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Item 6 of the provisional agenda

**Mutual recognition of boatmasters' certificates and other issues
related to the professional qualifications in the area of inland navigation**

Modernizing the professional requirements in the area of inland navigation

Note by the secretariat

I. Mandate

1. At its fifty-third session, the Working Party on Inland Water Transport (SC.3) adopted the revised Resolution No. 31 on Minimum Requirements for the Issuance of Boatmaster's Certificates in Inland Navigation with a view to their Reciprocal Recognition for International Traffic (hereafter, Resolution No. 31). In doing so, SC.3 noted that the revised resolution would constitute a useful input to the ongoing discussions on the amendment of the European Union (EU) Directive 96/50/EC on harmonizing the conditions for obtaining national boatmaster's certificates for the carriage of goods and passengers by Inland Waterway in the Community (hereafter, Directive 96/50/EC) (ECE/TRANS/SC.3/183, para. 15).

2. At its fifty-fourth session, the Working Party was informed about the work of the Danube Commission on revising the 1995 Recommendations on the Establishment of Boatmasters' Certificates on the Danube. The Working Party decided to keep the item of the mutual recognition of boatmasters' certificates on its agenda and monitor any relevant new developments (ECE/TRANS/SC.3/187, para. 39).

3. In accordance with this decision and with the above-mentioned goal to contribute to the revision of Directive 96/50/EC, the Working Party on the Standardization of Technical and Safety Requirements in Inland Navigation (SC.3/WP.3) discussed the mutual recognition of boatmasters' certificates and the ongoing work of River Commissions during its thirty-eighth session. SC.3/WP.3 kept this item on the agenda of its next session in order

to get more information from the EU about the revision of the directive (ECE/TRANS/SC.3/WP.3/76, para. 25).

4. During its thirty-ninth session, SC.3/WP.3 was informed by the EU delegation that the revision of Directive 96/50/EC was at the impact assessment stage and the decision on the necessity to revise the directive was expected in September 2011. SC.3/WP.3 was also presented with a proposal by the International Sava River Basin Commission (hereafter, Sava Commission or SC) to review Resolution No. 31 in order to introduce several types of certificates and to replace the mechanism of mutual recognition through administrative agreements by an automatic recognition by all countries, which accept the resolution (ECE/TRANS/SC.3/WP.3/2011/11). SC.3/WP.3 observed that the introduction of several types of certificates, as well as the proposed serious amendments to the character of the resolution, and its mechanism for recognition of the certificates deserved serious discussions and comprehensive consultations with stakeholders. In this context, SC.3/WP.3 took note of the conclusions of an informal meeting between the European Commission, UNECE and River Commissions, during which the participants emphasized the need for joint work on modernizing the existing regional and international instruments on boatmasters' certificates and on inland navigation profession, in general. SC.3/WP.3 asked the secretariat to prepare a note on this issue for consideration by the fifty-fifth session of SC.3 based on the input from the delegations and decided to dedicate a part of its next session in February 2012 to an in-depth discussion of boatmasters' certificates and other closely linked issues (ECE/TRANS/SC.3/WP.3/78, paras. 14–17).

5. In accordance with the SC.3/WP.3 decision, the present note presents an overview of the current work priorities of UNECE, European Union and River Commissions with respect to the recognition of boatmasters' certificates¹ and describes the possible measures which could be undertaken by SC.3 to facilitate the recognition of boatmasters' certificates in the ECE region and to address other issues related to the professional qualifications in the area of inland navigation.

II. Current work on boatmasters' certificates and other issues related to professional qualifications in inland navigation

A. European Union

6. Council Directive 96/50/EC of 23 July 1996 on harmonizing the conditions for obtaining national boatmasters' certificates for the carriage of goods and passengers by inland waterway within the Community harmonizes the basic conditions for obtaining national boatmasters' certificates for inland waterway navigation between the EU member States. In addition, 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 establishes the reciprocal recognition of national boatmasters' certificates for inland waterway navigation between the EU member States.

7. The 2006 communication of the European Commission on the "NAIADES" (Navigation and Inland Waterway Action and Development in Europe) Programme

¹ This overview presents the information received by the secretariat during the last sessions of SC.3/WP.3 and during the informal meeting between UNECE, Central Commission for the Navigation of the Rhine (CCNR), Danube Commission (DC), SC and the EU delegation on 14 June 2011.

included, as part of its “Market” package, future legislative measures on harmonizing boatmasters’ certificates in the EU.

