other equivalent confirmatory test methods currently recognized by the Administration may continue to be used."

RESOLUTION MSC.396(95)

(adopted on 11 June 2015)

AMENDMENTS TO THE INTERNATIONAL CONVENTION ON STANDARDS OF TRAINING, CERTIFICATION AND WATCHKEEPING FOR SEAFARERS (STCW), 1978, AS AMENDED

THE MARITIME SAFETY COMMITTEE,

RECALLING Article 28(b) of the Convention on the International Maritime Organization concerning the functions of the Committee,

RECALLING FURTHER article XII of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 ("the Convention"), concerning the procedures for amending the Convention,

HAVING CONSIDERED, at its ninety-fifth session, amendments to the Convention proposed and circulated in accordance with article XII(1)(a)(i) thereof,

1 ADOPTS, in accordance with article XII(1)(a)(iv) of the Convention, amendments to the Convention, the text of which is set out in the annex to the present resolution;

2 DETERMINES, in accordance with article XII(1)(a)(vii)(2) of the Convention, that the said amendments shall be deemed to have been accepted on 1 July 2016, unless, prior to that date more than one third of Parties or Parties the combined merchant fleets of which constitute not less than 50% of the gross tonnage of the world's merchant shipping of ships of 100 gross register tons or more, have notified to the Secretary-General of the Organization their objections to the amendments;

3 INVITES Parties to note that, in accordance with article XII(1)(a)(viii) of the Convention, that the amendments annexed hereto, shall enter into force on 1 January 2017 upon their acceptance in accordance with paragraph 2 above;

4 INVITES ALSO Parties to note that, in the absence of the ships subject to the IGF Code at the time of the entry into force of these amendments, to take into account experience gained on board ships in accordance with the Interim guidelines on safety for natural gas-fuelled engine installations in ships, as adopted by resolution MSC.285(86);

5 REQUESTS the Secretary-General, for the purposes of article XII(1)(a)(v) of the Convention, to transmit certified copies of the present resolution and the text of the amendments contained in the annex to all Parties to the Convention; and

6 REQUESTS ALSO the Secretary-General to transmit copies of this resolution and its annex to Members of the Organization, which are not Parties to the Convention.

ANNEX

AMENDMENTS TO THE INTERNATIONAL CONVENTION ON STANDARDS OF TRAINING, CERTIFICATION AND WATCHKEEPING FOR SEAFARERS (STCW), 1978, AS AMENDED

CHAPTER I – GENERAL PROVISIONS

Regulation I/1 – Definitions and clarifications

1 In paragraph 1, after the existing subparagraph .40, the following new definition is inserted:

"41 The IGF Code means the International Code of safety for ships using gases or other low-flashpoint fuels, as defined in SOLAS regulation II-1/2.29."

Regulation I/11 – Revalidation of certificates

2 Existing paragraph 1 is amended to read:

"1 Every master, officer and radio operator holding a certificate issued or recognized under any chapter of the Convention other than regulation V/3 or chapter VI, who is serving at sea or intends to return to sea after a period ashore, shall, in order to continue to qualify for seagoing service, be required, at intervals not exceeding five years, to:

.1 meet the standards of medical fitness prescribed by regulation I/9; and

.2 establish continued professional competence in accordance with section A-1/11 of the STCW Code."

CHAPTER V – SPECIAL TRAINING REQUIREMENTS FOR PERSONNEL ON CERTAIN TYPES OF SHIP

3 The following new regulation V/3 is added after existing regulation V/2:

"Regulation V/3

Mandatory minimum requirements for the training and qualifications of masters, officers, ratings and other personnel on ships subject to the IGF Code

- 1 This regulation applies to masters, officers and ratings and other personnel serving on board ships subject to the IGF Code.
- 2 Prior to being assigned shipboard duties on board ships subject to the IGF Code, seafarers shall have completed the training required by paragraphs 4 to 9 below in accordance with their capacity, duties and responsibilities.
- 3 All seafarers serving on board ships subject to the IGF Code shall, prior to being assigned shipboard duties, receive appropriate ship and equipment specific familiarization as specified in regulation I/14, paragraph 1.5.
- 4 Seafarers responsible for designated safety duties associated with the care, use or in emergency response to the fuel on board ships subject to the IGF Code shall hold a certificate in basic training for service on ships subject to the IGF Code.
- 5 Every candidate for a certificate in basic training for service on ships subject to the IGF Code shall have completed basic training in accordance with provisions of section A-V/3, paragraph 1 of the STCW Code.
- 6 Seafarers responsible for designated safety duties associated with the care, use or in emergency response to the fuel on board ships subject to the IGF Code who have been qualified and certified according to regulation V/1-2, paragraphs 2 and 5, or regulation V/1-2, paragraphs 4 and 5 on liquefied gas tankers, are to be considered as having met the requirements specified in section A-V/3, paragraph 1 for basic training for service on ships subject to the IGF Code.
- 7 Masters, engineer officers and all personnel with immediate responsibility for the care and use of fuels and fuel systems on ships subject to the IGF Code shall hold a certificate in advanced training for service on ships subject to the IGF Code.
- 8 Every candidate for a certificate in advanced training for service on ships subject to the IGF Code shall, while holding the Certificate of Proficiency described in paragraph 4, have:
 - .1 completed approved advanced training for service on ships subject to the IGF Code and meet the standard of competence as specified in section A-V/3, paragraph 2 of the STCW Code; and
 - .2 completed at least one month of approved seagoing service that includes a minimum of three bunkering operations on board ships subject to the IGF Code. Two of the three bunkering operations may be replaced by approved simulator training on bunkering operations as part of the training in paragraph 8.1 above.
- 9 Masters, engineer officers and any person with immediate responsibility for the care and use of fuels on ships subject to the IGF Code who have been qualified and certified according to the standards of competence specified in section A-V/1-2, paragraph 2 for service on liquefied gas tankers are to be considered as having met the requirements specified in section A-V/3, paragraph 2 for advanced training for ships subject to the IGF Code, provided they have also:
 - .1 met the requirements of paragraph 6; and
 - .2 met the bunkering requirements of paragraph 8.2 or have participated in conducting three cargo operations on board the liquefied gas tanker; and
 - .3 have completed sea going service of three months in the previous five years on board:
 - .1 ships subject to the IGF Code;
 - .2 tankers carrying as cargo, fuels covered by the IGF Code; or
 - .3 ships using gases or low flashpoint fuel as fuel.

10 Every Party shall compare the standards of competence which it required of persons serving on gas-fuelled ships before 1 January 2017 with the standards of competence in Section A-V/3 of the STCW Code, and shall determine the need, if any, for requiring these personnel to update their qualifications.

11 Administrations shall ensure that a Certificate of Proficiency is issued to seafarers, who are qualified in accordance with paragraphs 4 or 7, as appropriate.

12 Seafarers holding Certificates of Proficiency in accordance with paragraph 4 or 7 above shall, at intervals not exceeding five years, undertake appropriate refresher training or be required to provide evidence of having achieved the required standard of competence within the previous five years."

RESOLUTION MSC.397(95)

(adopted on 11 June 2015)

AMENDMENTS TO PART A OF THE SEAFARERS' TRAINING, CERTIFICATION AND WATCHKEEPING (STCW) CODE

THE MARITIME SAFETY COMMITTEE,

RECALLING Article 28(b) of the Convention on the International Maritime Organization concerning the functions of the Committee,

RECALLING FURTHER article XII and regulation I/1.2.3 of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 ("the Convention"), concerning the procedures for amending part A of the Seafarers' Training, Certification and Watchkeeping (STCW) Code,

HAVING CONSIDERED, at its ninety-fifth session, amendments to part A of the STCW Code, proposed and circulated in accordance with article XII(1)(a)(i) of the Convention,

1 ADOPTS, in accordance with article XII(1)(a)(iv) of the Convention, amendments to the STCW Code, the text of which is set out in the annex to the present resolution;

2 DETERMINES, in accordance with article XII(1)(a)(vii)(2) of the Convention, that the said amendments to the STCW Code shall be deemed to have been accepted on 1 July 2016, unless, prior to that date, more than one third of Parties or Parties the combined merchant fleets of which constitute not less than 50% of the gross tonnage of the world's merchant shipping of ships of 100 gross register tons or more, have notified to the Secretary-General of the Organization their objections to the amendments;

3 INVITES Parties to note that, in accordance with article XII(1)(a)(ix) of the Convention, the annexed amendments to the STCW Code shall enter into force on 1 January 2017 upon their acceptance in accordance with paragraph 2 above;

4 REQUESTS the Secretary-General, for the purposes of article XII(1)(a)(v) of the Convention, to transmit certified copies of the present resolution and the text of the amendments contained in the annex to all Parties to the Convention; and

5 REQUESTS ALSO the Secretary-General to transmit copies of this resolution and its annex to Members of the Organization, which are not Parties to the Convention.

ANNEX

AMENDMENTS TO PART A OF THE SEAFARERS' TRAINING, CERTIFICATION AND WATCHKEEPING (STCW) CODE

CHAPTER V – SPECIAL TRAINING REQUIREMENTS FOR PERSONNEL ON CERTAIN TYPES OF SHIP

1 The following new section A-V/3 is added after existing section A-V/2:

"Section A-V/3

Mandatory minimum requirements for the training and qualification of masters, officers, ratings and other personnel on ships subject to the IGF Code

Basic training for ships subject to the IGF Code

1 Every candidate for a certificate in basic training for service on ships subject to the IGF Code shall:

.1.1 have successfully completed the approved basic training required by regulation V/3, paragraph 5, in accordance with their capacity, duties and responsibilities as set out in table A-V/3-1; and

.1.2 be required to provide evidence that the required standard of competence has been achieved in accordance with the methods and the criteria for evaluating competence tabulated in columns 3 and 4 of table A-V/3-1; or

.2 have received appropriate training and certification according to the requirements for service on liquefied gas tankers as set out in regulation V/3, paragraph 6.

Advanced training for ships subject to the IGF Code

2 Every candidate for a certificate in advanced training for service on ships subject to the IGF Code shall:

.1.1 have successfully completed the approved advanced training required by regulation V/3, paragraph 8 in accordance with their capacity, duties and responsibilities as set out in table A-V/3-2; and

.1.2 provide evidence that the required standard of competence has been achieved in accordance with the methods and the criteria for evaluating competence tabulated in columns 3 and 4 of table A-V/3-2; or

.2 have received appropriate training and certification according to the requirements for service on liquefied gas tankers as set out in regulation V/3, paragraph 9.

Exemptions

3 The Administration may, in respect of ships of less than 500 gross tonnage, except for passenger ships, if it considers that a ship's size and the length or character of its voyage are such as to render the application of the full requirements of this section unreasonable or impracticable, exempt the seafarers on such a ship or class of ships from some of the requirements, bearing in mind the safety of people on board, the ship and property and the protection of the marine environment.

Table A-V/3-1

Specification of minimum standard of competence in basic training for ships subject to the IGF Code

Column 1	Column 2	Column 3	Column 4
Competence	Knowledge, understanding and proficiency	Methods for demonstrating competence	Criteria for evaluating competence
Contribute to the safe operation of a ship subject to the IGF Code	<p>Design and operational characteristics of ships subject to the IGF Code</p> <p>Basic knowledge of ships subject to the IGF Code, their fuel systems and fuel storage systems:</p> <ul style="list-style-type: none"> .1 fuels addressed by the IGF Code .2 types of fuel systems subject to the IGF Code .3 atmospheric, cryogenic or compressed storage of fuels on board ships subject to the IGF Code .4 general arrangement of fuel storage systems on board ships subject to the IGF Code .5 hazard zones and areas .6 typical fire safety plan .7 monitoring, control and safety systems aboard ships subject to the IGF Code <p>Basic knowledge of fuels and fuel storage systems' operations on board ships subject to the IGF Code:</p> <ul style="list-style-type: none"> .1 piping systems and valves .2 atmospheric, compressed or cryogenic storage .3 relief systems and protection screens .4 basic bunkering operations and bunkering systems .5 protection against cryogenic accidents .6 fuel leak monitoring and detection <p>Basic knowledge of the physical properties of fuels on board ships subject to the IGF Code, including:</p> <ul style="list-style-type: none"> .1 properties and characteristics .2 pressure and temperature, 	<p>Examination and assessment of evidence obtained from one or more of the following:</p> <ul style="list-style-type: none"> .1 approved in-service experience .2 approved training ship experience .3 approved simulator training .4 approved training programme 	<p>Communications within the area of responsibility are clear and effective</p> <p>Operations related to ships subject to the IGF Code are carried out in accordance with accepted principles and procedures to ensure safety of operations</p>

Column 1	Column 2	Column 3	Column 4
Competence	Knowledge, understanding and proficiency	Methods for demonstrating competence	Criteria for evaluating competence
	<p>including vapour pressure/temperature relationship</p> <p>Knowledge and understanding of safety requirements and safety management on board ships subject to the IGF Code</p>		
<p>Take precautions to prevent hazards on a ship subject to the IGF Code</p>	<p>Basic knowledge of the hazards associated with operations on ships subject to the IGF Code, including:</p> <ul style="list-style-type: none"> .1 health hazards .2 environmental hazards .3 reactivity hazards .4 corrosion hazards .5 ignition, explosion and flammability hazards .6 sources of ignition .7 electrostatic hazards .8 toxicity hazards .9 vapour leaks and clouds .10 extremely low temperatures .11 pressure hazards .12 fuel batch differences <p>Basic knowledge of hazard controls:</p> <ul style="list-style-type: none"> .1 emptying, inerting, drying and monitoring techniques .2 anti-static measures .3 ventilation .4 segregation .5 inhibition .6 measures to prevent ignition, fire and explosion .7 atmospheric control 	<p>Examination and assessment of evidence obtained from one or more of the following:</p> <ul style="list-style-type: none"> .1 approved in-service experience .2 approved training ship experience .3 approved simulator training .4 approved training programme 	<p>Correctly identifies, on a Safety Data Sheet (SDS), relevant hazards to the ship and to personnel, and takes the appropriate actions in accordance with established procedures</p> <p>Identification and actions on becoming aware of a hazardous situation conform to established procedures in line with best practice</p>

