Directive (EU) 2016/1629 of the European Parliament and of the Council of 14 September 2016 laying down technical requirements for inland waterway vessels, amending Directive 2009/100/EC and repealing Directive 2006/87/EC

CHAPTER 2

NAVIGATION CERTIFICATES

Article 5

Compliance with technical and safety requirements

1 Member States shall ensure that craft referred to in Article 2(1) operating on the Union inland waterways referred to in Article 4 are constructed and maintained in accordance with the requirements set out in this Directive.

2 Compliance of a craft with paragraph 1 shall be attested by a certificate issued in accordance with this Directive.

Article 6

Union inland navigation certificates

1 Union inland navigation certificates shall be issued by the competent authorities of the Member States in accordance with this Directive. Member States shall, upon issuance of a Union inland navigation certificate, verify that the craft in question has not already been issued a valid certificate referred to in Article 7.

2 The Union inland navigation certificate shall be drawn up in accordance with the model provided for in Annex II.

3 Each Member State shall draw up a list indicating the competent authorities for issuing the Union inland navigation certificates and shall notify the Commission thereof, including any changes to the list. The Commission shall maintain an up-to-date list of competent authorities on an appropriate website.

4 The Union inland navigation certificate shall be issued to craft following a technical inspection, carried out before the craft is put into service and intended to check whether the craft complies with the technical requirements referred to in Annexes II and V.

5 Compliance of a craft with the additional requirements referred to in Article 23(1) and (2) shall, where appropriate, be checked during the technical inspections provided for in paragraph 4 of this Article and in Article 29, or during a technical inspection carried out at the request of the owner of the craft or its representative.

6 The procedures for making a request for an inspection and for establishing the place and time of that inspection shall fall within the powers of the competent authorities issuing the Union inland navigation certificate. The competent authority shall determine which documents are to be submitted. The procedure shall take place in such a way as to ensure that the inspection may be conducted within a reasonable period following the lodging of the request.

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7 The competent authorities of Member States shall, at the request of the owner of the craft or its representative, issue a Union inland navigation certificate to a craft that is not subject to this Directive, if that craft fulfils the requirements set out in this Directive.

Article 7

Obligation to carry a certificate

Craft operating on the Union inland waterways referred to in Article 4 shall carry the following original documents:

(a) when operating on a Zone R waterway either:
- — a certificate issued pursuant to Article 22 of the Revised Convention for Rhine Navigation, or
- — a Union inland navigation certificate attesting to the full compliance of the craft, where applicable pursuant to the transitional provisions under Annex II to this Directive for craft navigating on the Rhine (Zone R), with technical requirements referred to in Annexes II and V to this Directive, for which equivalency with the technical requirements laid down in application of the Revised Convention for Rhine Navigation has been established in accordance with the applicable rules and procedures;

(b) when operating on other waterways, a Union inland navigation certificate or a certificate issued pursuant to Article 22 of the Revised Convention for Rhine Navigation, including, where applicable, any supplementary Union inland navigation certificates in accordance with Article 8 of this Directive.

Article 8

Supplementary Union inland navigation certificates

1 Craft carrying a valid Union inland navigation certificate or a certificate issued pursuant to Article 22 of the Revised Convention for Rhine Navigation shall be provided with a supplementary Union inland navigation certificate in accordance with Article 23 of this Directive.

2 The supplementary Union inland navigation certificate shall be drawn up in accordance with the model provided for in Annex II and shall be issued by the competent authorities under the conditions laid down for the waterways concerned.

Article 9

Provisional Union inland navigation certificates

1 The competent authorities of Member States may issue a provisional Union inland navigation certificate:

a to craft that intend to travel to a certain place with the permission of the competent authority in order to obtain a Union inland navigation certificate;

b to craft whose Union inland navigation certificate has been lost, damaged or temporarily withdrawn as referred to in Articles 13 and 15 or in Annexes II and V;

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c to craft whose Union inland navigation certificate is being prepared following a successful inspection;

d to craft which have not met all of the conditions required for obtaining a Union inland navigation certificate in accordance with Annexes II and V;

e to craft that are so damaged that they no longer comply with their Union inland navigation certificate;

f to floating establishments or floating objects in cases where the authorities responsible for special transport operations have made the authorisation to carry out a special transport operation subject to obtaining such a provisional Union inland navigation certificate, as provided for by the applicable navigational authority regulations of the Member States;

g to craft benefitting from a derogation from Annexes II and V, in accordance with Articles 25 and 26 of this Directive, pending the adoption of the relevant implementing acts.

