



Establishment of a transparent procedure for the recognition of professional training courses for boatmen

Communication from the Secretariat

The CCNR is involved in a process of achieving mutual recognition and standardisation of the general legal conditions for crew members from States that are not members of the CCNR. Service record books have been recognised bilaterally since the end of 2008, and 2011 saw the multilateral entry into force of the Administrative Arrangement for the mutual recognition of service record books. The recognition of training courses is the next step towards integration and the creation of a European market for inland navigation, and it is defined as the next objective in the 2011 multilateral Administrative Arrangement.

It transpires from consultations held so far within the STF/G Working Group that the diversity of the existing training courses and their disparities will make it impossible to draw up a list of criteria initially. In general account will be taken of the competences acquired, which must be comparable to those acquired by means of the training courses recognised by the CCNR member States.

The aim is therefore to draw up a transparent procedure for the recognition of training courses for boatmen to apply during a transitional period, pending harmonisation on a European scale.

At the request of the Working Group, the Secretariat submitted to the STF Committee a proposal for a procedure for the recognition of professional training courses for boatmen in the States signatory to the multilateral Administrative Arrangement for the mutual recognition of service record books. The STF Committee met on 9 and 10 October and proposed the procedure presented here. It invites the MQ/G Group of Experts to discuss this proposal at its next meeting.

The MQ/G group of experts greeted this proposal favourably at its meeting on 15 October 2013, and had the possibility of making comments until 4 November 2013. Mr Matics of the Danube Commission showed interest in the procedure, and proposed closer cooperation between the two Commissions on this point.

The draft resolution attached to this document will therefore be included on the agenda of the Plenary Session to be held on 5 December 2013, for a decision to be made.

Proposals for the next stage of the work: an additional Administrative Arrangement as an interim solution

In accordance with the principles of interpretation of the Mannheim Act laid down in Resolution 2003-II-10, the CCNR is competent in respect of the requirements applicable to vessels, skippers and crews (Articles 22 and 23 of the Mannheim Act). The recognition of qualifications awarded by States that are not CCNR members falls within the scope of its competence.

The procedure for recognising a training course for boatmen provided by certain training bodies is open to the States signatory to the multilateral Administrative Arrangement for the mutual recognition of service record books.

According to the model of the multilateral Arrangement, adopting the new Administrative Arrangement implies the mutual recognition of training courses for boatmen which are recognised in the CCNR member States and also all the training courses for boatmen recognised as being equivalent by the signatory administrations.

On completion of the preparatory work by the MQ/G Group of Experts and the STF/G Working Group STF/G, the STF Committee would be able to submit to the plenary assembly corresponding provisions for application so that a decision may be made.

Thereafter, the States signatory to the Administrative Arrangement for the recognition of service record books will be invited to indicate their interest in the procedure and to contribute in drawing up a multilateral Administrative Arrangement for the recognition of professional training courses for boatmen.

In addition, the following procedure is proposed for the recognition of professional training courses for boatmen; this procedure would be applied both before and after the multilateral arrangement is signed. In this respect, account will need to be taken of the greater complexity of the procedure compared with the procedure for the recognition of service record books.

The transparent procedure for the recognition of professional training courses for boatmen

- a) The contracting administration of the State in which the training body is established requests a hearing at the CCNR with a view to recognition of a professional training course for boatmen. The request must also include a declaration of acceptance of reciprocity in the recognition of Rhine professional training courses for boatmen. One CCNR member State acts as rapporteur and accompanies the applicant throughout the procedure.
- b) The third-party State from which the request comes and the CCNR member State acting as rapporteur prepare a hearing before the STF Working Group. The third-party State from which the request comes submits the actual syllabus of the training course and details of the national procedure for recognising the training course. This provides details of how training courses are indicated in the recognised service record book. The CCNR member State acting as rapporteur presents a comparison between the training course in question and a Rhine training course. The comparison concerns the desired result, i.e. the competences a boatman should have, based also on an audit carried out at the training establishment by an expert appointed jointly who may refer, for example, to Platina Deliverable 3.13 for the operational level. It is also a minimum condition that the trained boatman must have reached the minimum age of 17 years provided for in the Regulations for Rhine navigation personnel (RPN).
- c) Once the hearing is complete, the STF Working Group examines the request and gives its opinion on equivalence. The STF Working Group may request additional information. It may hold a hearing of representatives of the training body and of the authorities concerned, and of other experts.
- d) The STF Committee discusses the opinion submitted by the STF Working Group and, if appropriate, submits it to the plenary assembly of the CCNR.
- e) The plenary assembly of the CCNR delivers its decision on the equivalence and advisedness of recognition.