Column 1	Column 2	Column 3	Column 4
Competence	Knowledge, understanding and proficiency	Methods for demonstrating competence	Criteria for evaluating competence
	<p>.8 gas testing</p> <p>.9 protection against cryogenic damages (LNG)</p> <p>Understanding of fuel characteristics on ships subject to the IGF Code as found on a Safety Data Sheet (SDS)</p>		
Apply occupational health and safety precautions and measures	<p>Awareness of function of gas-measuring instruments and similar equipment:</p> <p>.1 gas testing</p> <p>Proper use of specialized safety equipment and protective devices, including:</p> <p>.1 breathing apparatus</p> <p>.2 protective clothing</p> <p>.3 resuscitators</p> <p>.4 rescue and escape equipment</p> <p>Basic knowledge of safe working practices and procedures in accordance with legislation and industry guidelines and personal shipboard safety relevant to ships subject to the IGF Code, including:</p> <p>.1 precautions to be taken before entering hazardous spaces and zones</p> <p>.2 precautions to be taken before and during repair and maintenance work</p> <p>.3 safety measures for hot and cold work</p> <p>Basic knowledge of first aid with reference to a Safety Data Sheet (SDS)</p>	<p>Examination or assessment of evidence obtained from one or more of the following:</p> <p>.1 approved in-service experience</p> <p>.2 approved training ship experience</p> <p>.3 approved simulator training</p> <p>.4 approved training programme</p>	<p>Procedures and safe working practices designed to safeguard personnel and the ship are observed at all times</p> <p>Appropriate safety and protective equipment is correctly used</p> <p>First aid dos and don'ts</p>
Carry out firefighting operations on a ship subject to the IGF Code	<p>Fire organization and action to be taken on ships subject to the IGF Code</p> <p>Special hazards associated with fuel systems and fuel handling on ships subject to the IGF Code</p> <p>Firefighting agents and methods used to control and extinguish fires in conjunction with the different fuels found on board ships subject</p>	<p>Practical exercises and instruction conducted under approved and truly realistic training conditions (e.g. Simulated shipboard conditions) and, whenever possible and practicable, in darkness</p>	<p>Initial actions and follow-up actions on becoming aware of an emergency conform with established practices and procedures</p> <p>Action taken on identifying muster signals is appropriate to the indicated emergency and complies with established procedures</p>

Column 1	Column 2	Column 3	Column 4
Competence	Knowledge, understanding and proficiency	Methods for demonstrating competence	Criteria for evaluating competence
	to the IGF Code Firefighting system operations		<p>Clothing and equipment are appropriate to the nature of the firefighting operations</p> <p>The timing and sequence of individual actions are appropriate to the prevailing circumstances and conditions</p> <p>Extinguishment of fire is achieved using appropriate procedures techniques and firefighting agents</p>
Respond to emergencies	Basic knowledge of emergency procedures, including emergency shutdown	<p>Examination and assessment of evidence obtained from one or more of the following:</p> <p>.1 approved in-service experience</p> <p>.2 approved training ship experience</p> <p>.3 approved simulator training</p> <p>.4 approved training programme</p>	The type and impact of the emergency is promptly identified and the response actions conform to the emergency procedures and contingency plans
Take precautions to prevent pollution of the environment from the release of fuels found on ships subject to the IGF Code	<p>Basic knowledge of measures to be taken in the event of leakage/spillage/ venting of fuels from ships subject to the IGF Code, including the need to:</p> <p>.1 report relevant information to the responsible persons</p> <p>.2 awareness of shipboard spill/leakage/venting response procedures</p> <p>.3 awareness of appropriate personal protection when responding to a spill/ leakage of fuels addressed by the IGF Code</p>	<p>Examination or assessment of evidence obtained from one or more of the following:</p> <p>.1 approved in-service experience</p> <p>.2 approved training ship experience</p> <p>.3 approved simulator training</p> <p>.4 approved training programme</p>	Procedures designed to safeguard the environment are observed at all times

Table A-V/3-2

Specification of minimum standard of competence of advanced training for ships subject to the IGF Code

Column 1	Column 2	Column 3	Column 4
Competence	Knowledge, understanding and proficiency	Methods for demonstrating competence	Criteria for evaluating competence
Familiarity with physical and chemical properties of fuels aboard ships subject to the IGF Code	Basic knowledge and understanding of simple chemistry and physics and the relevant definitions related to safe bunkering and use of fuels used on board ships subject to the IGF Code, including: <ul style="list-style-type: none"> .1 the chemical structure of different fuels used on board ships subject to the IGF Code .2 the properties and characteristics of fuels used on board ships subject to the IGF Code, including: <ul style="list-style-type: none"> .2.1 simple physical laws .2.2 states of matter .2.3 liquid and vapour densities .2.4 boil-off and weathering of cryogenic fuels .2.5 compression and expansion of gases .2.6 critical pressure and temperature of gases .2.7 flashpoint, upper and lower flammable limits, auto-ignition temperature .2.8 saturated vapour pressure/reference temperature .2.9 dewpoint and bubble point .2.10 hydrate formation .2.11 combustion properties: heating values .2.12 methane number/knocking .2.13 pollutant characteristics of fuels addressed by the IGF Code .3 the properties of single liquids .4 the nature and properties of solutions 	Examination and assessment of evidence obtained from one or more of the following: <ul style="list-style-type: none"> .1 approved in-service experience .2 approved training ship experience .3 approved simulator training .4 approved training programme 	Effective use is made of information resources for identification of properties and characteristics of fuels addressed by the IGF Code and their impact on safety, environmental protection and ship operation

Column 1	Column 2	Column 3	Column 4
Competence	Knowledge, understanding and proficiency	Methods for demonstrating competence	Criteria for evaluating competence
	.5 thermodynamic units .6 basic thermodynamic laws and diagrams .7 properties of materials .8 effect of low temperature, including brittle fracture, for liquid cryogenic fuels Understanding the information contained in a Safety Data Sheet (SDS) about fuels addressed by the IGF Code		
Operate controls of fuel related to propulsion plant and engineering systems and services and safety devices on ships subject to the IGF Code	Operating principles of marine power plants Ships' auxiliary machinery Knowledge of marine engineering terms	Examination and assessment of evidence obtained from one or more of the following: .1 approved in-service experience .2 approved training ship experience .3 approved simulator training .4 approved training programme	Plant, auxiliary machinery and equipment is operated in accordance with technical specifications and within safe operating limits at all times
Ability to safely perform and monitor all operations related to the fuels used on board ships subject to the IGF Code	Design and characteristics of ships subject to the IGF Code Knowledge of ship design, systems, and equipment found on ships subject to the IGF Code, including: .1 fuel systems for different propulsion engines .2 general arrangement and construction .3 fuel storage systems on board ships subject to the IGF Code, including materials of construction and insulation .4 fuel-handling equipment and instrumentations on board ships: .4.1 fuel pumps and pumping arrangements .4.2 fuel pipelines .4.3 expansion devices	Examination and assessment of evidence obtained from one or more of the following: .1 approved in-service experience .2 approved training ship experience .3 approved simulator training .4 approved training programme	Communications are clear and understood Successful ship operations using fuels addressed by the IGF Code are carried out in a safe manner, taking into account ship designs, systems and equipment Pumping operations are carried out in accordance with accepted principles and procedures and are relevant to the type of fuel Operations are planned, risk is managed and carried out in accordance with accepted principles and procedures to ensure safety of operations and to avoid pollution of the marine environment

Column 1	Column 2	Column 3	Column 4
Competence	Knowledge, understanding and proficiency	Methods for demonstrating competence	Criteria for evaluating competence
	.4.4 flame screens .4.5 temperature monitoring systems .4.6 fuel tank level-gauging systems .4.7 tank pressure monitoring and control systems .5 cryogenic fuel tanks temperature and pressure maintenance .6 fuel system atmosphere control systems (inert gas, nitrogen), including storage, generation and distribution .7 toxic and flammable gas-detecting systems .8 fuel Emergency Shut Down system (ESD) Knowledge of fuel system theory and characteristics, including types of fuel system pumps and their safe operation on board ships subject to the IGF Code .1 low pressure pumps .2 high pressure pumps .3 vaporizers .4 heaters .5 pressure build-up units Knowledge of safe procedures and checklists for taking fuel tanks in and out of service, including: .1 inerting .2 cooling down .3 initial loading .4 pressure control .5 heating of fuel .6 emptying systems		
Plan and monitor safe bunkering, stowage and securing of the fuel on board ships subject	General knowledge of ships subject to the IGF Code Ability to use all data available on board related to bunkering,	Examination and assessment of evidence obtained from one or more of the following:	Fuel quality and quantity is determined taking into account the current conditions and necessary

Column 1	Column 2	Column 3	Column 4
Competence	Knowledge, understanding and proficiency	Methods for demonstrating competence	Criteria for evaluating competence
to the IGF Code	<p>storage and securing of fuels addressed by the IGF Code</p> <p>Ability to establish clear and concise communications and between the ship and the terminal, truck or the bunker-supply ship</p> <p>Knowledge of safety and emergency procedures for operation of machinery, fuel- and control systems for ships subject to the IGF Code</p> <p>Proficiency in the operation of bunkering systems on board ships subject to the IGF Code including:</p> <ul style="list-style-type: none"> .1 bunkering procedures .2 emergency procedures .3 ship-shore/ship-ship interface .4 prevention of rollover <p>Proficiency to perform fuel-system measurements and calculations, including:</p> <ul style="list-style-type: none"> .1 maximum fill quantity .2 On Board Quantity (OBQ) .3 Minimum Remain On Board (ROB) .4 fuel consumption calculations <p>Ability to ensure the safe management of bunkering and other IGF Code fuel related operations concurrent with other onboard operations, both in port and at sea</p>	<ul style="list-style-type: none"> .1 approved in-service experience .2 approved simulator training .3 approved training programme .4 approved laboratory equipment training or witnessing bunker operation 	<p>corrective safe measures are taken</p> <p>Procedures for monitoring safety systems to ensure that all alarms are detected promptly and acted upon in accordance with established procedures</p> <p>Operations are planned and carried out in accordance with fuel transfer manuals and procedures to ensure safety of operations and avoid spill damages and pollution of the environment</p> <p>Personnel are allocated duties and informed of procedures and standards of work to be followed, in a manner appropriate to the individuals concerned and in accordance with safe working procedures</p>
Take precautions to prevent pollution of the environment from the release of fuels from ships subject to the IGF Code	<p>Knowledge of the effects of pollution on human and environment</p> <p>Knowledge of measures to be taken in the event of spillage/leakage/venting</p>	<p>Examination and assessment of evidence obtained from one or more of the following:</p> <ul style="list-style-type: none"> .1 approved in-service experience .2 approved training ship experience .3 approved simulator training 	<p>Procedures designed to safeguard the environment are observed at all times</p>

Column 1	Column 2	Column 3	Column 4
Competence	Knowledge, understanding and proficiency	Methods for demonstrating competence	Criteria for evaluating competence
		.4 approved training programme	
Monitor and control compliance with legislative requirements	<p>Knowledge and understanding of relevant provisions of the International Convention for the Prevention of Pollution from Ships (MARPOL), as amended and other relevant IMO instruments, industry guidelines and port regulations as commonly applied</p> <p>Proficiency in the use of the IGF Code and related documents</p>	<p>Assessment of evidence obtained from one or more of the following:</p> <p>.1 approved in-service experience</p> <p>.2 approved training ship experience</p> <p>.3 approved simulator training</p> <p>.4 approved training</p>	<p>The handling of fuels on board ships subject to the IGF Code complies with relevant IMO instruments and established industrial standards and codes of safe working practices</p> <p>Operations are planned and performed in conformity with approved procedures and legislative requirements</p>
Take precautions to prevent hazards	<p>Knowledge and understanding of the hazards and control measures associated with fuel system operations on board ships subject to the IGF Code, including:</p> <p>.1 flammability</p> <p>.2 explosion</p> <p>.3 toxicity</p> <p>.4 reactivity</p> <p>.5 corrosivity</p> <p>.6 health hazards</p> <p>.7 inert gas composition</p> <p>.8 electrostatic hazards</p> <p>.9 pressurized gases</p> <p>.10 low temperature</p> <p>Proficiency to calibrate and use monitoring and fuel detection systems, instruments and equipment on board ships subject to the IGF Code</p> <p>Knowledge and understanding of dangers of non-compliance with relevant rules/regulations</p> <p>Knowledge and understanding of risks assessment method analysis on board ships subject to the IGF Code</p> <p>Ability to elaborate and develop risks analysis related to risks on board ships subject to the</p>	<p>Examination and assessment of evidence obtained from one or more of the following:</p> <p>.1 approved in-service experience</p> <p>.2 approved training ship experience</p> <p>.3 approved simulator training</p> <p>.4 approved training programme</p>	<p>Relevant hazards to the ship and to personnel associated with operations on board ships subject to the IGF Code are correctly identified and proper control measures are taken</p> <p>Use of flammable and toxic gas-detection devices are in accordance with manuals and good practice</p>

Column 1	Column 2	Column 3	Column 4
Competence	Knowledge, understanding and proficiency	Methods for demonstrating competence	Criteria for evaluating competence
	<p>IGF Code</p> <p>Ability to elaborate and develop safety plans and safety instructions for ships subject to the IGF Code</p> <p>Knowledge of hot work, enclosed spaces and tank entry including permitting procedures</p>		
Apply occupational health and safety precautions and measures on board a ship subject to the IGF Code	<p>Proper use of safety equipment and protective devices, including:</p> <ul style="list-style-type: none"> .1 breathing apparatus and evacuating equipment .2 protective clothing and equipment .3 resuscitators .4 rescue and escape equipment <p>Knowledge of safe working practices and procedures in accordance with legislation and industry guidelines and personal shipboard safety including:</p> <ul style="list-style-type: none"> .1 precautions to be taken before, during and after repair and maintenance work on fuel systems addressed in the IGF Code .2 electrical safety (reference to IEC 600079-17) .3 ship/shore safety checklist <p>Basic knowledge of first aid with reference to a Safety Data Sheets (SDS) for fuels addressed by the IGF Code</p>	<p>Examination and assessment of evidence obtained from one or more of the following:</p> <ul style="list-style-type: none"> .1 approved in-service experience .2 approved training ship experience .3 approved simulator training .4 approved training programme 	<p>Appropriate safety and protective equipment is correctly used</p> <p>Procedures designed to safeguard personnel and the ship are observed at all times</p> <p>Working practices are in accordance with legislative requirements, codes of practice, permits to work and environmental concerns</p> <p>First aid dos and don'ts</p>
Knowledge of the prevention, control and firefighting and extinguishing systems on board ships subject to the IGF Code	<p>Knowledge of the methods and firefighting appliances to detect, control and extinguish fires of fuels addressed by the IGF Code</p>	<p>Examination and assessment of evidence obtained from one or more of the following:</p> <ul style="list-style-type: none"> .1 approved in-service experience .2 approved training ship experience .3 approved simulator 	<p>The type and scale of the problem is promptly identified, and initial actions conform with the emergency procedures for fuels addressed by the IGF Code</p> <p>Evacuation, emergency shutdown and isolation procedures are</p>

Column 1	Column 2	Column 3	Column 4
Competence	Knowledge, understanding and proficiency	Methods for demonstrating competence	Criteria for evaluating competence
		training .4 approved training programme	appropriate to the fuels addressed by the IGF Code

RESOLUTION MSC.416(97)

(adopted on 25 November 2016)

AMENDMENTS TO THE INTERNATIONAL CONVENTION ON STANDARDS OF TRAINING, CERTIFICATION AND WATCHKEEPING FOR SEAFARERS (STCW), 1978, AS AMENDED

THE MARITIME SAFETY COMMITTEE,

RECALLING Article 28(b) of the Convention on the International Maritime Organization concerning the functions of the Committee,

RECALLING ALSO Article XII of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 ("the Convention"), concerning the procedures for amending the Convention,

RECALLING FURTHER that the Committee, by resolution MSC.386(94), adopted, inter alia, the new chapter XIV of the International Convention for the Safety of Life at Sea (SOLAS), 1974, as amended,

ALSO RECALLING that the Committee, by resolution MSC.385(94), adopted the International Code for Ships Operating in Polar Waters (Polar Code), which will take effect on 1 January 2017 upon entry into force of the new chapter XIV of the SOLAS Convention,

NOTING that there will be a transitional period between the entry into force of the Polar Code and the amendments to the STCW Convention, and that section B-V/g of the STCW Code provides guidance regarding the training of masters and officers for ships operating in polar waters which should be applied by Administrations during the transitional period,

ALSO RECALLING that the Committee, at its ninety-sixth session, decided to provide the Member States with a single resolution of amendments to the Convention, including those related to the Polar Code and to passenger ship-specific training and certification,

HAVING CONSIDERED, at its ninety-seventh session, amendments to the Convention proposed and circulated in accordance with Article XII(1)(a)(i) thereof,

1 ADOPTS, in accordance with Article XII(1)(a)(iv) of the Convention, amendments to the Convention, the text of which is set out in the annex to the present resolution;

2 DETERMINES, in accordance with Article XII(1)(a)(vii)(2) of the Convention, that the said amendments shall be deemed to have been accepted on 1 January 2018, unless, prior to that date, more than one third of Parties or Parties the combined merchant fleets of which constitute not less than 50% of the gross tonnage of the world's merchant shipping of ships of 100 gross register tons or more, have notified the Secretary-General of the Organization of their objections to the amendments;

3 INVITES Parties to note that, in accordance with Article XII(1)(a)(ix) of the Convention, that the amendments annexed hereto shall enter into force on 1 July 2018 upon their acceptance, in accordance with paragraph 2 above;

4 URGES Parties to implement the amendments to regulation I/1.1, regulation I/11 and regulation V/4 at an early stage;

5 INVITES Parties to recognize seafarers' certificates issued by a Party at an early stage, in accordance with paragraph 4 above, and prior to the entry into force of amendments to regulation V/4;

6 REQUESTS the Secretary-General, for the purposes of Article XII(1)(a)(v) of the Convention, to transmit certified copies of the present resolution and the text of the amendments contained in the annex to all Parties to the Convention;

7 REQUESTS ALSO the Secretary-General to transmit copies of this resolution and its annex to Members of the Organization, which are not Parties to the Convention.

