

Training on EU Maritime Legislation for Newcomers

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

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I. STCW Convention and EU Directive

Topics:

- STCW Convention
- Directive 2008/106/EC
- What's the difference?

1122008 [EC] Official Journal of the European Union L 328/15

DIRECTIVE 2008/106/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 19 November 2008 on the minimum level of training of seafarers (recast) (first time with EU reference)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community and in particular Article 100 EC,

Having regard to the proposal from the Commission,

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

After consulting the Committee of the Regions,

Acting in accordance with the procedure laid down in Article 251 of the Treaty,

(1) A common level of training for the general of vocational competency certificate to seafarers should be covered by the Directive of maritime safety.

(2) Directive 2001/85/EC of the European Parliament and of the Council of 16 September 2001 on the recognition of professional qualifications (1), relating to higher vocational training, should be amended in order to take into account the changes in the maritime sector and to ensure that the Directive is in line with the objectives of the Treaty establishing the European Union.

(3) The mutual recognition of diplomas and certificates provided for under Directive 2001/85/EC does not ensure a standardised level of training for all seafarers working on board vessels flying the flag of a Member State. This is, however, vital for the safety of navigation and for the protection of persons and property on board vessels.

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I. STCW Convention and EU Directive

STCW Convention

- **STCW** Convention = **S**tandards of **T**raining, **C**ertification and **W**atchkeeping for seafarers
- Adopted in 1978
- 1st Comprehensive review in 1995
 - **Quality standards system** as the main tool to ensure achievement of defined objectives
- 2nd Comprehensive review in 2010
 - New certificates;
 - New definitions for seafarers' documents
 - New and revised competencies
 - Medical fitness certificate

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I. STCW Convention and EU Directive

STCW Convention

- Structure:
 - **Articles** I to XVII
 - Annex :
 - Chapters I to VIII :
 - » **Regulations** "Ch./No."
 - » Examples: Regulation I/2, Regulation II/1, Regulation VI/2

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I. STCW Convention and EU Directive

STCW Code

- **STCW** Code = **S**eamarers' **T**raining, **C**ertification and **W**atchkeeping Code
 - Adopted in 1995
 - Amended several times
 - Revised in 2010
- Structure:
 - **Part A – Mandatory**
 - Chapters related to Chapters in the Annex to the STCW Convention
 - » Sections related to Regulations in the Annex to the STCW Convention
 - **Part B – Recommendations**

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I. STCW Convention and EU Directive

Directive 2008/106/EC

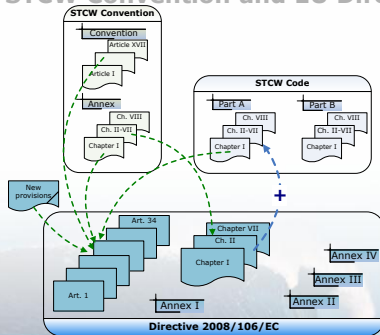
Recast of Directive 2001/25/ EC as amended by:

- Directive 2002/84/EC
- Directive 2003/103/EC
- Directive 2005/23/EC
- Directive 2005/45/EC



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I. STCW Convention and EU Directive



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I. STCW Convention and EU Directive

Directive 2008/106/EC

- Scope of application
- Obligation on MS **to ensure** that seafarers are trained in accordance with the STCW Convention
- Requirements for certification in Annex I (STCW regulations)
- Certificates and endorsements, their issue, registration and revalidation
- Requirements for training and assessment including qualifications required of instructors and assessors
- Principles governing near-coastal voyages
- **Quality standards**
- Medical standards

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I. STCW Convention and EU Directive

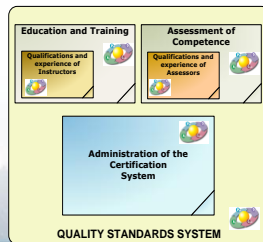
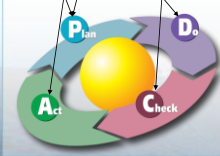
Directive 2008/106/EC

- Use of simulators
- Responsibilities of companies
- Obligation on MS to take and enforce anti-fraud measures
- **Penalties or disciplinary measures**
- On-board communication (working language, procedures and instructions)
- **Procedure for recognition** of certificates issued by non-EU countries
- PSC procedures and provisions on detention
- **Regular monitoring of compliance**

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Obligations on Member States

Art. 10 (d) "The field of application of the **quality standards shall cover the administration of the certification system, all training courses and programmes, examinations and assessments** carried out by or under the authority of a Party and the **qualifications and experience required of instructors and assessors, having regard to the policies, systems, controls and internal quality assurance reviews** established to ensure achievement of the **defined objectives**"



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I. STCW Convention and EU Directive

What's the difference?

