# 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)

## 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. |

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*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 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 miminum 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.

*[F1 Article 4*

If necessary, the Commission shall adapt the list of certificates appearing in Annex I to this Directive. Those measures, designed to amend non-essential elements of this Directive, *inter alia*, by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 7(2).**]**

**Textual Amendments**

**F1** Substituted by Regulation (EC) No 1137/2008 of the European Parliament and of the Council of 22 October 2008 adapting a number of instruments subject to the procedure laid down in Article 251 of the Treaty to Council Decision 1999/468/EC, with regard to the regulatory procedure with scrutiny Adaptation to the regulatory procedure with scrutiny — Part One.

*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

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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.

**[***F1 Article 7*

1 The Commission shall be assisted by a committee.

2 Where reference is made to this paragraph, Article 5a(1) to (4) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.**]**

**Textual Amendments**

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*Article 8*

This Directive is addressed to the Member States.

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# 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<br>*[F2Romania*<br>— brevet de căpitan fluvial categoria A (boatmaster's A certificate) (in accordance with the Order of the Minister of Public Works, Transport and Housing No 984/04.07.2001 approving the Regulation on the issue of national capacity certificates for river sailing personnel, M.Of., p. I, nr. 441/6.VIII.2001).]<br>*Kingdom of Belgium*<br>— 'Brevet de conduite A (arrêté royal n° … du …)'/'Vaarbrevet A (Koninklijk Besluit nr. … van …)'.<br>*Federal Republic of Germany*<br>— 'Schifferpatent' with additional validity for the 'Seeschiffahrtsstraßen' (Binnenschifferpatentve 7. 12. 1981).<br>*French Republic*<br>— 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)[a] (décret du 23 juillet 1991, *Journal officiel* du 28 juillet 1991),<br>— 'Certificats spéciaux de capacité' bearing the stamp specifying the validity of the certificate |

**a** OJ No L 301, 28. 10. 1982, p. 1.

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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’ (Binnenschepenwet, Staatsblad 1981, nr. 678).

**[***F3***[***F4***](#)** *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 sjökapten.**]]**

**[***F5***](#)** *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 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).**]**

**a** OJ No L 301, 28. 10. 1982, p. 1.