

## TRANSPPOSITION NOTE

### **DIRECTIVE 2012/35/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL AMENDING DIRECTIVE 2008/106/EC ON THE MINIMUM LEVEL OF TRAINING FOR SEAFARERS**

The objective of Directive 2012/35/EU is the alignment of laws with international rules on training and certification of seafarers as regulated by the International Convention for the Standards of Training, Certification and Watchkeeping for Seafarers 1978 (the STCW Convention) with the amendments adopted by the 2010 Manila Conference of Parties to the International Convention on the Standards of Training (the Manila Amendments).

This transposition note is concerned only with the amendment made by Article 1(14) of Directive 2012/35/EU which substitutes a new Article 15 in Directive 2008/106/EC, in particular with new Article 15.14. That provision requires Member States to establish alcohol limits for masters, officers and other seafarers.

Section 81 of the Railways and Transport Safety Act 2003 already prescribes alcohol limits which apply to professional seafarers on duty and, in certain circumstances, while they are off duty. Those limits are higher than those prescribed by the Directive. The Shipping (Alcohol) (Prescribed Limits Amendment) Regulations 2015 therefore amend the numbers in that section in order to apply the Directive's limits to such seafarers. The Act is not otherwise amended.

#### **Table showing how the amendment is given effect.**

| <b>Article</b>                         | <b>Copy out (Yes/No)</b> | <b>If no – Reason for Elaboration</b>  | <b>National Provision</b>   |
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| Article 1(14), inserting Article 15.14 | <b>No</b>                | The alcohol limit is already prescribed by section 81 of the Railways and Transport safety Act 2003. Implementation is effected by changing the figures in that section. | Section 81 of the Railways and Transport Safety Act 2003 as amended by the Shipping (Alcohol)(Prescribed Limits Amendment) Regulations 2015 |
|  |                          | The Regulations do not deal with any other part of Article 1.  |   |
| Article 2 Transposition                | N/A                      |  | Compliance with Directive required by 4 July 2014.  |
| Article 3 Entry into force             | N/A                      |  | This Article simply states the entry into force date of the Directive, and therefore does not require implementation.                       |

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| Article 4<br>Addresses | N/A |  | This Article simply states that the Directive is addressed to member states. |
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