



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 26.4.2004  
COM(2004) 311 final

2004/0098 (COD)

Proposal for a

**DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**on the recognition of seafarers' certificates issued by the Member States and amending  
Directive 2001/25/EC**

(presented by the Commission)

## EXPLANATORY MEMORANDUM

### 1. BACKGROUND AND OBJECTIVES

Training, certification and watchkeeping requirements for seafarers are prescribed by the Convention of the International Maritime Organisation on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended (STCW Convention). The Convention lays down, inter alia, specific criteria for the recognition of certificates of seafarers issued by the Parties to a master, officer or radio operator.

These international requirements were transposed into Community legislation by way of Directive 2001/25/CE of the European Parliament and of the Council of 4 April 2001<sup>1</sup>, as last amended by Directive 2003/103/EC<sup>2</sup> on the minimum level of training of seafarers (the Directive). Thus, Member States are required to issue certificates of competency to seafarers in line with these standards.

As regards recognition of certificates between Member States, the Directive provides that recognition of certificates of seafarers who are nationals or non-nationals of Member States are subject to the provisions of Directives 89/48/EEC<sup>3</sup> and 92/51/EEC<sup>4</sup> on the general systems for the recognition of professional education and training. The general system establishes a procedure for the recognition of evidence of professional qualifications of seafarers that involves the comparison of education and training received, as well as the corresponding qualifications. In case of substantial differences therein, the seafarers concerned may be subject to specific compensation measures.

The paradox is that the above procedure is more demanding for the seafarer than the one prescribed by the STCW Convention or even the procedure recently introduced for the recognition of certificates issued outside the Union<sup>5</sup>. Hence in this respect, seafarers qualified in a Member State may be disadvantaged *vis-à-vis* seafarers holding certificates issued outside the European Union.

For this reason, it is necessary to provide for a simplified procedure for the recognition of certificates that are issued by the Member States according to the same minimum requirements. The Commission proposes, therefore, the automatic acceptance by the Member States of all certificates issued by another Member State to seafarers in accordance with the Directive. The main objective of the proposed measure is to ensure that all seafarers who are qualified in a Member State and hold such certificates be permitted to serve on board ships flying the flag of any Member State without any further prerequisites.

In addition, the Commission believes that it is appropriate to introduce into Community law the requirements of the STCW Convention as regards language skills for seafarers. Such requirements would enable effective communication on board ships, whilst would facilitate free movement of professionals.

---

<sup>1</sup> OJ L 136, 18.5.2001, p. 17.

<sup>2</sup> OJ L 326, 13.12.2003, p. 28.

<sup>3</sup> OJ L 19, 24.1.1989, p. 16.

<sup>4</sup> OJ L 209, 24.7.1992. Directive as last amended by Commission Directive 2000/5/EC (OJ L 54, 26.2.2000, p. 42).

<sup>5</sup> Directive [...] applies a procedure for a Community-wide recognition of certificates issued outside the European Union, see also footnote 2.

Furthermore, the Commission is conscious of the fact that implementation of the existing training, certification and watchkeeping requirements for seafarers laid down by the Directive is a continuous exercise that requires specific means to ensure at all times that Member States give full compliance to the agreed requirements.

The European Parliament and the Council insisted also explicitly on the need to ensure that Member States apply rigorously the relevant training and certification requirements in the maritime sector.

In recent years, there has also been an apparent increase in fraudulent practices associated with certification processes and certificates of seafarers, which undermines the effectiveness of the existing training, certification and watchkeeping requirements. The certification of seafarers who do not meet the minimum professional standards, poses a serious danger to the safety of life at sea and the protection of the marine environment.

The Commission, therefore, puts forward specific provisions aimed at ensuring further full compliance with the existing training and certification requirements. The proposal provides for:

- the obligation for Member States to adopt measures to prevent and penalise fraudulent practices associated with certificates of seafarers, and
- the regular assessment of compliance of Member States with the requirements of Directive 2001/25/EC, as amended.

