



**Economic and Social
Council**

Distr.
GENERAL

ECE/TRANS/SC.3/WP.3/2009/7
3 December 2008

Original: ENGLISH

ECONOMIC COMMISSION FOR EUROPE

INLAND TRANSPORT COMMITTEE

Working Party on Inland Water Transport

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

Thirty-fourth session

Geneva, 11-13 February 2009

Item 4 (b) of the provisional agenda

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

Amendments to Resolution No. 31

Report on the meeting of volunteer experts on mutual recognition of boatmaster’s licences

Note by the secretariat

I. INTRODUCTION

1. Following the decision of the Working Party on Inland Water Transport at its fifty-first session (ECE/TRANS/SC.3/178, para. 26) and the subsequent decision of SC.3/WP.3 at its thirty-third session (ECE/TRANS/SC.3/WP.3/66, para. 24), the secretariat convened on 18 September 2008 a meeting of volunteer experts on mutual recognition of boatmaster’s licences.

2. The representative of the following countries attended the meeting: Austria, Russian Federation, Serbia and the United Kingdom of Great Britain and Northern Ireland. The following intergovernmental organizations were represented: Central Commission for the Navigation of the

Rhine (CCNR), Danube Commission (DC) and International Sava River Basin Commission (SC). The European Commission (EC) was also represented.

3. As requested by SC.3/WP.3, the aims of the meeting were:
 - (a) To identify the main regional and international instruments and the policy initiatives related to the issue of the boatmaster's licences in the UNECE region;
 - (b) To review the UNECE Resolution No. 31 with Recommendations on Minimum Requirements for the Issuance of Boatmaster's Licences in Inland Navigation with a view to their Reciprocal Recognition for International Traffic, and to issue a recommendation to the UNECE Working Party on Inland Water Transport (SC.3) as to the need for its revision and possible amendments;
 - (c) To agree on the follow-up to the meeting, as well as to recommend other measures which could facilitate the recognition of boatmaster's licences (information gathering, input to revision of relevant international documents, awareness raising events, etc.)
4. During these discussions, the participants referred to the following international and regional legal instruments:
 - (a) The Rhine Patent Regulation;¹
 - (b) Recommendations on the Establishment of Boatmaster's Licences on the Danube and the comparative table on the boatmasters' training in the Danube countries;
 - (c) Council Directive 96/50/EC on the harmonization of the conditions for obtaining national boatmaster's certificates for the carriage of goods and passengers by Inland Waterway in the Community (1996);²
 - (d) Rules on minimum requirements for the issuance of boatmaster's licences on the Sava river basin (Decision – 32/07);³
 - (e) UNECE 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, 1992).⁴
5. The background documents, prepared for the meeting, included:
 - (a) A comparative table of the minimum requirements for the issuance of boatmaster's licences established by UNECE, CCNR, Danube Commission and EC;
 - (b) A comparative table on the professional knowledge required to obtain the boatmaster's licence;
 - (c) A list of possible amendments to Resolution No. 31.

These documents are reproduced in the addendum.

¹ The text of the revised Rhine Patent Regulations is available at: <<http://www.ccr-zkr.org/>>.

² Available in Document ECE/TRANS/SC.3/WP.3/2008/6/Add.1.

³ The text of Decision is available at <<http://www.savacommission.org/decision>>.

⁴ Available in Document ECE/TRANS/SC.3/WP.3/2008/6.

6. The Working Party may wish to take note of the information on regional and international instruments and the policy initiatives related to the issue of the boatmaster's licences in the UNECE region (section II), which complements the previous report on the situation, prepared for the thirty-second session (ECE/TRANS/SC.3/WP.3/2008/6). The Working Party may also wish to take note of the conclusions relative to the need for the revision of Resolution No. 31 (section III). An amendment proposal was prepared by the secretariat based on these discussions and presented in document ECE/TRANS/SC.3/WP.3/2009/8. Finally, the Working Party may wish to discuss additional measures and the follow-up activities, identified by the meeting participants (section IV).

II. REGIONAL AND INTERNATIONAL INSTRUMENTS AND THE POLICY INITIATIVES RELATED TO THE ISSUE OF THE BOATMASTER'S LICENCES IN THE UNECE REGION

7. The participants to the September 2008 meeting on the mutual recognition of boatmaster's licences exchanged the following information on the current situation with respect to the issuance and recognition of boatmaster's licences in their respective countries and organizations.

