

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 3

CERTIFICATION OF PROFESSIONAL QUALIFICATIONS

SECTION I

Procedure for issuing Union certificates of qualification and specific authorisations

Article 11

Issuing and validity of Union certificates of qualification

- 1 Member States shall ensure that applicants for Union certificates of qualification as a deck crew member and Union certificate of qualification for specific operations provide satisfactory documentary evidence:
 - a of their identity;
 - b that they meet the minimum requirements laid down in Annex I on age, competence, administrative compliance and navigation time for the qualification for which they have applied;
 - c that they meet the standards for medical fitness in accordance with Article 23, where applicable.
- 2 Member States shall issue Union certificates of qualification after having verified the authenticity and validity of the documents provided by the applicants and after having verified that the applicants have not already been issued a valid Union certificate of qualification.
- 3 The Commission shall adopt implementing acts establishing models for Union certificates of qualification and for single documents combining Union certificates of qualification and service record books. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 33(2).
- 4 The validity of the Union certificate of qualification as a deck crew member shall be limited to the date of the next medical examination required pursuant to Article 23.
- 5 Without prejudice to the limitation referred to in paragraph 4, Union certificates of qualification as a boatmaster shall be valid for up to a maximum of 13 years.
- 6 Union certificates of qualification for specific operations shall be valid for up to a maximum of five years.

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Article 12

Issuing and validity of specific authorisations for boatmasters

1 Member States shall ensure that applicants for specific authorisations referred to in Article 6 provide satisfactory documentary evidence:

- a of their identity;
- b that they meet the minimum requirements laid down in Annex I on age, competence, administrative compliance and navigation time for the specific authorisation for which they have applied;
- c that they hold a Union certificate of qualification as a boatmaster or of a certificate recognised in accordance with Article 10(2) and (3), or that they meet the minimum requirements for Union certificates of qualification for boatmasters provided for by this Directive.

2 By way of derogation from paragraph 1 of this Article, for specific authorisations for sailing on stretches of inland waterways with specific risks required pursuant to point (b) of Article 6, applicants shall provide to the competent authorities of the Member States referred to in Article 20(3) satisfactory documentary evidence:

- a of their identity;
- b that they meet the requirements established in accordance with Article 20 for the competence for specific risks for the specific stretch of inland waterway for which the authorisation is required;
- c that they hold a Union certificate of qualification as a boatmaster or of a certificate recognised in accordance with Article 10(2) and (3), or that they meet the minimum requirements for Union certificates of qualification for boatmasters provided for by this Directive.

3 Member States shall issue the specific authorisations referred to in paragraphs 1 and 2 after having verified the authenticity and validity of the documents provided by the applicant.

4 Member States shall ensure that the competent authority that issues Union certificates of qualification to boatmasters specifically indicates in the certificate any specific authorisation issued pursuant to Article 6 in accordance with the model referred to in Article 11(3). The validity of such specific authorisation shall end when the validity of the Union certificate of qualification ends.

5 By way of derogation from paragraph 4 of this Article, the specific authorisation referred to in point (d) of Article 6 shall be issued as a Union certificate of qualification as a liquefied natural gas expert in accordance with the model referred to in Article 11(3), the period of validity of which shall be set in accordance with Article 11(6).

Article 13

Renewal of Union certificates of qualification and of specific authorisations for boatmasters

Upon the expiry of a Union certificate of qualification, Member States shall, upon request, renew the certificate and, where relevant, the specific authorisations included therein, provided that:

- (a) for Union certificates of qualification as a deck crew member and for specific authorisations other than the one referred to in point (d) of Article 6, satisfactory documentary evidence referred to in points (a) and (c) of Article 11(1) has been submitted;
- (b) for Union certificates of qualification for specific operations, the satisfactory documentary evidence referred to in points (a) and (b) of Article 11(1) has been submitted.

Article 14

Suspension and withdrawal of Union certificates of qualification or specific authorisations for boatmasters

1 Where there are indications that the requirements for certificates of qualification or specific authorisations are no longer met, the Member State that issued the certificate or specific authorisation shall undertake all necessary assessments and, where appropriate, shall withdraw those certificates or specific authorisation.

