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## REPORT

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From: General Secretariat of the Council  
To: Permanent Representatives Committee / Council

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Subject: Proposal for a Directive of the European Parliament and of the Council on the recognition of professional qualifications in inland navigation and repealing Council Directive 96/50/EC and Council Directive 91/672/EEC  
- General approach

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## INTRODUCTION

1. On 18 February 2016, the Commission transmitted the above-mentioned proposal to the European Parliament and to the Council.
  - The main objective of the proposal is to facilitate labour mobility in the inland waterway transport sector. This is intended to be achieved by establishing a common system of certificates of qualification for deck crew working on any EU inland waterways;

- The proposal would repeal existing Directives 91/672/EEC and 96/50/EC which provide for reciprocal recognition and set minimum requirements for obtaining boatmasters' certificates;
  - The key developments of the proposal are extension to all deck crew members, beyond boatmasters, and inclusion of the river Rhine within the scope;
  - The proposal is a logical extension to the work initiated with the CCNR on technical requirements for inland waterway vessels. A European committee called CESNI has been established under the auspices of CCNR to allow cooperation and development of common standards for the Union and the CCNR;
  - Currently Directive 2005/36/EC on the recognition of professional qualifications is applicable for deck crew other than boatmasters. It is considered that Directive 2005/36/EC does not provide an effective solution for professionals performing frequent and regular cross-border activities in the inland waterway sector;
  - Finally, the proposal responds to calls from the sector and Member States to introduce a competence-based framework similar to those used in other modes of transport.
2. The European Parliament's Committee on Transport and Tourism (TRAN) appointed on 2 May 2016 Ms Gesine Meissner (ALDE, DE) as rapporteur. The Employment and Social Affairs (EMPL) and Legal Affairs (JURI) Committees plan to provide their opinions.
  3. The European Economic and Social Committee plans to adopt its opinion in July 2016. The Committee of Regions plans not to issue an opinion on the proposal.

4. The Congress of Deputies of Kingdom of Spain, the Senate of the Republic of Italy, and the Assembly of the Republic of Portugal have transmitted opinions on the application of the principles of subsidiarity and proportionality by their letters dated 29 April 2016, 9 May 2016 and 16 May 2016, respectively.

### **WORK WITHIN THE COUNCIL**

5. The Shipping Working Party started its examination of the proposal on 24 February 2016. The impact analysis was studied in the meetings on 24 February and 4 March 2016.
6. The Presidency also organised two informal meetings for experts to examine the annexes to the proposal. These meetings took place on 11 March and 12 May 2016. The outcome of this work was examined in the Shipping Working Party.
7. The work at the Shipping Working Party is incorporated in the text presented in the Annex. The recitals of have not been examined and revised systematically, this work should be carried out once the general approach has been adopted.

### **OUTSTANDING ISSUES**

8. The Shipping Working Party has addressed all the outstanding issues and has identified a compromise for each issue. The work has focused on identifying solutions which would be proportional to the situation in Member States with no inland navigation or where inland navigation is a minor activity. These questions are in the view of the Presidency all addressed.
9. Another key area of work has been to seamlessly align the provisions applied under the regime for the river Rhine with the Union requirements. Certain divergences in views still remain, but the Presidency believes that the revised text should present a sound compromise.

10. The shift from the current experience-based system to a competence-based framework implies changes in Member States which has raised concerns, mainly relating to safety of navigation. Although certain divergences of views exist, notably as regards Annex I, the Presidency believes that also in this respect the text should be a coherent compromise in view of all issues addressed by the proposal.
11. Finally, the reduction of unnecessary administrative burden has been sought by allowing the application of existing practises where they do not conflict with the principles of the proposal.
12. Finland, Portugal, and Slovenia maintain a general scrutiny reservation. The Commission maintains general reservation pending the first reading of the European Parliament.
13. United Kingdom maintains a Parliamentary scrutiny reservation on the proposal.

### **OTHER ISSUES**

14. The Shipping Working Party considered that the cooperation with CESNI should be linked more closely with the various standards to be developed and applied. This choice and the necessary safeguard clauses have been incorporated in the text.

### **CONCLUSION**

15. The Permanent Representatives Committee is invited to endorse the compromise text and to submit it to the TTE Council (Transport) for adoption on 7 June 2016.
16. The Council is invited to adopt a general approach as set out in the annex to this document.

2016/0050 (COD)

Proposal for a

**DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**on the recognition of professional qualifications in inland navigation and repealing Council Directive 96/50/EC and Council Directive 91/672/EEC**

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 91(1) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee<sup>1</sup>,

Having regard to the opinion of the Committee of the Regions<sup>2</sup>,

Acting in accordance with the ordinary legislative procedure,

Whereas:

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<sup>1</sup> OJ C , , p. .

<sup>2</sup> OJ C , , p. .

- (1) Council Directive 91/672/EEC<sup>3</sup> and Council Directive 96/50/EC<sup>4</sup> are the first steps taken towards the harmonisation and recognition of professional qualifications for crew members in inland navigation.
- (2) The requirements for crew members navigating on the Rhine river, who are outside the scope of Directives 91/672/EEC and 96/50/EC, are established by the Central Commission for Navigation on the Rhine (CCNR), pursuant to the Rhine Navigation Personnel Regulation under the Revised Convention for Rhine Navigation.
- (3) Directive 2005/36/EC of the European Parliament and of the Council<sup>5</sup> applies to inland waterway occupations other than boatmasters, who are covered by that Directive. The mutual recognition of diplomas and certificates under Directive 2005/36/EC does not, however, provide an optimised response to regular and frequent cross-border activities of inland waterways occupations.
- (4) An evaluation study carried out by the Commission in 2014 highlighted the fact that the limitation of the scope of Directives 91/672/EEC and 96/50/EC to boatmasters, as well as the lack of automatic recognition of boatmasters' certificates issued in accordance with those Directives on the Rhine, greatly hinders the mobility of crew members in inland navigation.

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<sup>3</sup> Council Directive 91/672/EEC of 16 December 1991 on the reciprocal recognition of national boatmasters' certificates for the carriage of goods and passengers by inland waterway (OJ L 373, 31.12.1991, p. 29).

<sup>4</sup> Council Directive 96/50/EC of 23 July 1996 on the harmonization of the conditions for obtaining national boatmasters' certificates for the carriage of goods and passengers by inland waterway in the Community (OJ L 235, 17.9.1996, p. 31).

<sup>5</sup> Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications (OJ L. 255, 30. 9.2005, p. 22).

- (5) To facilitate mobility, to ensure the safety of navigation and the protection of human life, it is essential for deck crew members, persons in charge of emergency situations on board passenger vessels and persons involved in the bunkering of liquefied natural gas-fuelled vessels to hold certificates of qualification proving their qualifications. For efficient enforcement, they should carry such certificates while exercising their occupation.
- (5a) Measures should be adopted to allow access for young persons to a career in transport on inland waterways. Their certificates and experience gained should be recognised throughout the Union. It is important that the safety of young persons in their work be protected in accordance with Directive 94/33/EC<sup>6</sup>.
- (6) Boatmasters sailing in circumstances presenting a particular safety hazard should hold a specific authorisation, in particular, for sailing large convoys, sailing liquefied natural gas-fuelled vessels, sailing in conditions of reduced visibility, sailing on waterways with a maritime character or sailing on waterways with specific risks for navigation. In order to obtain such authorisation, boatmasters should be required to demonstrate additional competences.
- (6a) Boatmasters, when navigating on the Union inland waterways, should be able to apply knowledge about the applicable rules on the manning of craft, including on resting time. Such rules can be laid down in Union or national legislation or in regulations agreed at a regional level, such as the Regulations for Rhine Navigation Personnel.
- (6b) Member States should have the possibility to establish and enforce local traffic rules or police regulations, or to apply regionally agreed regulations, such as the Police Regulations for the Navigation of the Rhine, in compliance with this Directive, with a view to safe sailing and manoeuvring of vessels in all conditions.

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<sup>6</sup> Council Directive 94/33/EC of 22 June 1994 on the protection of young people at work, OJ L 216, 20.8.1994, p. 12

- (7) For ensuring safety of navigation, Member States should identify waterways with a maritime character, in accordance with harmonised criteria. The competence requirements for navigating on these waterways should be defined at Union level. Without unnecessarily limiting the mobility of boatmasters, when necessary for ensuring safety of navigation, Member States should also have the possibility to identify the waterways entailing specific risks for navigation in accordance with harmonised criteria and procedures, pursuant to this Directive. In such a case, the related competence requirements should be set at Member State level.
- (7a) There are isolated water areas in certain Member States which are not linked to any inland waterway network and where the navigation activities are carried out only seasonally. The administrative requirements of this Directive would be a disproportionate burden in such cases. Furthermore, seasonal navigation activities are not subject to significant mobility of labour.
- (8a) A Member State, in whose territory the professions referred to in this Directive are not exercised, or fall outside the scope of this Directive, would be under a disproportionate and unnecessary obligation if it had to transpose and implement the provisions of this Directive. Therefore, such Member State should be exempted, for as long as the professions do not exist on its territory, from the obligation to transpose and implement the provisions of this Directive.<sup>7</sup>

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<sup>7</sup> COM: concern about the principle of non-transposition and its justification in view of case-law of the EU Court of Justice and for reasons of legal certainty and general principles of EU law.



- (8b) A Member State, in whose territory these professions are exercised exclusively by persons already holding certificates compliant with Directive 2008/106/EC, would be under a disproportionate and unnecessary obligation if it had to transpose and implement the provisions of this Directive since these persons are already subject to competence requirements and are not involved in the operation of a craft sailing in areas with mixed-traffic where both sea-going and inland waterways vessels are present. Therefore, such a Member State should be exempted, for as long as the professions referred to in this Directive are exercised exclusively by persons subject to the requirements of Directive 2008/106/EC, from the obligation to transpose and implement the provisions of this Directive.<sup>8</sup>
- (8c) Crew members operating exclusively on inland waterways not linked by an inland waterway navigable by a craft falling within the scope of this Directive, to the navigable network of another Member State do not perform frequent cross-border inland waterways transport activities. For reasons of cost-effectiveness, Member States therefore have the possibility to exempt them from holding certificates of qualification compliant with the requirements of this Directive.
- (8ca) Where such exemptions are granted, those Member States should recognise Union certificates of qualification for persons operating on their national inland waterways not linked to the navigable network of another Member State where the exemption is applied. Those Member States should also ensure that regarding those inland waterways, upon request, the data regarding navigation time and journeys carried out are validated in the service record books of persons holding a Union certificate of qualification. Furthermore, those Member States should take and enforce appropriate measures and penalties to prevent fraud and other unlawful practises involving Union certificates of qualification and service record books on those non-linked inland waterways.

