

EUROPEAN ECONOMIC AREA
STANDING COMMITTEE
OF THE EFTA STATES

2/00/W/033
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Brussels

SUBCOMMITTEE II ON
FREE MOVEMENT OF CAPITAL AND SERVICES

EFTA INPUT ON THE COUNCIL DIRECTIVE AMENDING
DIRECTIVE 94/58/EC ON MINIMUM LEVEL OF TRAINING OF SEAFARERS

1. Reference is made to the on-going discussion on the Commission's draft proposal for an amended Directive 94/58/EC on minimum training of seafarers. The EFTA States take the opportunity to make the following comments related to the proposal:
2. Together with EU Member States, EFTA countries took active part in the revision of the STCW-Convention in IMO. The revised convention has the potential of becoming a very effective tool in the on going efforts to strengthen safety at sea. In order to obtain maximum results a thorough world wide implementation is vital, and Europe should lend its full support to such a process. As a consequence, it is the opinion of EFTA States that EU legislation in the field should avoid any deviations from the STCW-95. EFTA States would recommend that instead of amending the existing Directive 94/58 a new directive fully adopting the training provisions of the revised STCW-Convention should be presented to Member States.
3. Leaving this fundamental comment aside, EFTA States have the following remarks to the current proposal for a council directive amending Directive 94/58/EC on the minimum training of seafarers (10 July 1996):
 - The proposed new text of Article 9(3)(a) describes a procedure for the recognition of certificates issued by third countries which will be extremely time-consuming, costly and unnecessarily bureaucratic. If parties to the STCW-Convention have been able to fully comply with the requirements, and such compliance is confirmed by the Maritime Safety Committee there should be no need for any requirements in addition to those given in Regulation I/10 of the Convention.

(continued)

- The current text of Article 9(4) will exclude seafarers from countries that are not parties to the EEA Agreement from benefitting fully from the transitional provisions and limits the transitional period to two years. This is a violation of the equal rights to be given to all parties to the STCW-Convention and should, therefore, be corrected.
- The proposed new text of Article 5i, Fitness for duty, adds to the directive provisions regarding watchkeeping and working hours, which are not part of the training of seafarers. Unless an explicit decision is taken in order to extend the scope of Directive 94/58 to cover additional areas, 5i should be deleted.
- The proposed new text of Article 11a, Detention of the ship, is too inflexible, since the detention of a ship should be the strictest sanction among a range of possible options. A detention would, for example, be inappropriate if the shortcoming were rectified immediately.

4. The issue of training of seafarers is of great importance to the maritime member countries of the EFTA/EEA. EFTA States would, therefore, appreciate to be included in any further discussions the Commission might decide to have within this field with Member States experts.

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