

COMMISSION OF THE EUROPEAN COMMUNITIES

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94/0196 (SYN)

Proposal for a

COUNCIL DIRECTIVE

on the harmonization of the conditions for obtaining national boatmasters' certificates
for the carriage of goods and passengers by inland waterway in the Community

(presented by the Commission)

EXPLANATORY MEMORANDUM

A. GENERAL

1. In Directive 91/672/EEC of 16.12.1991 the Council established mutual recognition of national boatmasters' certificates issued by the Member States for the carriage of goods and passengers by inland waterway.¹ The national certificates shown in Annex I to the Directive enable Community carriers to navigate all waterways in the Member States, with the exception of the Rhine, the Lek and the Waal. The Rhine navigation licence, issued in conformity with the Mannheim Convention, is valid on all Member States' waterways and is required for navigation of the Rhine, the Lek and the Waal.
2. Directive 91/672/EEC constituted only a first step towards a harmonized system of national boatmasters' certificates and the Commission services have now drawn up common provisions on the conditions for obtaining national boatmasters' certificates for inland navigation. To do so, they consulted Member States and professional circles, who have given a favourable opinion on the initiative.
3. An examination of the national boatmasters' certificates for inland waterway navigation in all the Member States shows that the main differences lie in the following areas:
 - minimum age
 - physical fitness
 - professional experience
 - professional knowledge.

Harmonization must therefore cover these four areas.

¹ OJ L 373, 31.12.1991.

4. The conformity of the planned Community measures with the subsidiarity principle can be analysed by answering four fundamental questions.

4.(a) What are the objectives of the proposed action in relation to the Community's obligations?

This action is motivated by differences between Member States in the conditions for obtaining boatmasters' certificates. Although inland waterway navigation is by nature an international activity, the conditions for granting boatmasters' certificates differ from one country to another, which can give rise to distortions of competition between carriers of some Member States. In addition, safety conditions in inland waterway navigation should be gradually raised owing to the growth in transport of dangerous goods and the increase in the size of the transport units on the international network. This safety aspect, which concerns better protection of human life and waterway vessels, calls for harmonization upward of the conditions for obtaining certificates.

4.(b) Does competence for the planned activity lie solely with the Community or is it shared with the Member States ?

This proposal is presented on the basis of Article 75 of the Treaty and hence competence lies exclusively with the Community.

4.(f) What forms of action are available to the Community ?

It is appropriate to provide for a single national boatmasters' certificate for inland waterway navigation drawn up in accordance with a Community model and issued by the Member States. This certificate will be valid for all Community waterways with the exception of the Rhine, where the Rhine navigation licence is valid, and will replace the existing national certificates. However, a Member State may, after consulting the Commission, exclude from application of this Directive those national waterways that are not linked to the waterway network of another Member State.

The advantage of a document based on a single model is that it is easy to understand both within and outside the Community, which makes it easier to check, above all owing to the use of a uniform numbering system which also reduces the problem of knowledge of other languages. This Community certificate with its uniform presentation will enable the various national administrations to recognize its content and validity quickly. The proposed model has the modern format of a credit card, and Member States may use advanced technologies such as the insertion of a hologram to avoid the risk of forgery.

4.(g) Is it necessary to have a uniform regulation or would a directive be sufficient?

The Commission proposes a directive rather than a regulation in order to leave it to the Member States to carry out the harmonization measures. The directive introduces a broad legislative framework and guarantees uniform conditions for obtaining the certificate in all Member States, while giving the latter responsibility for its practical execution.

B. SPECIAL CONSIDERATIONS

Article 1

The Directive retains the distinction made on adoption of Council Directive 91/672/EEC, which divided certificates into those valid for Community waterways (Group B) and special certificates for Community waterways including waterways of a maritime character (Group A) requiring specialist knowledge. Both groups exclude the Rhine above the Spycse Veer, but no longer the Lek and the Waal. The situation permits redefinition of the geographical scope to above the Spycse Veer. In practice, Member States' national boatmasters' certificates are accepted on these Rhine tributaries in the Netherlands, in so far as it is only a question of crossing them, so that there is no point in excluding the Lek and the Waal. Paragraph 5 of this Article also specifies that the Directive does not in any way change the validity of the Rhine navigation licence. As a transitional measure, paragraph 6 specifies that the mutually recognized national boatmasters' certificates listed in Annex I to the above Directive and issued before the date of entry into force of this Directive will remain valid until their expiry dates.

