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## COASTAL AREA ENVIRONMENTAL MANAGEMENT TRAINING FOR SEAFARERS

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Preliminary communication

The European Parliament temporary committee on Maritime Safety observed that 80% of all marine accidents involves human error. In author's opinion the diversity of national legislation in the field of training does not ensure a consistent level of training required in the interest of safeguarding environmental protection of the sea. The paper analyses the Directives 2001/25/EC and 2003/103/EC of the European Parliament and the Council on the minimum level of training of seafarers, as well as a work of the European Maritime Safety Agency (EMSA) to introduce a centralized and harmonised procedure for community - wide recognition of certificates issued by third countries which comply with the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW), 1978/95 in order to improve the environmental management in the coastal area.

Key words: training of seafarers, environmental management, European Maritime Safety Agency, coastal area.

### INTRODUCTION

The human factor is fundamental in maritime safety, with 80% of maritime accidents resulting from human failings. A ship meeting the most draconian safety criteria may be dangerous if it has a poorly trained or understaffed crew. For that reason, a number of international legal instruments, such as conventions of the International Labour Organisation and the International Maritime Organisation, particularly the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW) 1978/95 Convention and the International Convention on the Safety of Law at Sea (SOLAS) Convention, which regulate the training and working conditions of seafarers. However, given the difficulties of monitoring their application, the European Union thought it useful, in the wake of the *Erika*, to back these provisions up with a new community text, following on from Directives 94/58/EC et 98/35/EC on the same subject and setting the objective of establishing a minimum level of training for seamen for all member states. Directive

2001/25/EC on the minimum level of training of seafarers<sup>1</sup> builds on the provisions of the Conventions mentioned above.

## **1. THE DIRECTIVE 2001/25/EC ON THE MINIMUM LEVEL OF TRAINING OF SEAFARERS**

### **1.1. Scope of the Directive 2001/25/EC**

Directive 2001/25/EC on the minimum level of training of seafarers determines minimum standards of training, certification and watchkeeping for seafarers serving on board Community vessels. It is aimed at ensuring that STCW 1978/95 Convention, as revised, is implemented simultaneously and consistently in all Member States.

This Directive applies to seafarers serving on board seagoing ships flying the flag of a Member States, with the exception of: warships or other ships owned by a Member State and engaged only in governmental, non – commercial service; fishing vessels; pleasure yachts not engaged in trade and wooden ships of primitive build.

The Directive sets out the rules on training and the standards of competence to be met by seafarers who are candidates for the issue or revalidation of certificates that allow them to perform the functions for which the relevant certificate of proficiency is issued. It is important to say that these rules are consistent with the provisions of the STCW 1978/95 Convention. The Directive lays down, for the various ranks of seafarers, the mandatory minimum requirements for issuing certificates according to the different categories. The categories of seafarers to which these rules relate are: master, chief mates, deck officers and engineer officers, chief engineer officers and second engineer officers, certain categories of ratings and personnel responsible for radiocommunications. For certain categories of vessel, such as tankers and ro-ro passenger ships, the Directive lays down special training requirements. It sets out the mandatory minimum requirements concerning the training and standards of competence of seafarers serving on board these specific categories of vessel. It also lays down rules on education and training in management of emergency situations, fire – fighting and the provision of medical aid, and for crew members responsible for catering services.

According to the Directive, Member States must ensure that necessary processes and procedures for the impartial investigation of any incompetence, act or omission that may pose a direct threat to the safety of human life are established. Penalties or disciplinary measures are to be provided for and applied where: a company or master has engaged a person not holding a certificate as required by this Directive, a master has allowed a function for which a certificate is required to be performed by a person who does not hold the required certificate or when a person has obtained by fraud an engagement to perform a function for which a certificate is required.

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<sup>1</sup> Directive 2001/25/EC of the European Parliament and of the Council of 4 April 2001 on the minimum level of training of seafarers, Official Journal L 136, 18/05/2001 P. 0017-0041.

Member States are to ensure that all training, assessment of competence and certification activities are continuously monitored and independent evaluations of knowledge, understanding, skills and competence acquisition and assessment activities are carried out at intervals of not more than five years.

