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Subject: **Preparation of the Council meeting (Transport, Telecommunications and Energy) on 3 December 2018**
Proposal for a Directive of the European Parliament and of the Council amending Directive 2008/106/EC on the minimum level of training of seafarers and repealing Directive 2005/45/EC
– General approach

CONTEXT AND CONTENT OF THE PROPOSAL

1. On 24 May 2018, the Commission transmitted the above-mentioned proposal to the European Parliament and to the Council.

2. The Commission proposes to amend Directive 2008/106/EC of the European Parliament and of the Council¹ and to repeal Directive 2005/45/EC of the European Parliament and of the Council².
3. The stated objective is to simplify and streamline the existing EU regulatory framework on seafarers' training and certification in order to: 1) keep the EU rules aligned with the international framework (i.e. the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended – 'the STCW Convention'); 2) revamp the centralised mechanism for the recognition of third countries in order to increase its efficiency and effectiveness; and 3) increase legal clarity regarding the mutual recognition of seafarers' certificates issued by the Member States.
4. To that end, the Commission proposes inter alia the following amendments:
 - a new Article 5b which incorporates the scheme for the mutual recognition of seafarers' certificates issued by the Member States contained in Article 3 of Directive 2005/45/EC (to be repealed), clarifying which certificates shall be recognised mutually for the purpose of allowing seafarers' certified by one Member State to work on board vessels flying the flag of another Member State;
 - new amendments to the STCW Convention in relation to new training and qualification requirements for seafarers working on board passenger ships and ships falling under the International Code of Safety for Ships using Gases or other Low-flashpoint Fuels ('the IGF Code') and the International Code for Ships Operating in Polar Waters ('the Polar Code'), including new definitions (Articles 1 and 12 and Annex I);

¹ Directive 2008/106/EC of the European Parliament and of the Council of 19 November 2008 on the minimum level of training of seafarers (OJ L 323, 3.12.2008, p. 33).

² Directive 2005/45/EC of the European Parliament and of the Council of 7 September 2005 on the mutual recognition of seafarers' certificates issued by the Member States and amending Directive 2001/25/EC (OJ L 255, 30.9.2005, p. 160).

- a new procedural step with an implementing decision to initiate the procedure for recognising new third countries to allow the requesting Member State to present the reasons for submitting the recognition request, while all Member States will have an opportunity to discuss and decide on the request (Article 19);
- an extension of the deadline for adopting a decision on the recognition of the third country from 18 months to 24 months or, in certain cases, to 36 months (Article 19);
- the introduction of a distinctive reason to withdraw the recognition of a third country on the basis that that country has not provided any seafarers for at least five years to the EU fleet (Article 20);
- an extension of the interval for the reassessment of third countries to up to 10 years on the basis of priority criteria (Article 21);
- an amendment to Article 27 in order to empower the Commission to amend, through delegated acts, the necessary provisions of Directive 2008/106/EC so that they can be aligned with future amendments to the STCW Convention and Code.

WORK WITHIN THE COUNCIL

5. The Shipping Working Party examined the proposal at several meetings during the second semester of 2018.
6. While the Commission proposal was in general welcomed and supported by delegations, the Shipping Working Party agreed on a number of amendments to the Commission proposal. They include:
 - broader language on the information to be submitted by a Member State who requests the recognition of a third country. Delegations consider that an "estimation of the number of masters and officers from that country likely to be employed", as proposed by the Commission, is too specific and not necessarily decisive; a reference to general information on the reasons for the recognition request, without specification, is more appropriate;

