

Directive 2008/106/EC of the European Parliament and of the Council of 19 November 2008 on the minimum level of training of seafarers (recast) (Text with EEA relevance)

Article 1

Definitions

For the purposes of this Directive:

1. 'master' means the person having command of a ship;
2. 'officer' means a member of the crew, other than the master, designated as such by national law or regulations or, in the absence of such designation, by collective agreement or custom;
3. 'deck officer' means an officer qualified in accordance with the provisions of Chapter II of Annex I;
4. 'chief mate' means the officer next in rank to the master upon whom the command of the ship will fall in the event of the incapacity of the master;
5. 'engineer officer' means an officer qualified in accordance with the provisions of Chapter III of Annex I;
6. 'chief engineer officer' means the senior engineer officer responsible for the mechanical propulsion and the operation and maintenance of the mechanical and electrical installations of the ship;
7. 'second engineer officer' means the engineer officer next in rank to the chief engineer officer upon whom the responsibility for the mechanical propulsion and the operation and maintenance of the mechanical and electrical installations of the ship will fall in the event of the incapacity of the chief engineer officer;
8. 'assistant engineer officer' means a person under training to become an engineer officer and designated as such by national law or regulations;
9. 'radio operator' means a person holding an appropriate certificate issued or recognised by the competent authorities under the provisions of the Radio Regulations;
10. 'rating' means a member of the ship's crew other than the master or an officer;
11. 'seagoing ship' means a ship other than those which navigate exclusively in inland waters or in waters within, or closely adjacent to, sheltered waters or areas where port regulations apply;
12. 'ship flying the flag of a Member State' means a ship registered in and flying the flag of a Member State in accordance with its legislation; a ship not corresponding to this definition shall be regarded as a ship flying the flag of a third country;
13. 'near-coastal voyages' means voyages in the vicinity of a Member State as defined by that Member State;

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14. 'propulsion power' means the total maximum continuous rated output power in kilowatts of all of a ship's main propulsion machinery which appears on the ship's certificate of registry or other official document;
15. 'oil-tanker' means a ship constructed and used for the carriage of petroleum and petroleum products in bulk;
16. 'chemical tanker' means a ship constructed or adapted and used for the carriage in bulk of any liquid product listed in Chapter 17 of the International Bulk Chemical Code, in its up-to-date version;
17. 'liquefied-gas tanker' means a ship constructed or adapted and used for the carriage in bulk of any liquefied gas or other product listed in Chapter 19 of the International Gas Carrier Code, in its up-to-date version;
18. [^{F1}'Radio Regulations' means the radio regulations annexed to, or regarded as being annexed to, the International Telecommunication Convention, as amended;
19. 'passenger ship' means a ship as defined in the International Convention for the Safety of Life at Sea, 1974 (SOLAS 74), as amended;]
20. 'fishing vessel' shall mean a vessel used for catching fish or other living resources of the sea;
21. 'STCW Convention' means the International Maritime Organisation (IMO) Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as it applies to the matters concerned taking into account the transitional provisions of Article VII and Regulation I/15 of the Convention and including, where appropriate, the applicable provisions of the STCW Code, all being applied in their up-to-date versions;
22. 'radio duties' includes, as appropriate, watchkeeping and technical maintenance and repairs conducted in accordance with the Radio Regulations, the International Convention for the Safety of Life at Sea, 1974 (SOLAS 74) and, at the discretion of each Member State, the relevant recommendations of the IMO, in their up-to-date versions;
23. 'ro-ro passenger ship' means a passenger ship with ro-ro cargo spaces or special-category spaces as defined in the SOLAS 74, in its up-to-date version;
24. [^{F1}'STCW Code' means the Seafarers' Training, Certification and Watchkeeping (STCW) Code as adopted by the 1995 Conference resolution 2, in its up-to-date version;]
25. 'function' means a group of tasks, duties and responsibilities, as specified in the STCW Code, necessary for ship operation, safety of life at sea or protection of the marine environment;
26. 'company' means the owner of the ship or any other organisation or person such as the manager or the bareboat charterer who has assumed the responsibility for operation of the ship from the shipowner and who, on assuming such responsibility, has agreed to take over all the duties and responsibilities imposed on the company by this Directive;
27. [^{F2}. . . .]
28. [^{F1}'seagoing service' means service on board a ship relevant to the issue or revalidation of a certificate of competency, certificate of proficiency or other qualification;]

