Proposal for a

DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL


(presented by the Commission)
1. BACKGROUND AND OBJECTIVES

In view of the vital role of maritime training to preserve safety at sea and protection of the marine environment, the European Commission proposed in 1993 a Directive to ensure the simultaneous and homogeneous application within the European Union of the international training and certification requirements adopted by the International Maritime Organisation (IMO) within the Convention on Standards of Training, Certification and Watchkeeping, adopted in 1978 (STCW Convention). Directive 94/58/EC was subsequently adopted by the Council on 22 November 1994\(^1\).

Following the revision of the STCW Convention in 1995, the Directive was substantially amended following a proposal presented by the Commission in 1996, which was subsequently adopted by the Council on 25 May 1998\(^2\). The purpose of the revision was to bring in the new requirements introduced in the STCW Convention, and in particular to establish a specific procedure and criteria for the recognition by the Member States of certificates of competency issued by third countries. The overall objective of the procedure was to make sure that non-Community seafarers are trained as a minimum according to the international training requirements imposed by the STCW Convention.

For reasons of clarity of these provisions, the Commission proposed in 2000 the legislative consolidation of Directive 94/58/EC. Directive 2001/25/EC was therefore adopted by the European Parliament and the Council on 4 April 2001\(^3\). This Directive superseded the two previous Directives incorporated in it, while it fully preserved their substance and content.

Article 22 paragraph 2 of the consolidated Directive provides for the revision of the procedures and criteria contained in Annex II to the Directive, which have to be applied by the Member States in order to recognise, by endorsement, certificates of competency issued by thirds countries. According to the terms of the Directive, any amendment of this Annex has to be decided by the Council and the European Parliament on the basis of a proposal submitted by the Commission, before 25 May 2003.

In this context and in view of the problems emerged in the application of the provisions of the Directive related to the procedure for the recognition of certificates issued by third countries, the Commission considers that this procedure should be simplified and amended. The purpose of this revision is to set up at Community level an efficient and reliable system for the recognition of certificates of competency issued outside the European Union, designed for the recruitment of proficient third countries’ crews on board Community ships.

Moreover, the Commission believes that it is appropriate to bring the Directive in line with the international Conventions laying down language requirements for certification of seafarers, as well as for communication between the ship and the shore-based authorities.

---

\(^3\) OJ L 136, 18.5.2001
This proposal for a Directive puts forward an amendment to Directive 2001/25/EC in the following way, to:

• Improve, strengthen and simplify the current procedure for the recognition of certificates issued by third countries, by introducing a system of Community-wide recognition of third countries complying with the minimum requirements of the STCW Convention;

• Introduce specific procedures for the extension and withdrawal of the Community-wide recognition of third countries, as well as the continuous monitoring of compliance of the third countries with the relevant requirements of the STCW Convention;

• Update the Directive as regards language requirements for certification of seafarers and communication between the ship and the shore-based authorities, in line with the relevant requirements of the STCW Convention and the International Convention for the safety of life at sea, 1974, as amended (SOLAS Convention);

• Provide for specific amendment procedures for adapting the Directive to future changes in Community law.

2. **JUSTIFICATION FOR THE PROPOSED MEASURE**

The Directive establishes a procedure for the recognition of certificates of competency of seafarers, which are issued by third countries. According to this procedure, seafarers holding such certificates may be allowed to serve on board ships flying the flag of a Member State, provided a decision has been taken through the procedure stipulated by the directive. This means that the application of the procedure is an indispensable condition for the recruitment of a non-Community seafarer on board any Community ship. The implementation application of this procedure proved particularly difficult and several interpretation problems emerged all through its application.

In conformity with the current procedure, when a Member State recognises by endorsement a certificate issued by a third country, it is required to notify the Commission -after having verified whether a third country complies with the requirements of the STCW Convention- of the certificates it has recognised or intends to recognise. The Commission informs the other Member States about the notification submitted. On the basis of this notification, the Commission and the Member States have to assess the matter and may raise an objection concerning the decision for the recognition, in which case the matter is referred by the Commission to the procedure provided for in Article 23, paragraph 2 of the Directive “comitology procedure”.

One of the main problems identified during the application of the relevant provisions of the Directive is the lack of a definition of the content of the notifications, which are submitted by the Member States to the Commission. Hence, the content of the notifications varied considerably among the Member States submissions and thus the assessment carried out by the Commission and the Member States was not always conducted on the same basis.