ANNEX

AMENDMENTS TO THE INTERNATIONAL CONVENTION ON STANDARDS

OF TRAINING, CERTIFICATION AND WATCHKEEPING FOR

SEAFARERS (STCW), 1978, AS AMENDED

CHAPTER I

General provisions

1 In regulation I/1.1, the following new definitions are added:

".42 Polar Code means the International Code for Ships Operating in Polar Waters, as defined in SOLAS regulation XIV/1.1.

".43 Polar waters means Arctic waters and/or the Antarctic area, as defined in SOLAS regulations XIV/1.2 to XIV/1.4."

2 In regulation I/11, after the existing paragraph 3, the following new paragraph is inserted and the subsequent paragraphs are renumbered accordingly:

"4 Every master or officer shall, for continuing seagoing service on board ships operating in polar waters, meet the requirements of paragraph 1 of this regulation and be required, at intervals not exceeding five years, to establish continued professional competence for ships operating in polar waters in accordance with section A-1/11, paragraph 4 of the STCW Code."

CHAPTER V

Special training requirements for personnel on certain types of ships

3 In chapter V, the existing regulation V/2 is replaced by the following:

"Regulation V/2

Mandatory minimum requirements for the training and qualifications of masters, officers, ratings and other personnel on passenger ships

1 This regulation applies to masters, officers, ratings and other personnel serving on board passenger ships engaged on international voyages. Administrations shall determine the applicability of these requirements to personnel serving on passenger ships engaged on domestic voyages.

2 Before being assigned shipboard duties, all persons serving on a passenger ship shall meet the requirements of section A-VI/1, paragraph 1 of the STCW Code.

3 Masters, officers, ratings and other personnel serving on board passenger ships shall complete the training and familiarization required by paragraphs 5 to 9 below, in accordance with their capacity, duties and responsibilities.

4 Masters, officers, ratings and other personnel, who are required to be trained in accordance with paragraphs 7 to 9 below shall, at intervals not exceeding five years, undertake appropriate refresher training or be required to provide evidence of having achieved the required standard of competence within the previous five years.

5 Personnel serving on board passenger ships shall complete passenger ship emergency familiarization appropriate to their capacity, duties and responsibilities as specified in section A-V/2, paragraph 1 of the STCW Code.

6 Personnel providing direct service to passengers in passenger spaces on board passenger ships shall complete the safety training specified in section A-V/2, paragraph 2 of the STCW Code.

7 Masters, officers, ratings qualified in accordance with chapters II, III and VII and other personnel designated on the muster list to assist passengers in emergency situations on board passenger ships, shall complete passenger ship crowd management training as specified in section A-V/2, paragraph 3 of the STCW Code.

8 Masters, chief engineer officers, chief mates, second engineer officers and any person designated on the muster list of having responsibility for the safety of passengers in emergency situations on board passenger ships shall complete approved training in crisis management and human behaviour as specified in section A-V/2, paragraph 4 of the STCW Code.

9 Masters, chief engineer officers, chief mates, second engineer officers and every person assigned immediate responsibility for embarking and disembarking passengers, for loading, discharging or securing cargo, or for closing hull openings on board ro-ro passenger ships, shall complete approved training in passenger safety, cargo safety and hull integrity as specified in section A-V/2, paragraph 5 of the STCW Code.

10 Administrations shall ensure that documentary evidence of the training which has been completed is issued to every person found qualified in accordance with paragraphs 6 to 9 of this regulation. "

4 In chapter V, the following new regulation is added:

"Regulation V/4

Mandatory minimum requirements for the training and qualifications of masters and deck officers on ships operating in polar waters

1 Masters, chief mates and officers in charge of a navigational watch on ships operating in polar waters shall hold a certificate in basic training for ships operating in polar waters, as required by the Polar Code.

2 Every candidate for a certificate in basic training for ships operating in polar waters shall have completed an approved basic training for ships operating in polar waters and meet the standard of competence specified in section A-V/4, paragraph 1, of the STCW Code.

3 Masters and chief mates on ships operating in polar waters, shall hold a certificate in advanced training for ships operating in polar waters, as required by the Polar Code.

4 Every candidate for a certificate in advanced training for ships operating in polar waters shall:

.1 meet the requirements for certification in basic training for ships in polar waters;

.2 have at least two (2) months of approved seagoing service in the deck department, at management level or while performing watchkeeping duties at the operational level, within polar waters or other equivalent approved seagoing service; and

.3 have completed approved advanced training for ships operating in polar waters and meet the standard of competence specified in section A-V/4, paragraph 2 of the STCW Code.

5 Administrations shall ensure that a Certificate of Proficiency is issued to seafarers who are qualified in accordance with paragraphs 2 or 4, as appropriate.

Transitional provisions

6 Until 1 July 2020, seafarers who commenced approved seagoing service in polar waters prior to 1 July 2018 shall be able to establish that they meet the requirements of paragraph 2 by:

.1 having completed approved seagoing service on board a ship operating in polar waters or equivalent approved seagoing service, performing duties in the deck department at the operational or management level, for a period of at least three months in total during the preceding five years; or

.2 having successfully completed a training course meeting the training guidance established by the Organization for ships operating in polar waters.*

7 Until 1 July 2020, seafarers who commenced approved seagoing service in polar waters prior to 1 July 2018 shall be able to establish that they meet the requirements of paragraph 4 by:

.1 having completed approved seagoing service on board a ship operating in polar waters or equivalent approved seagoing service, performing duties in the deck department at management level, for a period of at least three months in total during the preceding five years; or

.2 having successfully completed a training course meeting the training guidance established by the Organization for ships operating in polar waters* and having completed approved seagoing service on board a ship operating in polar waters or equivalent approved seagoing service, performing duties in the deck department at the management level, for a period of at least two months in total during the preceding five years."

RESOLUTION MSC.417(97)

(adopted on 25 November 2016)

AMENDMENTS TO PART A OF THE SEAFARERS' TRAINING, CERTIFICATION AND WATCHKEEPING (STCW) CODE

THE MARITIME SAFETY COMMITTEE,

RECALLING Article 28(b) of the Convention on the International Maritime Organization concerning the functions of the Committee,

RECALLING ALSO Article XII and regulation I/1.2.3 of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 ("the Convention"), concerning the procedures for amending part A of the Seafarers' Training, Certification and Watchkeeping (STCW) Code,

NOTING that there will be a transitional period between the entry into force of the Polar Code and the amendments to the STCW Convention, and that section B-V/g of the STCW Code provides guidance regarding the training of masters and officers for ships operating in polar waters which should be applied by Administrations during the transitional period,

HAVING CONSIDERED, at its ninety-seventh session, amendments to part A of the STCW Code, proposed and circulated in accordance with Article XII(1)(a)(i) of the Convention,

1 **ADOPTS**, in accordance with Article XII(1)(a)(iv) of the Convention, amendments to the STCW Code, the text of which is set out in the annex to the present resolution;

2 **DETERMINES**, in accordance with Article XII(1)(a)(vii)(2) of the Convention, that the said amendments to the STCW Code shall be deemed to have been accepted on 1 January 2018, unless, prior to that date, more than one third of Parties or Parties the combined merchant fleets of which constitute not less than 50% of the gross tonnage of the world's merchant shipping of ships of 100 gross register tons or more, have notified the Secretary-General of the Organization that they object to the amendments;

3 INVITES Parties to note that, in accordance with Article XII(1)(a)(ix) of the Convention, the annexed amendments to the STCW Code shall enter into force on 1 July 2018 upon their acceptance in accordance with paragraph 2 above;

4 URGES Parties to implement the amendments to section A-I/11 and section A-V/4 at an early stage;

5 REQUESTS the Secretary-General, for the purposes of Article XII(1)(a)(v) of the Convention, to transmit certified copies of the present resolution and the text of the amendments contained in the annex to all Parties to the Convention;

6 REQUESTS ALSO the Secretary-General to transmit copies of this resolution and its annex to Members of the Organization, which are not Parties to the Convention.

ANNEX

AMENDMENTS TO PART A OF THE SEAFARERS' TRAINING, CERTIFICATION AND WATCHKEEPING (STCW) CODE

CHAPTER I – General provisions

1 In section A-I/11, after the existing paragraph 3, a new paragraph 4 is added as follows:

"4 Continued professional competence for masters and officers on board ships operating in polar waters, as required under regulation I/11, shall be established by:

- .1 approved seagoing service, performing functions appropriate to the certificate held, for a period of at least two months in total during the preceding five years; or
- .2 having performed functions considered to be equivalent to the seagoing service required in paragraph 4.1; or
- .3 passing an approved test; or
- .4 successfully completing an approved training course or courses."

2 In section A-I/14, after existing paragraph 3, a new paragraph 4 is added as follows:

"4 Companies shall ensure that masters and officers on board their passenger ships shall have completed familiarization training to attain the abilities that are appropriate to the capacity to be filled and duties and responsibilities to be taken up, taking into account the guidance given in section B-I/14, paragraph 3 of this Code."

CHAPTER V – Standards regarding special training requirements for personnel on certain types of ships

3 In chapter V, the existing section A-V/2 is replaced by the following:

"Section A-V/2

Mandatory minimum requirements for the training and qualification of masters, officers, ratings and other personnel on passenger ships

Passenger ship emergency familiarization

1 Before being assigned to shipboard duties, all personnel serving on board passenger ships engaged on international voyages shall have attained the abilities that are appropriate to their duties and responsibilities as follows:

Contribute to the implementation of emergency plans, instructions and procedures

.1 Familiar with:

- .1.1 general safety features aboard ship;
- .1.2 location of essential safety and emergency equipment, including life-saving appliances;
- .1.3 importance of personal conduct during an emergency; and
- .1.4 restrictions on the use of elevators during emergencies.

Contribute to the effective communication with passengers during an emergency

.2 Ability to:

- .2.1 communicate in the working language of the ship;
- .2.2 non-verbally communicate safety information; and
- .2.3 understand one of the languages in which emergency announcements may be broadcast on the ship during an emergency or drill.

Safety training for personnel providing direct service to passengers in passenger spaces

2 Before being assigned to shipboard duties, personnel providing direct service to passengers in passenger spaces shall receive the additional safety training required by regulation V/2, paragraph 6, that ensures at least the attainment of the abilities as follows:

Communication

- .1 Ability to communicate with passengers during an emergency, taking into account:
 - .1.1 the language or languages appropriate to the principal nationalities of passengers carried on the particular route;
 - .1.2 the likelihood that an ability to use an elementary English vocabulary for basic instructions can provide a means of communicating with a passenger in need of assistance whether or not the passenger and crew member share a common language;
 - .1.3 the possible need to communicate during an emergency by some other means, such as by demonstration, or hand signals, or calling attention to the location of instructions, muster stations, life-saving devices or evacuation routes, when oral communication is impractical;
- 1.4 the extent to which complete safety instructions have been provided to passengers in their native language or languages; and
- .1.5 the languages in which emergency announcements may be broadcast during an emergency or drill to convey critical guidance to passengers and to facilitate crew members in assisting passengers.

Life-saving appliances

- .2 Ability to demonstrate to passengers the use of personal life-saving appliances.

Embarkation procedures

- .3 Embarking and disembarking passengers, with special attention to disabled persons and persons needing assistance.

Passenger ship crowd management training

3 Before being assigned to shipboard duties, masters, officers, ratings qualified in accordance with chapters II, III and VII and personnel designated on the muster list to assist passengers in emergency situations shall:

.1 have successfully completed the crowd management training required by regulation V/2, paragraph 7, as set out in table A-V/2-1; and

.2 be required to provide evidence that the training has been completed in accordance with table A-V/2-1.

Crisis management and human behaviour training

4 Before being assigned to shipboard duties, masters, chief engineer officers, chief mates, second engineer officers and any person designated on the muster list as having responsibility for the safety of passengers in emergency situations shall:

.1 have successfully completed the approved crisis management and human behaviour training required by regulation V/2, paragraph 8, as set out in table A-V/2-2; and

.2 be required to provide evidence that the required standard of competence has been achieved in accordance with the methods and the criteria for evaluating competence tabulated in columns 3 and 4 of table A-V/2-2.

Passenger safety, cargo safety and hull integrity training

5 Before being assigned to shipboard duties, masters, chief engineer officers, chief mates, second engineer officers and every person assigned immediate responsibility for embarking and disembarking passengers, for loading, discharging or securing cargo, or for closing hull openings on board ro-ro passenger ships shall receive the passenger safety, cargo safety and hull integrity training required by regulation V/2, paragraph 9, that ensures at least attainment of the abilities that are appropriate to their duties and responsibilities as follows:

Loading and embarkation procedures

.1 Ability to apply properly the procedures established for the ship regarding:

.1.1 loading and discharging vehicles, rail cars and other cargo transport units, including related communications;

.1.2 lowering and hoisting ramps;

.1.3 setting up and stowing retractable vehicle decks; and

.1.4 embarking and disembarking passengers, with special attention to disabled persons and persons needing assistance.

Carriage of dangerous goods

.2 Ability to apply any special safeguards, procedures and requirements regarding the carriage of dangerous goods on board ro-ro passenger ships.

