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Mutual recognition of boatmasters' certificates and professional requirements in inland navigation: third meeting of the International Expert Group

Non-paper on the orientations for the Commission initiative on the recognition and modernisation of professional qualifications in inland navigation

Transmitted by the Common Expert Group on Recognition and Modernisation of Professional Qualifications in Inland Navigation

1. Definitions

Competent authority – any authority or body empowered by a MS specifically to issue exams, diploma and others documents or information and take the decisions, referred to in the legislation.

Boatmaster - a person with the responsibility associated with serving as captain or skipper on board of inland waterway vessels and ensuring that all functions within the designated area of responsibility are properly performed.

Inland waterway - a stretch of water not part of the sea. This term covers rivers, canals lakes and estuaries.

Professional qualification - an attestation of competence and/or professional experience that declares someone suitable for a function or set of tasks on board a vessel.

Professional competence - abilities required for the proper performance of tasks on board inland waterway vessels in accordance with the prescribed standards or levels of knowledge, understanding and demonstrated skills.

Professional experience - navigation time cumulated by the crew member.

Navigation time - time crew members are spending aboard during a journey performed by a vessel.

Certificate - any valid document, issued by a competent authority of a Member State corresponding to the model and requirements as stipulated in the respective standard referred to in this legal instrument.

Specific situations - navigation conditions on specific waterway stretches presenting a hazard to safe navigation which require boatmasters to acquire knowledge and skills beyond what is expected under the general standards of competence for managerial level in order to operate safely.

Vessel - an inland waterway vessels or sea-going ship.

2. Objective

The general objective is streamlining the legal framework related to professional qualifications in the European IWT sector and making it competence-based.

More specifically, in order to ensure the mobility of crew members serving on inland waterways in a Member State other than that in which they have obtained their qualifications, it needs to be guaranteed that they effectively possess the professional competencies required for such a qualification in order to ensure a high level of safety of the navigation.

For that reason the certificates or attestations of qualifications shall be issued to applicants who meet requirements harmonised at EU level.

3. Scope

I. Substantive scope of application

Crew members working on following inland waterway vessels:

- a) vessels having a length (L) of 20 metres or more;
- b) vessels for which the product of length (L), breadth (B) and draught (T) is a volume of 100 m³ or more;
- c) tugs and pushers intended for towing or pushing craft referred to in (a) and (b) or floating equipment or for moving such vessels or floating equipment alongside;
- d) vessels which carry more than 12 passengers in addition to the crew or e) floating equipment self-propelled.

Pleasure boats not engaged in trade and ferryboats not moving independently shall be excluded.

II. Geographical scope of application

This legal instrument applies to all navigable inland waterways of the Member States.

4. Professional qualifications in inland navigation

There are 7 qualifications to be mutually recognized on all EU waterways:

1. Apprentice

2. Deckhand
3. Boatman
4. Able Boatman
5. Engineer
6. Helmsman
7. Boatmaster

Member States can still introduce or maintain additional qualifications; however they would not be covered by the automatic recognition. They could also have fewer qualifications in their national system. Only the qualification of boatmaster would be required.

Point for discussion n°1: What are your views regarding the possibility to have under the national systems fewer qualifications than those that would be indicated under the EU legal framework? In addition to boatmaster are there other qualifications that should be present (and therefore recognized) in all countries (e.g boatman) for the mutual recognition system to be optimal?

All IWT workers who start their professional life in the IWT sector after entry into force of the relevant legislation would be assigned by the competent authority a qualification based on the obtained competencies. This qualification would be reflected in his/her SRB. The modification of a qualification in the SRB must be validated under the supervision of the competent authority after checking that the appropriate competencies and/or professional experience required for the new qualification are met by the candidate.

5. Professional Competence

It needs to be ensured that crew members working on inland waterway vessels possess the required competencies.

