Council of the European Union

Brussels, 7 February 2019
(OR. en)

5872/19

Interinstitutional File: 2018/0162(COD)

MAR 18
OMI 6
MI 78
SOC 56
CODEC 238

REPORT

From:	General Secretariat of the Council
To:	Permanent Representatives Committee
No. prev. doc.:	5865/19 MAR 17 OMI 5 MI 76 SOC 55 CODEC 237
No. Cion doc.:	9123/18 MAR 68 OMI 23 MI 369 SOC 260 CODEC 837 + ADD 1
Subject:	Proposal for a Directive of the European Parliament and of the Council amending Directive 2008/106/EC on the minimum level of training of seafarers and repealing Directive 2005/45/EC – *Preparation for the trilogue*

CONTEXT AND CONTENT OF THE PROPOSAL

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

2. The Commission proposes to amend Directive 2008/106/EC of the European Parliament and of the Council[1] and to repeal Directive 2005/45/EC of the European Parliament and of the Council[2].

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

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

3. The stated objective is to simplify and streamline the existing EU regulatory framework on seafarers' training and certification in order to: 1) keep the EU rules aligned with the international framework (i.e. the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended – 'the STCW Convention'); 2) revamp the centralised mechanism for the recognition of third countries in order to increase its efficiency and effectiveness; and 3) increase legal clarity regarding the mutual recognition of seafarers' certificates issued by the Member States.

4. It should be noted that the proposal is part of a "fitness check" (REFIT) of the EU maritime transport legislation and was not accompanied by an impact assessment.

STATE OF PLAY

5. The Council agreed on a general approach on 3 December 2018.

6. The European Parliament Committee for Transport and Tourism (TRAN) appointed Mr Dominique Riquet (ALDE-France) as rapporteur on 5 July 2018. The draft report was issued on 29 October 2018. The TRAN Committee adopted its report on the proposal on 10 January 2019 and the plenary, on 14 January, approved the decision of the TRAN Committee to start negotiations.

7. The first informal trilogue took place on 29 January 2019.

8. A second informal trilogue is scheduled for 11 February 2019.

THE PROPOSED MANDATE

9. From the outset, the Presidency would like to underline the concessions the European Parliament has indicated that it would be prepared to make (e.g. on mutual recognition of seafarers' certificates; on free of charge advice and assistance to seafarers in appeal procedures; on the list of job offers to be made available by Member States; and on the "European Maritime Diploma of Excellence"). Those concessions are, however, in the Presidency's understanding, dependent on an acceptable outcome for Parliament on three key issues: digital certificates, the EU level database for seafarers' certificates and the references to the Maritime Labour Convention.

10. A recurrent general objection from Member States is that many of the Parliament amendments are outside the scope of the Directive and, in particular, outside the scope of this REFIT exercise, which, it is recalled, was not accompanied by an impact assessment.

11. On the issue of digital certificates, the Parliament has proposed an amendment which states that, as of 1 January 2027, all certificates and endorsements shall be made available by electronic means (line 60). The Parliament's intention is that the EU takes the lead if developments at international level are too slow. The Presidency proposed an initial compromise which, first of all, made a link between amendments to the STCW Convention and Code and amendments to the Directive and which, secondly, replaced the date of 1 January 2027 with ten years after entry into force of the Directive, at which time the Commission would be empowered to adopt delegated acts in order to make all certificates and endorsements available by electronic means. While most Member States broadly could accept the first part of the compromise, they were very reluctant to accept the second part of the compromise. A suggestion from several delegations was to turn that part into a recital.

12. The Presidency has taken good note of the objections, and suggests a revised compromise. The link to amendments to the STCW Convention and Code in line 60 is kept, albeit with a more precise language as requested. In line 87, which refers to the evaluation of the Directive, the Commission is tasked to include an analysis of any developments regarding digital certificates at international level in its evaluation report.

13. As regards the database proposed by the Parliament (lines 65, 67, 138-140, 34), it is clear that many Member States have serious misgivings about all those amendments. Among the concerns expressed, over and above the fact that the database is outside the scope of the proposal and has not been subject to a proper impact assessment, could be mentioned: the added value, the administrative burden and costs, the protection of personal data and the possible detrimental effects on the competitiveness of EU flags. Given these objections, the Presidency proposes to keep the general approach in lines 65, 67, 138, 139 and 140, with a compromise recital in line 34.

14. When it comes to the Maritime Labour Convention (MLC), the Presidency notes that the Parliament has already shown a lot of flexibility and made it clear it would be prepared to withdraw amendments 24 and 25 (lines 103 and 106), amendments which would make employment of third country seafarers and recognition of third countries dependent on whether the third country in question has ratified and comply with the MLC. In the previous

Presidency compromise on this issue, which the Parliament could accept, the condition concerning ratification of the MLC would only apply for future recognitions.

15. However, many Member States have serious concerns on any references to MLC in this proposal. In general, Member States see no link between MLC and STCW – they are separate instruments from separate international organisations (ILO and IMO respectively). In addition, a ratification condition would unjustly penalise seafarers: a seafarer which fulfils the requirements of the STCW would still not be allowed to work on board an EU ship because of his/her government's non-ratification of MLC, an element outside his/her control. Furthermore, ratification of MLC is not a guarantee for decent working and living conditions, nor for equal pay on board – collective bargaining agreements are more important in that respect. As concerns in particular the previous Presidency proposal, among the arguments given against it could be mentioned that it would create an unjustified differentiated treatment between already recognised countries and future candidates for recognition.

16. Given all these arguments and objections, the Presidency suggests as a compromise that due regard shall be given to ratification of MLC in the recognition procedure (line 110). The relevant recital (line 24) has been slightly amended.

17. The Presidency is convinced that further flexibility from the Council will be needed in order to reach an agreement.

CONCLUSION

18. Taking into account the above, the Permanent Representatives Committee is invited to give the Presidency a broad mandate on the basis of the text set out in the Annex with a view to negotiating a first reading agreement with the European Parliament.

	Commission proposal (COM(2018) 315 final) (doc. 9123/18 + ADD 1)	EP amendments	General approach (doc. 13233/1/18 REV 1)	Presidency remarks/proposals
1.	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Directive 2008/106/EC on the minimum level of training of seafarers and repealing Directive 2005/45/EC		Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Directive 2008/106/EC on the minimum level of training of seafarers and repealing Directive 2005/45/EC	
2.	(Text with EEA relevance)		(Text with EEA relevance)	
3.	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,		THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	
4.	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 100(2) thereof,		Having regard to the Treaty on the Functioning of the European Union, and in particular Article 100(2) thereof,	
5.	Having regard to the proposal from the European Commission,		Having regard to the proposal from the European Commission,	
6.	After transmission of the draft legislative act to the national parliaments,		After transmission of the draft legislative act to the national parliaments,	
7.	Having regard to the opinion of the European Economic and Social Committee*, _____ * OJ C , , p. .		Having regard to the opinion of the European Economic and Social Committee*, _____ * OJ C , , p. .	

	Commission proposal (COM(2018) 315 final) (doc. 9123/18 + ADD 1)	EP amendments	General approach (doc. 13233/1/18 REV 1)	Presidency remarks/proposals
8.	Having regard to the opinion of the Committee of the Regions*, _____ * OJ C , , p. .		*After consulting* the Committee of the Regions[...], _____ *[...]*	*CoR declined to give an opinion.*
9.	Acting in accordance with the ordinary legislative procedure,		Acting in accordance with the ordinary legislative procedure,	
10.	Whereas:		Whereas:	
11.		**Amendment 1** **Recital 1**		**Revised proposed compromise:**
12.	(1) In order to maintain a high level of maritime safety and pollution prevention at sea, it is essential to improve the level of knowledge and skills of the Union seafarers by developing maritime training and certification in line with the international rules.	(1) In order to maintain a high level of maritime safety and pollution prevention at sea, it is essential to improve the level of knowledge and skills of the Union seafarers by developing maritime training and certification in line with the international rules ***and technological progress, as well as to take further action to enhance the European maritime skills base through the provision of advanced training and development opportunities for Union seafarers***.	(1) In order to maintain***, and possibly improve,*** a high level of maritime safety and pollution prevention at sea, it is essential to ***maintain*** the level of knowledge and skills of the Union seafarers by developing maritime training and certification in line with the international rules.	**B** (1) In order to maintain***, and ~~possibly~~ aim to improve,*** a high level of maritime safety and pollution prevention at sea, it is essential to ***maintain and possibly improve*** the level of knowledge and skills of the Union seafarers by developing maritime training and certification in line with the international rules ***and technological progress, as well as to take further action to enhance the European maritime skills base ~~through the provision of advanced training and development opportunities for Union seafarers~~***.
13.	(2) The training and certification of seafarers is regulated at the international level by the		(2) The training and certification of seafarers is regulated at the international level by the	**A** *Council text: LL changes + the addition of "as amended" so as*

	Commission proposal (COM(2018) 315 final) (doc. 9123/18 + ADD 1)	EP amendments	General approach (doc. 13233/1/18 REV 1)	Presidency remarks/proposals
	International Maritime Organisation Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 ('STCW Convention') which was revised in 2010. Further amendments to the STCW Convention were adopted in 2015 on the training and qualification requirements for seafarers working on board ships subject to the International Code of safety for ships using gases or other low-flashpoint fuels (IGF Code). Also, in 2016, amendments to the STCW Convention were adopted in relation to training and qualification of seafarers working on board passenger ships and on board ships operating in polar waters.		International Maritime Organization Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978***, as amended*** (the 'STCW Convention') which was revised in 2010. *[...] A*mendments to the STCW Convention were adopted in 2015 on the training and qualification requirements for seafarers working on board ships subject to the International Code of *S*afety for *S*hips using *G*ases or other *L*ow-flashpoint *F*uels (the 'IGF Code'). Also, in 2016, amendments to the STCW Convention were adopted in relation to training and qualification of seafarers working on board passenger ships and on board ships operating in polar waters.	*to avoid repeating it every time the STCW Convention is mentioned.*

