



Council of the European Union
General Secretariat

**Interinstitutional files:
2018/0162 (COD)**

Brussels, 07 June 2018

WK 6941/2018 INIT

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INFORMATION

From:	General Secretariat of the Council
To:	Working Party on Shipping
N° Cion doc.:	ST 9123/18
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 - Comparison table

Delegations will find attached a table, prepared by the General Secretariat, comparing the current text of Directive 2008/106/EC (as amended) or Directive 2005/45/EC, as the case may be, with the Commission proposal.

Proposed amendments are indicated in ***bold italics***.

Dir. 2008/106/EC (consolidated version) or Dir. 2005/45/EC, as applicable	Commission proposal (doc. 9123/18)	Remarks
Article 1 Definitions		
<p>For the purposes of this Directive:</p> <ol style="list-style-type: none"> 1. 'master' means the person having command of a ship; 2. 'officer' means a member of the crew, other than the master, designated as such by national law or regulations or, in the absence of such designation, by collective agreement or custom; 3. 'deck officer' means an officer qualified in accordance with the provisions of Chapter II of Annex I; 4. 'chief mate' means the officer next in rank to the master upon whom the command of the ship will fall in the event of the incapacity of the master; 5. 'engineer officer' means an officer qualified in accordance with the provisions of Chapter III of Annex I; 6. 'chief engineer officer' means the senior engineer officer responsible for the mechanical propulsion and the operation and maintenance of the mechanical and electrical installations of the ship; 7. 'second engineer officer' 		No changes

Dir. 2008/106/EC (consolidated version) or Dir. 2005/45/EC, as applicable	Commission proposal (doc. 9123/18)	Remarks
<p>means the engineer officer next in rank to the chief engineer officer upon whom the responsibility for the mechanical propulsion and the operation and maintenance of the mechanical and electrical installations of the ship will fall in the event of the incapacity of the chief engineer officer;</p> <p>8. ‘assistant engineer officer’ means a person under training to become an engineer officer and designated as such by national law or regulations;</p> <p>9. ‘radio operator’ means a person holding an appropriate certificate issued or recognised by the competent authorities under the provisions of the Radio Regulations;</p> <p>10. ‘rating’ means a member of the ship’s crew other than the master or an officer;</p> <p>11. ‘seagoing ship’ means a ship other than those which navigate exclusively in inland waters or in waters within, or closely adjacent to, sheltered waters or areas where port regulations apply;</p> <p>12. ‘ship flying the flag of a Member State’ means a ship registered in and flying the flag</p>		

Dir. 2008/106/EC (consolidated version) or Dir. 2005/45/EC, as applicable	Commission proposal (doc. 9123/18)	Remarks
<p>of a Member State in accordance with its legislation; a ship not corresponding to this definition shall be regarded as a ship flying the flag of a third country;</p> <p>13. ‘near-coastal voyages’ means voyages in the vicinity of a Member State as defined by that Member State;</p> <p>14. ‘propulsion power’ means the total maximum continuous rated output power in kilowatts of all of a ship’s main propulsion machinery which appears on the ship’s certificate of registry or other official document;</p> <p>15. ‘oil-tanker’ means a ship constructed and used for the carriage of petroleum and petroleum products in bulk;</p> <p>16. ‘chemical tanker’ means a ship constructed or adapted and used for the carriage in bulk of any liquid product listed in Chapter 17 of the International Bulk Chemical Code, in its up-to-date version;</p> <p>17. ‘liquefied-gas tanker’ means a ship constructed or adapted and used for the carriage in bulk of any liquefied gas or other product listed in Chapter 19 of the International Gas Carrier Code,</p>		

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<p>in its up-to-date version;</p> <p>18. 'Radio Regulations' means the radio regulations annexed to, or regarded as being annexed to, the International Telecommunication Convention, as amended;</p> <p>19. 'passenger ship' means a ship as defined in the International Convention for the Safety of Life at Sea, 1974 (SOLAS 74), as amended;</p> <p>20. 'fishing vessel' shall mean a vessel used for catching fish or other living resources of the sea;</p> <p>21. 'STCW Convention' means the International Maritime Organisation (IMO) Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as it applies to the matters concerned taking into account the transitional provisions of Article VII and Regulation I/15 of the Convention and including, where appropriate, the applicable provisions of the STCW Code, all being applied in their up-to-date versions;</p> <p>22. 'radio duties' includes, as appropriate, watchkeeping and technical maintenance and</p>		