**Hence, the current proposal of the Commission aims to facilitate the recognition of certificates of seafarers issued by the Member States and ensure thorough compliance with the existing training, certification and watchkeeping requirements within the European Union.**

## **2. JUSTIFICATION FOR THE PROPOSED MEASURE**

There are two main reasons for submitting this proposal: first, the need to facilitate the recognition by all Member States of certificates of seafarers issued within the Union in accordance with the minimum requirements of Directive 2001/25/EC, as amended; and second, the need to ensure further thorough and continuous compliance with the existing requirements.

In addition, in its conclusions of 5 June 2003, the Council emphasised the need to foster the mobility of seafarers within the Union<sup>6</sup>, while both the European Parliament and the Council called for the need to confirm thorough respect by the Member States of the STCW requirements.

### **2.1. Recognition of certificates**

Training, certification and watchkeeping of seafarers are governed internationally by the STCW Convention. The Convention comprises specific provisions for the recognition of certificates issued by or under the authority of another Party to masters, officers or radio operators.

---

<sup>6</sup> On the Promotion of the Shipping Industry and the Seafaring Profession within the Union.

Although the requirements of the STCW Convention have been enforced further within the Community by means of the Directive 2001/25/EC, this Directive subjects the recognition of certificates held by nationals or non-nationals of the Member States to the provisions of Directives 89/48/EEC and 92/51/EEC on the general system for the recognition of professional education and training. It thus precludes the mutual recognition of certificates between the Member States from the application of the relevant provisions of the Convention.

According to the general system, the Member State in which a person wishes to exercise a profession (host Member State) is required to take account of qualifications acquired in another Member State and to determine whether those qualifications correspond to the ones which the Member State concerned requires. Where the person's qualifications do not correspond to those laid down by national provisions, the host Member State may require the beneficiary, in addition to the certification of education and training, to provide evidence of professional experience, complete an adaptation period of supervised training or undergo aptitude tests.

As regards the seafaring sector, such system entails obstacles for the prompt recognition of certificates and thus ultimately prevents the seafarers from pursuing swiftly their profession in another Member State. It is thus more unfavourable for seafarers in Europe than third countries' seafarers, who are subject to the equivalent procedure of the STCW Convention or the recently introduced Community procedure for the recognition of certificates issued by third countries.

In addition, maritime transport is one of the few transport sectors where the Community laid down at an early stage the necessary minimum level of qualifications for professionals<sup>7</sup>. Although harmonised requirements have existed in the sector since 1994, recognition of certificates, which in fact attest the same minimum standards of competence, is not unconditional.

Furthermore, since the 80s there has been a growing decline in the numbers of Community seafarers, especially officers, which is expected to continue until the end of the decade. This tendency might severely affect the shipping industry as a whole, bearing in mind that maritime know how is essential for preserving a prosperous shipping industry of quality. Free movement of seafarers might contribute to prevent this trend.

For these reasons, the Commission proposes specific rules to allow for an unhindered recognition of certificates of seafarers issued by the Member States. The proposed measure is intended to abolish any obstacle to the free movement of seafarers qualified in the Member States, which in the long run will boost their mobility and promote their employment within the Union.

Such a measure is even more appropriate and important considering that, in its rulings on cases C-47/02 and C-405/01, the Court of Justice facilitates the access to the posts of masters and chief mates for non-nationals of a Member State. The Court affirmed in these cases that Member States may reserve for their nationals the posts of master and chief mate of merchant ships flying their flag, only if the rights under powers conferred by public law on masters and chief mates of such ships are actually exercised on a regular basis and do not represent a very minor part of their activities.

---

<sup>7</sup> Directives 94/58/EC and 98/35/EEC, which were repealed by Directive 2001/25/EC, as amended, on the minimum level of training of seafarers transposed since 1994 into Community law the requirements of the STCW Convention.

