

Procedure file

Basic information			
SYN - Cooperation procedure (historic)	1994/0196(SYN)	Procedure completed	
Carriage of goods and persons by inland waterway: conditions for obtaining national boatmasters' certificates			
Repealed by 2016/0050(COD)			
Subject 3.20.04 Inland waterway transport			
Key players			
European Parliament	Committee responsible TRAN Transport and Tourism	Rapporteur EDN VAN DER WAAL Leen	Appointed 15/11/1994
	Former committee responsible TRAN Transport and Tourism		15/11/1994
		EDN VAN DER WAAL Leen	
	Former committee for opinion JURI Legal Affairs, Citizens' Rights	The committee decided not to give an opinion.	
Council of the European Union	Council configuration Agriculture and Fisheries Transport, Telecommunications and Energy Transport, Telecommunications and Energy	Meeting 1944 1893 1834	Date 23/07/1996 08/12/1995 14/03/1995
Key events			
08/09/1994	Legislative proposal published	COM(1994)0359	Summary
24/10/1994	Committee referral announced in Parliament		
14/02/1995	Vote in committee		Summary
14/02/1995	Committee report tabled for plenary, 1st reading/single reading	A4-0023/1995	
02/03/1995	Debate in Parliament		
02/03/1995	Decision by Parliament	T4-0082/1995	Summary
18/10/1995	Modified legislative proposal published	COM(1995)0474	Summary
08/12/1995	Council position published	08423/2/1995	Summary

01/02/1996	Committee referral announced in Parliament, 2nd reading		
25/04/1996	Vote in committee, 2nd reading		Summary
25/04/1996	Committee recommendation tabled for plenary, 2nd reading	A4-0128/1996	
08/05/1996	Debate in Parliament		Summary
09/05/1996	Decision by Parliament, 2nd reading	T4-0218/1996	Summary
12/06/1996	Modified legislative proposal published	COM(1996)0281	
23/07/1996	Act adopted by Council after consultation of Parliament		
23/07/1996	End of procedure in Parliament		
17/09/1996	Final act published in Official Journal		

Technical information

Procedure reference	1994/0196(SYN)
Procedure type	SYN - Cooperation procedure (historic)
Procedure subtype	Legislation
	Repealed by 2016/0050(COD)
Legal basis	EC before Amsterdam E 075
Stage reached in procedure	Procedure completed
Committee dossier	TRAN/4/07382

Documentation gateway

Legislative proposal	COM(1994)0359 OJ C 280 06.10.1994, p. 0005	08/09/1994	EC	Summary
Economic and Social Committee: opinion, report	CES0045/1995 OJ C 102 24.04.1995, p. 0005	25/01/1995	ESC	Summary
Committee report tabled for plenary, 1st reading/single reading	A4-0023/1995 OJ C 068 20.03.1995, p. 0013	14/02/1995	EP	
Text adopted by Parliament, 1st reading/single reading	T4-0082/1995 OJ C 068 20.03.1995, p. 0039-0041	02/03/1995	EP	Summary
Modified legislative proposal	COM(1995)0474 OJ C 020 24.01.1996, p. 0007	18/10/1995	EC	Summary
Council position	08423/2/1995 OJ C 356 30.12.1995, p. 0066	08/12/1995	CSL	Summary
Commission communication on Council's position	SEC(1996)0158	26/01/1996	EC	Summary
Committee recommendation tabled for plenary, 2nd reading	A4-0128/1996 OJ C 152 27.05.1996, p. 0005	25/04/1996	EP	
Text adopted by Parliament, 2nd reading	T4-0218/1996 OJ C 152 27.05.1996, p. 0014-0046	09/05/1996	EP	Summary
Modified legislative proposal	COM(1996)0281	12/06/1996	EC	

Final act

[Directive 1996/50](#)
[OJ L 235 17.09.1996, p. 0031](#) Summary

Carriage of goods and persons by inland waterway: conditions for obtaining national boatmasters' certificates