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<sup>8</sup> COM: concern about non-transposition and its justification in view of case-law of the EU Court of Justice and for reasons of legal certainty and general principles of EU law.

- (8cb) Member States applying those exemptions should have the possibility to suspend Union certificates of qualification for persons operating on their national inland waterways not linked to the navigable network of another Member State where the exemption is applied.
- (8d) A Member State, where none of the inland waterways are linked to the navigable network of another Member State, and that decides not to issue Union certificates of qualification, in accordance with the derogation allowed under this Directive, would be under a disproportionate and unnecessary obligation if it had to transpose and implement all the provisions of this Directive even those from which it derogates. Such Member State should therefore be exempted, for as long as it decides not to issue Union certificates of qualification, from the obligation to transpose and implement the provisions related to the certification of qualifications. Such Member States should nevertheless recognise the Union certificate of qualifications on their territory in order to promote the mobility of workers within the Union, to decrease the administrative burden associated with labour mobility and to increase the attractiveness of the profession.<sup>9</sup>
- (9) With a view to contributing to the mobility of persons involved in the operation of vessels across the Union and considering that all certificates of qualification, service record books and logbooks issued in accordance with this Directive should comply with minimum standards, Member States should recognise the professional qualifications certified in accordance with this Directive. Consequently the holders of such qualifications should be able to exercise their profession on all Union inland waterways.

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<sup>9</sup> COM: concerns about partial non-transposition and its justification in view of case-law of the EU Court of Justice and for reasons of legal certainty and general principles of EU law.

- (10) In view of the established cooperation between the Union and the CCNR since 2003 which has led to the establishment of a European Committee for drawing up Standards in Inland Navigation (CESNI), an international body set up under the auspices of the CCNR, and in order to streamline the legal frameworks governing the professional qualifications in Europe, certificates of qualification, service record books and logbooks, issued in accordance with the Rhine Navigation Personnel Regulation under the Revised Convention for Rhine Navigation which lay down requirements that are identical to those of this Directive should be valid on all Union inland waterways. Such documents issued by third countries should be recognised in the Union, subject to reciprocity. To further remove barriers to labour mobility and further streamline the legal frameworks governing the professional qualifications in Europe, any certificate of qualification, service record book or logbook issued by a third country on the basis of requirements which are identical to those laid down in this Directive may also be recognised on all Union waterways, subject to an assessment by the Commission and subject to recognition by that third-country of documents issued in accordance with the present Directive.
- (10a) Harmonisation of legislation in the field of professional qualifications in inland navigation in Europe is guaranteed by close cooperation between the EU and the CCNR and by the development of CESNI standards.
- (11) Directive 2005/36/EC remains applicable for deck crew members exempted from the obligation of holding a Union certificate of qualification issued in accordance with this Directive, as well as for inland waterways qualifications not covered by the present Directive.
- (12) Member States should issue certificates of qualification only to persons that have the minimum levels of competence, the minimum age, the minimum medical fitness and the navigation time required for obtaining a specific qualification.

- (13) To safeguard the mutual recognition of qualifications, the certificates of qualification should be based on the competences necessary for the operation of vessels. Member States should ensure that persons receiving certificates of qualification have the corresponding minimum levels of competence, verified following an appropriate assessment. Such assessments may take the form of an administrative examination or may form part of approved training programmes carried out in accordance with common standards in order to ensure a comparable minimum level of competence in all Member States for various qualifications.
- (14) Due to the responsibility with respect to safety when exercising the profession of boatmaster, sailing with the aid of radar and bunkering liquefied natural gas-fuelled vessels or sailing liquefied natural gas-fuelled vessels, verification through practical examinations on whether the required level of competence has effectively been reached is required. Such practical examinations may be carried out using approved simulators, with a view to further facilitating the evaluation of competence.
- (15) Approval of training programmes is necessary to verify that the programmes comply with common minimum requirements regarding content and organisation. Such compliance allows for eliminating unnecessary barriers to entering the profession by preventing those who already acquired the necessary skills during their vocational training from passing unnecessary additional examination. The existence of approved training programmes may also facilitate the entry of workers with prior experience from other sectors into the profession of inland navigation as they may benefit from dedicated training programmes that take account of their already acquired competences.
- (16) To further facilitate mobility for boatmasters, all Member States should be allowed, where practicable, to assess the necessary competence for addressing specific risks for navigation for all inland waterway stretches in the Union where such risks are identified.

- (17) The navigation time should be verified by means of entries in service record books validated by a Member State. To allow for such verification, Member States should issue service record books and logbooks and ensure that the latter provide a record of the journeys of vessels. Medical fitness of a candidate should be certified by an approved medical practitioner.
- (18) Whenever the measures provided for in this Directive entail the processing of personal data, they shall be carried out in accordance with Union law on the protection of personal data<sup>10</sup>.
- (19) To contribute to an efficient administration with respect to the issuing, renewing and withdrawing certificates of qualification, Member States should designate the competent authorities for implementing this Directive and set up registers for recording data on Union certificates of qualification, service record books and logbooks. In order to facilitate the exchange of information between Member States and with the Commission for the purpose of implementation, enforcement and evaluation of the Directive as well as for statistical purposes, for maintaining safety and for ease of navigation, Member States should report such information, including data on the certificates of qualifications, service record books and logbooks, in a database kept by the Commission.

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<sup>10</sup> In particular Regulation (EU) No XXX/2016 (number to be added after formal adoption) of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data and on the free movement of such data (General Data Protection Regulation) (reference to OJ to be added after formal adoption) and Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (OJ L 8, 12.01.2001, p. 1).

- (20) Authorities, including in third countries, issuing certificates of qualifications, service record books and logbooks in accordance with rules that are identical to those of this Directive are processing personal data. For the purpose of evaluation of the Directive, for statistical purposes, for maintaining safety, for ease of navigation and in order to facilitate the exchange of information between the authorities involved in the implementation and enforcement of this Directive, these authorities and, where relevant, international organisations that established these identical rules, should also have access to the database kept by the Commission. This access should however be subject to adequate level of data protection, including of personal data.
- (21) With a view to further reducing administrative burden whilst rendering the documents less prone to tampering, the Commission should as a second step, after the adoption of this Directive, examine the possibility of introducing an electronic version of service record books and logbooks, as well as electronic professional cards incorporating Union certificates of qualifications. In doing so, the Commission should take existing technologies in other modes of transport into account, in particular road transport. After conducting an impact assessment including of cost-benefit and of the impacts on the fundamental rights, in particular in relation to the protection of personal data, the Commission should present, if appropriate, a proposal to the European Parliament and the Council.
- (22) In order to ensure uniform conditions for the implementation of this Directive, implementing powers should be conferred on the Commission to adopt decisions approving measures proposed by the Member States with respect to requirements for the competence for specific risks on certain stretches of inland waterways.

- (23) The implementing powers relating to the adoption of models for the issuing of Union certificates of qualification, service record books and logbooks and the adoption of decisions for establishing or suspending the recognition of such documents issued by a third country or under an international agreement regulating navigation on a Union inland waterway should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council<sup>11</sup>.
- (24) In order to provide minimum harmonised standards for the certification of qualifications and to facilitate the exchange of information between Member States and the implementation, monitoring and evaluation of this Directive by the Commission, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission as regards the setting of standards of competence, standards for medical fitness, standards for practical examinations, standards for the approval of simulators and standards defining the characteristics and conditions of use for a database kept by the Commission to host a copy of key data related to Union certificates of qualifications, service record books, logbooks and recognised documents. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.

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<sup>11</sup> Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

- (25) Transitional measures should address the problem of national certificates in use, including those issued by the CCNR, for boatmasters, but also for other categories of deck crew members falling in the scope of the Directive. They should safeguard as far as possible entitlements previously granted and aim at providing for reasonable time to skilled crew members to apply for a Union certificate of qualification. They should therefore provide for a period of maximum 10 years in which these certificates may be used on the Union waterways where they were valid before the end of the transposition period and ensure a system of transition to the new rules for all these certificates on the basis of a single EU set of criteria.
- (26) The CESNI which is open to experts from all Member States, draws up standards in the field of inland navigation, including for professional qualifications. The Commission may take into account such standards when empowered to adopt acts in conformity with this Directive.
- (27) Since the objective of this Directive, namely establishing a common framework on the recognition of professional qualifications in inland navigation, cannot be sufficiently achieved by the Member States but can rather, by reason of its scale and effects, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve that objective.



- (28) In accordance with the Joint Political Declaration of 28 September 2011 of Member States and the Commission on explanatory documents<sup>12</sup>, Member States have undertaken to accompany, in justified cases, the notification of their transposition measures with one or more documents explaining the relationship between the components of a directive and the corresponding parts of national transposition instruments. With regard to this Directive, the legislator considers the transmission of such documents to be justified.
- (29) Directives 91/672/EEC and 96/50/EC should therefore be repealed,

HAVE ADOPTED THIS DIRECTIVE:

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<sup>12</sup> OJ C 369, 17.12.2011, p. 14.

# CHAPTER 1

## SUBJECT MATTER, SCOPE AND DEFINITIONS

### *Article 1*

#### *Subject matter*

This Directive lays down the conditions and procedures for the certification of the qualifications of persons involved in the operation of a craft navigating on Union inland waterways, as well as the recognition of such qualifications in the Member States.