2 Any Member State may temporarily suspend a Union certificate of qualification where it considers that such suspension is necessary for reasons of safety or public order.

3 Member States shall record without undue delay suspensions and withdrawals in the database referred to in Article 25(2).

SECTION II

Administrative Cooperation

Article 15

Cooperation

Where a Member State referred to in Article 39(3) determines that a certificate of qualification issued by a competent authority in another Member State does not satisfy conditions laid down by this Directive, or where there are reasons of safety or public order, the competent authority shall request the issuing authority to consider suspending that certificate of qualification pursuant to Article 14. The requesting authority shall inform the Commission of its request. The authority that issued the certificate of qualification in question shall examine the request and shall notify the other authority of its decision. Any competent authority may prohibit persons from operating in its area of jurisdiction pending notification of the issuing authority's decision.

The Member States referred to in Article 39(3) shall also cooperate with competent authorities of other Member States in order to ensure that navigation time and journeys for holders of certificates of qualification and service record books recognised under this Directive are recorded, if a holder of a service record book requests the recording, and are validated for a period of up to 15 months before the request for validation. The Member States referred to in Article 39(3) shall inform the Commission, where relevant, of the inland waterways on their territory where competences for navigation of a maritime character are required.

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SECTION III

Competences

Article 16

Requirements for competences

1 Member States shall ensure that the persons referred to in Articles 4, 5 and 6 have the necessary competences for the safe operation of a craft as laid down in Article 17.

2 By way of derogation from paragraph 1 of this Article, the assessment of the competence for specific risks referred to in point (b) of Article 6 shall be carried out in accordance with Article 20.

Article 17

Assessment of competences

1 The Commission shall adopt delegated acts in accordance with Article 31 to supplement this Directive by laying down the standards for competences and corresponding knowledge and skills in compliance with the essential requirements set out in Annex II.

2 Member States shall ensure that persons who apply for the documents referred to in Articles 4, 5 and 6 demonstrate, where applicable, that they meet the standards of competence referred to in paragraph 1 of this Article by passing an examination that was organised:

- a under the responsibility of an administrative authority in accordance with Article 18 or;
- b as part of a training programme approved in accordance with Article 19.

3 The demonstration of compliance with the standards of competence shall include a practical examination for obtaining:

- a a Union certificate of qualification as a boatmaster;
- b a specific authorisation for sailing with the aid of radar as referred to in point (c) of Article 6;
- c a Union certificate of qualification as a liquefied natural gas expert;
- d a Union certificate of qualification as a passenger navigation expert.

To obtain the documents referred to in points (a) and (b) of this paragraph, practical examinations may take place on board a craft or on a simulator that complies with Article 21. For points (c) and (d) of this paragraph, practical examinations may take place on board a craft or at an appropriate onshore installation.

4 The Commission is empowered to adopt delegated acts in accordance with Article 31 to supplement this Directive by laying down standards for the practical examinations referred to in paragraph 3 of this Article, specifying the specific competences and the conditions to be tested during the practical examinations, as well as the minimum requirements for the craft on which a practical examination may be taken.

Article 18

Examination under the responsibility of an administrative authority

1 Member States shall ensure that the examinations referred to in point (a) of Article 17(2) are organised under their responsibility. They shall ensure that those examinations are conducted by examiners who are qualified to assess the competences and the corresponding knowledge and skills referred to in Article 17(1).

2 Member States shall issue a practical examination certificate to applicants who have passed the practical examination referred to in Article 17(3) where that examination took place on a simulator compliant with Article 21, and where the applicant has requested such a certificate.

3 The Commission shall adopt implementing acts establishing models for the practical examination certificates referred to in paragraph 2 of this Article. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 33(2).

4 Member States shall recognise, without further requirements or assessments, practical examination certificates referred to in paragraph 2 that have been issued by competent authorities in other Member States.

5 In the case of written exams or computer-based exams, the examiners referred to in paragraph 1 may be replaced by qualified supervisors.