1) OBJECTIVE: to harmonize the conditions for obtaining national boatmasters' certificates for inland waterways between the Member States in order to combat distortions of competition between carriers and increase safety on inland waterways. 2) CONTENT: 1. The directive includes the distinction made when Directive 91/672/EEC was adopted, between certificates for Community waterways (Group B) and individual certificates for waterways in the Community and maritime zones (Group A). 2. Certain terms used in the directive are defined. 3. Scope of the directive: national certificates may be maintained for isolated networks under certain circumstances. 4. The validity of certificates which meet the minimum requirements of the directive is extended to all the Member States of the Community. 5. In order to obtain a certificate, boatmasters must: * be at least 21 years of age (with some exceptions); * have the required physical and mental aptitude; * have at least four year's professional experience as a member of the bridge crew on an inland waterway vessel; * have passed an examination on their professional knowledge, the main subjects of which are listed in Annex II; * comply with specific conditions governing the carriage of dangerous substances; * comply with specific conditions governing radar navigation. 6. A refusal to issue or a decision to withdraw a certificate must be justified. 7. The Commission may take the measures needed in order to adapt the specimen boatmasters' certificate contained in Annex I and the professional skills needed in order to obtain the certificate, as listed in Annex II. Composition and role of the committee to assist the Commission in this function. Source: European Commission - Info92 - 10/95 ?

Carriage of goods and persons by inland waterway: conditions for obtaining national boatmasters' certificates

In confirming its general endorsement of the proposal for a directive, the ESC urged the Commission to take steps to ensure the timely mutual recognition and harmonisation of certificates in general, including those required to sail sea-going vessels and pleasure craft. As regards the minimum age for obtaining the certificate, since a boatmaster was always responsible for crew management, and bearing in mind the provision of Article 7(1), the ESC felt that a minimum age of 21 years should be regarded as more appropriate.

Carriage of goods and persons by inland waterway: conditions for obtaining national boatmasters' certificates

The committee has adopted the report of Mr VAN DER WAAL on the Commission proposal for a Council directive on the harmonization of the conditions for obtaining national boatmasters' certificates for the carriage of goods and passengers by inland waterway in the EU. Although, by Council directive 91/672/EEC of 16 December 1991 a reciprocal recognition of national boatmasters' certificates was already introduced, the conditions for granting of such certificates still vary from one country to another. The most striking differences are in the following area : - minimum age - physical suitability - professional fitness and - professional experience. The commission therefore proposes a directive seeking to harmonise the conditions for the granting of these certificates. Member States and professional associations are in favour of the proposals, which seek, besides eliminating distortions of competition, to improve safety of shipping. The proposal provides for a uniform boatmaster's certificate to inland navigation based on a Community model which the Member States issue and recognise reciprocally and this from 1 January 1996. The model proposed has the modern format of a credit card and fraud can be prevented by incorporating a hologram. The minimum age for acquiring the certificate is 21. A certificate issued in a Member State from the age of 18 is to be recognised by the other Member States which impose a minimum age of 21 in their territory when the boatmaster reaches the age of 21.

Carriage of goods and persons by inland waterway: conditions for obtaining national boatmasters' certificates

The European Parliament approved the Commission proposal subject to 16 amendments seeking to clarify and strengthen the directive. In Parliament's opinion: - joint provisions should be laid down for issuing inland waterway boatmasters' certificates in order to respond to the need to gradually strengthen safety requirements in the inland waterway sector; - examinations in knowledge and skills set by the Member States should be organised on the basis of equivalent procedures; - the directive should apply to masters of towed vessels and pushed barges; - the Member States should retain the facility to issue boatmasters' certificates to persons aged 18 and upwards; - professional experience should be validated by a Member State by entering it in a personal service record; - certificates of aptitude should be kept with the boatmasters' certificate; - for the transportation of dangerous substances, not only should the boatmaster be in possession of a certificate, but the boatmaster or another member of the crew should have passed the examinations or should hold the certificate issued in accordance with the requirements of the ADNR (marginalia 10135 and 210315); - the boatmaster should also have a Rhine radar navigation certificate in order

to sail a vessel with the aid of radar; - Member States should consult at least once a year on examination requirements and regulations for the purposes of harmonisation; - finally, the European Parliament strengthened the requirements of Annex II by adding the following subjects: entering and leaving tidal ports, knowledge of ropes, cables, chains and closing devices, knowledge of control mechanisms (hydraulic/pneumatic) and safety requirements.?