### *Article 2*

#### *Scope*

1. This Directive applies to deck crew members, liquefied natural gas experts and passenger navigation experts of the following craft on any<sup>13</sup> Union inland waterway:
  - (a) vessels having a length of 20 metres or more;
  - (b) vessels for which the product of length, breadth and draught is a volume of 100 cubic metres or more;
  - (c) tugs and pushers intended for:
    - (i) towing or pushing vessels referred to in points (a) and (b),
    - (ii) towing or pushing floating equipment

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<sup>13</sup> LV, DK, EL, FI, IE, PT and SI propose to delete '*on any Union inland waterway*'.

(iii) moving vessels referred to in points (a) and (b) or floating equipment alongside.

(d) passenger vessels;

(da) vessels required to have a certificate of approval pursuant to Directive 2008/68/EC<sup>14</sup>;

(e) floating equipment.

2. This Directive does not apply to persons: <sup>15</sup>

(a) navigating for sport or pleasure;

(b) involved in the operation of ferries not moving independently;

(c) involved in the operation of craft used by armed forces, forces maintaining public order, civil defence services, waterway administrations, fire services and other emergency services;

(d) navigating on craft operating limited journeys of local interest on a lake or seasonally on a national river not linked to the navigable network of another Member State, where the distance from the departure point is at no time more than ten kilometres;<sup>16</sup>

(e) navigating seasonally on craft operating within a Member State on isolated lakes not connected to any inland waterway network;<sup>17</sup>

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<sup>14</sup> Directive 2008/68/EC of the European Parliament and of the Council of 24 September 2008 on the inland transport of dangerous goods, OJ L 260, 30.9.2008, p. 13–59

<sup>15</sup> PT, SI, EL, LV, DK, FI, IE, and ES wish to insert an additional exclusion: "navigating in lakes or rivers which have no navigable inland waterway connection to the navigable inland waterway network of another Member State and where the craft is operating at no time more than four kilometres away from the nearest coast or island".

<sup>16</sup> COM: concerns about the long list of tailored-made exclusions from the scope as it unduly limits the scope of the Directive and thereby labour mobility. It also renders the scope unclear due to overlapping and the application of the exemptions complex to oversee, also interfering with the possibility of exemptions for non-linked waterways.

<sup>17</sup> COM: same concerns as in previous COM footnote.

- (g) navigating in port areas not connected to inland waterways;<sup>18 19</sup>
- (h) navigating on crafts in inlets not connected to inland waterways and subject to the requirements of Directive 2008/106/EC.<sup>20</sup>

*Article 3*  
*Definitions*

For the purposes of this Directive, the following definitions apply:

- (1) ‘inland waterway’ means a waterway, open to navigation by craft referred to in Article 2 and excluding the sea;<sup>21</sup>
- (1a) ‘craft’ means a vessel or item of floating equipment;
- (2) ‘vessel’ means an inland waterway vessel or sea-going ship;
- (3) ‘passenger vessel’ means a vessel constructed and equipped to carry more than 12 passengers;
- (5) ‘Union certificate of qualification’ means a certificate issued by a competent authority attesting that a person fulfils the requirements of this Directive;

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<sup>18</sup> COM: same concerns as in previous COM footnote.

<sup>19</sup> LV wishes to extend this exclusion to all maritime ports.

<sup>20</sup> COM: same concerns as in previous COM footnote.

<sup>21</sup> LV, IE, PT, EL and SI wish to limit the waterways similarly to the directive on technical requirements for vessels.

- (6) 'deck crew members' means persons involved in the operation of a craft navigating on Union inland waterways carrying out tasks related to navigation, cargo handling, stowage, maintenance or repair, with the exception of persons solely assigned to the operation of the engines, cranes, electrical and electronic equipment;
- (6a) 'certificate for radio operator' means a national certificate, issued by a Member State in accordance with the Radio Regulations annexed to the International Telecommunication Convention, authorising the operation of a radio-communication station on an inland waterway craft;
- (7) 'passenger navigation expert' means a deck crew member or other person qualified to take measures in emergency situations on board passenger vessels;
- (7a) 'liquefied natural gas expert' means a person qualified to be involved in the bunkering procedure of a craft using liquefied natural gas as fuel, or to be the boatmaster sailing such a craft;
- (8) 'boatmaster' means a deck crew member qualified to sail a craft on the Member States' inland waterways and to have overall responsibility on board;
- (9) 'specific risk' means a safety hazard due to particular navigation conditions which require boatmasters to have competences beyond what is expected under the general standards of competence for the management level;
- (10) 'competence' means the proven ability to use knowledge and skills required by the established standards for the proper performance of tasks necessary for the operation of inland waterway craft;

- (11) ‘management level’ means the level of responsibility associated with serving as boatmaster and ensuring that other deck crew members properly perform all tasks in the operation of a craft;
- (11a) ‘operational level’ means the level of responsibility associated with serving as boatman, as able boatman or as helmsman and maintaining control over the performance of all tasks within his or her designated area of responsibility in accordance with proper procedures and under the direction of a person serving at management level;
- (12) ‘large convoy’ means a pushed convoy for which the product of the total length and the total width is 8 000 square metres or more;
- (13) ‘service record book’ means a personal register recording details of a crew member’s work history, in particular navigation time and journeys carried out;
- (13a) ‘active service record book or active logbook’ means a service record book or logbook which is open for recording data;
- (14) ‘logbook’ means an official record of the journeys made by a craft;
- (15) ‘navigation time’ means the time, measured in days, that deck crew members spent aboard during a journey performed by a craft on inland waterways and validated by the competent authority;
- (19) ‘floating equipment’ means a floating installation carrying working gear such as cranes, dredging equipment, pile drivers or elevators;

- (20) 'length' means the maximum length of the hull in metres, excluding rudder and bowsprit;
- (21) 'breadth' means the maximum breadth of the hull in metres, measured to the outer edge of the shell plating (excluding paddle wheels, rub rail, and similar);
- (22) 'draught' means the vertical distance in metres between the lowest point of the hull without taking into account the keel or other fixed attachments and the maximum draught line;
- (23) 'inlet' means an indentation of a maritime shoreline, such as a bay or a fjord;
- (24) 'seasonal navigation' means a navigating activity which is exercised annually for not more than six months.

## CHAPTER 2

### UNION CERTIFICATES OF QUALIFICATION

#### *Article 4*

##### *Obligation to carry a Union certificate of qualification for deck crew members*

1. Member States shall ensure that deck crew members navigating on Union inland waterways carry a Union certificate of qualification for deck crew members issued in accordance with Article 10 or a certificate recognised in accordance with Articles 9(2) or (3).
- 1a. For deck crew members other than boatmasters, the Union certificate of qualification and the service record book as referred to in Article 20 shall be presented in a single document.
3. By derogation from paragraph 1, certificates of persons involved in the operation of a craft other than boatmasters, issued in accordance with the provisions of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers shall be valid on sea-going ships operating on inland waterways.

#### *Article 5*

##### *Obligation to carry a Union certificate of qualification for specific operations*

1. Member States shall ensure that passenger navigation experts and liquefied natural gas experts carry a Union certificate of qualification issued in accordance with Article 10 or a certificate recognised in accordance with Article 9(2) or (3).



3. By derogation from paragraph 1, certificates for persons referred to in that paragraph, issued in accordance with the provisions of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers shall be valid on sea-going ships operating on inland waterways.

*Article 6*

*Obligation for boatmasters to hold specific authorisations*

Member States shall ensure that boatmasters hold specific authorisations issued in accordance with Article 11 when:

- (a) sailing on inland waterways with a maritime character pursuant to Article 7;
- (b) sailing on inland waterways stretches with specific risks pursuant to Article 8;
- (c) sailing with the aid of radar;
- (d) sailing craft using liquefied natural gas as fuel;
- (e) sailing large convoys.

*Article 6a*

*Exemptions related to national inland waterways  
not linked to the navigable network of another Member State*

1. A Member State may exempt persons referred to in Articles 4(1), 5(1) and 6 operating exclusively on national inland waterways not linked to the navigable network of another Member State, including those classified as having a maritime character, from the obligations set out in Articles 4(1), 4(1a), 5(1) and 6.

That Member State may also apply exemptions on the inland waterways concerned regarding Articles 8, 10, 11, 12, 13(1), 13(3) as regards withdrawals, 14, 15, 16, 17, 18, 19, 20(1), 20(4), 20(5), 21, 22, 23, 24(1)(a)-(d), 25, 27 as regards logbooks, medical certificates and registers and 34(2).

2. A Member State that grants exemptions in accordance with paragraph 1 may issue certificates of qualification to those persons under conditions that differ from the general conditions set out in this Directive. The recognition of those certificates in other Member States shall be subject to Directive 2005/36/EC, or Directive 2005/45/EC<sup>22</sup> where applicable.
3. Member States shall inform the Commission of the exemptions applied in accordance with paragraph 1. The Commission shall make the information on those exemptions publicly available.

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<sup>22</sup> 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, OJ L 255, 30.9.2005, p. 160–163.

*Article 7*

*Classification of inland waterways with a maritime character*

1. Member States shall classify a stretch of inland waterway in their territory as an inland waterway with a maritime character when one of the following criteria is met:
  - (a) International Regulations for Preventing Collisions at Sea are applicable;
  - (b) the buoys and signs are according to the maritime system;
  - (c) terrestrial navigation is necessary; or
  - (d) maritime equipment which requires special knowledge for its operation is necessary for navigation.
  
2. Member States shall notify the Commission of the classification of a specific stretch of inland waterways on their territory as an inland waterway with a maritime character. The notification to the Commission shall be accompanied by a justification based on those criteria. The Commission shall, without undue delay, make publicly available the list of notified inland waterways with a maritime character.

## Article 8

### *Inland waterway stretches with specific risks*

1. Where necessary to ensure safety of navigation, Member States may identify stretches of inland waterways with specific risks, following the procedure set out in paragraphs 2 to 6, where such risks are due to:<sup>23</sup>
  - (a) frequently changing stream patterns and speed; or
  - (b) the absence of appropriate Fairway Information Services on inland waterways or suitable charts combined with the hydro-morphological characteristics of the inland waterway; or
  - (c) the presence of a specific local traffic regulation<sup>24</sup> justified by specific hydro-morphological features.
2. Member States shall notify the Commission of the measures they intend to adopt pursuant to paragraph 1 of this Article and Article 18, together with the reasoning on which the measure is based at least six months before the envisaged date of adoption.
- 2a. Where stretches of inland waterways referred to in paragraph 1 ~~or 6a~~ are situated along the border between two or more Member States, the Member States concerned shall consult one another and notify the Commission jointly.