## **2.2. Language proficiency**

Article 17 of Directive 2001/25/EC, as amended, requires that on board all ships are means for the effective oral communication relating to safety between all members of a ship's crew and that on board passenger ships, tankers, chemical tankers and liquefied gas tankers there is a common working language, which all seafarers understand and are able to communicate in. As regards, in particular, passenger ships, this Article provides that personnel in charge of assisting passengers in emergency situations should have specific communication skills, taking due account of certain factors. The use of elementary English vocabulary is one of the optional factors prescribed by the latter provision.

The above provision does not define language skills of seafarers serving on board ships flying the flag of a Member State, while it limits the requirement for the establishment of a working language to certain types of ships.

The Commission believes that communication between the members of the crew and language skills are instrumental for maintaining safety at sea and improve social conditions on board. These prerequisites are even more essential given the international character of the maritime industry and the increasing multinational crews. It thus proposes to enforce within the Member States the relevant requirements of the STCW Convention as regards language skills of seafarers. These provisions would on top facilitate the effective exercise of the seafaring profession in another Member State than the one where a seafarer obtained its certificate.

## **2.3. Continuous implementation of the existing requirements**

In recent times, there has been a high prevalence of fraudulent practices associated with certificates of seafarers. A recent study commissioned by the International Maritime Organisation<sup>8</sup> confirmed the trend and indicated that fraudulent practices are related either to the certification process, or individual certificates. It revealed that in the overwhelming majority of cases identified, holders of fraudulent certificates do not meet the minimum professional standards of competency required under the STCW Convention. The survey stated that fraudulent practices can be attributed to administrative inability or unwillingness to effectively apply existing regulation.

The Commission is conscious that the proliferation of fraudulent certificates can be detrimental to safety at sea and the protection of the marine environment and severely undermines the effectiveness of the existing training and certification requirements. It believes, above all, that thorough implementation of the existing training, certification and watchkeeping requirements is a key element to stopping fraudulent practices.

Combating fraud requires both preventive and corrective action. The Commission considers that allocation of dedicated staff for detecting fraud and taking preventive repressive measures is essential both for ensuring the effective implementation of national measures and allowing close cooperation and exchange of information between Member States national authorities.

In light of the above, the Commission proposes that Member States take and enforce measures to prevent and penalise fraud involving the certification process or the certificates themselves.

---

<sup>8</sup> "A study on fraudulent practices associated with certificates of competency and endorsements", Seafarers International research Centre (SIRC), 2001.

It also provides for an extensive exchange of information between competent national authorities.

Finally, the Commission considers that implementation of the existing provisions and requirements concerning the seafaring professions is a continuous painstaking exercise. Bearing in mind that several actors are often involved in the certification process, it is essential to provide for a regular monitoring of compliance at national level. Such a method would also facilitate the recognition of certificates between the Member States.

Along these lines, the Commission puts forward provisions for the regular evaluation by the Commission, with the assistance of the Maritime Safety Agency (the Agency), of maritime training and certification systems and procedures of the Member States.

### **3. SPECIFIC CONSIDERATIONS**

#### **Article 1**

This Article defines that the Directive applies to seafarers holding a certificate issued to nationals or non-nationals of Member States.

#### **Article 2**

This Article provides the definitions of the main terms used in the Directive. Most of them are based on those used in Directive 2001/25/EC, as amended, and the STCW Convention.

#### **Article 3**

This Article spells out the main objective of the Directive, that is to say the recognition by Member States of all the certificates, endorsements and any other documentary evidence of training issued by any Member State in compliance with the provisions of Directive 2001/25/EC, as amended.

It confirms further the obligation for the recognition of the above certification by stating that seafarers covered by the Directive must be allowed to serve on board ships flying the flag of a Member State on the basis the certification issued by another Member State.

#### **Article 4**

This provision confirms the obligation of the Member State, in which a seafarer acquired its certificate, to make sure that the seafarer in question has the adequate language skills as stipulated in the relevant provisions of the STCW Convention, which are necessary to perform the duties that are assigned to him/her. The Commission proposes to insert a reference to the relevant requirements of the STCW Convention<sup>9</sup>.