### 1.2. Issue and recognition of certificates

The Directive lays down rules on the issue of certificates including, in addition to the standards of competence for each category of seafarer, medical standards.<sup>2</sup> Member States that recognize a certificate issued by the competent authority of another Member State must endorse it in order to attest its issue. Member States can choose between two models of endorsement: endorsement incorporated in the certificate and separate endorsement. Recognition of certificates issued by Member States and held by Community or non-Community nationals is to be granted in accordance with the provisions of the Community Directives on the recognition of diplomas.<sup>3</sup>

Moreover, the Directive specifies the criteria for recognition by Member States of certificates issued by third countries. Member States must endorse such certificates in order to attest their recognition. The Directive provides for a separate procedure for such recognition, in line with the STCW 1978/95 Convention: In the interests of safety at sea, a Member State may recognize and endorse a certificate issued outside the EU only if it is from a country which is a party to the STCW 1978/95 Convention which has been identified by the IMO Maritime Safety Committee as having been shown to have given full effect to the standards set out in the STCW 1978/95 Convention. Under this Convention, the IMO Maritime Safety Committee must identify the countries that have implemented all the provisions of the Convention, known as the "White List".

### 1.3. Port State control

The Directive allows Member State to subject seafarers serving on any ship using their ports, irrespective of the flag it flies, to controls in order to verify that all seafarers who are required to be certificated by the STCW 1978/95 Convention are so certificated. Member States must ensure that the relevant provisions laid down in Directive 95/21/EC on port State control are applied. In some cases, it is necessary to assess the ability of seafarers to maintain watchkeeping standards as required by the Convention (verification of certificates). This is necessary in particular where a ship using a Community port is flying the flag of a country which has not ratified the STCW

<sup>2</sup> Member States are to establish standards of medical fitness for seafarers, in particular with regard to eyesight and hearing. Each candidate for certification must provide satisfactory proof of his identity and that he is at least 18 years of age, is medically fit, and has completed training in seagoing service, etc.

<sup>3</sup> The Directive 2001/25/EC requires recognition of certificates between Member States, but subjects that recognition also to the requirements of Directives 89/48/EEC and 92/51/EEC on the general systems for the recognition of professional education and training. The effect of this latter requirement is more demanding of seafarers than the criteria for recognition prescribed in the STCW Convention or the procedure for recognising certificates issued outside the EU. This disadvantages seafarers holding certificates issued by Member States compared with those with certificates issued outside the EU.

Convention, or has a master, officer or rating holding a certificate issued by a third country which has not ratified it. In other cases, crew members may be asked to provide an on-the-spot demonstration of their competence.

Lastly, the Directive specifies the grounds on which a vessel may be detained.

## 2. DIRECTIVE 2003/103/EC

As mentioned above, the Directive 2001/25/EC provides for a procedure of recognition by Member States of certificates issued outside the European Union. The aim was to ensure that seafarers holding certificates issued outside the EU and working on board Community ships were properly trained and had qualifications meeting the minimum requirements laid down by the international conventions. Nevertheless, the Commission realized that the application of that procedure by states was not without problems. For that reason, it proposed an amendment providing for a mechanism for recognizing the training in non-EU countries that is centralized at Community level. This new approach was designed to more effectively assess third states' compliance with international requirements. The Commission forwarded a proposal for a directive along these lines to the Council and the European Parliament on 13 January 2003. The text was definitively adopted, becoming Directive 2003/103/EC of 19 November 2003.<sup>4</sup>

The Directive 2003/103/EC is aimed at simplifying recognition of certificates by introducing a centralized and harmonized recognition procedure at Community level for third countries which comply with the STCW 1978/95 Convention. The new rules lay down a specific procedure for the withdrawal of recognition and for the regular monitoring of the conformity of third-country legislation with the STCW 1978/95 Convention. With the new Directive, the Commission proposes the improvement of the current procedure for the recognition of mariners' certificates of competency issued outside the EU through a system of community - wide recognition of certificates from labour-supplying third countries. The principal objective is to improve, enhance and simplify the current procedure for recognition of certificates issued by third countries by introducing a recognition procedure at Community level for those certificates. This Directive provides that member States grant automatic recognition to certificates of competence issued to seafarers by other Member States, that requirements of the STCW 1978/95 Convention as regards language skills for seafarers apply to Member state certification, that Member States prevent and penalize fraudulent practices associated with seafarer certificates and also Member States' compliance with the requirements of Directive 2001/25/EC.

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<sup>4</sup> Directive 2003/103/EC of the European Parliament and of the Council of 17 November 2003 amending Directive 2001/25/EC on the minimum level of training of seafarers, Official Journal L 326, 13/12/2003 P. 0028-0031.

### **3. IMPROVING TRAINING OF SEAFARERS IN ENVIRONMENTAL MANAGEMENT**

The marine environment, including oceans, seas and adjacent coastal area, forms an integrated whole and an essential component of global life. The United Nations Convention on the Law of the Sea in its part dealing with protection and preservation of the marine environment points out that states have obligation to protect and preserve a marine environment. States shall take measures to prevent, reduce and control pollution from the marine environment from any source, using for this purpose the best practicable means at their disposal. The measures shall deal also with the pollution from the vessels and states are responsible for the fulfillment of their international obligations and shall ensure that the recourse is available in accordance with their legal system for prompt and adequate compensation or other relief in respect of a damage caused by the pollution of the coastal area by natural or juridical, person under their jurisdiction<sup>5</sup>.