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<sup>23</sup> DE and FR wish to have a wider range of risk criteria, such as high traffic density or high accident frequency.

<sup>24</sup> COM: concern about removing the reference to CEVNI, as the code is a part of the required general competences and local traffic regulations based on CEVNI should therefore be excluded from the criteria on the basis of which stretches with specific risks could be justified.

6. Where a measure intended to be adopted by a Member State is not justified in accordance with paragraphs **1 and 2**, the Commission may, within a period of six months from the notification, issue an implementing decision in accordance with **the** examination procedure referred to in Article 30(3), opposing the adoption of the measure.<sup>25</sup>
7. In case of a specific risk to safety of navigation not covered by criteria specified in paragraph 1 and not covered by the competences for a boatmaster referred to in Article 15, such as a high frequency of accidents, the Member State may request the Commission to establish a stretch of inland waterway with a specific risk. Such request shall be accompanied by the reasoning on which the measure is based. Within a period of six months from the request, the Commission may issue an implementing decision in accordance with **the** advisory procedure referred to in Article 30(2 ~~3~~) allowing the Member State to implement the requested measures or requiring the Member State to amend or not to adopt the requested measure.<sup>26</sup>
8. The Commission shall make publicly available the measures adopted by the Member States, together with the reasoning referred to in paragraphs 2 and 7.

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<sup>25</sup> COM: concerns about a system of 'tacit approval' for reasons of legal clarity.

<sup>26</sup> COM: concerns about this paragraph as criteria in 8(1) should be adequate and as the established procedure does not provide a proper basis for the Commission to adopting its decisions.

*Article 9*  
*Recognition*

1. Any Union certificate of qualification referred to in Articles 4 and 5, as well as service record books and logbooks referred to in Article 20 issued by the competent authorities in accordance with this Directive, shall be valid on all Union inland waterways.
2. Any certificate of qualification, service record book or logbook issued in accordance with the Rhine Navigation Personnel Regulation under the Revised Convention for Rhine Navigation which lays down requirements that are identical to those of this Directive shall be valid on all Union inland waterways.

When such certificates, service record books and logbooks are issued by a third country they shall be valid on all Union inland waterways provided that third country recognises within its jurisdiction Union documents issued pursuant to this Directive.

3. Without prejudice to paragraph 2, any certificate of qualification, service record book or logbook issued in accordance with the national rules of a third country stipulating requirements that are identical to those laid down pursuant to this Directive shall be valid on all Union inland waterways, subject to the procedure and the conditions set out in paragraphs 4 and 5.

4. Any third country may submit to the Commission a request for recognition of certificates, service record books or logbooks issued by its authorities. The request shall be accompanied by all information necessary for determining that the issuing of these documents is subject to requirements which are identical to those laid down pursuant to this Directive.
5. Upon receipt of a request for recognition pursuant to paragraph 4, the Commission shall carry out an assessment of the certification systems in the third country for which the request was submitted, in order to determine whether the issuing of these documents is subject to requirements identical to those laid down in this Directive.

If that requirement is met, the Commission shall adopt an implementing act on the recognition in the Union of the certificates, record books or logbooks issued by that third country, subject to that third country recognising within its jurisdiction Union documents issued pursuant to this Directive.

When adopting that implementing act, the Commission shall specify for which documents, referred to in paragraph 4 of this Article, the recognition applies.

That implementing act shall be adopted in accordance with the examination procedure referred to in Article 30(3).

- 5a. Where a Member State considers that a third country no longer complies with the requirements of this Article, it shall notify the Commission immediately, providing substantiated reasons therefor.

6. If the Commission determines that the issuing of documents referred to in paragraphs 2 or 3 is no longer depending on identical requirements, it shall adopt an implementing act suspending the validity on all Union inland waterways of the certificates of qualification, service record books and logbooks issued in accordance with these requirements. **Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 30(3).**

The Commission may at any time terminate the suspension, if the identified shortcomings as regards the standards applied have been solved.

7. The Commission shall make publicly available the list of third countries referred to in paragraphs **2 and 3**, together with the documents which are recognised as valid on all Union inland waterways.



## CHAPTER 3

### CERTIFICATION OF PROFESSIONAL QUALIFICATIONS

#### Section I

#### Procedure for issuing Union certificates of qualification and specific authorisations

##### *Article 10*

##### *Issuing and validity of Union certificates of qualification*

1. Member States shall ensure that applicants for Union certificates of qualification for deck crew members and for specific operations provide satisfactory documentary evidence:
  - (a) of their identity;
  - (b) that they meet the minimum requirements laid down in Annex I on age, competence, administrative compliance and navigation time corresponding to the qualification applied for;
  - (c) that they meet the standards for medical fitness in accordance with Article 21, where applicable.
2. Member States shall issue Union certificates of qualification after verification of the authenticity and validity of the documents provided by the applicant and after verification that the applicant has not already been issued a valid Union certificate of qualification.

3. The Commission shall adopt implementing acts establishing models for Union certificates of qualification and for single documents combining Union certificates of qualification and service record books. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 30(2). When adopting those acts the Commission shall, in Annex IV, make and keep up-to-date a reference to standards established by CESNI and set the date of application provided that
- (a) those standards are available and up-to-date;
  - (b) Union interests are not compromised by changes in the decision-making process of CESNI.

Where these conditions are not met, the Commission may adapt Annex IV to provide or to refer to other standards.

4. The validity of the Union certificate of qualification for deck crew members shall be limited to the date of the next medical examination required pursuant to Article 21.
5. Without prejudice to the limitation referred to in paragraph 4, Union certificates of qualification for boatmasters shall be valid up to a maximum of 15<sup>27</sup> years.
6. Union certificates of qualification for specific operations shall be valid up to a maximum of five years.

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<sup>27</sup> COM: concerns about increasing the duration of validity of certificates which would be much longer than in other modes of transports.

## *Article 11*

### *Issuing specific authorisations for boatmasters*

1. Member States shall ensure that applicants for specific authorisations referred to in Article 6, other than for that provided in Article 6(b), provide satisfactory documentary evidence:
  - (a) of their identity;
  - (b) that they meet the minimum requirements laid down in Annex I on age, competence, administrative compliance and navigation time corresponding to the specific authorisation applied for;
  - (c) that they hold a Union certificate of qualification for a boatmaster or a certificate recognised in application of Article 9(2) and (3) or that they meet the minimum requirements for Union certificates of qualifications for boatmasters provided for by this Directive.
  
2. For specific authorisations for sailing on inland waterways stretches with specific risks required pursuant to Article 6(b), applicants shall provide satisfactory documentary evidence to the competent authorities of the Member States referred to in Article 18(3):
  - (a) of their identity;
  - (b) that they meet the requirements for the competence for specific risks for the specific stretch for which the authorisation is required, established in accordance with Article 18;

- (c) that they hold a Union certificate of qualification for a boatmaster or a certificate recognised in application of Article 9(2) and (3) or that they meet the minimum requirements for Union certificates of qualifications for boatmasters provided for by this Directive.
3. Member States shall **issue specific authorisations referred to in paragraphs 1 and 2 after verification ensure that** of the authenticity and validity of the documents provided by the applicant ~~is verified~~.
4. Member States shall ensure that the competent authority issuing Union certificates of qualification to boatmasters specifies in the certificate any specific authorisation issued pursuant to Article 6, in accordance with the model referred to in Article 10(3). The validity of such specific authorisation shall end when the validity of the Union certificate of qualification ends.
5. By derogation from paragraph 4, the specific authorisation referred to in Article 6 (d) shall be issued as a Union certificate of qualification for liquefied natural gas experts, in accordance with the model referred to in Article 10(3) and its validity shall be set in accordance with Article 10(6).

## *Article 12*

### *Renewal of Union certificates of qualification*

Upon expiry of the validity of a Union certificate of qualification, Member States shall, upon request, renew the certificate provided that:

- (a) for Union certificate of qualification for **deck** crew members, satisfactory documentary evidence referred to in Article 10(1)(a) and (c) is submitted;
- (b) for Union certificates of qualification for specific operations, the satisfactory documentary evidence referred to in Article 10(1)(a) and (b) is submitted.

### *Article 13*

#### *Suspension and withdrawal of Union certificates of qualification or specific authorisations*

1. Where there are indications that the requirements for certificates of qualifications or specific authorisations are no longer met, the Member State that has issued the certificate shall undertake all necessary assessments and, where appropriate withdraw those certificates.
2. The validity of a Union certificate of qualification may be temporarily suspended by any Member State where that Member State considers such suspension necessary for reasons of safety or public order.
3. Member States shall record without undue delay suspensions and withdrawals in the database referred to in Article 23(2).

## **Section II**

### **Competences**

#### *Article 14*

##### *Requirements for competences*

1. Member States shall ensure that persons referred to in Articles 4, 5 and 6 have the necessary competences for the safe operation of a craft as laid down in Article 15.

2. By derogation from paragraph 1, assessment of the competence for specific risks referred to in Article 6 (b) shall be carried out in accordance with Article 18.

### *Article 15*

#### *Assessment of competences*

1. The Commission shall adopt delegated acts in accordance with Article 29 to lay down the standards for competences and corresponding knowledge and skills in compliance with the essential requirements set out in Annex II.

When exercising its power of delegation the Commission shall, in Annex IV, make and keep up-to-date a reference to standards established by CESNI and set the date of application provided that

- (a) those standards are available and up-to-date;
- (b) they comply with the essential requirements set out in Annex II;
- (c) Union interests are not compromised by changes in the decision-making process of CESNI.

Where these conditions are not met, the Commission may adapt Annex IV to provide or to refer to other standards.

2. Member States shall ensure that persons applying for the documents referred to in Articles 4, 5 and 6 demonstrate, where applicable, that they meet the standards of competence referred to **in** paragraph 1 by passing an examination organised:

- (a) under the responsibility of an administrative authority in accordance with Article 16 or;
  - (b) as part of a training programme approved in accordance with Article 17.
- 3. The demonstration of compliance with the standards of competence shall include a practical examination for obtaining:
  - (a) the Union certificate of qualification for boatmasters;
  - (b) the specific authorisation for sailing with the aid of radar as referred to in Article 6(c);
  - (c) the Union certificate of qualification for liquefied natural gas experts.