#### **Article 5**

This Article calls upon Member States to provide for specific measures intended to prevent fraudulent practices regarding the certification process and certificates of seafarers, ensure their effective application and institute penalties for infringing the relevant national provisions.

---

<sup>9</sup> Sections A-II/1, A-III/1, A-IV/2 and A-II/4 of the STCW Code.

It also introduces channels for communication between competent authorities regarding fraudulent practices. Thus it requires first of all that Member States designate the competent authorities dealing with anti-fraud measures and communicate their details to the Commission and the other Member States. Besides, in case a Member State has doubts about a certificate issued by another Member State, it may require the competent authority of that State to provide a written confirmation about the authenticity of a certificate.

### **Article 6**

This Article establishes the obligation of the Commission to control on a regular basis the compliance of the Member States with the requirements laid down in Article 5, paragraph 1 of the Directive. The Commission shall be assisted in this task by the Agency.

### **Article 7**

This Article amends the provisions of Directive 2001/25/EC in two respects:

First, it deletes Article 18(1) and (2) of Directive 2001/25/EC, which subject the recognition of certificates of seafarers to the provisions of Council Directives 89/48/EEC and 92/51/EEC on the general system for the recognition of professional education and training. Those Directives not providing for the automatic recognition of formal qualifications of seafarers, they entail obstacles for the prompt recognition of certificates.

Also, this Article introduces a new Article 22a to Directive 2001/25/EC that confirms the obligation of the Commission to control at regular intervals the application of the training and certification requirements laid down by the latter Directive. The Commission shall be assisted in this task by the Agency.

### **Article 8**

This Article sets the deadline for the adoption and publication of the national implementation measures.

### **Article 9**

This Article states the date of the entry into force of the Directive.

Proposal for a

**DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**on the recognition of seafarers' certificates issued by the Member States and amending  
Directive 2001/25/EC**

**(Text with EEA relevance)**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 80(2) thereof,

Having regard to the proposal from the Commission<sup>10</sup>,

Having regard to the opinion of the European Economic and Social Committee<sup>11</sup>,

Having regard to the opinion of the Committee of the Regions<sup>12</sup>,

Acting in accordance with the procedure laid down in Article 251 of the Treaty<sup>13</sup>,

Whereas:

- (1) In its resolution of 5 June 2003 on Improving the Image of Community Shipping and Attracting Young People to the Seafaring Profession, the Council highlighted the necessity of fostering the professional mobility of seafarers within the European Union, with particular emphasis on recognition procedures for seafarers' certificates of competency, while ensuring thorough compliance with the requirements of the International Maritime Organisation Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 as amended (STCW Convention).
- (2) Maritime transport is an intensively and rapidly developing sector of a particularly international character. Accordingly, in view of the increasing shortage of Community seafarers, the balance between supply and demand in personnel can be maintained more efficiently at the Community rather than the national level. It is therefore essential that the common transport policy in the field of maritime transport be extended to facilitate the movement of seafarers within the Community.

---

<sup>10</sup> OJ C [...], [...], p. [...].

<sup>11</sup> OJ C [...], [...], p. [...].

<sup>12</sup> OJ C [...], [...], p. [...].

<sup>13</sup> OJ C [...], [...], p. [...].



