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Working Party on Inland Water Transport

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**HARMONIZED PROCEDURE FOR CONSIDERATION OF APPLICATIONS
FOR RECOGNITION OF SHIP'S CERTIFICATES AND BOATMASTERS'
LICENCES: MUTUAL RECOGNITION OF SHIP'S CERTIFICATES**

Addendum

**Submitted by the Central Commission for the Navigation
of the Rhine (CCNR)***

Note by the secretariat: In its discussion on the draft harmonized procedure for consideration of applications for recognition of ship's certificates (ECE/TRANS/SC.3/2008/10), the Working Party may wish to take into account the draft statutory requirements for recognition on the Rhine of ship's certificates and type approval certificates (CCNR (RV (08) 5), reproduced below).

* The Secretariat has reproduced the document as received.

Statutory requirements for recognition on the Rhine of ship's certificates and type approval certificates

Preamble

Article II of Additional Protocol No. 7 to the Revised Convention for Rhine Navigation stipulates that the Central Commission may recognize other vessel certificates and other boatmasters' certificates when their issue is based on conditions equivalent to those established in implementation of the said Convention and procedures ensuring effective compliance with those conditions.

The decision to grant recognition is taken by the plenary of the Central Commission. In addition to the equivalence of licences, the potential benefit of such recognition is also a precondition for any decision regarding recognition. Recognition is not a right.

Any decision on recognition includes policy considerations which shall take into account, among other things:

- Whether or not there is appropriate reciprocity
- Whether or not the necessary conditions are in place for cooperation to ensure that such equivalence is lasting, including in the event of the subsequent amendment of requirements
- Other issues arising relating to orderly navigation on the Rhine

1. Arrangements and procedure for recognition

(a) Recognition is granted exclusively on the basis of national legal and regulatory provisions which set the conditions for the issuance of ship's certificates and type approval certificates. The following must be submitted:

- All the provisions governing the substantive conditions for the issue, extension, renewal and withdrawal of ship's certificates and type approval certificates
- All the provisions governing the procedure for the issue, extension, renewal and withdrawal of ship's certificates and type approval certificates; and
- List of competent authorities

The submission requirement applies not only to laws and regulations, but also to the full text of directives and other administrative provisions or requirements.

(b) Equivalence shall be checked:

- With reference to the substantive rules
- With reference to the procedures ensuring compliance with the substantive rules

- (c) The requirements shall be deemed to be equivalent:
- If they are identical in their substance; or
 - If they provide the same guarantees as the rules contained in the Rhine Vessels Inspection Regulations (RVBR)
- (d) Differences shall be accepted:
- If they do not have significant consequences, in particular for safety of navigation, and if they do not cause distortions of competition
 - If the negative consequences are adequately offset by positive consequences

2. Procedure for review of the application for recognition

(a) Applications for the recognition of ship's certificates and of type approval certificates issued in accordance with national or international regulations must be submitted by the State or international organization responsible for those regulations. The application must also include a declaration accepting reciprocity in the recognition of certificates and type approval.

(b) The legislative and regulatory provisions referred to in section 1, paragraph (a), and the model formats for the certificates in question must be annexed to the application in one of the working languages of the Central Commission.

(c) The Inspections Regulations Committee shall review the application and issue its opinion on equivalence.

(d) If necessary, the Inspections Regulations Committee will request checks, seek additional information and interview the representatives of the authorities concerned.

(e) The decision shall be taken by the plenary of the Central Commission, which will rule on the equivalence and whether or not recognition should be granted.

3. Requirements relating to substantive equivalence of ship's certificates

Ship's certificates shall be deemed to meet the substantive requirements relating to equivalence if the substance of the provisions governing their issue, extension, renewal and withdrawal, the provisions governing the construction, rigging and crews of vessels and the transitional and final provisions correspond to the provisions of the Rhine Vessels Inspection Regulations.

