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

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Item 8 of the provisional agenda

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

Recognition of professional qualifications in inland navigation: A proposal for a new Directive of the European Union

Note 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 2016–2017 (ECE/TRANS/2016/28/Add.1) adopted by the Inland Transport Committee at its seventy-eighth session on 26 February 2016.
2. The Working Party on Inland Water Transport at its fifty-ninth session agreed that further work on updating Resolution No. 31 could only be effective if coordinated with the European Commission decisions made regarding legal instruments concerning recognition and modernization of professional qualifications in inland navigation (ECE/TRANS/SC.3/201, paras. 32 and 34).
3. The Working Party on the Standardization of Technical and Safety Requirements in Inland Navigation (hereafter SC.3/WP.3) at its forty-eighth session decided to postpone discussions until more concrete information on the follow-up of Directive 96/50/EC or any other relevant information from member States, River Commissions or other stakeholders was submitted (ECE/TRANS/SC.3/WP.3/96, para. 30).

4. On 18 February 2016 European Commission adopted a 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 directive on the recognition of professional qualifications of skilled workers in inland navigation throughout the European Union (EU) to replace Directives 91/672/EC and 96/50/EC. The proposal was published on the European Commission website together with the impact assessment.¹ SC.3/WP.3 may wish to take note of a brief overview of this proposal.

II. Proposal for a new 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

A. Reasons for and objectives of the proposal

5. At present, two sets of rules are relevant for the recognition of professional qualifications at the EU level. For boatmasters, a set of specific sectoral EU rules is applicable consisting of:

(a) 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, which provides for the mutual recognition by the member States of each other's boatmasters' certificates; and

(b) Council Directive 96/50/EC of 23 July 1996 on the harmonisation of the conditions for obtaining national boatmasters' certificates for the carriage of goods and passengers by inland waterway in the Community, which lays down harmonised conditions for obtaining national boatmasters' certificates for inland waterway navigation between EU member States.

6. For crew members other than boatmasters, Directive 2005/36/EC on the recognition of professional qualifications provides a general legal framework for professions that are regulated in a host member State and for which no EU sector-specific regulation has been adopted. In practice, however, this Directive does not provide an effective solution for professionals performing frequent and regular cross-border IWT activities and for this reason the possibilities offered by this general framework have hardly been used by the workers in the sector.

7. The objective of the initiative is to facilitate labour mobility in the inland waterway transport sector by ensuring that skilled workers' qualifications are recognised throughout EU. The initiative builds upon more than 19 years of experience with the implementation of Directives 96/50/EC and 91/672/EEC which provide for the reciprocal recognition and set minimum requirements for obtaining boatmasters' certificates. This initiative goes further and extends the requirements to cover all deck crew in inland navigation in the EU including on the Rhine, which represents 67 per cent of total inland water transport (IWT), and to establish fair, safe and competence-based access to the profession.

¹ The proposal is available on the EU website at http://ec.europa.eu/transport/modes/inland/news/2016-02-16-recognition-professional-qualifications_en.htm

8. By providing the common standards across the EU necessary to achieve the internal market for workers in IWT, the proposal streamlines the legal framework related to professional qualifications in the European IWT sector, which is currently fragmented. The proposal seeks to replace a complex set of regional requirements with multilateral and bilateral agreements by a simpler and, more importantly, EU-wide framework for certification and mutual recognition.

B. Context of the proposal

9. Varying minimum requirements for professional qualifications across the EU member States do not provide sufficient assurance for individual countries as regards the recognition of professional qualifications of crew from other member States. This initiative therefore proposes:

(a) To base the recognition of the professional qualifications on the competences that are needed for the operation of vessels;

(b) To balance the recognition of qualifications with safeguards, introducing standards as regards assessment of competence, approval of training programmes and monitoring and evaluation of certification and training.

10. In line with measures taken for other modes of transport, competence-based EU-wide minimum requirements, verified through examinations, are only envisaged for skilled crew, i.e. boatmen and boatmasters. For unskilled crew, such as deckhands, only minimum requirements with regard to age and medical fitness are proposed.