The present situation is that the standards of training for the award of vocational competency certificate to seafarers vary from one state to another and such diversity of national laws does not ensure the consistent level of training required in the interest of the maritime safety. Therefore it is essential to define a minimum level of training for seafarers with appropriate action in the field of standards of training already agreed at international level, namely the International Maritime Organization (IMO) International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (STCW), as revised.

At the regional level, based on the strategy to increase competitiveness and promote the employment in Member States of the European Union, action should be undertaken to continue striving for high quality and improve competitiveness by ensuring the continued high-quality of seafarers of all ranks and shore-based personnel. In that sense, the role of the European Maritime Safety Agency (EMSA) is pointed out as a body providing the necessary technical assistance to the Commission to enable to carry out the tasks with carrying out the necessary assessments. Namely, EMSA is a special control body whose basic task is to monitor the efficiency of the implementation of regulations in the field of maritime transport.

Moreover, Member States the European Union may establish standards higher than minimum standards laid down in the STCW Convention and the Directives in order to enhance marine safety and prevent loss of life and property and maritime pollution.

The Croatian Ordinance on watchkeeping conditions and methods and attending to other duties on board ships ensuring safe navigation and protection of the sea against pollution with the view of ensuring safety of navigation and environmental protection, sets out the principles and procedures with regard to performing duties and keeping the watch by crewmembers on board sea-going ships of Croatian nationality, stipulates the principles for establishing hours of work of the crew, obligations of the company or ship operator, master, officers and other crewmembers holding special powers aboard ships, the method of safeguarding efficient communication on board the

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<sup>5</sup> The Law of the Sea, Official Text of the United Nations Convention on the Law of the Sea with Annexes and Index, Final Act of the Third United Nations conference on the Law of the Sea, United Nations, 1983.

ships of Croatian nationality and ships that in operating the regular scheduled services call at ports in the Republic of Croatia<sup>6</sup>. Purpose of the said Ordinance is to accomplish necessary alignment with EU Regulation.

### CONCLUSION

The preservation of the coastal area is an important factor of success of the economy and of certain industries as a shipping industry. Today's businesspersons have to deal not only with marketing issue but also with environmental rules. The aim of sustainable transport is to establish practical legal mechanism of coastal area environmental management.

In environmental matters there is no restricted space dimension because natural space has common right of usage and obligation for protection lies with practically whole world. Law deals with relevant regulations that streamline the activities to monitor implementation and penalize non-adherence to particular provisions. The challenge for environmental management is reflected in the need off incorporating environmental issue into all arrangements in the decision-making, changing the behavior and stimulating better planning.

Efficient environmental protection calls for qualified resources and therefore in the field of shipping STCW plays a very significant role. The authors are pointing out that the responsibility for the implementation of the STCW Convention rests with the governments of individual countries that accept STCW as integral part of their national jurisdiction. With the regard to general attributes of STCW, EU directives may be considered as being positive steps determining conduct of Member States, and which the acceding state must adhere to in order to attain the objective of successful coastal environmental management.

### REFERENCES

1. Directive 2001/25/EC of the European Parliament and of the Council of 4 April 2001 on the minimum level of training of seafarers, Official Journal L 136, 18/05/2001 P. 0017-0041.
2. Directive 2003/103/EC of the European Parliament and of the Council of 17 November 2003 amending Directive 2001/25/EC on the minimum level of training of seafarers, Official Journal L 326, 13/12/2003 P. 0028-0031.
3. Pravilnik o uvjetima i načinu održavanja straže, te obavljanju drugih poslova na brodu kojima se osigurava sigurna plovidba i zaštita mora od onečišćenja, Narodne novine, 125/05.
4. The International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW) 1978/95 Convention, International Maritime Organization, London, 2001.
5. The International Convention on the Safety of Life at Sea (SOLAS) Convention, Consolidated Edition, International Maritime Organization, London, 2004.
6. The Law of the Sea, Official Text of the United Nations Convention on the Law of the Sea with Annexes and Index, Final Act of the Third United Nations conference on the Law of the Sea, United Nations, 1983.

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<sup>6</sup> Pravilnik o uvjetima i načinu održavanja straže, te obavljanju drugih poslova na brodu kojima se osigurava sigurna plovidba i zaštita mora od onečišćenja, Narodne novine, 125/05.