- (3) As regards seafarers' qualifications, the Community has laid down minimum maritime education, training and certification requirements by way of Directive 2001/25/CE of the European Parliament and of the Council of 4 April 2001 on the minimum level of training of seafarers<sup>14</sup>. That Directive incorporates into Community law the international training, certification and watchkeeping standards laid down by the STCW Convention.
- (4) Directive 2001/25/EC provides that seafarers must hold a certificate of competency issued and endorsed by the competent authority of a Member State in accordance with that Directive and entitling the lawful holder thereof to serve on a ship in the capacity and perform the functions involved at the level of responsibility specified therein.
- (5) Under Article 18(1) and (2) of Directive 2001/25/EC mutual recognition among Member States of certificates held by seafarers whether or not nationals of Member States are subject to the provisions of Council Directives 89/48/EEC<sup>15</sup> and 92/51/EEC<sup>16</sup> setting up, respectively a first and a second general system for the recognition of professional education and training. Those Directives do not provide for the automatic recognition of formal qualifications of seafarers, as seafarers may be subject to compensation measures.
- (6) Each Member State should recognise any certificate and other evidence of formal qualifications issued by another Member State in accordance with Directive 2001/25/EC. Therefore, each Member State should permit a seafarer having acquired his/her certificate of competency in another Member State, satisfying the requirements of that Directive, to take up or to pursue the maritime profession for which he/she is qualified, without any prerequisites other than those imposed on for its own nationals.
- (7) The STCW Convention specifies language requirements for seafarers. These requirements should be introduced into Community law to ensure effective communication on board ships and facilitate the free movement of seafarers within the Community.
- (8) Today, the proliferation of certificates of competency of seafarers obtained by fraud poses a serious danger to safety at sea and the protection of the marine environment. In most cases, holders of fraudulent certificates of competency do not meet the minimum certification requirements of the STCW Convention. These seafarers may easily be involved in maritime accidents.
- (9) Member States should therefore take and enforce specific measures to prevent and penalise fraudulent practices associated with certificates of competency issued in their territory.

---

<sup>14</sup> OJ L 136, 18.5.2001, p. 17. Directive as last amended by Directive 2003/103/EC (OJ L 326, 13.12.2003, p. 28).

<sup>15</sup> OJ L 19, 24.1.1989, p. 16. Directive as amended by Directive 2001/19/EC of the European Parliament and of the Council (OJ L 206, 31.7.2001, p.1).

<sup>16</sup> OJ L 209, 24.7.1992. Directive as last amended by Commission Decision 2004/108/EC (OJ L 32, 5.2.2004, p.15).

- (10) Regulation (EC) No 1406/2002 of the European Parliament and of the Council established a European Maritime Safety Agency<sup>17</sup> (the Agency), for the purpose of ensuring a high, uniform and effective level of maritime safety and prevention of pollution by ships. One of the tasks assigned to the Agency is to assist the Commission in the performance of any task assigned to it by Community legislation applicable to training, certification and watchkeeping of ships' crews.
- (11) The Agency should therefore assist the Commission in verifying that Member States comply with the requirements laid down in this Directive and Directive 2001/25/EC.
- (12) The mutual recognition among Member States of certificates held by seafarers whether or not nationals of Member States should no longer be subject to the provisions of Directives 89/48/EEC and 92/51/EC, but should be governed by the provisions of this Directive.
- (13) Directive 2001/25/EC should therefore be amended accordingly,

HAVE ADOPTED THIS DIRECTIVE:

#### *Article 1*

##### **Scope**

This Directive shall apply to the seafaring professions carried out by:

- a) nationals of a Member State; and
- b) non-nationals who hold a certificate of competency issued by a Member State.

#### *Article 2*

##### **Definitions**

For the purposes of this Directive the following definitions shall apply:

- a) "seafaring professions" means the regulated professional activities carried out by seafarers trained at least in accordance with the requirements of the STCW Convention, as laid down in Annex I to Directive 2001/25/EC;
- b) "certificate" means a valid document within the meaning of Article 4 of Directive 2001/25/EC; covered under this definition are certificates of competency for masters and officers, endorsements, special certificates, medical certificates and documentary evidence of training, including sea service time, that are issued to any seafarer in accordance with Directive 2001/25/EC;
- c) "appropriate certificate" means a certificate of competency for masters, officers and radio officers as defined in Article 1 point 27) of Directive 2001/25/EC;

---

<sup>17</sup> OJ L 208, 5.8.2002, p.1. Regulation as amended by Regulation (EC) No 1644/2003 (OJ L 245, 29.9.2003, p. 10).

