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**ECONOMIC COMMISSION FOR EUROPE**

**INLAND TRANSPORT COMMITTEE**

Working Party on Inland Water Transport

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Item 7 (d) of the provisional agenda

**WORK OF THE WORKING PARTY ON THE STANDARDIZATION OF  
TECHNICAL AND SAFETY REQUIREMENTS IN INLAND  
NAVIGATION: ELABORATION OF A HARMONIZED PROCEDURE  
FOR CONSIDERATION OF APPLICATIONS FOR THE RECOGNITION  
OF SHIP'S CERTIFICATES AND BOATMASTERS' LICENCES**

**Addendum**

**Statutory requirements for the recognition on the Rhine of boatmasters'  
licences and of professional qualifications for radar navigation**

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

*Note:* To facilitate discussions on the development of a harmonized procedure for the consideration of applications for the recognition of ship's certificates and boatmasters' licences (TRANS/SC.3/168, para. 15, and ECE/TRANS/SC.3/WP.3/62, para. 21), the secretariat provides below the definitive version of the statutory requirements for the recognition on the Rhine of boatmasters' licences and of professional qualifications for radar navigation, adopted by CCNR on 31 May 2007.

**Annex**

**PROTOCOL 11**

**Statutory requirements for the recognition on the Rhine of  
boatmasters' licences and professional qualifications for  
radar navigation, pursuant to Additional Protocol No. 7**

**Resolution**

*The Central Commission,*

*Reaffirming* its desire to promote the integration and development of the European inland waterway market,

*Recalling* the importance which it attaches to “the continued operation of Rhine navigation within a legal framework which is as simple, clear and harmonized as possible”, as reaffirmed in the Basel Declaration of 16 May 2006,

*Aware* that the recognition on the Rhine of boatmasters' licences other than the Rhine boatmasters' licence (“Rhine patent”) and professional qualifications to operate radar navigation other than the radar licence (“radar patent”) will help simplify the requirements placed on professionals and will significantly boost the economic dynamism of the sector,

*Acting* pursuant to Additional Protocol No. 7 (“the Protocol”),

*Believing* that statutory requirements are necessary for the application of the Protocol in respect of boatmaster's licences and of professional qualifications for radar navigation, including for the purposes of establishing a common framework for the recognition of non-Rhine licences and setting out conditions for recognition which will ensure that the safety level achieved on the Rhine is maintained,

*Acting* on the proposal of its Committee for Social Security, Employment and Training Questions,

*Adopts* the statutory requirements for the recognition on the Rhine of boatmasters' licences and professional qualifications for radar navigation, annexed hereto in the German, French and Dutch languages.

## **Statutory requirements for the recognition on the Rhine of boatmasters' licences and of professional qualifications for radar navigation**

### **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 boatmasters' licences and professional qualifications for radar navigation. The following must be submitted:

- All the provisions governing the substantive conditions for the acquisition, retention and withdrawal of licences or professional qualifications for radar navigation;
- All the provisions governing the procedure for the acquisition, retention and withdrawal of licences or professional qualifications for radar navigation; 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 Licensing Regulations.
- (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 boatmasters' licences and of professional qualifications for radar navigation issued in accordance with a 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 qualifications.

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

(c) The Committee for Social Security, Employment and Training Questions shall review the application and issue its opinion on equivalence.

(d) If necessary, the Committee for Social Security, Employment and Training Questions 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 boatmasters' licences**

Boatmasters' licences shall be deemed to meet the substantive requirements relating to equivalence if the substance of the provisions governing their acquisition, retention and withdrawal is equivalent to that of the following provisions of the Rhine Licensing Regulations. These stipulate, for the Principal Licence ("Grande patente"):

(a) *Minimum age (art. 2.01, para. 1)*

The holder of the boatmaster's licence must have attained the minimum age of 21. Any licences obtainable before this age shall only authorize their holder to navigate on the Rhine once they have attained this minimum age.

(b) *Requirements relating to physical and mental fitness (art. 2.01, para. 3 (a); aspects and criteria (annex B1))*

The holder of the boatmaster's licence must have proved his or her physical and mental fitness by a medical examination consistent with that outlined in annex B1 to the Rhine Licensing Regulations.

