



Brussels, 11 December 2017

NOTICE TO SEAFARERS SUBJECT TO DIRECTIVE 2008/106/EC ON THE MINIMUM LEVEL OF TRAINING OF SEAFARERS AND DIRECTIVE 2005/45/EC ON THE MUTUAL RECOGNITION OF SEAFARERS' CERTIFICATES

The United Kingdom submitted on 29 March 2017 the notification of its intention to withdraw from the Union pursuant to Article 50 of the Treaty on European Union. This means that unless a ratified withdrawal agreement¹ establishes another date or the period is extended by the European Council in accordance with Article 50(3) of the Treaty on European Union, all Union primary and secondary law will cease to apply to the United Kingdom from 30 March 2019, 00:00h (CET) ('the withdrawal date'). The United Kingdom will then become a 'third country'.²

In view of the considerable uncertainties, in particular concerning the content of a possible withdrawal agreement, all seafarers subject to Directive 2008/106/EC on the minimum level of training of seafarers³ and Directive 2005/45/EC on the mutual recognition of seafarers' certificates issued by the Member States⁴ are reminded of certain legal repercussions stemming from currently applicable rules of Union law when the United Kingdom becomes a third country.

Subject to any transitional arrangement that may be contained in a possible withdrawal agreement, as of the withdrawal date, the EU rules in the field of minimum level and mutual recognition of seafarers' certificates no longer apply to the United Kingdom. This has in particular the following consequences which may need to be considered and anticipated:

VALIDITY OF CERTIFICATES

According to Article 3 of Directive 2008/106/EC seafarers serving on-board a vessel flying the flag of an EU Member State have to hold the requisite certificate of competency or certificate of proficiency (hereafter "**certificates**") issued by that Member State, by another EU Member State or by one of the third countries recognised under Article 19 of Directive 2008/106/EC. The Member State of the vessel recognises the certificates issued to seafarers by the other Member States or the recognised third

¹ Negotiations are ongoing with the United Kingdom with a view to reaching a withdrawal agreement.

² A third country is a country not member of the EU.

³ Directive 2008/106/EC of the European Parliament and of the Council of 19 November 2008 on the minimum level of training of seafarers, OJ L 323, 3.12.2008, p. 33.

⁴ Directive 2005/45/EC of the European Parliament and of the Council of 7 September 2005 on the mutual recognition of seafarers' certificates issued by the Member States and amending Directive 2001/25/EC, J L 255, 30.9.2005, p. 160.

countries, for such certificates to be valid in that Member State. There are two distinct recognition procedures:

- Article 3 of Directive 2005/45/EC provides that every Member State shall recognise the certificates issued to seafarers by the other Member States: the recognition of these certificates (by the Member State of the vessel) must be accompanied by an 'endorsement attesting such recognition'.
- Article 19(4) of Directive 2008/106/EC provides that a Member State may decide to endorse the certificates issued by the recognised third countries.

It follows that:

- As of the withdrawal date, the certificates issued to seafarers by the United Kingdom can no longer be presented for an 'endorsement attesting recognition' by a EU-27 Member State under Directive 2005/45/EC.

The 'endorsement[s] attesting recognition' issued prior to the withdrawal date by EU-27 Member States under Directive 2005/45/EC of certificates issued to seafarers by the United Kingdom will continue to be valid until their expiration. A master or an officer holding an 'endorsement attesting recognition' issued by a Member State will be able to continue working on board vessels flying the flag of that Member State. However, they will not be able to change and work on-board a vessel flying the flag of another Member State on the basis of their existing UK-issued certificates, given that the basis for the recognition of their certificates by that Member State (Directive 2005/45/EC) would no longer be applicable.

- As of the withdrawal date, recognition by an EU-27 Member State of certificates issued to seafarers by the United Kingdom will be subject to the conditions set out in Article 19 of Directive 2008/106/EC,⁵ in line with the new status of the United Kingdom as a third country.

Preparing for the withdrawal is not just a matter for Union and national authorities, but also for private parties.

The Commission services stand ready to provide further clarifications to interested stakeholders. The website of the Commission on maritime transport (https://ec.europa.eu/transport/modes/maritime/seafarers_en) provide for general information. These pages will be updated with further information, where necessary.

European Commission
Directorate-General for Mobility and Transport

⁵ The list of third countries recognised at EU level was published in OJ C 261, 8.8.2015, p. 25. Following the publication of this list, Montenegro was recognised by the Commission Implementing Decision published in OJ L 107, 25.4.2017, p. 31, Ethiopia was recognised by the Commission Implementing Decision published in OJ L 177, 8.7.2017, p. 43 and Fiji was recognised by the Commission Implementing Decision published in OJ L 202, 3.8.2017, p. 6.