Securing cargoes

.3 Ability to:

.3.1 apply correctly the provisions of the Code of Safe Practice for Cargo Stowage and Securing to the vehicles, rail cars and other cargo transport units carried; and

.3.2 use properly the cargo-securing equipment and materials provided, taking into account their limitations.

Stability, trim and stress calculations

.4 Ability to:

.4.1 make proper use of the stability and stress information provided;

.4.2 calculate stability and trim for different conditions of loading, using the stability calculators or computer programs provided;

.4.3 calculate load factors for decks; and

.4.4 calculate the impact of ballast and fuel transfers on stability, trim and stress.

Opening, closing and securing hull openings

.5 Ability to:

.5.1 apply properly the procedures established for the ship regarding the opening, closing and securing of bow, stern and side doors and ramps and to correctly operate the associated systems; and

.5.2 conduct surveys on proper sealing.

Ro-ro deck atmosphere

.6 Ability to:

.6.1 use equipment, where carried, to monitor atmosphere in ro-ro spaces; and

.6.2 apply properly the procedures established for the ship for ventilation of ro-ro spaces during loading and discharging of vehicles, while on voyage and in emergencies.

Table A-V/2-1

Specification of minimum standard of competence in passenger ship crowd management training

Column 1	Column 2	Column 3	Column 4
Competence	Knowledge, understanding and proficiency	Methods for demonstrating competence	Criteria for evaluating competence
Contribute to the implementation of shipboard emergency plans and procedures to muster and evacuate passengers	<p>Knowledge of the shipboard emergency plans, instructions and procedures related to the management and evacuation of passengers</p> <p>Knowledge of applicable crowd management techniques and relevant equipment to be used to assist passengers in an emergency situation</p> <p>Knowledge of muster lists and emergency instructions</p>	Assessment of evidence obtained from training and/or instruction	Actions taken in case of an emergency are appropriate and comply with established procedures
Assist passengers en route to muster and embarkation stations	<p>Ability to give clear reassuring orders</p> <p>Ability to manage passengers in corridors, staircases and passageways</p> <p>Understanding the importance of and having</p>	Assessment of evidence obtained from practical training and/or instruction	<p>Actions taken conform with emergency plans, instructions and procedures</p> <p>Information given to individuals, emergency response teams and passengers is accurate, relevant and timely</p>

Column 1	Column 2	Column 3	Column 4
Competence	Knowledge, understanding and proficiency	Methods for demonstrating competence	Criteria for evaluating competence
	<p>the ability to maintain escape routes clear of obstructions</p> <p>Knowledge of methods available for evacuation of disabled persons and persons needing special assistance</p> <p>Knowledge of methods of searching passenger accommodation and public spaces</p> <p>Ability to disembark passengers, with special attention to disabled persons and persons needing assistance</p> <p>Importance of effective mustering procedures, including:</p> <ul style="list-style-type: none"> .1 the importance of keeping order; .2 the ability to use procedures for reducing and avoiding panic; .3 the ability to use, where appropriate, passenger lists for evacuation counts; .4 the importance of passengers being suitably clothed as far as possible when mustering; and .5 the ability to check that the passengers have donned their life jackets correctly. 		

Table A-V/2-2

Specification of minimum standard of competence in passenger ship crisis management and human behaviour

Column 1	Column 2	Column 3	Column 4
	Knowledge, understanding and proficiency	Methods for demonstrating competence	Criteria for evaluating competence
Organize shipboard emergency procedures	<p>Knowledge of:</p> <ul style="list-style-type: none"> .1 the general design and layout of the ship .2 safety regulations .3 emergency plans and procedures <p>The importance of the principles for the development of ship-specific emergency procedures, including:</p> <ul style="list-style-type: none"> .1 the need for pre-planning and drills of shipboard emergency procedures .2 the need for all personnel to be aware of and adhere to pre-planned emergency procedures as carefully as possible in the event of an emergency situation 	Assessment of evidence obtained from approved training, exercises with one or more prepared emergency plans and practical demonstration	The shipboard emergency procedures ensure a state of readiness to respond to emergency situations
Optimize the use of resources	<p>Ability to optimize the use of resources, taking into account:</p> <ul style="list-style-type: none"> .1 the possibility that resources available in an emergency may be limited .2 the need to make full use of personnel and equipment immediately available and, if necessary, to improvise <p>Ability to organize realistic drills to maintain a state of readiness, taking into account lessons learnt from previous accidents involving passenger ships; debriefing after drills</p>	Assessment of evidence obtained from approved training, practical demonstration and shipboard training and drills of emergency procedures	<p>Contingency plans optimize the use of available resources</p> <p>Allocation of tasks and responsibilities reflects the known competence of individuals</p> <p>Roles and responsibilities of teams and individuals are clearly defined</p>
Control response to emergencies	Ability to make an initial assessment and provide an effective response to emergency situations in accordance with	Assessment of evidence obtained from approved training, practical demonstration and shipboard training and drills	Procedures and actions are in accordance with established principles and plans for crisis management on board

Column 1	Column 2	Column 3	Column 4
	Knowledge, understanding and proficiency	Methods for demonstrating competence	Criteria for evaluating competence
	<p>established emergency procedures</p> <p><i>Leadership skills</i></p> <p>Ability to lead and direct others in emergency situations, including the need:</p> <p>.1 to set an example during emergency situations</p> <p>.2 to focus decision making, given the need to act quickly in an emergency</p> <p>.3 to motivate, encourage and reassure passengers and other personnel</p> <p><i>Stress handling</i></p> <p>Ability to identify the development of symptoms of excessive personal stress and those of other members of the ship's emergency team</p> <p>Understanding that stress generated by emergency situations can affect the performance of individuals and their ability to act on instructions and follow procedures</p>	<p>of emergency procedures</p>	<p>Objectives and strategy are appropriate to the nature of the emergency, take account of contingencies and make optimum use of available resources</p> <p>Actions of crew members contribute to maintaining order and control</p>
<p>Control passengers and other personnel during Emergency situations</p>	<p><i>Human behaviour and responses</i></p> <p>Ability to control passengers and other personnel in emergency situations, including:</p> <p>.1 awareness of the general reaction patterns of passengers and other personnel in emergency situations, including the possibility that:</p> <p>.1.1 generally it takes some time before people accept the fact that there is an emergency situation</p>	<p>Assessment of evidence obtained from approved training, practical demonstration and shipboard training and drills of emergency procedures</p>	<p>Actions of crew members contribute to maintaining order and control</p>

Column 1	Column 2	Column 3	Column 4
	Knowledge, understanding and proficiency	Methods for demonstrating competence	Criteria for evaluating competence
	<p>.1.2 some people may panic and not behave with a normal level of rationality, that their ability to comprehend may be impaired and they may not be as responsive to instructions as in non emergency situations</p> <p>.2 awareness that passengers and other personnel may, inter alia:</p> <p>.2.1 start looking for relatives, friends and/or their belongings as a first reaction when something goes wrong</p> <p>.2.2 seek safety in their cabins or in other places on board where they think that they can escape danger</p> <p>.2.3 tend to move to the upper side when the ship is listing</p> <p>.3 appreciation of the possible problem of panic resulting from separating families</p>		
Establish and maintain effective communications	Ability to establish and maintain effective communications, including: <p>.1 the importance of clear and concise instructions and reports</p> <p>.2 the need to encourage an exchange of information with, and feedback from, passengers and other personnel</p> Ability to provide relevant information to passengers and other personnel during an emergency situation, to keep them apprised of the overall situation and to communicate any action	Assessment of evidence obtained from approved training, exercises and practical demonstration	Information from all available sources is obtained, evaluated and confirmed as quickly as possible and reviewed throughout the emergency <p>Information given to individuals, emergency response teams and passengers is accurate, relevant and timely</p> <p>Information keeps passengers informed as to the nature of the emergency and the actions required of them</p>

Column 1	Column 2	Column 3	Column 4
	Knowledge, understanding and proficiency	Methods for demonstrating competence	Criteria for evaluating competence
	<p>required of them, taking into account:</p> <p>.1 the language or languages appropriate to the principal nationalities of passengers and other personnel carried on the particular route</p> <p>.2 the possible need to communicate during an emergency by some other means, such as by demonstration, or by hand signals or calling attention to the location of instructions, muster stations, life-saving devices or evacuation routes, when oral communication is impractical</p> <p>.3 the language in which emergency announcements may be broadcast during an emergency or drill to convey critical guidance to passengers and to facilitate crew members in assisting passengers</p>		

4 A new section A-V/4 is added as follows:

"Section A-V/4

Mandatory minimum requirements for the training and qualifications of masters and deck officers on ships operating in polar waters

Standard of competence

1 Every candidate for certification in basic training for ships operating in polar waters shall be required to:

.1 demonstrate the competence to undertake the tasks, duties and responsibilities listed in column 1 of table A-V/4-1; and

.2 provide evidence of having achieved:

.1 the minimum knowledge, understanding and proficiency listed in column 2 of table A-V/4-1; and

.2 the required standard of competence in accordance with the methods for demonstrating competence and the criteria for evaluating competence tabulated in columns 3 and 4 of table A-V/4-1.

2 Every candidate for certification in advanced training for ships operating in polar waters shall be required to:

.1 demonstrate the competence to undertake the tasks, duties and responsibilities listed in column 1 of table A-V/4-2; and

.2 provide evidence of having achieved:

.1 the minimum knowledge, understanding and proficiency listed in column 2 of table A-V/4-2; and

.2 the required standard of competence in accordance with the methods for demonstrating competence and the criteria for evaluating competence tabulated in columns 3 and 4 of table A-V/4-2.

Table A-V/4-1

Specification of minimum standard of competence in basic training for ships operating in polar waters

Column 1	Column 2	Column 3	Column 4
Competence	Knowledge, understanding and proficiency	Methods for demonstrating competence	Criteria for evaluating competence
Contribute to safe operation of vessels operating in polar waters	<p><i>Basic knowledge of ice characteristics and areas where different types of ice can be expected in the area of operation:</i></p> <p>.1 ice physics, terms, formation, growth, ageing and stage of melt</p> <p>.2 ice types and concentrations</p> <p>.3 ice pressure and distribution</p> <p>.4 friction from snow covered ice</p> <p>.5 implications of spray-icing; danger of icing up; precautions to avoid icing up and options during icing up</p> <p>.6 ice regimes in different regions; significant differences between the Arctic and the Antarctic, first year and multiyear ice, sea ice and land ice</p> <p>.7 use of ice imagery to recognize consequences of rapid change in ice and weather conditions</p> <p>.8 knowledge of ice blink and water sky</p> <p>.9 knowledge of differential movement of icebergs and pack ice</p> <p>.10 knowledge of tides and currents in ice</p> <p>.11 knowledge of effect of wind and current on ice</p>	<p>Examination and assessment of evidence obtained from one or more of the following:</p> <p>.1 approved in-service experience</p> <p>.2 approved training ship experience</p> <p>.3 approved simulator training, where appropriate</p> <p>.4 approved training programme</p>	<p>Identification of ice properties and their characteristics of relevance for safe vessel operation</p> <p>Information obtained from ice information and publications is interpreted correctly and properly applied</p> <p>Use of visible and infrared satellite images</p> <p>Use of egg charts</p> <p>Coordination of meteorological and oceanographic data with ice data</p> <p>Measurements and observations of weather and ice conditions are accurate and appropriate for safe passage planning</p>
	<p><i>Basic knowledge of vessel performance in ice and low air temperature:</i></p> <p>.1 vessel characteristics</p>	<p>Examination and assessment of evidence obtained from one or more of the following:</p> <p>.1 approved in-service</p>	<p>Identification of vessel characteristics and limitations under different ice conditions and cold environmental impact</p>

Column 1	Column 2	Column 3	Column 4
Competence	Knowledge, understanding and proficiency	Methods for demonstrating competence	Criteria for evaluating competence
	<p>.2 vessel types, hull designs</p> <p>.3 engineering requirements for operating in ice</p> <p>.4 Ice strengthening requirements</p> <p>.5 limitations of ice-classes</p> <p>.6 winterization and preparedness of vessel, including deck and engine</p> <p>.7 low-temperature system performance</p> <p>.8 equipment and machinery limitation in ice condition and low air temperature</p> <p>.9 monitoring of ice pressure on hull</p> <p>.10 sea suction, water intake, superstructure insulation and special systems</p>	<p>experience</p> <p>.2 approved training ship experience</p> <p>.3 approved simulator training, where appropriate</p> <p>.4 approved training programme</p>	<p>Procedures are made for risk assessment before entering ice</p> <p>Awareness of fresh water ballast freezing in ballast tanks</p> <p>Actions are carried out in accordance with accepted principles and procedures to prepare the vessel and the crew for operations in ice and low air temperature</p> <p>Communications are clear, concise and effective at all times in a seamanlike manner</p>
	<p><i>Basic knowledge and ability to operate and manoeuvre a vessel in ice:</i></p> <p>.1 safe speed in the presence of ice and icebergs</p> <p>.2 ballast tank monitoring</p> <p>.3 cargo operations in polar waters</p> <p>.4 awareness of engine loads and cooling problems</p> <p>.5 safety procedures during ice transit</p>	<p>Examination and assessment of evidence obtained from one or more of the following:</p> <p>.1 approved in-service experience</p> <p>.2 approved training ship experience</p> <p>.3 approved simulator training, where appropriate</p> <p>.4 approved training programme</p>	<p>Use Polar Code and Polar Water Operations Manual to correctly determine the recommended procedures to load/unload cargo and/or embark/disembark passengers in low temperatures, monitor ballast water for icing, monitor engine temperatures, anchor watch concerns in ice, and transit near ice</p> <p>Interpretation and analysis of information from radar is in accordance with lookout procedures with special caution regarding identification of dangerous ice features</p> <p>Information obtained from navigational charts, including electronic charts, and publications is</p>

Column 1	Column 2	Column 3	Column 4
Competence	Knowledge, understanding and proficiency	Methods for demonstrating competence	Criteria for evaluating competence
			<p>relevant, assessed, interpreted correctly and properly applied</p> <p>The primary method of position fixing is frequent and the most appropriate for the prevailing conditions and routing through ice</p> <p>Performance checks and tests of navigation and Communication systems comply with recommendations for high latitude and low air temperature operation</p>
Monitor and ensure compliance with legislative requirements	<p><i>Basic knowledge of regulatory considerations:</i></p> <p>.1 Antarctic Treaty and the Polar Code</p> <p>.2 accident reports concerning vessels in polar waters</p> <p>.3 IMO standards for operation in remote areas</p>	<p>Examination and assessment of evidence obtained from one or more of the following:</p> <p>.1 approved in-service experience</p> <p>.2 approved training ship experience</p> <p>.3 approved simulator training, where appropriate</p> <p>.4 approved training programme</p>	<p>Locate and apply relevant parts of the Polar Water Operations Manual</p> <p>Communication is in accordance with local/regional and international standard procedures</p> <p>Legislative requirements related to relevant regulations, codes and practices are identified</p>
Apply safe working practices, respond to emergencies	<p><i>Basic knowledge of crew preparation, working conditions and safety:</i></p> <p>.1 recognize limitations of search and rescue readiness and responsibility, including sea area A4 and its SAR communication facility limitation</p> <p>.2 awareness of contingency planning</p> <p>.3 how to establish and implement safe working procedures for crew specific to polar environments such as low temperatures, ice-covered surfaces, personal protective equipment, use of buddy system, and</p>	<p>Examination and assessment of evidence obtained from one or more of the following:</p> <p>.1 approved in-service experience</p> <p>.2 approved training ship experience</p> <p>.3 approved simulator training, where appropriate</p> <p>.4 approved training programme</p>	<p>Identification and initial actions on becoming aware of hazardous situations for vessel and individual crew members</p> <p>Actions are carried out in accordance with Polar Water Operations Manual, accepted principles and procedures to ensure safety of operations and to avoid pollution of the marine environment</p> <p>Safe working practices are observed and appropriate safety and protective equipment is correctly used at all times</p> <p>Response actions are in accordance with established plans and are</p>