Furthermore, as explained above, no individual recognition of certificates can be finally validated without being approved through the procedure laid down by the Directive. A separate decision is, therefore, required for each Member State that intends to recognise a certificate issued by a third country. It is an individual decision linking only the applicant Member State. This means that another Member State, wishing to recognise certificates issued...
by the same country, has to carry out its own assessment and submit the case for approval through the procedure.

It is therefore clear that a new assessment exercise has to be performed over and again by the Commission and the Member States for the same third country. This undoubtedly involves an unnecessary burden for the competent administrations in the Member States and the services of the Commission.

In light of the above, the Commission believes that compliance of third countries with the international maritime training and certification requirements can be assessed more effectively in a harmonised and centralised manner. The Commission is, therefore, of the view that the shortcomings of the current procedure can be addressed through a system of Community-wide recognition of third countries, along the lines of the requirements of the STCW Convention.

The new procedure proposed by the Commission (as specified under point 4.3 below), is based on the recognition of a third country, following the evaluation of maritime training and certification systems, rather than the recognition of an individual certificate, as is the case under the current procedure. According to the proposed procedure, the evaluation of the Member States’ requests for recognition shall be carried out by the Commission, with the assistance of the European Maritime Safety Agency (the Agency). Following this assessment, the decision on the recognition shall be taken by the Commission, through the “comitology procedure”, and will be valid for five years. Decisions on the recognition of certificates of competency, which have been adopted in accordance with the current procedure, shall remain valid.

The recognition will thus be a global Community-wide recognition of a third country’s systems and procedures. According to the Community approach, the decision, which will be taken at Community level, will then form the basis for the Member States’ to recognise by endorsement certificates from this country without further evaluation.

It is, thus, clear that the proposed amendments will prevent duplication of evaluation work, while ensuring a professional scrutiny of compliance with international requirements. Since the decisions on the recognition will be valid throughout the Community, no further evaluation work will need to be performed by the other Member States’ administrations. These amendments are therefore justified.

Moreover, the current rules do not provide for a system allowing for the follow up of the decisions taken through the procedure and the monitoring of the third countries of origin of seafarers who are to be recruited on board Community ships. The Commission considers that in order to ensure at all times that seafarers holding certificates from third countries are trained and certified according to the international requirements, it is appropriate to provide for a flexible system, which is able to respond and to take prompt action with regard to any unpredictable change of the situation in a third country. Extension and withdrawal of recognitions will need to be provided for in this respect. In addition, the regular monitoring of the recognised countries, through the frequent evaluation of compliance in a centralised and professional manner will permit to confirm whether the level of compliance in the third country is maintained. The Agency can play a key role in the evaluation work involved in both cases.
Furthermore, the Commission believes that it is appropriate to supplement the existing provisions of the Directive concerning the language requirements for certificates of competency issued by the Member States, as well as endorsements attesting the issue of certificates, with the relevant requirements of the STCW Convention to ensure consistency with the Convention’s relevant prerequisites, and update the existing provisions of the Directive related to language requirements concerning the communications between the ship and the land-based authorities, in line with the relevant requirements of the SOLAS Convention.

Finally, it is necessary to ensure that the Directive is made flexible to update certain articles in relation to future developments in Community legislation.

3. CONTENT OF THE PROPOSAL

The proposal contains one article specifying the proposed modifications to the existing provisions of the Directive and three other articles ensuring the applicability of the new requirements and their implementation into national law.

4. SPECIFIC CONSIDERATIONS

4.1. Language requirements for the certificates and endorsements attesting the issue of a certificate (Article 1.1 and 2.)

Directive 2001/25/CE provides that certificates of competency have to be issued in the official language(s) of the issuing country, while it does not contain any provisions as regards the language to be used for the endorsements issued by the Member States to attest the issue of national certificates. In order to ensure consistency with the international certification requirements, the Commission proposes to insert in the existing relevant provisions of the Directive a reference to the relevant requirements of the STCW Convention.4

4.2. Language requirements for the communications between the ship and the shore-based authorities (Article 1.3).

The current provisions of the Directive provide that communication between the ship and the shore-based authorities is conducted either in a common language or in the language of these authorities. In order to ensure consistency with the international requirements, the Commission proposes to update the existing provisions of the Directive, by inserting a reference to the relevant requirements of the SOLAS Convention.5

---

4 Regulation I/2, paragraph 1, and Article VI, paragraph 1 of the STCW Convention require the translation of certificates and endorsements into English in case the original language is not English: “If the language used is not English, the text [the endorsement] shall include a translation into that language”.