	Commission proposal (COM(2018) 315 final) (doc. 9123/18 + ADD 1)	EP amendments	General approach (doc. 13233/1/18 REV 1)	Presidency remarks/proposals
14.		**Amendment 2** **Recital 2a (new)**		**Proposed compromise:**
15.		***(2a) The STCW Code already contains guidance on the prevention of fatigue (Section B-VIII/1) as well as on fitness for duty (Section A-VIII/1). In order to ensure high levels of safety, it is imperative that the standards laid out in this international convention are enforced and followed without exception.***		**C** ***(2a) The STCW Code already contains guidance on the prevention of fatigue (Section B-VIII/1) as well as on fitness for duty (Section A-VIII/1). In the interest of safety ~~order to ensure high levels of safety,~~ it is imperative that the requirements of Article 15 ~~standards laid out in this international convention~~ are enforced and followed without exception and that due account is taken of the guidance referred to.***
16.	(3) Directive 2008/106/EC of the European Parliament and of the Council* incorporates the STCW Convention into the Union law. All Member States are signatories to the STCW Convention and thus a harmonized implementation of their international commitments is to be achieved through the alignment of the Union rules on training and certification of seafarers with the STCW Convention. Therefore, several		(3) Directive 2008/106/EC of the European Parliament and of the Council* incorporates the STCW Convention into *[...]* Union law. All Member States are signatories to the STCW Convention and thus a harmonized implementation of their international commitments is to be achieved through the alignment of the Union rules on training and certification of seafarers with the STCW Convention. Therefore, several	**A** *Council text: LL changes.*

	Commission proposal (COM(2018) 315 final) (doc. 9123/18 + ADD 1)	EP amendments	General approach (doc. 13233/1/18 REV 1)	Presidency remarks/proposals
	provisions of Directive 2008/106/EC should be amended in order to reflect the latest amendments to the STCW Convention regarding training and qualification of seafarers working on board ships falling under the IGF Code, on board passenger ships and on board ships operating in polar waters. _____ OJ L 323, 3.12.2008, p. 33. .		provisions of Directive 2008/106/EC should be amended in order to reflect the latest amendments to the STCW Convention regarding training and qualification of seafarers working on board ships falling under the IGF Code, on board passenger ships and on board ships operating in polar waters. _____ *Directive 2008/106/EC of the European Parliament and of the Council of 19 November 2008 on the minimum level of training of seafarers (*OJ L 323, 3.12.2008, p. 33*)*.	
17.		**Amendment 3** **Recital 3a (new)**		
18.		***(3a) In order to foster the professional mobility of seafarers within the EU and avoid the European maritime sector facing a shortage of competent staff with the right mix of skills and competences, the mutual recognition of seafarers' certificates issued by Member States should be facilitated. Therefore, Member States should fully recognise certificates of proficiency and***	***(3a) It is one of the objectives of the common transport policy in the field of maritime transport to facilitate the movement of seafarers within the Union. Such movement contributes, among other things, to making the Union maritime transport sector attractive to future generations to avoid the European maritime cluster encountering a shortage of competent staff with the right***	**C** **General approach accepted.**

	Commission proposal (COM(2018) 315 final) (doc. 9123/18 + ADD 1)	EP amendments	General approach (doc. 13233/1/18 REV 1)	Presidency remarks/proposals
		documentary evidence issued to seafarers by other Member States, including for the purposes of issuing national certificates of competency. If a Member State refuses to endorse or accept such a valid certificate issued by another Member State, it should state the reasons on which that decision is based.	***mix of skills and competencies. The mutual recognition of seafarers' certificates issued by Member States is an essential element necessary to facilitate the movement of seafarers. In the light of the right to good administration, Member States' decisions in respect of acceptance of certificates of proficiency issued to seafarers by other Member States for the purposes of issuing national certificates of competency should be based on reasons ascertainable by the seafarer concerned.***	
19.	(4) In order to take account of developments at international level and to ensure the timely adaptation of the Union rules to such developments, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of incorporating amendments to the STCW Convention by updating the technical requirements on training and certification of seafarers. It is of particular		(4) In order to take account of developments at international level and to ensure the timely adaptation of the Union rules to such developments, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of incorporating amendments to the STCW Convention by updating the technical requirements on training and certification of seafarers. It is of particular	**A** *Council text: LL changes to adapt to standard wording.*

	Commission proposal (COM(2018) 315 final) (doc. 9123/18 + ADD 1)	EP amendments	General approach (doc. 13233/1/18 REV 1)	Presidency remarks/proposals
	importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making*. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council are to receive all documents at the same time as Member States' experts, and their experts are to have systematically access to meetings of Commission expert groups dealing with the preparation of delegated acts. _____ * Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making (OJ L 123, 12.5.2016, p. 10).		importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making*. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council *[...]* receive all documents at the same time as Member States' experts, and their experts*[...]* have systematically access to meetings of Commission expert groups dealing with the preparation of delegated acts. _____ * *[...]* OJ L 123, 12.5.2016, p. 10.	

	Commission proposal (COM(2018) 315 final) (doc. 9123/18 + ADD 1)	EP amendments	General approach (doc. 13233/1/18 REV 1)	Presidency remarks/proposals
20.		**Amendment 4** **Recital 5**		**Proposed compromise:**
21.	(5) Directive 2008/106/EC also contains a centralised mechanism for the recognition of seafarers' certificates issued by third countries. The Regulatory Fitness Programme (REFIT) evaluation* showed that significant cost savings for the Member States were achieved since the introduction of the centralised mechanism. However, the evaluation also revealed that, with regard to some of the recognised third countries, only a very limited number of seafarers was subsequently employed in Union vessels. Therefore, in order to use the available human and financial resources in a more efficient way, the procedure for the recognition of third countries should be based on an analysis of the need for such recognition, including an estimation of the number of masters and officers originating from that country who are likely to be employed in Union vessels.	(5) Directive 2008/106/EC also contains a centralised mechanism for the recognition of seafarers' certificates issued by third countries. The Regulatory Fitness Programme (REFIT) evaluation* showed that significant cost savings for the Member States were achieved since the introduction of the centralised mechanism. However, the evaluation also revealed that, with regard to some of the recognised third countries, only a very limited number of ***endorsements attesting to*** the recognition of ***certificates were issued by Member States in relation to certificates of competency or certificates of proficiency issued by those*** third countries ***[…]***. _____ * SWD(2018)19	(5) Directive 2008/106/EC also contains a centralised mechanism for the recognition of seafarers' certificates issued by third countries. The Regulatory Fitness Programme (REFIT) evaluation* showed that significant cost savings for the Member States were achieved since the introduction of the centralised mechanism. However, the evaluation also revealed that, with regard to some of the recognised third countries, only a very limited number of seafarers was subsequently employed in Union vessels. Therefore, in order to use the available human and financial resources in a more efficient way, the procedure for the recognition of third countries should be based on an analysis of the need for such recognition, including ***but not limited to*** an ***indication of the estimated*** number of masters and officers originating from that country who are likely to be employed in Union vessels***, to be submitted***	**B** (5) Directive 2008/106/EC also contains a centralised mechanism for the recognition of seafarers' certificates issued by third countries. The Regulatory Fitness Programme (REFIT) evaluation* showed that significant cost savings for the Member States were achieved since the introduction of the centralised mechanism. However, the evaluation also revealed that, with regard to some of the recognised third countries, only a very limited number of ***endorsements attesting to*** the recognition of ***certificates were issued by Member States in relation to certificates of competency or certificates of proficiency issued by those*** third countries. Therefore, in order to use the available human and financial resources in a more efficient way, the procedure for the recognition of third countries should be based on an analysis of the need for such recognition,

	Commission proposal (COM(2018) 315 final) (doc. 9123/18 + ADD 1)	EP amendments	General approach (doc. 13233/1/18 REV 1)	Presidency remarks/proposals
	_____ * SWD(2018)19.		***for examination to the Committee on Safe Seas and the Prevention of Pollution from Ships (COSS)***. _____ * SWD(2018) 19.	including ***but not limited to*** an ***indication of the estimated*** number of masters**,** ~~and~~ officers ***and radio operators*** originating from that country who are likely to be employed in Union vessels***, to be submitted for examination to the Committee on Safe Seas and the Prevention of Pollution from Ships (COSS)***. _____ * SWD(2018) 19.
22.	(6) In view of the experience gained in applying the procedure of recognition of third countries, the REFIT evaluation revealed that the current time-frame of 18 months does not take into account the complexity of the process which includes an on field inspection conducted by the European Maritime Safety Agency. The necessary diplomatic arrangements to plan and carry out such an inspection require more time. Furthermore, the 18 months period is not sufficient where the third country has to implement corrective actions and undertake legal changes in its system in		(6) In view of the experience gained in applying the procedure of recognition of third countries, the REFIT evaluation revealed that the current time-frame of 18 months does not take into account the complexity of the process which includes an on field inspection conducted by the European Maritime Safety Agency. The necessary diplomatic arrangements to plan and carry out such an inspection require more time. Furthermore, the 18 months period is not sufficient where the third country has to implement corrective actions and undertake legal changes in its system in	**A** *Identical.*

	Commission proposal (COM(2018) 315 final) (doc. 9123/18 + ADD 1)	EP amendments	General approach (doc. 13233/1/18 REV 1)	Presidency remarks/proposals
	order to comply with the requirements of the STCW Convention. On those grounds, the deadline for the adoption of a Commission decision should be extended from 18 to 24 months and, where considerable corrective actions, including amendments to legal provisions, have to be implemented by the third country, the deadline should be further extended to 36 months. In addition, the possibility for the requesting Member State to provisionally recognise the third country's system for standards of training, certification and watchkeeping for seafarers should be kept in order to maintain the flexibility of the recognition procedure.		order to comply with the requirements of the STCW Convention. On those grounds, the deadline for the adoption of a Commission decision should be extended from 18 to 24 months and, where considerable corrective actions, including amendments to legal provisions, have to be implemented by the third country, the deadline should be further extended to 36 months. In addition, the possibility for the requesting Member State to provisionally recognise the third country's system for standards of training, certification and watchkeeping for seafarers should be kept in order to maintain the flexibility of the recognition procedure.	
23.		**Amendment 5** **Recital 6 a (new)**		**Proposed compromise:**
24.		***(6a) In order to ensure the right of all seafarers to decent employment and to limit distortions of competition in the internal market, the recognition of seafarers' certificates issued by third countries should be conditional upon the ratification of the international***		**C** ***In order to ensure the right of all seafarers to decent employment and to limit distortions of competition in the internal market, future recognition of ~~seafarers' certificates issued by~~ third countries should take into***