Column 1	Column 2	Column 3	Column 4
Competence	Knowledge, understanding and proficiency	Methods for demonstrating competence	Criteria for evaluating competence
	<p>working time limitations</p> <p>.4 recognize dangers when crews are exposed to low temperatures</p> <p>.5 human factors including cold fatigue, medical-first aid aspects, crew welfare</p> <p>.6 survival requirements including the use of personal survival equipment and group survival equipment</p> <p>.7 awareness of the most common hull and equipment damages and how to avoid these</p> <p>.8 superstructure-deck icing, including effect on stability and trim</p> <p>.9 prevention and removal of ice including the factors of accretion</p> <p>.10 recognize fatigue problems due to noise and vibrations</p> <p>.11 identify need for extra resources, such as bunker, food and extra clothing</p>		<p>appropriate to the situation and nature of the emergency</p> <p>Correctly identifies and applies legislative requirements related to relevant regulations, codes and practices</p> <p>Appropriate safety and protective equipment is correctly used</p> <p>Defects and damages are detected and properly reported</p>
<p>Ensure compliance with pollution-prevention requirements and prevent Environmental hazards</p>	<p><i>Basic knowledge of environmental factors and regulations:</i></p> <p>.1 identify particularly sensitive sea areas regarding discharge</p> <p>.2 identify areas where shipping is prohibited or should be avoided</p> <p>.3 special areas defined in MARPOL</p> <p>.4 recognize limitations of oil-spill equipment</p> <p>.5 plan for coping with increased volumes of garbage, bilge water, sewage, etc.</p> <p>.6 lack of infrastructure</p>	<p>Examination and assessment of evidence obtained from one or more of the following:</p> <p>.1 approved in-service experience</p> <p>.2 approved training ship experience</p> <p>.3 approved simulator training, where appropriate</p> <p>.4 approved training programme</p>	<p>Legislative requirements related to relevant regulations, codes and practices are identified</p> <p>Correctly identify/select the limitations on vessel discharges contained in the Polar Code</p> <p>Correctly apply Polar Water Operations Manual/Waste Management Plan to determine limitations on vessel discharges and plans for storing waste</p> <p>Identify references that provide details of areas to be avoided, such as wildlife refuges, ecological heritage parks, migratory pathways,</p>

Column 1	Column 2	Column 3	Column 4
Competence	Knowledge, understanding and proficiency	Methods for demonstrating competence	Criteria for evaluating competence
	.7 oil spill and pollution in ice, including consequences		etc. (MARPOL, Antarctic Treaty, etc.) Identify factors that must be considered to manage waste stream during polar voyages

Table A-V/4-2

Specification of minimum standard of competence in advanced training for ships operating in polar waters

Column 1	Column 2	Column 3	Column 4
Competence	Knowledge, understanding and proficiency	Methods for demonstrating competence	Criteria for evaluating competence
Plan and conduct a voyage in polar waters	<p><i>Knowledge of voyage planning and reporting:</i></p> <ul style="list-style-type: none"> .1 information sources .2 reporting regimes in polar waters .3 development of safe routeing and passage planning to avoid ice where possible .4 ability to recognize the limitations of hydrographic information and charts in polar regions and whether the information is suitable for safe navigation .5 passage planning deviation and modification for dynamic ice conditions <p><i>Knowledge of equipment limitations:</i></p> <ul style="list-style-type: none"> .1 understand and identify hazards associated with limited terrestrial navigational aids in polar regions .2 understand and recognize high latitude errors on compasses .3 understand and identify limitations in discrimination of radar targets and ice features in ice-clutter .4 understand and recognize limitations of electronic positioning systems at high latitude .5 understand and recognize limitations in nautical charts and pilot descriptions .6 understand and recognize limitations in communication systems 	<p>Examination and assessment of evidence obtained from one or more of the following:</p> <ul style="list-style-type: none"> .1 approved in-service experience .2 approved training ship experience .3 approved simulator training, where appropriate .4 approved training programme 	<p>The equipment, charts and nautical publications required for the voyage are enumerated and appropriate to the safe conduct of the voyage</p> <p>The reasons for the planned route are supported by facts obtained from relevant sources and publications, statistical data and limitations of communication and navigational systems</p> <p>Voyage plan correctly identified relevant polar regulatory regimes and need for ice-pilotage and/or icebreaker assistance</p> <p>All potential navigational hazards are accurately identified</p> <p>Positions, courses, distances and time calculations are correct within accepted accuracy standards for navigational equipment</p>

Column 1	Column 2	Column 3	Column 4
Competence	Knowledge, understanding and proficiency	Methods for demonstrating competence	Criteria for evaluating competence
<p>Manage the safe operation of vessels operating in polar waters</p>	<p><i>Knowledge and ability to operate and manoeuvre a vessel in ice:</i></p> <p>.1 preparation and risk assessment before approaching ice, including presence of icebergs, and taking into account wind, darkness, swell, fog and pressure ice</p> <p>.2 conduct communications with an icebreaker and other vessels in the area and with Rescue Coordination Centres</p> <p>.3 understand and describe the conditions for the safe entry and exit to and from ice or open water, such as leads or cracks, avoiding icebergs and dangerous ice conditions and maintaining safe distance to icebergs</p> <p>.4 understand and describe ice-ramming procedures including double and single ramming passage</p> <p>.5 recognize and determine the need for bridge watch team augmentation based upon environmental conditions, vessel equipment and vessel ice class</p> <p>.6 recognize the presentations of the various ice conditions as they appear on radar</p> <p>.7 understand icebreaker convoy terminology, and communications, and take icebreaker direction and move in convoy</p> <p>.8 understand methods to avoid besetment and to free beset vessel, and consequences of besetment</p> <p>.9 understand towing and</p>	<p>Examination and assessment of evidence obtained from one or more of the following:</p> <p>.1 approved in-service experience</p> <p>.2 approved training ship experience</p> <p>.3 approved simulator training, where appropriate</p> <p>.4 approved training programme</p>	<p>All decisions concerning navigating in ice are based on a proper assessment of the ship's manoeuvring and engine characteristics and the forces to be expected while navigating within polar waters</p> <p>Demonstrate communication skills, request ice routing, plot and commence voyage through ice</p> <p>All potential ice hazards are correctly identified</p> <p>All decisions concerning berthing anchoring, cargo and ballast operations are based on a proper assessment of the ship's manoeuvring and engine characteristics and the forces to be expected and in accordance with the Polar Code guidelines and applicable international agreements</p> <p>Safely demonstrate progression of a vessel through ice, manoeuvring vessel through moderate ice concentration (range of 1/10 to 5/10)</p> <p>Safely demonstrate progression of a vessel through ice, manoeuvring vessel through dense ice concentration (range of 6/10 to 10/10)</p> <p>Operations are planned and carried out in accordance with established rules and procedures to ensure safety of operation and to avoid pollution of the marine environment</p> <p>Safety of navigation is maintained through navigation strategy and</p>

Column 1	Column 2	Column 3	Column 4
Competence	Knowledge, understanding and proficiency	Methods for demonstrating competence	Criteria for evaluating competence
	<p>rescue in ice, including risks associated with operation</p> <p>.10 handling ship in various ice concentration and coverage, including risks associated with navigation in ice, e.g. avoid turning and backing simultaneously</p> <p>.11 use of different type of propulsion and rudder systems, including limitations to avoid damage when operating in ice</p> <p>.12 use of heeling and trim systems, hazards in connection with ballast and trim in relation with ice</p> <p>.13 docking and undocking in ice-covered waters, including hazards associated with operation and the various techniques to safely dock and undock in ice-covered waters</p> <p>.14 anchoring in ice, including the dangers to anchoring system – ice accretion to hawse pipe and ground tackle</p> <p>.15 recognize conditions which impact polar visibility and may give indication of local ice and water conditions, including sea smoke, water sky, ice blink and refraction</p>		<p>adjustment of ship's speed and heading through different types of ice</p> <p>Actions are understood to permit use of anchoring system in cold temperatures</p> <p>Actions are carried out in accordance with accepted principles and procedures to prepare for icebreaker towing, including notch towing</p>
Maintain safety of the ship's crew and passengers and the operational condition of life-saving, firefighting and other safety systems	<p><i>Knowledge of safety:</i></p> <p>.1 understand the procedures and techniques for abandoning the ship and survival on ice and in ice-covered waters</p> <p>.2 recognize limitations of firefighting systems and life-saving appliances due to low air temperatures</p> <p>.3 understand unique</p>	<p>Examination and assessment of evidence obtained from one or more of the following:</p> <p>.1 approved in-service experience</p> <p>.2 approved training ship experience</p> <p>.3 approved simulator training, where appropriate</p> <p>.4 approved training</p>	<p>Response measures are in accordance with established plans and procedures, and are appropriate to the situation and nature of the emergency</p>

Column 1	Column 2	Column 3	Column 4
Competence	Knowledge, understanding and proficiency	Methods for demonstrating competence	Criteria for evaluating competence
	<p>concerns in conducting emergency drills in ice and low temperatures</p> <p>.4 understand unique concerns in conducting emergency response in ice and low air and water temperatures</p>	programme	

Appendix E Comments to consultations

Open Public Consultation comments³

Importance of the EU verification of maritime specific education and training system of third countries compliance with the minimum international standards set by the STCW Convention

Not important - Il est délicat de dire que la commission doit faire plus, quand elle a été incapable de produire un travail sincère à propos des Philippines.

Very Important - Since competence is so important, students competence should also be checked.

Important - Any country that mutually recognise a country's maritime STCW certificates should trust but verify that the quality of the training and assessment of said training are in accordance with the Convention on the basis of these qualifications and certificates. This is a responsibility that falls on all states that are party to the STCW Convention.

Very Important - It would be useful that the findings from EMSA visits to those countries are available for research purposes. I do not see the benefit of EMSA and the EC safeguarding this information as confidential. Does EMSA uses those reports to conduct research and help those countries to improve in their shortcomings? Why EMSA does not get a more strong role in research like the US Coast Agency and AMSA?

Very Important - The STCW Convention requires parties to verify that the standards of competency required by any third party whose Certificates of Competency (CoCs) they wish to recognise for service on board ships registered under their flags fully comply with the standards of STCW. It is appropriate that EMSA carries out this important task of verification on behalf of all EU Member States, in order to avoid unnecessary duplication of effort.

Very Important - From our point of view this is important because it expresses a common EU policy. For small EU members it reduces the expenses for resources to gain common aim.

Very Important - Just for the reason of too many loose ends, there is situation more or less every day, ships not following COLREG, and of course it is also a question of culture.

Less Important - Some third parties already approved are questionable. The system is very slow and cumbersome. However, EMSA acts as a check where some EU Members might not otherwise audit.

Very Important - "The STCW Convention requires parties to verify that the standards of competency required by any third party whose Certificates of Competency (CoCs) they wish to recognise for service on board ships registered under their flags fully comply with the standards of STCW. It is appropriate that EMSA carries out this important task of verification on behalf of all EU Member States, in order to avoid unnecessary duplication of effort."

Not important - XXXXX consider verification of STCW implementation to be an exclusive role of IMO in order to avoid confusion and administrative burden.

Very Important - The STCW Convention requires parties to verify that the standards of competency required by any third party whose Certificates of Competency (CoCs) they wish to recognise for service on board ships registered under their flags fully comply with the standards of STCW. It is appropriate that EMSA carries out this important task of verification on behalf of all EU Member States, in order to avoid unnecessary duplication of effort.

Very Important - "Il est important de disposer de standards communs, d'objectifs d'harmonisation et de lutte contre le dumping social. Exemple : Plusieurs inspections de l'Agence européenne de sécurité maritime ont, depuis 2006, révélé des manquements sérieux et persistants de l'État philippin aux règles de la convention STCW. Le contrôle de l'UE garantit que les États tiers soient soumis aux mêmes exigences que les États membres."

³ The comments were not edited. In order to keep confidentiality and to ensure that the comments remain anonymous, whenever the name of the organisation appeared it was deleted and replaced by XXXXX

Very Important - The STCW convention required parties to verify that the standards of competency required by any third party whose Certificates of Competency they wish to recognize for service on board ships registered under their flags fully comply with the standards of STCW. It is appropriate that EMSA continue to carry out this important task of verification on behalf of all EU Member States, in order to avoid unnecessary duplication of effort and come to a harmonized approach.

Very Important - "This is very important because it secures same starting conditions for flag states and for shipping in European waters."

Very Important - All over Europe, maritime pilots too often see substandard crews trained by third countries and showing very poor skills.

Important of EU verification of the maritime education and training system of the Member States

Important - If the EU is going to maintain legitimacy as a governing and legislative body as regards this subject matter, it needs to make sure it is compliant internally. EU normally sets high standards for compliance in most issues. However, if the member states do not follow the international standards and conventions that they have ratified and the EU does not ensure a level playing field and compliance with international legislation, it will undermine its right to ensure compliance in other countries by bilateral control and through mutual recognition of education and certificates. EMSA cannot make a legitimate claim to control other countries if compliance within the EU cannot be guaranteed.

Very Important - If the EU is to maintain legitimacy as a governing and legislative body as regards this matter, it needs to make sure it is compliant internally. The EU normally sets high standards for compliance. However, if the member states do not meet the international standards that they have ratified and the EU does not ensure a level playing field and compliance with international legislation, it will undermine the legitimacy of its claim to verify compliance in other countries.

Less Important - From our point of view it is not much important due to mandatory Audits from IMO and EU verification will be mostly the same.

No opinion - In spite of EMSA audits, the quality of provision varies widely across the EU. For example there is a large variation between Member States vis-à-vis fire-fighting requirements.

Very Important - "If the EU is to maintain legitimacy as a governing and legislative body as regards this matter, it needs to make sure it is compliant internally. The EU normally sets high standards for compliance. However, if the member states do not meet the international standards that they have ratified and the EU does not ensure a level playing field and compliance with international legislation, it will undermine the legitimacy of its claim to verify compliance in other countries."

Not important - XXXX consider verification of STCW implementation to be an exclusive role of IMO in order to avoid confusion and administrative burden.

Very Important - "If the EU is to maintain legitimacy as a governing and legislative body as regards this matter, it needs to make sure it is compliant internally. The EU normally sets high standards for compliance. However, if the member states do not meet the international standards that they have ratified and the EU does not ensure a level playing field and compliance with international legislation, it will undermine the legitimacy of its claim to verify compliance in other countries."

