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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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Item 5 (b) of the provisional agenda

**ELABORATION OF HARMONIZED PROCEDURE FOR
CONSIDERATION OF APPLICATIONS FOR RECOGNITION OF
SHIP'S CERTIFICATES AND BOATMASTERS' LICENSES**

Reciprocal recognition of boatmaster's licenses

Note by the secretariat

I. INTRODUCTION

1. At its fifty-first session, the Working Party on Inland Water Transport (SC.3) discussed the recommendation by the Working Party on the Standardization of Technical and Safety Requirements in Inland Navigation (SC.3/WP.3) to establish a group of volunteers to prepare a possible instrument on the topic of the mutual recognition of boatmasters' licences. SC.3 considered it important to first provide the delegations with a set of fundamental documents in the area, including, in particular, the relevant EU legislation (ECE/TRANS/SC.3/178, para.26).

2. Following the SC.3 request, this document includes:

- (a) An overview of the different regimes for boatmasters' licences, from the 2005 Inventory of existing legislative obstacles that hamper the establishment of a

harmonized and competitive pan-European inland navigation market, prepared by the SC.3 Group of Volunteers on Legislative obstacles;

- (b) A summary table containing the information on the recognition of boatmasters' licences received from the Governments;
- (c) Resolution No. 31 with the Recommendations on Minimum Requirements for the Issuance of Boatmasters' Licences in Inland Navigation with a view to their Reciprocal Recognition for International Traffic (Annex);

The text of the EC Directives 96/50/EC and 91/672/EEC (See ECE/TRANS/SC.3/WP.3/2008/6/Add.1).

3. The Working Party on the Standardization of Technical and Safety Requirements in Inland Navigation may wish to consider the content of this document and to set up, if it deems appropriate, a group of volunteers to prepare a proposal for the SC.3 fifty-second session, taking into account the work already accomplished and/or undertaken by River Commissions and, in particular, by the Central Commission for the Navigation of the Rhine, described in document ECE/TRANS/SC.3/2007/8/Add.1, as well as the current EU legislation in the area, reproduced in the addendum to this document.

II. THE EXISTENCE OF DIFFERENT REGIMES FOR BOATMASTER'S LICENCES ^{1/}

A. Description

4. The situation with respect to boatmaster's licences is comparable to that with respect to vessel's certificates. On the **Rhine**, boatmasters must have a licence based on the Rhine Patent Regulation of the CCNR, which is issued by the competent authorities of one of its member States. This "Rhine Patent" is recognized by the EU as valid for the navigation on all Community waterways (with the exception of some rivers, where the member State concerned may require special knowledge of local navigational conditions and/or special experience in navigating the river in question). It is also recognized by most Danube countries, be it that in many of them the patent holder must meet some additional requirements as to knowledge of local navigational conditions.

5. The **EU** has its own legislation on this subject. Directive 91/672/EEC provides for the mutual recognition by the member States of each other's boatmen's licences. Directive 96/50/EC lays down harmonized minimum conditions for the issuing of national licences (essentially an examination programme). An EU boatmaster's licence in the proper sense of the word does not exist to date, but the European Commission is considering further harmonization in this field. Boatmaster's licences based on Directive 96/50/EC currently are not valid for Rhine navigation, but the 7th Additional Protocol to the Act of Mannheim mentioned before will make possible for the CCNR to recognize them, as well as the licenses of non-EU countries.

^{1/} This section reproduces an excerpt of Document TRANS/SC.3/2005/1, "Inventory of existing legislative obstacles that hamper the establishment of a harmonized and competitive pan-European inland navigation market, and proposals for solutions to overcome them".

6. The Rhine Patent Regulation (article 3.05) allows the CCNR to recognize boatmaster's licences of other countries than its member States as "equivalent"; to date it has done so with Austrian, Czech, Hungarian and Polish licences. Holders of such recognized licences can obtain the Rhine Patent through a simplified examination, the only subjects of which are knowledge of the Regulations in force on the Rhine and of the navigational conditions on that river.