	Commission proposal (COM(2018) 315 final) (doc. 9123/18 + ADD 1)	EP amendments	General approach (doc. 13233/1/18 REV 1)	Presidency remarks/proposals
		Maritime Labour Convention by those third countries.		***consideration whether they have ratified the Maritime Labour Convention, 2006***.
25.		**Amendment 6** **Recital 7**		
26.	(7) In order to further increase the efficiency of the centralised system for the recognition of third countries, the reassessment of third countries which provide low number of seafarers in the Union fleet should be performed in longer intervals which should be increased to ten years. However, this longer period of reassessment of the system of such third countries should be combined with priority criteria which take into account safety concerns, balancing the need for efficiency with an effective safeguard mechanism in case of deterioration of the quality of seafarers' training provided in the relevant third countries.	(7) In order to further increase the efficiency of the centralised system for the recognition of third countries, the reassessment of third countries which provide low number of seafarers in the Union fleet should be performed in longer intervals which should be increased to ***eight*** years. ***The aptitude of those seafarers should also be assessed by the Member States and, if necessary, they should undergo training.*** However, this longer period of reassessment of the system of such third countries should be combined with priority criteria which take into account safety concerns, balancing the need for efficiency with an effective safeguard mechanism in case of deterioration of the quality of seafarers' training provided in the relevant third countries.	(7) In order to further increase the efficiency of the centralised system for the recognition of third countries, the reassessment of third countries which provide low number of seafarers in the Union fleet should be performed in longer intervals which should be increased to ten years. However, this longer period of reassessment of the system of such third countries should be combined with priority criteria which take into account safety concerns, balancing the need for efficiency with an effective safeguard mechanism in case of deterioration of the quality of seafarers' training provided in the relevant third countries.	**C** **Keep general approach**

	Commission proposal (COM(2018) 315 final) (doc. 9123/18 + ADD 1)	EP amendments	General approach (doc. 13233/1/18 REV 1)	Presidency remarks/proposals
27.		**Amendment 7** **Recital 8**		**Proposed compromise:**
28.	(8) Information on the seafarers employed from third countries has become available at Union level through the communication by the Member States of the relevant information kept in their national registers regarding issued certificates and endorsements. This information should be used not only for statistical and policy making purposes but also for the purpose of improving the efficiency of the centralised system recognising third countries. Based on the information communicated by the Member States, recognised third countries which have not provided the Union fleet with seafarers for a period of at least five years shall be withdrawn from the list of recognised third countries. In addition, this information shall be also used in order to prioritise the reassessment of the recognised third countries.	(8) Information on the seafarers employed from third countries has become available at Union level through the communication by the Member States of the relevant information kept in their national registers regarding issued certificates and endorsements. This information should be used not only for statistical and policy making purposes but also for the purpose of improving the efficiency of the centralised system recognising third countries. Based on the information communicated by the Member States, ***the recognition of*** third countries which have not provided the Union fleet with seafarers for a period of at least ***eight*** years ***should be re-examined. The re-examination process should cover the possibility of retaining or withdrawing the recognition of the relevant*** third ***country.*** In addition, this information shall be also used in	(8) Information on the seafarers employed from third countries has become available at Union level through the communication by the Member States of the relevant information kept in their national registers regarding issued certificates and endorsements. This information should be used ***[…]*** for statistical and policy-making purposes***, in particular*** for the purpose of improving the efficiency of the centralised system ***for the recognition of*** third countries. Based on the information communicated by the Member States, ***the recognition of*** third countries which have not provided the Union fleet with seafarers for a period of at least ***seven*** years ***should*** be ***re-examined***. ***The re-examination process should cover the possibility of retaining or withdrawing the recognition of the relevant third country, in accordance with the examination procedure.*** In	**C** (8) Information on the seafarers employed from third countries has become available at Union level through the communication by the Member States of the relevant information kept in their national registers regarding issued certificates and endorsements. This information should be used ***[…]*** for statistical and policy-making purposes***, in particular*** for the purpose of improving the efficiency of the centralised system ***for the recognition of*** third countries. Based on the information communicated by the Member States, ***the recognition of*** third countries which have not provided the Union fleet with seafarers for a period of at least ~~***seven***~~ ***eight*** years ***should*** be ***re-examined***. ***The re-examination process should cover the possibility of retaining or withdrawing the recognition of the relevant third country, in accordance with the***

	Commission proposal (COM(2018) 315 final) (doc. 9123/18 + ADD 1)	EP amendments	General approach (doc. 13233/1/18 REV 1)	Presidency remarks/proposals
		order to prioritise the reassessment of the recognised third countries.	addition, this information ***should also*** be ***[…]*** used in order to prioritise the reassessment of the recognised third countries.	***examination procedure.*** In addition, this information ***should also*** be ***[…]*** used in order to prioritise the reassessment of the recognised third countries.
29.		**Amendment 8** **Recital 9**		**Proposed compromise:**
30.	(9) The provisions for recognition of professional qualifications in accordance with Directive 2005/36/EC of the European Parliament and of the Council* are not applicable with regard to the recognition of certificates of seafarers under Directive 2008/106/EC. Directive 2005/45/EC of the European Parliament and of the Council** regulated the mutual recognition of seafarers' certificates issued by the Member States. However, the definitions of seafarers' certificates referred in Directive 2005/45/EC have become obsolete following the 2010 amendments to the STCW Convention. Therefore the mutual recognition scheme of seafarers' certificates issued by Member States should be	(9) The provisions for recognition of professional qualifications in accordance with Directive 2005/36/EC of the European Parliament and of the Council* are not applicable with regard to the recognition of certificates of seafarers under Directive 2008/106/EC. Directive 2005/45/EC of the European Parliament and of the Council** regulated the mutual recognition of seafarers' certificates issued by the Member States. However, the definitions of seafarers' certificates referred in Directive 2005/45/EC have become obsolete following the 2010 amendments to the STCW Convention. Therefore the mutual recognition scheme of seafarers' certificates issued by Member States should be	(9) The provisions for recognition of professional qualifications *set out in* Directive 2005/36/EC of the European Parliament and of the Council* are not applicable with regard to the recognition of certificates of seafarers under Directive 2008/106/EC. Directive 2005/45/EC of the European Parliament and of the Council** regulated the mutual recognition of seafarers' certificates issued by the Member States. However, the definitions of seafarers' certificates referred *to* in Directive 2005/45/EC have become obsolete following the 2010 amendments to the STCW Convention. Therefore the mutual recognition scheme of seafarers' certificates issued by Member States should be	**C** (9) The provisions for recognition of professional qualifications *set out in* Directive 2005/36/EC of the European Parliament and of the Council* are not applicable with regard to the recognition of certificates of seafarers under Directive 2008/106/EC. Directive 2005/45/EC of the European Parliament and of the Council** regulated the mutual recognition of seafarers' certificates issued by the Member States. However, the definitions of seafarers' certificates referred *to* in Directive 2005/45/EC have become obsolete following the 2010 amendments to the STCW Convention. Therefore the mutual recognition scheme of seafarers' certificates issued by

	Commission proposal (COM(2018) 315 final) (doc. 9123/18 + ADD 1)	EP amendments	General approach (doc. 13233/1/18 REV 1)	Presidency remarks/proposals
	amended in order to reflect the international amendments and the new definitions of seafarers certificates included in Directive 2008/106/EC. In addition, the seafarers' medical certificates issued under the authority of Member States should also be included in the mutual recognition scheme. In order to remove ambiguity and the risk of inconsistencies between Directive 2005/45/EC and Directive 2008/106/EC, the mutual recognition of seafarers' certificates should be regulated by Directive 2008/106/EC. _____ * Directive 2005/36/EC of the European Parliament and of the Council on the recognition of professional qualifications (OJ L 255, 30.9.2005, p. 22). ** Directive 2005/45/EC of the European Parliament and of the Council on the mutual recognition of seafarers' certificates issued by the Member States and amending Directive 2001/25/EC (OJ L 255, 30.9.2005, p.160).	amended in order to reflect the international amendments and the new definitions of seafarers certificates included in Directive 2008/106/EC. In addition, the seafarers' medical certificates issued under the authority of Member States should also be included in the mutual recognition scheme. In order to remove ambiguity and the risk of inconsistencies between Directive 2005/45/EC and Directive 2008/106/EC, the mutual recognition of seafarers' certificates should be regulated by Directive 2008/106/EC. ***Furthermore, in order to reduce the administrative burden on the Member States and to facilitate the management of ships, an electronic system for the presentation of seafarers' qualifications needs to be introduced with a view to the qualifications and certificates system becoming completely paperless by 2027.*** _____ * Directive 2005/36/EC of the European Parliament and of the	amended in order to reflect the international amendments and the new definitions of seafarers certificates included in Directive 2008/106/EC. In addition, the seafarers' medical certificates issued under the authority of Member States should also be included in the mutual recognition scheme. In order to remove ambiguity and the risk of inconsistencies between Directive 2005/45/EC and Directive 2008/106/EC, the mutual recognition of seafarers' certificates should be regulated only by Directive 2008/106/EC. _____ * Directive 2005/36/EC of the European Parliament and of the Council on the recognition of professional qualifications (OJ L 255, 30.9.2005, p. 22). ** Directive 2005/45/EC of the European Parliament and of the Council on the mutual recognition of seafarers' certificates issued by the Member States and amending Directive 2001/25/EC (OJ L 255, 30.9.2005, p. 160).	Member States should be amended in order to reflect the international amendments and the new definitions of seafarers certificates included in Directive 2008/106/EC. In addition, the seafarers' medical certificates issued under the authority of Member States should also be included in the mutual recognition scheme. In order to remove ambiguity and the risk of inconsistencies between Directive 2005/45/EC and Directive 2008/106/EC, the mutual recognition of seafarers' certificates should be regulated only by Directive 2008/106/EC. ***Furthermore, in order to reduce the administrative burden on the Member States ~~and to facilitate the management of ships~~, an electronic system for the presentation of seafarers' qualifications should ~~needs to be introduced~~ when relevant amendments to the STCW Convention have been adopted ~~with a view to the qualifications and certificates system becoming completely paperless~~***

