

SENATE OF THE REPUBLIC

17TH PARLIAMENTARY TERM

DOC. XVIII No 124

RESOLUTION OF THE EIGHTH STANDING COMMITTEE

(Public works, communications)

(Rapporteur: Ms Orrù)

Approved at the session of 27 April 2016

ON THE

**PROPOSAL FOR A DIRECTIVE OF THE EUROPEAN PARLIAMENT
AND OF THE COUNCIL ON THE RECOGNITION OF
PROFESSIONAL QUALIFICATIONS IN INLAND NAVIGATION AND
REPEALING COUNCIL DIRECTIVE 96/50/EC AND COUNCIL
DIRECTIVE 91/672/EEC**

(COM (2016) 82 FINAL)

pursuant to Article 144(1) and (6) of the Rules of Procedure

Sent to the President's Office on 3 May 2016

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The Committee,

Having examined, pursuant to Article 144 of the Rules of Procedure, the proposal for a regulation of the European Parliament and of the Council on the recognition of professional qualifications in inland navigation and repealing Council Directive 96/50/EC of 23 July 1996 and Council Directive 91/672/EEC of 16 December 1991 (COM(2016) 82 final), submitted for a reasoned opinion as regards subsidiarity;

whereas the proposal under consideration seeks to facilitate labour mobility in the inland waterway transport sector by ensuring that skilled workers' qualifications are recognised throughout the Union, thus extending the scope of the recognition of professional qualifications beyond the level of boatmasters to all the members of crews operating on EU inland waterways, including the Rhine;

the aim is thus to overcome the difficulties of the current arrangements, which are based on Directives 96/50/EC and 91/672/EEC and are limited to the mutual recognition of boatmasters operating on EU inland waterways other than the Rhine river. That limitation has hampered labour mobility and caused persistent vacancies and skills mismatches, which, as well as slowing the development of inland waterway transport, risks having a negative impact on the safety of navigation;

whereas, in line with the measures adopted for other modes of transport, the proposed directive therefore provides for minimum requirements based on skills, facilitating mutual recognition by introducing a Union certificate of qualification, for which it lays down the requirements for issue, renewal and withdrawal;

whereas the proposal also provides for the Commission to be empowered to adopt delegated acts to regulate the assessment of skills, including the practical examination, on the basis of the essential requirements set out in Annex II;

having regard to the comments set out in the Government's report, submitted pursuant to Article 6(4) and (5) of Law No 234 of 24 December 2012;

having regard to the comments made by the 14th Committee;

whereas the legal basis of the proposal under consideration appears to have been identified correctly as Article 91(1) of the Treaty on the Functioning of the European Union (TFEU), which provides that European Union measures in the area of common transport policy, which includes inland waterway transport, are to be adopted under the ordinary legislative procedure;

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hereby expresses, pursuant to Protocol (No 2) to the TFEU on the application of the principles of subsidiarity and proportionality:

a favourable opinion as regards compliance with the principle of subsidiarity, in that action at EU level is both necessary and provides additional value compared to action of Member States alone. Firstly, full harmonisation of national rules concerning professional qualifications for inland waterway transport cannot be achieved by Member States acting individually, nor by means of international conventions. Secondly, harmonisation for the purpose of the recognition of such qualifications is indispensable to ensuring the mobility of workers in this sector between the Member States of the Union;

a favourable opinion on observance of the principle of proportionality as the proposal is consistent with the objectives it aims to achieve. The provisions relating to the harmonisation of competences, verified through examinations, are only envisaged for skilled crew, i.e. boatmen and boatmasters, whereas for unskilled crew, such as deckhands, only minimum requirements with regard to age and medical fitness are proposed. Moreover, the provision for certifying training programmes does not interfere with the national education curricula but relates to competences and skills necessary to ensure safety of navigation and the protection of human life, and does not require those who have already successfully completed an approved training programme in the EU to pass additional administrative exams on the same subjects already covered by their training programme.

The proposal also permits Member States to diverge from European legislation when regulating navigation on national inland waterways not linked to the navigable network of another Member State. Finally, whilst repealing Directives 91/672/EEC and 96/50/EC, the proposal provides for gradual phasing-in of the new rules with transitional measures that allow for a period of maximum 10 years from the end of the transposition period, set at three years, in which certificates issued in accordance with the previous legislation remain valid;

also takes a favourable view of the substantive elements that are relevant in the context of political dialogue with the Union institutions. The Committee welcomes the aims of the proposed directive, which, by facilitating the mobility of labour in the inland waterway navigation sector, will also enable Italian workers to use their qualifications, without additional recognition procedures, in all Member States, whilst noting that the sector is not particularly well developed in Italy due to the scarcity of navigable inland waterways.

This document is to be understood as guidance to the Government within the meaning of Article 7 of Law No 234 of 24 December 2012.

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RESOLUTION OF THE 14TH STANDING COMMITTEE

(EUROPEAN UNION POLICIES)

(Rapporteur: Ms CARDINALI)

27 April 2016

The Committee, having examined the proposal,

whereas the proposal seeks to facilitate labour mobility in the inland waterway transport sector by extending the scope of the recognition of professional qualifications beyond the level of boatmasters to all the members of crews operating on EU inland waterways, including the Rhine, which was hitherto excluded, and provides that such recognition be based on an assessment of skills, on common training programmes and common certification, which were hitherto left to the discretion of each Member State on the basis of Council Directives 96/50/EC of 29 July 1996 and 91/672/EEC of 16 December 1991 (which would be repealed);

whereas, to that end, the proposal provides for the mutual recognition, and lays down the requirements for issue, renewal and withdrawal, of a 'Union certificate of qualification' based on a system of assessment of skills;

whereas the proposal provides for the Commission to be empowered to adopt delegated acts to regulate the assessment of skills, including the practical examination, on the basis of the essential requirements set out in Annex II;

having examined the Government's report, drawn up pursuant to Article 6(4) and (5) of Law No 234 of 24 December 2012,

issues a favourable opinion, for matters within its remit, with the following comments:

the legal basis has been identified correctly as Article 91(1) of the Treaty on the Functioning of the European Union (TFEU), which provides that European Union measures in the area of common transport policy, which includes inland waterway transport, are to be adopted under the ordinary legislative procedure;

the proposal complies with the subsidiarity principle, as full harmonisation of national rules concerning the professional qualifications for inland waterway transport cannot be achieved by Member States acting individually, nor by means of international conventions.

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Moreover, harmonisation for the purpose of recognition of such qualifications is necessary to ensure the mobility of workers in this sector between the Member States of the Union. The two criteria, namely that the European action must be necessary and must provide added value, are thus met;

the principle of proportionality, too, appears to have been fully complied with, as the provisions relating to the harmonisation of competences, verified through examinations, are only envisaged for skilled crew, and those on certifying training programmes do not interfere with the national education curricula and does not require those who have already successfully completed an approved training programme in the EU to pass additional administrative exams on the same subjects already covered by their training programme. The proposal also permits Member States to diverge from European legislation when regulating navigation on national inland waterways not linked to the navigable network of another Member State. Finally, provision is made that certificates issued in accordance with Directive 96/50/EC are to remain valid for a maximum of 10 years after the three years laid down as the transposition period for the new Directive;

on the substance, welcomes a proposal that facilitates the mobility of workers in the inland waterway navigation sector, despite the sector not being very large in Italy due to the small number of navigable inland waterways, in that it allows Italian workers to use their qualification, without additional recognition procedures, in all Member States.