7. On the Danube, the regime concerning boatmaster's licences is similar to that with respect to ship's certificates. The DC has adopted Recommendations on the Establishment of Boatmaster's Licences on the Danube. It is uncertain to what extent the DC Member States actually follow those Recommendations, but they recognize each other's national licences.

8. Within UNECE were elaborated and adopted in 1992 the Recommendations on Minimum Requirements for the Issuance of Boatmasters' Licenses in Inland Navigation with a view to their Reciprocal Recognition for International Traffic.

B. Possible solutions

9. As in the case of ship's certificates, the enlargement of the EU will reduce the problems resulting from the existence of three different regimes for boatmaster's licenses: the Rhine Patent Regulation for the Rhine, EU Directive 96/50/EC for the Community waterways outside the Rhine, and the regime prevailing on the non-EU sector of the Danube; but it will not solve them. In the absence of the possibility of unification of the regime by means of a Pan-European Agreement, the solution will have to be found in a mutual recognition of licenses between these three regimes. This, in turn, presupposes harmonization between the underlying regulations, and some form of cooperation to keep them equivalent in case of amendment.

10. Cooperation with a view to harmonizing regulations already exists between the European Commission and the CCNR, as noted above; and the Danube Commission and the CCNR have, in principle, agreed to set up a common working group to harmonize their legislation on boatmaster's licenses, with a view to future reciprocal recognition of these documents between the Rhine and the Danube. The functioning of these two "interfaces" could, in principle, result in harmonization of the EU, Danube and Rhine regulations on this subject, and could serve to keep them harmonised through future modifications. But it might be laborious work to keep them coordinated. So an alternative solution could be to invite UNECE to update its resolution No. 31 on Minimum Requirements for the Issuance of Boatmaster's Licenses, in collaboration with the European Commission and the two River Commissions, to make it serve as a common standard on which all three Community, Danube and Rhine legislations could be based. On the basis of Additional Protocol No. 7 to the Act of Mannheim mentioned before, the CCNR will be able to recognize boatmaster's licenses issued by both EU and non-EU states as valid for the Rhine. The recognition of Rhine patents and Community boatmaster's licenses as valid for the non-EU sector of the Danube will formally have to be decided upon by the individual Danube riparian states concerned, except in the case that the planned revision of the Belgrade Convention gives the Danube Commission "new style" the power to issue binding regulations also on this subject; the recognition could then be decided upon by the Danube Commission itself. The recognition of Danube boatmaster's licenses as valid for Community waterways outside the Rhine would have to be decided upon, as Community legislation on this subject now stands, by the individual EU Member States concerned.

11. For those waterways where special knowledge of local navigational conditions (*Streckenkenntnis*) is required, methods must be agreed upon for candidates for boatmaster's licenses to acquire and to prove the possession of that knowledge in a simple way and at low cost.

III. INFORMATION ON THE PROCEDURES AND CONDITIONS FOR THE RECOGNITION OF SHIP'S CERTIFICATES AND BOATMASTERS' LICENCES IN UNECE COUNTRIES ^{2/}

Country	Applicable legislation	Comments
Austria	Council Directive 96/50/EC	
Belarus		
Belgium	Council Directive 96/50/EC	Community boatmasters' certificates are recognized in European Community member countries. For inland navigation in Belgium, Rhine certificates are also recognized. The Central Commission for the Navigation of the Rhine (CCNR) has adopted regulations allowing for the recognition of documents other than Rhine certificates.
Bulgaria	Relevant EC Directives	
Croatia		
Czech Republic		
Finland		
France		
Germany	Council Directive 96/50/EC	
Hungary		
Ireland		
Italy		
Lithuania	Council Directive 91/672/EEC.	Lithuania recognizes national boatmasters' certificates for the carriage of goods and passengers issued by the competent authorities of the European Community States. The recognition of the inland waterway vessels' and their crews' documents, issued by the competent authorities of other countries, is based on the bilateral international agreements. The Order of the Minister of Transport and Communications of 30 January 2001 No. 22 can be found on the website of the Seimas of the Republic of Lithuania (www.lrs.lt).

^{2/} The table is established based on the comments received from the Governments as of December 2007. The Danube Commission kindly provided information on Bulgaria and Slovakia.

