

Directive (EU) 2017/2397 of the European Parliament and of the Council of 12 December 2017 on the recognition of professional qualifications in inland navigation and repealing Council Directives 91/672/EEC and 96/50/EC (Text with EEA relevance)

CHAPTER 2

**UNION CERTIFICATES OF QUALIFICATION**

*Article 4*

**Obligation to carry a Union certificate of qualification as a deck crew member**

- 1 Member States shall ensure that deck crew members who navigate on Union inland waterways carry either a Union certificate of qualification as a deck crew member issued in accordance with Article 11 or a certificate recognised in accordance with Article 10(2) or (3).
- 2 For deck crew members other than boatmasters, the Union certificate of qualification and the service record book as referred to in Article 22 shall be presented in a single document.
- 3 By way of derogation from paragraph 1 of this Article, certificates held by persons involved in the operation of a craft, other than boatmasters, issued or recognised in accordance with Directive 2008/106/EC, and therefore in accordance with the STCW Convention, shall be valid on sea-going ships operating on inland waterways.

*Article 5*

**Obligation to carry a Union certificate of qualification for specific operations**

- 1 Member States shall ensure that passenger navigation experts and liquefied natural gas experts carry either a Union certificate of qualification issued in accordance with Article 11 or a certificate recognised in accordance with Article 10(2) or (3).
- 2 By way of derogation from paragraph 1 of this Article, certificates held by persons involved in the operation of a craft, issued or recognised in accordance with Directive 2008/106/EC, and therefore in accordance with the STCW Convention, shall be valid on sea-going ships operating on inland waterways.

*Article 6*

**Obligation for boatmasters to hold specific authorisations**

Member States shall ensure that boatmasters hold specific authorisations issued in accordance with Article 12 when:

- (a) sailing on waterways that have been classified as inland waterways with a maritime character pursuant to Article 8;
- (b) sailing on waterways that have been identified as stretches of inland waterways with specific risks pursuant to Article 9;

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- (c) sailing with the aid of radar;
- (d) sailing craft using liquefied natural gas as fuel;
- (e) sailing large convoys.

#### *Article 7*

### **Exemptions related to national inland waterways that are not linked to the navigable network of another Member State**

1 A Member State may exempt persons referred to in Article 4(1), Article 5(1) and Article 6 who operate exclusively on national inland waterways that are not linked to the navigable network of another Member State, including those that have been classified as inland waterways with a maritime character, from the obligations set out in Article 4(1) and (2), Article 5(1), Article 6, the first subparagraph of Article 22(1), and Article 22(3) and (6).

2 A Member State that grants exemptions in accordance with paragraph 1 may issue certificates of qualification to persons referred to in paragraph 1 under conditions that differ from the general conditions set out in this Directive, provided that such certificates ensure an adequate level of safety. The recognition of those certificates in other Member States shall be governed by Directive 2005/36/EC or Directive 2005/45/EC of the European Parliament and of the Council<sup>(1)</sup>, as applicable.

3 Member States shall inform the Commission of the exemptions granted in accordance with paragraph 1. The Commission shall make information on those granted exemptions publicly available.

#### *Article 8*

### **Classification of inland waterways with a maritime character**

1 Member States shall classify a stretch of inland waterway in their territory as an inland waterway with a maritime character where one of the following criteria is met:

- a the Convention on the International Regulations for Preventing Collisions at Sea is applicable;
- b the buoys and signs are in accordance with the maritime system;
- c terrestrial navigation is necessary on that inland waterway; or
- d maritime equipment which requires special knowledge for its operation is necessary for navigation on that inland waterway.

2 Member States shall notify the Commission of the classification of any specific stretch of inland waterways on their territory as an inland waterway with a maritime character. The notification to the Commission shall be accompanied by a justification based on the criteria referred to in paragraph 1. The Commission shall make the list of notified inland waterways with a maritime character publicly available without undue delay.

## Article 9

### Stretches of inland waterways with specific risks

1 Where necessary to ensure safety of navigation, Member States may identify stretches of inland waterways with specific risks which run through their own territories, in accordance with the procedure set out in paragraphs 2 to 4, where such risks are due to one or more of the following reasons:

- a frequently changing stream patterns and speed;
- b the hydro-morphological characteristics of the inland waterway and the absence of appropriate Fairway Information Services on the inland waterway or of suitable charts;
- c the presence of a specific local traffic regulation justified by specific hydro-morphological characteristics of the inland waterway; or
- d a high frequency of accidents at a specific stretch of the inland waterway that is attributed to the lack of a competence that is not covered by the standards referred to in Article 17.