To obtain documents referred to under points (a) and (b), practical examinations may take place on board a craft or on a simulator compliant with Article 19. For point (c), practical examinations may take place on board a craft or an appropriate shore installation.

- 4. The Commission is empowered to adopt delegated acts in accordance with Article 29 to lay down standards for practical examinations referred to in paragraph 3 specifying the specific competences and the conditions to be tested during the practical examinations, as well as the minimum requirements for the craft on which a practical examination may be taken.

When exercising its power of delegation the Commission shall, in Annex IV, make and keep up-to-date a reference to standards established by CESNI and set the date of application provided that

- (a) those standards are available and up-to-date;
- (b) Union interests are not compromised by changes in the decision-making process of CESNI.

Where these conditions are not met, the Commission may adapt Annex IV to provide or to refer to other standards.

### *Article 16*

#### *Examination under the responsibility of an administrative authority*

1. Member States shall ensure that examinations referred to in Article 15(2)(a) are organised under their responsibility. They shall ensure that those examinations are conducted by examiners qualified to assess the competences and the corresponding knowledge and skills referred to in Article 15(1).
2. In case of written exams or computer-based exams the examiners referred to in paragraph 1 may be replaced by qualified supervisors.
3. The Member States shall ensure that the examiners and supervisors are not subject to a conflict of interest.

### *Article 17*

#### *Approval of training programmes*

1. Member States may establish training programmes for persons referred to in Articles 4, 5 and 6. Member States shall ensure that such training programmes leading to diplomas or certificates demonstrating compliance with the standards of competence referred to in Article 15(1) be approved by the competent authorities of the Member States in whose territory the relevant education or training institute conducts its training programmes.



2. Member States may approve the training programmes referred to in paragraph 1 only if:
  - (a) the training objectives, learning content, methods, media of delivery, procedures and course material are properly documented and allow applicants to achieve the standards of competence referred to in Article 15(1);
  - (b) the programmes for the assessment of the relevant competences are conducted by qualified persons having in-depth knowledge of the training programme;
  - (c) an examination verifying compliance with the standards of competence referred to in Article 15(1) is carried out by qualified examiners not subject to a conflict of interest.
- 2a. Member States shall recognise the diplomas or certificates awarded following the completion of training programmes approved by other Member States in accordance with paragraph 1.
- 2b. Member States shall revoke or suspend the approval of a training programme that they granted, when that training programme no longer complies with the criteria set out in paragraph 2.
3. Member States shall notify the list of the approved, revoked or suspended training programmes to the Commission, which shall make this information publicly available. The list shall indicate the name of the training programme, the titles of diplomas or certificates awarded, the body awarding the diploma or certificates, the year of entry into force of the approval as well as the relevant qualification and any specific authorisations to which the diploma or certificate gives access.

## Article 18

### Assessment of competence for specific risks

1. The Member States that identify inland waterways stretches with specific risks within the meaning of Article 8(1) **or (7)**, shall define the additional competence required from boatmasters navigating on those stretches and the means to prove that such requirements are met.

Those means may consist of a limited number of journeys to be carried out on the stretch concerned, a simulator examination, a multiple choice examination, an oral examination or a combination thereof.<sup>28</sup>

When applying this paragraph, the Member States shall apply objective, transparent, non-discriminatory and proportionate criteria.

2. The Member States referred to in paragraph 1 shall ensure that procedures are put in place for assessing applicants' competence for specific risks and that tools are made publicly available to facilitate boatmasters in acquiring the competence for specific risks.
3. A Member State may carry out assessments of applicants' competence for specific risks for stretches located in another Member State based on the requirements established in accordance with paragraph 1 with the explicit consent of the Member States concerned. In such a case the Member States referred to in paragraph 1 shall provide the Member State carrying out the assessment with the necessary means allowing it to carry out such assessment.<sup>29</sup>

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<sup>28</sup> COM: concerns about the possibility of oral examinations as these may represent a barrier to workers' mobility and as the other means of examination listed could serve the same purpose without this disadvantage and without preventing assessments of competence by other Member States.

<sup>29</sup> COM: concerns about the condition of an explicit consent by the Member States in which inland waterways stretches with specific risks are identified as this renders this provision ineffective.

*Article 19*  
*Use of simulators*

1. Simulators used for the assessment of competences shall be subject to an approval by Member States. That approval shall be issued upon request when it is demonstrated that the device complies with the standards for simulators established by delegated acts referred to in paragraph 2. The approval shall specify which particular assessment of competence is authorised as regards the simulator.
  
2. The Commission is empowered to adopt delegated acts in accordance with Article 29 to lay down standards for the approval of simulators, specifying the minimum functional and technical requirements and administrative procedures in this regard, with the objective of ensuring that the simulators used for an assessment of competences are designed in such a way as to allow for the verification of the competences as prescribed under the standards for practical examinations referred to in Article 15(3).

When exercising its power of delegation the Commission shall, in Annex IV, make and keep up-to-date a reference to standards established by CESNI and set the date of application provided that

- (a) those standards are available and up-to-date;
  
- (b) Union interests are not compromised by changes in the decision-making process of CESNI.

Where these conditions are not met, the Commission may adapt Annex IV to provide or to refer to other standards.

- 2a. Member States shall recognise, without further technical requirements or evaluation, simulators approved by competent authorities in other Member States in accordance with paragraph 1.

- 2b. Member States shall revoke or suspend the approval of simulators that they granted, when those simulators no longer comply with the standards referred to in paragraph 2.
3. Member States shall notify the list of the approved simulators to the Commission. The Commission shall make this information publicly available.

### **Section III**

#### **Navigation time and medical fitness**

##### *Article 20*

##### *Service record book and logbook*

1. Member States shall ensure that navigation time, as referred to in Article 10(1)(b) and journeys carried out, as referred to in Article 18(1), shall be recorded by the boatmaster in a service record book as referred to in paragraph 5 or a service record book recognised pursuant to Article 9(2) or (3).
3. The Member States shall ensure that, upon request from any crew member, the data regarding navigation time and journeys carried out during not more than 15 months prior to the date of the request be validated in the service record book after verification of the authenticity and validity of any necessary documentary evidence. Where electronic tools are put in place, including electronic service record books and electronic logbooks associated with appropriate procedures for safeguarding the authenticity of the documents, the corresponding data may be validated without additional procedures.

Navigation time may have been acquired on any of the Member States' inland waterways. In the case of inland waterways whose courses are not fully within Union territory, the navigation time acquired on sections located outside the Union territory shall also be taken into consideration.

4. Member States shall ensure that journeys of craft referred to in Article 2(1) are recorded in a logbook referred to in paragraph 5 of this Article or a logbook recognised pursuant to Articles 9(2) or (3).
- 4a. The Commission shall adopt implementing acts establishing models for service record books and logbooks. Those implementing acts shall be adopted in accordance with the examination<sup>30</sup> procedure pursuant to Article 30(3 2), taking into account the information required for the implementation of this Directive as regards the identification of the person, their navigation time and the journeys carried out.

When adopting those models, the Commission shall take into consideration that the logbook is also used for the implementation of Council Directive 2014/112/EU<sup>31</sup> for verifying manning requirements and recording journeys of the craft.

When adopting those models, the Commission shall, in Annex IV, make and keep up-to-date a reference to standards established by CESNI and set the date of application provided that

- (a) those standards are available and up-to-date;

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<sup>30</sup> COM concerns about the use of examination procedure as the advisory procedure is more appropriate for adopting models.

<sup>31</sup> Council Directive 2014/112/EU of 19 December 2014 implementing the European Agreement concerning certain aspects of the organisation of working time in inland waterway transport, concluded by the European Barge Union (EBU), the European Skippers Organisation (ESO) and the European Transport Workers' Federation (ETF) (OJ L 367, 23.12.2014, p. 86).

- (b) Union interests are not compromised by changes in the decision-making process of CESNI.

Where these conditions are not met, the Commission may adapt Annex IV to provide or to refer to other standards.

- 5. Member States shall ensure that crew members hold a single active service record book and that craft hold a single active logbook.

#### *Article 21*

#### *Medical fitness*

- 1. Member States shall ensure that deck crew members applying for a Union certificate of qualification demonstrate their medical fitness by presenting a valid medical certificate issued by a medical practitioner recognised by the competent authority, based on the successful completion of a medical fitness examination.
- 2. Medical certificates shall be provided to the competent authority:
  - (a) for issuing applicant's first Union certificate of qualification for deck crew members;
  - (b) for issuing Union certificates of qualification for boatmasters;
  - (c) for the renewal of a Union certificate of qualification for deck crew members in case the conditions specified in paragraph 3 of this Article are met.

Medical certificates issued for the purpose of obtaining a Union certificate of qualification shall be dated no earlier than three months before the date of application for a Union certificate of qualification.

3. From the age of 60, the holder of a Union certificate of qualification for deck crew members shall demonstrate medical fitness in accordance with paragraph 1 at least every five years. From the age of 70, the holder shall demonstrate medical fitness in accordance with paragraph 1 every two years thereafter.
4. Member States shall ensure that employers, boatmasters and Member States authorities can require a deck crew member to demonstrate medical fitness in accordance with paragraph 1, whenever there are objective indications that the medical fitness requirements referred to in paragraph 6 of this Article may be no longer fulfilled.
5. Where medical fitness cannot be fully demonstrated Member States may impose mitigation measures or restrictions that provide equivalent navigation safety. In that case, those mitigation measures and restrictions related to medical fitness shall be mentioned in the Union certificate of qualification in accordance with the model referred to in Article 10(3).
6. The Commission is empowered to adopt delegated acts in accordance with Article 29 and on the basis of the essential requirements for medical fitness referred to in Annex III to lay down the standards for medical fitness specifying the requirements with regards to medical fitness, in particular with regard to the tests that medical practitioners must carry out, the criteria they must apply to determine fitness for work and the list of restrictions and mitigation measures.