Dir. 2008/106/EC (consolidated version) or Dir. 2005/45/EC, as applicable	Commission proposal (doc. 9123/18)	Remarks
<p>repairs conducted in accordance with the Radio Regulations, the International Convention for the Safety of Life at Sea, 1974 (SOLAS 74) and, at the discretion of each Member State, the relevant recommendations of the IMO, in their up-to-date versions;</p> <p>23. 'ro-ro passenger ship' means a passenger ship with ro-ro cargo spaces or special-category spaces as defined in the SOLAS 74, in its up-to-date version;</p> <p>24. 'STCW Code' means the Seafarers' Training, Certification and Watchkeeping (STCW) Code as adopted by the 1995 Conference resolution 2, in its up-to-date version;</p> <p>25. 'function' means a group of tasks, duties and responsibilities, as specified in the STCW Code, necessary for ship operation, safety of life at sea or protection of the marine environment;</p> <p>26. 'company' means the owner of the ship or any other organisation or person such as the manager or the bareboat charterer who has assumed the responsibility for operation of the ship from the shipowner and</p>		

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<p>who, on assuming such responsibility, has agreed to take over all the duties and responsibilities imposed on the company by this Directive;</p> <p>28. 'seagoing service' means service on board a ship relevant to the issue or revalidation of a certificate of competency, certificate of proficiency or other qualification;</p> <p>29. 'approved' means approved by a Member State in accordance with this Directive;</p> <p>30. 'third country' means any country which is not a Member State;</p> <p>31. 'month' means a calendar month or 30 days made up of periods of less than one month;</p> <p>32. 'GMDSS radio operator' means a person qualified in accordance with Chapter IV of Annex I;</p> <p>33. 'ISPS Code' means the International Ship and Port Facility Security Code adopted on 12 December 2002, by resolution 2 of the Conference of Contracting Governments to the SOLAS 74, in its up-to-date version;</p> <p>34. 'ship security officer' means</p>		

Dir. 2008/106/EC (consolidated version) or Dir. 2005/45/EC, as applicable	Commission proposal (doc. 9123/18)	Remarks
<p>the person on board a ship, accountable to the master, designated by the company as responsible for the security of the ship including implementation and maintenance of the ship security plan and liaison with the company security officer and port facility security officers;</p> <p>35. ‘security duties’ include all security tasks and duties on board ships as defined by Chapter XI/2 of the SOLAS 74, as amended, and by the ISPS Code;</p> <p>36. ‘certificate of competency’ means a certificate issued and endorsed for masters, officers and GMDSS radio operators in accordance with Chapters II, III, IV or VII of Annex I, and entitling the lawful holder thereof to serve in the capacity and perform the functions involved at the level of responsibility specified therein;</p> <p>37. ‘certificate of proficiency’ means a certificate, other than a certificate of competency, issued to a seafarer stating that the relevant requirements of training, competencies or sea-going service in this Directive have been met;</p>		

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<p>38. 'documentary evidence' means documentation, other than a certificate of competency or certificate of proficiency, used to establish that the relevant requirements in this Directive have been met;</p> <p>39. 'electro-technical officer' means an officer qualified in accordance with Chapter III of Annex I;</p> <p>40. 'able seafarer deck' means a rating qualified in accordance with Chapter II of Annex I;</p> <p>41. 'able seafarer engine' means a rating qualified in accordance with Chapter III of Annex I;</p> <p>42. 'electro-technical rating' means a rating qualified in accordance with Chapter III of Annex I.</p>		
<p>['host Member State' means any Member State in which a seafarer seeks recognition of his/her appropriate certificate(s) or other certificate(s);]</p>	<p>43. 'host Member State' means <i>the</i> Member State in which seafarers <i>seek acceptance or</i> recognition of <i>their certificates</i>;</p>	<p>Dir. 2005/45, Art. 2(f)</p>
	<p>44. '<i>IGF Code</i>' means <i>the International Code of safety for ships using gases or other low-flashpoint fuels, as defined in SOLAS regulation II-1/2.29</i>;</p>	
	<p>45. '<i>Polar Code</i>' means <i>the International Code for Ships</i></p>	