	Commission proposal (COM(2018) 315 final) (doc. 9123/18 + ADD 1)	EP amendments	General approach (doc. 13233/1/18 REV 1)	Presidency remarks/proposals
		Council on the recognition of professional qualifications (OJ L 255, 30.9.2005, p. 22). ** Directive 2005/45/EC of the European Parliament and of the Council on the mutual recognition of seafarers' certificates issued by the Member States and amending Directive 2001/25/EC (OJ L 255, 30.9.2005, p.160).		~~***by 2027***~~**.** _____ * Directive 2005/36/EC of the European Parliament and of the Council on the recognition of professional qualifications (OJ L 255, 30.9.2005, p. 22). ** Directive 2005/45/EC of the European Parliament and of the Council on the mutual recognition of seafarers' certificates issued by the Member States and amending Directive 2001/25/EC (OJ L 255, 30.9.2005, p. 160).
31.		**Amendment 9** **Recital 9a (new)**		
32.		***(9a) In order to help increase safety, improve efficiency with regard to the management of vessels flying a Member State flag and promote seafarers trained within the Union, it is important to further develop European maritime know-how and improve seafarers' qualifications and skills, in particular in the context of technological developments and the digitisation of the sector. Training should therefore be offered above and beyond the***		**C** **EP prepared to withdraw amendment**

	Commission proposal (COM(2018) 315 final) (doc. 9123/18 + ADD 1)	EP amendments	General approach (doc. 13233/1/18 REV 1)	Presidency remarks/proposals
		minimum requirements laid down in the STCW Convention and results in the award of a European Maritime Diploma of Excellence, as the Task Force on Maritime Employment and Competitiveness at the Commission recommended in its report of 9 June 2011. Furthermore, in order for benefits to be derived from exchanges of good practice among Member States, encouragement should be given to promoting the Erasmus+ scheme for seafarer training.		
33.		**Amendment 10** **Recital 9b (new)**		**Proposed compromise:**
34.		***(9b) Certificates should be centralised by means of an EU-level electronic database, which is also linked to the database referred to in Directive 2009/16/EC[1a] of the European Parliament and of the Council. This digitisation of data is part and parcel of technological progress in the area of data collection and communication with a view to helping to bring down costs and making efficient use of human***		**C** ***(9b) ~~Certificates should be centralised by means of an EU-level electronic database, which is also linked to the database referred to in Directive 2009/16/EC* of the European Parliament and of the Council. This~~ Digitalisation of data is part and parcel of technological progress in the area of data collection and communication with a view to helping to bring***

	Commission proposal (COM(2018) 315 final) (doc. 9123/18 + ADD 1)	EP amendments	General approach (doc. 13233/1/18 REV 1)	Presidency remarks/proposals
		resources. ***_____*** ***[1a] Directive 2009/16/EC of the European Parliament and of the Council of 23 April 2009 on port State control (OJ L 131, 28.5.2009, p. 57).***		***down costs and making efficient use of human resources. The Commission should consider measures in order to enhance the effectiveness of port State control, including, amongst others, an evaluation of the feasibility and added value of setting up and managing a central database of seafarers' certificates which would be interconnected with the inspection database referred to in Article 24 of Directive 2009/16/EC of the European Parliament and of the Council*, and to which all Member States would be connected, containing all the information referred to in Annex V to this Directive on certificates of competency and endorsements attesting the recognition of certificates of proficiency issued in accordance with Regulations V/1-1 and V/1-2 of the STCW Convention.*** ***~~Processing of personal data by~~***

	Commission proposal (COM(2018) 315 final) (doc. 9123/18 + ADD 1)	EP amendments	General approach (doc. 13233/1/18 REV 1)	Presidency remarks/proposals
				~~*the Commission within the framework of this Directive, should comply with the provisions of Regulation (EU) 2018/1725 of the European Parliament and of the Council**.*~~ _____ ** Directive 2009/16/EC of the European Parliament and of the Council of 23 April 2009 on port State control (OJ L 131, 28.5.2009, p. 57).* ~~*** Regulation (EU) 2018/1725 of the European Parliament and of the Council** of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39)*~~

	Commission proposal (COM(2018) 315 final) (doc. 9123/18 + ADD 1)	EP amendments	General approach (doc. 13233/1/18 REV 1)	Presidency remarks/proposals
35.	(10) In order to increase legal clarity and consistency, Directive 2005/45/EC should be repealed and Directive 2008/106/EC should be amended accordingly,		(10) In order to increase legal clarity and consistency, Directive 2005/45/EC should be repealed.	**A** *Council text: LL changes (see line 36).*
36.			*(10a)* Directive 2008/106/EC should be amended accordingly,	**A** *Council text: LL changes.*
37.		**Amendment 11** **Recital 10a (new)**		
38.		***(10a) A broad debate involving social partners, Member States, training institutions and other stakeholders is necessary to investigate the possibility of creating a voluntary system of harmonised certificates going beyond the STCW in the level of training, in order to increase the competitive advantage of European seafarers. Such a STCW+ could establish "maritime certificates of excellence" based on European maritime postgraduate courses, which would provide European seafarers with skills above and beyond those required at international level. The increasing digitisation of the maritime sector should help improve and develop those***		**C** **EP prepared to withdraw amendment**

	Commission proposal (COM(2018) 315 final) (doc. 9123/18 + ADD 1)	EP amendments	General approach (doc. 13233/1/18 REV 1)	Presidency remarks/proposals
		skills and qualifications.		
39.		**Amendment 12** **Recital 10b (new)**		
40.		***(10b) The education of European seafarers as masters and officers should be supported by exchanges of students between Maritime Education and Training Institutions across the Union. In order to cultivate and develop the skills and qualifications of seafarers under a European flag, an exchange of good practices between Member States is necessary. The training of seafarers should fully benefit from the opportunities provided by Erasmus +.***		**C** **Accept EP amendment**
41.	HAVE ADOPTED THIS DIRECTIVE:		HAVE ADOPTED THIS DIRECTIVE:	
42.	Article 1 Amendments to Directive 2008/106/EC		Article 1 Amendments to Directive 2008/106/EC	**A** *Identical.*
43.	(1) In Article 1, the following points are added:		(1) In Article 1, the following points are added:	**A** *Identical.*
44.	"43. 'host Member State' means the Member State in which seafarers seek acceptance or recognition of their certificates;		"43. 'host Member State' means the Member State in which seafarers seek acceptance or recognition of their certificates ***of competency, certificates of***	**A** *Clarification, no substantial change.*

	Commission proposal (COM(2018) 315 final) (doc. 9123/18 + ADD 1)	EP amendments	General approach (doc. 13233/1/18 REV 1)	Presidency remarks/proposals
			proficiency or documentary evidence;	
45.	44. 'IGF Code' means the International Code of safety for ships using gases or other low-flashpoint fuels, as defined in SOLAS regulation II-1/2.29;		44. 'IGF Code' means the International Code of *S*afety for *S*hips using *G*ases or other *L*ow-flashpoint *F*uels, as defined in SOLAS regulation II-1/2.29;	**A** *Editorial, adaptation to IMO standard wording.*
46.	45. 'Polar Code' means the International Code for Ships Operating in Polar Waters, as defined in SOLAS regulation XIV/1.1;		45. 'Polar Code' means the International Code for Ships Operating in Polar Waters, as defined in SOLAS regulation XIV/1.1;	**A** *Identical.*
47.	46. 'Polar waters' means Arctic waters and/or the Antarctic area, as defined in SOLAS regulations XIV/1.2 to XIV/1.4."		46. 'Polar waters' means Arctic waters and/or the Antarctic area, as defined in SOLAS regulations XIV/1.2 to XIV/1.4."	**A** *Identical.*
48.	(2) Article 2 is amended as follows:		(2) Article 2 is amended as follows:	**A** *Identical.*
49.	(a) the first sub-paragraph is amended as follows:		(a) the first sub-paragraph is amended as follows:	**A** *Identical.*
50.	"1. This Directive shall apply to the seafarers mentioned in this Directive serving on board seagoing ships flying the flag of a Member State with the exception of:"		"1. This Directive shall apply to the seafarers mentioned in this Directive serving on board seagoing ships flying the flag of a Member State with the exception of:"	**A** *Identical.*
51.	(b) the following paragraph 2 is added:		(b) the following paragraph 2 is added:	**A** *Identical.*
52.	"*2.* Article 5b shall apply to seafarers who are:		"2. Article 5b shall apply to seafarers who ***[…]*** hold a certificate issued by a Member	**B**

	Commission proposal (COM(2018) 315 final) (doc. 9123/18 + ADD 1)	EP amendments	General approach (doc. 13233/1/18 REV 1)	Presidency remarks/proposals
			State***, regardless of their nationality***."	
53.	(a) nationals of a Member State;		(a) ***[…]***	**B**
54.	(b) non-nationals who hold a certificate issued by a Member State."		(b) ***[…]***	**B**
55.		**Amendment 13** **Article 5 – paragraph 10**		**Proposed compromise:**
56.		***(2a) In Article 5, paragraph 10 is replaced by the following:***		***(2a) In Article 5, paragraph 10 is replaced by the following:***
57.		‘10. Subject to Article 19(7) any certificate required by this Directive shall be kept available in its original form on board the ship on which the holder is serving***, on paper or in electronic format, the authenticity and validity of which shall be guaranteed by the issuing State, and which may be verified under the procedure laid down in point (b) of paragraph 12 and paragraph 13 of this Article.’***		**C** ‘10. Subject to Article 19(7) any certificate required by this Directive shall be kept available in its original form on board the ship on which the holder is serving***, ~~on paper~~ in hard copy or in ~~electronic~~ digital format, the authenticity and validity of ~~which shall be guaranteed by the issuing State, and~~ which may be verified under the procedure laid down in point (b) of paragraph 12 and paragraph 13 of this Article.’***
58.		**Amendment 14** **Article 5 – paragraph 13**		*Proposed compromise*
59.		***(2b) In Article 5, paragraph 13 is replaced by the following:***		**C** ***(2b) In Article 5, paragraph 13 is replaced by the following:***