Important - La directive s'impose aux États membres. Les États membres ont déjà un dispositif contraignant mais il est important que l'UE vérifie que le texte est appliqué de façon coordonnée et harmonisée entre États membres.

Very Important - If the EU is to maintain legitimacy as a governing and legislative body as regards to this matter, it needs to make sure it is compliant itself. The EU normally set high standards for compliance, however, if member states do not meet international standards that they have ratified and the EU does not ensure a level playing field and compliance with international legislation, it will undermine the legitimacy of its claim to verify compliance in other countries.

Very Important - Seafarers trained in Europe, especially officers, will become pilots in the future in EU ports, it is thus essential that maritime education and training systems in all member states shall reach the highest standards.

Very Important - shore side personal involved in ships cargo planning should also be formed and evaluated and pass tests in comparison with seafarers.

Alignment of EU legislation with the internationally agreed standards set by the STCW Convention on maritime education and training

It should go beyond international standards - Increased standards will force other countries to invest more in maritime education in order to remain competitive.

It should be kept aligned with international standards - It should be mandatory aligned with the STCW and offer to those who wish to attend extra-training, the possibility to do so.

It should be kept aligned with international standards - "The shipping industry was the first truly international industry. For shipping to function efficiently it needs a global level playing field by way of mainly globally agreed rules. This means that shipping must primarily be regulated through IMO. IMO ensures that all international shipping must comply with a minimum set of regulations that safeguards the life of the seafarer, the environment and the ships. Whenever there are local regulations that try to regulate shipping, there are usually adverse consequences. International legislation takes longer to create, but is more durable and will have the same consequences for all stakeholders, creating a level playing field and enabling smooth sailing between different markets and regions. However, we are of the opinion that individual countries should be allowed to improve the quality of their seafarers beyond the limits of the STCW to enhance the competitiveness of the said country's seafarers in the international labour market."

It should be kept aligned with international standards - It would not be appropriate for EU legislation to go beyond the standards set out in the STCW Convention. Being a global industry, for shipping to function efficiently it is necessary to have a global level playing field through international regulations and standards.

It should be kept aligned with international standards - From our point of view it allows to compete with the third countries on maritime labour market.

It should be kept aligned with international standards - There should not be any 'gold plating', as we believe that the international standard provide an appropriate level of training, and placing additional requirements within the EU creates a competitive disadvantage.

It should be kept aligned with international standards - "It would not be appropriate for EU legislation to go beyond the standards set out in the STCW Convention. Being a global industry, for shipping to function efficiently it is necessary to have a global level playing field through international regulations and standards."

It should be kept aligned with international standards - OCIMF do not see a need or benefit for EU duplication of STCW standards.

It should be kept aligned with international standards - It would not be appropriate for EU legislation to go beyond the standards set out in the STCW Convention. Being a global industry, for shipping to function efficiently it is necessary to have a global level playing field through international regulations and standards.

It should be kept aligned with international standards - Il n'est pas nécessaire d'aller au-delà des standards internationaux qui sont déjà élevés (cf. Amendements de Manille de 2010 à la convention STCW qui viennent d'entrer en vigueur). Mais la condition pour ne pas exiger de standards plus élevés est qu'il est important que toute la convention soit appliquée et que sa mise en œuvre soit harmonisée et cohérente entre États.

It should be kept aligned with international standards - "It would not be appropriate for EU legislation to go beyond the standards set out in the STCW Convention. Being a global industry it is necessary to have a global level playing field through international regulations and standards, reducing administrative burden and improving safety. Currently, European regions are second and third most popular destinations for cruise ships worldwide. A Europe competes with other regions worldwide, aligning legislation worldwide and providing a level playing field would

ensure cruise ships not choosing a non-European destination due to lack of regulatory alignment and administrative burden. "

It should go beyond international standards - It should go beyond international standards to keep the quality of European flags of a very high level - but only up to a certain point to keep vessel operation costs internationally competitive. The already very high standard of European maritime education and training should also be manifested in the European maritime regulations.

It should go beyond international standards - Same as above.

It should be kept aligned with international standards - "see above - lack of education of shore side personal - 80% of cargo planning is carried out by shore based personal."

Impact on the administrative burden of Member States of the common EU mechanism of recognition of third countries' maritime specific education and training system

It increases administrative burden - It increases the administrative burden by a detailed review of records

It increases administrative burden - More people are employed to do this job. The mechanism of recognition is in many countries just a formality.

It reduces administrative burden - From our point of view it allows to save resources for small EU members.

It reduces administrative burden - Une procédure unique permet d'alléger la charge de l'ensemble des États membres. Cependant, cette procédure reste lourde (18 mois). Son coût doit également être mesuré en rapport à la sécurité maritime et l'emploi.

Influence on the costs for Member States of the common EU mechanism of recognition of third countries' maritime specific education and training system

It increases costs - Every member state sets the prices of the courses on its own. The Authority requires some extra training, compared to other member states, the prices significantly increasing.

No opinion - No data is published by the EC or EMSA in this respect. How are we suppose to know it?

It reduces costs- From our point of view for small EU members it reduces the expenses for resources (travel, accommodation, HR).

It reduces costs - Jäsenvaltioiden ei tarvitse tehdä paikanpäällä (on site) tarkastuksia kolmansissa maissa.

It reduces costs - "Voir question 5 qui procède du même principe. Les propositions suivantes pourraient améliorer le mécanisme européen de reconnaissance : - les États membres devraient avoir connaissance des demandes de reconnaissance introduites par d'autres États membres ce qui permettrait de bénéficier des dispositions de l'article 19 §3 de la directive (permet une reconnaissance unilatérale jusqu'à ce que la commission ait pu faire réaliser un audit par l'EMSA) sans avoir à formuler de nouvelle demande; - les informations requises par la Commission dans le cadre des demandes ""motivées"" des États qui introduisent des demandes de reconnaissance devraient être précisées."

It reduces costs - Cheap crews.

General comment on the functioning and/or impact of Directive 2008/106/EC

Although we talk about an industry where there are internationally agreed standards, there are so many differences between European Countries. European recognised standards for instructors should be designed.

I would like new EU directives to address the matter of forthcoming unmanned vessels. I would like EC/EMSA to have a major role in ensuring a harmonised implementation of MLC too.

ECSCA welcomes the important role played by the European Maritime Safety Agency (EMSA) in verifying and ensuring compliance with the standards of the STCW Convention within the EU and elsewhere. The threat of de-recognition of a country's STCW Certificates of Competency (CoCs) has been effective in provoking improvements in standards of training, education and administration in the countries where concerns have been raised. However, it is a threat that should be carried out only in the most serious cases of non-compliance, where positive measures, such as the provision of technical assistance, have not had the desired effects or clearly have no prospect of doing so.

From our point of view the Directive duplicates the STCW convention and Code and sometimes makes some clutter in its application.

"Directive 2008/106/EC as amended imports the provisions of STCW A-VIII/1, including the 2010 Manila amendments, on Fitness for Duty, into EU legislation. The Manila amendments set strict limits on the exceptions to minimum daily and weekly hours of rest which may be authorised by the Administration. However, STCW Regulation I/13 allows for Conduct of trials, "in order to evaluate alternative methods or performing specific duties or satisfying particular arrangements by the Convention, which would provide at least the same degree of safety, security and pollution prevention as provided by these Regulations". That provision is not included in Directive 2008/106/EC as amended, which has the effect of preventing any Member State authorising trials and potentially reducing the scope for finding improved ways of operating ships safely. This is an issue on which the UK is actively engaging with the Commission. The UK has conducted a trial on vessels, in order to assess the safety of an alternative pattern of work which does not fully comply with A-VII/1 paragraphs 2, 3, and 9, but over two days provides more than the minimum required period of rest. This was limited to vessels operating solely on domestic voyages, which limited its value assessing more general application."

XXXXXX welcomes the important role played by the European Maritime Safety Agency (EMSA) in verifying and ensuring compliance with the standards of the STCW Convention within the EU and elsewhere. The threat of de-recognition of a country's STCW Certificates of Competency (CoCs) has been effective in provoking improvements in standards of training, education and administration in the countries where concerns have been raised. However, it is a threat that should be carried out only in the most serious cases of non-compliance, where positive measures, such as the provision of technical assistance, have not had the desired effects or clearly have no prospect of doing so.

"La XXXXX souhaite réagir sur deux points : - Un rapprochement avec la pêche serait souhaitable, notamment en ce qui concerne le dispositif de reconnaissance des titres et des qualifications professionnelles. En effet, XXXXX renouvelle son souhait de voir la Commission proposer un projet de directive propre aux dispositions de la convention STCW-F pour garantir une application harmonisée au sein de l'UE et éviter les conflits de normes entre la procédure de reconnaissance prévue par la convention STCW-F et celle prévue dans le cadre de la directive 2005/36 sur la reconnaissance des qualifications professionnelles. - Un élément de simplification serait la possibilité d'avoir des titres dématérialisés. En effet, l'objectif serait de mobiliser la Commission et les États membres pour une action coordonnée à l'OMI. En premier lieu, un échange serait nécessaire sur la stratégie à adopter (engager les travaux de modification de la Convention ou mise en place d'un dispositif temporaire par voie de circulaire). Quoi qu'il en soit, cette mesure de simplification est devenue indispensable à l'heure où le nombre de titres soumis à revalidation et les nouveaux certificats se multiplie."

"XXXXXX welcomes the important role played by EMSA in verifying and ensuring compliance with the standards of the STCW convention within the EU and elsewhere. Upon amendment of a EU Directive/regulation there is often no consolidated version produced after that in due time by the EU which makes reading/interpretation of the revised regulation difficult."

Extent the mutual recognition of seafarers' certificates facilitates their professional mobility within the EU

To a great extent - Unfortunately there are still countries where certificates are not recognised (XXXXXX is one case where STCW courses completed in other countries are not recognised).

To a great extent - Without mutual recognition of the certificates the seafarer will not be able to work on ships sailing under other flags.

To a great extent - Due the requirement for recognition of CoCs under STCW, mutual recognition is an essential component of the professional mobility of officers within the EU (i.e. they cannot sail on a ship flying the flag of

another EU Member State until their certificate is recognized). There are also other factors that may affect mobility (language etc.), however certification is the main facilitator of mobility and therefore it is essential that certificates of officers are recognized within the EU.

To a great extent - From our point of view this allows to bypass the bureaucratic burden.

To a great extent - However, mutual recognition is not always implemented by all Member States (there have been issues on occasion with the recognition of XXXXX certificates by other Member States).

To a great extent - Due the requirement for recognition of CoCs under STCW, mutual recognition is an essential component of the professional mobility of officers within the EU (i.e. they cannot sail on a ship flying the flag of another EU Member State until their certificate is recognized). There are also other factors that may affect mobility (language etc.), however certification is the main facilitator of mobility and therefore it is essential that certificates of officers are recognized within the EU.

To a great extent - " - La directive permet une reconnaissance quasi-automatique des titres au niveau européen. - La mobilité dans les carrières internationales est facilitée. - La question des ""petits brevets"" (jauge brute inférieure à 500) demeure néanmoins non réglée par la directive."

To a great extent - Due the requirement for recognition of CoCs under STCW, mutual recognition is an essential component of the professional mobility of officers within the EU (i.e. they cannot sail on a ship flying the flag of another EU Member State until their certificate is recognized). There are also other factors that may affect mobility (language etc.), however certification is the main facilitator of mobility and it is therefore essential that certificates of officers are recognized within the EU. Also, harmonized interpretations by members on STCW CoC requirements is necessary (esp. the electrical high voltage requirements for Engineers' CoCs).

To a great extent - A mutual recognition of seafarers' certificates is of importance for the maritime labour market. This helps to meet the shipping companies' demand of seafarers all over Europe.

Impact of the mutual recognition of seafarers' certificates on administrative burden and costs for seafarers when applying to work on board another EU flagged vessel

It increases costs/burdens - From our point of view this reduce costs for seafarer due to simple administrative procedures.

It increases costs/burdens - Cost for verifying certificates and renewed to another EU state.

It reduces costs/burdens - The benefit for seafarers holding a qualification issued by a Member State is that it is automatically recognised by other Member States. Therefore seafarers do not need to duplicate training.

It reduces costs/burdens - Reconnaissance quasi automatique des titres.

It reduces costs/burdens - Because of mutual recognition of seafarers' certificates the costs can be reduced because in most cases no additional or parallel certificates/training are needed.

Cases where a seafarer's certificate issued by a Member State was not recognised by another one

Yes - Unfortunately there are still countries where certificates are not recognised (In XXXXXX STCW courses completed in other EU countries are not recognised and it is hard to understand reasons beyond such a decision).

Yes - Current XXX Fishing Vessel CoC is not recognised by at least one Member State, which insists that fishermen should have STCW(F) qualifications.

Yes (please specify in the text box) - We experience often that certain training, such as STCW Chapter VI (basic safety, advance firefighting, PSCRB) ,conducted within the EU at an approved training institute are not recognized by other EU member States.

General comment on the functioning and/or impact of Directive 2005/45/EC

This section is not considered relevant to XXXX, who focus on safety and environmental protection rather than commercial matters.

"- Un rapprochement avec la pêche serait souhaitable. - il serait intéressant qu'un bilan de fonctionnement et des éventuelles difficultés puisse être fait afin de voir les marges de progrès possibles. "

Upon amendment of a EU Directive/regulation there is often no consolidated version produced after that in due time by the EU which makes reading/interpretation of the revised regulation difficult.

For the digitalisation of the issue and handling of certificates a European standardization process should be started to set a common framework. The EU should be a moderator during a transition time and of finding near-future solutions.

Stakeholders Consultation – Maritime Administration

Importance of maritime education and training of seafarers for the prevention of maritime accidents

Very Important - The theoreticle education (high or higher) and practical training on board are of exceptional importance to recognize and deal with standard and emergency situations at sea and on board to prevent maritime accidents.

Very Important - obviously any lack of training may increase risk of accidents

Important - Professional training and the seagoing service represents the most important part in obtaining competencies

Very Important - The nature of the shipping is quite complicated and sophisticated, this demands for deep knowledge in the field. This knowledge can be obtained only by combined sea practice and study.

Very Important - Training is imperative to have seafarers who know how to handle all situations on board a ship which includes being prepared for emergencies, being familiar with ship arrangements, installations, equipment and procedures and also being competent to discharge their duties to the best of their abilities in favour of safer and cleaner shipping.

Very Important - For safety reasons, in particular, it is very important that qualification of seafarers meet the minimum international required standards, as laid down by the STCW Convention. The main issues which can have an effect on the potential for human error are education, training, as well as working conditions. Therefore, the better the education and training received by seafarers is, the safer shipping will become.

Very Important - MET is a prerequisite for safe operation of ships and marine pollution prevention

Very Important - Human error has been major cause of accidents. Therefore the competency of the seafarers is key issue.

Very Important - The human factor is the most important element in shipping. Statistically has been reported, that more than 80% of marine accidents are due to human error.

