

Recognition of professional qualifications in inland navigation

OVERVIEW

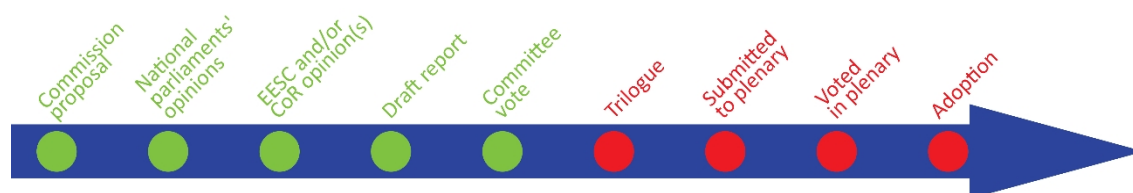
While inland navigation is a cost-effective and environmentally friendly mode of transport, it is not used to its full capacity. Apart from the need for significant infrastructure improvements, the sector is affected by limited labour mobility and shortage of qualified workers.

To enhance labour mobility, the European Commission proposes to establish a common system of qualifications for workers on EU inland waterways. While the EU legislation currently applies only to boatmasters, the proposal introduces harmonised rules for all deck crew members. Moreover, it extends the scope of legislation to the previously excluded River Rhine.

Ultimately, the proposal should facilitate entry to professions in inland navigation, improve career prospects and make jobs in the sector more attractive.

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

<i>Committee responsible:</i>	Transport and Tourism (TRAN)	COM(2016) 82
<i>Rapporteur:</i>	Gesine Meissner (ALDE, Germany)	18.2.2016
<i>Shadow rapporteurs:</i>	Renaud Muselier (EPP, France) Claudia Tapardel (S&D, Romania) Peter Van Dalen (ECR, The Netherlands) Merja Kyllönen (GUE/NGL, Finland) Keith Taylor (Greens/EFA, UK) Daniela Aiuto (EFDD, Italy) Marie-Christine Arnautu (ENF, France)	2016/0050(COD) Ordinary legislative procedure (COD) (Parliament and Council on equal footing (formerly 'co-decision'))
<i>Next steps expected:</i>	Trilogue negotiations	



Introduction

While the main goal of the EU common transport policy is the free movement of persons and goods across its territory, the EU also seeks to shift traffic from roads to more environmentally friendly transport modes, such as water transport.

Inland waterways run through 20 EU Member States and link 13 of them. The inland waterways network [extends](#) over 41 000 kilometres of rivers, lakes and canals, connecting EU maritime ports to the hinterland, carrying around 500 million tonnes of cargo every year. About 75% of the traffic is cross-border.

By shipping traditional freight, such as coal, iron ore, liquid cargo and cereals, but also more and more containers, inland waterway transport (IWT) currently carries about 6% of total goods transported in the EU and supports important markets. While the sector has seen a decline in modal share compared to road transport, it has a great unused potential, both on account of the possible economies of scale (an average inland vessel [replaces](#) about 250 lorries) and energy efficiency (more than twice as energy efficient as road transport).

Compared to other transport modes, shipping by inland waterway generates low emissions and noise. Next to low pollution, IWT offers spare capacity, no congestion, high traffic safety and potential cost savings.

Moreover, inland passenger navigation has been on the rise, mostly in tourist and leisure services¹, but increasingly also for regional mobility with ferry services for commuters. River tourism is also the part of the IWT sector asking for the most newly built and refurbished vessels, while the renewal rate for the rest of the IWT fleet remains [low](#).

To develop fully, the IWT sector needs infrastructure investment and innovation, but also elimination of the existing barriers to labour mobility. The resulting enhanced internal market for IWT would open the way to better energy efficiency in transport, a stronger EU industrial base and efficient functioning of the trans-European transport network (TEN-T).

Low labour mobility makes it difficult to fill recurrent vacancies and reduce skills mismatches. This increases the risk of employing people without the necessary competence. However, workers with insufficient technical or communication skills can worsen navigation safety. Despite the sector's good safety record, accidents happen, and when they do, the consequences can be far-reaching, in particular when dangerous goods are involved.

The proposed directive responds to calls from the sector and Member States to revise the outdated and fragmented experience-based legal framework and replace it with a modern competence-based one, mirroring the recognition of qualifications in other transport modes. It is seen as one of the means to make the sector more attractive.