8. **Central Commission for the Navigation of the Rhine (CCNR)** highlighted the following elements:

- (a) Publication in 2005 of a comparison study of the CCNR and EC requirements for the issuance of boatmaster's licences (CCNR Resolution 2005-I-4, Protocol 4), listing the differences and identifying the problematic divergences;⁵
- (b) Revision of the structure and the content of the Rhine Patent Regulations to facilitate the recognition of the national licences, including introduction of a distinction between general requirements and local knowledge;
- (c) Progress in the recognition process: Romanian licences are recognized by CCNR as of May 2008. Requests from Austria, Czech Republic, Poland, Hungary and Slovakia are under consideration. Each recognition is accompanied by an administrative arrangement on further cooperation.⁶
- (d) The CCNR is currently working on comprehensive regulations, which would encompass the content of the Rhine Patent regulations, the requirements concerning crews from Chapter 23 of the Rhine Vessels Inspection Regulations and the requirements on safety personal on board passenger vessels and vessels transporting dangerous goods (mere reference to ADN/ADNR) .

⁵ The text of the study was reproduced by the secretariat for the fifty-second session of the Working Party on Inland Water Transport (SC.3) and is available in document ECE/TRANS/SC.3/2008/12.

⁶ The text of the CCNR protocols 17 and 18 on recognition of the national boatmaster's licences of certain member States, Romanian category A and B boatmaster's licences, and the Romanian radar certificate, adopted in May 2008, was reproduced by the secretariat for the fifty-second session of the Working Party on Inland Water Transport (SC.3) and is available in document ECE/TRANS/SC.3/2008/11.

9. **Danube Commission (DC)** reported that:

- (a) An information on the educational system in the DC countries had been collected by the secretariat and published as a working document for the DC working group on technical issues;
- (b) A meeting of a DC group of volunteers on the mutual recognition of boatmaster's licences took place on 3 November 2008. The group of volunteers agreed:
 - (i) To review the work accomplished by the ad hoc DC/CCNR joint group on the mutual recognition of boatmaster's licences;
 - (ii) To review the 1996 Recommendation on the Establishment of Boatmaster's Licences on the Danube taking into account the Rhine Patent Regulation, Resolution No. 31 and the EC Directives 91/672/CEE and 96/50/CE;
 - (iii) To elaborate unified definitions of professional qualifications of crew members ;
 - (iv) To elaborate examination modules for testing local knowledge and to identify the sectors of the Danube on which knowledge of local conditions is required.⁷

10. **The International Sava River Basin Commission** highlighted the recent adoption of Rules on minimum requirements for the issuance of boatmaster's licences on the Sava river basin (Decision - 2/07). The decision is compulsory for its member states (Bosnia and Herzegovina, Croatia, Serbia and Slovenia). The rules refer to the EC Directive 96/50/EC and Resolution No. 31. The next step will be to consider elaborating a methodology on the local knowledge.

11. **European Commission** informed that the Impact Assessment (IA) work regarding the harmonization of boatmaster's certificates in Inland Waterway Transport (IWT) at EU level was ongoing. Currently, as part of the IA process, within the framework of an IA study commissioned by DG TREN, extensive consultation with all relevant stakeholders is taking place. The first experts' meeting held in Brussels on 4 July 2008 is also part of the consultation process. The second meeting is to take place by the end of 2008 and all stakeholders will be invited and consulted with regard to any further development of the initiative on the harmonization of boatmaster's certificates.

12. The representative of **Serbia** reported that the issue of mutual recognition of boatmaster's licences was under consideration in his country and that Serbia had prepared its position with respect to the possible amendments to Resolution No. 31. Republic of Serbia had successfully cooperated with International Sava River Basin Commission (as a member) in preparing the inland navigation rules. The country is now under the obligation to implement Decision-32/07 on Rules of Minimum Requirements for the Issuance of Boatmaster's Licences on the Sava River Basin. Decision-32/07 is in full compliance with the Rules of CCNR and EC.

⁷ The minutes of the meeting are available in Document GR/Patentes/novembre 2008, Annex 2 to Document No CD 284/XI-2008.