- d) “endorsement” means a valid document issued by the competent authority of a Member State to attest the issuance of a certificate, in accordance with Article VI, paragraph 2 and Regulation I/2, paragraph 3 of the STCW Convention;
- e) “recognition” means the permission to use a certificate or appropriate certificate issued by another Member State with a view to employment on board a ship registered in a Member State in the capacities and functions and at the levels of responsibility specified in the endorsement to the certificate or as otherwise required by Directive 2001/25/EC;
- f) “host Member State” means any Member State in which a seafarer intends to take up or pursue a seafaring profession, other than the Member State in which he/she obtained his/her certificate or other documentation of training or first exercised the profession in question;
- g) “STCW Convention” means the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended;
- h) “STCW Code” means the Seafarers’ Training, Certification and Watchkeeping Code, as adopted by Resolution 2 of the 1995 STCW Conference of Parties, as amended;
- i) “the Agency” means the European Maritime Safety Agency, established by Regulation (EC) N° 1406/2002.

### *Article 3*

#### **Recognition of certificates**

1. Every Member State shall recognise the appropriate certificates or any other certificate of seafarers awarded to nationals or non-nationals of Member States by another Member State in accordance with the requirements laid down in Directive 2001/25/EC.
2. Any seafarer holding an appropriate certificate or any other certificate as defined in paragraph 1 shall be permitted to serve on board ships flying the flag of another Member State.
3. The recognition of appropriate certificates shall be limited to the capacities, functions and levels of competency prescribed by the endorsement.

### *Article 4*

#### **Language proficiency**

Member States shall ensure that seafarers acquire adequate language proficiency, as defined in Sections A-II/1, A-III/1, A-IV/2 and A-II/4 of the STCW Code so as to enable them to perform their specific duties in a host Member State.

## *Article 5*

### **Prevention of fraud**

1. Member States shall take and enforce the appropriate measures to prevent and penalise fraud involving the certification process or certificates issued and endorsed by their competent authorities.
2. Member States shall designate the national authorities competent to detect and combat fraudulent practices and exchange information with other Member States' competent authorities concerning certification of seafarers.

Member States shall forthwith inform the other Member States and the Commission thereof.

3. In the event of justified doubts, the host Member State may require of the competent authorities of another Member State to furnish written confirmation of the authenticity of seafarers' certificates, corresponding endorsements or any other documentary evidence of training issued in that other Member State.

## *Article 6*

### **Regular monitoring of compliance**

Without prejudice to the powers of the Commission under Article 226 of the Treaty, the Commission, assisted by the Agency, shall verify, at intervals of not more than five years, that the appropriate measures have been taken in accordance with Article 5 (1).

## *Article 7*

### **Amendments to Directive 2001/25/EC**

Directive 2001/25/EC shall be amended as follows:

- (a) Article 18(1) and (2) are deleted with effect from [the same date as the date in the first sub-paragraph of Article 8(1)];
- (b) the following Article 22a is inserted:

#### *“Article 22a*

### **Regular Monitoring of compliance**

Without prejudice to the powers of the Commission under Article 226 of the Treaty, the Commission, assisted by the Agency, shall verify, at intervals of not more than five years, that Member States comply with the minimum requirements laid down by this Directive.”

*Article 8*

**Transposition**

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [...] at the latest<sup>18</sup>. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. Member States shall communicate to the Commission the text of the provisions of national law which they adopt in the field covered by this Directive.

*Article 9*

**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 10*

**Addressees**

This Directive is addressed to the Member States.

Done at Brussels, [...]

*For the European Parliament*  
*The President*  
[...]

*For the Council*  
*The President*  
[...]

---

<sup>18</sup> 18 months after the date of entry into force of the Directive.