Dir. 2008/106/EC (consolidated version) or Dir. 2005/45/EC, as applicable	Commission proposal (doc. 9123/18)	Remarks
	<i>Operating in Polar Waters, as defined in SOLAS regulation XIV/1.1;</i>	
	<i>46. 'Polar waters' means Arctic waters and/or the Antarctic area, as defined in SOLAS regulations XIV/1.2 to XIV/1.4.</i>	
Article 2 Scope		
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:	<i>1.</i> 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:	Only paragraph number inserted.
(a) warships, naval auxiliaries or other ships owned or operated by a Member State and engaged only on government non-commercial service; (b) fishing vessels; (c) pleasure yachts not engaged in trade; (d) wooden ships of primitive build.		No changes.
[This Directive shall apply to seafarers who are:	<i>2. Article 5b</i> shall apply to seafarers who are:	Dir. 2005/45, Art. 1.
(a) nationals of a Member State;	(a) nationals of a Member State;	
(b) non-nationals who hold a certificate issued by a Member State.]	(b) non-nationals who hold a certificate issued by a Member State.	
Article 5a Information to the Commission		

Dir. 2008/106/EC (consolidated version) or Dir. 2005/45/EC, as applicable	Commission proposal (doc. 9123/18)	Remarks
Each Member State shall make available to the Commission on a yearly basis the information indicated in Annex V to this Directive on certificates of competency, endorsements attesting the recognition of certificates of competency as well as, on a voluntary basis, 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 statistical analysis only and exclusively for use by Member States and the Commission in policy-making.	<i>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.</i>	
[Article 3 Recognition of certificates	<i>Article 5b Mutual recognition of seafarers' certificates issued by Member States</i>	Dir. 2005/45, Art. 3
1. Every Member State shall recognise appropriate certificates or other certificates issued by another Member State in accordance with the requirements laid down in Directive 2001/25/EC.	1. Every Member State shall <i>accept Certificates of Proficiency and Documentary evidence</i> issued by another Member State, <i>or under its authority, for the purpose of allowing seafarers to serve on-board its fleet.</i>	
2. The recognition of appropriate certificates shall be limited to the	2. <i>Every Member State shall recognise Certificates of</i>	

Dir. 2008/106/EC (consolidated version) or Dir. 2005/45/EC, as applicable	Commission proposal (doc. 9123/18)	Remarks
capacities, functions and levels of competency prescribed therein and be accompanied by an endorsement attesting such recognition.	<i>Competency issued by another Member State or Certificates of 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.</i>	
	<i>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.</i>	
3. Member States shall ensure the right to appeal against any refusal to endorse a valid certificate, or the absence of any response, in accordance with national legislation and procedures.	<i>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</i>	

Dir. 2008/106/EC (consolidated version) or Dir. 2005/45/EC, as applicable	Commission proposal (doc. 9123/18)	Remarks
4. Notwithstanding paragraph 2, the competent authorities of a host Member State may impose further limitations on capacities, functions and levels of competence relating to near-coastal voyages, as referred to in Article 7 of Directive 2001/25/EC, or alternative certificates issued under Regulation VII/1 of Annex I to Directive 2001/25/EC.	procedures. 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.	
	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.	
	Documentary proof that an application for endorsement has been submitted to the competent authorities shall be kept readily available on board the ship.	