When exercising its power of delegation the Commission shall, in Annex IV, make and keep up to date a reference to standards established by CESNI and set the date of application provided that

- (a) those standards are available and up-to-date;

- (b) they comply with the essential requirements set out in Annex III;
- (c) Union interests are not compromised by changes in the decision-making process of CESNI.

Where these conditions are not met, the Commission may adapt Annex IV to provide or to refer to other standards.



## CHAPTER 4

### ADMINISTRATIVE PROVISIONS

#### *Article 22*

##### *Protection of personal data*

1. Any processing of personal data by the Member States provided for in this Directive shall be carried out in accordance with EU law on the protection of personal data, in particular Regulation (EU) No XXX/2016 [number to be added after formal adoption] of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data and on the free movement of such data (General Data Protection Regulation)<sup>32</sup>.
2. Any processing of personal data by the Commission provided for in this Directive shall be carried out in accordance with Regulation (EC) No 45/2001 of the European Parliament and of the Council<sup>33</sup>.
3. Member States shall ensure that personal data may be processed only for the purposes of:
  - (a) implementation, enforcement and evaluation of this Directive;
  - (b) exchange of information between the authorities that have access to the database referred to in Article 23 and the Commission;
  - (c) producing statistics.

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<sup>32</sup> (reference to OJ to be added after formal adoption)

<sup>33</sup> OJ L 8, 12.01.2001, p. 1

Anonymised information derived from such data may be used to support policies to promote inland waterway transport.

4. Member States shall ensure that persons referred to in Articles 4 and 5 whose personal data, and particularly their health data, are processed in the registers referred to in Article 23(1) and the database referred to in Article 23(2) are informed ex ante. They shall be granted access to the personal data concerning them and be provided with a copy of that data on request at any time.

### *Article 23*

#### *Registers*

1. To contribute to an efficient administration with respect to the issuing, renewing, suspending and withdrawing certificates of qualification, Member States shall keep registers for all Union certificates of qualification, service record books and logbooks issued under their authority in accordance with this Directive and, where relevant, for documents recognised pursuant to Article 9(2), which are issued, renewed, expired, suspended, withdrawn or reported lost, stolen or destroyed.

For Union certificates of qualifications, registers shall include the data appearing on the Union certificates of qualifications and the issuing authority.

For service record books, registers shall include the holder's identification number, the service record book identification number, the name of the holder, the date of issuance and the issuing authority.

For logbooks, registers shall include the name of the craft, the European Number of Identification or European Vessel Identification Number (ENI number), the logbook identification number, the date of issuance and the issuing authority.

To further facilitate the exchange of information between Member States, the Commission is empowered to adopt delegated acts in accordance with Article 29 to complement the information in the registers for service record books and logbooks with other information required by the models of service record books and logbooks adopted pursuant to Article 20(5).

2. For the purpose of implementation, enforcement and evaluation of this Directive, for maintaining safety, for ease of navigation as well as for statistical purposes and in order to facilitate the exchange of information between the authorities implementing this Directive, Member States shall record reliably and without delay in a database kept by the Commission data related to the certificates of qualifications, service record books and logbooks referred to in paragraph 1.

The Commission is empowered to adopt delegated acts in accordance with Article 29 to provide the standards laying down the characteristics and conditions of use of this database, in particular to specify:

- (a) instructions for encoding data into the database;
- (b) the access rights of the users, where appropriate differentiated according to the type of users, the type of access and the purpose for which the data is used;
- (c) the maximum duration of data retention in accordance with paragraph 3, differentiated, where appropriate, according to the type of document;

- (d) instructions regarding the functioning of the database and its interaction with the registers referred to in paragraph 1.

When the Commission adopts such delegated acts, it shall, in Annex IV, make or update the relevant reference and date of application.

3. Any personal data included in the registers referred to in paragraph 1 and the database referred to in paragraph 2 shall be stored for no longer than is necessary for the purposes for which the data were collected or for which they are further processed pursuant to this Directive. Once the information is no longer needed for these purposes, such personal data shall be destroyed.
4. The Commission may provide access to the database to an authority of a third country or to an international organisation, in so far as this is necessary for the purposes referred to in paragraph 2, provided that
  - (a) the requirements of Article 9 of Regulation (EC) No 45/2001 are fulfilled and
  - (b) the third country or the international organisation does not limit access by Member States or by the Commission to its corresponding database.

The Commission shall ensure that the third country or international organisation does not transfer the data to another third country or international organisation unless it is given express written authorisation and complies with the conditions specified by the Commission.

*Article 24*  
*Competent authorities*

1. Member States shall designate, where applicable, the competent authorities which will:
  - (a) organise and supervise the examinations referred to in Article 16;
  - (b) approve the training programmes referred to in Article 17;
  - (ba) approve simulators referred to in Article 19;
  - (c) issue, renew, suspend, ~~or withdraw or replace~~ the certificates and issue specific authorisations referred to in Articles 4, 5, 6, 12, 13 and 34 as well as the service record books and the logbooks referred to in Article 20;
  - (ca) validate the navigation time in service record books referred to in Article 20;
  - (cb) determine the medical practitioners that may issue medical certificates pursuant to Article 21;
  - (d) keep the registers referred to in Article 23;
  - (e) detect and combat fraud and other unlawful practices referred to in Article 27.
  
2. Member States shall notify the Commission all competent authorities within their territory referred to in paragraph 1 of this Article. The Commission shall make this information publicly available.

*Article 25*  
*Monitoring*<sup>34</sup>

Member States shall ensure that:

- (a) all activities associated with training, assessment of competence, issuing and updating of Union certificates of qualification, service record books and logbooks carried out by governmental and non-governmental bodies under their authority are continuously monitored through a quality standards system to ensure the achievement of the objectives provided in this Directive;
- (b) training objectives and related standards of competence to be achieved are clearly defined and identify the levels of knowledge and skills to be assessed and examined in accordance with this Directive;
- (c) the fields of application of the quality standards cover the issuing, renewing, ~~replacing~~, suspending and withdrawing of Union certificates of qualifications, service record books and logbooks, all training courses and programmes, examinations and assessments carried out by or under the authority of each Member State and the qualifications and experience required of trainers and examiners, having regard to the policies, systems, controls and internal quality-assurance reviews established to ensure achievement of the defined objectives.

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<sup>34</sup> COM: concern about the deletion of Article 26 as it is good practice and valuable input for the Commission's own evaluation.

*Article 27*

*Prevention of fraud and other unlawful practices*

1. Member States shall take and enforce appropriate measures to prevent fraud and other unlawful practices involving Union certificates of qualification, service record books, logbooks, medical certificates and registers provided for in this Directive.
2. Member States shall exchange relevant information with the competent authorities of other Member States concerning the certification of persons involved in the operation of craft, including information on suspension and withdrawal of certificates.

*Article 28*

*Penalties*

Member States shall lay down the rules on penalties applicable to infringements of the national provisions adopted pursuant to this Directive and shall take all measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate and dissuasive.

## CHAPTER 5

### FINAL PROVISIONS

#### *Article 29*

#### *Exercise of the delegation*

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
2. The power to adopt delegated acts referred to in Articles 15(1) and (4), Articles 19, 21 and 23 (1) and (2) shall be conferred on the Commission for a period of five years from [*insert: date of entry into force*]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.<sup>35</sup>
3. The delegation of power referred to in this Article may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect on the day following publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.
- 3a. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 15 March 2016.

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<sup>35</sup> COM: concern about a time limited delegation.



4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
5. A delegated act adopted pursuant to this Article shall enter into force only if no objection has been expressed by either the European Parliament or the Council within a period of two months from notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or the Council.
7. The Commission may designate a body for the purpose of receiving notifications and for making available information to the public provided for in this Directive.

*Article 30*

*Committee*

1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011. References to the committee set up pursuant to Article 7 of Directive 91/672/EEC, which is repealed by this Directive, shall be construed as references to the committee set up by this Directive.
2. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply. If the committee's opinion is to be obtained by written procedure, its chair may decide to terminate the procedure without result within the time-limit for delivery of the opinion.
3. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply. If the committee's opinion is to be obtained by written procedure, its chair may decide to terminate the procedure without result within the time-limit for delivery of the opinion.

## *Article 31*

### *Review*

1. The Commission shall evaluate this Directive together with the implementing and delegated acts referred to in ~~Articles 8, 10, 20 and 29~~ **this Directive** and submit the results of the evaluation to the European Parliament and the Council no later than eight years after the date referred to in Article 35(1).
2. By [*insert: two years before the date indicated in paragraph 1*], each Member State shall make available to the Commission the information needed for the purposes of monitoring the implementation and evaluation of the Directive, in accordance with guidelines provided by the Commission in consultation with Member States as regards information collection, format and content.

## *Article 32*

### *Phasing-in*

1. Within 18 months of the entry into force of this Directive, the Commission shall gradually adopt delegated and implementing acts setting up:
  - (a) the standards for the characteristics and conditions of use of the database provided for in Article 23;
  - (b) the standards of competences referred to in Article 15(1);
  - (c) the standards for medical fitness provided for in Article 21
  - (d) the models provided for in Articles 10 and 20;
  - (e) the standards for practical examinations provided for in Article 15(3);
  - (f) the standards for simulators approval provided for in Article 19.

2. At the latest 30 months after the adoption of the parameters of the database set out in paragraph 1(a) of this Article, the database provided for in Article 23 shall be set up.

### *Article 33*

#### *Repeal*

Directives 96/50/EC and 91/672/EEC are repealed with effect from [*insert: the date following the end of the transposition period*].

References to the repealed Directives shall be construed as references to this Directive.

### *Article 34*

#### *Transitional provisions*

1. Certificates issued in accordance with Directive 96/50/EC and certificates referred to in Article 1(6) of Directive 96/50/EC, issued prior to [*insert: the date following the end of the transposition period referred to in Article 35 of this Directive*], shall remain valid on the Union waterways where they were valid before this date for a maximum of 10 years after that date.

Before [*insert: the date following the end of the transposition period referred to in Article 35 of this Directive + 10 years*], the Member State that issued those certificates shall issue, upon request, a Union certificate of qualification to boatmasters holding such certificates in accordance with the model prescribed by this Directive, under the conditions that they provide satisfactory documentary evidence as referred to in Article 10(1)(a) and (c) of this Directive.