Carriage of goods and persons by inland waterway: conditions for obtaining national boatmasters' certificates

The amended proposal incorporates all the amendments adopted by the European Parliament. The amendments call for: - joint provisions for issuing inland waterway boatmasters' certificates to be laid down so that safety requirements in the inland waterway sector can gradually be strengthened; - examinations in knowledge and skills to be carried out by the Member States and organized on the basis of equivalent procedures; - the directive to apply to boatmasters of towed vessels and pushed barges; - Member States to retain the facility to issue a boatmaster's certificate to persons aged 18 and upwards; - professional experience to be validated by the Member State by entering it in a personal service record; - certificates of aptitude to be kept with the boatmaster's certificate; - not only for the boatmaster to be in possession of a certificate for the transportation of dangerous substances, but for the boatmaster or another member of the crew to have passed the examinations or to hold the certificate issued in accordance with the requirements of the ADNR (marginalia 10135 and 210315); - the boatmaster also to have a Rhine radar navigation certificate in order to sail a vessel with the aid of radar; - Member States to consult at least once a year on examination requirements and regulations for the purposes of harmonization; - the requirements in Annex II to be strengthened by adding the following subjects: entering and leaving tidal ports; knowledge of ropes, cables, chains and closing devices; knowledge of control mechanisms (hydraulic/pneumatic); safety requirements.?

Carriage of goods and persons by inland waterway: conditions for obtaining national boatmasters' certificates

The Council incorporated certain amendments by the European Parliament, such as those stating that certificates were optional after 18 years of age and that the limitation on the validity of the certificate referred to the category of boat. However, the Council did not incorporate editorial amendments or amendments relating to Annex II specifying the knowledge required in order to obtain a boatmaster's certificate. The common position largely corresponds to the Commission's initial proposal. However, it does contain major amendments seeking to: - exclude waterways to which the Rhine navigation licence applies from the scope of the directive; - postpone the date by which certificates must be issued (18 months after the entry into force of the directive) - introduce limits regarding size and the number of passengers carried in order to exempt small boats from the directive; - reword the provisions regarding minimum age so as to enable Member States which issue boatmasters' certificates to persons aged 18 years and upwards to refuse to permit young skippers between 18 and 21 years of age from another Member State from carrying on the occupation of boatmaster in their territory; - increase the maximum reduction in the duration of professional experience required to three years; - require boatmasters aged 65 and over to undergo an annual medical examination for safety reasons; - replace the term "carnet de bord" by "livret de service" (does not affect the English version); - delete Article 9 on the transport of dangerous substances and article 11 on the withdrawal of or refusal to issue certificates; - add an article covering the transportation of passengers where either the boatmaster or another member of the crew must be in possession of a special certificate as proof of his/her having passed an examination of professional knowledge in the subjects referred to in Chapter C of the Annex.?

Carriage of goods and persons by inland waterway: conditions for obtaining national boatmasters' certificates

The Commission considered that the common position represented an acceptable compromise and hoped that the European Parliament would approve it.?

Carriage of goods and persons by inland waterway: conditions for obtaining national boatmasters' certificates

Also voted was the draft recommendation for second reading by Mr Leen VAN DER WAAL (SYN94/0196). Rapporteur and Committee could agree with the common position with regard to changing the scope of application and introducing a separate directive for the transport of dangerous goods over the inland waterways in the EU. Mr VAN DER WAAL could also accept the new Article 10 on sailing passenger vessels, the date of entry into force of the Directive and the changes of the annexes. The rapporteur's position was different with Article 7, where the Council reduces the minimum professional experience required by up to 3 years if the applicant is a holder of a recognized diploma, or has 4 years' experience on a seagoing vessel or has passed a practical examination. Cutting professional experience to 3 years is not in the interests of safe transport on inland waterways and would create a discrepancy in respect of the Rhine navigation licence. Amendments 1 and 5 on same standards of knowledge and skills and on harmonization of certificates were also carried, as was am 4, which seeks to ensure that a Member State can only impose additional requirements on a boatmaster if the Commission's approval is obtained for this. Amendment 2 proposes that examinations of boatmasters over the age of 65 should be at three-year intervals. An annual examination would go too far.?