Where retention of the boatmaster's licence is concerned, there must be a requirement for physical and mental fitness to be re-attested every five years from the age of 50 and every year from the age of 65.

Boatmasters' licences for which there are no national provisions requiring the conduct of repeat medical examinations every five years from the age of 50 and every year from the age of 65 shall be deemed to be equivalent provided that the holder submits proof of his or her physical and mental fitness in accordance with the provisions of articles 2.19 and 2.21 of the Rhine Licensing Regulations.

(c) *Professional experience (art. 2.01, para. 4)*

The holder of the boatmaster's licence must have proven professional experience in accordance with the provisions of article 2.01, paragraph 4, of the Rhine Licensing Regulations or, at least, directive 96/50/CE. The minimum requirement shall be either four years of inland navigation experience or a period of navigation deemed to be equivalent in accordance with the provisions of the Rhine Licensing Regulations.

The equivalence of boatmasters' licences issued on the basis of professional experience of less than four years and for which the additional period of navigation required for attaining the level of four years' professional experience is recorded in the service record or equivalent document may only be recognized if it is evident from these documents that the missing professional experience has been duly attested by the competent national authorities.

The equivalence of boatmasters' licences issued on the basis of a practical examination and for which the period of navigation required for attaining the level of four years' professional experience is recorded in the service record or equivalent document may only be recognized if it is evident from these documents that the missing professional experience has been duly attested by the competent national authorities. Any restrictions or conditions that may be imposed in connection with the practical examination shall also apply on the Rhine.

The computation of the period of navigation shall be made in accordance with article 2.08 of the Rhine Licensing Regulations: 180 days of actual navigation by

inland waterway shall count as one year of navigation. No more than 180 days of actual navigation may be taken into consideration during a period of 365 consecutive days.

(d) *Requirements relating to professional knowledge (art. 2.01, para. 3 (c))*

Professional knowledge must be demonstrated through an examination the substance of which meets the requirements of annex D1 to the Rhine Licensing Regulations or those of directive 96/50/CE. Licences which only authorize the holder to navigate certain vessels as specified under national regulations shall also only be valid on the Rhine for the navigation of those vessels.

(e) *Additional qualifications (arts. 2.05 and 2.06)*

Holders of a boatmaster's licence which has been recognized as equivalent shall only be authorized to navigate on the section of the Rhine described in article 2.05 of the Rhine Licensing Regulations if they hold a certificate demonstrating their knowledge of the section issued in accordance with article 2.17 of the Rhine Licensing Regulations.

**4. Requirements relating to the substantive equivalence of professional qualifications for radar navigation**

Professional qualifications for radar navigation shall meet the substantive requirements for equivalence if the substance of the provisions relating to their acquisition, retention and withdrawal is equivalent to that of the following provisions of the Rhine Licensing Regulations:

(a) *Minimum age*

The holder of the qualification must have attained the minimum age of 18.

(b) *Additional requirements*

The holder of the qualification must be in possession of a boatmaster's licence and of a radiotelephone operator's restricted certificate.

(c) *Expertise requirements for the radar navigation of vessels in inland waterways*

Knowledge of radar must be demonstrated by an examination the substance of which meets the requirements of annex D2 to the Rhine Licensing Regulations.

**5. Additional conditions**

(a) The boatmasters' licences and professional qualifications for radar navigation must be drawn up in at least one of the working languages of the Central Commission.

(b) The Central Commission reserves the right to set additional conditions if the equivalence between the Rhine boatmaster's licence ("Rhine patent") or the radar licence ("radar patent") and the boatmaster's licence or the professional qualification for radar navigation proves to be less than perfect. These conditions shall be set out in the decision on recognition.

## **6. Follow-up to decisions on recognition**

(a) The Central Commission invites States whose boatmasters' licences or professional qualifications for radar navigation have not 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;
- Preparing a synopsis of the procedures for reviewing professional qualifications employed in the various States;
- Promoting increased uniformity of the boatmasters' licences and professional qualifications for radar navigation used in the various States.

(b) The States members of the Central Commission and States whose boatmasters' licences or professional qualifications for radar navigation 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.

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