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## COVER NOTE

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| From:            | Secretary-General of the European Commission,<br>signed by Mr Jordi AYET PUIGARNAU, Director |
| date of receipt: | 17 January 2018  |
| To:              | Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of<br>the European Union       |

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| Subject:       | COMMISSION STAFF WORKING DOCUMENT EXECUTIVE SUMMARY<br>OF THE EVALUATION of the Directive 2008/106/EC on the minimum level<br>of training of seafarers, as amended and Directive 2005/45/EC on the<br>mutual recognition of seafarers' certificates issued by the Member States |

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Delegations will find attached a new version of the document SWD(2018) 18 final/2.

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**CORRIGENDUM:**

This document corrects document SWD(2017) 18 final of 10.01.2018  
Correction of the cover page instead of SWD(2017) read SWD(2018).

**COMMISSION STAFF WORKING DOCUMENT**

**EXECUTIVE SUMMARY OF THE EVALUATION  
of the Directive 2008/106/EC on the minimum level of training of seafarers, as amended  
and Directive 2005/45/EC on the mutual recognition of seafarers' certificates issued by  
the Member States**

{SWD(2018) 19 final}

## EXECUTIVE SUMMARY

Seafarers' training and certification systems in the EU are regulated by Directive [2008/106/EC](http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1507885536209&uri=CELEX:32008L0106)<sup>1</sup> on minimum level of training of seafarers and Directive [2005/45/EC](http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1507885585721&uri=CELEX:32005L0045)<sup>2</sup> on mutual recognition of seafarers' certificates issued by Member States.

The **minimum level of training** requirements are based on the international convention on the "Standards of Training, Certification and Watchkeeping for Seafarers" (STCW) developed under the umbrella of the International Maritime Organization (IMO). A centralised system has been put in place at EU level, for the recognition of seafarers' certificates issued by third countries, and a reassessment of the third countries' compliance with the STCW Convention is carried out every five years. The main objective of EU legislation is to enhance the training of seafarers working on board EU vessels in order to minimize the risk of maritime accidents and thus to contribute to the better protection of the marine environment.

The **Directive on mutual recognition** aimed at fostering the mobility of EU seafarers among the EU flagged vessels through the introduction of a mutual recognition scheme. Under this scheme, seafarers' certificates for masters and officers are recognised without any further compensation measures, i.e. without the need for the holder of the certificate to prove that he/she had received training corresponding to the national requirements of the flag of the vessel on which the seafarer was willing to work.

A REFIT evaluation of the framework has been carried out between June 2016 and September 2017 and was supported by a study<sup>3</sup> conducted by the European Maritime Safety Agency (EMSA), an open public consultation (53 replies), as well as a targeted stakeholders' consultation (28 replies). The limited participation of seafarers during the consultations was one of the limitations of the evaluation. However, the complaints received from seafarers during the implementation period balanced their insufficient participation in the consultation stage. The robustness of the available data did not allow the establishment of a direct link between the intervention and its possible impact on the reduction of maritime accidents.

### *Main outcomes of the evaluation*

- *Effectiveness*

The inspections carried out by EMSA led to the identification, and subsequent correction, of deficiencies in the implementation of STCW requirements by the Member States. This resulted in an improvement to their maritime education systems. In a similar way, the verification of compliance of third countries by EMSA contributed to the improvement of their maritime education, training and certification systems through the identification of deficiencies in their systems. As a result, it has been safeguarded that seafarers employed

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<sup>1</sup> <http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1507885536209&uri=CELEX:32008L0106>

<sup>2</sup> <http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1507885585721&uri=CELEX:32005L0045>

<sup>3</sup> [https://ec.europa.eu/transport/facts-fundings/evaluations/reports-year\\_en](https://ec.europa.eu/transport/facts-fundings/evaluations/reports-year_en)

outside of the Union, to work onboard the EU flagged vessels, are trained to a similar level with the EU seafarers.

The mutual recognition of seafarer's certificates issued by the Member States has facilitated the mobility of seafarers in the Union. Only in 2015, more than 47.000 endorsements of Certificates of Competency issued initially by another Member State were valid in the Union, which represents around 25% of the total number of masters and officers available to work on-board the EU flagged vessels.

- *Efficiency*

The introduction of the Directives reduced the administrative burden of Member States by avoiding multiple evaluations of the same third country by several national authorities. Moreover, if individual onsite inspections were carried out with the same level of robustness by the Member States, as the ones conducted by EMSA under the centralised system, then a considerable additional cost would have been accrued for them. The cumulated costs that would have been accrued from 2005 to 2016 without the introduction of the common EU mechanism and the performance of the verification of compliance of third countries with the STCW Convention under a centralised system, has been estimated to be over €13 million. Finally, the mutual recognition of seafarers' certificates contributed to the simplification of the procedures for the recognition of their professional qualifications in comparison to the general legislative framework regulating the recognition of professional qualifications in EU.

*Relevance, Coherence and European added value*

The objectives of both Directives are still relevant with the needs of the maritime sector as the human factor remains one of the most important elements that affect the safe operation of the vessels and the mobility of European seafarers in the Union needs to be ensured.

The Directives are not internally aligned as regards the definitions of seafarers' certificates and their coherence with the international framework has been undermined following amendments to the STCW Convention. Finally, the main element of EU added value was the development of a common methodology for the verification of Member States' compliance to the requirements of the Directive which resulted in a harmonised implementation of minimum training, education and certificates requirements for seafarers across the EU.

**In conclusion, the two Directives have attained their objectives to a high degree. However, the evaluation revealed three issues that hinder the effectiveness and the efficiency and that would require further intervention:**

- the Directive on minimum level of trainings has to be aligned to the latest amendments of the STCW Convention;

- the obsolete definition of certificates recognised between the Member States under the mutual recognition scheme has to be updated. In this regard, a possible merger of the two Directives in the future can be considered;
- criteria for new recognition requests by the Member States and priority criteria for the re-assessment of the recognized third countries should be considered. The current legislative framework allows the submission of requests from the Member States for the recognition of third countries without any criteria or justification for such requests. That has led to some cases where the available financial and human resources were used inefficiently.
- the obligation of re-assessing the recognised third countries on a five year cycle has increased the burden on the available human and financial resources. Priority criteria for the re-assessment of third countries could increase the efficiency for managing EU recognitions.
- the deadline for the recognition of third countries should be reconsidered. The current deadline of 18 months is not realistic given that third countries require time to adopt and implement corrective actions in order to comply with the requirements stipulated by the STCW convention. This situation needs to be addressed.