The subjects for which competencies have to be detailed are:

1. Navigation
2. Cargo handling, stowage and passenger transport
3. Controlling the operation of the ship and care for persons on board
4. Marine engineering and electrical, electronic and control engineering
5. Maintenance and repair
6. Communication
7. Safety, health and environmental protection

The standards of competence include the abilities required for each subject for two levels of responsibilities:

- operational level (boatman - OL)
- managerial level (boatmaster -ML)

For **each professional qualification, the required competencies will be defined** in the standards of professional competence and experience required **with reference to the two levels of responsibilities** (Standards n°1).

River Speak will be integrated in standards of professional competence at OL and ML and therefore part of the competencies to be tested in examination for boatmasters and boatmen. [Standards n°1 and n°7].

6. Conditions for obtaining the qualifications

In order to obtain a qualification, an applicant must satisfy the following minimum requirements:

- a) His or her **age** is not less than the age referred to in the standard on professional competence and experience relevant to the qualification applied for (standards n°1);
- b) The applicant shall provide confirmation of their **physical and psychological fitness** by successfully completing a medical examination carried out by a medical doctor recognized by the competent authority. The examination shall cover the criteria indicated in the standards relevant to the qualification applied for (standards n°2);
- c) The applicant meets **the standards of competence and experience** relevant to the qualification applied for:
 - by proof of the fact that he or she has acquired the required competencies prescribed through the successful completion of a professional training certified by a diploma or another certificate or through the passing of an administrative examination and/or
 - by attesting the required professional experience with navigation time recorded in a service record book

For the qualification of boatman, the applicant must have passed an examination of his/her competencies; that examination must include at least the abilities required for the operational level specified in the standards of competence (standards n°1)

For the qualification of boatmaster, the competencies shall have to be tested successfully with a practical exam on board a vessel or on simulator organized in the framework of an education/training programme or of an administrative examination. That examination must include at least the abilities required for the management level specified in the standards of competence (standards n°1).

Point for discussion n°2: In order to ensure a competence-based system, assessment of competencies would become mandatory at the two reference levels of responsibilities. Are you supportive of the principle of a mandatory exam to obtain the qualification of boatman and of mandatory practical exam for boatmasters?

Simulators used for the assessment of competence in examination are to be certified. They shall comply with the technical requirements and administrative procedures referred to in standards n°4.

A member state may **exempt** from the application of the legal instrument all crew members or groups having a specific qualification operating **exclusively on national waterways not connected to other Member States** and deliver to them national qualifications, the conditions for obtaining which may differ from those defined in the legal instrument. This exemption is however subject to the submission to the Commission of a demonstration that the administrative costs of the application of the provisions of the legal instrument to the crew concerned would be prohibitive.

The general system for the recognition of professional qualifications established by Directive

2005/36/EC shall continue to apply to the recognition of the professional qualifications of these exempted crew members and of crew members who are nationals of a Member State and have obtained their training certificate in a third country or through a non-recognized body.

7. EU Boatmaster Certificate (BMC)

All boatmasters shall hold a certificate demonstrating that the boatmaster satisfies the minimum conditions to obtain it.

The EU boatmaster certificate shall be valid for all waterways in the EU **including** maritime waterways (ex A certificate) With possible **limitations**:

- **not** valid for waterways with a **maritime** character (ex B certificate)
- **not** valid for vessels **above 40 m** (new certificate)

With possible **special authorizations** related to the operation (specified on the certificate):

- radar
- passenger transport

With possible special authorizations for specific stretches (specified on the certificate or by a separate attestation):

- KSS section

Certificates issued in accordance with the legal instrument are valid in all EU Member States. The Commission will adopt standards of competence and experience required for the BMC as well as for the variants entailing limitations or special authorisations (standards n°1) as well as models (standards n°5).

Subject to KSS requirements, the Rhine patent shall be valid for all EU inland waterways.

8. Waterways with a maritime character

Member States may require a boatmaster to satisfy additional requirements concerning knowledge of waterways with a maritime character, only for the following waterways:

- where maritime regulations (COLREG) are applicable,
- where the buoys and signs are according to the maritime system,
- where terrestrial navigation is necessary, or
- where additional maritime equipment (which requires special knowledge) is necessary.