Amendment of the RPN

Recognition requires an amendment to the Regulations for Rhine navigation personnel (RPN). It is proposed that a new bullet point be added to Article 3.02 (3) a), to take this new possibility into account.

Article 3.02

Requirements

Crew members must meet the following requirements:

(...)

3. for boatmen:

a) be at least 17 years old, and

- have successfully completed the training course referred to under 2. above, or
- have passed an examination on completing a training course in a professional training body for boatmen, or
- have passed another boatman's examination recognised by the competent authority, or
- have passed an examination on completing a training course recognised within the meaning of the Administrative Arrangement for the recognition of training courses for boatmen.

Amendment of Service Instruction No. 4 on the Regulations for Rhine Navigation Personnel (RPN)

The professional training courses for boatmen recognised in accordance with the Administrative Arrangement for the recognition of training courses for boatmen shall be published in Service Instruction No. 4 on the Regulations for Rhine Navigation Personnel (RPN). For the sake of clarity, it is suggested that a second appendix be added to the "List of examinations recognised by the competent authorities".

Documents requiring drawing up

- Practical provisions for the Administrative Arrangement
- Text of the Administrative Arrangement
- Text of the resolution on the Administrative Arrangement
- Resolution on amending the RPN

PRELIMINARY DRAFT

20XX-I/II-XX

PROTOCOL XX

**Practical provisions
For the recognition of professional training courses for boatmen
in States signatory to the multilateral Administrative Arrangement
for the mutual recognition of service record books**

Draft resolution

The Central Commission,

reaffirming its intention to contribute to the integration and development of the European market for transport using inland waterways,

recalling that navigation on the Rhine must operate within a legal framework that is as straightforward, clear and harmonised as possible, as expressed by its member States in their Basle Declaration of 16 May 2006,

aware that the recognition of non-Rhine professional training courses for boatmen constitutes a means of facilitating the unhindered mobility of crew members and effectively combating the shortage of crew members in inland navigation on the Rhine,

considering that practical provisions are necessary in order to establish basic common principles for the recognition of professional training courses for boatmen and to lay down conditions for recognition which ensure that the level of safety achieved on the Rhine will be maintained,

stating that the recognition of qualifications can only constitute an evolutive process, given the work in hand on harmonising job descriptions, and that the terms of the present resolution will have to be stated and that the terms of this resolution will have to be set out in detail in the framework of the Administrative Arrangement to be concluded with those States already signatory to the multilateral Administrative Arrangement for the mutual recognition of service record books,

aware of the fact that this is a first step which will require assessment after a maximum period of two years from the recognition of the first professional training course for boatmen,

on a proposal from its Committee on Social Questions, Employment and Training,

adopts the practical provisions appended hereto for the recognition on the Rhine of professional training courses for boatmen dispensed in third-party States.

Annexe

**Practical provisions
For the recognition of professional training courses for boatmen
in States signatory to the multilateral Administrative Arrangement
for the mutual recognition of service record books**

Preamble

In order to promote the equivalence of inland navigation qualifications, the CCNR is prepared to declare valid on the Rhine those professional training courses for boatmen recognised as being equivalent according to the criteria and procedures set out below:

Apart from the objective equivalence of the service record books, the advisedness of recognition also constitutes a prerequisite to any decision on recognition. There is no entitlement to recognition.

Each decision on recognition includes a political appreciation which takes into account:

- the existence of appropriate reciprocity,
- the existence of the conditions necessary for cooperation ensuring the continuity of the equivalence, including in the case of a subsequent amendment to the requirements.

The procedure for recognising a training course for boatmen dispensed by certain training institutions is open to States signatory to the multilateral Administrative Arrangement for the mutual recognition of service record books.