Context

EU support to the inland waterway development

To support the inland waterway sector and fully use its potential, the European Commission adopted the NAIADES action programme (Navigation and Inland Waterway Action and Development in Europe) for the 2006-2013 period² and launched a platform (PLATINA) providing technical and organisational assistance.³

While the action programme had a mobilising effect on the sector, the economic and environmental conditions continued to worsen and the progress in improving infrastructure was limited. Adding to the general slowdown in the EU economy after 2008, a part of the sector (liquid bulk tankers) has suffered from vessel over-capacity.⁴

Evaluating the progress achieved between 2001 and 2012 in shifting traffic from roads to IWT and improving navigability, the European Court of Auditors (ECA) [found](#) that the policy objective was not reached. Modal share of IWT has not increased much, and while the projects examined eliminated isolated bottlenecks, their impact on IWT as a whole was low.⁵

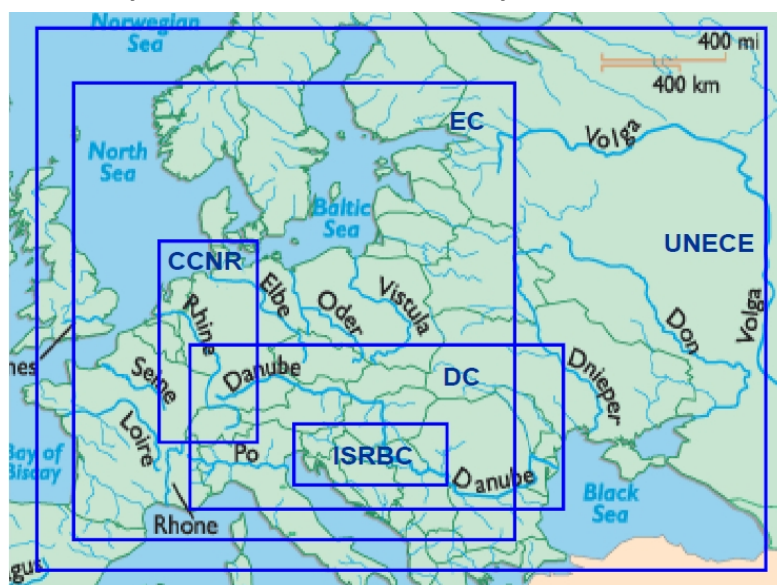
Building on the first period, the Commission put forward the NAIADDES II package for the 2014-2020 period, seeking to create conditions for a quality IWT.⁶ The package focused on infrastructure, innovation, market functioning, emissions reduction, jobs and workforce and also the integration of inland navigation into the multimodal logistics chain.

In parallel, the main inland waterways were integrated into the [TEN-T](#), where they support seven out of the nine core network corridors. This inclusion opened the way to infrastructure funding through the Connecting Europe Facility ([CEF](#)), designed to fill the missing transport links and remove existing bottlenecks.⁷ Indeed, about 10% of the 2014 CEF call budget was allocated to inland waterways and a number of projects [secured](#) financing for inland waterways and ports (€1.15 billion for projects in western Europe and €148 million in the Cohesion countries).⁸

Inland navigation regulatory bodies

In Europe, several bodies regulate IWT. The United Nations Economic Commission for Europe ([UNECE](#)) has the largest geographical scope. However, it also has the lowest level of harmonisation and its resolutions are not binding on its Member States. Next is the EU legislative framework for IWT. Fragmented and relatively weak, it is nevertheless binding on EU Member States. Although smaller in geographical terms, the Central Commission for the Navigation of the Rhine ([CCNR](#)) has the highest level of harmonisation and binding regulations.⁹ For their part, the rules adopted by the International Sava River Basin Commission ([ISBRC](#)) and the [Moselle Commission](#) are binding for navigation on their

Figure 1 – Main river systems in the EU, as covered by different bodies



Source: [International Labour Office](#), 2013.

respective rivers, while the recommendations issued by the Danube Commission ([DC](#)) are non-binding (see Figure 1).

Most relevant to EU inland navigation policy is the administrative cooperation between the CCNR and the Directorate-General for Mobility and Transport (MOVE) of the European Commission, which has been [strengthened](#) recently. Under the auspices of the CCNR, a European committee called [CESNI](#) was created in 2015 to develop common standards for the EU and the CCNR for inland navigation. It is composed of experts from EU Member States and Switzerland.

Inland navigation workforce

The inland navigation sector currently employs some 41 500 workers.¹⁰ Countries with the highest share are the Netherlands, Germany, France, Luxembourg, Italy, Belgium, Romania and Bulgaria, which together represent about 80% of the total labour force in European inland navigation.¹¹

The IWT market [consists](#) mostly of small enterprises and micro-enterprises employing fewer than 10 people. While about 90% of companies have only one vessel, companies owning more vessels are common in the specialised forms of transport (such as tankers, containers and passenger traffic). About [80%](#) of the fleet is run by self-employed owner-operators, who work and live on the vessel with their families. Crew members are either self-employed or mobile workers, often non-nationals, mostly coming from eastern Europe. In recent years, however, the number of companies with more than 10 employees has [increased](#), while the number of companies with one or two employees continues to decline (mainly due to low earnings, but also to problems with company succession).

The IWT workforce is ageing, self-employed workers in particular, and it is difficult to recruit new young entrants to the professions, which are seen as unattractive. As the demand for IWT transport is expected to increase, the sector could face a severe shortage of skilled workers in the future. Efficient labour mobility could help address the gap between the demand for mobile workers and the regionally available offer.

Existing situation

The proposal would repeal the existing Directives [91/672/EEC](#) and [96/50/EC](#), which established mutual recognition and set minimum requirements for obtaining boatmasters' certificates. These directives did not address requirements on training and experience for other IWT workers. Deck crew other than boatmasters fell under the horizontal Directive [2005/36/EC](#) on the recognition of professional qualifications, but this directive did not provide an effective solution for workers on frequent and regular cross-border routes.¹²

The directives created a system with two different inland navigation certificates, one for the Rhine and the other for the rest of Europe. While the EU recognised the validity of the 'Rhine patent' on all inland waterways, the national EU boatmasters' certificates were not automatically recognised for Rhine navigation. One of the reasons behind this situation is that the Rhine patent lays stricter requirements on age, physical and mental fitness, as well as training, experience and professional knowledge.

For its part, the CCNR has recognised boatmasters' certificates on the basis of bilateral agreements since 2008,¹³ thus partly improving access to employment on the Rhine. However, about 15% of certificates were not recognised. Moreover, due to differences in training courses and the experience required to obtain a specific function, some workers

were granted a lower function on the Rhine than they had in their country, meaning a lower salary. Also, competences acquired outside the IWT sector were taken into account only partially, making it harder for workers from the maritime sector to enter IWT professions.

In addition, to navigate on certain stretches of river in Europe, states may require a certificate attesting that the boatmaster knows the specific navigational risks (local knowledge requirements). Conditions to obtain these certificates vary: in some cases, a proven number of trips on the stretch (often 16) is enough, others require a given period of service (six months), but some also demand candidates sit an examination.

Both the prospect of being downgraded and the diversity of conditions to obtain certificates on local knowledge are powerful deterrents to mobility.

European Parliament's starting position

In its 26 October 2006 [resolution](#) on the promotion of inland waterway transport: NAIADES, an integrated European Action Programme for inland waterway transport, the Parliament called on the Commission to harmonise manning requirements and boatmasters' certificates, promote mutual recognition of qualifications and, with the river commissions, jointly develop modern training programmes.

In its 9 September 2015 [resolution](#) on the Implementation of the 2011 White Paper on transport, the Parliament called specifically for a legislative proposal on professional qualifications and measures to attract more young people, and supported the convergence of the Rhine and the Danube regulatory systems (where appropriate).

Preparation of the proposal

After the [NAIADES II Communication](#), announcing the Commission's plans to harmonise the relevant regulatory framework, the Commission set up a Common Expert Group (CEG) on professional qualifications and training standards in inland navigation in 2012. Its meetings also involved the Sectoral Social Dialogue Committee for Inland Waterways at European level. In 2012, social partners (European Barge Union, European Skippers' Organisation and the European Transport Workers Federation) set up a list of competences and proficiency required for management level (boatmasters) and operational level (boatman). They asked for a modern and flexible regulatory tool for training and certification, regarding this as a starting point; to be followed by the introduction of electronic service record books (crew records), logbooks (ship records) and tachographs.

Between March and June 2013, the Commission held an online [public consultation](#), focusing on the issues of restricted labour mobility and safety.

In parallel, it contracted Panteia, a research and consultancy company, which carried out three successive studies [evaluating](#) the framework established by Directives 91/672/EEC and 96/50/EC, [defining](#) existing problems and [examining](#) different policy options available (for further detail, see EPRS [implementation appraisal](#)).

The Commission followed with its own [impact assessment](#) (for further detail, see EPRS [initial appraisal](#) of the Commission's impact assessment).

The changes the proposal would bring

The proposal sets conditions and procedures for the certification of the qualifications of all deck crew, as well as recognition of these qualifications in other Member States.

All crew members, persons in charge of emergency situations and involved in the bunkering of liquefied natural gas (LNG) must hold an EU certificate of qualification. In addition, boatmasters need to hold a specific authorisation for sailing in situations with a particular safety hazard (sailing large convoys, LNG-fuelled vessels, sailing in reduced visibility, on sections with a maritime character or presenting specific risks). To obtain such authorisation, they must prove additional competences.

