

**Ninth meeting of the Common Expert Group on professional qualifications and training standards in inland navigation**

**Meeting Minutes**

**Time and place**

23 January 2014. 1.30 to 6 p.m. – EN, DE, FR, NL

CCNR - Palais du Rhin, 2 Place de la République – F 67082 Strasbourg.

**1. Welcome by Mr Marc Vanderhaegen, Unit B.3 - Ports and Inland Navigation at DG Move, and Ms Annette Augustijn, Chair of the CCNR's STF Committee**

On behalf of DG Move and the CCNR, Mr Vanderhaegen and Ms Augustijn welcomed those present at the meeting.

Mr Vanderhaegen apologised for the rather late circulation of the meeting documents; DG Move will do its best to allow more time for the next meeting. The present meeting was an initial discussion on the possible regulatory measures which could be submitted for an impact study. Experts are expected to express their personal opinion.

Mr Vanderhaegen mentioned that for some time there was little progress, but from now on they will speed up again with Mrs Rousseau replacing M. Pytko.

At least two more meetings will be necessary; the next could be held on 22 May 2014, in Strasbourg.

Regarding the next stages in the process, with a view to setting up a European Commission initiative for the creation of a new legal framework for professional qualifications, Mr Vanderhaegen said that the process was an integral part of the Naiades II programme, and that the following stages could be planned:

- finalisation of the "policy measures" to be the subject of a detailed impact study, in order to determine the pros and cons of each measure – during February 2014;
- impact study to be carried out by an independent outside consultant – March/May 2014 – and draft results presented to the CEG in May 2014;
- initial draft of a proposal by the European Commission for the new legal framework, and discussion with the CEG in September 2014;

It was envisaged that the European Commission's proposal should be made public in early 2015 i.e. sent to EU Parliament.

**2. Presentation and discussion of the contribution prepared by the consultants with regard to evaluation of Directive 96/50/EC**

The consultant said that the report had been supplemented since its presentation in June 2013, notably regarding the administrative arrangements for the mutual recognition of boatmaster's certificates and service record books.

The consultant recommended a single system as harmonised as possible across the whole of Europe; mutual recognition was merely a transitional stage. He proposed maintaining a flexible system such as the one indicated in Directive 96/50/CE, which ought to take account of the extension of the functions and competencies covered and incorporate the new technologies.

A number of the experts commented that a flexible system might represent barriers to the free movement of workers. The consultant replied that it could involve a combination of flexibility at the national and European levels. Directive 96/50 provided for flexibility at the national level in an article which concerned national waterways exclusively.

One of the experts emphasised that the only common point in all the European States was the commercial boatmaster's aptitude certificate; there were no rules requiring boatmasters or other crew members to be qualified, or regarding a service record book.

A number of the experts wanted to see a definition of the functions of crew members included in the scope of the new regulations. As a second stage, they proposed defining the necessary certificates or attestations of aptitude to then be able to define the necessary competencies.

Mr Vanderhaegen said that it would be necessary to achieve a degree of harmonisation; there were two ways of doing this:

- defining minimum standards in a proposal for a Directive so that the certificates may be recognised between member States on the basis of the standard;

- laying down a legal framework within which certain function would have harmonised standards, and a legal framework for implementing these standards.

DG Move stressed that the assessment report had been drawn up by an independent consultant and did not necessarily reflect the opinions of either DG Move or the experts. The experts were invited to send in their comments on the assessment by **15 February 2014**, arranging their replies in two parts:

- 1) comments on any material errors (for example, mistaken facts) or misinterpretation, which the consultant could take into account;

- 2) comments on the content of the report; these would be posted on DG Move's Internet site with the report, and taken into account for the impact study.

### **3. Presentation and discussion on policy measures**

DG Move gave a brief presentation of the methodology used in compiling the draft policy measures to be envisaged:

The measures were graduated on an increasing scale, on the basis of assuming that "business as usual" constituted the baseline against which the impact of the other possible measures would be compared.

Mr Vanderhaegen invited the experts to indicate their opinions on which measures should be included in the impact study, pointing out that it would be very difficult to add any other measures once the list had been finalised.

Some experts felt it would be advisable for a minimum consensus to be achieved on the relevance of the measures to be adopted, and on the need to do so.

#### - Scope

The experts drew DG Move's attention to the fact that geographical scope should also be included in the "policy measures" document. Mr Vanderhaegen invited the experts to refer to the document entitled "Draft of the concept outline for a legal measure on recognition and modernisation of professional qualifications in inland navigation" of 23 April 2013, which proposed application to all navigable waterways.

DG Move would supplement the "policy measures" document by a number of indications regarding scope (geographical area covered, functions and vessels concerned). The composition of crews would not fall within this, and could be covered by a separate initiative at a later date.

A number of the experts wanted to be taken into account of the need to coordinate the technical regulations and qualifications.

