Axel Luttenberger  
University of Rijeka, Faculty of Maritime Studies, Rijeka, Croatia  
Biserka Rukavina  
University of Rijeka, Faculty of Maritime Studies, Rijeka, Croatia

REGULATORY ENVIRONMENT FOR MARITIME EDUCATION AND TRAINING IN THE EUROPEAN UNION

ABSTRACT

The education and training of seafarers plays a major role in maritime safety and in the protection of the maritime environment. Because of the fact that the standards for the awarding vocational and academic competence vary from State to State and for the reasons that mutual recognition of professional education does not always ensure a standardised level of training for all seafarers, the paper analyzes the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended, which provides the minimum standards of training, certification and watchkeeping for seafarers serving on board as well as Directive 2008/106/EC of the European Parliament and of the Council of 3 December 2008 on the minimum level of training of seafarers (recast). Evaluation is made of the role of European Maritime Safety Agency (EMSA) in observing the efficiency of implementation of regulations in the field of maritime safety, including the audit of training and certification systems in the third countries that supply seafarers to ships flying the European Union flag. Authors are assessing the position of the Republic of Croatia in its commitment to adapt international and regional legal instruments and call upon to a proactive approach in the field of maritime education and training in providing seafarers with both theoretical background and practical knowledge for the work in the shipping industry. Namely, the better the learning that seafarers receive, the safer shipping will become.

Key words: maritime education and training, seafarers, certification, minimum level of training

JEL classification: K32

1. INTRODUCTION

Shipping is perhaps the most international of all the industries and one of the most dangerous. Safeties of life at sea and the marine environment as well as over 80% of the world trade depend on the professionalism and competence of seafarers. The constant changes in the shipping industry, especially as regards the pattern of maritime trade and ship demands, technology, ship management and operation, manning requirement and international maritime regulatory framework, have greatly affected
and will continue to affect the employment of seafarers. Therefore, each government who allows its nationals to work on board ships should give special attention to the maritime education and training system.

Innovative concepts of marine education, a shift from knowledge-based to a competency-based training, and the need for constant professional updating and recertification have brought maritime training institutions out from under the shadows of the maritime administration and industry. It is necessary that the maritime training institutions implement their programme content efficiently and effectively in accordance with the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW Convention) requirements and the contents of the IMO Model Courses as well as EU directives related to the seafarers education and training system. They must improve the standards of the teaching staff, facilities and equipment and proactively support the efforts by agencies such as European Maritime Safety Agency (EMSA) to develop and implement STCW requirements.

2. THE REGULATORY ACTIVITIES OF THE INTERNATIONAL MARITIME ORGANIZATION RELATED TO THE SEAFARERS EDUCATION AND TRAINING SYSTEM

The fact is that the International Maritime Organization (IMO) has been dealing with this issue for the last 30 years. Concrete measures were taken in 1978 with the adoption of the STCW Convention.\(^1\) The STCW Convention was the first to establish basic requirements on training, certification and watchkeeping for seafarers on an international level. Previously, these standards were established by individual governments, usually without reference to practice in other countries.

It is important to point out that the STCW Convention prescribes minimum standards, which means that an individual country may establish standards higher than the minimum standards laid down in the STCW Convention.

The Convention has had two revisions. First major revision of the Convention was done in 1995.\(^2\) The basic feature of the revisions is the simplified procedure for amendments to the text itself. Generally speaking, the Convention contains basic requirements which are then explained in the Code. For procedural and legal reasons, there is no need to call a full conference to make changes to the Code. Moreover under Chapter I, regulation I/7 of the revised Convention, Parties are required to provide detailed information to IMO concerning administrative measures taken to ensure compliance with the Convention, education and training courses, certification procedures and other factors relevant to implementation. Modifications from 1995 opened completely new page in IMO history, because for the first time they were allowed to control implementation of STCW Convention. As a result of such controls

\(^{1}\) The STCW Convention was adopted 7 July 1978 and entered into force 28 April 1984.

\(^{2}\) The 1995 amendments entered into force on 1 February 1997.
in the year 2000 IMO White List was created. This is a list of the countries which are fully in compliance with STCW requirements.\(^3\)

Second major revision of the STCW Convention and Code took place in 2010. The so called Manila amendments were adopted on 25 June 2010 and will enter into force on 1 January 2012, under tacit acceptance procedure. It should be noted that the review was carried out taking into account of a set of basic goals agreed by the IMO's Maritime Safety Committee including: to retain the structure and goals of the 1995 revision, to ensure that existing standards are not scaled down, to address inconsistencies, interpretations and outdated provisions and to include provisions addressing the special characteristics and circumstances of short sea shipping and the offshore industry.

There are a number of important changes to each chapter of the STCW Convention and Code. The Manila amendments provide for improved measures to prevent fraudulent practices associated with certificates of competency and strengthen the evaluation process. They also stipulate new requirements related to training in modern technology such as electronic charts and information system. Especially important are amendments related to requirements on hours of work and rest and new requirements for security training. They also introduce a modern training methodology including distance learning and web based learning.