2. When issuing Union certificates of qualification in accordance with paragraph 1 of this Article, Member States shall safeguard, as far as possible, entitlements previously granted in particular as regards the specific authorisations referred to in Article 6.

- 2a. Rhine navigation licences referred to in Article 1(5) of Directive 96/50/EC and issued prior to [*insert*: the date following the end of the transposition period referred to in Article 35 of this Directive] shall remain valid on all Union inland waterways until [*insert*: the date following the end of the transposition period referred to in Article 35 of this Directive + 10 years].

Before [*insert*: the date following the end of the transposition period referred to in Article 35 of this Directive + 10 years], the Member State where those certificates were issued shall, upon request, issue a Union certificate of qualification for boatmasters, under the conditions that they provide satisfactory documentary evidence as referred to in Article 10(1)(a) and (c) of this Directive. Alternatively, the Member State may decide, upon request, to issue a Rhine navigation licence as referred to in Article 9(2).

3. Crew members other than boatmasters holding a certificate of qualification issued by a Member State prior to the date following the end of the transposition period referred to in Article 35 of this Directive or holding a qualification recognised in one or more Member States may still rely on that certificate or qualification for a maximum of 10 years after that date. During this period, crew members other than boatmasters may continue to rely on Directive 2005/36/EC for the recognition of their qualification by other Member States' authorities. Before the expiry of this period, they may apply for a Union certificate of qualification or a certificate in application of Article 9(2) to a competent authority issuing such certificates, on condition that they provide satisfactory evidence as referred to in Article 10(1) (a) and (c) of this Directive.<sup>36</sup>
4. Service record books and logbooks issued prior to the date following the end of the transposition period referred to in Article 35 in accordance with rules other than those set out by this Directive may remain active for a maximum of 10 years after the date following the end of the transposition period referred to in Article 35.

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<sup>36</sup> COM: the absence of criteria for the exchange of certificates for crew members other than boatmasters raises safety concerns and legal uncertainty.

5. By way of derogation from paragraph 3, the national certificates for crew members on ferries that do not fall within the scope of Directive 96/50/EC and that were issued prior to [*insert: the date following the end of the transposition period referred to in Article 35 of this Directive*], shall remain valid on those Union waterways where they were valid before this date for a maximum of 20 years after that date.

Before the expiry of this period, the crew members for ferries may apply for a Union certificate of qualification or a certificate in application of Article 9(2) to a competent authority issuing such certificates, on condition that they provide satisfactory evidence as referred to in Article 10(1)(a) and (c) of this Directive and that the certificate has been valid for at least 10 years.

6. By way of derogation from Article 4(1), Member States may, until [*insert: date of entry into force + 20 30 years*], allow boatmasters sailing sea-going ships operating on specific inland waterways to carry a certificate of competency for masters issued in accordance with the provisions of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, provided that:
- (a) this inland navigation activity is performed at the beginning or at the end of a maritime transport journey; and
  - (b) the Member State has recognised ~~such~~ certificates **referred to in this paragraph** for five years on [*insert: date of entry of the Directive*] on the inland waterways concerned.

*Article 35*  
*Transposition*

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [*insert: 4 years after the entry into force*] at the latest. They shall forthwith communicate to the Commission the text of those provisions.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

- 1a. By way of derogation from paragraph 1, a Member State, where all persons referred to in Article 2 are exempted in accordance with Article 6a, shall be obliged to bring into force, by [*insert: date of transposition*], only those measures which are necessary to ensure compliance with Articles 1-3, 6a, 7, 9 as regards the Union certificate of qualification and the service record book, 13(2) and (3) as regards suspensions, ~~20(2) and (3)~~, 24(1)(e) and (2), 27 as regards the Union certificate of qualification and the service record book, 28 and 34 with the exception of paragraph 2.<sup>37</sup>

Such Member State may not issue Union certificates of qualifications or approve training programmes or simulators until it has transposed and implemented the remaining provisions of this Directive and has informed the Commission thereof.

- 1b. By way of derogation from paragraph 1, a Member State shall not be obliged to transpose this Directive as long as
- (a) there are no persons referred to in Article 2 exercising on its territory the professional activities within the scope of this Directive;
  - (b) the professional activities on its territory are exercised exclusively by persons subject to the requirements of Directive 2008/106/EC.

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<sup>37</sup> COM: concern about partial non-transposition in view of case-law of the EU Court of Justice and for reasons of legal certainty and general principles of EU law.

Such Member State shall in such case inform the Commission thereof by [*date of transposition*]. The Member State may not issue Union certificates of qualifications or approve training programmes or simulators until it has transposed and implemented the provisions of this Directive and informed the Commission thereof.<sup>38</sup>

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

#### *Article 36*

##### *Entry into force*

This Directive shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

#### *Article 37*

##### *Addressees*

This Directive is addressed to the Member States.

Done at Brussels,

*For the European Parliament*

*The President*

*For the Council*

*The President*

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<sup>38</sup> COM: concern about the principle of non-transposition in view of case-law of the EU Court of Justice and for reasons of legal certainty and general principles of EU law.

## *Annex I*

### **MINIMUM REQUIREMENTS FOR AGE, ADMINISTRATIVE COMPLIANCE, COMPETENCE AND NAVIGATION TIME**

The minimum requirements for the deck crew qualifications set out in this Annex shall be seen as an ascending level of qualifications, with the exception of the qualifications of deckhands and apprentices which are considered to be at the same level.

#### **1 Deck crew qualifications at entry level**

##### **1.1 Minimum requirements for the certification of a deckhand**

Every applicant for a Union certificate of qualification shall:

- not be less than 16 years of age.

##### **1.2 Minimum requirements for the certification of an apprentice**

Every applicant for a Union certificate of qualification shall:

- not be less than 15 years of age;
- have signed an apprenticeship agreement which provides for an approved training programme referred to in Article 17.



## 2 Deck crew qualifications at operational level

### 2.1 Minimum requirements for the certification of a boatman

Every applicant for a Union certificate of qualification shall:

a)

- not be less than 17 years of age;
- have completed an approved training programme referred to in Article 17 of a duration of not less than two years, based on the standards of competence for the operational level set out in Annex II;
- have navigation time of not less than 90<sup>39</sup> days as part of this approved training programme.

Or

b)

- not be less than ~~19~~ **18** years of age;
- have passed an assessment of competence by an administrative authority, as referred to in Article 16, aimed at verifying that the standards of competence for the operational level set out in Annex II are met;
- have navigation time of not less than 360 days or 180 days where the applicant can, in addition, provide proof of work experience of at least 250 days acquired on a sea-going ship as a member of the deck crew.

Or

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<sup>39</sup> DE proposes to require 135 days as a compromise.

c)

- have a minimum of five years' work experience<sup>40</sup> prior to the enrolment in the training programme;
- have completed an approved training programme referred to in Article 17 of a duration of not less than one and a half year<sup>41</sup> based on the standards of competence for the operational level set out in Annex II;
- have navigation time of not less than 90<sup>42</sup> days as part of this approved training programme.

## 2.2 Minimum requirements for the certification of an able boatman

Every applicant for a Union certificate of qualification shall:

a)

- have navigation time of not less than 180 days while qualified to serve as boatman.

Or

b)

- have completed an approved training programme referred to in Article 17 of a duration of not less than three years based on the standards of competence for the operational level set out in Annex II;

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<sup>40</sup> DE wishes to limit the applicable work experience in the maritime and fishing sector.

<sup>41</sup> COM: such a high minimum duration is disproportionate in view the competence-based approach and unduly reduces the attractiveness of the measure. In case a minimum duration would be considered necessary, 6 months would be more appropriate.

<sup>42</sup> DE proposes to require 135 days as a compromise.

- have navigation time of not less than 270 days as part of this approved training programme.

### **2.3 Minimum requirements for the certification of a helmsman**

Every applicant for a Union certificate of qualification shall:

**a)**

- have navigation time of not less than 180 days while qualified to serve as able boatman.

or

**b)**

- have completed an approved training programme referred to in Article 17 of a duration of not less than three years, based on the standards of competence for the operational level set out in Annex II;
- have navigation time of not less than 360 days as part of this approved training programme.

or

**c)**

- have a minimum of 500 days work experience as a maritime master;
- have passed an assessment of competence by an administrative authority aimed at verifying that the standards of competence for the operational level set out in Annex II are met.

### 3 Deck crew qualifications at management level

#### 3.1 Minimum requirements for the certification of a boatmaster

Every applicant for a Union certificate of qualification shall:

a)

- not be less than 18 years of age;
- have completed an approved training programme referred to in Article 17 of a duration of not less than three years and based on the standards of competence for the management level set out in Annex II;
- have navigation time of not less than 360 days, gained as part of this approved training programme or after completion thereof.
- hold a certificate for radio operator.

Or

b)

- not be less than 18 years of age;
- hold the qualification of helmsman;
- have navigation time of not less than 180 days;<sup>43</sup>
- have passed an assessment of competence by an administrative authority aimed at verifying that the standards of competence for the management level set out in Annex II are met.

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<sup>43</sup> DE wishes to add a further requirement of 450 days of navigation time.

- hold a certificate for radio operator.

Or

ba)

- not be less than 18 years of age;
- have navigation time of not less than 540 days or 180 days where the applicant can provide, in addition, proof of work experience of at least 500 days acquired on a sea-going ship as a member of the deck crew;
- have passed an assessment of competence by an administrative authority aimed at verifying that the standards of competence for the management level set out in Annex II are met.
- hold a certificate for radio operator.

Or

c)

- have a minimum of five years' work experience prior to the enrolment of an approved training programme;<sup>44</sup>
- have followed an approved training programme referred to in Article 17 of a duration of not less than one and a half years and based on the standards of competence for the management level set out in Annex II;
- have navigation time of not less than 180 days as part of this approved training programme and not less than 180 days after completion thereof.

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<sup>44</sup> DE wishes to limit the applicable work experience in the maritime and fishing sector.

- hold a certificate for radio operator.