Important - Reports delivered by Maritime Accident Commission show that 40 % accidents have the ground into the human factor. By the proper and consistent training we can reduce that factor. Moreover the shipping industry introduces constantly the newest tachtology which has become installed onbord. To operate that equipment specyfic training must be provide.

Very Important - The level of qualifications and later competencies at hand in any situation on board a ship will determine the outcome. International minimum standards of education and training of seafarers provides a mutual framework for ensuring correct and homogenous response to hazards.

Awareness of maritime accidents where lack of training could have been a cause

The collision between m/v Karam 1 and m/v Alessandro DP, collision between m/v Lady Gul and m/v St Catrine occurred in Bulgarian part of Black Sea and investigated shows a lack of knowledge of COLREGS and ability to apply COLREG in practice.

No specific examples of Luxembourg flagged vessel.

Excessive bureaucracy imposed lately is leading to a high degree of stress, the mainly contributor of errors and accidental mistakes.

In all major maritime accidents in the last 50 years a lack of training has been a contributing factor.

"In the case of a failure of a lifeboat wire rope fall resulting in five fatalities and three injuries on board the Thomson Majesty the incident was attributed to various factors amongst which was the failure to identify corrosion, the use of incorrect wire rope and the use of incorrect grease specifications. Training and awareness on specific issues like the ones described in this incident should further enhance safety.

A current issue to note is the training and awareness of seafarers in ship digitalization."

"Torrey Canyon (navigation error), Costa Concordia (lack of sufficient emergency training caused loss of human lives), Herald of the Free Enterprise, And many others, for instance according to MAIB reports."

"Lack of English knowledge has been a cause of accident.

that shows statistics, around 40% of accidents cause by human factor, most of that has been based of lack of training or errors which could be eliminate by proper training.

Most maritime accidents occur when a number of insignificant factors contribute to a situation, whereby it is brought out of control thus causing an accident. Education and training is the only way whereby you can train correct behavior, understand correlation as well as analyze and utilize data in a systematic manner to prevent accidents.

Importance of EU verification of the maritime education and training system of Member States and third countries complies with the minimum international standards set by Directive 2008/106/EC and the STCW Convention respectively

Very Important - The quality of seafarers depends on the education and training that they passed. Quality of education among others depend on the control exercised. The control carried out by IMO is based on papers submitted and once a Member State is entered in the so called "White List" no chance to be taken out. Instead EU carries out verification on site and has the right to take out a country from the List of recognizes third country.

Very Important - In order to ensure quality of training and providing an additional safety layer and control mechanisms to the IMO standards.

Less Important - This double verification imposes higher standards for the Member States as against non EU Member States, and it's also facilitating non EU seafarers access in the detriment of the EU ones.

Less Important - Since a Member State's IMO Audit scheme became a mandatory instrument, in principle the same verification by EU body do not seems to be of much value anymore.

Very Important - It is important that the seafarers from third countries complies with the minimum standards so that the level of safety on board member state ships does not fall.

Very Important - The verification by EMSA (EU) is important as Member States can be assured that other Member States and recognised third parties are in line with the provisions found in Directive 2008/106/EC and that seafarers certified by the same Member States or third countries have undergone proper training.

Very Important - Taking in to account that large number of foreign seafarers (holding certificates issued outside the European Union) work on board EU flagged vessels and their numbers are increasing and they are also taking

over more and more senior officer functions, EU plays very important role in verifying that maritime education and training system of third countries complies with the minimum international standards set by Directive 2008/106/EC and the STCW Convention.

Very Important - as a national maritime administration we need information about MET-systems in other countries (MS and third countries); therefore it is important that adequate information are available via verification and reports.

Very Important - Inspections of third countries ensures and maintains the good quality of the seafarers under the EU flags.

Very Important - Independent evaluations are at most effective. In this way all maritime education and training systems are equally verified and maintain unified standards.

Very Important - Because the seafarers' job is based on international job market, it is important that every seafarer has the same standards of training. Especially when we taking under consideration the EU vessels where work EU citizens. This is also kind of natural sea environment protection, against the maritime accidents and pollution.

Important - When the EU verifies Member States and third countries compliance with the international standards and the directive 2008/106/EC, it contributes to a common global training and education level and reduces the burdens of a verification system.

Impact on the administrative burden for Member States of EU verification mechanism of third countries' maritime education and training system

It reduces administrative burden - The work to evaluate a third country education and training system, as it is required by STCW convention amounts to review and evaluate hundreds of pages of legislation, education curricula and administration arrangements. To visit education and training institutions. Evaluation have to be done by a proper qualified persons having maritime background. All this is entrusted to EMSA and EC which reduce the burden to the administration at least 160 man/hours per a country.

It reduces administrative burden - Impossible to estimate.

It reduces administrative burden - We do not have any statistics to highlight the amount of money and time is reduced.

It reduces administrative burden - Administrations will spend less resources on evaluation of Third countries education and certification systems.

It reduces administrative burden - The EU verification system of third countries helps by giving EU Member States an extra peace of mind when recognising certificates issued by third parties as such parties would have only been recognised when they are full compliant with Directive 2008/106/EC. It also omits the need for multiple inspections made by all Member States on the third country. Both man hours and costs would vary according to the organisational structure of the training/certification setup of the third country.

It reduces administrative burden - It significantly reduces administrative burden of the member states. Costs and hours is depending of how much non-EU seafarers from different third countries are employed. Generally this EU verification mechanism of third countries' maritime education and training system appears to be working extremely well and we support it.

It reduces administrative burden - In our opinion it reduces the administrative burden because the EC (EMSA) conduct the audits and compare the training standards with the international (European) standards. If the EC recognise third country that is the signal for all other EU country that this third country has the same standards. After that there is no need to recognise that country by every EU state which could increase the costs. Generally it safe the audit costs multiply by every EU country.

It reduces administrative burden - We have no quantitative calculation on this but consider the administrative burdens is significantly lowered by removing the responsibility from the Member State.

Additional assessments the Maritime Administration carries out

Document review - The Administration carries out additional assessments to ensure that the country with whom an undertaking in terms of Article 19 of the Directive is being finalised meets the requirements of the Directive, furthermore all document trails are kept in the Administration's records. One of the requested documents would be the report of the EMSA (EU) inspection as the findings in the said report would definitely give more peace of mind.

Other (Please specify in comments) - "on a case by case basis we have contacts to the foreign maritime administration, if necessary in most cases via e-mail and exchange of relevant information no field visits or inspections so far."

Field visit / Inspections - "Additional inspections are carried out only in situations where we have serious doubts about the third country MET system. The costs mostly relate to the travel activity and preparation and reporting. It will vary depending on the said country and are comparable to the cost EMSA hold for same kind of activities."

Improvement of the EU verification mechanism of third countries' and Member States' maritime education and training systems

By reducing time gap between inspection completion and approval decision.

"visits to MS could reduced and inspections of third countries could therefore increased, follow-up visits to MS only, if clear grounds or indications that something is not in line with the standards; the inspection-reports of third countries should be available in the STCW-IS."

There seems to be difficulties to perform the inspections according to intended intervals. There might be need to assess the available resources.

Detailed specifications of which training and certificates should be recognized by MS (e.g. could MS recognise a training or only and which issued certificate).

"If, in connection with the first visit found deviations from the implementation of the STCW Convention into national law and practice. There should be a new control of the country and not just a paper exercise. Member states should be invited to participate in inspection carried out by EMSA."

Alignment of the EU legislation with the internationally agreed standards set by the STCW Convention on maritime education and training

It should go beyond international standards - the national legislations of some EU Countries are in some case more advanced than STCW, and this peculiarity should be taken into account, in the spirit of a better protection of health and safety.

It should be kept aligned with international standards - In case of divergencies from the STCW convention standards and in applying more stringent standards for EU countries an additional burden is imposed to the education, training and evaluation on countries's administration and additional financial expenses for seafarers.

It should be kept aligned with international standards - in order to keep a level playing field at international level.

It should be kept aligned with international standards - For an EU seafarers be able to compete on the international maritime labor market their competences must be not less then required by STCW Convention, but also investments in seafarers education and training must be adequate. In order to achieve anything higher then a minimum standards (what is in practice now) will demand considerably bigger investments in training and education. This can be done only at world-wide level, doing this in EU level does not seems practicable.

It should be kept aligned with international standards - EU legislation should be kept aligned so as not to create discrepancies between EU and international instruments which might result in having third countries being in line with the international law but not in line with EU legislation.

It should be kept aligned with international standards - If we want to accept seafarers from third countries, they must be educated in line with internationally agreed standards, we as the Union cannot claim for higher standards in third countries.

It should be kept aligned with international standards - There is no reason to exceed the international requirements since there are significant amount of seafarers from third countries serving under the EU flags. Therefore going beyond international standards has proportionally less effect to maritime safety.

It should be kept aligned with international standards - There is no need to have two tire systems.

It should be kept aligned with international standards - in our opinion that International standards set by STCW are enough if it is implemented properly. The most important is to keep that standards and improve the way how is the training provide, with use of the new technology.

It should be kept aligned with international standards - To ensure fair competition internationally Member States should not impose additional burden than agreed internationally. It will not give the desired effect because companies will simply reflag from the European registers.

General comment on the functioning and impact of the seafarers' training Directive

The Directive could be much simplified by refusing from duplicating of provisions already done in STCW Convention with simple reference to STCW Convention.

it works good

It could be considered is there need to have overlapping requirements with the STCW.

Yes, we would like to pointed out the difficulties of the MET on providing the on-board training and mandatory sea service required for CoC.

According to some misunderstandings or vary interpretations of international standards EU legislation could somehow unified that and give explanation for it. e.g. how it was with the recognition by EU member states of CoP or documentary evidence of basic trainings, special trainings.

"In general, we support the current approach of the Directive aligning it very closely with the requirements of the STCW Convention as such. However, we would emphasize that only those parts of the Convention which are mandatory should be included in a revised version of the Directive, thus excluding guidelines and codes. In this regard, it should be borne in mind that amendments to Conventions such as the Polar Code and the IGF Code would already have been transposed into national law by Member States. Furthermore, it should be considered whether it is legally necessary to reproduce the entire content of the Convention in the annex to the Directive rather than to simply refer to the STCW Convention in its current valid form. In light of the increasing digitization in the maritime sector, which among other things is used in connection with the issuance of digital certificates to ships, the new EU legislation allows Member States to apply and issue certificates electronically in an international context."

Impact of the mutual recognition of seafarers' certificates on their professional mobility within the EU

To a great extent - Easy to get job on board EU flagged vessels.

To a great extent - Obvious

To a great extent - Mutual recognition of seafarer certificates help in recognising training (certificates of proficiency) undertaken in another Member State with a direct recognition between the Member States without the need of further certification.

To a great extent - "The procedure of their employment is much easier."

To a great extent - There is no limit or burden for seafarers to work abroad (foreign shipowners). This is the EU how it should be.

To a small extent - "It could be explored whether the current practice of bilaterally issuing certificates of recognition between EU Member States in line with the STCW Convention could be simplified by replacing this with a general framework for automatic recognition internally in the European Union to be notified to the IMO, if legally feasible. Furthermore, automated, joint EU-wide recognition of certificates from third country seafarers could also be explored, for instance based on the assessments conducted by EMSA."

General comment on the functioning and impact of the mutual recognition Directive

It would be of great value if this Directive includes also mutual recognition of certificates on NCV and eliminates burdens caused by the paragraph 5 of the Regulation 1/3 of STCW Convention.

it is necessary that all Member states fulfil their obligations to report to the IMO and Commission regarding the implementation of the STCW Convention (Directive); especially about the functioning of the Quality Management Systems

The directive should be incorporated to Directive 2008/106/EC.

In our opinion the mutual recognition Directive should be revised. At this moment there are sometimes misunderstandings or refusal of recognition some CoP's by member states. Some of the EU states recognise the document of training issued by the MET, and demand from others the same.

Stakeholders Consultation – MET Institutions

Importance of maritime education and training of seafarers for the prevention of maritime accidents

Very Important - Working on ships is not a safe job by nature, accordingly the education and training how to prevent accidents and readiness for accident situation is utmost importance.

Very Important - Human factor is a key element exerting influence on safety of navigation and safe operation in shipping. So quality of maritime education and training, giving to future/young seafarers' appropriate knowledge, skills and attitude are extremely important.

Very Important - Education is important to ensure maximum safety.

Very Important - Education is about creating the future seafarers. If the curriculum is complete it should deal with accidents' prevention.

Very Important - La formación permite alcanzar las competencias que debe poseer cada uno de los miembros de la tripulación de acuerdo con su cargo a bordo, ante una situación de emergencia.

Very Important - "- A well-trained professional staff is the main condition for safe navigation, because the human factor is the reason of most accidents- "

Importance of EU verification of the maritime education and training system of Member States and third countries compliance with the minimum international standards set by Directive 2008/106/EC and the STCW Convention respectively

Very Important - The periodical evaluation of training shall ensure uniform implementation of training standards. Maritime business is an international business and requires compliance at least to minimum international standards, that is why we have STCW. Unfortunately, even within the EU states the interpretations of mandatory standards and the way how to implement those varies a lot.

Very Important - The MET system of Member States and third countries complies with the minimum international standards set by Directive 2008/106/EC and the STCW Convention because global shipping nature on most levels: international crews on vessels level, international nature of operational activities on level of shipping companies (often), global shipping (navigation).

Very Important - The verification by the EU makes sure that the minimum international standards are met.

Very Important - As a maritime training institution we are certified according to the standard of the Rules for maritime academies, the ISO standard for quality control, and the requirements for the national ministry of mobility. These are accepted worldwide and should hence also be EU verified.

Very Important - La UE debe legislar, implantar e inspeccionar la correcta aplicación de las normas sobre formación marítima para asegurar el cumplimiento de un estándar mínimo e igual para todos los países afectados, de forma que todos ellos operen en las mismas condiciones.

Important - Monitoring and proper feedback is required for quality performance for the whole system

Areas in which inspections of EMSA have contributed to the improvement of MET Institutions system

Training Facilities - The inspection results have brought some clarity in respect of the training facilities. IMO Model Courses, as a voluntary standard, are basically the only documents specifying the equipment list needed for the training. Unfortunately, there is not so much information in STCW or EU rules about requirements to the training facilities, particularly safety training.

Quality Management; Qualification of academic staff; Training Facilities; Curricula - The preparation job, done by academy before EMSA visit, preparing self evaluation report, rethinking of some main issues is very important, as well as interaction with EMSA officers during the visit.

Quality Management; Qualification of academic staff - A second or third opinion is always valuable.

Quality Management; Qualification of academic staff - De acuerdo con las deficiencias encontradas en la inspección de la EMSA, se modifico el sistema de gestión de calidad, mejorándolo en aquellos puntos señalados e incluyendo otros nuevos no previstos inicialmente.

Other - Specifying the details of some documents.

Quality Management; Training Facilities - "Before the Emsa inspection we didnt have recognized quality sistem"

Improvement of methodology of inspections

Yes (Please specify) - "1. The training institutions should receive kind of check-list of inspection in order to prepare themselves. 2. Currently, it seems that inspections sometimes largely rely on the information given to the inspectors by Administration. "

It should be kept aligned with international standards - There are standard available, we have an opinion that those to be followed.

