

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 4

ADMINISTRATIVE PROVISIONS

Article 24

Protection of personal data

1 Member States shall carry out all processing of personal data provided for in this Directive in accordance with Union law on the protection of personal data, in particular Regulation (EU) 2016/679.

2 The Commission shall carry out all processing of personal data provided for in this Directive in accordance with Regulation (EC) No 45/2001.

3 Member States shall ensure that personal data are processed only for the purposes of:

- a implementing, enforcing and evaluating this Directive;
- b exchanging information between the authorities that have access to the database referred to in Article 25 and the Commission;
- c producing statistics.

Anonymised information derived from such data may be used to support policies that promote inland waterway transport.

4 Member States shall ensure that the persons referred to in Articles 4 and 5 whose personal data, and in particular health data, are processed in the registers referred to in Article 25(1), and in the database referred to in Article 25(2), are informed *ex ante*. Member States shall grant such persons access to their personal data, and shall provide such persons with a copy of that data on request at any time.

Article 25

Registers

1 To contribute to efficient administration with respect to issuing, renewing, suspending and withdrawing certificates of qualification, Member States shall keep registers of the Union certificates of qualification, service record books and logbooks issued under their authority in accordance with this Directive and, where relevant, of documents recognised pursuant to Article 10(2) which have been issued, renewed, suspended or withdrawn, which have been reported lost, stolen or destroyed, or which have expired.

For Union certificates of qualification, registers shall include the data appearing on the Union certificates of qualification and the issuing authority.

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For service record books, registers shall include the name of the holder and his identification number, the service record book identification number, the date of issuance and the issuing authority.

For logbooks, registers shall include the name of the craft, the European Number of Identification or European Vessel Identification Number (ENI number), the logbook identification number, the date of issuance and the issuing authority.

The Commission is empowered to adopt delegated acts in accordance with Article 31 in order to supplement the information in the registers for service record books and logbooks with other information required by the models of service record books and logbooks adopted pursuant to Article 22(4), with the objective of further facilitating the exchange of information between Member States.

2 For the purpose of implementing, enforcing and evaluating this Directive, for maintaining safety, for ease of navigation, as well as for statistical purposes, and in order to facilitate the exchange of information between the authorities that implement this Directive, Member States shall reliably record without delay data related to the certificates of qualification, service record books and logbooks referred to in paragraph 1 in a database kept by the Commission.

The Commission is empowered to adopt delegated acts in accordance with Article 31 to provide the standards laying down the characteristics of such a database and the conditions for its use, specifying in particular:

- a the instructions for encoding data into the database;
- b the access rights of the users, differentiated where appropriate according to the type of users, the type of access and the purpose for which the data is used;
- c the maximum duration that data is retained in accordance with paragraph 3 of this Article, differentiated where appropriate according to the type of document;
- d the instructions regarding the operation of the database and its interaction with the registers referred to in paragraph 1 of this Article.

3 Any personal data included in the registers referred to in paragraph 1 or in the database referred to in paragraph 2 shall be stored for no longer than is necessary for the purposes for which the data were collected or for which they are further processed pursuant to this Directive. Once such data are no longer needed for those purposes, they shall be destroyed.

4 The Commission may provide access to the database to an authority of a third country or to an international organisation in so far as this is necessary for the purposes referred to in paragraph 2 of this Article, provided that:

- a the requirements of Article 9 of Regulation (EC) No 45/2001 are fulfilled; and
- b the third country or the international organisation does not limit access by Member States or by the Commission to its corresponding database.

The Commission shall ensure that the third country or international organisation does not transfer the data to another third country or international organisation without the Commission's express written authorisation and under the conditions specified by the Commission.

Article 26

Competent authorities

1 Member States shall designate, where applicable, which competent authorities are to:

- a organise and supervise the examinations referred to in Article 18;
- b approve the training programmes referred to in Article 19;
- c approve simulators referred to in Article 21;
- d issue, renew, suspend or withdraw the certificates and issue the specific authorisations referred to in Articles 4, 5, 6, 11, 12, 13, 14 and 38 as well as the service record books and the logbooks referred to in Article 22;
- e validate the navigation time in service record books referred to in Article 22;
- f determine the medical practitioners who may issue medical certificates pursuant to Article 23;
- g keep the registers referred to in Article 25;
- h detect and combat fraud and other unlawful practices referred to in Article 29.

2 Member States shall notify the Commission of all competent authorities within their territory that they have designated in accordance with paragraph 1. The Commission shall make this information publicly available.

Article 27

Monitoring

1 Member States shall ensure that all activities by governmental and non-governmental bodies under their authority related to training, to assessments of competence, and to the issuing and updating of Union certificates of qualification, service record books and logbooks, are continuously monitored through a quality standards system to ensure the achievement of the objectives of this Directive.

2 Member States shall ensure that the training objectives and related standards of competence to be achieved are clearly defined and identify the levels of knowledge and skills to be assessed and examined in accordance with this Directive.

3 Member States shall ensure, having regard to the policies, systems, controls and internal quality-assurance reviews established to ensure achievement of the defined objectives, that the fields of application of the quality standards cover:

- a the issuance, renewal, suspension and withdrawal of Union certificates of qualification, service record books and logbooks;
- b all training courses and programmes;
- c examinations and assessments carried out by or under the authority of each Member State; and
- d the qualifications and experience required of trainers and examiners.

Article 28

Evaluation

1 Member States shall ensure that independent bodies evaluate activities relating to competence acquisition and assessment and to the administration of Union certificates of qualification, services record books and logbooks, by 17 January 2037 and at least every 10 years thereafter.

2 Member States shall ensure that the results of the evaluations by those independent bodies are duly documented and brought to the attention of the competent authorities concerned.

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If necessary, Member States shall take appropriate measures to remedy any shortcomings identified by the independent evaluation.

Article 29

Prevention of fraud and other unlawful practices

1 Member States shall take appropriate measures to prevent fraud and other unlawful practices involving Union certificates of qualification, service record books, logbooks, medical certificates and registers provided for in this Directive.

2 Member States shall exchange relevant information with the competent authorities of other Member States concerning the certification of persons involved in the operation of craft, including information on the suspension and withdrawal of certificates. In doing so, they shall comply fully with the principles of personal data protection laid down in Regulation (EU) 2016/679.

Article 30

Penalties

Member States shall lay down the rules on penalties applicable to infringements of national provisions adopted pursuant to this Directive and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive.