Commission Delegated Directive (EU) 2020/12 of 2 August 2019 supplementing Directive (EU) 2017/2397 of the European Parliament and of the Council as regards the standards for competences and corresponding knowledge and skills, for the practical examinations, for the approval of simulators and for medical fitness (Text with EEA relevance)

COMMISSION DELEGATED DIRECTIVE (EU) 2020/12

of 2 August 2019

supplementing Directive (EU) 2017/2397 of the European Parliament and of the Council as regards the standards for competences and corresponding knowledge and skills, for the practical examinations, for the approval of simulators and for medical fitness

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to 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[(1)], and in particular Article 17(1) and (4), Article 21(2) and Article 23(6) thereof,

Whereas:

(1) Directive (EU) 2017/2397 sets out the conditions and procedures for the certification of the qualification of persons involved in the operation of a craft on the Union inland waterways. The certification is aimed at facilitating mobility, ensuring the safety of navigation and ensuring the protection of human life and the environment.

(2) In order to provide minimum harmonised standards for the certification of qualifications, the Commission has been empowered to adopt detailed rules laying down standards for competences and corresponding knowledge and skills, standards for practical exminations, standards for the approval of simulators and standards for medical fitness.

(3) Pursuant to Article 32 of Directive (EU) 2017/2397, delegated acts should make reference to standards established by the European Committee for drawing up standards in the field of inland navigation (‘CESNI’) and include the entire text of those, provided that those standards are available and up-to-date, that those standards comply with any applicable requirements set out in the Annexes of the Directive and that Union interests are not compromised by changes in the decision-making process of CESNI. The three conditions were fulfilled with the adoption, by CESNI, during its meeting on 8 November 2018, of the first standards on professional qualifications in inland navigation.

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(4) The standards for competences should lay down the minimum competences required for the safe operation of the craft, and this, for the crew members at operational and management levels, for the boatmasters authorised to sail with the aid of radar and those authorised to sail on waterways with a maritime character, for the passenger navigation experts and for the liquefied natural gas (LNG) experts. Each required competence should be defined with its corresponding required knowledge and skills.

(5) In order for the competent authorities to carry out in a similar way the practical examinations required by Article 17(3) of Directive (EU) 2017/2397, standards for the practical examinations should be laid down. To this end, the standards should define, for each practical examination, the specific competences and the assessment situations, including a specific scoring system and technical requirements for craft and onshore installations. For the candidates to the qualification of boatmaster who have not previously completed an assessment at operational level, an additional module should be provided for, so that the ability to perform the related supervised tasks can also be verified.

(6) The standards for the approval of simulators should be laid down to ensure that the simulators used for an assessment of competence are designed in such a way as to allow for the verification of the competences as prescribed under the standards for practical examinations. The standards should cover the technical and functional requirements for vessel-handling and radar simulators as well as the procedure for the administrative approval of those simulators.

(7) In order to reduce national differences in medical requirements and examination procedures and to ensure that medical certificates which are issued to deck crew members in inland navigation are a valid indicator of their medical fitness for the work they will perform, standards for medical fitness should be laid down. The standards should specify the tests that medical practionners are to carry out and the criteria they are to apply to determine the fitness for work of deck crew members. They should cover eyesight, hearing and physical and psychological conditions which may lead to temporary or permanent unfitness for work, as well as possible mitigation measures and restrictions. For coherence, the standards should be based on the guidelines on the medical examinations of seafarers published by the International Labour Organisation and the International Maritime Organisation, in particular on the criteria applied to coastal services.

(8) The date of transposition of this delegated Directive should be aligned with the dates of transposition of Directive (EU) 2017/2397 for reasons of coherence and efficiency.

(9) In accordance with the case law of the Court of Justice of the European Union, the information which Member States are obliged to supply to the Commission in the context of transposing a directive must be clear and precise. This is also the case for this delegated act,

HAS ADOPTED THIS DIRECTIVE:

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Article 1

The standards for competences and corresponding knowledge and skills referred to in Article 17(1) of Directive (EU) 2017/2397 shall be those laid down in Annex I to this Directive.

Article 2

The standards for the practical examinations referred to in Article 17(3) of Directive (EU) 2017/2397 shall be those laid down in Annex II to this Directive.

Article 3

The standards for the approval of simulators referred to in Article 21(2) of Directive (EU) 2017/2397 shall be those laid down in Annex III to this Directive.

Article 4

The standards for the medical fitness referred to in Article 23(6) of Directive (EU) 2017/2397 shall be those laid down in Annex IV to this Directive.

Article 5

1 Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 17 January 2022 at the latest. They shall forthwith communicate to the Commission the text of those provisions.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2 Paragraph 1 shall not apply to a Member State that has not fully transposed and implemented Directive (EU) 2017/2397 in accordance with Article 39(2), (3) or (4) of that Directive. Where such Member State fully transposes and implements Directive (EU) 2017/2397, it shall at the same time bring into force the laws, regulations and administrative provisions necessary to comply with this Directive and inform the Commission that it has done so.

3 Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 6

This Directive shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

Article 7

This Directive is addressed to the Member States.

Done at Brussels, 2 August 2019.

For the Commission

The President

Jean-Claude JUNCKER

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ANNEX I

STANDARDS FOR COMPETENCES AND CORRESPONDING KNOWLEDGE AND SKILLS

I.STANDARDS OF COMPETENCE FOR THE OPERATIONAL LEVEL

1. **Navigation**

1.1. The boatman shall be able to assist the management of the craft in situations of manoeuvring and handling a craft on inland waterways. The boatman shall be able to do so, on all types of waterways and all types of ports.

In particular, the boatman shall be able to:

COLUMN 1COMPETENCE	COLUMN 2KNOWLEDGE AND SKILLS
1. assist with mooring, unmooring and hauling (towage) operations;	1. Knowledge of equipment, material and procedures used on board for mooring, unmooring and hauling (towage) operations. 2. Ability to use required equipment on board e.g. bollards and winches for mooring and unmooring and hauling manoeuvres. 3. Ability to use materials available on board such as ropes and wires considering relevant safety measures including the use of personal protective and rescue equipment. 4. Ability to communicate with the wheelhouse using intercom communication systems and hand signals. 5. Knowledge of the effects of water movement around craft and local effects on sailing circumstances including the effects of trim, shallow water relating to craft’s draught. 6. Knowledge of the water movement affecting the craft during manoeuvring, including the interaction effects when two craft pass or overtake each other in narrow fairways, and the interaction effects on a craft moored alongside when another craft proceeds in the fairway and passes at a short distance.
2. assist with coupling operations of push barge combinations;	1. Knowledge of equipment, material and procedures used for coupling operations.