## **LEGISLATIVE FINANCIAL STATEMENT**

**Policy area(s): MARITIME TRANSPORT.**

**Activit(y/ies): RECOGNITION OF CERTIFICATES OF SEAFARERS ISSUED BY THE MEMBER STATES ACCORDING TO COMMUNITY AND INTERNATIONAL TRAINING AND CERTIFICATION REQUIREMENTS.**

**TITLE OF ACTION: DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON THE RECOGNITION OF CERTIFICATES OF SEAFARERS ISSUED BY THE MEMBER STATES AND AMENDING DIRECTIVE 2001/25/EC**

### **Methods of implementation**

The European Maritime Safety Agency will assist the Commission in carrying out some of the tasks assigned by the proposed measure, as provided for in Regulation (EC) No 1406/2002 of 27 June 2002 of the European Parliament and of the Council, establishing a European Maritime Safety Agency. The involved expenditure shall be proposed by the Agency, within the framework of its work programme.

### **Financial impact on budget**

This proposal has no direct financial implications for the Commission. However, as regards administrative expenditure the current staff in DG TREN (consisting of one administrator part time with secretarial assistance and mission budget for liaison with the European Maritime Safety Agency) should suffice.

## **IMPACT ASSESSMENT FORM**

### **THE IMPACT OF THE PROPOSAL ON BUSINESS WITH SPECIAL REFERENCE TO SMALL AND MEDIUM-SIZED ENTERPRISES( SMEs)**

#### **TITLE OF PROPOSAL**

Proposal for a Directive of the European Parliament and of the Council on the recognition of certificates of seafarers issued by the Member States and amending Directive 2001/25/EC.

#### **DOCUMENT REFERENCE NUMBER**

COM(2004) XXX

#### **THE PROPOSAL**

1. Taking account of the principle of subsidiarity, why is Community legislation necessary in this area and what are its main aims?

The main aim of the proposal is to facilitate recognition of certificates of seafarers, which are issued by the Member States in line with Directive 2001/25/EC, as amended, on the minimum level of training of seafarers<sup>19</sup> and ensure full compliance by the Member States with the requirements of the Directive.

Community legislation is necessary to ensure consistent and thorough application of the relevant requirements within the Union, while ensuring unconditional recognition of certificates between Member States.

#### **THE IMPACT ON BUSINESS**

2. Who will be affected by the proposal?

- Which sectors of business?

Shipping companies operating ships flying the flag of Member States.

- Which sizes of business (what is the concentration of small and medium-sized firms)?

All sizes of companies active in this sector.

---

<sup>19</sup> This Directive transposes into Community law the requirements of the Convention of the International Maritime Organisation on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended (STCW Convention).

- Are there particular geographical areas of the Community where these businesses are found?

In all Member States, apart from those which are landlocked. However, in principle all Member States are affected in their role as flag states.

3. What will business have to do to comply with the proposal?

These sectors of business would have to take all necessary steps to ensure that seafarers assigned to any of their ships hold appropriate certificates in accordance with the procedures laid down by Directive 2001/25/EC, as amended.

4. What economic effects is the proposal likely to have?

- On employment

Jobs will probably be created as the offer would in principle rise given that certificates issued by a Member State shall be recognised by all the other Member States.

- On investment and the creation of new businesses

No economic effects on investment and the creation of new business

- On the competitiveness of businesses

No economic effects on the competitiveness of businesses

5. Does the proposal contain measures to take account of the specific situation of small and medium-sized firms (reduced or different requirements etc)?

No, such measures are not necessary.

## **CONSULTATION**

6. List the organisations which have been consulted about the proposal and outline their main views.

The Council of Ministers and the European Parliament stressed the need to maintain and develop the level of knowledge and skills in the seafaring sector and ensure respect of all the existing requirements in this field by the Member States.

In its conclusions of 5 June 2003 on the Promotion of the Shipping Industry and the Seafaring Profession within the Union, the Council emphasized the need to foster the mobility of seafarers and ensure thorough compliance by the Member States with the requirements of the STCW Convention.