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Working Party on the Standardization of Technical and Safety Requirements in Inland Navigation

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Item 5 of the provisional agenda

Mutual recognition of boatmasters' certificates and professional requirements in inland navigation:

Third meeting of the International Expert Group

Proposal for a revision of Resolution No. 31

Transmitted by the secretariat

I. Mandate

1. This document is submitted in line with cluster 5: Inland Waterway Transport, paragraph 5.1 of the programme of work 2014–2015 (ECE/TRANS/2014/23) adopted by the Inland Transport Committee on 27 February 2014.
2. At its forty-fifth session, the Working Party on Inland Water Transport (SC.3) approved the suggestion made by the International Expert Group (IEG) on the revision of Resolution No. 31 in order to bring it into line with modern requirements. The Working Party may wish to take note of the proposals for a revision of Resolution No. 31 presented by the secretariat in this document and may wish to base further amendments on this work.
3. As already specified in ECE/TRANS/SC.3/2011/5, the modernization process should be carried out with due regard and in close consultations with the European Commission and the relevant European Union programmes under NAIADES Action Programme, in particular concerning the criteria listed in the Standards of Training and Certification for personnel in Inland Navigation (STCIN) “Tables of competences”. STCIN tables, once finalized, could complete Annex II or be added as a third annex.

II. The legislative frameworks in the pan-European context

A. ECE region: Resolution No. 31

4. Resolution No. 31 provides a general framework for the mutual recognition of the boatmasters' certificates, identifying the minimum criteria for issuance of the certificates. The Resolution was amended in 2009 based on the comparative analysis of the existing requirements in the European Union, Central Commission for the Navigation of the Rhine (CCNR), the Danube Commission (DC) and the Sava Commission (ECE/TRANS/SC.3/183, para. 15). This Resolution is applied by Austria (partially), Bulgaria, the Czech Republic, Finland, France, Germany, Hungary, Lithuania, Luxembourg, Poland, Republic of Moldova, Romania, Russian Federation (partially), Serbia, Slovakia and Ukraine (ECE/TRANS/SC.3/2014/12/Rev.1).

5. It is recalled that a revision proposal had already been submitted to the thirty-ninth session of SC.3/WP.3 by the Sava Commission (ECE/TRANS/SC.3/WP.3/2011/11). Information concerning the work of the European Commission, River Commissions and member States had also been published in documents ECE/TRANS/SC.3/2011/5 and ECE/TRANS/SC.3/WP.3/2012/14. It should be noted that the provisions as included in Resolution No. 31 (and Directive 96/50/EC) are to a large extent based on Rhine Patent Regulation managed by CCNR.

B. Within the European Union: Council Directive 96/50/EC

6. The main Council Directive that directly impacted the recognition of boatmasters' certificates is 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. It laid down harmonised basic conditions for obtaining national boat masters' certificates for inland waterway navigation between the EU member States. The Directive distinguishes between an "A" type certificate which is valid for all inland waterways not falling under Rhine regulations, and the "B" type which is similar but not valid on inland waterways with a maritime character, such as estuaries¹.

7. A Common Expert Group on professional qualifications and training standards in inland navigation set up by the European Commission met on 6 November 2014 to work on the orientations for the Commission initiative on the recognition and modernisation of professional qualifications in inland navigation.

C. Regional framework: Regulations for Rhine navigation personnel

8. CCNR has adopted the Regulations for Rhine Navigation Personnel (RPN), which came into force on 1 July 2011. The RPN incorporates all the existing Rhine regulations for navigation personnel, based on the following three sets of regulations: (i) Regulations for issuance of patents/licences, adopted in June 2007; (ii) Chapter 23 of the Inspection regulations for vessels on the Rhine; and (iii) Regulations for safety personnel on passenger vessels, adopted in December 2004.

¹ Source: Evaluation of the relevant directives related to the initiative on recognition and modernisation of professional qualifications in inland navigation (Directives 91/672/EEC and 96/50/EC), report for the European Union, 2014.

9. CCNR has set up a Committee (STF) and a working group (STF/G) to deal with issues concerning crewing and professional training. Their areas of responsibility fall into three main categories: (i) traditional function of updating regulations; (ii) functions concerning the recognition of navigation qualifications; and (iii) functions concerning the development of training and qualifications.²

10. It should be noted that cooperation between CCNR and European Commission (DG MOVE) had been established on 22 May 2013 with an Administrative Arrangement that includes three main areas of cooperation: (i) adaptation of the technical requirements for inland navigation vessels, (ii) modernisation of professional qualifications for crew members; and (iii) development of market observation for inland navigation in Europe.²

D. Regional framework: Danube

11. The Danube Commission has adopted the Recommendations on the Establishment of Boatmaster's Licences on the Danube (CD/SES 77/7). Danube Commission member States recognize each other's national licences.

