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NOTICE TO STAKEHOLDERS

WITHDRAWAL OF THE UNITED KINGDOM AND EU RULES ON THE MINIMUM LEVEL OF TRAINING OF SEAFARERS AND 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. Following a request by the United Kingdom, the European Council (Article 50) agreed on 11 April 2019¹ to extend further² the period provided for in Article 50(3) TEU until 31 October 2019.³ This means that the United Kingdom will be, as of 1 November 2019 ('the withdrawal date') a 'third country'.^{4 5}

Preparing for the withdrawal is not just a matter for EU and national administrations but also for private parties.

In view of the uncertainties surrounding the ratification of the Withdrawal Agreement,⁶ all interested parties, and especially economic operators, are reminded of legal repercussions, which need to be considered when the United Kingdom becomes a third country.

¹ European Council Decision (EU) 2019/584, OJ L 101, 11.4.2019, p. 1.

² Following a request by the United Kingdom, the European Council had decided a first extension on 22 March 2019 (European Council Decision (EU) 2019/476, OJ L 80I, 22.3.2019, p. 1).

³ On 11 April 2019, following a second request for an extension by the United Kingdom, the European Council also decided that the decision to extend until 31 October 2019 would cease to apply on 31 May 2019 if the United Kingdom had not held elections to the European Parliament and had not ratified the Withdrawal Agreement by 22 May 2019. As the United Kingdom had not ratified the Withdrawal Agreement by 22 May 2019, it held European elections on 23 May 2019.

⁴ A third country is a country not member of the EU.

⁵ In addition, if the Withdrawal Agreement is ratified by both parties before that date, the withdrawal takes place on the first day of the month following the completion of the ratification procedures.

⁶ Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community, OJ, C 144 I, 25.4.2019, p. 1.

Subject to the transition period provided for in the Withdrawal Agreement,⁷ as of the withdrawal date, the EU rules in the field of minimum level and mutual recognition of seafarers' certificates, and in particular Directive 2008/106/EC of the European Parliament and of the Council of 19 November 2008 on the minimum level of training of seafarers,⁸ no longer apply to the United Kingdom. This has in particular the following consequences:

Please note:

This notice does not address other aspects that may be relevant for stakeholders concerned, such as:

-EU rules on maritime safety and market access;⁹

-EU rules on maritime security;¹⁰ and

-EU rules for controls of persons entering and exiting the EU.¹¹

Regarding the general EU framework for the recognition of professional qualifications, please consult the “*Notice to stakeholders - Withdrawal of the United Kingdom and EU rules in the field of regulated professions and the recognition of professional qualifications*”.¹²

- 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 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'.

⁷ It is recalled that, in order for the transition period to apply, the Withdrawal Agreement has to be ratified by the EU and the United Kingdom.

⁸ OJ L 323, 3.12.2008, p. 33.

⁹ See “*Notice to stakeholders - Withdrawal of the United Kingdom and EU rules in the field of maritime transport*” (https://ec.europa.eu/info/sites/info/files/file_import/maritime_transport_en.pdf).

¹⁰ See “*Notice to stakeholders - Withdrawal of the United Kingdom and EU rules in the field of aviation security and maritime security*” (https://ec.europa.eu/info/sites/info/files/file_import/aviation_and_maritime_security_en_0.pdf).

¹¹ See “*Notice on travelling between the EU and the United Kingdom following withdrawal of the United Kingdom from the EU*” (https://ec.europa.eu/info/sites/info/files/travelling_en_0.pdf).

¹² https://ec.europa.eu/info/sites/info/files/file_import/professional_qualifications_en.pdf.

- 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.
- 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 an 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 expiry. 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 19¹³ of Directive 2008/106/EC¹⁴, in line with the new status of the United Kingdom as a third country.

The website of the Commission on maritime transport (https://ec.europa.eu/transport/modes/maritime/seafarers_en) provides general information. These pages will be updated with further information, where necessary.

European Commission
Directorate-General for Mobility and Transport

¹³ The conditions for recognition set out in Article 19 of Directive 2008/106/EC were recently amended by Directive (EU) 2019/1159 of the European Parliament and of the Council of 20 June 2019, OJ L 188, 12.7.2019, p. 94.

¹⁴ 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.