1. The transparent procedure for recognising professional training courses for boatmen

- a) The contracting administration of the State in which the training body is established requests a hearing at the CCNR with a view to recognition of a professional training course for boatmen. The request must also include a declaration of acceptance of reciprocity in the recognition of Rhine professional training courses for boatmen. One CCNR member State acts as rapporteur and accompanies the applicant throughout the procedure.
- b) The third-party State from which the request comes and the CCNR member State acting as rapporteur prepare a hearing before the STF/G Working Group. The third-party State from which the request comes submits the actual syllabus of the training course and details of the national procedure for recognising the training course. This provides details of how training courses are indicated in the recognised service record book. The CCNR member State acting as rapporteur presents a comparison between the training course in question and a Rhine training course. The comparison concerns the desired result, i.e. the competences a boatman should have, based also on an audit carried out at the training establishment by an expert appointed jointly who may refer, for example, to Platina Deliverable 13.1 for the operational level. It is also a minimum condition that the trained boatman must have reached the minimum age of 17 years provided for in the RPN.
- c) Once the hearing is complete, the STF/G Working Group examines the request and gives its opinion on equivalence. The STF/G Working Group may request additional information. It may hold a hearing of representatives of the training body and of the authorities concerned and of other experts.
- d) The STF Committee discusses the opinion submitted by the STF/G Working Group and, if appropriate, submits it to the plenary assembly of the CCNR.

- e) The plenary assembly of the CCNR delivers its decision on the equivalence and advisedness of recognition.

2. Requirements in respect of the formal equivalence of professional training courses for boatmen

- a) When a request is made for a Rhine qualification to be listed, the boatman must present, in addition to the diploma, a certified true translation of the diploma into the language of the State where the request is being made.
- b) It must be possible to check the authenticity of the diploma. The corresponding applicable procedure shall be determined as part of the recognition procedure.

3. Mechanisms for information and supervision

- a) The training body whose training course for boatmen is to be recognised undertakes to provide the necessary information requested by a competent Rhine authority; the audit referred to in item 1 (b) is also part of this information.
- b) The CCNR member States and the States whose professional training courses for boatmen are recognised as being equivalent shall inform each other as soon as possible of any changes and developments concerning their professional training courses for boatmen.
- c) The CCNR invites those States whose professional training for boatmen has been recognised to take part in a joint meeting whenever this is deemed necessary.
- d) It will be necessary to conclude a multilateral Administrative Arrangement between the CCNR and the States concerned in order to validate the reciprocal nature of the recognition and to lay down the method for recognising professional training courses for boatmen.

4. Terms of recognition

The terms of recognition shall be specified in a multilateral Administrative Arrangement, which shall include the following considerations:

- a) By recognising a non-Rhine professional training course for boatmen, the CCNR shall undertake to recognise the validity on the Rhine of the boatman diplomas issued by the recognised training bodies.
- b) The third-party State whose training course for boatmen is recognised shall undertake to recognise the validity, on its national waterways, of professional training courses for boatmen in CCNR member States and all the professional training courses for boatmen of third-party States recognised by the CCNR.
- c) Without prejudice to the provisions of the first paragraph of Article 5 (3) of the multilateral Administrative Arrangement for the mutual recognition of service record books, the competent Rhine authorities alone shall be authorised to list in all service record books (Rhine or otherwise) the indications concerning the Rhine qualification acquired by the book's holder as a result of attending a recognised professional training course for boatmen. These listings are entered on the page in the service record book reserved for qualifications in accordance with Rhine regulations. These listings are the only ones recognised as valid on the Rhine.
- d) Without prejudice to the provisions of the second paragraph of Article 5 (3) of the multilateral Administrative Arrangement for the mutual recognition of service record books, only the competent national authorities of the third-party State are authorised to list the holder's qualification on the page reserved for qualifications in compliance with the national regulations covering the recognised service record book. These listings are made on the page of the

national service record book reserved for qualifications in compliance with national regulations. They may also be listed on the page of the Rhine service record book reserved for qualifications in compliance with the provisions in force elsewhere other than on the Rhine. These listings are not recognised as valid on the Rhine.

- e) The determination of competent authorities for listing the holder's qualification in all other cases shall be done according to the method specified in the Administrative Arrangement.