Country	Applicable legislation	Comments
Luxembourg		
Moldova	Bilateral Agreements	The procedure for recognition of ship's certificates and boatmasters' licences in Moldova is governed by agreements on inland navigation concluded by the Government of Moldova with the Cabinet of Ministers of Ukraine (art. 11) and the Government of Romania (art. 7).
Netherlands		
Poland		
Romania	91/672/EEC	Currently, the procedure for mutual recognition of ship's certificates and boatmasters' licences is in line with Council Directive 91/672/EEC.
Russian Federation		
Serbia		This issue is currently under consideration as part of the negotiations with the European Union.
Slovakia	Council Directive 91/672/EEC and bilateral agreements	Foreign boatmasters' licences are recognized, according to the Council Directive and if there exists an agreement with the country in question.
Switzerland	Additional Protocol No. 7 to the Revised Convention on the Navigation of the Rhine	With regard to large shipping, Switzerland applies the recognition procedures established by Additional Protocol No.7 to the Revised Convention on the Navigation of the Rhine.
Ukraine		
United Kingdom	Council Directive 96/50/EC	As of 1 January 2007, the United Kingdom accepts boatmasters from other European Community member countries, provided that they hold a licence issued in accordance with the Directive. It also allows boatmasters from the United Kingdom to command vessels in other European Community countries. United Kingdom legislation in this area consists of the Merchant Shipping (Inland Waterway and Limited Coastal Operations) (Boatmasters' Qualifications and Hours of Work) Regulations 2006. The new licence regime is set out in Merchant Shipping Notice 1808, available at Maritime and Coastguard Agency website: <www.mcga.gov.uk>
United States		

Annex

RECOMMENDATIONS ON MINIMUM REQUIREMENTS FOR THE ISSUANCE OF
BOATMASTER'S LICENCES IN INLAND NAVIGATION WITH A VIEW TO THEIR
RECIPROCAL RECOGNITION FOR INTERNATIONAL TRAFFIC

Resolution No. 31

(adopted by the Principal Working Party on Inland Water Transport
on 12 November 1992)

The Principal Working Party on Inland Water Transport,

Noting the important role of the international carriage of goods and passengers via inland waterways in the ECE region,

Believing that in the next few years this role will probably continue to grow as an alternative to the unbridled growth of road transport, which on some European arteries has already reached saturation point and has an unacceptably high level of negative impact on the environment, and also in connection with the establishment and further development of combined transport,

Believing also that the opening of traffic through the Rhine-Main-Danube water link will give further impetus to the development of international transport by inland waterways in the region,

Desiring to ensure a high level of safety of navigation and protection of human life, property and the environment on inland waterways,

Considering that this can be achieved inter alia through the agreed application by the countries concerned of standardized requirements for the training and licensing of boatmasters for vessels engaged in the international carriage of cargo and passengers on inland waterways,

Being of the opinion that this would also help to facilitate international transport on inland waterways,

1. Recommends that Governments should:

Take such steps as may be necessary to comply with the requirements contained in the annex to this resolution with regard to the training and licensing of boatmasters in their countries for vessels engaged in international transport on inland waterways;

Recognize licences issued under the provisions of this resolution or take them duly into account when issuing other licences required for given waterways;

2. Requests the Executive Secretary of the Economic Commission for Europe to include the question of the application of this resolution periodically in the agenda of the

Principal Working Party on Inland Water Transport and to bring up to date the list of countries applying this resolution.

CHAPTER 1 - GENERAL PROVISIONS

Article 1.1 - Purpose and Scope

1.1.1. The purpose of this text is to provide recommendations on minimum requirements for the issuance of boatmaster's licences with a view to increasing the safety of navigation and protection of human life; this text is not a substitute for national laws and regulations.

1.1.2. In general, these recommendations shall apply to boatmasters of vessels designed for carrying cargo or passengers on inland waterways, and shall include boatmasters of self-propelled ships, tugs, pushers, towed convoys, pushed convoys and side-by-side formations.