No opinion - In general the methodology of inspection was logical and clear enough, inspecting stuff highly qualified and correct. Philosophically thinking, anything in the world could be improved.

It should be kept aligned with international standards - Se debe asegurar un estándar mínimo que cumplan todos los países afectados que permita a éstos competir en igualdad de condiciones

General comment on the functioning and impact of seafarers' training and mutual recognition Directives

"Since the mandatory standards, like STCW and DIRECTIVE 2008/106/EC and particularly voluntary standards (like IMO Model courses) provided to assist in the implementation of mandatory ones have wide range of interpretations, the automatic mutual recognition leads to the situation where the States by recognizing the training are not actually aware of the standard implemented in respect of the training conducted. If there would be clear understanding for example in respect of mandatory equipment used for training, that would assist a lot for example about safety training, because the safety training is a lot about practical skills and it is obvious that trainee or person being assessed cannot practice or demonstrate the skills without the equipment. "

That is very important.

Para mejorar la receptividad de los destinatarios de la formación marítima, adaptarla, en la medida de lo posible, a los distintos sectores (mercante, pesca, ...), tipos de navegación (altura, costera, ...), tipología del buque (gasero, petrolero, pesca interior, ...) y titulación y cargo a bordo.

Stakeholders Consultation – Shipowners

Importance of maritime education and training of seafarers for the prevention of maritime accidents

Very Important - High standards of education and training are essential to safe operations. On board mentoring and training are as important as formal college based training.

Very Important - "Seafaring is an occupation with which particular workplace hazards are associated. Unlike most workplaces, ships are not static and, in many cases, they are a seafarer's home as well as a workplace. The consequences of accidents can be very serious. High levels of training, competency and proficiency among those working on board are therefore essential."

Very Important - Maritime education and training of seafarers is the foundation for the skills and competence required to understand and operate successfully safety management systems and establish a safety culture and leadership on board which in combination leads to the reduction of maritime incidents and accidents. It is vital to continuously work on setting and monitoring high MET standards which ensure an equal minimum competence level across all seafarers worldwide. More emphasis should be placed on special education for type of ships as the requirements vary increasingly.

Very Important - Seafaring is an occupation with which particular workplace hazards are associated. Unlike most workplaces, ships are not static and in many cases, they are a seafarer's home as well as a workplace. The consequences of accidents can be very serious. High levels of training, competency and proficiency among those working on board are therefore essential.

Very Important - "Some workplaces on ships are particular hazard associated. Unlike most workplaces, ships are not static and, in many cases, they are a seafarer's home as well as a workplace. The consequences of accidents can be very serious. High levels of training, competency and proficiency among those working on board are therefore essential."

Very Important - Due to the particular nature of the seafaring profession and the safety hazards associated with the workplace, high levels of education, training, competency and proficiency are essential.

Importance of EU verification of the maritime education and training system of Member States and third countries compliance with the minimum international standards set by Directive 2008/106/EC and the STCW Convention respectively

Important - It is good that the EU takes an interest in these matters. However, the IMO regime itself is more important in a global industry.

Very Important - Regulation I/10 of the IMO STCW convention requires all parties, before recognising certificates issued by other parties as acceptable for the purposes of service on board ships registered under its flag, to evaluate the standards of competence, training, certification and quality control systems in that other party to verify that they are of an equivalent standard to their own. For each EU Member State to do this in respect of each other Member State would be time-consuming and burdensome. With EMSA taking on this role, this burden is greatly reduced and consistency of application is easier to achieve. This benefits seafarers who are thus able to move more freely between vessels of different flags, as well as companies, particularly those operating mixed-flag fleets.

Very Important - The STCW convention required parties to verify that the standards of competency required by any third party whose Certificates of Competency they wish to recognize for service on board ships registered under their flags fully comply with the standards of STCW. It is appropriate that EMSA continue to carry out this important task of verification on behalf of all EU Member States, in order to avoid unnecessary duplication of effort and come to a harmonized approach.

Very Important - Regulation I/10 of the IMO STCW convention requires all parties, before recognising certificates issued by other parties as acceptable for the purposes of service on board ships registered under its flag, to

evaluate the standards of competence, training, certification and quality control systems in that other party to verify that they are of an equivalent standard to their own. For each EU Member State to do this in respect of each other MS would be time-consuming and burdensome. With EMSA taking this role, this burden is reduced and consistency of application is easier to achieve. This benefits seafarers who are thus able to move more freely between vessels of different flags, as well as companies, particularly those operating mixed-flag vessels.

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Very Important - "Regulation 1/10 of the IMO STCW Convention requires all parties, before recognising certificates issued by other Parties as acceptable for the purposes of service on board ships registered under their flag, to evaluate the standards of competence, training, certification and quality control systems in that other party to verify that they meet the STCW requirements. For each EU Member State to do this in respect of each one of the other Member States or 3rd countries would be time consuming and burdensome. With EMSA taking on this role, this burden is greatly reduced and consistency of education and training is easier to achieve. This benefits seafarers who are thus able to move more freely between vessels of different flags, as well as companies, particularly those operating mixed -flag fleets."

Improvement of EU verification mechanism of third countries' and Member States' maritime education and training system

Transparency and published lists of approved training providers would be very useful. A database linking individual member state records would be very useful.

"More clarity and transparency in the process and a clear timeline for recognition of certificates would benefit the industry as it will greatly help understand the supply available to the EU fleet at any given time. In particular, information on who is being assessed, who will be assessed next, who was assessed last, the length of time before another assessment takes place, when the recommendations of assessment will be discussed and when the decision is expected to be made at COSS would be of considerable assistance to EU-based companies."

EMSA should play a more centralised role in verifying member states MET systems and those of third countries but always in collaboration and alignment with IMO. Especially for EU member states it is necessary to adopt a universal approach with EMSA being the competent entity. Once confirmed by EMSA it should not be possible anymore to place national restrictions by individual member states. For example, it is reported that at least one member state does not recognise STCW certificates (CoPs) of other EU member states issued to its nationals/seafarers.

More clarity and transparency in the process and a clear timeline for recognition of certificates would benefit the industry as it will greatly help understand the supply available to the EU fleet at any given time. In particular, information on who is being assessed, who will be assessed next, who was assessed last, the length of time before another assessment takes place, when the recommendations of assessment will be discussed and when the decision is expected to be made at COSS would be of considerable assistance to EU-based companies.

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More clarity and transparency in the process and a clear timeline for recognition of certificates would benefit the industry as it will greatly help understand the supply available to the EU fleet and EU owned ships at any given time. In particular, information on who is being assessed, who will be assessed next, who was assessed last, the length of time before another assessment takes place, when the recommendations of assessment will be

discussed and when the decision is expected to be made at COSS would be of considerable assistance to EU-based companies.

Alignment of EU legislation with the internationally agreed standards set by the STCW Convention on maritime education and training

It should be kept aligned with international standards - I do not believe EU legislation should go beyond the international standards except in the most exceptional of cases. More demanding EU standards can distort trade and employment and lead to unintentional non compliance.

It should be kept aligned with international standards - "It would not be appropriate for EU legislation to go beyond the international standards set out in the STCW Convention. Being a global industry, for shipping to function efficiently it is necessary to have a global level playing field through international regulations and standards. There would be many unintended consequences in doing so. This does not however prevent the METI (maritime education and/or training institutions) in EU countries from competing internationally on the quality of officers it produces. The preamble of the Directive states "Member States may establish standards higher than the minimum standards laid down in the STCW Convention and this Directive." Therefore, a high level of education and training can be achieved at the level of the member state or METI through either a thorough in-depth implementation of these STCW standards or – if deemed appropriate - by going beyond it at national level."

It should be kept aligned with international standards - "It would not be appropriate for EU legislation to go beyond the standards set out in the STCW Convention. Being a global industry it is necessary to have a global level playing field through international regulations and standards, reducing administrative burden and improving safety. Currently, European regions are second and third most popular destinations for cruise ships worldwide. A Europe competes with other regions worldwide, aligning legislation worldwide and providing a level playing field would ensure cruise ships not choosing a non-European destination due to lack of regulatory alignment and administrative burden."

It should be kept aligned with international standards - It would not be appropriate for EU legislation to go beyond the international standards set out in the STCW Convention. Being a global industry, for shipping to function efficiently it is necessary to have a global level playing field through international regulations and standards.

It should be kept aligned with international standards - To maintain a level playing field.

It should be kept aligned with international standards - "It would not be appropriate for EU legislation to go beyond the international standards set out in the STCW Convention. Being a global industry, for shipping to function efficiently it is necessary to have a global level playing field through international regulations and standards. There would be many unintended consequences in doing so. This does not however prevent the METI (maritime education and/or training institutions) in EU countries from competing internationally on the quality of officers it produces. The preamble of the Directive states "Member States may establish standards higher than the minimum standards laid down in the STCW Convention and this Directive." Therefore, a high level of education and training can be achieved at the level of the member state or METI through either a thorough indepth implementation of these STCW standards or – if deemed appropriate by going beyond it at national level. "

It should be kept aligned with international standards - "It would not be appropriate for EU legislation to go beyond the international standards set out in the STCW Convention. Being a global industry, for shipping to function efficiently it is necessary to have a global level playing field through international regulations and standards. It is also important that we do not disadvantage Europeans from following a seafaring profession, by having to undergo stricter requirements and longer training times at sea, while at the same time seafarers from non-EU countries will have a shorter career path thus placing them in an advantageous position to gain a Master or Chief Engineer certification at an earlier age."

Impact of mutual recognition of seafarers' certificates under Directive 2005/45/EC on facilitation of their professional mobility within the EU

Seafarers operate in a global industry where the STCW Convention at is the foundation for international recognition of certification and training. The EU directive strengthens that internationalization and provides equal opportunity across the region.

"Due to the requirement for recognition of CoCs under STCW, mutual recognition is an essential component of the professional mobility of officers within the EU (i.e. they cannot sail on board a ship flying the flag of another EU Member State until their certificate is recognised). It is important to stress that the mutual recognition is not only about CoCs for masters and officers (STCW II/1, II/2, II/3, III/1, III/2, III/3 and III/6) and CoPs for ratings (II/4, II/5, III/4, III/5 and III/7), but about all STCW certificates (CoPs issued under STCW chapters V and VI). Mutual recognition of all STCW certificates is a prerequisite for full mobility of EU seafarers within the EU. There are also other factors that may affect mobility (language etc) however certification is the main facilitator of mobility and therefore it is essential that certificates of officers are recognised within the EU."

Due the requirement for recognition of CoCs under STCW, mutual recognition is an essential component of the professional mobility of officers within the EU (i.e. they cannot sail on a ship flying the flag of another EU Member State until their certificate is recognized). There are also other factors that may affect mobility (language etc.), however certification is the main facilitator of mobility and it is therefore essential that certificates of officers are recognized within the EU. Also, harmonized interpretations by members on STCW CoC requirements is necessary (esp. the electrical high voltage requirements for Engineers' CoCs).

Due to the requirement of CoC's under STCW, mutual recognition is an essential component of the professional mobility of officers within the EU (without a recognised certificate, they cannot sail on board a ship flying the flag of another EU MS.

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Cases where a Member State refused the recognition of a seafarer's certificate issued by another Member State

In Ireland the administration do not recognize certificates issued by a member state if they are issued through an institution that is not in that member state (e.g. A COP issued from an MCA approved course held outside the UK). This is based on their interpretation of the applicable law. See Irish Marine Notice No. 6.

We experience often that certain trainings, such as STCW Chapter VI (basic safety, advance firefighting, PSCRB) ,conducted within the EU at an approved training institute are not recognised by other EU member States. For example, it is reported that for the XXXXX training facility in XXXXXX duly recognised by the XXXXX, the issued CoPs are not recognised by at least one member state.

General comment on the functioning and impact of Seafarers' Training and Mutual Recognition Directives

EU activity in this area has a very positive impact for seafarers.

"The Seafarer Training Directives should follow precisely the international instruments that they implement in Community law, without additions and editing. It is important for the EU to respect in their entirety agreements made in international organisations and not to seek to place its own interpretations on these. It is important that all Member States give full effect to the directives by recognizing all STCW certificates issued by other member states, including CoPs issued under Chapters V and VI of STCW."

EU member states should have a consolidated approach towards recognition of STCW Certificates from third countries. In general member states follow the recommendation by the IMO but there are exemptions, i.e. there is at least one member state where the government maintains a national list of recognised countries and uses bilateral negotiations for the recognition process.

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The Seafarers' Training Directives should follow precisely the international instruments that they implement in Community law, without additions and editing. It is important for the EU to respect in their entirety agreements made in international organisations and not to seek to place its own interpretations on these. It is important that all Member States give full effect to the directives by recognizing all STCW certificates issued by other member states, including CoPs issued under Chapters V and VI of STCW. We need European seafarers to operate our ships and man shoreside positions. Otherwise the knowhow and future of EU shipping will lie in the hands of 3rd country nationals.

Stakeholders Consultation – Trade Unions

Importance of maritime education and training of seafarers for the prevention of maritime accidents

Very Important - It is often stated that up to 80% of all maritime accidents are attributable to human error. It is therefore absolutely vital that all vessels are crewed by highly skilled and competent personnel.

Awareness of maritime accidents where lack of training could have been a cause

Numerous accident reports have attributed a lack of training as a contributory factor. This includes incidents where required training has not taken place due to the failure of regulatory bodies to mandate such training and, incidents where the standard of training has fallen below the minimum standard as required by STCW due to a lack of enforcement/.

Importance of EU verification of the maritime education and training system of Member States and third countries compliance with the minimum international standards set by Directive 2008/106/EC and the STCW Convention respectively

Very Important - It is well known that the standards of training vary greatly between various flag states and it is clear in many cases that the regimes in place do not meet the minimum standards of the STCW convention. By approving the education and training systems of member states and third countries as "equivalent" when they are not, the efforts of those states who do have high quality systems in place are undermined as they are faced with unfair competition. This results in a lowering of standards and increased risk across the board.

Improvement of EU verification mechanism of third countries' and Member States' maritime education and training system

By ensuring that only those states that do genuinely meet a high standard of training and education are verified.

Alignment of EU legislation with the internationally agreed standards set by the STCW Convention on maritime education and training

It should go beyond international standards - The internationally agreed standards are the minimum standard that can be agreed by a consensus of 172 member states at the IMO. Due to various compromises and "watering

down" of proposals at the IMO, these standards invariably fall short of what is actually required. Additionally the administrative procedures at the IMO mean that even when consensus is reached, the introduction of new measures is not achieved until many years after a "compelling need" has been demonstrated. As has been the case with measures to protect the environment from the negative effects of shipping, it has been clearly demonstrated that the IMO in many cases is not capable of carrying the necessary action to protect the safety of shipping, seafarers and the environment and therefore it is necessary for regional bodies to take the lead.

Impact of mutual recognition of seafarers' certificates under Directive 2005/45/EC for facilitation of their professional mobility within the EU

To some extent - Is there an impact on costs or administrative burden? Due to the economic differences that exist between member states and, the relative rigour of the training and examination systems in place, this produces a one way movement of labour, therefore undercutting MET in member states with higher standards.

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