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5. A host Member State shall ensure that seafarers who present for recognition certificates for functions at the management level have an appropriate knowledge of the maritime legislation of that Member State relevant to the functions they are permitted to perform.]	7. A host Member State shall ensure that seafarers who present for recognition certificates for functions at the management level have an appropriate knowledge of the maritime legislation of that Member State relevant to the functions they are permitted to perform.	
Article 12 Revalidation of certificates of competency and certificates of proficiency		
1. Every master, officer and radio operator holding a certificate issued or recognised under any chapter of Annex I other than 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) to meet the standards of medical fitness prescribed by Article 11; and	(a) to meet the standards of medical fitness prescribed by Article 11; and	
(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.	
2. Every master, officer and radio operator shall, for continuing seagoing service on board ships for which special training		No changes

Dir. 2008/106/EC (consolidated version) or Dir. 2005/45/EC, as applicable	Commission proposal (doc. 9123/18)	Remarks
requirements have been internationally agreed upon, successfully complete approved relevant training.		
2a. Every master and officer shall, for continuing seagoing service on board tankers, meet the requirements of paragraph 1 of this Article and be required, at intervals not exceeding five years, to establish continued professional competence for tankers in accordance with paragraph 3 of Section A-I/11 of the STCW Code.		No changes
	<i>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 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.</i>	
3. Each Member State shall compare the standards of competence which are required of candidates for certificates of competency issued until 1	3. Each Member State shall compare the standards of competence which are required of candidates for certificates of competency <i>and/or certificates</i>	

Dir. 2008/106/EC (consolidated version) or Dir. 2005/45/EC, as applicable	Commission proposal (doc. 9123/18)	Remarks
January 2017 with those specified for the relevant certificate of competency in Part A of the STCW Code, and shall determine the need to require the holders of such certificates of competency to undergo appropriate refresher and updating training or assessment.	<i>of proficiency</i> issued until 1 January 2017 with those specified for the relevant certificate of competency <i>and/or proficiency</i> in Part A of the STCW Code, and shall determine the need to require the holders of such certificates of competency <i>and/or certificates of proficiency</i> to undergo appropriate refresher and updating training or assessment.	
	<i>3a. Every Member State shall compare the standards of competence which it required of persons serving on gas-fuelled 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.</i>	
4. Each Member State shall, in consultation with those concerned, formulate or promote the formulation of a structure of refresher and updating courses as provided for in section A-I/11 of the STCW Code.		No changes
5. For the purpose of updating the knowledge of masters, officers and radio operators, each		No changes

Dir. 2008/106/EC (consolidated version) or Dir. 2005/45/EC, as applicable	Commission proposal (doc. 9123/18)	Remarks
Member State shall ensure that the texts of recent changes in national and international regulations concerning the safety of life at sea, security and the protection of the marine environment are made available to ships entitled to fly its flag, while respecting point (b) of Article 14(3) and Article 18.		
<p style="text-align: center;">Article 19</p> <p style="text-align: center;">Recognition of certificates of competency and certificates of proficiency</p>		
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.		No changes
2. A Member State which intends to recognise, by endorsement, the certificates of competency and/or the certificates of proficiency	2. A Member State which intends to recognise, by endorsement, the certificates of competency <i>or</i> the certificates of proficiency	

Dir. 2008/106/EC (consolidated version) or Dir. 2005/45/EC, as applicable	Commission proposal (doc. 9123/18)	Remarks
<p>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 for recognition of that third country to the Commission, stating its reasons.</p>	<p>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, <i>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.</i></p>	
<p>The Commission, assisted by the European Maritime Safety Agency and with the possible involvement of any Member State concerned, 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 the appropriate measures have been</p>	<p><i>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).</i></p>	

Dir. 2008/106/EC (consolidated version) or Dir. 2005/45/EC, as applicable	Commission proposal (doc. 9123/18)	Remarks
taken to prevent fraud involving certificates.		
The Commission, assisted by the European Maritime Safety Agency and with the possible involvement of any Member State concerned, 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 the appropriate measures have been taken to prevent fraud involving certificates.	<i>When a positive decision for initiating the recognition procedure has been adopted</i> , the Commission, assisted by the European Maritime Safety Agency and with the possible involvement of <i>the</i> Member State <i>submitting the request</i> , 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 <i>issuance of fraudulent</i> certificates.	
3. The decision on the recognition of a 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), within 18 months of the date of the request for the recognition. The Member	3. The decision on the recognition of a third country shall be taken by the Commission <i>by the means of an implementing act</i> . That implementing <i>act</i> shall be adopted in accordance with the examination procedure referred to in Article 28(2), within <i>24</i> months <i>from the adoption of a</i>	