- the deadline for adopting a decision on the recognition of a third country of 24 months or, in certain cases, 36 months, should be counted from the date of submission of a recognition request by a Member State and not from the date of adoption of a decision to initiate the recognition procedure by the Commission; furthermore, it is specified that the decision by the Commission to initiate recognition of a third country should be taken within a reasonable time with due regard to that deadline;
 - as regards withdrawal of recognition of a third country, this should not be done automatically only because that third country has not provided any seafarers to the EU fleet during a certain time; the recognition should be re-examined if the third country has not provided seafarers to the EU fleet during seven years (not five years as proposed by the Commission);
 - as regards delegated acts, the empowerment of the Commission should only cover mandatory international instruments, and it has therefore been specified that it should only cover the STCW Convention and the mandatory Part A of the STCW Code; furthermore, the Commission's power to adopt delegated acts has been limited in time to five years;
 - an extension of the transposition period for the Directive to 36 months (instead of 12).
7. On 23 November 2018, the Permanent Representatives Committee examined the text and decided to forward it to the Council for the adoption of a general approach, while taking good note of the concerns described in paragraph 12 of this report.
8. It should be noted that the proposal was not accompanied by an impact assessment. However, the Commission's evaluation report on Directive 2008/106/EC was presented and discussed in the Shipping Working Party on 1 February 2018³. Furthermore, the Commission proposal was accompanied by an overview of the proposals and of the consultation with stakeholders⁴.

³ Doc. 5373/1/18 REV 1 + ADD 1 REV 1.

⁴ Doc. 9123/18 ADD 2.

WORK WITHIN THE EUROPEAN PARLIAMENT

9. The European Parliament Committee for Transport and Tourism (TRAN) appointed Mr Dominique Riquet (ALDE-France) as rapporteur on 5 July 2018. The draft report was issued on 29 October 2018.

OUTSTANDING ISSUES

10. As indicated above, the proposal incorporates the scheme for the mutual recognition of seafarers' certificates issued by Member States which is contained in the mutual recognition Directive 2005/45/EC. When the Commission prepared the proposal, there were discussions on expanding the scope of mutual recognition and include also the possibility of recognising seafarers' certificates for the purpose of issuing national certificates. However, a majority of stakeholders were not in favour of such an expansion.
11. Such discussions have also taken place at working party level. The Presidency, noting the diverging views, has tried to find a compromise that could be acceptable, if not fully satisfactory, to all delegations. The new recital 3a spells out that one of the objectives of the EU common maritime transport policy is to facilitate the movement of seafarers and that the mutual recognition of seafarers' certificates issued by Member States is an essential element necessary to facilitate such movement. Furthermore, it states the principle – based on case law – that Member States' decisions in respect of acceptance of certificates should be based on reasons ascertainable by the seafarer concerned; a similar provision can be found in Article 5b(4), which has been taken over without changes from the Commission proposal. All delegations could accept the recital in a spirit of compromise.

12. However, Latvia still maintains a reservation on Article 5b(1). Latvia considers that the provision in its current form is not providing full mutual recognition of seafarers' competencies which are, in fact, of a relatively narrow scope and have to comply with the STCW Convention requirements in every State party to the Convention. Those STCW requirements form the basis for mutual recognition, which can be adjusted in exceptional cases, if higher standards do exist. According to Latvia, the arguments put forward by some other delegations indicate that there is a lack of willingness to truly promote the movement of seafarers within EU, a problem which is not as such linked to diverging quality requirements. Latvia considers its position to be justified and legally correct, even taking into account the possible existence of different "quality" levels.

COMMISSION POSITION

13. The Commission maintains at this stage of the procedure a general reservation on any changes to its proposal, pending the European Parliament position at first reading.

CONCLUSION

14. The Council is invited to examine the text, as set out in the Annex to this report, with a view to adopting a general approach.

2018/0162 (COD)

Proposal for a

DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

amending Directive 2008/106/EC on the minimum level of training of seafarers and repealing
Directive 2005/45/EC

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular
Article 100(2) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee¹,

After consulting the Committee of the Regions,

Acting in accordance with the ordinary legislative procedure,

¹ OJ C , , p. .

Whereas:

- (1) In order to maintain, and possibly improve, a high level of maritime safety and pollution prevention at sea, it is essential to maintain the level of knowledge and skills of the Union seafarers by developing maritime training and certification in line with the international rules.
- (2) The training and certification of seafarers is regulated at the international level by the International Maritime Organization Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended (the 'STCW Convention') which was revised in 2010. Amendments to the STCW Convention were adopted in 2015 on the training and qualification requirements for seafarers working on board ships subject to the International Code of Safety for Ships using Gases or other Low-flashpoint Fuels (the 'IGF Code'). Also, in 2016, amendments to the STCW Convention were adopted in relation to training and qualification of seafarers working on board passenger ships and on board ships operating in polar waters.
- (3) Directive 2008/106/EC of the European Parliament and of the Council² incorporates the STCW Convention into Union law. All Member States are signatories to the STCW Convention and thus a harmonized implementation of their international commitments is to be achieved through the alignment of the Union rules on training and certification of seafarers with the STCW Convention. Therefore, several provisions of Directive 2008/106/EC should be amended in order to reflect the latest amendments to the STCW Convention regarding training and qualification of seafarers working on board ships falling under the IGF Code, on board passenger ships and on board ships operating in polar waters.

