

EVALUATION ROADMAP			
TITLE OF THE EVALUATION/FC	REFIT Evaluation of Directive 2008/106/EC on minimum level of training of seafarers and Directive 2005/45/EC on mutual recognition of seafarers' certificates issued by Member States		
LEAD DG RESPONSIBLE UNIT	DG MOVE/UNIT D2	DATE OF THIS ROADMAP	10/05/2016
TYPE OF EVALUATION	Evaluation, Ex-post, Internal	PLANNED START DATE	04/2016
		PLANNED COMPLETION DATE	12 / 2016
		PLANNING CALENDAR	http://ec.europa.eu/smart-regulation/evaluation/index_en.htm
This indicative roadmap is provided for information purposes only and is subject to change.			

A. Purpose
(A.1) Purpose
<p>The REFIT evaluation of Directive 2008/106/EC on minimum level of training of seafarers as amended by Directive 2012/35/EU and of the related Directive 2005/45/EC on mutual recognition of seafarers' certificates issued by Member States will assist the Commission services to assess the actual performance of these interventions and to what extent they are fit for purpose.</p> <p>In particular, based on evidence-based judgment it will define to what extent this intervention has been effective and efficient, relevant to the objectives, coherent both internally and with other EU policy interventions and if it has achieved EU added value. Also, this evaluation will identify possible excessive administrative and regulatory burdens, inconsistencies and gaps which could be addressed in the light of simplification and burden reduction.</p> <p>The evaluation will serve as a basis for drawing policy conclusions and a possible review of the Directives.</p>
(A.2) Justification
<p>As provided for in Article 26 of Directive 2008/16/EC, the Commission shall regularly monitor the compliance of Member States with the Directive's provisions, submit an evaluation report to the European Parliament and the Council and, where necessary, make proposals for additional measures.</p> <p>In this respect, and in line with the Commission's better regulation guidelines and in particular the "evaluate first principle" the Commission will carry out this evaluation.</p>

B. Content and subject of the evaluation
(B.1) Subject area
<p>The importance of the human element for the safety of life at sea and the protection of the marine environment has been recognized at Union level since the beginning of 90's. In its conclusions of 25 January 1993 on maritime safety and pollution prevention in the Community, the Council noted the importance of the human element in the safe operation of ships. Also, in its resolution of 8 June 1993 on a common policy on safe seas the Council set the objective of removing substandard crews and gave priority to Community action aiming at enhancing training and education by developing common standards for minimum training levels of key personnel.</p>

Given the global nature of shipping, it was considered appropriate that actions to be taken at union level in the field of training of certification of seafarers should be in line with international agreed rules and standards, namely the International Maritime Organization (IMO) Convention on Standards of Training, Certification and Watchkeeping for Seafarers (the ‘STCW Convention’).

Therefore, in 1994, the STCW Convention was incorporated into Union law by Council Directive 94/58/EC on minimum level of training of seafarers. Since then, the Union rules on seafarers' training and certification have been amended several times in order to be brought in line with subsequent amendments to the STCW Convention with the current version of Union rules being Directive 2008/106/EC as amended by Directive 2012/35/EU.

The main subject area of this evaluation is Directive 2008/106/EC on the minimum level of training of seafarers as amended. This Directive incorporates into Union law the STCW Convention.

Directive 2008/106/EC also contains a common EU mechanism for the recognition of the systems of maritime education, training and certification of seafarers of third countries. As this Directive applies to all seafarers working onboard EU flagged ships irrespective of their nationality, it was considered essential to equally ensure that seafarers holding certificates issued by third countries and serving on board EU flagged ships have a level of competence equivalent to that required by the STCW Convention. In addition, the STCW Convention itself, and in particular Regulation I/10 on recognition of certificates, requires each administration to confirm through an evaluation of the other Party that the requirements of the STCW Convention are complied with.

Another basic element of the Directive 2008/106/EC is the regular verification, by the Commission assisted by the European Maritime Safety Agency (EMSA) of compliance of the Member States and of EU recognized third countries with the requirements of the Directive 2008/106/EC and STCW Convention respectively.

The evaluation will look also into Directive 2005/45/EC on the mutual recognition of seafarers' certificates issued by the Member States which is related to Directive 2008/106/EC. Directive 2005/45/EC provides for an automatic recognition of seafarers' qualifications issued in accordance with Directive 2008/106/EC without the need for compensation measures. In particular, the evaluation will examine to what extent these two Directives remain coherent with each other especially with the latest update of definitions in Directive 2008/106/EC.

(B.2) Original objectives of the intervention

The main objective of Directive 2008/106/EC has been the enhancement of maritime safety through the improvement of maritime education, training and certification of seafarers.

The main objective of Directive 2005/45/EC has been the fostering of the professional mobility of seafarers within the EU by facilitating the mutual recognition of their certificates.

(B.3) How the objectives were to be achieved

In order to ensure that Member States comply with the minimum standards for training and certification for seafarers, Directive 2008/106/EC calls for regular verification of the compliance of the Member States, by the Commission with the assistance of EMSA.

In addition, it was decided to establish a common EU mechanism for the recognition of the systems of training and certification of seafarers of third countries. According to this mechanism, the Commission was entrusted, on behalf of the whole Union, to carry out an assessment, with the assistance of EMSA, of the third country to be recognized and verify that it complies with the requirements of the STCW Convention. Again, in order to ensure that a country which is recognized at EU continues to comply with the STCW Convention, it is reassessed regularly by the Commission. Directive 2008/106/EC provides for withdrawal of recognition of a non-compliant third country.