5 Regulation 14, paragraph 4, of chapter V of the SOLAS Convention prescribes that “…English shall be used on the bridge as the working language for …bridge-to-shore safety communications…unless those directly involved in the communication speak a common language other than English”. This provision entered into force on 1 July 2002.
4.3. Procedure for the recognition of appropriate certificates of competency issued by third countries (Article 1.4)

In view of the problems encountered in the application of the current procedure for the recognition of certificates issued by third labour supplying countries, the Commission proposes a new centralised and harmonised method leading to a Community-wide recognition of third countries. The proposed procedure is the following:

When a Member State intends to recognise by endorsement certificates issued by a third country, it submits a request for recognition to the Commission. The request contains evidence of the compliance with the criteria set out in Annex II, part A of the proposal. Subsequently, the Commission, assisted by the Agency, performs the evaluation of the third country’s maritime training and certification systems. This evaluation takes due account of the information provided by the Member State, requesting the recognition, on the compliance of the third country with the criteria stipulated in the Annex. The decision on the recognition of the third country is taken by the Commission on the basis of the “comitology procedure”, within three months as from the motivated submission of the Member State.

If the recognition of a third country is granted through this procedure, the relevant decision is valid throughout the Community for a period of five years. Member States wishing to endorse appropriate certificates issued by this same country may proceed to the endorsements without further evaluation on the third country’s performance, or further submission to the Commission.

4.4. Procedure for the extension of the recognition (Article 1.5, new Article 18a)

Considering that the Directive does not contain any requirements regarding the validity period of the recognition of certificates or the follow-up of the relevant decisions taken by the Member States through the common procedure, the Commission proposes a specific procedure for the extension, when appropriate, of the decisions on the recognition.

The initiative is taken by the Commission before expiry of the validity period for each third country for which recognition is granted through the new procedure. The Commission, assisted by the Agency, reassesses the recognition of the third country, on the basis of any information regarding the third country’s compliance with the requirements of the Convention since the previous decision, as well as the results of the regular assessment carried out by the Commission every five years (see below under point 4.6).

The decision on the extension of the recognition is taken by the Commission through the “comitology procedure”, at the latest one month before the expiry of the validity period of the recognition.

4.5. Procedure for the withdrawal of the recognition (Article 1.5, new Article 18b)

Experience showed that maritime training and certification systems and procedures in third countries may vary considerably over a very short span of time. Hence, the proposal introduces a procedure for the withdrawal of the recognition of third countries that do not comply thoroughly with the requirements of the STCW Convention.

The withdrawal of a third country’s recognition occurs when there are clear grounds about non-compliance of the third country’s training and certification systems with the requirements of the STCW Convention. The initiative comes from a Member State, or the Commission,
when there are substantial reasons to believe that a recognised third country does not respect anymore the requirements of the Convention.

In case the initiative comes from a Member State, the Member State concerned informs the Commission and the other Member States of its decision to withdraw the recognition endorsements of certificates issued by the third country by giving substantiated reasons on its decision. The Commission, assisted by the Agency, examines the case and refers it to the “comitology procedure”. The decision has to be taken within two months from the day the Member State in question informed the Commission and the other Member States about its decision to withdraw the relevant endorsements. When the initiative is taken by the Commission, the case is likewise referred to the “comitology procedure” for consideration and appropriate action.

4.6. Regular monitoring of the compliance of the recognised third countries (Article 1.5, new Article 18c)

This Article introduces a the regular monitoring of the third countries to which recognition has been granted, in order to verify whether training and certification systems and procedures are in line with the relevant requirements of the STCW Convention. According to the Community-wide approach, this regular re-evaluation is conducted by the Commission, with the assistance of the Agency. It is carried out at least every five years from the date of a decision on the recognition of the individual third countries. The results of this assessment are presented in a report, which the Commission addresses to the Member States.

4.7. Amendment procedures (Article 1.6)

This Article introduces to the Directive an amendment procedure for adapting its provisions to any pertinent future changes in Community law. Any such amendment will have to be agreed through the “comitology procedure”.