² Directive 2008/106/EC of the European Parliament and of the Council of 19 November 2008 on the minimum level of training of seafarers (OJ L 323, 3.12.2008, p. 33).

- (3a) It is one of the objectives of the common transport policy in the field of maritime transport to facilitate the movement of seafarers within the Union. Such movement contributes, among other things, to making the Union maritime transport sector attractive to future generations to avoid the European maritime cluster encountering a shortage of competent staff with the right mix of skills and competencies. The mutual recognition of seafarers' certificates issued by Member States is an essential element necessary to facilitate the movement of seafarers. In the light of the right to good administration, Member States' decisions in respect of acceptance of certificates of proficiency issued to seafarers by other Member States for the purposes of issuing national certificates of competency should be based on reasons ascertainable by the seafarer concerned.
- (4) In order to take account of developments at international level and to ensure the timely adaptation of the Union rules to such developments, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of incorporating amendments to the STCW Convention by updating the technical requirements on training and certification of seafarers. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making³. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts have systematically access to meetings of Commission expert groups dealing with the preparation of delegated acts.

³ OJ L 123, 12.5.2016, p. 10.

- (5) Directive 2008/106/EC also contains a centralised mechanism for the recognition of seafarers' certificates issued by third countries. The Regulatory Fitness Programme (REFIT) evaluation⁴ showed that significant cost savings for the Member States were achieved since the introduction of the centralised mechanism. However, the evaluation also revealed that, with regard to some of the recognised third countries, only a very limited number of seafarers was subsequently employed in Union vessels. Therefore, in order to use the available human and financial resources in a more efficient way, the procedure for the recognition of third countries should be based on an analysis of the need for such recognition, including but not limited to an indication of the estimated number of masters and officers originating from that country who are likely to be employed in Union vessels, to be submitted for examination to the Committee on Safe Seas and the Prevention of Pollution from Ships (COSS).
- (6) In view of the experience gained in applying the procedure of recognition of third countries, the REFIT evaluation revealed that the current time-frame of 18 months does not take into account the complexity of the process which includes an on field inspection conducted by the European Maritime Safety Agency. The necessary diplomatic arrangements to plan and carry out such an inspection require more time. Furthermore, the 18 months period is not sufficient where the third country has to implement corrective actions and undertake legal changes in its system in order to comply with the requirements of the STCW Convention. On those grounds, the deadline for the adoption of a Commission decision should be extended from 18 to 24 months and, where considerable corrective actions, including amendments to legal provisions, have to be implemented by the third country, the deadline should be further extended to 36 months. In addition, the possibility for the requesting Member State to provisionally recognise the third country's system for standards of training, certification and watchkeeping for seafarers should be kept in order to maintain the flexibility of the recognition procedure.

⁴ SWD(2018) 19.

- (7) In order to further increase the efficiency of the centralised system for the recognition of third countries, the reassessment of third countries which provide low number of seafarers in the Union fleet should be performed in longer intervals which should be increased to ten years. However, this longer period of reassessment of the system of such third countries should be combined with priority criteria which take into account safety concerns, balancing the need for efficiency with an effective safeguard mechanism in case of deterioration of the quality of seafarers' training provided in the relevant third countries.
- (8) Information on the seafarers employed from third countries has become available at Union level through the communication by the Member States of the relevant information kept in their national registers regarding issued certificates and endorsements. This information should be used for statistical and policy-making purposes, in particular for the purpose of improving the efficiency of the centralised system for the recognition of third countries. Based on the information communicated by the Member States, the recognition of third countries which have not provided the Union fleet with seafarers for a period of at least seven years should be re-examined. The re-examination process should cover the possibility of retaining or withdrawing the recognition of the relevant third country, in accordance with the examination procedure. In addition, this information should also be used in order to prioritise the reassessment of the recognised third countries.

