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Working Party on Inland Water Transport

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

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**RESOLUTION NO. 31, “MINIMUM REQUIREMENTS FOR THE ISSUANCE OF
BOATMASTER’S LICENCES IN INLAND NAVIGATION WITH A VIEW TO THEIR
RECIPROCAL RECOGNITION FOR INTERNATIONAL TRAFFIC”**

Impact assessment and evaluation study concerning a “Proposal for a legal instrument
on the harmonization of the boatmaster’s certificates in Inland Waterway Transport at the
European Union level”

Submitted by the European Commission

Note by the secretariat

At its thirty-first session, the Working Party was informed by the European Commission of the planned impact assessment study, aimed at identifying the best policy option that would lead to the legislative harmonization of boatmaster’s certificates across the EU (ECE/TRANS/SC.3/WP.3/64, para. 14). The Working Party took note of the progress in the preparation of the study at its thirty-fourth session and requested the secretariat to provide a report on its results of the impact assessment at the thirty-fifth session (ECE/TRANS/SC.3/WP.3/68, para. 25).

The Working Party may wish to take note of the report presented below and discuss the implications of these developments for the revision of Resolution No. 31 on “Minimum Requirements for the Issuance of Boatmaster’s Licences in Inland Navigation with a view to their Reciprocal Recognition for International Traffic”.

I. INTRODUCTION

1. The Directorate General for Energy and Transport (DG TREN) has commissioned during the second semester of 2008 an external impact assessment and evaluation study aiming to identify and analyse - in terms of the feasibility, the likely economic, social, legal and technical impacts, as well as the cost-effectiveness - the most appropriate policy option that would lead to the harmonization of the boatmaster’s certificates in Inland Waterway Transport (IWT) across the European Union (EU).

2. This impact assessment study will contribute to the Commission's Impact Assessment (IA)¹ work for the initiative concerning the harmonization of boatmaster’s certificates in IWT across the European Union. Currently, the Commission's IA process is underway. In a further stage of this process - based on the main findings, results and conclusions drawn by the IA study, as well as on the expertise, special knowledge, and views expressed by the IWT sector's stakeholders during the consultation meetings held by the Commission within the framework of the IA process² - the Commission’s services will elaborate and develop an Impact Assessment report concerning this initiative.

3. At this stage of the IA process, DG TREN made available the Final Report of the Impact Assessment and Evaluation study on a “Proposal for a legal instrument on the harmonization of boatmaster’s certificates in inland waterway transport”. For the purpose of Working Party discussion, this document provides an executive summary of the final report highlighting the main results and conclusions of the IA study. It should be noted that the views contained in this document do not represent any official position of the European Commission or of the Commission's services.

¹ Impact assessment is an integral part of the Commission's policy decision making process and is carried out before a new proposal is put forward. Impact assessment as such is a tool to identify and assess possible policy options and their comparative advantages and/or disadvantages. It ensures early co-ordination within the Commission's services, early consultation of the stakeholders, ultimately demonstrating openness and commitment to transparency.

² The consultation process regarding the initiative on the “harmonization of boatmaster’s certificates in IWT” was launched by DG TREN on 4 July 2008, by convening in Brussels the 1st IWT Experts Meeting regarding (1) the harmonization of boatmaster’s certificates, and (2) the harmonization of manning requirements in the field of IWT at EU level. On 24 February 2009, the 2nd IWT Experts' Meeting was convened in Brussels as to provide input for further elaboration and development by the Commission's services of the aforementioned initiatives.

II. CONCLUSIONS AND RECOMMENDATIONS OF THE FINAL REPORT OF THE IMPACT ASSESSMENT AND EVALUATION STUDY CONCERNING A “PROPOSAL FOR A LEGAL INSTRUMENT ON THE HARMONIZATION OF THE BOATMASTER’S CERTIFICATES IN INLAND WATERWAY TRANSPORT AT EU LEVEL”

4. The primary objective of this report, as defined in the terms of reference, was to provide DG TREN with the final results of the impact assessment on the possible harmonisation of boatmaster’s certificates throughout the Inland Waterway Transport network in the EU. The first part of the report presents an inventory of the current situation and an analysis of existing gaps in the legal regimes (A) and the second part analyses the policy options aimed at improving the current situation (B).

A. Inventory of the current situation and gap analysis

5. The report’s findings show that the IWT sector in the EU suffers from a rather fragmented legislative and institutional framework. The main regulatory actors in the sector are the CCNR, the EU, the DC and UNECE, who each have a different (but to an extent overlapping) geographical scope, and whose legislation/resolutions set different requirements for boatmaster’s qualifications.

6. Of the main actors, the CCNR has the smallest geographical scope but the highest harmonised requirements, whereas UNECE has the biggest geographical scope but the lowest level of harmonisation.

7. Besides the different geographical scope, the different regulators also have different mechanisms to implement their decisions. For example, the CCNR Regulations and EU Directives are binding, whereas Danube Commission Recommendations and UNECE Resolutions are not.

8. The professional experience required in order to obtain a boatmaster’s certificate also varies between the four main regulatory entities; this may create some competitive advantages or disadvantages to boatmasters and IWT firms depending on their country of residence.