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29. ‘approved’ means approved by a Member State in accordance with this Directive;
30. ‘third country’ means any country which is not a Member State;
31. ‘month’ means a calendar month or 30 days made up of periods of less than one month^{[F1];}
32. ^[F3]‘GMDSS radio operator’ means a person qualified in accordance with Chapter IV of Annex I;
33. ‘ISPS Code’ means the International Ship and Port Facility Security Code adopted on 12 December 2002, by resolution 2 of the Conference of Contracting Governments to the SOLAS 74, in its up-to-date version;
34. ‘ship security officer’ means the person on board a ship, accountable to the master, designated by the company as responsible for the security of the ship including implementation and maintenance of the ship security plan and liaison with the company security officer and port facility security officers;
35. ‘security duties’ include all security tasks and duties on board ships as defined by Chapter XI/2 of the SOLAS 74, as amended, and by the ISPS Code;
36. ‘certificate of competency’ means a certificate issued and endorsed for masters, officers and GMDSS radio operators in accordance with Chapters II, III, IV or VII of Annex I, and entitling the lawful holder thereof to serve in the capacity and perform the functions involved at the level of responsibility specified therein;
37. ‘certificate of proficiency’ means a certificate, other than a certificate of competency, issued to a seafarer stating that the relevant requirements of training, competencies or sea-going service in this Directive have been met;
38. ‘documentary evidence’ means documentation, other than a certificate of competency or certificate of proficiency, used to establish that the relevant requirements in this Directive have been met;
39. ‘electro-technical officer’ means an officer qualified in accordance with Chapter III of Annex I;
40. ‘able seafarer deck’ means a rating qualified in accordance with Chapter II of Annex I;
41. ‘able seafarer engine’ means a rating qualified in accordance with Chapter III of Annex I;
42. ‘electro-technical rating’ means a rating qualified in accordance with Chapter III of Annex I^{[F4];}
43. ^[F5]‘host Member State’ means the Member State in which seafarers seek acceptance or recognition of their certificates of competency, certificates of proficiency or documentary evidence;
44. ‘IGF Code’ means the International Code of Safety for Ships using Gases or other Low-flashpoint Fuels, as defined in SOLAS 74 Regulation II-1/2.29;
45. ‘Polar Code’ means the International Code for Ships Operating in Polar Waters, as defined in SOLAS 74 Regulation XIV/1.1;
46. ‘Polar waters’ means Arctic waters and/or the Antarctic area, as defined in SOLAS 74 Regulations XIV/1.2 to XIV/1.4.]

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Textual Amendments

- F1** Substituted by Directive 2012/35/EU of the European Parliament and of the Council of 21 November 2012 amending Directive 2008/106/EC on the minimum level of training of seafarers (Text with EEA relevance).
- F2** Deleted by Directive 2012/35/EU of the European Parliament and of the Council of 21 November 2012 amending Directive 2008/106/EC on the minimum level of training of seafarers (Text with EEA relevance).
- F3** Inserted by Directive 2012/35/EU of the European Parliament and of the Council of 21 November 2012 amending Directive 2008/106/EC on the minimum level of training of seafarers (Text with EEA relevance).
- F4** Substituted by Directive (EU) 2019/1159 of the European Parliament and of the Council of 20 June 2019 amending Directive 2008/106/EC on the minimum level of training of seafarers and repealing Directive 2005/45/EC on the mutual recognition of seafarers' certificates issued by the Member States (Text with EEA relevance).
- F5** Inserted by Directive (EU) 2019/1159 of the European Parliament and of the Council of 20 June 2019 amending Directive 2008/106/EC on the minimum level of training of seafarers and repealing Directive 2005/45/EC on the mutual recognition of seafarers' certificates issued by the Member States (Text with EEA relevance).