	Dir 2008/106/EC	STCW Convention
Recognition of certificates	✓ (art. 19-21 detailed procedure for EU)	✓
Communication of information (incl. independent evaluation)	✓ (to the Commission)	✓ (to the SG of IMO)
Watchkeeping arrangements	-	✓ (VII/2)
Requirements for rest periods	✓	✓
On-board communication	✓ (art. 18)	-
Prevention of fraud and other unlawful practices	✓ (art. 8)	-
Equivalents (other educational and training arrangements...)	-	✓ (Article 30)

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II. The role of EMSA

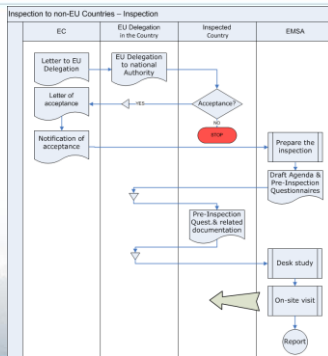
Topics:

- Tasks
- Activities
- Follow-up



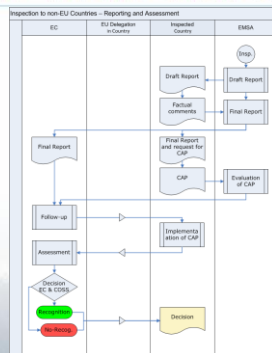
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Inspection



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Reporting



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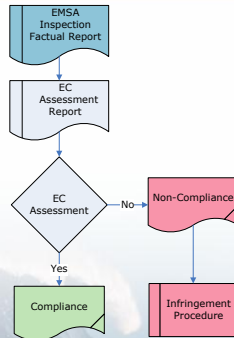
II. The role of EMSA

Tasks: EU Member States

Assist EC

- to verify on a regular basis and at least every five years that MS comply with the provisions of the Directive (article 25, Directive 2008/106/EC)

- Inspection criteria: **Directive**



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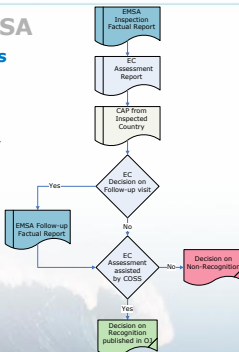
II. The role of EMSA

Tasks: Non-EU countries

Assist EC and MSs for the purpose of Recognition of CoCs

- to verify whether the country concerned meets all the requirements of the STCW Convention (5 years cycle) (article 19, Directive 2008/106/EC)

- Inspection criteria: **STCW Convention + Ch. I of the Annex**



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II. The role of EMSA

Tasks

Inspection cycle:

- Desk Study
- On site visit
- Final desk study & Report Drafting



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Inspected Countries
(status as of
December 2011) :

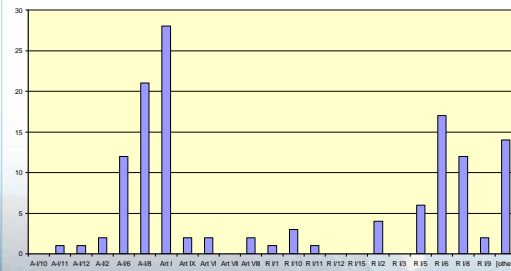
- 24 MSs & 1 EFTA
- 35 non-EU

Member States & EFTA countries		Non EU-Countries		
Belgium	Portugal	Algeria	Jordan	Cuba
Bulgaria	Romania	Argentina	Malaysia	Chile
Cyprus	Slovakia	Bangladesh	Morocco	Myanmar
Denmark	Slovenia	Canada	Peru	Senegal
Estonia	Spain	Cape Verde	Singapore	India
Germany	Sweden	Croatia	South Africa	Brazil
Greece	The Netherlands	Ecuador	Sri Lanka	Indonesia
Ireland	Finland	Egypt	Thailand	
Italy	The Czech Republic	Ghana	The Philippines	
Latvia	The United Kingdom	Georgia	Tunisia	
Lithuania	Norway	Indonesia	Turkey	
Luxembourg		Iran	Ukraine	
Malta		Israel	Uruguay	
Poland		Jamaica	Vietnam	

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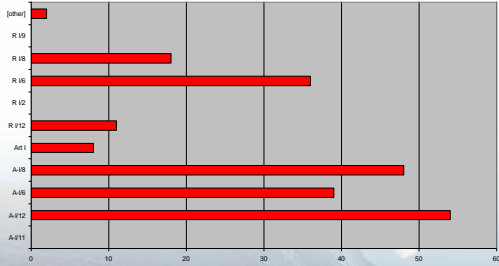
III. Horizontal analysis

Maritime Administrations - Shortcomings by Articles



III. Horizontal analysis

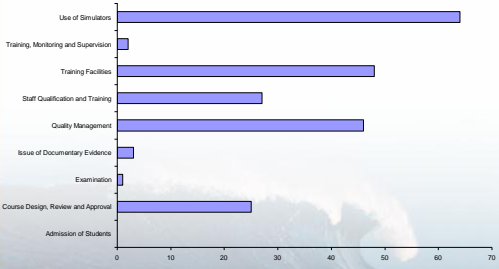
MET Institutions - Shortcomings by Articles



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III. Horizontal analysis

MET Institutions - Shortcomings by Processes



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Questions ?

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