### **3.2 Minimum requirements for specific authorisations for Union certificates of qualification for a boatmaster**

#### 3.2.1 Waterways with a maritime character

Every applicant shall:

- meet the standards of competence for sailing on waterways with a maritime character set out in Annex II.

#### 3.2.2 Radar

Every applicant shall:

- meet the standards of competence for sailing with the aid of radar set out in Annex II.

#### 3.2.3 Liquefied natural gas

Every applicant shall:

- hold a Union certificate of qualifications for LNG expert referred to in section 4.2.

#### 3.2.4 Large convoys

Every applicant shall have a navigation time of not less than 720 days, including not less than 540 days while qualified to serve as a boatmaster and not less than 180 days in steering a large convoy.

## **4 Qualifications for specific operations**

### **4.1 Minimum requirements for the certification of a passenger navigation expert**

Every applicant for the first Union certificate of qualification for passenger navigation expert shall:

- not be less than 18 years of age;
- meet the standards of competence for passenger navigation experts set out in Annex II.

Every applicant for the renewal of a Union certificate of qualification for passenger navigation expert shall:

- pass a new administrative exam or complete a new approved training programme in accordance with Article 15(2).

### **4.2 Minimum requirements for the certification of a liquefied natural gas (LNG) expert**

Every applicant for the first Union certificate of qualification for LNG expert shall:

- not be less than 18 years of age;
- meet the standards of competence for LNG experts set out in Annex II.

Every applicant for the renewal of a Union certificate of qualification for LNG expert shall:

- a) have the following navigation time aboard a vessel using liquefied natural gas (LNG) as fuel:
- not less than 180 days during the previous five years, or
  - not less than 90 days during the previous year;
- or,
- b) meet the standards of competence for LNG experts set out in Annex II.



## **ESSENTIAL COMPETENCE REQUIREMENTS**

### **1 Essential competence requirements at operational level**

#### **1.1 Navigation**

The boatman shall assist the vessel's management in situations of manoeuvring and handling a vessel on inland waterways. The boatman shall be able to do so, using all types of waterways and ports. In particular the boatman shall be able to:

- assist in preparing the vessel for sailing in order to ensure a safe voyage in all circumstances;
- assist with mooring and anchoring operations;
- assist in the sailing and manoeuvring of the vessel in a nautically safe and economical way.

#### **1.2 Operation of vessels**

The boatman shall be able to:

- assist the vessel's management in controlling the operation of the vessel and care of persons on board;
- use the vessel's equipment.

#### **1.3 Cargo handling, stowage and passenger transport**

The boatman shall be able to:

- assist the vessel's management in the preparation, stowage and monitoring of cargo during loading and unloading operations;

- assist the vessel's management in providing services to passengers.

#### **1.4 Marine engineering and electrical, electronic and control engineering**

The boatman shall be able to:

- assist the vessel's management in marine, electrical, electronic, and control engineering to ensure general technical safety;
- perform maintenance work on marine, electrical, electronic, and control engineering equipment to ensure general technical safety.

#### **1.5 Maintenance and repair**

The boatman shall be able to:

- assist the vessel's management in maintaining and repairing the vessel and its devices and equipment.

#### **1.6 Communication**

The boatman shall be able to:

- communicate generally and professionally, which includes the ability to use standardised communication phrases in situations with communication problems;
- be sociable.

#### **1.7 Health and safety and environmental protection**

The boatman shall be able to:

- adhere to safe working rules and understand the importance of health and safety rules and the environment;

- acknowledge the importance of training on safety aboard and act immediately in the event of emergencies;
- take precautions to prevent fire and use the firefighting equipment correctly;
- perform duties, taking into account the importance of protecting the environment.

## 2 Essential competence requirements for competences at management level

### 2.0 General

The boatmaster shall be able to instruct and control all tasks exercised by other deck crew members as referred to chapter 1 of this Annex, implying adequate abilities to perform these tasks.

### 2.1 Navigation

The boatmaster shall be able to:

- plan a journey and conduct navigation on inland waterways, which includes to be able to choose the most logical, economical and ecological sailing route to reach the loading and unloading destinations, taking into account the most efficient sailing time schedule according to actual circumstances and respect and apply traffic regulations applicable to navigation on inland waterways<sup>45</sup>;
- **apply knowledge about the applicable rules on the manning of craft, including knowledge on resting time and on deck crew members composition;**

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<sup>45</sup> COM: Removing a reference to CEVNI from article 8 of the Commission proposal should at least be compensated by adding a reference to the knowledge of the CEVNI code in this paragraph. DE and FR oppose such addition.

- sail and manoeuvre, ensuring the safe operation of the vessel in all conditions on inland waterways, including in situations that involve high traffic density or where other vessels carry dangerous goods, requiring basic knowledge on the European Agreement concerning the International Carriage of Dangerous Goods by Inland Waterways (ADN);
- respond to navigational emergencies on inland waterways;
- use Very High Frequency equipment when navigating on inland waterways.

## 2.2 Operation of vessels

The boatmaster shall be able to:

- apply knowledge of inland waterway shipbuilding and construction methods to the operation of various types of vessels;
- control and monitor the mandatory equipment as mentioned in the applicable vessel certificate;
- **apply** basic knowledge about technical requirements for inland waterway vessels.

## 2.3 Cargo handling, stowage and passenger transport

The boatmaster shall be able to:

- plan and ensure the safe loading, stowage, securing, unloading and care of cargoes during the voyage;
- plan and ensure correct stability of the vessel;
- plan and ensure the safe transport of passengers and their care during the voyage.

## **2.4 Marine engineering and electrical, electronic and control engineering**

The boatmaster shall be able to:

- plan the workflow of marine engineering and electrical, electronic and control engineering;
- monitor the main engines and auxiliary machinery and equipment;
- plan and give instructions in relation to the vessel's pump and the pump control system;
- organise the safe use and application, maintenance and repair of the vessel's electro-technical devices;
- control the safe maintenance and repair of technical devices.

## **2.5 Maintenance and repair**

The boatmaster shall be able to:

- organise the safe maintenance and repair of the vessel and its equipment.

## **2.6 Communication**

The boatmaster shall be able to:

- perform human resources management and be socially responsible, take care of the organisation of workflow and training on board the vessel ;
- ensure good communication at all times, which includes the use of standardised communication phrases in situations with communication problems;
- foster a well-balanced and sociable working environment on board.

## **2.7 Health and safety and environmental protection**

The boatmaster shall be able to:

- monitor the applicable legal requirements and take measures to ensure the safety of life;
- maintain safety and security for persons on board;
- set-up emergency and damage control plans and handle emergency situations;
- ensure compliance with requirements for environmental protection.

## **3 Essential competence requirements for specific authorisations**

### **3.1 Sailing on inland waterways with a maritime character**

The boatmaster shall be able to:

- work with up-to-date charts and maps, notices to skippers and mariners and other publications specific to waterways with a maritime character;
- use tidal datums, tidal currents, periods and cycles, the time of tidal currents and tides and variations across an estuary;
- use SIGNI (Signalisation de voies de Navigation Intérieure) and IALA (International Association of Lighthouse Authorities) on maritime waterways for safe navigation.

## **3.2 Radar navigation**

The boatmaster shall be able to:

- take appropriate action in relation to navigation with the aid of radar before casting off;
- interpret radar display and analyse the information supplied by radar;
- reduce interference of varying origin;
- navigate by radar in accordance with the CEVNI (Code Européen des Voies de Navigation Intérieure) rules on radar navigation as well as the regulations specifying the requirements for navigating by radar (such as manning requirements, technical requirements for vessels);
- handle specific circumstances, such as density of traffic, failure of devices, dangerous situations.

## **4 Essential competence requirements for specific operations**

### **4.1 Passenger navigation expert**

Every applicant shall be able to:

- organise the use of life-saving equipment on board passenger vessels;
- apply safety instructions and take the necessary measures to protect passengers in general, especially in the event of emergencies (e.g. evacuation, damage, collision, running aground, fire, explosion or other situations which may give rise to panic).

## 4.2 Liquefied natural gas (LNG) expert

Every applicant shall be able to:

- Ensure compliance with legislation and standards applicable to vessels using LNG as fuel, as well as other relevant health and safety regulations;
- be aware of specific points of attention related to LNG, recognise the risks and manage them;
- operate the systems specific to LNG in a safe way;
- ensure regular checking of the LNG system;
- know how to perform LNG bunkering operations in a safe and controlled manner;
- prepare the LNG system for vessel maintenance;
- handle emergency situations related to LNG.



### *Annex III*

#### **ESSENTIAL REQUIREMENTS REGARDING MEDICAL FITNESS**

Medical fitness, comprising of physical and psychological fitness, means not suffering from any disease or disability which makes the person serving on board a vessel unable:

- to execute the tasks necessary to operate a vessel;
- to perform assigned duties at any time; or
- to perceive correctly their environment.

The examination shall, in particular, cover visual and auditory acuity, motor functions, the neuro-psychiatric state and cardiovascular conditions.

*Annex IV – Applicable requirements*<sup>46</sup>

**Table A**

<b>Subject matter, Article</b>	<b>Conformity requirements</b>	<b>Start of application</b>
Models for Union certificates of qualification, Article 10(3)	[CESNI ....]	[...]
Practical examinations, Article 15(4)		
Approval of simulators, Article 19(2)		
Models for service record books and logbooks, Article 20(4)		
Characteristics and conditions of use of registers, Article 23(2)		

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<sup>46</sup> COM raises concerns about the inclusion of Annex IV for reason of transparency and legal certainty.

**Table B**

<b>Item</b>	<b>Essential competence requirement</b>	<b>Conformity requirements</b>	<b>Start of application</b>
1	Essential competence requirements at operational level	[CESNI ....]	[...]
2	Essential competence requirements for competences at management level	-	-
3	Essential requirements for competence for specific authorisations		
3.1	Sailing on waterways with a maritime character		
3.2	Radar navigation		
4	Essential requirements for competence for specific operations		
4.1	Passenger navigation expert		
4.2	Liquefied natural gas (LNG) expert		

Table C

<b>Essential requirements regarding medical fitness</b>	<b>Conformity requirements</b>	<b>Start of application</b>
Medical fitness examination	[CESNI ....]	[...]