13. The representative of the **United Kingdom of Great Britain and Northern Ireland** made the following points:

- (a) UK is currently implementing EC Directive 87/2006/EC;
- (b) Even though the UK national inland waterways are not directly linked to the other EU inland waterways, there is an interest in facilitating the recognition of boatmaster's licences for small traders that cross the sea on sea-going vessels. There is also an interest in developing inland navigation as it is an environmentally friendly mode of transport.
- (c) Currently, there are three types of licences (soon to become four) based on different navigation areas. Of interest at the international level, Licence Tier 1 Level 2, currently requires:
 - (i) 240 days on board of the ship;
 - (ii) Minimum two years in the industry;
 - (iii) Training record book;
 - (iv) Passing a practical test on navigational knowledge and navigational skills.
 - (v) Additional requirements exist for licences for large passenger vessels, dangerous goods transport, towage and navigation by radar.
 - (vi) In the whole, 700 days in the period of 5 years are required.
- (d) An important progress was achieved in the area of local knowledge, where the number of areas requiring local knowledge was reduced from 300 to 14;
- (e) To be able to work in the EU, there is an additional requirement, which consists in an additional examination on CEVNI, technical prescriptions for vessels and EU river systems.

14. The representative of the **Russian Federation** described the situation in his country, highlighting the following points:

- (a) The issuance of crewmen's licences is regulated by a Federal Law of 31 May 2005 No. 349. The law covers vessels with the power of the main machinery of minimum 55 kW and non self-propelled vessels with tonnage superior to 80 tones. Some rules and procedures correspond to the IMO requirements.
- (b) Vessels are divided in five categories, not including recreational vessels, on the basis of the power of the main machinery.
- (c) The boatmasters' licences are delivered subject to the following conditions:
 - (i) Minimum 18 years old;
 - (ii) Medical certification every year between 18 and 21 years and once every two years after 21 years. The medical examination is carried out by licenced institutions and documented in a personal medical record.
 - (iii) The test of navigational knowledge is compulsory and is carried out by professional commissions. The test is required for issuance, exchange and

prolongation of the licence and should be taken at least every five years. The programme is validated by the Ministry of Transport.

- (iv) The required duration of professional experience depends on the type of vessel and the type of qualification; maritime experience is taken into account and professional experience is documented in a personal record.
 - (v) To obtain the right to navigate on a particular sector, navigation experience in this sector and passing an additional examination its navigation conditions are required
 - (vi) Training is compulsory; the minimum duration is one year. Each five years boatmasters undergo additional training. Training includes navigational practice and examination.
- (d) At the present time, no agreement exists as to the mutual recognition of boatmaster's licences on the Russian internal waterways.

15. The representative of **Austria** reported that:

- (a) Austria implemented EC Directive 96/50/EC, which was based on Resolution No. 31. Currently, Austria recognizes the licences issued in accordance with the directive, as well as licences issued by the DC member states;
- (b) The ongoing work, carried by the informal SC.3 working group on CEVNI, will further harmonize the traffic regulations in Europe, facilitating the examination of boatmaster's navigation knowledge;
- (c) The issue of local knowledge had been addressed by a CCNR/DC ad hoc group and Austria presented an example of a multiple choice test for the Austrian section of Danube;
- (d) Austria applied for the recognition of its national licences by the CCNR.

III. REVIEW OF THE UNECE RESOLUTION NO. 31 WITH RECOMMENDATIONS ON MINIMUM REQUIREMENTS FOR THE ISSUANCE OF BOATMASTER'S LICENCES IN INLAND NAVIGATION WITH A VIEW TO THEIR RECIPROCAL RECOGNITION FOR INTERNATIONAL TRAFFIC

16. The participants reviewed the comparison of the minimum CCNR, DC, UNECE and EC requirements, provided by the secretariat,⁸ and came to the following conclusions:

- (a) The basic requirements in the CCNR, DC, UNECE and EC regulations and recommendations are largely harmonized;
- (b) Resolution No. 31 remains a useful reference document, listing the minimum requirements accepted at the pan-European level, and facilitating the bilateral or multilateral agreements on mutual recognition of licences;
- (c) The 1992 text of the resolution should be revised, given the evolution of the CCNR, DC, Sava Commission's and EC requirements;

⁸ The comparison table is contained in the addendum to this document.

- (d) Additional provisions on the administrative procedures that the countries, who had accepted the basic requirements set out in Chapter 2, needed to address in their bilateral agreements on the mutual recognition, could be included in Chapter 3. The IMO and CCNR experience in this area could be useful.

17. The participants reviewed the list of possible amendments to the Resolution No. 31, prepared by the secretariat based on the comparison of Resolution No. 31 and existing EC, CCNR and DC regulations.⁹ The participants agreed on a series of preliminary proposals, presented below.

