



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 25.03.1998

COM(1998) 195 final

96/0240 (SYN)

OPINION OF THE COMMISSION

**on the amendments proposed by the European Parliament
to the Council's common position on the**

**proposal for a
COUNCIL DIRECTIVE**

amending Directive 94/58/EC on the minimum level of training of seafarers

(presented by the Commission pursuant to Article 189 c (d) of the EC Treaty)

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(presented by the Commission pursuant to Article 189 c (d) of the EC Treaty)

At its plenary session of 28-29 January 1998, the European parliament approved, subject to a number of amendments, the text of the common position adopted by the Council on 20 October 1997¹ with in view to adopting Council Directive 98/.../EC of... amending Directive 94/58/EC on the minimum level of training of seafarers.

Parliament's three amendments are given in annex.

Pursuant to Article 189 c (d) of the EC Treaty, the Commission has re-examined its proposal and decided not to accept the amendments for the following reasons:

Amendment n° 1 is not necessary since the wording of Article 5d(1) proposed by the Council is exactly reflecting the text of Regulation I/9 - paragraph 1 of the revised STCW 95. Therefore in accordance with the principle to stick to the provisions of the STCW 95 the text as it stands is sufficient.

Amendment n° 2 adds to paragraph 4 of article 5h a text which is taken from the non-mandatory Part B of the STCW Code which serves as a guidance to national Administrations. The text, as it stands in the common position, corresponds to section A VIII/1/3 and the addition requested by this amendment corresponds to B VIII/1/1. In the previous discussions in the Parliament and the Council it has been agreed that the recommended part B of the Code should not become mandatory under the Articles of the amending Directive. The question of the non-mandatory guidance is dealt in recital 7 of the Common position which refers to Part B of the STCW.

Amendment n° 3 deals with the watchkeeping provisions which are not part of the existing Directive 94/58. As discussed in the context of the global compromise in the Council it was agreed to maintain the spirit of Directive 94/58 dealing with training and certification standards of seafarers.

However article 5h (fitness for duty) of the common position includes the main issue of the watchkeeping provisions dealing with the rest periods of watchkeepers.

Accordingly, the Commission confirms its agreement with the Council's common position of 20 October 1997.

¹ OJ C 389, 22.12.1997, p. 1

EUROPEAN PARLIAMENT

22 January 1998

A4-0411/1

AMENDMENT 1

tabled by the Committee on Transport and Tourism

RECOMMENDATION FOR SECOND READING (A4-0411/97)

Rapporteur: Mr Parodi

MINIMUM LEVEL OF TRAINING FOR SEAFARERS

Common position of the Council
(C4-0563/97 - 96/0240(SYN))

Common position of the Council

Amendment

(Amendment 1)

ARTICLE 1(4)

Article 5d(1) (Directive 94/58/EC)

1. Member States shall establish standards of medical fitness for seafarers, particularly regarding eyesight and hearing.

1. Member States shall establish standards of medical fitness for seafarers, particularly regarding eyesight and hearing, appropriate to the functions, responsibilities and duties to be carried out under the highest safety standards.

EUROPEAN PARLIAMENT

22 January 1998

A4-0411/2

AMENDMENT 2

tabled by the Committee on Transport and Tourism

RECOMMENDATION FOR SECOND READING

(A4-0411/97)

Rapporteur: Mr Parodi

MINIMUM LEVEL OF TRAINING FOR SEAFARERS

Common position of the Council

(C4-0563/97 - 96/0240(SYN))

Common position of the Council

Amendment

(Amendment 2)

ARTICLE 1(4)

Article 5h(4) (Directive 94/58/EC)

4. The requirements for rest periods laid down in paragraphs 1 and 2 need not be maintained in the event of an emergency or drill or in other overriding operational conditions.

4. The requirements for rest periods laid down in paragraphs 1 and 2 need not be maintained in the event of an emergency or drill or in other overriding operational conditions which could not reasonably have been anticipated at the commencement of the voyage.

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EUROPEAN PARLIAMENT

22 January 1998

A4-0411/3

AMENDMENT 3

tabled by the Committee on Transport and Tourism

RECOMMENDATION FOR SECOND READING (A4-0411/97)
Rapporteur: Mr Parodi

MINIMUM LEVEL OF TRAINING FOR SEAFARERS

Common position of the Council
(C4-0563/97 - 96/0240(SYN))

Common position of the Council

Amendment

(Amendment 3)
ARTICLE 1(4)
Article 5h (2a) (new) (Directive 94/58/EC)

The following new paragraph 2a is added:

"2a. Officers in charge of the navigational watch who are required to leave the navigating bridge in connection with other duties, or at the completion of a watch, shall not do so until relieved by another officer taking charge of the navigational watch and after a proper handover of the watch has been completed."

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