9. The current picture is evolving. In particular, the CCNR has started a process in which countries outside the CCNR can have their certificates issued pursuant to EC Directive 96/50 recognised as equivalent to those used on the Rhine; Romania was the first country to receive this recognition, and others are due to follow in 2009.

10. In terms of market access, the most important restriction is the access to the German Rhine, where a Rhine Patent is required in nearly all cases to be able to navigate. This section of the Rhine is Europe’s most important inland waterway in terms of economic significance. Besides the German Rhine, other stretches of inland waterways exist in some European countries where access is restricted to those boatmasters who have a defined minimum of local experience; this represents another obstacle when trying to enter a new (foreign) market.

11. The influx of people into the profession of boatmaster is declining in several countries; currently the number of people holding a boatmaster’s certificate in the EU is estimated to be about 80,000. The number of people holding a Rhine Patent is estimated to be around 11,500.

However, a more detailed and structured registration of boatmaster's certificates would be desirable.

12. Access to the Rhine is found to be the most critical issue with regards to boatmaster's activity in the IWT sector. The current regime results in significant entry barriers in the most important river for IWT, the Rhine.

B. Recommended policy options

13. The consultants were instructed to analyse four policy options aimed at improving the current situation, and to add alternative options they considered worth analysing. The following is the resulting list of options with option "C1" added by the consultant:

- (a) **Option A:** maintenance of the current situation - non EU action/intervention. Under this option, the status quo regarding existing legal regimes would not be affected by EU action;
- (b) **Option B:** the promotion of voluntary action. The promotion of voluntary action aims at strengthening co-operation between Member States in the process of tackling existing differences and their effects, particularly in the framework of the International River Commissions. Under this option, the Member States of the CCNR would continue the ongoing process of individual recognition of national navigability licenses, which are issued on the basis of Directive 96/50/EC, for navigation on the Rhine. Interested parties would seek to identify differences between EU waterways, and to reduce them in order to ameliorate constraints to the free movement of boatmasters and to promote competition in the IWT sector;
- (c) **Option C:** mandatory action through new or revised EU legislation – Directive – distinguished between C (a) "harmonisation at the highest standards" and C (b) "modular approach". This option would entail a revision of Council Directive 96/50/EC, or the adoption of a new Directive, with the aim of harmonising and simplifying the legal framework regarding the issuance and recognition of boatmaster's certificates across the EU that would, in effect, lead to the issuance of a European boatmaster's certificate valid for the entire EU IWT Network. Within this option, two sub-options, between which the EU Member States would be able to choose, should be distinguished. These two sub-options would be the following:
 - (i) Requiring harmonisation according to the highest possible qualification standards (with a certificate permitting navigation with all kinds of vessels on all EU waterways); or
 - (ii) Allowing a "modular approach" which would allow the gradual acquisition (and certification) of qualifications.
- (d) **Option C1:** directive to enforce the mutual recognition of boatmaster's certificates. A revision of Council Directive 96/50 that relates to the promotion of the mutual recognition of certificates should be considered. A boatmaster that has a certificate issued by a licensing authority in any of the EU Member States should have full access to all inland waters across the EU. This would permit boatmasters to move

freely from one Member State to another, and would allow companies to respond more quickly to changes affecting incentives such as evolving market conditions, peaks (or troughs) in demand, or availability of labour, etc.;

- (e) **Option D:** mandatory action through new EU legislation - Regulation. This option proposes that the EU should consider the amount of legal work which is to be carried out within UNECE with regard to the mutual recognition of boatmaster's certificates in the UNECE region, namely, UNECE Resolution No. 31 which provides recommendations on minimum requirements for the issuance of boatmaster's certificates. As promotion of voluntary action is currently under way, option B was defined as the "counterfactual" scenario against which the impacts of the other options were assessed.

14. The main impacts considered were:

- (a) Economic impacts: competitiveness of SMEs, competition in the internal market;
- (b) Social impacts: labour market impacts, especially in terms of job opportunities, and safety impacts;
- (c) Environmental impacts: changes in emissions and effects on the local environment.

15. Changes in access conditions to the Rhine were identified as the main driver of those impacts. The report's assessment of this dimension is summarised in table 1 below:

Table 1 **The impacts on access to the Rhine**

Option A	Negative
Option B	-
Option C(a)	Positive
Option C(b)	Positive – small
Option C1	Positive – large
Option D	Positive

Source: Europe Economics

16. The following table summarise the impacts of the options. Impacts are indicated as very positive (++), positive (+), neutral (=), negative (-), and very negative (--).

Table 2 **Summary of the Impacts**

Options	SME's competitiveness	Annual Cost	Competition	Safety	Job Opportunities	Environment
A	(-)	(=)	(-)	(=)	(-)	(-)
B						
C(a)	(+)	(-)	(+)	(+)	(+)	(+)
C(b)	(+)	(=)	(+)	(=)	(+)	(+)
C1	(++)	(-)	(++)	(=)	(++)	(++)
D	(+)	(--)	(+)	(+)	(+)	(+)

Source: Europe Economics

17. The consultants conclude that the incremental benefits of option C1 outweigh the incremental costs and possible safety concerns and hence recommend that the Commission implements Option C1, i.e. to amend Council Directive 96/50 to enforce the mutual recognition of boatmaster's certificates across the entire EU inland waterway network.