2 The provisional Union inland navigation certificate shall be issued only where the navigability of the craft, floating establishment or floating object appears to have been adequately ensured. It shall be drawn up using the model provided for in Annex II.

3 The provisional Union inland navigation certificate shall include the conditions considered necessary by the competent authority and shall be valid:

a in the cases referred to in points (a), (d), (e) and (f) of paragraph 1, for a single specific trip to be made within a suitable period, which shall not exceed one month;

b in the cases referred to in points (b) and (c) of paragraph 1, for an appropriate duration;

c in the cases referred to in point (g) of paragraph 1, for six months; the provisional Union inland navigation certificate may be extended for six months at a time until the respective implementing act has been adopted.

Article 10

Validity of Union inland navigation certificates

1 The period of validity of Union inland navigation certificates issued to newly built craft shall be determined by the competent authority and shall not exceed:

a five years in the case of passenger and high-speed vessels;

b 10 years in the case of all other craft.

The period of validity shall be stated on the Union inland navigation certificate.

2 In the case of craft already in operation before the technical inspection takes place, the competent authority shall set the period of validity of the Union inland navigation certificate on a case-by-case basis, in the light of the results of the inspection. However, the period of validity shall not exceed the periods set out in paragraph 1.

Article 11

Exceptional extension of validity of Union inland navigation certificates

The validity of a Union inland navigation certificate may be exceptionally extended without a technical inspection for not more than six months in accordance with Annexes II and V, by the competent authority which issued or renewed it. The extension shall be indicated on that certificate.

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Article 12

Renewal of Union inland navigation certificates

1 The Union inland navigation certificate shall be renewed on expiry of its period of validity in accordance with the conditions laid down in Article 6, following a technical inspection o check whether the craft complies with the technical requirements referred to in Annexes II and V. Union inland navigation certificates may be renewed by any competent authority that has been notified to the Commission pursuant to Article 6(3).

2 Where Union inland navigation certificates are renewed, the transitional provisions provided for in Annex II shall apply to the craft under the conditions specified in that Annex.

Article 13

Replacement of Union inland navigation certificates

Each Member State shall lay down the conditions under which a valid Union inland navigation certificate which has been lost or damaged may be replaced. Those conditions shall require craft applying for replacement, in the case of loss, to provide a declaration of the loss of the certificate, or in the case of damage, to return the damaged certificate. The replacement certificate shall state that it is a duplicate.

Article 14

Major alterations or major repairs of craft

In the event of major alterations or major repairs which affect the craft's compliance with the technical requirements referred to in Annexes II and V concerning its structural soundness, navigation, manoeuvrability or special features, that craft shall undergo, prior to any further voyage, the technical inspection provided for in Article 6.

Following that inspection, the existing Union inland navigation certificate shall be amended to reflect the altered technical characteristics of the craft or that certificate shall be withdrawn and a new one issued. If the new certificate is issued in a Member State other than that which issued or renewed the initial certificate, the competent authority which issued or renewed the certificate shall be informed accordingly within 30 days from the date of issuance of the new certificate.

Article 15

Refusal to issue or renew, and withdrawal of, Union inland navigation certificates

1 Any decision not to issue or renew a Union inland navigation certificate shall state the grounds on which it is based. The owner of the craft or its representative shall be notified thereof and shall be informed about the appeal procedure and the time limits applicable in the Member State concerned.

2 Any valid Union inland navigation certificate may be withdrawn by the competent authority which issued or renewed it if the craft ceases to comply with the technical requirements set out in its certificate.

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Article 16

Recognition of navigation certificates of craft from third countries

Pending the entry into force of agreements on the mutual recognition of navigation certificates between the Union and third countries, the competent authorities of a Member State may recognise the navigation certificates of craft from third countries for navigation within the territory of that Member State.

Article 17

Registers of certificates

Member States shall ensure that their competent authorities keep a register of all certificates they have issued or renewed pursuant to Articles 6, 8, 9 and 12. That register shall include the information contained in the model certificate provided for in Annex II.