This mean, inter alia:

- (a) Procedural provisions

Procedures for the issue, extension, renewal and withdrawal of the ship's certificates to be recognized shall be sufficiently similar to those set forth in the Rhine Vessels Inspection

Regulations as to guarantee the same compliance with the provisions on the construction, rigging and crews of vessels as for a vessel subject to the Rhine Vessels Inspection Regulations.

(b) Provisions on the construction, rigging and crews of vessels (technical requirements)

The vessel concerned shall be in full compliance with the technical requirements of the Rhine Vessels Inspection Regulations when the certificate is issued. The relevant requirements are those in force on the date of issue.

(c) Transitional and final provisions (chap. 24)

The transitional and final provisions of the regulations under which the ship's certificate to be recognized is issued shall guarantee that the vessel will be adapted to comply with any amendments and supplements to the technical requirements in the same manner as a vessel subject to the Rhine Vessels Inspection Regulations.

(d) Provisions on crews (chap. 23)

The regulations under which the ship's certificate to be recognized is issued shall guarantee that, in respect of crew requirements for navigation on the Rhine, the vessel in question carries the same crew as a vessel subject to the Rhine Vessels Inspection Regulations.

4. Recourse to transitory provisions

As a matter of principle the recognition of ship's certificates is not retroactive. Thus any vessel wishing to sail on the Rhine with a recognized certificate must have a certificate issued after the decision of the Central Commission concerning recognition of the relevant ship's certificates.

Where the ship's certificate was issued before the decision of the Central Commission, the vessel may sail on the Rhine only if it is in compliance with the transitory provisions to be met by a vessel subject to the Rhine Vessels Inspection Regulations which has that day been issued with an inspection certificate under those Regulations. Compliance with the transitory provisions shall be noted on the ship's certificate by an inspection commission that issues inspection certificates under the Rhine Vessels Inspection Regulations and notes thereon the permitted derogations from the technical requirements.

5. Determination and registration of the minimum crew under the provisions for Rhine navigation and the Rhine Vessels Inspection Regulations, art. 23.14

Where recognition relates to ship's certificates for vessels subject, under the provisions on Rhine navigation, to individual determination of the crew and registration thereof in the inspection certificate, said register shall be reflected in the ship's certificates of the vessels concerned by an inspection commission that issues inspection certificates under the Rhine Vessels Inspection Regulations.

6. Additional requirements

(a) The layout of ship's certificates and type approval certificates shall be identical to the layout of the inspection certificates and type approval certificates provided for in the Rhine Vessels Inspection Regulations. [Free text entries on certificates shall be written in at least one of the working languages of the Central Commission.]

(b) The State whose ship's certificates are to be recognized shall have entered the unique European vessel identification number. It shall also declare its readiness to provide the competent authorities of the Rhine States and Belgium with the information and data necessary to maintain safety and orderly navigation on the Rhine.

(c) The classification societies that carry out checks and issue certificates under the rules on construction, rigging and crews of vessels, in respect of the ship's certificate to be recognized, shall be recognized by all the Rhine States and Belgium.

(d) The Central Commission reserves the right to set additional conditions if the equivalence between the inspection certificate provided for under the Rhine Vessels Inspection Regulations and the ship's certificate proves to be less than perfect. These conditions shall be set out in the decision on recognition.

7. Follow-up to decisions on recognition

(a) The Central Commission invites States whose ship's certificates and type approval certificates have been recognized to attend joint meetings to be convened as and when necessary. These meetings shall have as their purpose:

- Helping ensure that any future developments and adaptations of regulations are applied uniformly to all the regulations
- Coordinating the monitoring arrangements among States
- Promoting increased uniformity of the ship's certificates and type approval certificates used in the various States

(b) The States members of the Central Commission and States whose certificates have been recognized as equivalent shall notify one another as promptly as possible and independently of the joint meetings of any anticipated amendments to and developments in the regulations governing the said documents.