3. **EUROPEAN UNION APPROACH**

Competent crews are essential for ensuring safety and security at sea and the protection of the environment.\(^4\) Statistics state that 80% of all accidents are the result of the human element. For this reason, the education and training of seafarers is an important issue in the European Union. For the European Union, it is important that seafarers are properly trained, regardless of which country they come from. In order to maintain and develop the level of knowledge and skills in maritime sector in the Community, the Commission devoted appropriate attention to maritime training and the status of seafarers in the Community.\(^5\)

\(^3\) The so called „White List“ of countries assessed to be properly implementing the revised STCW Convention has been updated by IMO. The White List now comprises 94 States and one IMO Associate Member. A position on the White List entitled other Parties to the STCW Convention to accept, in principle, that certificates issued by or on behalf of the parties on the list are in compliance with the revised STCW Convention, as amended.

\(^4\) Having competent staff is not only to uphold maritime safety and safeguard the marine environment, but is also essential to support the growth and the prosperity of the maritime industry in Europe. The European maritime industry suffers from an increasing lack of European seafarers, in particular officers. Such shortage is likely to increase in the coming years to the detriment of the maritime industry which needs maritime expertise and experience. For these reasons, the main objective of the European maritime policy in this field is to prevent abusive practices on board of ships calling at EU ports, improve social guarantees for seafarers on board EU flagged ships and make the maritime profession more attractive.

\(^5\) In its Communication on the strategic goals and recommendations for the EU’s maritime transport policy until 2018 issued on 21 January 2009, the Commission presents the main strategic goals for the European maritime transport system up to 2018 and identifies key areas where action by the EU should strengthen the competitiveness of the sector while enhancing its environmental performance. Among those areas, the Commission stresses the need to promote maritime employment and address current shortages of European seafarers: „...there is a genuine EU interest in emphasizing the attractiveness of the maritime professions to

The purpose of this Directive is to transpose the international training and certification requirements laid down in the STCW Convention into the European Union law.

This Directive applies to the all seafarers (European and non European) serving on board seagoing ships flying the flag of a Member State. The categories of seafarers to which these rules concern are masters, chief mates, deck officers and engineer officers, chief engineer officers and second engineer officers, certain categories of ratings and personnel responsible for radio communications. For certain categories of vessel, such as tankers and ro-ro passenger ships, the Directive lays down special training provisions. It sets out the mandatory minimum requirements concerning the training and qualifications of seafarers serving on board these specific categories of vessel. In all cases seafarers serving on board must be trained in accordance with the requirements of the STCW Convention.

The Directive prescribes the certification procedure. In terms of the Directive, a certificate is any valid document issued by or under the authority of the competent authority of a Member State. Seafarers who do not possess this certificates may be allowed to serve on board ships flying the flag of a Member State, provided that a decision on the recognition of their appropriate certificates has been adopted through appropriate procedure set out in this Directive. Seafarers must meet the national standards for physical fitness and satisfy certain basic requirements regarding identity, ages, service at sea and skills.

Member State must also apply the necessary measures to prevent and penalise fraud and other illegal practices concerning the certification procedure.

The Directive binds Member States to adopt appropriate sanctions for actions that may pose a threat to the safety of human life, the safety of goods at sea or the marine environment. Penalties or disciplinary measures are applied where a company or master has engaged a person not holding a certificate as required by this Directive, where a master has authorised a seafarers to carry out a function for which a certificate is required whereas he/she is not the holder of the required certificate, and a person has obtained by fraud an engagement to perform a function or to serve in a capacity for which a certificate is required.

Europeans by means of actions that involve, where appropriate, the Commission, the Member States and the industry itself.

One of the key issues in this context is to strike the right balance between the employment conditions of EU seafarers and the competitiveness of the European fleet.

All Member States of the European Union are parties to the STCW Convention. As mentioned above, Member States may establish standards higher than the minimum standards laid down in the STCW Convention and this Directive, but not lower.
In order to prevent fatigue amongst watchkeeping personnel, which is very often the cause of accidents at sea, the Directive includes provisions concerning minimum rest periods for watchkeeping personnel. All persons who are assigned duty as an officer in charge of a watch or as a rating forming part of a watch must be allowed at least 10 hours of rest in any 24 hour period where the hours of rest may be divided into no more than two periods, one of which shall be at least six hours long.

In accordance with Article 22 of the Directive Member States are authorized to monitor seafarers serving on board any ship using their ports, irrespective of the flag it flies, in particular in order to verify that all seafarers who are required to hold a certificate by the STCW Convention.

Finally, the Directive specifies the grounds on which a vessel may be detained such as lack of training or working conditions of the crew, where it has been established that these inadequacies represent a danger for goods, persons or the environment (Article 24 of the Directive).

4. THE ROLE OF EUROPEAN MARITIME SAFETY AGENCY

Maritime transport is of fundamental importance to Europe and rest of the world. As a result of its geography, its history and the effects of globalisation, maritime transport will continue to be the most important transport mode in developing European Union trade for the future. One of the key European Union level initiatives is the set up of European Maritime Safety Agency (EMSA). The main objective of EMSA is to provide technical and scientific assistance to the European Commission and Member States in the proper development and implementation of European Union legislation on maritime safety, pollution by ships and security on board ships.