Directive 2008/106/EC is directly linked with the Directive 2005/45/EC on the mutual recognition of

seafarers' certificates issued by the Member States. In fact, certificates issued in accordance with Directive 2008/106/EC have to be recognized by other Member States without the need for compensation measures. Therefore, each Member State should permit seafarers having acquired their certificate in another Member State according to the requirements of Directive 2008/106/EC to take up the maritime profession for which they are qualified without additional prerequisites other than those imposed on its own nationals.

Please see Annex I for an intervention logic diagram.

C. Scope of the evaluation

(C.1) Topics covered

The evaluation will cover Directive 2008/106/EC as amended and the related Directive 2005/45/EC. Section C2 gives the framework of the issues that need to be examined.

The evaluation will include the Member States and EU recognized third countries and will cover the period from 2005, when EMSA, on behalf of the Commission, started its visits/inspections, to the present.

(C.2) Issues to be examined

The evaluation will address the following evaluation questions: effectiveness, efficiency, relevance coherence and European Added Value. The below questions give a preliminary indication of the subjects to be covered in this evaluation.

Effectiveness:

To which extent has Directive 2008/106/EC contributed to the improvement of maritime education and training?

To what extent have the Directives contributed to the professional mobility of seafarers in the EU?

To what extent has the verification mechanism set out in the Directive 2008/106/EC led to the compliance of Member States and of third countries with the requirements of the Directive 2008/106/EC and STCW Convention respectively?

Has the mutual recognition of seafarers' qualifications been effective towards the mutual recognition of seafarers' certificates? In this respect, are there complaints for non-recognition of seafarers' certificates?

Efficiency:

Has the centralized EU mechanism for the recognition of the systems of training and certification of seafarers of third countries been efficient for the Member States (e.g. in terms of simplification, reduced administrative/regulatory burden, lower costs)?

Has the mutual recognition of seafarers' certificates within the EU been efficient for the seafarers (e.g. in terms of simplification, reduced burden, lower costs)?

Relevance:

To what extent are the Directives still relevant? How well do the objectives still correspond to the needs of the maritime sector?

Coherence:

To what extent is Directive 2008/106/EC coherent with regard to the most recent amendments of the

<p>STCW Convention adopted at IMO?</p> <p>To what extent are the Directives coherent with the wider EU policy on maritime safety and in particular with the EU Maritime Transport Strategy¹ ?</p> <p>To what extent are the Directives coherent with each other especially given the update of the definition of the term 'appropriate certificate'?</p> <p><u>European Added Value:</u></p> <p>What is the added value of having EU legislation that is incorporating the international standards for training and certification of seafarers?</p>
(C.3) Other tasks
No other tasks are envisaged at this stage.

D. Evidence base
(D.1) Evidence from monitoring
<p>EMSA monitoring reports on compliance of Member States and of third countries with the requirements of the Directive 2008/106/EC and STCW Convention respectively.</p> <p>Independent evaluation reports of Member States of their maritime education, training and certification system for seafarers.</p> <p>The EMSA horizontal analysis of the monitoring reports.</p> <p>EMSA information and data on maritime safety and on pollution by ships.</p> <p>In particular, databases managed by EMSA, like Thetis, which includes useful information on the type of deficiencies identified by the Port State Control, European Marine Casualty Information Platform (EMCIP), which includes information/analysis/statistics in the field of marine casualties, and STCW-IS, which includes information on maritime education and certification system, can be a source of useful information for the purposes of this evaluation.</p>
(D.2) Previous evaluations and other reports
There has not been a previous evaluation of Directive 2008/106/EC and of Directive 2005/45/EC.
(D.3) Evidence from assessing the implementation and application of legislation (complaints, infringement procedures)
Enquiries and complaints received mostly concern cases of non-recognition by certain Member States of seafarers' certificates issued in another Member State. They also concern cases of non-revalidation of certificates.
(D.4) Consultation
<p>The stakeholders' consultation will include an internet based open public consultation which will be launched in July 2016 and will close in October 2016 (16 weeks).</p> <p>It will cover the five evaluation criteria and will give the opportunity to any citizen and organisation to</p>

¹ [Communication of the Commission on Strategic goals and recommendations for the EU's maritime transport policy until 2018](#)

express their views on the evaluation.

A high level event / stakeholder conference will be held in October 2016 before the closure of the consultation. Particular attention will be paid to raising awareness about the public consultation and to ensure its accessibility.

In addition to the public consultation, targeted consultations are foreseen of relevant stakeholders for the more technical issues. The stakeholders that have been identified include, among others, the national maritime authorities/administrations, shipowners and seafarers/trade unions.

Furthermore several events and conferences with stakeholders, including within the formal governance and expert groups already operational, will be organised to consult and collect ideas. Major shipping events can be valuable platforms to consult and discuss the evaluations. Such events include the Malta Maritime Summit due to take place on 3-6 October 2016 and the 2017 European Shipping Week (ESW), organised by the European ship-owners (ECSA). The informal ministerial meeting under the Maltese Presidency which will follow, probably late April or early May 2017, can be used to exchange views with the Member States on the results of the evaluation and necessary follow-up initiatives.

The consultation will be available via Your Voice In Europe (http://ec.europa.eu/yourvoice/consultations/docs/planned-consultations_en.pdf). All relevant information will be accessible via the consultation web page and a "Synopsis Report" will be published there after the consultations are completed.

(D.5) Further evidence to be gathered

Information received from the stakeholders', through questionnaires during the consultation process.

Annex I - Intervention Logic Diagram