Before taking a decision categorising an inland waterway as "a waterway with a maritime character", Member States shall submit to the Commission or to the body designated by the Commission a justification based on the list of relevance criteria. The justification will be communicated to other Member States. If the Commission does not oppose the justification within 3 months considering that relevance criteria have been respected, the Commission, or to the body designated by the Commission, will ensure the list of waterways with a maritime character is updated and information made available to the public.

If circumstances change with respect to relevance criteria, it is the Member State concerned duty to notify accordingly the Commission or the body designated by the Commission, which will update the list if relevant.

9. Knowledge of specific situations (KSS)

I. 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 bands 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.

II. Procedure for identifying sections subject to KSS and their requirements

Before taking a decision setting KSS requirements for a specific stretch, Member States shall submit to the Commission, or to the body designated by the Commission, a justification based on the list of relevance criteria and outlining:

- the specific risks inherent to the stretch concerned;
- the specific knowledge required to prevent such risks and
- the proportionate means chosen by the MS to demonstrate the specific knowledge. Means can be 1) a limited number of journeys to be carried out on the stretch concerned or a simulator exam (choice of the method being left to the MS delivering the authorisation) or 2) a multiple choice exam or a combination of the two. In this context, a description of the pilotage services available on the stretch concerned will also be provided.

The justification of the Member State regarding a specific KSS will be communicated to other Member States. If the Commission does not oppose the justification within 6 months considering that relevance criteria and proportionality principle have been respected, the Commission, or to the body designated by the Commission, will ensure the list of KSS with their examination requirements is updated and information made available to the public.

If circumstances change with respect to relevance criteria, it is the duty of the Member State concerned to notify accordingly the Commission, or the body designated by the Commission, with the corresponding justification to what extent KSS has to be maintained or removed. The KSS list shall be updated accordingly, if relevant.

A common KSS regime for common river sections between Member States should be decided by the concerned Member States following a consultation procedure involving the relevant competent authorities of the respective Member States. In that case the notification to the Commission shall be made jointly.

All Member States should be entitled to organise exams for all KSS in Europe and provide the KSS authorisation following positive assessment of the applicant's knowledge. Examination should be open to all boatmasters within the EU and be non-discriminatory.

Point for discussion n°3: Under previous concept outlines it was proposed to develop standards both for a risk assessment methodology and for KSS examination requirements. What do you think about the alternative system proposed now?

10. The harmonised EU service record books

SRBs shall be issued in accordance with the EU model and technical implementation rules, stipulated in a relevant standards adopted by the Commission (Standard n°6).

Point for discussion n°4: What do we need to further develop at EU level under these 'technical implementation rules'?

The following identification data shall be included in the SRB:

- a unique identifier of the SRB,
- date of issue,
- issuing authority
- the holder's first and last names,
- the holder's date and place of birth,
- the nationality and type of identity document presented,
- the holder's national identification number,

The EU SRB shall also contain information on crew member:

- physical and mental fitness
- professional qualification and
- navigation time

The EU SRB contains in Annex the following documentary proofs:

- copies of certificates and diplomas corresponding to the qualifications,
- a medical certificate attesting the mental and physical fitness of the holder.

All issuing authorities of the MS are entitled to make entries with regard to:

- the identification data
- data on physical and mental ability
- data on professional qualification

The SRB shall be presented by its holder to a competent authority at least once every 12 months from the date it has been issued in order for the competent authority to validate the navigation time carried out. In case electronic tools are put in place including e-SRBs and e- logbooks and the interface between them ensured the validation of these data in SRBs shall be considered automatic.

The EU SRB with all its content should be recognised without any restriction across the EU.

11. The harmonised EU logbook

EU logbook shall be issued in accordance with the EU model stipulated in the relevant standard adopted by the Commission (Standard n°6).