6 The Member States shall ensure that the examiners and qualified supervisors referred to in this chapter are free from conflicts of interest.

Article 19

Approval of training programmes

1 Member States may establish training programmes for the persons referred to in Articles 4, 5 and 6. Member States shall ensure that such training programmes leading to diplomas or certificates that demonstrate compliance with the standards of competence referred to in Article 17(1) are approved by the competent authorities of the Member States in whose territory the relevant education or training institute conducts its training programmes.

Member States shall ensure that the quality assessment and assurance of the training programmes is ensured by the application of a national or international quality standard in accordance with Article 27(1).

2 Member States may approve the training programmes referred to in paragraph 1 of this Article only if:

- a the training objectives, learning content, methods, media of delivery, procedures, including the use of simulators, where applicable, and course materials are properly documented and allow applicants to achieve the standards of competence referred to in Article 17(1);
- b the programmes for the assessment of the relevant competences are conducted by qualified persons who have in-depth knowledge of the training programme;
- c an examination to verify compliance with the standards of competence referred to in Article 17(1) is carried out by qualified examiners who are free from conflicts of interest.

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3 Member States shall recognise any diplomas or certificates awarded after the completion of training programmes approved by other Member States in accordance with paragraph 1.

4 Member States shall revoke or suspend their approval of training programmes that no longer comply with the criteria set out in paragraph 2.

5 Member States shall notify to the Commission the list of the approved training programmes, as well as any training programmes whose approval has been revoked or suspended. The Commission shall make this information publicly available. The list shall indicate the name of the training programme, the titles of diplomas or certificates awarded, the body awarding the diploma or certificates, the year of entry into force of the approval, as well as the relevant qualification and any specific authorisations to which the diploma or certificate gives access.

Article 20

Assessment of competences for specific risks

1 The Member States that identify stretches of inland waterways with specific risks in their territories, within the meaning of Article 9(1), shall specify the additional competence required from boatmasters navigating on those stretches of inland waterways, and shall specify the means necessary to prove that such requirements are met. Where Member States consider it to be necessary for the purpose of ensuring safety, they shall consult the relevant European River Commission during the process of identifying those competences.

Taking into account the competences required for navigating on the stretch of inland waterway with specific risks, the means necessary to prove that such requirements are met may consist of the following:

- a a limited number of journeys to be carried out on the stretch concerned;
- b a simulator examination;
- c a multiple choice examination;
- d an oral examination; or
- e a combination of the means referred to in points (a) to (d).

When applying this paragraph, the Member States shall apply objective, transparent, non-discriminatory and proportionate criteria.

2 The Member States referred to in paragraph 1 shall ensure that procedures are put in place for assessing applicants' competence for specific risks, and that tools are made publicly available to facilitate the acquisition by boatmasters of the required competence for specific risks.

3 A Member State may carry out an assessment of applicants' competence for specific risks for stretches of inland waterways located in another Member State, on the basis of the requirements established for that stretch of inland waterway in accordance with paragraph 1, provided that the Member State where the stretch of inland waterway is located gives its consent. In such case, that Member State shall provide the Member State carrying out the assessment with the necessary means to carry it out. Member States shall justify any refusal to give consent on objective and proportional grounds.

Article 21

Use of simulators

1 Simulators used to assess competences shall be approved by Member States. That approval shall be issued upon request when it is demonstrated that the simulator complies with the standards for simulators established by delegated acts referred to in paragraph 2. The approval shall specify which particular assessment of competence is authorised as regards the simulator.

2 The Commission is empowered to adopt delegated acts in accordance with Article 31 to supplement this Directive by laying down standards for the approval of simulators, specifying the minimum functional and technical requirements and the administrative procedures in this regard, with the objective of ensuring that the simulators used for an assessment of competences are designed in such a way as to allow for the verification of the competences as prescribed under the standards for practical examinations referred to in Article 17(3).

3 Member States shall recognise simulators approved by competent authorities in other Member States in accordance with paragraph 1 without further technical requirements or evaluation.

4 Member States shall revoke or suspend their approval of simulators that no longer comply with the standards referred to in paragraph 2.