Based on harmonised criteria, Member States should identify waterways with a maritime character or specific risks for navigation, define the additional competence required and the means to prove that this requirement is met. Member States can issue certificates only to persons who have the minimum levels of competence, age, medical fitness and navigation time required. However, these certificates will not be compulsory for national waterways which are not connected to the network of another Member State.

Advisory committees

The European Economic and Social Committee adopted its [opinion](#) on 13 July 2016 (rapporteur Jan Simons, the Netherlands). The Committee agreed that professional qualifications based on required competences and recognised across the EU will help the IWT sector. Furthermore, it called for the preservation of existing safety standards, close cooperation with the river commissions (in particular the CCNR) and objective criteria for identifying the stretches of water with specific risks.

The Committee of the Regions does not intend to issue an opinion.

National parliaments

A number of national parliaments [considered](#) the proposal but none raised concerns over subsidiarity.

Stakeholders' views

Stakeholders welcomed the proposal as a means to address the worsening situation in the IWT sector and make the profession more attractive. Social partners strongly support an EU legal framework providing automatic multilateral recognition of professional qualifications. For its part, the European Transport Workers' Federation [affirmed](#) it would closely monitor the legislative process 'to avoid [that] the proposal gets watered down'.

Legislative process

On 7 June 2016, the Transport Council [adopted](#) a [general approach](#). It mainly reflects Member States' concerns regarding proportionality and preventing administrative burden to countries with little or no inland navigation activity. When such states meet objective criteria, they will not be required to transpose the directive or parts of it. Other changes introduced concern concrete minimum requirements, longer validity of boatmasters' certificates and evaluation. The new Annex IV can give significant standard-setting competences to the CESNI (where the European Commission may participate, but without voting rights, and the European Parliament is not represented). The Council gave a mandate to the Slovak EU Presidency to enter into negotiations with the Parliament.

In the Parliament, the Committee on Legal Affairs (JURI) in its [opinion](#) of 12 July 2016 (Joëlle Bergeron, EFDD, France) suggested amendments to safeguard specific exemptions for Member States, clarify some definitions and extend the transitional period.

The rapporteur Gesine Meissner (ALDE, Germany) presented her [draft report](#) to the Committee on Transport and Tourism (TRAN) on 26 September 2016, proposing changes

to the scope of application of the directive, assessment of competence for navigating on stretches with specific risks, recognition of certificates delivered by third countries, examination of competences and easing entrance conditions for seafarers and fishermen. She also asked for additional competences for boatmasters regarding traffic regulations, carriage of dangerous goods and a command of basic English.

The EP Committee on Employment and Social Affairs, as an associated committee, in its [opinion](#) of 13 October 2016 prepared by Lynn Boylan (GUE/NGL, Ireland) proposed several precisions concerning work experience, training and examination standards.

On 10 November 2016, the TRAN Committee adopted its [report](#) by a large majority and gave a mandate to the rapporteur to start interinstitutional negotiations.

EP supporting analysis

- EPRS Implementation Appraisal [Recognition and modernisation of professional qualifications in inland navigation](#), Gonzalez Jimenez D. R. and Remáč M., January 2016.
- EPRS Initial Appraisal of the Commission Impact Assessment, [Recognition of Professional Qualifications in Inland Navigation](#), Dossi S., June 2016.
- EPRS briefing [Inland waterways in the EU](#), Debyser A., 2014.
- Policy Department B, Directorate-General for Internal Policies, study [The shortage of Qualified Personnel in Maritime and Inland Waterway transport](#), Danklefsen N., 2009.

Other sources

- [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](#), European Parliament, Legislative Observatory (OEIL).
- Commission impact assessment accompanying 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 91/672/EEC and Council Directive 96/50/EC, [SWD/2016/035](#).
- [Inland Waterway Transport in Europe](#): No significant improvements in modal share and navigability conditions since 2001, special report No 1/2015, European Court of Auditors, March 2015.
- [Recognition and Modernisation of Professional Qualifications in Inland Navigation](#), technical support for an impact assessment, final report, Panteia, November 2014 ([addenda](#) March 2015).
- [Contribution to the problem definition](#) in the context of the preparation of the Impact Assessment regarding the recognition of professional qualifications and training standards in inland navigation, final report, Panteia, April 2014.
- [Evaluation](#) of the relevant directives related to the initiative on recognition and modernisation of professional qualifications in inland navigation (Directives 91/672/EEC and 95/50/EEC), Panteia, European Union, March 2014.
- [Living and Working conditions in Inland Navigation in Europe](#), working paper, De Leeuw van Weenen R., Ferencz J., Chin S., van der Geest W., International Labour Office, Geneva, 2013.