- (9) The provisions for recognition of professional qualifications set out in Directive 2005/36/EC of the European Parliament and of the Council⁵ are not applicable with regard to the recognition of certificates of seafarers under Directive 2008/106/EC. Directive 2005/45/EC of the European Parliament and of the Council⁶ regulated the mutual recognition of seafarers' certificates issued by the Member States. However, the definitions of seafarers' certificates referred to in Directive 2005/45/EC have become obsolete following the 2010 amendments to the STCW Convention. Therefore the mutual recognition scheme of seafarers' certificates issued by Member States should be amended in order to reflect the international amendments and the new definitions of seafarers certificates included in Directive 2008/106/EC. In addition, the seafarers' medical certificates issued under the authority of Member States should also be included in the mutual recognition scheme. In order to remove ambiguity and the risk of inconsistencies between Directive 2005/45/EC and Directive 2008/106/EC, the mutual recognition of seafarers' certificates should be regulated only by Directive 2008/106/EC.
- (10) In order to increase legal clarity and consistency, Directive 2005/45/EC should be repealed.
- (10a) Directive 2008/106/EC should be amended accordingly,

HAVE ADOPTED THIS DIRECTIVE:

⁵ Directive 2005/36/EC of the European Parliament and of the Council on the recognition of professional qualifications (OJ L 255, 30.9.2005, p. 22).

⁶ Directive 2005/45/EC of the European Parliament and of the Council on the mutual recognition of seafarers' certificates issued by the Member States and amending Directive 2001/25/EC (OJ L 255, 30.9.2005, p. 160).

Article 1

Amendments to Directive 2008/106/EC

Directive 2008/106/EC is amended as follows:

(1) In Article 1, the following points are added:

"43. 'host Member State' means the Member State in which seafarers seek acceptance or recognition of their certificates of competency, certificates of proficiency or documentary evidence;

44. '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;

45. 'Polar Code' means the International Code for Ships Operating in Polar Waters, as defined in SOLAS regulation XIV/1.1;

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

(2) Article 2 is amended as follows:

(a) the first sub-paragraph is amended as follows:

"1. This Directive shall apply to the seafarers mentioned in this Directive serving on board seagoing ships flying the flag of a Member State with the exception of:"

(b) the following paragraph 2 is added:

"2. Article 5b shall apply to seafarers who hold a certificate issued by a Member State, regardless of their nationality."

(a) [...]

(b) [...]

- (3) Article 5a is replaced by the following:

"Article 5a

Information to the Commission

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

- (4) The following Article is inserted:

"Article 5b

Mutual recognition of seafarers' certificates issued by Member States

1. Every Member State shall accept certificates of proficiency and documentary evidence issued by another Member State, or under its authority, for the purpose of allowing seafarers to serve on ships flying its flag.
2. Every Member State shall recognise certificates of competency issued by another Member State or certificates of proficiency issued by another Member State to masters and officers in accordance with Regulations V/1-1 and V/1-2 of Annex I to this Directive, by endorsing that certificate to attest its recognition. The endorsement attesting the recognition shall be limited to the capacities, functions and levels of competency or proficiency prescribed therein. The endorsement shall only be issued if all requirements of the STCW Convention have been complied with, in accordance with paragraph 7 of Regulation I/2 of the STCW Convention. The form of the endorsement used shall be that set out in paragraph 3 of Section A-I/2 of the STCW Code.

3. Every Member State shall accept, for the purpose of allowing seafarers to serve on ships flying its flag, medical certificates issued under the authority of another Member State in accordance with Article 11.
4. The host Member States shall ensure that seafarers have the right to appeal against any refusal to endorse or accept a valid certificate, or the absence of any response, in accordance with national legislation and procedures.
5. Without prejudice to paragraph 2, the competent authorities of a host Member State may impose further limitations on capacities, functions and levels of competence or proficiency relating to near-coastal voyages, as referred to in Article 7, or alternative certificates issued under Regulation VII/1 of Annex I.
6. Without prejudice to paragraph 2, a host Member State may, where necessary, allow a seafarer to serve, for a period not exceeding three months on board a ship flying its flag, while holding an appropriate and valid certificate issued and endorsed by another Member State, but not yet endorsed for recognition by the host Member State concerned.