	Commission proposal (COM(2018) 315 final) (doc. 9123/18 + ADD 1)	EP amendments	General approach (doc. 13233/1/18 REV 1)	Presidency remarks/proposals
60.		‘13. As of 1 January 2017, the information required to be available in accordance with point (b) of paragraph 12 shall be made available by electronic means. ***As of 1 January 2027, all certificates and endorsements shall, in accordance with point (a) of paragraph 12, be made available by electronic means.’***		**C** ***When relevant amendments to the STCW Convention and STCW Code in relation to digital certificates for seafarers come into force, the Commission shall be empowered to adopt delegated in accordance with Article 27a in order to align all the relevant provisions of ~~the~~ this Directive with ~~shall be aligned with~~ those amendments ~~through the process of Article 27 paragraph 2~~ in order to digitalise the seafarers' certificates and endorsements. ~~If there are no relevant amendments to the STCW Convention and STCW Code within 10 years from the entry into force of this Directive, the Commission shall be empowered to adopt delegated acts in order to make all certificates and endorsements available by electronic means in accordance with Article 27a.~~***
61.	(3) Article 5a is replaced by the following:		(3) Article 5a is replaced by the following:	**A** *Identical.*
62.			*"Article 5a*	**A** *Council text: LL changes*
63.			*Information to the Commission*	**A** *Council text: LL changes*

	Commission proposal (COM(2018) 315 final) (doc. 9123/18 + ADD 1)	EP amendments	General approach (doc. 13233/1/18 REV 1)	Presidency remarks/proposals
64.		**Amendment 15** **Article 5a – paragraph 1**		**Proposed compromise:**
65.	"For the purposes of paragraph 8 of Article 20, paragraph 2 of Article 21 and for use by the Member States and the Commission in policy-making, Member States shall submit to the Commission, on a yearly basis, the information referred to in Annex V to this Directive on certificates of competency and endorsements attesting the recognition of certificates of competency. They may also provide, on a voluntary basis, the information on certificates of proficiency issued to ratings in accordance with Chapters II, III and VII of the Annex to the STCW Convention."	For the purposes of paragraph 8 of Article 20 ***and*** paragraph 2 of Article 21***, as well as to facilitate the implementation of Article 8,*** the Commission ***shall create***, ***manage and update a database to which all the*** Member States shall ***be connected, and which shall contain all*** the information referred to in Annex V to this Directive on certificates of competency and endorsements attesting the recognition of certificates of proficiency issued in accordance with ***Regulations V/1-1 and V/1-2 of*** the STCW Convention.	For the purposes of *Article 20(*8*)*, *Article 21(2)* and ***exclusively*** for use by the Member States and the Commission in policy-making ***and for statistical purposes***, Member States shall submit to the Commission, on a yearly basis, the information *listed* in Annex V to this Directive on certificates of competency and endorsements attesting the recognition of certificates of competency. They may also provide, on a voluntary basis, *[...]* information on certificates of proficiency issued to ratings in accordance with Chapters II, III and VII of the Annex to the STCW Convention***, such as that listed in Annex V to this Directive***."	**C** **Keep general approach**
66.		**Amendment 16** **Article 5a – paragraph 1 a (new)**		
67.		***1a. The database of seafarers' certificates must be interconnected with the inspection database referred to in Article 24 of Directive***		**C** **Keep general approach**

	Commission proposal (COM(2018) 315 final) (doc. 9123/18 + ADD 1)	EP amendments	General approach (doc. 13233/1/18 REV 1)	Presidency remarks/proposals
		2009/16/EC.		
68.	(4) The following Article 5b is inserted:		(4) The following Article is inserted:	**A** *Identical.*
69.	"Article 5b		"Article 5b	**A** *Identical.*
70.	Mutual recognition of seafarers' certificates issued by Member States		Mutual recognition of seafarers' certificates issued by Member States	**A** *Identical.*
71.		**Amendment 17 Article 5b – paragraph 1**		**Proposed compromise:**
72.	1. Every Member State shall accept Certificates of Proficiency and Documentary evidence issued by another Member State, or under its authority, for the purpose of allowing seafarers to serve on-board its fleet.	1. Every Member State shall accept certificates of proficiency and documentary evidence issued by another Member State, or under its authority, ***on paper or in electronic format,*** for the purpose of allowing seafarers to serve ***on board vessels in*** its fleet***, and for issuing Certificates of Competency or Certificates of Proficiency***. ***The initial decision regarding the acceptance of such certificates or evidence shall be issued within one month of receipt of the request and supporting documentation.***	1. Every Member State shall accept ***c***ertificates of *p*roficiency and *d*ocumentary evidence issued by another Member State, or under its authority, for the purpose of allowing seafarers to serve ***on ships flying its flag***.	**C** 1. Every Member State shall accept ***c***ertificates of *p*roficiency and *d*ocumentary evidence issued by another Member State, or under its authority, ***~~on paper~~ in hard copy or in ~~electronic~~ digital format,*** for the purpose of allowing seafarers to serve ***on ships flying its flag***. ***~~The initial decision regarding the acceptance of such certificates or evidence shall be issued within a reasonable time following the receipt of the request and supporting documentation~~.***
73.		**Amendment 18 Article 5b – paragraph 2**		
74.	2. Every Member State shall recognise Certificates of Competency issued by another Member State or Certificates of	2. Every Member State shall recognise Certificates of Competency issued by another Member State or Certificates of	2. Every Member State shall recognise *c*ertificates of *c*ompetency issued by another Member State or *c*ertificates of	**A**

	Commission proposal (COM(2018) 315 final) (doc. 9123/18 + ADD 1)	EP amendments	General approach (doc. 13233/1/18 REV 1)	Presidency remarks/proposals
	Proficiency issued by another Member State to masters and officers in accordance with Regulations V/1-1 and V/1-2 of Annex I, by endorsing that certificate to attest its recognition. The endorsement attesting the recognition, shall be limited to the capacities, functions and levels of competency or proficiency prescribed therein. The form of the endorsement used shall be that set out in paragraph 3 of Section A-I/2 of the STCW Code.	Proficiency issued by another Member State to masters and officers in accordance with Regulations V/1-1 and V/1-2 of Annex I, by endorsing that certificate to attest its recognition. The endorsement attesting the recognition, shall be limited to the capacities, functions and levels of competency or proficiency prescribed therein. ***The endorsement shall only be issued if all requirements of the STCW Convention have been complied with, in accordance with paragraph 7 of Regulation I/2 of the STCW Convention.*** The form of the endorsement used shall be that set out in paragraph 3 of Section A-I/2 of the STCW Code.	*p*roficiency issued by another Member State to masters and officers in accordance with Regulations V/1-1 and V/1-2 of Annex I *to this Directive*, by endorsing that certificate to attest its recognition. The endorsement attesting the recognition ***[…]*** shall be limited to the capacities, functions and levels of competency or proficiency prescribed therein. ***The endorsement shall only be issued if all requirements of the STCW Convention have been complied with, in accordance with paragraph 7 of Regulation I/2 of the STCW Convention.*** The form of the endorsement used shall be that set out in paragraph 3 of Section A-I/2 of the STCW Code.	
75.	3. Every Member State shall accept, for the purpose of allowing seafarers to serve on-board its fleet, medical certificates issued under the authority of another Member State in accordance with Article 11.		3. Every Member State shall accept, for the purpose of allowing seafarers to serve ***on ships flying its flag***, medical certificates issued under the authority of another Member State in accordance with Article 11.	**A** *Editorial*

	Commission proposal (COM(2018) 315 final) (doc. 9123/18 + ADD 1)	EP amendments	General approach (doc. 13233/1/18 REV 1)	Presidency remarks/proposals
76.		**Amendment 19** **Article 5b – paragraph 4**		**Proposed compromise:**
77.	4. Member States shall ensure that seafarers have the right to appeal against any refusal to endorse or accept a valid certificate, or the absence of any response, in accordance with national legislation and procedures.	4. Member States shall ensure that seafarers have the right to appeal against any refusal to endorse or accept a valid certificate, ***[…]*** the absence of any response ***or unjustified delays***, in accordance with national legislation and procedures ***and that seafarers shall be provided with adequate advice and assistance free of charge regarding such appeals***.	4. The host Member States shall ensure that seafarers have the right to appeal against any refusal to endorse or accept a valid certificate, or the absence of any response, in accordance with national legislation and procedures.	**C** 4. ***The host Member States shall ensure that the decisions referred to in paragraphs 1 to 3 be issued within a reasonable time.*** The host Member States shall ***also*** ensure that seafarers have the right to appeal against any refusal to endorse or accept a valid certificate, or the absence of any response, in accordance with national legislation and procedures ***and that seafarers be provided with ~~legal~~ adequate advice and assistance regarding such appeals in accordance with national legislation and procedures***.
78.	5. Without prejudice to paragraph 2, the competent authorities of a host Member State may impose further limitations on capacities, functions and levels of competence or proficiency relating to near-coastal voyages, as referred to in Article 7, or alternative certificates issued under Regulation VII/1 of Annex I.		5. Without prejudice to paragraph 2, the competent authorities of a host Member State may impose further limitations on capacities, functions and levels of competence or proficiency relating to near-coastal voyages, as referred to in Article 7, or alternative certificates issued under Regulation VII/1 of Annex I.	**A** *Identical.*