Endnotes

- ¹ Since 2003, the number of passengers in the European cruising sector has grown by [30%](#). The trend has accelerated recently (1.13 million cruise passengers on European waterways in 2014, 1.33 million in 2015, or a [17% increase](#)). In 2016, about [340](#) cruise ships are operating on European rivers.
- ² 'NAIADES' – an integrated European action programme for inland waterway transport, [COM/2006/6](#) and Annex [SEC/2006/0034](#).
- ³ [PLATINA](#) project, followed by [PLATINA 2](#), functions as a consortium of 12 organisations from seven countries.

- ⁴ [Directive 2008/68/EC](#) introduced the requirement of double hulls for the inland transport of dangerous goods. Consequently, additional double hull vessels entered the sector, without the old single hull vessels being removed. This situation should end in 2018, when single hull vessels will be phased out.
- ⁵ The ECA audited 12 EU-funded projects in Belgium, the Czech Republic, Germany and Hungary, financed from the trans-European transport network (TEN-T) budget and Structural Funds in the 2007-2013 period.
- ⁶ The [NAIADES II](#) package consisted of: the Communication 'Towards quality inland waterway transport' [COM/2013/0623](#), a staff working document 'Greening the fleet: reducing pollutant emissions in inland waterway transport' [SWD/2013/0324](#), a proposal for a Directive on technical requirements for inland waterway vessels [COM/2013/0622](#) and a proposal for a Regulation on a Community-fleet capacity policy to promote inland waterway transport, adopted as [Regulation 2014/546](#). Due to the unresolved regulatory issues, however, the proposed directive on technical requirements was blocked. Only recently, the Dutch Presidency of the Council of the EU reached an [agreement](#) with the European Parliament, the Council published its [position](#) on 16 June 2016 and the Parliament adopted the directive at [second reading](#) on 14 September 2016.
- ⁷ [UNECE](#) distinguishes two types of bottlenecks in inland waterways: 'basic bottlenecks' are the sections of waterways which are not in conformity with the requirements for inland waterways of international importance (class IV in the [new classification](#) of the European inland waterways), while 'strategic bottlenecks' satisfy class IV requirements, but should be further modernised to increase the capacity of traffic. 'Missing links' are parts of the international inland waterway network which do not yet exist.
- ⁸ [Member States](#) with the GNI per inhabitant lower than 90% of the EU average. The CEF will [co-finance](#) projects such as the Seine-Scheldt system (€980 million, divided between France and Belgium), fairway and improved navigability works on the Danube (€35 million) and a Danube cross-border bridge in Hungary (€100 million). Further funding is planned to raise the bridges on the Albert canal, the Maasroute, canals in Germany, and the Po system in Italy. On the other hand, lock projects will receive less funding. Among other reasons, the Commission [considers](#) that locks can generate revenue, which makes them suitable for funding through financial instruments. Other projects will co-finance River Information Services, an information platform, and the deployment of LNG.
- ⁹ [CCNR](#) has the longest tradition, dating back to 1815. It has five Member States (Belgium, France, Germany, the Netherlands and Switzerland), several Observer States (Austria, Bulgaria, the Czech Republic, Luxembourg, Hungary, Poland, Romania, Serbia, Slovakia, Ukraine and the United Kingdom) and its activities also involve a number of approved organisations.
- ¹⁰ European Commission numbers. This comprises 14 650 boatmasters and 26 850 operational workers. In comparison, the [Observatory of European Inland Navigation](#) counts around 44 000 people employed as crew members. The difference may come from the fact that the Commission sources do not include the 'hidden reserve' of workers who have the necessary sailing licenses, but are not active on a regular basis (often relatives of vessel owners and workers older than 65).
- ¹¹ A special case is Luxembourg, where the IWT workforce has significantly [increased](#) after many navigation companies shifted their offices and registered labour force there to benefit from lower labour and social security costs.
- ¹² IWT professions below the level of boatmaster do not fall under the system of automatic recognition of Directive 2005/36/EC. The request for recognition of qualifications therefore needs to be submitted in each Member State separately. Consequently, recourse to such recognition processes has been very limited.
- ¹³ CCNR recognises national certificates issued by seven non-CCNR countries (Austria, Bulgaria, Czech Republic, Hungary, Poland, Romania and Slovakia) and three CCNR member states (Belgium, Germany and the Netherlands). France has not established automatic recognition due to a different system of counting professional experience.

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