4.8. Criteria for the recognition of third countries (Article 1.7)

Annex II to the Directive prescribes two sets of procedures and criteria: a. the procedures and criteria relating to the recognition of certificates and b. the criteria for the accreditation or approval of maritime training institutes and maritime education and training programmes and courses in the third countries. The Directive requires the application of all these procedures and criteria for the recognition of certificates issued by third countries.

Considering the administrative and financial burden involved in the evaluation of individual maritime institutes in third countries, the Commission proposes the removal of these criteria from the Directive. As explained above, according to the proposed new procedure, the recognition is granted to a third country, following evaluation of its maritime systems and procedures. The recognition covers, therefore, all the maritime training institutes accredited by the third country, and thus there is no need to require the individual approval by the Member States of individual schools. The criteria for the recognition of certificates issued by third countries are nonetheless maintained in the proposal.
Proposal for a

DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL


(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,

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

Having regard to the opinion of the Committee of the Regions,

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

Whereas:


(2) It is essential to ensure that seafarers holding certificates issued by third countries and serving on board Community ships have a level of competence equivalent to that required by the Convention. Directive 2001/25/EC lays down procedures and common criteria for the recognition by the Member States of certificates issued by third countries.

(3) Directive 2001/25/EC provides for the reassessment of the procedures and criteria for the recognition of certificates issued by third countries and the approval of maritime training institutes and maritime education and training programmes and courses, in the light of the experience gained in applying the Directive.

---

6 OJ C ..., ..., p. ...
7 OJ C ..., ..., p. ...
8 OJ C ..., ..., p. ...
9 OJ C ..., ..., p. ...
The practical implementation of Directive 2001/25/EC has shown that some adjustments to those procedures and criteria could contribute greatly towards the reliability of the system of recognition, while simplifying the monitoring and reporting obligations imposed on Member States.

Compliance of third countries with the provisions of the STCW Convention can be assessed more effectively in a harmonised manner. The Commission should therefore be entrusted with this task on behalf of the whole Community.

In order to ensure that a country which is recognised continues to comply fully with the requirements of the STCW Convention, the recognition should be reviewed regularly and extended if appropriate. The recognition of a third country not complying with the requirements of the STCW Convention should be withdrawn until deficiencies are redressed.

Decisions to extend or withdraw recognition can be taken more effectively in a harmonised and centralised manner, at Community level. The Commission should therefore be entrusted with these tasks on behalf of the whole Community.

The continuous monitoring of the compliance of the recognised third countries can be carried out more effectively in a harmonised and centralised manner.

One of the tasks assigned to the European Maritime Safety Agency (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.

The Agency should therefore assist the Commission in the performance of its tasks relating to the granting, the extension and withdrawal of recognition of third countries. It should also assist the Commission in the monitoring of third countries’ compliance with the requirements of the STCW Convention.

The STCW Convention specifies language requirements for certificates and endorsements attesting the issue of a certificate. The existing provisions of Directive 2001/25/EC should be brought into line with the relevant requirements of the Convention.

The International Convention for the safety of life at sea, 1974, as amended (SOLAS Convention) lays down language requirements for bridge-to-shore safety communications. Directive 2001/25/EC should be updated in accordance with the recent recent amendments to that Convention, which entered into force on 1 July 2002.

It is necessary to provide for procedures for adapting this Directive to future changes in Community law.

Directive 2001/25/EC should be amended accordingly,
HAVE ADOPTED THIS DIRECTIVE:

Article 1

Directive 2001/25/EC is amended as follows:

(1) Article 5 is amended as follows:

(a) paragraph 3 is replaced by the following:

“3. Certificates shall be issued in accordance with Regulation I/2, paragraph 1 of the STCW Convention.”

(b) in paragraph 5 the following sentence is added:

“Endorsements shall be issued in accordance with Article VI, paragraph 2 of the STCW Convention.”

(2) In Article 17, paragraph (e) is replaced by the following:

“(e) There are adequate means for communication between the ship and the shore-based authorities. These communications shall be conducted in accordance with Chapter V, Regulation 14, paragraph 4 of the SOLAS Convention.”

(3) In Article 18, paragraph 3 is replaced by the following:

“3. Seafarers who do not possess the certificates referred to in Article 4 may be allowed to serve on ships flying the flag of a Member State, provided a decision on the recognition of their appropriate certificates has been adopted through the procedure set out below:

(a) A Member State which intends to recognise, by endorsement, appropriate certificates issued by a third country to a master, officer or radio operator, for service on ships flying its flag, shall submit a request for recognition of that third country to the Commission accompanied by complete information on, and evidence of, compliance with the criteria set out in Annex II.