Article 2

No comment.

Article 3

The second paragraph allows Member States with waterways not linked to the navigable network of another Member State to choose to maintain their national certificates for their isolated networks, but these certificates will be valid only on those isolated networks. Member States whose waterways are part of the interlinked network must apply the Directive.

Article 4

The validity of the certificate meeting the minimum requirements of the Directive extends to all Community Member States.

Article 5

Certificates may be obtained in the Member States between the ages of 18 and 21. The Commission has chosen the age of 21 for safety reasons, but a certificate issued in a Member State from the age of 18 will be recognized by other Member States with a minimum age of 21 on their territory from the moment the boatmaster reaches the age of 21. This compromise solution was reached in the framework of the UN Economic Commission for Europe and its recommendation approved on 10.12.1992.

Article 6

Every candidate must pass a medical examination to obtain the certificate, which it is suggested should be valid until the age of 65. Although periodic renewal is not yet standard practice in all the Member States concerned, it appears desirable that the boatmaster should pass another medical examination at the theoretical retirement age in many Member States, i.e. 65, in order to be able to renew his certificate.

Article 7

The professional experience required as member of the deck crew on board an inland waterway vessel varies from two to five years depending on the country. The optimum minimum duration should be four years, validated by the competent authority on the basis of a personal service record, with provisions for reduction, in order to achieve the best safety conditions and to harmonize upward the conditions for obtaining the certificates.

In the European navigable network, some waterways such as the Danube, Elbe and Oder are partly located in Community territory. For practical reasons, it appears obvious in such cases to take account of the professional experience acquired on all sections of the waterways.

The practice in one Member State is for the applicant to pass a practical test. It has been shown that this can satisfy a certain type of requirement. Consequently, it is conceivable to accept that a practical test can enable the applicant to sail a vessel with similar nautical characteristics to that on which the test was taken, validity being restricted to this type of vessel.

The Rhine navigation licence contains a clause reducing the professional experience required in the case of applicants over the age of 21 who have been members of the deck crew of inland navigation vessels. Such a clause should be included to avoid making the certificate less accessible than the Rhine licence.

Article 8

The applicant must have passed, to the satisfaction of the competent authority, the appropriate examination of knowledge of the basic subjects. The list of knowledge required in Annex II is based on the UN Economic Commission for Europe recommendation of 10 December 1992.

Pursuant to Directive 91/672/EEC, additional knowledge of the local situation may be required by a Member State with the agreement of the Commission. Similarly, in order to take account of particular situations, notably the transport of large numbers of passengers within a limited radius, more detailed professional knowledge of the local situation and of rescue procedures in the event of accidents specific to that location may be required. This extension of the knowledge required is necessary for obvious safety reasons in passenger transport.

Articles 9 and 10

Additional professional knowledge, verified by an examination, is required for safety reasons to sail a vessel transporting dangerous substances. The certificate will mention the passing of this additional examination in order to qualify boatmasters to sail vessels transporting this type of goods. The same applies to navigation with the aid of radar.

Articles 11, 12, 13, 14 and 15

No comments.

Proposal for a Council Directive
on the harmonization of the conditions for obtaining
national boatmasters' certificates for the carriage of goods
and passengers by inland waterway in the Community

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 75 thereof,

Having regard to the proposal from the Commission,¹

In cooperation with the European Parliament,²

Having regard to the opinion of the Economic and Social Committee,³

Whereas common provisions on the sailing of inland waterway vessels on the Community's inland waterways should be introduced and a first step towards this goal was accomplished with the adoption of 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;⁴

Whereas differences in national legislation relating to the conditions for obtaining boatmasters' certificates for inland navigation may distort competition between inland navigation carriers from the various Member States; whereas such distortions should be eliminated by introducing common provisions in this field at Community level;

Whereas in accordance with the subsidiarity principle and in order to guarantee the necessary uniformity and transparency, the Community should define a model for a single national boatmasters' certificate, mutually recognized by the Member States with no exchange obligation, responsibility for the granting of which would lie with the Member States;

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⁴ OJ No L 373, 31.12.1991.