Unless otherwise stated by the Administration, they shall not apply to the boatmasters of:

- (a) seagoing vessels on inland waterways;
- (b) pleasure craft;
- (c) small craft, floating equipment, assembly of floating material and ferry-boats, as defined in the European Code for Inland Waterways (CEVNI);
- (d) special craft, such as hydrofoil craft and air-cushion vehicles.

1.1.3. Without prejudice to paragraph 1.1.2 the Administration may supplement these minimum requirements with additional ones:

- (a) where special provisions relating to the type of vessel, to the waterway, to radar navigation and/or transport of dangerous goods and passengers so require under national regulations or international regulations;
- (b) where operating experience clearly shows them to be justified;
- (c) where vessels operate on waterways where a knowledge of local geography and of special regulations is indispensable and required.

Article 1.2 - Definitions

For the purposes of these recommendations:

- (a) "Administration" means the competent authorities empowered by the Government of a country to issue the boatmaster's licences;
- (b) "Boatmaster" means a person who has the required aptitude and qualifications to ensure that he can navigate a vessel on inland waterways and who assumes nautical responsibility on board;

- (c) "Boatmaster's licence" means a valid document, whatever its title, issued by an Administration and stating that the holder is qualified to navigate a vessel on inland waterways.

CHAPTER 2 - MINIMUM REQUIREMENTS FOR THE ISSUANCE OF BOATMASTER'S LICENCES

Article 2.1 - Scope

This chapter is exclusively concerned with boatmaster's licences for the international carriage of cargo or passengers on inland waterways.

Article 2.2 - General Provisions

The issuance of boatmaster's licences shall be contingent on their satisfying the following minimum requirements:

- (a) The applicant must be not less than 21 year of age;*
- (b) The applicant must demonstrate his physical fitness by passing a medical examination which tests among other things eyesight, hearing and the ability to distinguish colours;
- (c) The applicant must have a minimum of two years' professional experience, acquired in the deck department on board an inland navigation vessel, at least as a rating;
- (d) The applicant must have passed the examination of professional knowledge to the satisfaction of the Administration; this examination shall cover at least the general subjects set out in the annex to these recommendations.

Article 2.3 - Special provisions concerning professional experience

2.3.1. In order to be taken into consideration, the professional experience must have been validated and/or approved by the Administration. It may have been acquired on any inland waterway without distinction as to area.

2.3.2. The minimum duration of the professional experience stipulated in paragraph 2.2 (c) may be reduced:

- (a) when the administration requires special training which may be considered as equivalent;
- (b) when the applicant holds a diploma of specialized inland navigation training which comprises a period of mandatory on-board service.

2.3.3. The Administration may also take into account to some extent professional experience on a seagoing vessel as a member of the deck crew.

*/ Not less than 18 years of age in certain cases.

Article 2.4 - Special provisions concerning the examination of professional knowledge

2.4.1. In so far as it deems necessary the Administration may supplement the examination syllabus mentioned in paragraph 2.2 (d) with particular and/or additional subjects in order to meet the requirements of paragraph 1.1.3. In this case, the Administration shall specify in the boatmaster's licence its field of application and/or issue a special licence.

2.4.2. The Administration shall designate the Examination Committee responsible for administering the appropriate examination of professional knowledge.

2.4.3. The Administration or the Examination Committee duly mandated by it shall establish the procedure and conditions of the examinations so as to enable the theoretical and practical knowledge required for the operation of vessels on inland waterways to be verified.

CHAPTER 3 - RECOGNITION OF THE LICENCE

States which issue the boatmaster's licence as from the age of 21 years shall recognize foreign licences issued by States which issue the boatmaster's licence as from the age of 18 years when the boatmaster reaches the age of 21 years.

States which issue the boatmaster's licence as from the age of 18 years shall recognize foreign licences issued for that age.

States which issue general licences for navigating cargo and passenger vessels recognize general licences issued by other States under the same conditions for navigating passenger vessels, as well as special licences issued for navigating passenger vessels.

States which issue the special licences for passenger vessels recognize, in international traffic, general licences for navigating passenger vessels on their territory and take them duly into account when issuing special licences required for the operation of a passenger vessel on their territory.