Where Member States consider it to be necessary to ensure safety, they shall consult the relevant European River Commission during the process of identifying the stretches referred to in the first subparagraph.

2 Member States shall notify the Commission of the measures they intend to adopt pursuant to paragraph 1 of this Article and to Article 20, together with the reasoning on which the measure is based, at least six months before the envisaged date of adoption of those measures.

3 Where stretches of inland waterways referred to in paragraph 1 are situated along the border between two or more Member States, the Member States concerned shall consult one another and notify the Commission jointly.

4 Where a Member State intends to adopt a measure that is not justified in accordance with paragraphs 1 and 2 of this Article, the Commission may, within a period of six months from the notification, adopt implementing acts setting out its decision opposing the adoption of the measure. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 33(3).

5 The Commission shall make the measures adopted by the Member States publicly available, together with the reasoning referred to in paragraph 2.

## Article 10

### Recognition

1 Any Union certificate of qualification referred to in Articles 4 and 5, as well as any service record books or logbooks referred to in Article 22 that have been issued by the competent authorities in accordance with this Directive, shall be valid on all Union inland waterways.

2 Any certificate of qualification, service record book or logbook issued in accordance with the Regulations for Rhine Navigation Personnel, which lay down requirements that are identical to those of this Directive, shall be valid on all Union inland waterways.

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Such certificates, service record books and logbooks that have been issued by a third country shall be valid on all Union inland waterways, provided that that third country recognises, within its jurisdiction, Union documents issued pursuant to this Directive.

3 Without prejudice to paragraph 2, any certificate of qualification, service record book or logbook that has been issued in accordance with the national rules of a third country laying down requirements that are identical to those of this Directive shall be valid on all Union inland waterways, subject to the procedure and the conditions set out in paragraphs 4 and 5.

4 Any third country may submit to the Commission a request for recognition of certificates, service record books or logbooks that have been issued by its authorities. The request shall be accompanied by all information necessary to determine whether the issuing of such documents is subject to requirements that are identical to those laid down in this Directive.

5 Upon receiving a request for recognition pursuant to paragraph 4, the Commission shall carry out an assessment of the certification systems in the requesting third country in order to determine whether the issuing of the certificates, service record books or logbooks specified in its request is subject to requirements that are identical to those laid down in this Directive.

If those requirements are found to be identical, the Commission shall adopt implementing acts granting recognition in the Union to the certificates, record books or logbooks issued by that third country, subject to that third country recognising within its jurisdiction Union documents issued pursuant to this Directive.

When adopting the implementing act referred to in the second subparagraph of this paragraph, the Commission shall specify to which documents, referred to in paragraph 4 of this Article, the recognition applies. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 33(3).

6 When a Member State considers that a third country no longer complies with the requirements of this Article, it shall notify the Commission immediately, giving substantiated reasons for its contention.

7 Every eight years, the Commission shall assess the compliance of the certification system in the third country referred to in the second subparagraph of paragraph 5 with the requirements laid down in this Directive. If the Commission determines that the requirements laid down in this Directive are no longer met, paragraph 8 shall apply.

8 If the Commission determines that the issuing of documents referred to in paragraphs 2 or 3 of this Article is no longer subject to identical requirements to those laid down in this Directive, it shall adopt implementing acts suspending the validity on all Union inland waterways of the certificates of qualification, service record books and logbooks issued in accordance with these requirements. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 33(3).

The Commission may at any time rescind the suspension, if the identified shortcomings as regards the standards applied have been resolved.

9 The Commission shall make the list of third countries referred to in paragraphs 2 and 3 publicly available, together with the documents which are recognised as valid on all Union inland waterways.

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- (1) Directive 2005/45/EC of the European Parliament and of the Council of 7 September 2005 on the mutual recognition of seafarers' certificates issued by the Member States and amending Directive 2001/25/EC ([OJ L 255, 30.9.2005, p. 160](#)).