12. Procedure for obtaining a EU BMC and EU SRB

The Member States shall publish the procedures to be followed. Applications may be for the grant of a new document, the updating of particulars, a renewal or a duplicate. The competent authority shall issue the document as soon as possible and not later than one month after receiving all documents.

A validity dates should be set for boatmasters certificates. BMC shall have an administrative validity up to a maximum of 10 years, meaning that every 10 years the BMC has to be revalidated. Competence and experience do not need to be proved again, only a request for revalidation is necessary. The validity is however subject to the fact that its holder undergoes the periodic checks related to psychological and physical fitness where relevant. Consequently it means that in case the period of next 10 years includes the requirement of a medical check the maximum validity date of the BMC will be limited accordingly. When revalidating a BMC the competent authority shall verify/insert in the register that the boatmaster has met the fitness requirements.

Point for discussion n°5: What do you think about the way it is proposed to tackle the validity issue for BMC?

Competent authorities and issuing bodies shall take all necessary steps to avoid the risks of falsification of certificates.

The authorities have to issue a SRB to any crew-member and boatmaster upon request. Every crew member may only have one SRB. The competent authority shall consult the register to check whether the requester has already one SRB and to record any addition and modification of data.

13. Register(s) and exchange of information

The Member States shall keep a register of all BMC, SRBs and logbooks. In this register, there will be kept all records of certificates, SRBs and logbooks which have been issued, have expired or have been revalidated, suspended, withdrawn or reported lost or destroyed. The register shall contain the data described in Standards 5 and 6 (cfr models i.e. all data appearing on the BMC/SRB/logbook plus data relating to checking requirements related to fitness and qualifications). The SRB/BMC/logbook shall be accessible using the national number allotted to each boatmaster or crew member.

The MS shall supply, upon reasoned request, information on the status of such certificates/SRBs to the competent authorities of other MS or any employer of crew members.

The access to the register(s) should be access protected. Boatmasters and other crew members shall have access to the data concerning them and shall be provided with a copy of that data on request.

Interoperability must be insured (basic parameters incl. content, access rights, data exchange protocol, duration of retention of data are to be defined in standards to be adopted by the Commission – Standards n°4).

14. Recognition of training and examination

Training

To be part of the requirements for the issue of a BMC or qualification, the certificates/diplomas and the training institutions which issue them need to be accredited or recognized by the Member State where they are established.

Member States shall ensure that all training of crew members falling under the system of mutual recognition are structured in accordance with the written programmes, procedures and course material as are necessary to achieve the prescribed standard of competence and conducted by qualified persons having an appreciation of the training programme and an understanding of the specific training objectives for the particular type of training conducted.

The list of the bodies accredited and approved together with the corresponding recognized certificate/diplomas delivered shall be notified by the Member States to the Commission, or to the body designated by the Commission, that will ensure the publication and update of the information.

Examination

Member States shall designate the authorities or bodies which shall organize and/or supervise the examinations.

Member States shall ensure that all assessment of crew members falling under the system of mutual recognition are structured to cover the prescribed standard of competence and conducted by qualified persons having an appropriate level of knowledge and understanding of the competence to be assessed and gained practical experience.

If conducting assessment involving the use of simulators, the assessor shall have gained an appropriate level of practical experience on the particular type of simulator.

Point for discussion n°6: This section did not exist in former versions of concept outlines but is one of the underlying components for a competence-based system. Any comments?

15. Assessment

Member States shall ensure that all activities associated with training, the assessment of competence, the updating of certificates and qualifications are the subject of continuous **monitoring** under a quality standards system. MS shall ensure that education and training objectives and related quality standards of competence and defined and identify the levels of knowledge, understanding and skills appropriate to the examination and assessment required under the standards n°1. MS shall also ensure that independent **evaluations** of the competence acquisition and assessment activities, and of the administration of the certification and endorsement of qualifications, are conducted at intervals of no more than [5] years by qualified persons who are not themselves involved in the activities concerned.

16. Controls and penalties

The competent authority may at any time take steps to verify, on board vessels operating in its area of jurisdiction, that the boatmasters and other crew members are in possession of the required documents.