1. Amendments to the existing requirement of Resolution No. 31

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| 1.1 Physical fitness (Article 2.2 b)) | <ol style="list-style-type: none">1. Specify in the text that the medical examination must be carried out by a doctor appointed by the competent authority2. Specify that the Administration may require an additional regular medical test after reaching a certain age¹⁰ |
| 1.2 Professional experience (Article 2.2 c) and 2.3) | <ol style="list-style-type: none">1. Amend the minimum duration to 4 years2. Add the provision on calculating the time of navigation3. Specify the maximum reduction based on the special training, diploma or maritime experience4. Indicate that to be the training mentioned in 2.3.2 a) must cover the subjects listed in the annex4. Refer to the personal service record in Resolution No. 61 as means for validating the professional experience |
| 1.3 Examination of the professional knowledge (Article 2.4) | <p>Consider further harmonizing the content of the annex on the content of the examination. It was agreed that the secretariat would contact the members with a separate request to review the content of the annex to the resolution¹¹</p> |

⁹ The list is contained in the addendum to this document.

¹⁰ The United Kingdom of Great Britain and Northern Ireland communicated to the secretariat that in the United Kingdom the doctors who issue the relevant medical certificates are approved by the General Medical Council and not by a separate competent authority. The United Kingdom also communicated that under its current legislation, age can not be used as a basis for discrimination and extra medical tests for employment purposes after reaching a certain age are not permitted.

¹¹ A preliminary analysis of the existing EC, CCNR and DC requirements is contained in the addendum to this document.

2. New requirements or additional provisions

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| 2.1 General Provisions (Article 2.2) | Include a new requirement to have a certificate to use a radiotelephone installation delivered by the competent authorities. |
| 2.2 A new annex listing the information which has to be present in the licence itself | Instead of creating a model of the certificate, which already exists in the regulations and recommendations of River Commission, the resolution could list the elements of their content, as this is done in the EC Directive 96/50/EC. |
| 2.3 Recognition of the licences (Chapter 3) | Divide Chapter 3 into two parts:
a) acceptance by countries of basic requirements set out in Chapter 2 and
b) provisions on the mechanism for establishing bilateral agreement on the mutual recognition |

18. The participants discussed but decided not to include in the proposal the following elements:

- (a) Specification of the content of the medical examination and model of medical certificate since in some countries this information is within the competence of health authorities;
- (b) Absence of past infractions to safety of navigation given that other sets of rules regulate the punishment for this kind of infractions and others;
- (c) Model boatmasters' licence, considering that the proposal under point 2.2 is sufficient.

IV. OTHER MEASURES WHICH COULD FACILITATE THE RECOGNITION OF BOATMASTER'S LICENCES AND THE FOLLOW UP TO THE MEETING

19. The participants discussed other measures that could facilitate the recognition of boatmaster's licences and agreed that, given the importance of local knowledge, it could be useful to collect information on local knowledge requirements in the UNECE countries. The following information was shared:

- (a) The CCNR receives and stores information on local knowledge requirements received from the countries which had applied for the recognition of their certificates;
- (b) The Danube Commission has information on some of its member states;
- (c) The Russian Federation reported that there were sixteen inland navigation districts in the country, each divided in several sections. Usually, one month of navigation and an exam on the local navigation conditions are required to receive the right to navigate as a boatmaster in these areas;
- (d) In the United Kingdom, there are fourteen local knowledge areas and it is usually required to have six month of navigation in the area and to pass an oral examination on local knowledge. The content of the examination differs from one area to another.

Information on local knowledge requirements is available on a special boatmaster's licences one-stop shop: <<http://www.mcga.gov.uk/c4mca/mcga07-home/workingatsea/mcga-trainingandcert/ds-ss-bml1stop.htm>>.

20. The participants agreed that the UNECE secretariat could compile the information available on local knowledge requirements and present the results to the group.
21. The participants agreed on the following action plan for the follow-up to the meeting:
 - (a) October 2008: a report on the meeting to the Working Party on Inland Water Transport (SC.3) at its fifty-second session;
 - (b) October-December 2008: preparation by the secretariat of a proposal of amendments to Resolution No. 31 in consultation with the members of the group;
 - (c) October-February 2008: review of the annex to Resolution No. 31 regarding the examination of professional knowledge by the members of the group;
 - (d) February 2008: Consideration of the proposal by the thirty-fourth session of the Working Party on the Standardization of Technical and Safety Requirements in Inland Navigation (SC.3/WP.3) and, possibly, a meeting of the group of volunteers back-to-back with the session.