The Commission, assisted by the Agency, 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.

(b) The decision on the recognition of a third country shall be taken by the Commission in accordance with the procedure referred to in Article 23 (2), within three months from the date of the request for recognition. If granted, the recognition shall be valid for a period of five years. The Member State that submitted the request shall take appropriate measures to implement the decision.

(c) A Member State may decide, with respect to ships flying its flag, to endorse certificates issued by the third countries recognised by the Commission.
(d) When a third country has been recognised by the Commission, and if, after the completion of its evaluation the Maritime Safety Committee of the IMO has not been able to identify the third country as having demonstrated that full and complete effect is given to the provisions of the STCW Convention, the Commission shall reassess the recognition of that country in accordance with the procedure referred to in Article 23 (2). The Member States concerned shall take appropriate measures to implement the decision taken in accordance with that procedure.

(e) The Commission shall draw up and update a list of the third countries that have been recognised. The list shall be published in the *Official Journal of the European Communities, C Series.*

(4). The following Articles 18a, 18b and 18c are inserted:

“Article 18a

Before the end of the period of validity referred to in Article 18 (3) (b), the Commission, assisted by the Agency, shall reassess the recognition of the third country concerned, in order to verify whether that country continues to fulfil the requirements of the STCW Convention, and determine whether the recognition should be extended.

In deciding whether to extend the recognition of a third country, the Commission shall take into account any information regarding that country’s compliance with the STCW Convention and in particular the results of the assessment carried out by the Commission in accordance with Article 18c (1). Account shall also be taken of reports provided pursuant to Article 18c (3).

The decision on the extension of the recognition shall be taken in accordance with the procedure referred to in Article 23 (2) at the latest one month before the expiry of the period of validity of the recognition.

*Article 18b*

1. Notwithstanding the criteria specified in Annex II, section A, when a Member State or the Commission consider that a recognised third country no longer complies with the requirements of the STCW Convention, the Commission shall refer the matter to the Committee referred to in Article 23.

2. When a Member State withdraws the endorsements of certificates issued by a third country it shall without delay inform the Commission and the other Member States of its decision, giving substantiated reasons therefor.

3. The Commission, assisted by the Agency, shall reassess the recognition of the third country concerned in order to verify whether that country failed to comply with the requirements of the STCW Convention.

4. The decision on the withdrawal of the recognition shall be taken in accordance with the procedure referred to in Article 23 (2), within two months from the date of the communication made by the Member State. The Member States concerned shall take appropriate measures to implement the decision.
Article 18c

1. The third countries that have been recognised under the procedure referred to in Article 18 (3) (b) shall be assessed by the Commission, with the assistance of the Agency, on a regular basis and at least every five years to verify that they fulfil the relevant criteria set out in Annex II.

2. In selecting the third countries for assessment, the Commission shall pay particular attention to performance data provided by the Port State control pursuant to Article 20, as well as the reports carried out pursuant to section A-I/7 of the STCW Code.

3. The Commission shall provide the Member States with a report on the results of the assessment.”

(5) In Article 22 (1) the following sentence is added:

“This Directive may also be amended in accordance with the same procedure in order to apply, for the purposes of this Directive, any relevant amendments to Community legislation”.

(6) Annex II is amended in accordance with the Annex to this Directive.

Article 2

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [...] at the latest. They shall forthwith inform the Commission thereof.

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.

Article 3

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

Article 4

This Directive is addressed to the Member States.

Done at Brussels,

For the European Parliament
The President

For the Council
The President
ANNEX

Annex II to Directive 2001/25/EC is replaced by the following:

“ANNEX II

CRITERIA FOR THE RECOGNITION OF THIRD COUNTRIES THAT HAVE ISSUED A CERTIFICATE OR UNDER THE AUTHORITY OF WHICH WAS ISSUED A CERTIFICATE, REFERRED TO IN ARTICLE 18 (3) (a)

A. Third countries confirmed by the Maritime Safety Committee of the IMO to have communicated information, which demonstrates that full and complete effect is given to the relevant provisions of the STCW Convention

1. The third country must be a Party to the STCW Convention.

2. The third country must have been identified by the Maritime Safety Committee as having demonstrated that full and complete effect is given to the provisions of the STCW Convention.