The competent authority may carry out enquiries regarding compliance with the legal instrument by boatmasters and other crew members, examiners and training centers pursuing their activities in its area of jurisdiction.

If the competent authority finds that a boatmaster no longer satisfies one or more required conditions, it shall take the following measures:

(a) if it concerns a BMC issued by the competent authority or a KSS authorization related to a stretch located in its jurisdiction, the competent authority shall suspend or withdraw the certificate, depending on the scale of the problems created for safety of navigation. It shall immediately inform the boatmaster concerned and his employer if relevant of its reasoned decision, without prejudice to the right of review. It shall indicate the procedure to be followed for recovering the certificate;

(b) if it concerns a BMC issued by a competent authority in another Member State, the competent authority shall approach that authority and provide a reasoned request that the certificate be suspended or withdrawn and at the same time inform the other competent authorities of its request. The authority that issued the certificate in question shall examine the request within four weeks and notify the requesting authority and other authorities of its decision. Any competent authority may prohibit boatmasters from operating in its area of jurisdiction pending notification of the issuing authority's decision;

At all events, if the competent authority considers that a particular boatmaster creates a serious threat to the safety of the navigation, it shall immediately take the necessary action, such as prohibiting the boatmaster from operating in its area of jurisdiction for as long as necessary. It shall inform the other competent authorities of any such decision.

In all cases the competent authority, or the body designated for this, shall update the register. Member

States shall lay down rules on penalties applicable to infringements and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate, non-discriminatory and dissuasive.

The Commission shall be empowered to adopt a delegated act to supplement the above by laying down further detailed rules, if proved necessary.

Point for discussion n°7: What do think of the proposed approach and in particular the distinction between BMC issued by the Member State where control is taking place and BMCs issued by other Member States?

17. Acquired Rights and transition periods

Phasing-in

The legal instrument shall be phased in gradually: N= entry into force of the legislation

- Setting up of registers: N+1
- All new BMCs shall be issued in accordance with the legal instrument: N +2/
- All boatmasters shall hold certificates in accordance with the legal instrument: N+7
- All new EU SRB shall be issued in accordance with the legal instrument: N +2
- All active SRBs are in a EU SRB format in accordance with the legal instrument: N+7
- KSS requirements for a specific stretch justified and published in accordance with the legal instrument N+1
- Waterways with a maritime character justified and published in accordance with the legal instrument N+1

Acquired rights

- KSS authorisations issued before the entry into force of the legal instruments for stretches that are accepted under the new system shall remain valid.
- BMCs delivered in accordance with Directive 96/50/EC and Rhine patents that have been issued before the end of transition period for new BMC shall be considered as equivalent to EU BMC but will need to be revalidated (simple administrative procedure) by N+7.
- For other crew members, quid du stock? There are two options: 1)going through an examination of competence 2) a general regularisation based on a minimum navigation time only (to de defined for each qualification under boatmaster level).

Point for discussion n°8: The issue of transition period and acquired rights has never been discussed so far but is important. Any comments, suggestions? Key requests and concerns?

18. Adaptation to scientific and technical progress

The amendments necessary to adapt Annexes to scientific and technical progress shall be adopted by delegated acts

List of Standards to be adopted by the Commission:

The standards regarding the mentioned qualifications (physical and mental fitness, professional competencies and experience) will be developed and adopted later by the Commission. The standards should make sure that all candidates are able to perform their tasks in a safe way.

1. **Standards on professional competencies and experience** (modular boatmaster certificate included) (modular boatmaster certificate included but excluded KSS) – Currently we have standards developed for OL and ML for competence and knowledge/ability (column 1 and 2 STCIN) – We need column 3 (method for demonstrating experience/competence) and column 4 (criteria for evaluating competence) to be developed; For each qualification, age, required level of competence (OL or ML), experience and possible methods for demonstrating competence have to be defined.