Annex to Resolution No.31

Professional knowledge required to obtain a boatmaster's licence

A. General subjects concerning the carriage of cargo and passengers

1. Navigation

- (a) Knowledge of the rules of the road and signs and signals on inland waterways, particularly those included in CEVNI;
- (b) Knowledge of general characteristics of main waterways from the standpoint of geography and hydrography;
- (c) Knowledge of the buoyage system;

- (d) Ability to use navigational documents (charts, shipping notices, etc.) and navigational instruments (compass, echo-sounder, etc.);
 - (e) Ability to determine the position of the vessel under any meteorological conditions (poor visibility, ice, etc.).
2. Vessel manoeuvring and handling
- (a) Piloting the vessel, having regard to the effects of current and winds, and the depth under the keel;
 - (b) Function and operation of the rudder and propeller;
 - (c) Anchoring and mooring under all conditions;
 - (d) Manoeuvring in entering and leaving a lock, in entering and leaving port harbours as well as in meeting and overtaking.
3. Vessel design and stability
- (a) Knowledge of the basic principles of vessel design, particularly as relates to the safety of persons and the vessel;
 - (b) Knowledge of the main structural elements of the vessel;
 - (c) General theoretical knowledge of buoyancy and the rules of stability;
 - (d) Measures to be taken to ensure the stability of the vessel under different circumstances.
4. Engines of the vessel
- (a) Basic knowledge of how engines are constructed and work so as to ensure their proper operation;
 - (b) Checking of the operation of the main and auxiliary engines and action to be taken.
5. Loading and unloading
- (a) Use of draught marks;
 - (b) Determining the weight of the cargo by means of the measurement certificate;
 - (c) Loading and unloading operations.
6. Procedure in special circumstances
- (a) Steps to be taken in the event of damage, collision or grounding (before, during and after the event), including plugging of leaks;

- (b) Use of life-saving material and equipment;
- (c) First aid in the event of an accident;
- (d) Prevention of fire and use of fire-fighting equipment;
- (e) Prevention of pollution of waterways.

7. Communications

Knowledge of procedures of usage of radio telephone.

8. Transport of passengers

The Administration may in so far as it deems necessary require a more thorough professional knowledge for navigating passenger vessels.

B. Special subjects for the transport of passengers required for the issuance of special licences for navigating passenger vessels

For the issuance of a boatmaster's licence for a passenger vessel, the Administration may, in so far as it deems necessary from the safety point of view, make provision for more detailed professional knowledge than appears under A as regards paragraphs 2, 3, 5 and 6, and require additional professional knowledge concerning in particular the following points:

- (a) Knowledge of safety instructions concerning the vessel;
- (b) Specific provisions for passenger safety in general and in the event of accidents, fire, explosion or shipwreck;
- (c) Ability to direct passenger movements, embarkation and disembarkation, and deal with the effects of panic;
- (d) Rules to be followed in assisting drowned persons (knowledge of first aid);
- (e) Special case of vessels equipped to provide meals or accommodation.

The Administration may make provision for an additional test of knowledge of local geography in all cases in which it deems it justified.

Practical tests should be carried out on a passenger vessel in normal operation.

Theoretical tests should be of a particularly thorough character concerning passenger vessels.

C. Additional subjects for radar navigation

- (a) Knowledge of the theory of radar: general information on radio waves and the principles of radar operation;

- (b) Ability to use the radar apparatus, interpretation of the radar image, analysis of the information supplied by the apparatus and knowledge of the limitations of the radar information;
- (c) Use of the rotation-speed indicator;
- (d) Knowledge of regulations of CEVNI relating to radar navigation.

D. Additional subjects for the carriage of dangerous goods

- (a) Familiarity with international regulations and recommendations concerning the carriage of dangerous goods by inland waterway;
- (b) General requirements concerning the carriage of dangerous goods;
- (c) Special steps to be taken during the loading and unloading of dangerous goods as well as during the voyage;
- (d) Signalling of vessels and labelling of packages;
- (e) Steps to be taken to prevent accidents, during and following an accident.

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