3. The Member State must have confirmed, through all necessary measures, which may include the inspection of facilities and procedures, that the requirements concerning the standard of competence, the issue and endorsement of certificates and record keeping are fully complied with, and that a quality standards system has been established pursuant to Regulation I/8 of the STCW Convention.

4. The Member State is in the process of agreeing an undertaking with the third country concerned that prompt notification will be given of any significant change in the arrangements for training and certification provided in accordance with the STCW Convention.

5. The Member State has introduced measures to ensure that seafarers who present for recognition certificates for functions at management level have an appropriate knowledge of the maritime legislation of the Member State relevant to the functions they are permitted to perform.

6. If a Member State wishes to supplement assessment of compliance of a third country by evaluating certain maritime training institutes, it shall proceed according to the provisions of section A-I/6 of the STCW Code.

B. Third countries not confirmed by the Maritime Safety Committee to have communicated information, which demonstrates that full and complete effect is given to the relevant provisions of the STCW Convention

1. If the Maritime Safety Committee is still in the process of identifying the third country as having demonstrated that full and complete effect is given to the provisions of the STCW Convention, the following provisions must apply:

The third country must communicate to the Member State wishing to recognise appropriate certificates issued by or under the authority of that third country:

(i) the texts of laws, decrees, orders, regulations and instruments relating to the implementation of the STCW Convention;
(ii) full details of the contents and duration of study courses, including a clear statement of the education, training, examination, competency assessment and certification policies adopted;

(iii) national examination and other requirements for each type of certificate issued in accordance with the STCW Convention;

(iv) a sufficient number of specimen certificates that comply with the STCW Convention;

(v) information on governmental organisation;

(vi) a concise explanation of the legal and administrative measures provided and taken to ensure compliance particularly concerning training and assessment and the issue and registration of certificates;

(vii) a concise outline of the procedures followed to authorise, accredit or approve training and examinations, and competency assessments required by the STCW Convention, the conditions attached thereto, and a list of the authorisations, accreditation and approvals granted.

2. The Member State must compare the information communicated with all the relevant requirements of the STCW Convention to ensure that full and complete effect is given to the provisions of the STCW Convention.

3. The Member State must have confirmed, through all necessary measures, which may include the inspection of facilities and procedures, that the requirements concerning the standard of competence, the issue and endorsement of certificates and record keeping are fully complied with, and that a quality standards system has been established pursuant to Regulation I/8 of the STCW Convention.

Paragraphs A. 4, 5 and 6 are also applicable under this procedure.
LEGISLATIVE FINANCIAL STATEMENT


**Methods of implementation**

The proposed actions shall be implemented by the Commission using outside staff by externalisation. The European Maritime Safety Agency will assist the Commission in carrying out tasks assigned by the proposed measure, as provided in the adopted Regulation establishing this Agency (Regulation (EC) N° 1406/2002 of the European Parliament and of the Council of 27 June 2002 establishing a European Maritime Safety Agency).

**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

DOCUMENT REFERENCE NUMBER
COM(2002)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 amend an existing Directive, in order to strengthen and simplify certain aspects its provisions. Since the proposal is to revise an existing Directive, a Directive is the only possible form of Community measure.

THE IMPACT ON BUSINESS

2. Who will be affected by the proposal?

– which sectors of business

Shipping companies, operating maritime services, shall have the responsibility for ensuring that the obligations set out in the proposal are given full and complete effect.

– which sizes of business (what is the concentration of small and medium-sized firms)

A variety of sizes of companies will be affected, from companies owing one ship only to owners with much larger fleets.

– are there particular geographical areas of the Community where these businesses are found

In all EU Member States, apart from those that 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 this proposal.

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

- on employment

No economic effects on employment are foreseen

- 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.

Organisations invited and represented at a consultation meeting:

- European Community Shipowners’ Association (ECSA)
- European Transport Workers’ Federation (ETF)

Outline of their main view:

The stakeholders supported the need to review the current procedure for the recognition of certificates of competency issued by third countries and replace it by a more efficient system of Community-wide recognition of third countries.

They are in favour of the new role that the European Maritime Safety Agency will play in the evaluation of maritime training and certification systems in the main labour providing third countries.

The proposal concerning language requirements for certificates and recognition endorsements, as well as communication between the ship and the land-based authorities, received no objections from the stakeholders.