Dir. 2008/106/EC (consolidated version) or Dir. 2005/45/EC, as applicable	Commission proposal (doc. 9123/18)	Remarks
State submitting the request may decide to recognise the third country unilaterally until a decision is taken under this paragraph.	<i>positive decision pursuant to paragraph 2.</i>	
	<i>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.</i>	
	The Member State submitting the request may decide to recognise the third country unilaterally until a decision is taken under this paragraph. <i>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</i>	

Dir. 2008/106/EC (consolidated version) or Dir. 2005/45/EC, as applicable	Commission proposal (doc. 9123/18)	Remarks
	<i>recognition is adopted.</i>	
4. A Member State may decide, with respect to ships flying its flag, to endorse certificates issued by the third countries recognised by the Commission, account being taken of the provisions contained in Annex II, points (4) and (5).		No changes
5. Recognitions of certificates issued by recognised third countries and published in the Official Journal of the European Union, C series, before 14 June 2005 shall remain valid.		No changes
These recognitions may be used by all Member States unless the Commission has subsequently withdrawn them pursuant to Article 20.		No changes
6. The Commission shall draw up and update a list of the third countries that have been recognised. The list shall be published in the Official Journal of the European Union, C series.		No changes
7. Notwithstanding Article 5(6), a Member State may, if circumstances require, allow a seafarer to serve in a capacity other than radio officer or radio operator, except as provided by the Radio Regulations, for a		No changes

Dir. 2008/106/EC (consolidated version) or Dir. 2005/45/EC, as applicable	Commission proposal (doc. 9123/18)	Remarks
period not exceeding three months on board a ship flying its flag, while holding an appropriate and valid certificate issued and endorsed as required by a third country, but not yet endorsed for recognition by the Member State concerned so as to render it appropriate for service on board a ship flying its flag.		
Documentary proof shall be kept readily available that application for an endorsement has been submitted to the competent authorities.		No changes
<p style="text-align: center;">Article 20</p> <p style="text-align: center;">Non-compliance with the requirements of the STCW Convention</p>		
1. Notwithstanding the criteria specified in Annex II, when a Member State considers that a recognised third country no longer complies with the requirements of the STCW Convention, it shall notify the Commission immediately, giving substantiated reasons therefor.		No changes
The Commission shall without delay refer the matter to the Committee referred to in Article 28(1).		No changes
2. Notwithstanding the criteria set out in Annex II, when the Commission considers that a		No changes

Dir. 2008/106/EC (consolidated version) or Dir. 2005/45/EC, as applicable	Commission proposal (doc. 9123/18)	Remarks
recognised third country no longer complies with the requirements of the STCW Convention, it shall notify the Member States immediately, giving substantiated reasons therefor.		
The Commission shall without delay refer the matter to the Committee referred to in Article 28(1).		No changes
3. When a Member State intends to withdraw the endorsements of all certificates issued by a third country it shall without delay inform the Commission and the other Member States of its intention, giving substantiated reasons therefor.		No changes
4. The Commission, assisted by the European Maritime Safety Agency, shall reassess the recognition of the third country concerned in order to verify whether that country failed to comply with the requirements of the STCW Convention.		No changes
5. Where there are indications that a particular maritime training establishment no longer complies with the requirements of the STCW Convention, the Commission shall notify the		No changes

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country concerned that recognition of that country's certificates will be withdrawn in two months' time unless measures are taken to ensure compliance with all the requirements of the STCW Convention.		
6. The decision on the withdrawal of the recognition shall be taken by the Commission. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 28(2). The Member States concerned shall take appropriate measures to implement the decision.		No changes
7. Endorsements attesting recognition of certificates, issued in accordance with Article 5(6) before the date on which the decision to withdraw recognition of the third country is taken, shall remain valid. Seafarers holding such endorsements may not claim an endorsement recognising a higher qualification, however, unless that upgrading is based solely on additional seagoing service experience.		No changes

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	<i>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 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.</i>	
Article 21 Reassessment		
1. The third countries that have been recognised 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 every five years to verify that they	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 <i>within ten years of the last assessment,</i>	