8. Currently, the European Commission is carrying out an impact assessment of the possible revision of Directive 96/50/EC. Results of this assessment are expected in September 2011.

B. United Nations Economic Commission for Europe

9. The main instrument addressing the issue of mutual recognition of boatmasters’ certificates is the Resolution No. 31 on Minimum Requirements for the Issuance of Boatmaster’s Certificates in Inland Navigation with a view to their Reciprocal Recognition for International Traffic (ECE/TRANS/SC.3/184). The resolution lays out the minimum requirements for the issuances of boatmasters’ certificates, describes the procedures for recognition of the certificates and identifies the minimum content of the certificate, as well as the professional knowledge required to obtain the certificate.

10. During the last revision of Resolution No. 31, SC.3 emphasized that the goal of Resolution No. 31 was to provide a general framework for the mutual recognition of the boatmasters’ certificates. SC.3 specifically acknowledged the role of River Commissions which provided more detailed regulations and additional rules on different types of certificates, models for certificates and related documents, such as medical certificates and radar certificates (ECE/TRANS/SC.3/183, para. 15).

11. In addition to maintaining Resolution No. 31, since 2009 SC.3 is collecting information on local requirements on checking the knowledge by boatmasters of specific stretches of inland waterways and their navigating skills on those stretches. A report on this issue, based on the information received from the member States, is submitted annually to SC.3.

12. The recently adopted UNECE White Paper on Efficient and Sustainable Inland Water Transport in Europe recognizes the progress achieved in the harmonization of UNECE, EU and River Commissions’ minimum requirements for the issuances of boatmasters’ certificates, but observes that further efforts at the pan-European level are required to cope with the predicted shortage of skilled labour, to identify remaining obstacles and to devise appropriate strategies (ECE/TRANS/SC.3/189, para. 152). The White paper recommends that UNECE support and promote the ongoing work of the EU and River Commissions on addressing labour market challenges and strengthening the image of IWT. It also recommends that SC.3 continue its work on harmonizing requirements for issuing certificates for boatmasters and crew members and the manning requirements and consider the establishment of a pan-European legal regime in these areas (ECE/TRANS/SC.3/189, para. 219).

C. River Commissions

1. Central Commission for the Navigation of the Rhine

13. The mutual recognition process by the Central Commission for the Navigation of the Rhine (CCNR) of the boatmasters certificates of non CCNR member States started in 2007 pursuant Additional Protocol No.7 to Revised Convention for Rhine Navigation (Mannheim Convention). It is expected to end in 2011. By this time most of the Danube

countries will have applied to have their certificates recognized on the Rhine.² All the applications received by the CCNR have been or will be granted recognition by the CCNR. In most cases, the States made minor adjustments to their national legislation to achieve equivalence with the requirements on the Rhine. This mutual recognition process is based on a set of administrative arrangements, which foresee regular common meetings between CCNR and the competent national authorities. The list of the recognized certificates and the accompanying recognition conditions is published on the CCNR website.

14. In addition to this work, CCNR is carrying out the recognition of service booklets issued by CCNR and non-CCNR member States with the goal to ensure recognitions of all qualifications based on experience (achieved) and education (in progress).

15. CCNR also published detailed studies on the means of achieving the equivalence between the existing requirements in the EU and on the Rhine, which highlighted the high degree of harmonization on the global level but divergences at the practical level. The mutual recognition work by CCNR showed that the level of the Danube countries' requirements was higher than in the EU and in the CCNR requirements.

16. The experience and the result of the mutual recognition process led CCNR to conclude that the most important issue in this area is not harmonization, but modernization of the requirements to boatmasters and other members of the crew. Modernization would mean reaping the benefits of technological advancement and addressing the issue of lack of the qualified personnel by modernizing the professional training. CCNR also concluded that this modernization process needed to be carried out, involving the widest possible circle of the interested in inland navigation States.

2. Danube Commission

17. During the last two years, a special small working group of the DC has been working on the revision of the DC 1995 Recommendations on issuing Boatmasters' certificates on the Danube. This revision was carried out with due regard to the revised UNECE Resolution No. 31, Directive 96/50/EC and the CCNR regulations.

18. The advanced proposal of the revised DC recommendations is in line with the minimum requirements in the EU, on the Rhine and in Resolution No. 31. However, the proposal also includes a distinction between three types of certificates, which, in the view of the DC experts, would increase the safety of navigation, if implemented on the Danube and other European inland waterways.