III. Proposals for a revision of Resolution No. 31

A. Current structure of the annex to Resolution No. 31

12. The list below gives an overview of the current structure of the annex to Resolution No. 31:

CHAPTER 1 - GENERAL PROVISIONS

Article 1.1 - Purpose and Scope

Article 1.2 – Definitions

CHAPTER 2 - MINIMUM REQUIREMENTS FOR THE ISSUANCE OF BOATMASTER'S CERTIFICATES

Article 2.1 – Scope

Article 2.2 - General Provisions

Article 2.3 - Special provisions concerning professional experience

Article 2.4 - Special provisions concerning the examination of professional knowledge

Article 2.5 - Information contained in the boatmaster's certificates

CHAPTER 3 - RECOGNITION OF THE BOATMASTER'S CERTIFICATES

Article 3.1 - Acceptance of the minimum requirements for the issuance of boatmaster's Certificates

Article 3.2 - Mutual Recognition of boatmaster's certificates

Article 3.3 - Issuance of boatmaster's certificates to applicants of less than 21 years of age and their recognition

Article 3.4 - Recognition of general and special boatmaster's certificates

Annex I - CONTENT OF THE BOATMASTER'S CERTIFICATES

Annex II - PROFESSIONAL KNOWLEDGE REQUIRED TO OBTAIN A
BOATMASTER'S CERTIFICATE

- A. General subjects concerning the carriage of cargo and passengers
- B. Special subjects for the transport of passengers required for the issuance of special certificates for navigating passenger vessels
- C. Additional subjects for radar navigation
- D. Additional subjects for the carriage of dangerous goods

B. Topics to consider for an update of the annex to Resolution No. 31

(a) Liquefied natural gas (LNG)

13. This topic could be addressed under “Annex II – Professional knowledge required to obtain a boatmaster's certificate”, as section E, “Additional subjects for liquefied natural gas”. A particular expertise is necessary for navigating vessels that use liquefied natural gas for propulsion. Regulations, safety, maintenance and control of the liquefied natural gas systems, emergency scenarios could be mentioned under this new section.

(b) Navigation simulators

14. This topic could be addressed under article 2.4, “Special provisions concerning the examination of professional knowledge”. An optional examination on simulator could allow, if successfully passed by the applicant, to shorten the minimum professional experience required by article 2.2 paragraph (c).

15. Examinations on navigation simulator are easier and less expensive to organize, they offer more variety in the different situations that boatmasters can face and allow to test the applicant’s reactions on vessel breakdowns. They also could be used fruitfully for the examination of knowledge of local requirements.

16. If simulators are used for the assessment of competences, it will be necessary to establish a list of certified simulating systems.

(c) Local knowledge requirements (LKR)

17. This topic could be addressed under articles 2.4 and 3.2.2 (a). The proposals made in this paragraph are inspired from CCNR and EU work on mutual recognition of the local knowledge requirements. Currently, boatmasters need to apply for additional certificates in order to access particular waterways. A common LKR regime for common river sections between UNECE member States could be decided upon by the concerned member States following a consultation procedure involving the relevant competent authorities of the respective member States. Member States could be entitled to organize exams for all LKR in the ECE region and provide the LKR authorisation following positive assessment of the applicant's knowledge. Examination should be open to all boatmasters within the ECE region and be non-discriminatory.

18. The text below reproduces the current reflexions of the Common Expert Group on professional qualifications and training standards in inland navigation². The Working Party may discuss the relevance of these elements:

² “Non-paper on the orientations for the Commission initiative on the recognition and modernisation of professional qualifications in inland navigation”, European Commission (Informal document No. 2).

(a) KSS relevance criteria

Navigation on river sectors where it can be demonstrated that one or a combination of several criteria listed below is met can be restricted to holders of certificates attesting the possession of the knowledge of specific situations:

1. Hydro morphology of the sector/river basin

More specifically, sharp river banks or narrow waterway or rapidly changing water level between low and high water level or specific high water level conditions or various combinations of previous if these elements represent safety risk.

2. Absence of appropriate Fairway Information Services (FIS) on waterways which represents navigation risks due to their hydromorphological characteristics (e.g. not on canals). Appropriate Fairway Information Services (FIS) are services which provide sufficient information on the status of the fairway to the skipper in order to safely navigate and which can include the following elements:

- Visual aids to navigation (buoys, beacons, light signals, notice marks and radar reflecting targets (radar reflectors on buoys and beacons, radar markings of the passage openings of bridges);
- Nautical information VHF radio service;
- Electronic Navigational Charts (ENCs) for Inland ECDIS and Notices to Skippers (NtS).

3. Presence of a specific local traffic regulation justified by specific hydro-morphological features giving rise to safety concerns.

(b) Procedure for identifying sections subject to KSS and their requirements should also be discussed (see Informal Document No. 2).

C. Format of the revision

19. A basic revision would consist of amending the current annexes to Resolution No. 31.

20. A broader revision of the Resolution could be also envisaged. It would consist of a new resolution composed of the current contents of Resolution No. 31 and of the non-technical part of Chapter 23, "Crews", of Resolution No. 61 (see ECE/TRANS/SC.3/WP.3/2015/2). The new resolution would, thus, not only concern the issuance and mutual recognition of boatmaster's certificates but provide a larger regulation framework on inland navigation personnel in the UNECE region.