Whereas national navigable waterways not linked to the navigable network of another Member State are not subject to international competition; whereas it is therefore not necessary to make compulsory on those waterways the common provisions for the granting of boatmasters' certificates provided for in this Directive;

Whereas the main objective of these common provisions must be to improve the safety of navigation and the protection of human life; whereas it is therefore essential that these provisions establish the minimum requirements which the applicant must meet in order to obtain the boatmasters' certificate for inland navigation;

Whereas the requirements in question must concern at least the minimum age required to sail a vessel, the physical and mental fitness of applicants, their professional experience and knowledge of certain subjects relating to the sailing of a vessel; whereas, in the interests of the safety of the vessel and of the persons on board, Member States may impose additional requirements regarding in particular the knowledge of certain local situations; whereas additional professional knowledge is required to sail a vessel transporting dangerous substances or to navigate with the aid of radar;

Whereas it is necessary to make provision for appropriate procedures to adapt the Annexes of this Directive; whereas it is appropriate that the Committee referred to in Directive 91/672/EEC should assist the Commission in adapting the Annexes,

HAS ADOPTED THIS DIRECTIVE:

Article 1

1. Member States shall draw up a boatmasters' certificate for the carriage of goods and passengers by inland waterway, hereinafter referred to as the "certificate", in accordance with the Community model described in Annex I, which complies with the provisions of this Directive.
2. Member States shall take all appropriate measures to preclude the risk of certificates being forged.
3. The certificate shall be issued by the competent authority of the Member States in conformity with the provisions of this Directive. It shall take account of the special characteristics of the waterways and of the certificates referred to in Article 1 of Council Directive 91/672/EEC, namely:

The boatmasters' certificate valid for all waterways of Member States with the exception of the Rhine above the Spycse Veer (Group A).

The boatmasters' certificate valid for all waterways of the Member States, with the exception of the waterways of a maritime character referred to in Annex II to Council Directive 91/672/EEC, and with the exception of the Rhine above the Spycse Veer (Group B).

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4. The Group A or Group B certificate issued by Member States in conformity with the provisions of the Directive shall be valid for all the Group A or Group B waterways of the Community.
5. Subject to the provisions of Article 8(2), the Rhine navigation licence, issued in accordance with the revised Convention for the Navigation of the Rhine, shall be valid for all waterways in the Community.
6. The national boatmasters' certificates mutually recognized by Directive 91/672/EEC referred to in Annex I to that Directive and delivered before 1 January 1996 shall remain valid until their expiry dates with no exchange obligation.

Article 2

For the purposes of this Directive:

- (a) "competent authority" shall mean the authority designated by the Member State to issue the certificate after verifying that the applicant satisfies the requirements;
- (b) "boatmaster" shall mean the person who has the necessary aptitude and qualifications to sail the vessel on the Member States' waterways and who has nautical responsibility on board;
- (c) "member of the deck crew" shall mean a person who has regularly participated in sailing a vessel in inland navigation.

Article 3

1. This Directive shall apply to all boatmasters of inland waterway vessels: self-propelled barges, tugs, pusher craft, barges, pushed convoys or side-by-side formations, used for the transport of goods or passengers.
2. A Member State may, after consulting the Commission, exclude national waterways not linked to the navigable network of another Member State from the application of this Directive. The validity of the national certificate issued under these conditions by the Member State shall be limited to the isolated network.

Article 4

1. In order to obtain a certificate, the applicant must satisfy the minimum requirements described in Articles 5 to 8. The certificate shall state whether the boatmaster has a Group A or Group B authorization.
2. The certificates issued by the Member States which meet these minimum requirements shall be mutually recognized.

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Article 5

An applicant must be at least 21 years of age in order to obtain a certificate. However, a certificate issued in a Member State from the age of 18 shall be recognized by the other Member States which impose a minimum age of 21 in their territory when the boatmaster reaches the age of 21.

Article 6

1. The applicant shall provide proof of physical and mental fitness by passing a medical examination carried out by a doctor recognized by the competent authority. This examination shall cover in particular visual and auditory acuity, colour vision, motoricity of the upper and lower limbs and the neuro-psychiatric state and cardiovascular condition of the applicant.
2. On reaching the age of 65, the holder of a certificate must, in the following three months and subsequently every three years, pass the examination referred to in the preceding paragraph; the competent authority shall attest on the certificate that the boatmaster has satisfied this obligation.