19. Awaiting the decision on revising Directive 96/50/EC, at its last Plenary session in May 2011, DC decided to postpone the decision on revising its recommendations. Moreover, at the thirty-ninth session of SC.3/WP.3, DC proposed to establish a special working group under the auspices of UNECE to jointly address the issue of boatmasters' certificates and prepare the input for revising Directive 96/50/EC (ECE/TRANS/SC.3/WP.3/76, para. 24). DC further elaborated on the need for further work on boatmasters' certificates at the thirty-ninth session of SC.3/WP.3 and reiterated its proposal on a common working group (ECE/TRANS/SC.3/WP.3/78, para. 15).

3. Mosel Commission

20. The Mosel Commission (MC) addresses the issue of boatmasters' certificates in its 1995 Navigation Police regulations, but does not issue special certificates for the river Mosel. The MC requirements are in line with the requirements on the Rhine and, in

² The only countries who have not applied for the mutual recognition are Croatia, Serbia and Ukraine.

principle, certificates recognized on the Rhine are also recognized on the river Mosel. At the present time, MC is considering a possibility to adhere to the CCNR's administrative agreement with non-Rhine countries on the mutual recognition of boatmasters' certificates.

4. International Sava River Basin Commission

21. The SC has adopted its Decision No. 32/07 on Rules on minimum requirements for the issuance of boatmaster's licences on the Sava river basin. This decision is in line with the existing regulations in the EU and on the Rhine, except for some local requirements specific to the Sava river.

22. In the view of the SC, several issues remain unresolved at the EU or pan-European level, including distinction between the types of certificates (small craft, maritime sectors, etc.) and other practical elements, such as calculation of navigation time. The issue of boatmasters' certificates and qualifications, in general, should, according to SC, be addressed within the widest possible circle of States, EU and non-EU member States alike.

23. To that effect, at the last session of SC.3/WP.3, SC submitted a proposal to reconsider and further develop the current provisions of Resolution No. 31. SC considers that modernization of boatmasters' certificates and crewmen qualifications should be carried out within a dedicated joint cross-organizational group of experts, like this is currently done for the rules of navigation with the European Code for inland waterways (CEVNI) Expert Group.³

III. Conclusion

24. As illustrated in the previous chapter, the need for modernization of requirements for issuances of certificates to boatmasters and for ensuring the recognition of qualifications of inland navigation personnel has been repeatedly recognized at the EU, UNECE and River Commissions' level.

25. At a special informal meeting between the European Commission, UNECE, CCNR, DC and SC on 14 June 2011, the following conclusions were reached:

(a) There is a need for modernizing of the existing regional and international instruments on boatmasters' certificates and on inland navigation profession, in general;

(b) Such a modernization process would require a regular cooperation mechanism (for example, a joint working group), where all River Commissions and their member States could participate on the equal footing;

(c) This modernization process should be carried out with due regard and in close consultations with the European Commission and the relevant EU programmes under NAIADES Action Programme;

(d) A preliminary proposal aimed at establishing such a mechanism should be prepared by UNECE and River Commissions after consultations with their member States and other stakeholders.

26. Taking note of these conclusions and general discussion on the mutual recognition of boatmasters' certificates, SC.3/WP.3 decided to dedicate a part of its fortieth session in February 2012 to the issue of boatmasters' certificates (ECE/TRANS/SC.3/WP.3/78, para. 17).

³ Another example is the European Commission/CCNR Joint Working Group on technical prescriptions for inland vessels.

27. To provide further guidance to SC.3/WP.3, the Working Party on Inland Water Transport may wish to take a position on the following issues:

(a) Acknowledge that in the context of a high degree of harmonization between the EU, UNECE and River Commissions' minimum requirements for the issuances of boatmasters' certificates, the main issue which remains to be tackled is modernization of the professional requirements in the area of inland navigation;

(b) Respond to the invitation by River Commissions to organize an inclusive pan-European dialogue on such a modernization process and to that end consider holding joint meetings between the relevant working parties of the commissions and the UNECE in 2012;

(c) Should the mechanism of joint UNECE/River Commissions meetings prove to be productive, consider formalizing this cooperation in form of an official joint working group;

(d) Inform and engage the European Commission in this process and look into incorporating this initiative in the follow to the NAIADES Programme.