	Commission proposal (COM(2018) 315 final) (doc. 9123/18 + ADD 1)	EP amendments	General approach (doc. 13233/1/18 REV 1)	Presidency remarks/proposals
79.		**Amendment 20** **Article 5b – paragraph 5a (new)**		
80.		***5a. Member States should, in so far as is possible, keep the list of their needs and job offers for seafarers updated.***		**C** **EP prepared to withdraw amendment**
81.	6. Without prejudice to paragraph 2, a Member State may, where necessary, allow a seafarer to serve in a capacity other than radio officer or radio operator, except as provided by the Radio Regulations, for a period not exceeding three months on board a ship flying its flag, while holding an appropriate and valid certificate issued and endorsed by another Member State, but not yet endorsed for recognition by the Member State concerned.		6. Without prejudice to paragraph 2, a ***host*** Member State may, where necessary, allow a seafarer to serve ***[…]***, for a period not exceeding three months on board a ship flying its flag, while holding an appropriate and valid certificate issued and endorsed by another Member State, but not yet endorsed for recognition by the ***host*** Member State concerned.	**B** *"Host" editorial.*
82.	Documentary proof that an application for endorsement has been submitted to the competent authorities shall be kept readily available on board the ship.		Documentary proof that an application for endorsement has been submitted to the competent authorities shall be ***[…]*** readily available ***[…]***.	**B**
83.	7. A host Member State shall ensure that seafarers who present for recognition certificates for functions at the		7. A host Member State shall ensure that seafarers who present for recognition certificates for functions at the	**A** *Identical.*

	Commission proposal (COM(2018) 315 final) (doc. 9123/18 + ADD 1)	EP amendments	General approach (doc. 13233/1/18 REV 1)	Presidency remarks/proposals
	management level have an appropriate knowledge of the maritime legislation of that Member State relevant to the functions they are permitted to perform."		management level have an appropriate knowledge of the maritime legislation of that Member State relevant to the functions they are permitted to perform."	
84.		**Amendment 21** **Article 5b – paragraph 7a (new)**		**Proposed compromise (recital):**
85.		***7 a. Member States shall, with the assistance of the Commission and the involvement of social partners, develop a mutually recognised European Maritime Diploma of Excellence providing advanced training for seafarers above and beyond the requirements of the STCW Convention in order further to enhance the European maritime skills base.***		**C** ***The Commission should establish a dialogue with the social partners and Member States to develop maritime training initiatives additional to the internationally agreed minimum level of training of seafarers, and which may be mutually recognised <u>on a voluntary basis</u> by the Member States as ~~a~~ European Maritime <u>Diplomas</u> of Excellence. These initiatives should build upon, and be developed in line with, the recommendations of the ongoing pilot projects and strategies set in the Blueprint for Sectoral Cooperation on Skills.***

	Commission proposal (COM(2018) 315 final) (doc. 9123/18 + ADD 1)	EP amendments	General approach (doc. 13233/1/18 REV 1)	Presidency remarks/proposals
86.		**Amendment 22** **Article 5b – paragraph 7 b (new)**		**Proposed compromise for Article 26:**
87.		***7 b. By [insert date five years after entry into force] the Commission shall submit to the European Parliament and the Council an evaluation of the impact of mutual recognition of seafarers' training and qualifications on the employment and skills of European seafarers, including proposals for further action in the light of that evaluation.***		**C** ***No later than [insert date five years after entry into force] the Commission shall submit to the European Parliament and the Council an evaluation report, including suggestions for follow up actions to be taken in the light of that evaluation. In the report, the Commission shall analyse the implementation of the mutual recognition scheme of seafarers' certificates issued by Member States, and any developments regarding digital certificates for seafarers at international level. Also, the Commission shall evaluate any developments regarding a future consideration of the European Maritime Diplomas of Excellence, as underpinned by the recommendations provided by the social partners.***
88.	(5) Article 12 is amended as follows:		(5) Article 12 is amended as follows:	**A** *Identical.*
89.	(a) paragraph 1 is replaced by the following:		(a) paragraph 1 is replaced by the following:	**A** *Identical.*

	Commission proposal (COM(2018) 315 final) (doc. 9123/18 + ADD 1)	EP amendments	General approach (doc. 13233/1/18 REV 1)	Presidency remarks/proposals
90.	"1. Every master, officer and radio operator holding a certificate issued or recognised under any chapter of Annex I other than Regulation V/3 of Chapter V or Chapter VI, who is serving at sea or intends to return to sea after a period ashore, shall, in order to continue to qualify for seagoing service, be required at intervals not exceeding five years:		"1. Every master, officer and radio operator holding a certificate issued or recognised under any chapter of Annex I other than Regulation V/3 of Chapter V or Chapter VI, who is serving at sea or intends to return to sea after a period ashore, shall, in order to continue to qualify for seagoing service, be required at intervals not exceeding five years:	**A** *Identical.*
91.		**Amendment 23** **Article 12 – paragraph 1 – point a**		
92.	(a) to meet the standards of medical fitness prescribed by Article 11; and	(a) to meet the standards of medical fitness prescribed by Article 11***, physical as well as mental***; and	(a) to meet the standards of medical fitness prescribed by Article 11; and	**B** **EP prepared to withdraw amendment**
93.	(b) to establish continued professional competence in accordance with section A-I/11 of the STCW Code."		(b) to establish continued professional competence in accordance with section A-I/11 of the STCW Code."	**A** *Identical.*
94.	(b) the following paragraph 2b is inserted:		(b) the following paragraph *[...]* is inserted:	**A** *Council text: LL change*
95.	"2b. Every master or officer shall, for continuing seagoing service on board ships operating in polar waters, meet the requirements of paragraph 1 of this Article and be required, at intervals not exceeding five		"2b. Every master or officer shall, for continuing seagoing service on board ships operating in polar waters, meet the requirements of paragraph 1 of this Article and be required, at intervals not exceeding five	**A** *Identical.*

	Commission proposal (COM(2018) 315 final) (doc. 9123/18 + ADD 1)	EP amendments	General approach (doc. 13233/1/18 REV 1)	Presidency remarks/proposals
	years, to establish continued professional competence for ships operating in polar waters in accordance with section A-I/11, paragraph 4 of the STCW Code."		years, to establish continued professional competence for ships operating in polar waters in accordance with Section A-I/11, paragraph 4 of the STCW Code."	
96.	(c) paragraph 3 is replaced by the following:		(c) paragraph 3 is replaced by the following:	**A** *Identical.*
97.	"3. Each Member State shall compare the standards of competence which are required of candidates for certificates of competency and/or certificates of proficiency issued until 1 January 2017 with those specified for the relevant certificate of competency and/or proficiency in Part A of the STCW Code, and shall determine the need to require the holders of such certificates of competency and/or certificates of proficiency to undergo appropriate refresher and updating training or assessment."		"3. Each Member State shall compare the standards of competence which are required of candidates for certificates of competency and/or certificates of proficiency issued until 1 January 2017 with those specified for the relevant certificate of competency and/or proficiency in Part A of the STCW Code, and shall determine the need to require the holders of such certificates of competency and/or certificates of proficiency to undergo appropriate refresher and updating training or assessment."	**A** *Identical.*
98.	(d) the following paragraph 3a is inserted:		(d) the following paragraph *[...]* is inserted:	**A** *Council text: LL changes*
99.	"3a. Every Member State shall compare the standards of competence which it required of persons serving on gas-fuelled		"3a. Every Member State shall compare the standards of competence which it required of persons serving on gas-fuelled	**A** *Identical.*

	Commission proposal (COM(2018) 315 final) (doc. 9123/18 + ADD 1)	EP amendments	General approach (doc. 13233/1/18 REV 1)	Presidency remarks/proposals
	ships before 1 January 2017 with the standards of competence in Section A-V/3 of the STCW Code, and shall determine the need, if any, for requiring these personnel to update their qualifications."		ships before 1 January 2017 with the standards of competence in Section A-V/3 of the STCW Code, and shall determine the need, if any, for requiring these personnel to update their qualifications."	
100.	(6) Article 19 is amended as follows:		(6) *In* Article 19*, paragraphs 2 and 3 are replaced by the following*:	**A** *Council text: LL change.*
101.		**Amendment 24** **Article 19 – paragraph 1**		
102.		***(aa) In Article 19, paragraph 1 is amended as follows:***		**C** **EP prepared to withdraw amendment**
103.		1. Seafarers who do not possess the certificates of competency issued by Member States and/or the certificates of proficiency issued by Member States to masters and officers in accordance with Regulations V/1-1 and V/1-2 of the STCW Convention, may be allowed to serve on ships flying the flag of a Member State provided that a decision on the recognition of their certificates of competency and certificates of proficiency has been adopted through the procedures set out in paragraphs 2 to 6 of this Article ***and that***		**C** **EP prepared to withdraw amendment**

	Commission proposal (COM(2018) 315 final) (doc. 9123/18 + ADD 1)	EP amendments	General approach (doc. 13233/1/18 REV 1)	Presidency remarks/proposals
		the third country covered by the recognition procedure has ratified the International Maritime Labour Convention.		
104.	(a) paragraph 2 is replaced by the following:		*[…]*	**A** *Council text: LL change.*
105.		**Amendment 25** **Article 19 – paragraph 2 – subparagraph 1**		
106.	"2. A Member State which intends to recognise, by endorsement, the certificates of competency or the certificates of proficiency referred to in paragraph 1 issued by a third country to a master, officer or radio operator, for service on ships flying its flag, shall submit a request to the Commission for the recognition of that third country, accompanied by a preliminary analysis of the third country's compliance with the requirements of the STCW Convention by collecting the information referred to in Annex II, including an estimation of the number of masters and officers from that country likely to be employed.	A Member State which intends to recognise, by endorsement, the certificates of competency or the certificates of proficiency referred to in paragraph 1 issued by a third country to a master, officer or radio operator, for service on ships flying its flag, shall submit a request to the Commission for the recognition of that third country, accompanied by a preliminary analysis of the third country's compliance with the requirements of the STCW Convention ***and the Maritime Labour Convention*** by collecting the information referred to in Annex II***. In the preliminary analysis, further information on the reasons for recognition of the third country shall be provided by the***	"2. A Member State which intends to recognise, by endorsement, the certificates of competency or the certificates of proficiency referred to in paragraph 1 *of this Article* issued by a third country to a master, officer or radio operator, for service on ships flying its flag, shall submit a request to the Commission for the recognition of that third country, accompanied by a preliminary analysis of the third country's compliance with the requirements of the STCW Convention by collecting the information referred to in Annex II *to this Directive****. In the preliminary analysis, further information on the reasons for recognition of the third country shall be conveyed by the***	**C** **EP prepared to withdraw amendment and accept general approach**