Article 7

1. The applicant must provide proof of at least four years' professional experience as a member of the deck crew on an inland waterway vessel.
2. In order to be taken into account, professional experience must be validated by the competent authority of the Member State through having been entered in a personal service record. It may have been acquired on any of the Member States' waterways. In the case of waterways which have part of their course on Community territory, such as the Danube, Elbe and Oder, the professional experience acquired on all sections of these watercourses will be taken into consideration.
3. The minimum duration of professional experience referred to in paragraph 1 may be reduced by a maximum of two years:
 - (a) where the applicant has a diploma recognized by the competent authority which confirms specialized training in inland navigation comprising practical navigation work; the maximum reduction of two years shall be granted only if the duration of the specialized training is greater than or equal to three years; or
 - (b) where the applicant can provide proof of professional experience acquired on a seagoing vessel as a member of the deck crew; in order to obtain the maximum reduction of two years, the applicant must provide proof of at least four years' experience in maritime navigation; or

- (c) where the applicant has passed a practical examination in sailing a vessel with similar nautical characteristics to that which he or she is intending to sail; in this case, the competent authority shall indicate on the boatmasters' certificate that its validity is restricted until the holder has acquired four years' professional experience.
- 4. The time during which the applicant was member of the deck crew of an inland navigation vessel after the age of 21 will be multiplied by 1.5 for the purposes of calculating the duration of professional experience.

Article 8

- 1. The applicant must have successfully passed an examination of professional knowledge; this examination must include at least the general subjects listed in Chapter "A" of Annex II.
- 2. Subject to the Commission's consent, a Member State may require the boatmaster to satisfy additional requirements concerning knowledge of the local situation for navigation of certain waterways, with the exception of the waterways of a maritime character referred to in Annex II to Council Directive 91/672/EEC.

Subject to the same reservation, a Member State may require the boatmaster of a passenger vessel, in areas where large numbers of passengers are transported within a limited radius, to have more detailed professional knowledge of special provisions relating to passenger safety, particularly in the event of accidents, fire or shipwreck.

Article 9

- 1. In order to be authorized to sail a vessel transporting dangerous substances on the Member States' waterways, the boatmaster, in addition to holding the certificate, must also have passed the examination covering professional knowledge of the subjects referred to in Chapter "B" of Annex II.

Member States shall recognize the attestation delivered in accordance with the specifications of marginal 10170 of the ADNR as proof of this knowledge.

- 2. An applicant satisfying the conditions set out in the previous paragraph shall have his or her fitness to sail a vessel transporting dangerous substances attested by the competent authority in the form of an appropriate endorsement on the certificate.

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Article 10

1. In order to be authorized to navigate with the aid of radar, the boatmaster, in addition to holding the certificate, must also have passed the examination covering professional knowledge of the subjects referred to in Chapter "C" of Annex II.
2. An applicant satisfying the conditions set out in the previous paragraph shall have his or her fitness to navigate by radar attested by the competent authority in the form of an appropriate endorsement on the certificate.

Article 11

If the competent authority refuses to issue or withdraws a certificate, it must give reasons for its decision.

Article 12

The Commission may take the necessary steps to adapt the model boatmasters' certificate in Annex I and to develop the necessary professional knowledge required for the issue of the certificate specified in Annex II in conformity with the procedure set out in Article 13 of this Directive.

Article 13

1. The Commission shall be assisted in application of Article 12 by the Committee set up by Council Directive 91/672/EEC.
2. The representative of the Commission shall submit to the Committee a draft of the measures to be taken. The Committee shall deliver its opinion on the draft, within a time limit which the Chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 148(2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the Committee shall be weighted in the manner set out in that Article. The Chairman shall not vote. The Commission shall adopt measures which are immediately applicable. The Commission shall communicate these measures to the Council without delay if they are not in accordance with the opinion of the Committee. In this case, the Commission may defer the application of the measures by a maximum of one month from the date of communication. The Council, acting by a qualified majority, may take a different decision within the period specified in the previous sentence.

Article 14

1. Member States shall implement the laws, regulations and administrative provisions necessary to comply with this Directive no later than 1 January 1996. They shall immediately inform the Commission thereof.
2. When Member States adopt these provisions, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such a reference shall be laid down by the Member States.
3. Member States shall immediately communicate to the Commission the text of the provisions they adopt in the fields governed by this Directive.
4. Where necessary, Member States shall assist one another in the implementation of this Directive.

Article 15

This Directive shall enter into force on the twentieth day after its publication.