Carriage of goods and persons by inland waterway: conditions for obtaining national boatmasters' certificates

The rapporteur, Mr van der Waal (EDN, NL), stated that he could accept the change of scope introduced by the common position, which

meant in particular that the question of transporting dangerous goods by navigable waterways would be the subject of a specific directive. As regards the other points, the rapporteur said that the Transport and Tourism Committee intended to maintain its previous position. In particular he pointed out that when it came to obtaining boatmasters' certificates the minimum period of professional experience could be reduced by two years at most (rather than three, as provided for in the common position) if the applicant was holder of a recognised diploma or could provide proof of professional experience acquired on board a sea-going vessel. The rapporteur also thought that the examinations for boatmasters over the age of 65 should be held at three-year intervals. Finally, he pointed out that one of the amendments was aimed at excluding from the scope of the directive those boatmasters operating exclusively on navigable waterways connecting two Member States, but not connected to the inland waterway network of a third Member State. Commissioner Kinnock called on Parliament to approve the common position without further ado, as the Commission was unable to accept any of the amendments that had been tabled by Parliament.

Carriage of goods and persons by inland waterway: conditions for obtaining national boatmasters' certificates

The recommendation for second reading by Mr Leen van der WAAL (I-EDN, NL) on the harmonization of the conditions for obtaining national boatmasters' certificates for the carriage of goods and passengers by inland waterways in the Community adopted by Parliament accepted the amendment to the scope of the directive made in the common position, the main import of which was that the issue of the transport of dangerous goods would be dealt with in a separate directive. At the same time, Parliament: - called for examinations in knowledge and skills carried out by the Member States to be organized on the basis of equivalent procedures; - considered that, in order to obtain certificates, the minimum professional experience required could be reduced by two years at the most (rather than three, as provided for in the common position) if the applicant was the holder of a recognized diploma or could provide proof of professional experience acquired on a sea-going vessel; - considered that examinations of boatmasters over the age of 65 should be held at three-year intervals (rather than on a yearly basis). Lastly, with a view to harmonizing examination syllabuses and procedures, Parliament asked the Commission to ensure that the competent authorities of the Member States consult each other at least once a year on examination requirements and regulations.

Carriage of goods and persons by inland waterway: conditions for obtaining national boatmasters' certificates

OBJECTIVE: Harmonization of the conditions for obtaining national boatmasters' certificates for the carriage of goods and passengers by inland waterway in the Community. COMMUNITY MEASURE: Council Directive 96/50/EC on the harmonization of the conditions for obtaining national boatmasters' certificates for the carriage of goods and passengers by inland waterway in the Community. SUBSTANCE: The Directive is a follow-up to Directive 91/672/EEC on the reciprocal recognition of national boat masters' certificates for the carriage of goods and passengers by inland waterway. It provides for a single national boatmasters' certificate issued on the basis of harmonized conditions, a model for which is defined at Community level and which is mutually recognized by the Member States. Harmonization is essentially in four areas: - minimum age: an applicant must be at least 21 years old to obtain a certificate. However, Member States may still issue certificates to persons 18 years old or older; - physical fitness: compulsory medical examination to obtain a certificate; requirement of an annual examination for the holder of a certificate on reaching the age of 65 years; - professional experience: at least four years' professional experience validated by the competent authority by being entered in a personal service record, with schemes for possible reductions; - professional knowledge: an applicant must have passed, to the satisfaction of the competent authority, an appropriate examination of obligatory knowledge. DATE OF ENTRY INTO FORCE: 7 October 1996 DEADLINE FOR TRANSPOSITION INTO NATIONAL LEGISLATION: 7 April 1998. ?