	Commission proposal (COM(2018) 315 final) (doc. 9123/18 + ADD 1)	EP amendments	General approach (doc. 13233/1/18 REV 1)	Presidency remarks/proposals
		Member State in support of its request. In addition to the preliminary analysis on compliance, the Member State shall submit a reasoned estimation of the number of masters**,** officers ***and radio operators*** from that country likely to be employed***, except in duly justified cases***.	***Member State in support of its request***.	
107.		**Amendment 26** **Article 19 – paragraph 2 – subparagraph 2**		**Proposed compromise:**
108.	Following the submission of the request by a Member State, a decision for initiating the recognition procedure for that third country shall be taken by the Commission. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 28(2).	Following the submission of the request by a Member State, ***the Commission shall initiate*** the recognition procedure for that third country ***[…]***. ***[…]***	Following the submission of the request by a Member State, a decision for initiating the recognition procedure for that third country shall be taken by the Commission ***by means of an implementing act***. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 28(2) ***within a reasonable time with due regard to the time limit set out in paragraph 3***.	**C** Following the submission of the request by a Member State**,** ***the Commission shall ~~examine~~ process without delay the request provided by the requesting Member State and shall decide, in accordance with the examination procedure referred to in Article 28(2), on the initiation of the assessment of the training and certification system in the third country within a reasonable time with due regard to the time limit set out in paragraph 3.***
109.		**Amendment 27** **Article 19 – paragraph 2 – subparagraph 3**		**Proposed compromise:**

	Commission proposal (COM(2018) 315 final) (doc. 9123/18 + ADD 1)	EP amendments	General approach (doc. 13233/1/18 REV 1)	Presidency remarks/proposals
110.	When a positive decision for initiating the recognition procedure has been adopted, the Commission, assisted by the European Maritime Safety Agency and with the possible involvement of the Member State submitting the request, shall collect the information referred to in Annex II and shall carry out an assessment of the training and certification systems in the third country for which the request for recognition was submitted, in order to verify whether the country concerned meets all the requirements of the STCW Convention and whether appropriate measures have been taken to prevent issuance of fraudulent certificates."	***[…]The*** Commission, assisted by the European Maritime Safety Agency, and with the possible involvement of the Member State submitting the request ***and any other affected Member States***, shall collect the information referred to in Annex II and shall carry out an assessment of the training and certification systems in the third country for which the request for recognition was submitted, in order to verify whether the country concerned meets all the requirements of the STCW Convention and whether appropriate measures have been taken to prevent issuance of fraudulent certificates.	When a positive decision for initiating the recognition procedure has been adopted, the Commission, assisted by the European Maritime Safety Agency and with the possible involvement of the Member State submitting the request, shall collect the information referred to in Annex II *to this Directive* and shall carry out an assessment of the training and certification systems in the third country for which the request for recognition was submitted, in order to verify whether the country concerned meets all the requirements of the STCW Convention and whether appropriate measures have been taken to prevent issuance of fraudulent certificates. *[...]*	**C** When a positive decision for initiating the ***assessment*** procedure has been adopted, the Commission, assisted by the European Maritime Safety Agency and with the possible involvement of the Member State submitting the ***request and any other ~~affected~~ interested Member States***, shall collect the information referred to in Annex II *to this Directive* and shall carry out an assessment of the training and certification systems in the third country for which the request for recognition was submitted, in order to verify that the country concerned meets all the requirements of the STCW Convention, that appropriate measures have been taken to prevent issuance of fraudulent certificates ***and give due regard to whether it has ~~that it has~~ ratified the Maritime Labour Convention, 2006***.
111.	(b) paragraph 3 is replaced by the following:		*[...]*	**A** *Council text: LL changes.*
112.	"3. The decision on the recognition of a third country		*[...]* 3. The decision on the recognition of a third country	**B** 3. ***Where, as a result of that***

	Commission proposal (COM(2018) 315 final) (doc. 9123/18 + ADD 1)	EP amendments	General approach (doc. 13233/1/18 REV 1)	Presidency remarks/proposals
	shall be taken by the Commission by the means of an implementing act. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 28(2), within 24 months from the adoption of a positive decision pursuant to paragraph 2.		shall be taken by the Commission by *[...]* means of an implementing act. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 28(2), within 24 months from the ***submission of the request by a Member State referred to in*** paragraph 2 *of this Article*.	***assessment, the Commission concludes that all those requirements are fulfilled, it shall adopt the*** ~~The~~ decision on the recognition of a third country ~~shall be taken by the Commission~~ by *[...]* means of an implementing act. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 28(2), within 24 months from the ***submission of the request by a Member State referred to in*** paragraph 2 *of this Article*.
113.	In case the third country concerned needs to implement major corrective actions, including amendments to its legislation, its education, training and certification system in order to meet the requirements of the STCW Convention, the decision can be adopted within 36 months from the adoption of a positive decision referred to in paragraph 2.		In case the third country concerned needs to implement major corrective actions, including amendments to its legislation, its education, training and certification system in order to meet the requirements of the STCW Convention, the *implementing acts referred to in the first subparagraph shall be* adopted within 36 months from the ***submission of the request by a Member State*** referred to in paragraph 2 *of this Article*.	**B** **General approach accepted**
114.	The Member State submitting		The Member State submitting	**A**

	Commission proposal (COM(2018) 315 final) (doc. 9123/18 + ADD 1)	EP amendments	General approach (doc. 13233/1/18 REV 1)	Presidency remarks/proposals
	the request may decide to recognise the third country unilaterally until a decision is taken under this paragraph. In case such a unilateral recognition takes place, the Member State shall communicate to the Commission the number of endorsements attesting recognition issued in relation to certificates of competency and certificates of proficiency referred to in paragraph 1, issued by the third country until the decision on its recognition is adopted."		the request may decide to recognise the third country unilaterally until *an implementing act is adopted pursuant to* this paragraph. In case *of* such a unilateral recognition *[...]*, the Member State shall communicate to the Commission the number of endorsements attesting recognition issued in relation to certificates of competency and certificates of proficiency referred to in paragraph 1, issued by the third country until the *implementing act regarding* its recognition is adopted."	*Council text: LL change.*
115.	(7) In Article 20, the following paragraph 8 is added:		(7) In Article 20, the following paragraph ***[…]*** is added:	**A** *Council text: LL change.*
116.		**Amendment 28** **Article 20 – paragraph 8**		
117.	"8. If there are no endorsements attesting recognition issued by a Member State in relation to certificates of competency or certificates of proficiency, referred to in paragraph 1 of Article 19, issued by a third country for a period of more than 5 years, the recognition of that country's certificates shall be withdrawn. To this end, the	8. If there are no endorsements attesting recognition issued by a Member State in relation to certificates of competency or certificates of proficiency, referred to in paragraph 1 of Article 19, issued by a third country for a period of more than ***8*** years, the recognition of that country's certificates shall be ***re-examined***. To this end, the	"8. If there are no endorsements attesting recognition issued by a Member State in relation to certificates of competency or certificates of proficiency, referred to in *Article 19(1)*, issued by a third country for a period of more than *7* years, the recognition of that country's certificates shall be ***re-examined***. *That decision to re-*	**C** **General approach but 8 years instead of 7.**

	Commission proposal (COM(2018) 315 final) (doc. 9123/18 + ADD 1)	EP amendments	General approach (doc. 13233/1/18 REV 1)	Presidency remarks/proposals
	Commission shall adopt implementing decisions, in accordance with the examination procedure referred to in Article 28(2), after notifying the Member States as well as the third country concerned at least two months in advance."	Commission shall adopt implementing decisions, in accordance with the examination procedure referred to in Article 28(2), after notifying the Member States as well as the third country concerned at least ***three*** months in advance.	*examine shall be taken by the Commission by means of an implementing act. Those implementing acts shall be adopted* in accordance with the examination procedure referred to in Article 28(2), after notifying the Member States as well as the third country concerned at least ***six*** months in advance."	
118.	(8) Article 21 shall be amended, as follows:		(8) *In* Article 21 *paragraphs 1 and 2 are replaced by the following*:	**A** *Council text: LL change.*
119.	(a) paragraph 1 is replaced by the following:		*[...]*	**A** *Council text: LL change.*
120.		**Amendment 29** **Article 21 – paragraph 1**		
121.	"1. The third countries that have been recognized under the procedure referred to in the first subparagraph of Article 19(3), including those referred to in Article 19(6), shall be reassessed by the Commission, with the assistance of the European Maritime Safety Agency, on a regular basis and at least within ten years of the last assessment, to verify that they fulfil the relevant criteria set out in Annex II and whether the appropriate	1. The third countries that have been recognized under the procedure referred to in the first subparagraph of Article 19(3), including those referred to in Article 19(6), shall be reassessed by the Commission, with the assistance of the European Maritime Safety Agency, on a regular basis and at least within ***seven*** years of the last assessment, to verify that they fulfil the relevant criteria set out in Annex II and whether the	"1. The third countries that have been recognized under the procedure referred to in the first subparagraph of Article 19(3), including those referred to in Article 19(6), shall be reassessed by the Commission, with the assistance of the European Maritime Safety Agency, on a regular basis and at least within ten years of the last assessment, to verify that they fulfil the relevant criteria set out in Annex II and whether the appropriate	**C** **Keep general approach. EP concerns addressed in line 135.**