Article 16

This Directive is addressed to the Member States.

Done at Brussels,

For the Council
The President

ANNEX I

**Model boatmasters' certificate for inland navigation
(85 mm x 54 mm - light blue background)**

BOATMASTERS' CERTIFICATE FOR INLAND NAVIGATION		FRANCE
1. xxx		
2. xxx		
3. 01.01.1996 - F - Paris		
4. 02.01.1996		
7. #####	6.	
8. A B		
9. DS R tonnes, kw, xx		
10. 01.01.2061	5. xxx	
11.		

BOATMASTERS' CERTIFICATE FOR THE CARRIAGE OF GOODS AND PASSENGERS BY INLAND WATERWAY	
1. Holder's name	9. - DS - Dangerous substances
2. First name(s)	- R - Radar
3. Date and place of birth	- sole category and capacity
4. Date of issue of the certificate	of vessel (tonnes, kw,
5. Issue number	passengers)
6. Photograph of the holder	10. Expiry date
7. Holder's signature	11. Endorsement(s)
8. A. All waterways except the Rhine	Restriction(s)
B. All waterways except those of a	European Union model
maritime character and the Rhine	

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ANNEX II

**Professional knowledge required to obtain the boatmasters'
certificate for inland navigation**

Chapter A General subjects relating to the transport of goods and passengers

1. Navigation

- (a) Knowledge of the rules of the road and signs and signals on inland waterways, particularly the ECIW (European Code for Inland Waterways)
- (b) Knowledge of the general geographical and hydrographical characteristics of the main waterways
- (c) Knowledge of the buoyage system
- (d) Ability to use nautical documentation (charts, nautical advice, etc.) and navigation instruments (compass, echo-sounder, etc.)
- (e) Ability to determine the vessel's position irrespective of the meteorological conditions (reduced visibility, ice, etc.)

Specific knowledge of navigation on waterways of a maritime character, concerning in particular some of the subjects in (d) such as navigation by compass or use of the echo-sounder, is not required in order to obtain a Group B certificate, referred to in Article 1 of the Directive.

2. Vessel manoeuvring and handling

- (a) Handling of the vessel taking account of the effect of current, wind and navigable depth under the keel
- (b) Role and functioning of the rudder and propeller
- (c) Anchoring and berthing in all conditions
- (d) Entering and leaving locks or ports; meeting and passing other vessels

3. Vessel construction and stability

- (a) Knowledge of the basic principles of vessel construction with regard in particular to the safety of persons and the vessel
- (b) Knowledge of the main elements of vessel structure

- (c) General theoretical knowledge of buoyancy and stability rules
 - (d) Measures to be taken to ensure stability of the vessel in various circumstances
- 4. Engines**
- (a) Basic knowledge of the design and working of the engines in order to ensure their proper functioning
 - (b) Verification of the functioning of the main and auxiliary engines and action to be taken
- 5. Loading and unloading**
- (a) Use of Plimsoll lines
 - (b) Calculation of cargo weight using the tonnage certificate
 - (c) Loading and unloading operations
- 6. Action in special circumstances**
- (a) Measures to be taken in the event of damage, collision or grounding (before, during and after the event), including stopping of holes in the hull
 - (b) Use of rescue apparatus and equipment
 - (c) First aid in the event of accidents
 - (d) Prevention of fires and use of fire-fighting equipment
 - (e) Prevention of pollution of waterways
- 7. Communications**
- Knowledge of radiotelephony procedures
- 8. Basic knowledge relating to transport of dangerous substances and use of radar**

Chapter B Compulsory additional subjects for the transport of dangerous substances

- (a) Knowledge of the international rules and recommendations relating to the transport of dangerous substances by waterway
- (b) General specifications relating to the transport of dangerous substances
- (c) Particular measures to be taken during loading and unloading of dangerous substances and during the voyage
- (d) Signals denoting vessels carrying dangerous substances and marking of goods
- (e) Accident prevention measures and measures to be taken during and after an accident

Chapter C Obligatory additional knowledge for radar navigation

- (a) Knowledge of radar theory: general knowledge of radioelectric waves and principles of radar operation
- (b) Ability to use radar equipment, interpretation of the radar display, analysis of the information supplied by the equipment and knowledge of the limits of the information supplied by radar
- (c) Use of the turn indicator
- (d) Knowledge of the ECIW rules on radar navigation

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