11. The measure designed to certify training programmes does not interfere with the national education curricula on general subjects but relates to competences and skills necessary to ensure safety of navigation and the protection of human life, and does not require that those who have already successfully completed an approved training programme in the EU to pass additional administrative exams on the same subjects already covered by their training programme.

12. Common criteria for the identification of stretches with specific risks and for the setting up of related required competence have been introduced, as such additional requirement should be justified on safety grounds and be proportional to the risk at stake.

13. For reasons of cost-effectiveness, holding certificates of qualification in line with the provisions of the Directive should not be made compulsory on national inland waterways not linked to the navigable network of another member State. Member States with non-linked inland waterways nevertheless have to recognise the certified qualifications of crew members from other member States.

14. The proposal also facilitates the electronic exchange of information and paves the way for the introduction of electronic tools with a view to reduce the administrative burden.

C. Impact assessment

15. The impact assessment of this proposal was carried out in 2014 – 2015. The following policy options were considered in the Impact Assessment Report:

- A. Baseline scenario;
- B. Initiatives taken by the sector with the EU support;
- C. Recognition of professional qualifications based on minimum competence requirements for boatmen and boatmasters, differentiated in two suboptions:

- C1. *Including* examination standards for training and education institutes;
and
- C2. *Excluding* examination standards for training and education institutes.

16. In order to address the main problems identified, namely that workers face difficulties with regard to mutual recognition of professional qualifications and that local knowledge requirements may create unnecessary difficulties for boatmasters operating on certain river stretches, the policy option C introducing minimum competence requirements for boatmen and boatmasters, including examination standards for training institutes, has been chosen. The preferred option also addresses the difficulties for labour mobility arising from requirements for local knowledge requirements and allows EU member States to carry out assessments of required competences for specific risks also for inland waterways located in another member State, which further improves the effectiveness of this option.

17. The impact assessment presents two variations of the preferred option, one limiting the regulatory requirements for assessment of competences to mandatory administrative examination and one including alongside the mutual recognition of approved training programmes. Under the first variant, all boatmen and boatmasters are required to pass an administrative exam organised by a competent authority in order to have their qualifications recognized across the EU, even if they are already in possession of a diploma or certificate from an IWT education or training institute. The second variant has been preferred as it minimises the administrative burden for those applicants who have already acquired the necessary skills and who have demonstrated their competences in the course of their training, by sparing them the need to take additional exams.

18. Option C improves labour mobility in particular through the recognition of qualifications on the Rhine for boatmasters and operational workers. Around 15 per cent of the holders of EU boatmasters' certificates who are currently excluded from navigating on the Rhine would have their EU certificate automatically recognised on the Rhine. Furthermore, boatmasters that already navigate on the Rhine under bilateral arrangements of the Central Commission for the Navigation on the Rhine (CCNR) would enjoy benefits as the limitations inherent in these arrangements will disappear. The establishment of EU relevance criteria for the local knowledge requirements, also called in expert groups "knowledge of specific situations" (KSS) and the possibility for boatmasters to take KSS exams in their own country will further promote mobility. The positive impact for operational workers, who are twice as numerous as boatmasters, is even more significant. They will no longer be downgraded due to non-recognition of their qualifications.

19. The new inflow of skilled crew members will improve safety. Job quality/attractiveness will also improve because of safety and due to improved work autonomy and career development prospects. The benefits of suboption C1 are slightly higher than for C2. The recognition of diplomas and training certificates giving automatic access to the profession without having additional examinations imposed by an administrative authority will increase attractiveness and reduce administrative burden.

20. Finally, suboption C1 is also more coherent as similar legislative requirements for education and training institutes already exist at the EU level for several other modes of transport and in these sectors, the requirements even go further as they also entail continuous training.

21. The private IWT sector consisting mostly of SMEs and micro-enterprises, would be affected. The impact of this proposal on SMEs and micro-enterprises is positive, as they will have to bear only a small proportion of the costs, which will be more than off-set by the benefits of enhanced labour mobility.

D. Entering into force

22. The expected date of the adoption of this Directive is around the middle of 2017.
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