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fulfil the relevant criteria set out in Annex II and whether the appropriate measures have been taken to prevent fraud involving certificates.	to verify that they fulfil the relevant criteria set out in Annex II and whether the appropriate measures have been taken to prevent <i>issuance of fraudulent</i> certificates.	
2. The Commission shall define the priority criteria for assessment of third countries on the basis of performance data provided by the port State control pursuant to Article 23, as well as the information relating to the reports of the independent evaluations communicated by third countries pursuant to section A-I/7 of the STCW Code.	2. The Commission, <i>with the assistance of the European Maritime Safety Agency</i> , shall <i>carry out the reassessment of the third countries based on priority criteria. Those priority criteria shall include the following:</i>	
	<i>a) performance data by the port state control pursuant to Article 23;</i>	
	<i>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;</i>	
	<i>c) the number of Maritime Education and Training institutions accredited by the third country;</i>	

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	<i>d) the number of programs approved by the third country;</i>	
	<i>e) the date of last assessment and the number of deficiencies in critical processes identified during the last Commission's assessment;</i>	
	<i>f) any significant change in the maritime training and certification system of a third country.</i>	
3. The Commission shall provide the Member States with a report on the results of the assessment.		No changes
Article 25a Information for statistical purposes		
1. The Member States shall communicate the information listed in Annex V to the Commission for the purposes of statistical analysis only. Such information may not be used for administrative, legal or verification purposes, and is exclusively for use by Member States and the Commission in policy-making.	1. The Member States shall communicate the information <i>referred to</i> in Annex V to the Commission for the purposes of <i>paragraph 8 of Article 20, paragraph 2 of Article 21 and</i> for use by the Member States and the Commission in policy-making.	
2. That information shall be made available by Member States to the Commission on a yearly basis and in electronic format and shall include information registered until 31		No changes

Dir. 2008/106/EC (consolidated version) or Dir. 2005/45/EC, as applicable	Commission proposal (doc. 9123/18)	Remarks
December of the previous year. Member States shall retain all property rights to the information in its raw data format. Processed statistics drawn up on the basis of such information shall be made publicly available in accordance with the provisions on transparency and protection of information set out in Article 4 of Regulation (EC) No 1406/2002.		
3. In order to ensure the protection of personal data, Member States shall anonymise all personal information as indicated in Annex V by using software provided or accepted by the Commission before transmitting it to the Commission. The Commission shall use this anonymised information only.		No changes
4. Member States and the Commission shall ensure that measures for collecting, submitting, storing, analysing and disseminating such information are designed in such a way that statistical analysis is made possible.		No changes
For the purposes of the first subparagraph, the Commission shall adopt detailed measures		No changes

Dir. 2008/106/EC (consolidated version) or Dir. 2005/45/EC, as applicable	Commission proposal (doc. 9123/18)	Remarks
regarding the technical requirements necessary to ensure the appropriate management of the statistical data. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 28(2).		
Article 27 Amendment		
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 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).	Only paragraph number added.
	2. <i>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</i>	

Dir. 2008/106/EC (consolidated version) or Dir. 2005/45/EC, as applicable	Commission proposal (doc. 9123/18)	Remarks
	<i>align it with new amendments to the STCW Convention and STCW Code.</i>	
Article 27a Exercise of the delegation		
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.	
2. The delegation of power referred to in Article 27 shall be conferred on the Commission for a period of five years from 3 January 2013. The Commission shall draw up a report in respect of the delegation of power not later than 4 April 2017. The delegation 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.	2. <i>The power to adopt delegated acts</i> referred to in Article 27 shall be conferred on the Commission for <i>an indeterminate period of time from [date of entry into force]</i> .	
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		No changes

Dir. 2008/106/EC (consolidated version) or Dir. 2005/45/EC, as applicable	Commission proposal (doc. 9123/18)	Remarks
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.		
	<i>4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.</i>	Alignment with the new standard provision on consultation of experts.
4. 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.	Only paragraph numbering changed.
5. 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 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	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	Only paragraph numbering changed and minor editorials.

Dir. 2008/106/EC (consolidated version) or Dir. 2005/45/EC, as applicable	Commission proposal (doc. 9123/18)	Remarks
object. That period shall be extended by two months at the initiative of the European Parliament or the Council.	object. That period shall be extended by two months at the initiative of the European Parliament or <i>of</i> the Council.	