Point for discussion n°9: As these standards are essential to build up the competence-based system they need to be developed and be part of the legislative instrument as an annex. Even if work will take place in working groups under MQ/G, key principles need to be discussed in this forum. It is also proposed to designate the members of the MQ/G working group in charge of standards 1 at the 11th CEG and to start the work in working group as soon as possible.

a) Minimum Age

The minimum age, for all crew members, to obtain a certificate/qualification are the following:

- | | |
|-----------------|--|
| 1. Deckhand | 16 years |
| 2. Apprentice | 15 years |
| 3. Boatman | 17 years |
| 4. Able Boatman | 18 years |
| 5. Engineer | 18 years |
| 6. Helmsman | 19 years |
| 7. Boatmaster: | 21 years, with the possibility to obtain certificates at the age of 18 years |

b) Required level of competencies, experience and method of demonstration

Qualifications	<u>level of competencies</u>	<u>method of demonstration</u>	<u>Experience (min navigation time)</u>
Deckhand	n.a.	n.a.	n.a.
Apprentice	n.a.	n.a.	n.a.

Qualifications	level of competencies	method of demonstration	Experience (min navigation time)
Boatman	OL	a) diploma/certificate b) exam by compet.auto ¹ c) practical exam (programme) ²	a)? b) 360 days? c) 90 days?
Able Boatman	OL	Qualification of boatman in SRB or equivalent	+180 days
Engineer	engineer	Diploma	n.a.
Helmsman	OL	Qualification of able boatman in SRB or equivalent	+180 days
Boatmaster:	ML	a) diploma/certificate b) Qualification of helmsman in SRB or equivalent+ exam by compet.auto c) practical exam (programme) ³	a)+180 days b) min 720 days c) min180 days

Note 1: option a) could be seen as the ‘training path’; option b) the ‘experience path’ and option c) the ‘intensive practical programme’ for lateral intrants.

Note 2: the minimum navigation time indicated in the table are not to be considered as a proposal of the Commission but an indicative base for discussion in CEG/MQ/G working groups.

c) Fisheries and maritime experience

With the legal instrument there would be two paths for people having maritime/fishery experience to access IWT qualification of boatman or boatmaster:

- 1) Via option b) above. In that case their experience could be taken into account as follows: for boatman: max 240 days equivalent (out of 360 required) and for boatmaster: max 540 days (out of 720).
- 2) Via option c) above under which they should be able to value their experience and reach the appropriate level with the minimum IWT navigation time required.

¹ Higher minimum age for the applicants should be set for the school path to remain more attractive e.g Rhine 19 years old.

² Alternative/higher minimum age for the applicants should also be set

³ Alternative/higher minimum age for the applicants should be set.

[to see whether we want to promote access for people with maritime experience rather through one or the other option. Consequently, minimum navigation time should be decreased further under one or the other path. If not, the situation will not change much compared to the existing one]

2. Standards on physical and mental fitness for each qualification + model for medical certificate

Boatmaster

Content

That examination shall cover in particular visual and auditory acuity, (colour vision), motricity of the upper and lower limbs and the neuro-psychiatric state and cardiovascular condition of the applicant. [To further developed in MQ/G – this is current Directive 96/50/EC]

Frequency

On reaching the age of 60 years, the holder of a certificate must, in the following three months and subsequently every 5 years, undergo the examination referred to in paragraphs 1 and 2; a doctor recognised by the competent authority shall issue the certificate attesting that the holder of a certificate has satisfied this obligation. On reaching the age of 70 years the holder of a certificate must undergo the examination referred to in paragraph 1 every 2 years.

Other crew members

To be developed

The medical certificates should be issued in accordance with a EU model

To be developed

3. Standards on simulators (functional and technical requirements for the examination including KSS)

4. Standards for registers for certificates and SRBs (data, format, exchange of info, access rights, data retention duration, what if bankruptcy)

5. Standards for model for EU boatmaster certificate (including physical characteristics taking into account therein anti-forgery measures)

6. Model for EU SRB/logbook and SRB implementing rules

7. River speak content

8. Standards for practical exams giving access to boatmaster certificate
