

short and that a ten-year period — as applies to the two current regulations — is desirable for the purposes of

legal certainty, especially as licensing agreements are often drawn up to cover an extensive period of time.

Done at Brussels, 25 January 1995.

The President
of the Economic and Social Committee
Carlos FERRER

Opinion on the proposal for a Council Directive on the harmonization of the conditions for obtaining national boatmasters' certificates for the carriage of goods and passengers by inland waterway in the Community⁽¹⁾

(95/C 102/02)

On 29 September 1994, the Council decided to consult the Economic and Social Committee, under Article 75 of the Treaty establishing the European Community, on the abovementioned proposal.

The Section for Transport and Communications, which was responsible for preparing the Committee's work on the subject, adopted its Opinion on 11 January 1995. The Rapporteur was Mr Colombo.

At its 322nd Plenary Session (meeting of 25 January 1995), the Economic and Social Committee adopted the following Opinion by a large majority with one abstention.

1. Justification for the proposal

1.1. The proposal is prompted by differences in Member States' conditions for granting national boatmasters' certificates for inland waterway transport, particularly as regards minimum age, physical fitness, and professional experience and knowledge.

1.2. Obviously these differences can distort competition between carriers in some Member States.

1.3. Furthermore, the steady increase in the size of transport units and the growth in the shipment of dangerous substances make the establishment of optimum safety conditions and upward harmonization of the requisite standards a matter of urgency.

Where necessary, improved safety conditions must be introduced not only for the sake of waterway vessels and, more especially, the protection of human life, but also for the sake of environmental protection.

1.4. The Committee endorses the justification and content of the Directive, subject to the following remarks:

2. General considerations

2.1. Since, under Article 75 of the Treaty, competence lies exclusively with the Community, the Committee hopes that the conditions governing the granting of boatmasters' certificates can be harmonized without delay.

2.1.1. The limited scope of this harmonization is due to the fact that the Directive aims to complement the provisions of Directive 91/672/EEC⁽²⁾, which deals with the same issues.

2.2. The Committee would ask the Commission to bear in mind the need to require identical qualifications from boatmasters from third countries.

⁽¹⁾ OJ No C 280, 6. 10. 1994, p. 5.

⁽²⁾ OJ No L 373, 31. 12. 1991, p. 29.

2.3. The Committee thinks it advisable to define the criteria (e.g. minimum tonnage, number of passengers, length, engine power) which should apply to vessels coming under the Directive.

3. Specific considerations

3.1. The Committee has examined the justification for certain derogations. The exception for navigation on the Rhine is justified since the Rhine navigation licence issued in accordance with the Mannheim Convention already complies with the requirements laid down for the granting of the Community certificate.

3.2. Article 5

The Committee accepts the proposed solution regarding the minimum age for obtaining the certificate and the resulting mutual recognition between Member States. Nevertheless, since a boatmaster is always responsible for crew management, too, and bearing in mind the provision of Article 7(1), it feels that a minimum age of 21 years must be regarded as more appropriate.

3.3. Article 6

The Committee believes that a periodic medical examination (e.g. every five/ten years) could be required for certificate holders up to the age of 65. After the age of 65, the interval should be shortened (e.g. every one/two years).

The examination should be based on harmonized health criteria.

3.4. Article 7

The personal service record is the sole indication of professional experience and knowledge, and should therefore be harmonized in both form and content.

3.5. Article 9

The requirements concerning additional professional knowledge and the subsequent additional examination when dangerous substances are being transported are considered by the Committee to be adequate.

3.6. Article 10

Boatmasters wishing to navigate with the aid of radar should have to sit a practical test and have knowledge of the latest blind navigation systems. This may involve using other electronic equipment in conjunction with radar (cf. Chapter C of Annex II).

3.7. Article 11

In addition to being reasoned, a decision to refuse to issue or to withdraw a certificate should refer to harmonized criteria, such as accidents which impair physical fitness or professional misconduct for which the offender is penalized by the competent authorities.

3.8. Annex II

The professional knowledge listed in Annex II, particularly in the light of the need to ensure maximum safety, appears to be adequate. However, a further requirement in Chapter A of Annex II should be adequate knowledge of the route and of the prevailing weather conditions on the usual route.

4. Conclusion

In confirming its general endorsement of the proposed Directive, the Committee would urge the Commission to take steps to ensure the timely mutual recognition and harmonization of certificates in general, including those required to sail sea-going vessels and pleasure craft.

Done at Brussels, 25 January 1995.

*The Chairman
of the Economic and Social Committee*

Carlos FERRER