Documentary proof that an application for endorsement has been submitted to the competent authorities shall be readily available.

7. A host Member State shall ensure that seafarers who present for recognition certificates for functions at the management level have an appropriate knowledge of the maritime legislation of that Member State relevant to the functions they are permitted to perform."

(5) Article 12 is amended as follows:

(a) paragraph 1 is replaced by the following:

"1. Every master, officer and radio operator holding a certificate issued or recognised under any chapter of Annex I other than Regulation V/3 of Chapter V 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:

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

(b) to establish continued professional competence in accordance with section A-I/11 of the STCW Code."

(b) the following paragraph is inserted:

"2b. Every master or officer shall, for continuing seagoing service on board ships operating in polar waters, meet the requirements of paragraph 1 of this Article 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-I/11, paragraph 4 of the STCW Code."

(c) paragraph 3 is replaced by the following:

"3. Each Member State shall compare the standards of competence which are required of candidates for certificates of competency and/or certificates of proficiency issued until 1 January 2017 with those specified for the relevant certificate of competency and/or proficiency in Part A of the STCW Code, and shall determine the need to require the holders of such certificates of competency and/or certificates of proficiency to undergo appropriate refresher and updating training or assessment."

(d) the following paragraph is inserted:

"3a. Every Member State 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."

(6) In Article 19, paragraphs 2 and 3 are replaced by the following:

"2. A Member State which intends to recognise, by endorsement, the certificates of competency or the certificates of proficiency referred to in paragraph 1 of this Article issued by a third country to a master, officer or radio operator, for service on ships flying its flag, shall submit a request to the Commission for the recognition of that third country, accompanied by a preliminary analysis of the third country's compliance with the requirements of the STCW Convention by collecting the information referred to in Annex II to this Directive. In the preliminary analysis, further information on the reasons for recognition of the third country shall be conveyed by the Member State in support of its request.

Following the submission of the request by a Member State, a decision for initiating the recognition procedure for that third country shall be taken by the Commission by means of an implementing act. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 28(2) within a reasonable time with due regard to the time limit set out in paragraph 3.

When a positive decision for initiating the recognition procedure has been adopted, the Commission, assisted by the European Maritime Safety Agency and with the possible involvement of the Member State submitting the request, shall collect the information referred to in Annex II to this Directive and shall carry out an assessment of the training and certification systems in the third country for which the request for recognition was submitted, in order to verify whether the country concerned meets all the requirements of the STCW Convention and whether appropriate measures have been taken to prevent issuance of fraudulent certificates.

3. The decision on the recognition of a third country shall be taken by the Commission by means of an implementing act. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 28(2), within 24 months from the submission of the request by a Member State referred to in paragraph 2 of this Article.

In case the third country concerned needs to implement major corrective actions, including amendments to its legislation, its education, training and certification system in order to meet the requirements of the STCW Convention, the implementing acts referred to in the first subparagraph shall be adopted within 36 months from the submission of the request by a Member State referred to in paragraph 2 of this Article.

The Member State submitting the request may decide to recognise the third country unilaterally until an implementing act is adopted pursuant to this paragraph. In case of such a unilateral recognition, the Member State shall communicate to the Commission the number of endorsements attesting recognition issued in relation to certificates of competency and certificates of proficiency referred to in paragraph 1, issued by the third country until the implementing act regarding its recognition is adopted."

(7) In Article 20, the following paragraph is added:

"8. If there are no endorsements attesting recognition issued by a Member State in relation to certificates of competency or certificates of proficiency, referred to in Article 19(1), issued by a third country for a period of more than 7 years, the recognition of that country's certificates shall be re-examined. That decision to re-examine shall be taken by the Commission by means of an implementing act. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 28(2), after notifying the Member States as well as the third country concerned at least six months in advance."