	Commission proposal (COM(2018) 315 final) (doc. 9123/18 + ADD 1)	EP amendments	General approach (doc. 13233/1/18 REV 1)	Presidency remarks/proposals
	measures have been taken to prevent issuance of fraudulent certificates."	appropriate measures have been taken to prevent issuance of fraudulent certificates.	measures have been taken to prevent issuance of fraudulent certificates. *[...]*	
122.	(b) paragraph 2 is replaced by the following:		*[...]*	**A** *Council text: LL change.*
123.	"2. The Commission, with the assistance of the European Maritime Safety Agency, shall carry out the reassessment of the third countries based on priority criteria. Those priority criteria shall include the following:		2. The Commission, with the assistance of the European Maritime Safety Agency, shall carry out the reassessment of the third countries based on priority criteria. Those priority criteria shall include the following:	**A** *Identical.*
124.	a) performance data by the port state control pursuant to Article 23;		a) performance data by the port state control pursuant to Article 23;	**A** *Identical.*
125.	b) the number of endorsements attesting recognition issued in relation to certificates of competency or certificates of proficiency, issued in accordance with Regulations V/1-1 and V/1-2 of the STCW Convention, issued by the third country;		b) the number of endorsements attesting recognition issued in relation to certificates of competency or certificates of proficiency, issued in accordance with Regulations V/1-1 and V/1-2 of the STCW Convention, issued by the third country;	**A** *Identical.*
126.	c) the number of Maritime Education and Training institutions accredited by the third country;		c) the number of Maritime Education and Training institutions accredited by the third country;	**A** *Identical.*
127.		**Amendment 30** **Article 21 – paragraph 2 – point d**		**Proposed compromise:**
128.	d) the number of programs	(d) the number of ***seafarers'***	d) the number of programs	**B**

	Commission proposal (COM(2018) 315 final) (doc. 9123/18 + ADD 1)	EP amendments	General approach (doc. 13233/1/18 REV 1)	Presidency remarks/proposals
	approved by the third country;	***training and development*** programs approved by the third country;	approved by the third country;	(d) the number of ***seafarers' training and professional development*** programs approved by the third country;
129.	e) the date of last assessment and the number of deficiencies in critical processes identified during the last Commission's assessment;		e) the date of last assessment and the number of deficiencies in critical processes identified during the last Commission's assessment;	**A** *Identical.*
130.	f) any significant change in the maritime training and certification system of a third country.		f) any significant change in the maritime training and certification system of a third country.	**A** *Identical.*
131.		**Amendment 31** **Article 21 – paragraph 2 – point fa (new)**		**Proposed compromise:**
132.		***(fa) the overall numbers of seafarers provided by the third country to the Union fleet, and the level of training and qualifications of those seafarers;***		**B** ***(fa) the overall numbers of seafarers ~~provided~~ certified by the third country, serving on ships flying the flags of Member States ~~to the Union fleet,~~ and the level of training and qualifications of those seafarers;***
133.		**Amendment 32** **Article 21 – paragraph 2 – point fb (new)**		**Proposed compromise:**
134.		***(fb) information concerning education and training standards in that third country provided by any concerned***		**B** ***(fb) information concerning education and training standards in that third country***

	Commission proposal (COM(2018) 315 final) (doc. 9123/18 + ADD 1)	EP amendments	General approach (doc. 13233/1/18 REV 1)	Presidency remarks/proposals
		authorities or other stakeholders.		***provided by any concerned authorities or other stakeholders, if available.***
135.	In case of non-compliance of a third country with the requirements of the STCW Convention in accordance with Article 20, the re-assessment of the relevant country shall take priority in relation to the other third countries."		In case of non-compliance of a third country with the requirements of the STCW Convention in accordance with Article 20, the re-assessment of the relevant country shall take priority in relation to the other third countries."	**A** *Identical.*
136.	(9) In Article 25a, paragraph 1 is replaced by the following:		(9) In Article 25a, paragraph 1 is replaced by the following:	**Keep general approach**
137.		**Amendment 33** **Article 25a – paragraph 1**		
138.	"1. The Member States shall communicate the information referred to in Annex V to the Commission for the purposes of paragraph 8 of Article 20, paragraph 2 of Article 21 and for use by the Member States and the Commission in policy-making."	1. The Member States shall ***ensure that*** the information ***listed*** in Annex V ***is transferred to*** the ***database established pursuant to*** Article ***5a as soon as*** the ***relevant certificate or endorsement has been issued***.	"1. The Member States shall communicate the information referred to in Annex V to the Commission for the purposes of *Article 20(8)*, *Article 21(2)* and for use by the Member States and the Commission in policy-making."	**C** **Keep general approach**
139.		***The Member States shall ensure that the information transferred to the database referred to in Article 5a is validated for publication purposes within 72 hours.***		**C** **Keep general approach**
140.		***The Member States shall have***		**C**

	Commission proposal (COM(2018) 315 final) (doc. 9123/18 + ADD 1)	EP amendments	General approach (doc. 13233/1/18 REV 1)	Presidency remarks/proposals
		access to all the information recorded in the database established pursuant to Article 5a for the purposes of implementing Article 8.		**Keep general approach**
141.	(10) Article 27 is amended as follows:		(10) Article 27 is *replaced by the following*:	**A** *Council text: LL change.*
142.			*"Article 27* *Amendment*	**A** *Council text: LL change.*
143.	(a) the first paragraph is amended as follows:		*[...]*	**A** *Council text: LL change.*
144.	"1. The Commission shall be empowered to adopt delegated acts, in accordance with Article 27a, amending Annex V to this Directive with respect to specific and relevant content and details of the information that needs to be reported by Member States provided that such acts are limited to taking into account the amendments to the STCW Convention and Code and respect the safeguards on data protection. Such delegated acts shall not change the provisions of anonymisation of data as required by Article 25a(3)."		1. The Commission *is* empowered to adopt delegated acts *[...]* in accordance with Article 27a *[...]* amending Annex V to this Directive with respect to specific and relevant content and details of the information that needs to be reported by Member States provided that such acts are limited to taking into account the amendments to the STCW Convention and ***Part A of the STCW*** Code and respect the safeguards on data protection. Such delegated acts shall not change the provisions of anonymisation of data as required by Article 25a(3). *[...]*	**B** **Keep general approach**
145.	(b) the following paragraph 2 is added:		*[...]*	**A** *Council text: LL change.*

	Commission proposal (COM(2018) 315 final) (doc. 9123/18 + ADD 1)	EP amendments	General approach (doc. 13233/1/18 REV 1)	Presidency remarks/proposals
146.	"2. The Commission shall be empowered to adopt delegated acts, in accordance with Article 27a, in order to amend Annex I to this Directive and any other necessary provisions in order to align it with new amendments to the STCW Convention and STCW Code."		2. The Commission is empowered to adopt delegated acts in accordance with Article 27a *amending* Annex I ***and the related provisions of*** this Directive ***[…]*** in order to align ***them*** with new amendments to the STCW Convention and ***Part A of the*** STCW Code."	**B** **Keep general approach**
147.	(11) Article 27a is replaced by the following:		(11) Article 27a is replaced by the following:	**A** *Identical.*
148.	"Article 27a		"Article 27a	**A** *Identical.*
149.	Exercise of the delegation		Exercise of the delegation	**A** *Identical.*
150.	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.		1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.	**A** *Identical.*
151.	2. The power to adopt delegated acts referred to in Article 27 shall be conferred on the Commission for an indeterminate period of time from [*date of entry into force*].		2. The power to adopt delegated acts referred to in Article 27 shall be conferred on the Commission for ***a*** period of ***five years from …*** [*date of entry into force* ***of this amending Directive***]. ***The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an***	**B consequential change:** 2. The power to adopt delegated acts referred to in Article***s 5 and*** 27 shall be conferred on the Commission for ***a*** period of ***five years from …*** [*date of entry into force* ***of this amending Directive***]. ***The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation***

	Commission proposal (COM(2018) 315 final) (doc. 9123/18 + ADD 1)	EP amendments	General approach (doc. 13233/1/18 REV 1)	Presidency remarks/proposals
			identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.	***of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.***
152.	3. The delegation of power referred to in Article 27 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.		3. The delegation of power referred to in Article 27 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.	**A consequential change:** 3. The delegation of power referred to in Article***s 5 and*** 27 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.
153.	4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles		4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles	**A** *Identical.*

	Commission proposal (COM(2018) 315 final) (doc. 9123/18 + ADD 1)	EP amendments	General approach (doc. 13233/1/18 REV 1)	Presidency remarks/proposals
	laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.		laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.	
154.	5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.		5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.	**A** *Identical.*

	Commission proposal (COM(2018) 315 final) (doc. 9123/18 + ADD 1)	EP amendments	General approach (doc. 13233/1/18 REV 1)	Presidency remarks/proposals
155.	6. A delegated act adopted pursuant to Article 27 shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council."		6. A delegated act adopted pursuant to Article 27 shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council."	**A consequential change:** 6. A delegated act adopted pursuant to Article***s 5 and*** 27 shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council."
156.	(12) Annex I is amended in accordance with the Annex to this Directive.		(12) Annex I is amended in accordance with the Annex to this Directive.	**A** *Identical.*
157.	Article 2		Article 2	**A** *Identical.*
158.	Repeal		Repeal	**A** *Identical.*
159.	Directive 2005/45/EC is repealed.		Directive 2005/45/EC is repealed.	**A** *Identical.*

	Commission proposal (COM(2018) 315 final) (doc. 9123/18 + ADD 1)	EP amendments	General approach (doc. 13233/1/18 REV 1)	Presidency remarks/proposals
160.	Article 3		Article 3	**A** *Identical.*
161.	Transposition		Transposition	**A** *Identical.*
162.	Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [12 months after the entry into force]. They shall immediately inform the Commission thereof.		Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [**36** *months after the entry into force of this amending Directive*]. They shall immediately inform the Commission thereof.	**C** **Keep general approach**
163.	When Member States adopt those provisions, they shall contain a reference to this Directive or shall be accompanied by such a reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.		When Member States adopt those *measures*, they shall contain a reference to this Directive or shall be accompanied by such a reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.	**A** *Council text: LL change.*
164.	Article 4		Article 4	**A** *Identical.*
165.	Entry into force		Entry into force	**A** *Identical.*
166.	This Directive shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.		This Directive shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.	**A** *Identical.*

	Commission proposal (COM(2018) 315 final) (doc. 9123/18 + ADD 1)	EP amendments	General approach (doc. 13233/1/18 REV 1)	Presidency remarks/proposals
167.	Article 5		Article 5	**A** *Identical.*
168.	Addressees		Addressees	**A** *Identical.*
169.	This Directive is addressed to the Member States.		This Directive is addressed to the Member States.	**A** *Identical.*
170.	ANNEXES			**A** *Identical.*