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► B**COUNCIL DIRECTIVE**

of 16 December 1991

on the reciprocal recognition of national boatmasters' certificates for the carriage of goods and passengers by inland waterway

(91/672/EEC)

(OJ L 373, 31.12.1991, p. 29)

Amended by:

	Official Journal		
	No	page	date
► <u>M1</u> Regulation (EC) No 1882/2003 of the European Parliament and of the Council of 29 September 2003	L 284	1	31.10.2003

Amended by:

► <u>A1</u> Act of Accession of Austria, Sweden and Finland (adapted by Council Decision 95/1/EC, Euratom, ECSC)	C 241 L 1	21 1	29.8.1994 1.1.1995
► <u>A2</u> Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded	L 236	33	23.9.2003



COUNCIL DIRECTIVE
of 16 December 1991

**on the reciprocal recognition of national boatmasters' certificates
for the carriage of goods and passengers by inland waterway**

(91/672/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular Article 75 thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

Having regard to the opinion of the Economic and Social Committee ⁽³⁾,

Whereas it is appropriate to work for the establishment of common provisions concerning the sailing of inland waterways vessels on inland waterways in the Community;

Whereas, it is appropriate, as a first step, with a view to promoting free navigation on inland waterways in the Community, to achieve the reciprocal recognition of national boatmasters' certificates for the carriage of goods and passengers by inland waterway;

Whereas additional requirements relating to knowledge of local situations may have to be satisfied for the purposes of navigation on certain inland waterways,

HAS ADOPTED THIS DIRECTIVE:

Article 1

For the purpose of this Directive, the national boatmasters' certificates for the carriage of goods and passengers by inland waterway, as referred to in Annex I, shall be subdivided as follows:

- Group A: boatmasters' certificates valid for waterways of a maritime character as indicated in Annex II,
- Group B: boatmasters' certificates valid for the other waterways in the Community, with the exception of the Rhine, the Lek and the Waal.

Article 2

Subject to the provisions of Article 3 (5), the Rhine navigation licence for boatmasters issued in accordance with the revised Convention for the Navigation of the Rhine shall be valid for all waterways in the Community.

Article 3

1. Boatmasters' certificates which are still in force and are listed in Group A in Annex I shall be recognized by all Member States as valid for the purposes of navigation on the waterways of a maritime character listed in Annex II, as if they had issued the certificates in question themselves.
2. Member States shall reciprocally recognize the boatmasters' certificates which are still in force and are listed in Group B of Annex I as valid for the purposes of navigation on their inland waterways apart

⁽¹⁾ OJ No C 120, 7. 5. 1988, p. 7.

⁽²⁾ OJ No C 12, 16. 1. 1989, p. 41.

⁽³⁾ OJ No C 318, 12. 12. 1988, p. 18.

▼B

from those for which the Rhine navigation licence is required or which are listed in Annex II, as if they had issued the certificates themselves.

3. Recognition by a Member State of a boatmasters' certificate listed in Group A or Group B of Annex I may be made subject to the same minimum age conditions as those laid down in the Member State in question for the issue of a boatmasters' certificate in the same group.

4. Recognition by a Member State of a boatmasters' certificate may be limited to those categories of vessels for which this certificate is valid in the Member State which issued it.

5. Subject to consultation of the Commission and the other Member States, a Member State may require that, for the purposes of navigation on certain waterways other than the waterways of a maritime character as indicated in Annex II, boatmasters from other Member States satisfy additional conditions concerning knowledge of the local situation equivalent to those required for its national boatmasters.

6. This Directive shall not prevent a Member State requiring additional knowledge on the part of boatmasters sailing vessels transporting dangerous substances on its territory.

Member States shall recognize the certificate issued in accordance with the number 10 170 of the ADNR as proof of this knowledge.

Article 4

If necessary the Commission shall take the necessary steps to adapt the list of certificates appearing in Annex I, in accordance with the procedure set out in Article 7.

Article 5

The Council shall, acting by a qualified majority, decide by 31 December 1994 at the latest on common provisions concerning the sailing of inland waterways vessels for the carriage of goods and passengers, on the basis of a Commission proposal to be submitted no later than 31 December 1993.

Article 6

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive no later than 1 January 1993. They shall forthwith inform the Commission thereof.

When Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such a reference shall be laid down by the Member States.

▼M1*Article 7*

1. The Commission shall be assisted by a committee.
2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC ⁽¹⁾ shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

⁽¹⁾ Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).

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Article 8

This Directive is addressed to the Member States.



ANNEX I

LIST OF NATIONAL BOATMASTERS' CERTIFICATES FOR THE CARRIAGE OF GOODS AND PASSENGERS BY INLAND WATERWAY REFERRED TO IN ARTICLE 1 OF THE DIRECTIVE

GROUP A: Boatmasters' certificates valid for the waterways of a maritime character listed in Annex II

Kingdom of Belgium

- 'Brevet de conduite A (arrêté royal n° ... du ...)'/'Vaarbrevet A (Koninklijk Besluit nr. ... van ...)'

Federal Republic of Germany

- 'Schifferpatent' with additional validity for the 'Seeschiffahrtsstraßen' (Binnenschifferpatentverordnung 7. 12. 1981).

French Republic

- Certificat général de capacité de catégorie 'A' bearing the stamp specifying the validity of the certificate on Group A waterways (navigation zone 2 for the purposes of Directive 82/714/EEC) (1) (décret du 23 juillet 1991, *Journal officiel* du 28 juillet 1991),
- 'Certificats spéciaux de capacité' bearing the stamp specifying the validity of the certificate on Group A waterways (navigation zone 2 for the purposes of Directive 82/714/EEC) (décret du 23 juillet 1991, *Journal officiel* du 28 juillet 1991).