(8) In Article 21 paragraphs 1 and 2 are replaced by the following:

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

2. The Commission, with the assistance of the European Maritime Safety Agency, shall carry out the reassessment of the third countries based on priority criteria. Those priority criteria shall include the following:

a) performance data by the port state control pursuant to Article 23;

b) the number of endorsements attesting recognition issued in relation to certificates of competency or certificates of proficiency, issued in accordance with Regulations V/1-1 and V/1-2 of the STCW Convention, issued by the third country;

c) the number of Maritime Education and Training institutions accredited by the third country;

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

e) the date of last assessment and the number of deficiencies in critical processes identified during the last Commission's assessment;

f) any significant change in the maritime training and certification system of a third country.

In case of non-compliance of a third country with the requirements of the STCW Convention in accordance with Article 20, the re-assessment of the relevant country shall take priority in relation to the other third countries."

(9) In Article 25a, paragraph 1 is replaced by the following:

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

(10) Article 27 is replaced by the following:

"Article 27

Amendment

1. The Commission is empowered to adopt delegated acts in accordance with Article 27a amending Annex V to this Directive with respect to specific and relevant content and details of the information that needs to be reported by Member States provided that such acts are limited to taking into account the amendments to the STCW Convention and Part A of the STCW Code and respect the safeguards on data protection. Such delegated acts shall not change the provisions of anonymisation of data as required by Article 25a(3).

2. The Commission is empowered to adopt delegated acts in accordance with Article 27a amending Annex I and the related provisions of this Directive in order to align them with new amendments to the STCW Convention and Part A of the STCW Code."

(11) Article 27a is replaced by the following:

"Article 27a

Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
2. The power to adopt delegated acts referred to in Article 27 shall be conferred on the Commission for a period of five years from ... [*date of entry into force of this amending Directive*]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.
3. The delegation of power referred to in Article 27 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.
4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.
5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

6. A delegated act adopted pursuant to Article 27 shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council."

(12) Annex I is amended in accordance with the Annex to this Directive.

Article 2

Repeal

Directive 2005/45/EC is repealed.

Article 3

Transposition

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by ... [*36 months after the entry into force of this amending Directive*]. They shall immediately inform the Commission thereof.

When Member States adopt those measures, they shall contain a reference to this Directive or shall be accompanied by such a reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.

Article 4

Entry into force

This Directive shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

Article 5

Addressees

This Directive is addressed to the Member States.

Done at ...

For the European Parliament
The President

For the Council
The President

NEW TRAINING REQUIREMENTS

(as referred to in Article 1)

Annex I to Directive 2008/106/EC is amended as follows:

(1) Regulation V/2 of Annex I, Chapter V, 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. Member States 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. Member States 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. "

(2) In Annex I, Chapter V, the following Regulation V/3 is added:

"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 Article 14 paragraph 1(d) of this Directive.
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, shall be considered to have met the requirements specified in Section A-V/3, paragraph 1 of the STCW Code 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:

8.1 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

8.2 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 of the STCW Code for service on liquefied gas tankers shall be considered to have met the requirements specified in Section A-V/3, paragraph 2 of the STCW Code for advanced training for ships subject to the IGF Code, provided they have also:

9.1 met the requirements of paragraph 6; and

9.2 met the bunkering requirements of paragraph 8.2 or have participated in conducting three cargo operations on board the liquefied gas tanker; and

9.3 completed sea going service of three months in the previous five years on board:

9.3.1 ships subject to the IGF Code;

9.3.2 tankers carrying as cargo, fuels covered by the IGF Code; or

9.3.3 ships using gases or low flashpoint fuel as fuel.

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

11. 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."

(3) In Annex I, Chapter V, the following Regulation V/4 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:
 - 4.1 meet the requirements for certification in basic training for ships in polar waters;
 - 4.2 have at least two 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
 - 4.3 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. Member States shall ensure that a Certificate of Proficiency is issued to seafarers who are qualified in accordance with paragraphs 2 or 4, as appropriate.

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:

6.1 having completed approved seagoing service on board a ship that operates 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

6.2 having successfully completed a training course organised in accordance with 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:

7.1 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

7.2 having successfully completed a training course meeting the training guidance established by the International Maritime 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."