### - Definition of policy measures

Mr Vanderhaegen said that the list would include the policy measures to be covered by the impact study. For example, the study could cover whether a compulsory examination using a simulator should be introduced and, if so, whether there should be a reference standard for the simulators used. Drawing up and publishing these standards could then be entrusted to the CESTE committee.

### .e-SRB / e-logbook

A number of the experts wanted to see the necessary protection of personal data included in the impact study. They also drew attention to the need to determine rights of access (who should have access to what type of information) extremely precisely, and to ensure greater protection for sensitive data (medical aptitude, for example).

One expert outlined that only a linked initiative on e-SRB and e-logbooks makes sense and if so, both should be mandatory on all vessels in the scope of the initiative.

The impact study would also have to assess the cost of such a system and look into the envisaged breakdown of charges between the public sector (EU and the States) and the private sector.

### .Knowledge of specific situations (KSSs)

Mr Vanderhaegen proposed a number of approaches which could be adopted to ensure that knowledge of specific situations was properly adapted to ensure safety without creating unnecessary barriers to freedom of movement. It would also be possible to consider combining a number of approaches, or not submitting one of the approaches currently provided for (e.g. 3.7.).

### .Standards for IWT education set at national level

Determining harmonised minimum standards at the very least was considered important. A good example of this was EDINNA's work on the competencies required of boatmasters and boatmen.

One of the experts advocated harmonised qualification standards since this was the only way the system of bi- and multilateral recognition could be dropped.

Another expert wanted to see professional retraining during a person's career also taken into account, rather than just initial training.

An expert reminds that the initiative has to respect the competence limits of the European Commission, especially with regards to article 166 of the Treaty.

### .RiverSpeak

Regarding the linguistic difficulties encountered, a number of different approaches to using a tool such as RiverSpeak could be envisaged.

A number of the experts pointed out that there was already the Bucharest Arrangement on radio telephones (RAINWAT), which had been signed by about a dozen countries; under the Arrangement, communications were to be made in English, or in another language if the policing regulations made provision accordingly. This was, for example, the case of the Rhine, where the police regulations provided that the language to be used should be that of the State being crossed, with German as the default language. Besides, the experts advocated deleting the measure which envisaged the introduction of one single language (6.3).

Further measure to be included in the impact study covered the voluntary use of RiverSpeak, and the drawing of a distinction between ship-to-shore communication, ship-to-ship communication and intraship-communication.

Mr Vanderhaegen went on to note the existence of RAINWAT, and therefore to the need to adjust the wording of the BAU scenario (6.1.). An additional measure including the voluntary introduction of the River speak will be included, and the desirability of a distinction between ship-to-shore communication and ship-to-ship communication analysed.

*Mr Vanderhaegen invited the experts to send in their comments on the "policy measures" document and replies to the related questionnaire by **15 February 2014**.*

These comments could then be incorporated in the revised "policy measures" document which would form the basis of the impact study to be drawn up by the independent consultant.

#### **4. Information on the results of the public consultation**

Mr Vanderhaegen said that response to the public questionnaire had been very good (16 States and 10 groups of stakeholders), and invited those present to consult the report for a better knowledge of its results.

Documents are available on the web-site of DG Move:

[http://ec.europa.eu/transport/media/consultations/2013-06-21-inlandnavigqualifications\\_en.htm](http://ec.europa.eu/transport/media/consultations/2013-06-21-inlandnavigqualifications_en.htm)

#### **5. Any other business and closing of meeting**

- Projected creation of a European committee for drawing up standards in the field of IWT - "CESTE"

The paper on policy measures made several references to "standards" to be drawn up. The Naiades II communication stated that a new form of governance would have to be set up in the field of IWT. DG Move and the CCNR Secretary General had signed an administrative arrangement to strengthen cooperation between them, particularly in the field of technical requirements and professional qualification.

The main idea was that one structure should cover a number of different fields, in particular with regards to vessels and crew to which the respective regulations at the European and international level, including the European Union and the CCNR, would refer with a view to their application.

This would allow broad participation and the involvement of EU and CCNR Member States, representatives of relevant international organisations, representatives of approved non-governmental organisations, and external qualified experts.

The committee's first task would be to draft and adopt recommended standards on technical requirements. These standards should then be referenced in the amended proposal for a Directive and would be mandatory once the Directive was adopted definitively. The starting date for activities on professional qualifications is still to be determined.

Terms of reference were being drafted at the moment, and were to be presented at a Naiades II follow-up meeting in April 2014. The CCNR might then be able to adopt a resolution creating the committee in June. Ideally, a first meeting could be scheduled before the summer break.

- Next meeting

To be confirmed:

22 May 2014, in Strasbourg (discussion on the results of the impact assessment)

4 September 2014, in Strasbourg (discussion on measures to adopt for the new professional qualification framework)

Annex: list of participants.

***The experts are invited to send their comments on items 2 and 3 of the agenda to DG Move (Christelle.ROUSSEAU@ec.europa.eu) no later than 15 February 2014.***