Kingdom of the Netherlands

- 'Groot Vaarbewijs II' (Binnenscheperwet, Staatsblad 1981, nr. 678).

► **A1** *Republic of Finland*

- Laivurikirja — Skepparbrev,
- Kuljettajankirja I — Förläsningsbrev I.

Kingdom of Sweden

- Bevis om behörighet som skeppare B,
- Bevis om behörighet som skeppare A,
- Bevis om behörighet som styrman B,
- Bevis om behörighet som styrman A,
- Bevis om behörighet som sjökaptän. ◀

► **A2** *Republic of Hungary*

- Hajóskapitányi bizonyítvány (captain's certificate),
- Hajóvezetői 'A' bizonyítvány (boatmaster's A certificate) (in accordance with Decree No. 15/2001 (IV. 27.) KöViM of the Minister of Transport and Water Management on certificates in shipping).

Republic of Poland

- Patent żeglarski kapitana żegluga śródlądowej - kategorii A (boatmaster's A certificate) (in accordance with Regulation of the Minister of Infrastructure of 23 January 2003 on the professional qualifications and on number of crew of inland waterway vessels). ◀

GROUP B: Boatmasters' certificates valid for other inland waterways in the Community, with the exception of the Rhine, the Lek and the Waal

Kingdom of Belgium

- 'Brevet de conduite B (arrêté royal n° ... du ...)'/'Vaarbrevet B (Koninklijk Besluit nr. ... van ...)'

Federal Republic of Germany

- 'Schifferpatent' (Binnenschifferpatentverordnung 7. 12. 1981)

▼ **B***French Republic*

- Certificat général de capacité de catégorie 'A', not bearing the stamp specifying the validity of the certificate on Group A waterways (navigation zone 2 for the purposes of Directive 82/714/EEC) (décret du 23 juillet 1991, *Journal officiel* du 28 juillet 1991),
- 'Certificats spéciaux de capacité' not bearing the stamp specifying the validity of the certificate on Group A waterways (navigation zone 2 for the purposes of Directive 82/714/EEC) (décret du 23 juillet 1991, *Journal officiel* du 28 juillet 1991).

Kingdom of the Netherlands

- 'Groot Vaarbewijs I' (Binnenscheppenwet, Staatsblad 1981, nr. 678).

▶ **A1** *Republic of Austria*

- Kapitänspatent A,
- Schiffsführerpatent A.

Republic of Finland

- Laivurinkirja — Skepparbrev,
- Kuljettajankirja I — Förarbrev I.

Kingdom of Sweden

- Bevis om behörighet som skeppare B,
- Bevis om behörighet som skeppare A,
- Bevis om behörighet som styrman B,
- Bevis om behörighet som styrman A,
- Bevis om behörighet som sjökaptän. ◀

▶ **A2** *Czech Republic*

- Průkaz způsobilosti kapitána a průkaz způsobilosti kormidelníka (Act of 25 May 1995 on inland navigation (114/1995 Sb.) and Decree of the Ministry of Transport of 14 September 1995 on the Eligibility of Persons to Pilot and Operate Vessels (224/1995 Sb.)).

Republic of Estonia

- Siseveelaeva laevajuhi diplom.

Republic of Lithuania

- Vidaus vandens transporto specialisto laipsnio diplomas (approved by Order No 161 of 15 May 2001 of the Minister of Transport and Communications on the Rules of Issue of Diplomas and Qualification Certificates for Inland Waterway Transport Specialists).

Republic of Hungary

- Hajóskapitányi bizonyítvány (captain's certificate),
- Hajóvezetői 'A' bizonyítvány (boatmaster's A certificate) (in accordance with Decree No. 15/2001 (IV. 27.) KöViM of the Minister of Transport and Water Management on certificates in shipping).

Republic of Poland

- Patent żeglarski kapitana żeglugi śródlądowej - kategorii B (boatmaster's B certificate) (in accordance with Regulation of the Minister of Infrastructure of 23 January 2003 on the professional qualifications and on number of crew of inland waterway vessels).

Slovak Republic

- Lodný kapitán I. triedy,
- Lodný kapitán II. triedy,
- (Decree of the Ministry of Transport, Posts and Telecommunications of the Slovak Republic 182/2001 Z. z. establishing details on qualification requirements and verifying professional competence of a vessel crew member and a skipper of small vessels (referring to Article 30, paragraph 7 and Article 31, paragraph 3 of the Act 338/2000 Z. z. on inland navigation and amendments to certain Acts)). ◀

(¹) OJ No L 301, 28. 10. 1982, p. 1.

▼B*ANNEX II***LIST OF WATERWAYS OF A MARITIME CHARACTER REFERRED
TO IN ARTICLE 2 OF THE DIRECTIVE****Kingdom of Belgium**

Maritime Scheldt.

Federal Republic of Germany

Zone 1 and zone 2 of Annex I to Directive 82/714/EEC.

Kingdom of the Netherlands

Dollard, Eems, Waddenzee, IJsselmeer, Eastern and Western Scheldt.

▼A2**Republic of Poland**

Zone 1 and zone 2 of Annex II of Directive 82/714/EEC, except reservoir Włocławski and lakes Śniardwy, Niegocin and Mamry.

▼A1**Republic of Finland**

Saimaan kanava — Saima kanal, Saimaan vesistö — Saimens vattendrag.

Kingdom of Sweden

Trollhätte kanal and Göta älv, Lake Vänern, Lake Mälaren, Södertälje kanal, Falsterbo kanal, Sotenkanalen.