As regard the training of seafarers the task of EMSA is to ensure that non-European seafarers on board European Union ships are trained and certified according to the minimum international requirements as described in the STCW Convention in accordance with Directive 2008/106. The fact is that ships operating in European Union waters are often manned by seafarers who are not nationals of European Union Member States. For safety reasons it is important to know whether their qualifications meet the required standards, as laid down by the STCW Convention. In the past, individual EU Member States and the Commission visited labour-supplying third countries to assess the maritime education and certification system based upon the international STCW standards. On the basis of Directive 2008/106/EC on the minimum level of training of seafarers, this task has been re-assigned to the Commission assisted by EMSA. Hence EMSA conducts visits to collect information on the implementation of the relevant provisions and this allows the Commission to accept a third country maritime education and training system. Consequently, seafarers that have certificates issued by third countries can sail on EU-flagged vessels.

EMSA inspectors conduct a detailed analysis of relevant national regulations adopted to implement the STCW Convention. Inspectors visit different parts of the national administrations responsible for maritime education and training. The inspection plan also involves visits to the individual maritime education and training institutions. They not only ensure that the STCW standards are properly applied, but also enable the organisations to identify areas which may need improvement. More than 30 non-EU countries have been recognised at EU level according to the provisions of the Directive.

5. THE TRAINING SYSTEM OF SEAFARERS IN THE REPUBLIC OF CROATIA

The Republic of Croatia joined STCW Convention in 1991. Application of the STCW Convention is provided through the regulations proposed by the Ministry of Maritime Affairs, Transport and Communication. Accordingly, terms and conditions of certification and training of seafarers in Croatia are prescribed by the Maritime Code of 2004 and the Ordinance on Vocations and Certificates of Competencies for Seafarers. With these regulations all international requirements for education and training of seafarers are accepted, respecting Croatian educational and training specific features, which are often above STCW requirements.

After accession to the European Union, it shall be directly bound by Directive 2008/106.

Croatia has a long tradition of seafarer’s training. During the past, Croatians were recognized as reliable nationals for recruitment of seafarers. At present, there are about 31,000 seafarers in Croatia and more than a half of that numbers are officers. More than 20,000 of them are on board ships owned by foreign companies.

Croatia has well established education and training institutions for seafarers as well as universities. At these institutions and universities, seafarers can receive not only a solid theoretical basis but also develop good practical skills. Croatian maritime qualification is based on interaction of education, training and working onboard ships.

In the Republic of Croatia students can attend two-year college level education at the beginning of the process or after some seafaring experience and completing of the necessary training course. Other steps in the process consist of seafaring and attending of the training courses. That period is individual for each seafarer and depends on orientation for working on special kinds of ships and professional skills and ambitions. At the end of the process he/she becomes Master or Chief Engineer as the highest positions on the ship.

The most important factor in the career of every seafarer is training courses. Frequent short and substantive courses are helpful for fast acceptance of all necessary requirements proposed by IMO or other authorities. Importance of attendance at the courses is proved by fact that more than 80 % of all marine accidents are caused by
human error. Most of the errors occurred because of a lack of knowledge in using modern equipment and computer aided facilities.

6. CONCLUSION

Presently the standards of training, certification and watchkeeping for seafarers vary from one country to another, and such diversity of national laws does not ensure the consistent level of training required in the interest of maritime safety.

In achieving to reach the definition of a uniform minimum level of training for seafarers that will keep up with the latest modern technologies both on board and land, the STCW Convention plays a very significant role where the responsibility for the implementation of the STCW Convention rests with the governments of individual countries that accept the STCW Convention as integral part of their national jurisdiction.

At the regional level, action should be undertaken to continue striving for high quality and to improve competitiveness by ensuring the continued high quality of seafarers of all ranks and shore based personnel. European Union directives contribute to the unification of rules on training of seafarers, where EMSA plays the important role of a supervisor.

Candidate countries, such as Croatia, must observe the directives in order to provide seafarers with good theoretical background and practical skills for work in the maritime industry. Seafarer’s training and education system in Croatia organized in compliance with world renowned standards is a guarantee for our seafarers to be highly respected and sought-after aboard all ships no matter which flag they fly. The quality of Croatian seafarers becomes prominent mainly because human factor is the most important part of the chain that makes the seafaring safer and prevents pollution of the sea. Consequently, the application of new knowledge in the protection of human lives and sea ecosystem is of utmost importance for the Republic of Croatia as a maritime country with more than 30.000 seafarers.

REFERENCES

Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - Strategic goals and recommendations for the EU’s maritime transport policy until 2018, COM/2009/0008 final, www.eur-lex.europa.eu


The Maritime Code, (Official Gazette, 181/04);

The Ordinance on Vocations and Certificates of Competencies for Seafarers, (Official Gazette, 91/05, 50/07, 62/09, 142/10);

http://www.ec.europa.eu/transport/maritime/seafarers


http://www.imo.org