5 Member States shall notify the list of the approved simulators to the Commission. The Commission shall make this information publicly available.

6 Member States shall ensure that access to simulators for the purposes of assessment is non-discriminatory.

SECTION IV

Navigation time and medical fitness

Article 22

Service record book and logbook

1 The Member States shall ensure that boatmasters record navigation time, referred to in point (b) of Article 11(1), and journeys carried out, referred to in Article 20(1), in a service record book as referred to in paragraph 6 of this Article or in a service record book recognised pursuant to Article 10(2) or (3).

By way of derogation from the first subparagraph, when Member States apply Article 7(1) or Article 39(2), the obligation laid down in the first subparagraph of this paragraph shall apply only if a holder of a service record book requests the recording.

2 The Member States shall ensure that, if a crew member so requests, their competent authorities, after having verified the authenticity and validity of any necessary documentary evidence, validate in the service record book the data regarding navigation time and journeys carried out up to 15 months before the request. Where electronic tools are put in place, including electronic service record books and electronic logbooks, including appropriate procedures for

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safeguarding the authenticity of the documents, the corresponding data may be validated without additional procedures.

Navigation time that has been acquired on any of the Member States' inland waterways shall be taken into consideration. In the case of inland waterways whose courses are not fully within Union territory, the navigation time acquired on sections located outside the Union territory shall also be taken into consideration.

3 Member States shall ensure that the journeys of craft referred to in Article 2(1) are recorded in the logbook referred to in paragraph 6 of this Article or in a logbook recognised pursuant to Articles 10(2) or (3).

4 The Commission shall adopt implementing acts establishing models for service record books and logbooks, taking into account the information required for the implementation of this Directive as regards the identification of the person, their navigation time and the journeys carried out. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 33(2).

When adopting those implementing acts, the Commission shall take into account the fact that the logbook is also used in the implementation of Council Directive 2014/112/EU⁽¹⁾, for verifying manning requirements and recording journeys of the craft.

5 The Commission shall submit to the European Parliament and to the Council an assessment of tamper-proof electronic service record books, logbooks and professional cards that incorporate Union certificates of qualification in inland navigation, by 17 January 2026.

6 Member States shall ensure that crew members hold a single active service record book and that there is a single active logbook on the craft.

Article 23

Medical fitness

1 Member States shall ensure that deck crew members who apply for a Union certificate of qualification demonstrate their medical fitness by presenting to the competent authority a valid medical certificate issued by a medical practitioner who is recognised by the competent authority, based on the successful completion of a medical fitness examination.

2 The applicants shall present a medical certificate to the competent authority when applying for

- a their first Union certificate of qualification as a deck crew member;
- b their Union certificate of qualification as a boatmaster;
- c the renewal of their Union certificate of qualification as a deck crew member in case the conditions specified in paragraph 3 of this Article are met.

Medical certificates issued for the purpose of obtaining a Union certificate of qualification shall be dated no earlier than three months before the date of the application for a Union certificate of qualification.

3 From the age of 60, the holder of a Union certificate of qualification as a deck crew member shall demonstrate medical fitness in accordance with paragraph 1 at least every five years. From the age of 70, the holder shall demonstrate medical fitness in accordance with paragraph 1 every two years.

4 Member States shall ensure that employers, boatmasters and Member States authorities are able to require a deck crew member to demonstrate medical fitness in accordance with paragraph 1 whenever there are objective indications that that deck crew member no longer fulfils the medical fitness requirements referred to in paragraph 6.

5 Where medical fitness cannot be fully demonstrated by the applicant, Member States may impose mitigation measures or restrictions that provide equivalent navigation safety. In that case, those mitigation measures and restrictions related to medical fitness shall be mentioned in the Union certificate of qualification in accordance with the model referred to in Article 11(3).

6 The Commission is empowered to adopt delegated acts in accordance with Article 31 on the basis of the essential requirements for medical fitness referred to in Annex III to supplement this Directive by laying down the standards for medical fitness that specify the requirements with regards to medical fitness, in particular with regard to the tests that medical practitioners must carry out, the criteria they must apply to determine fitness for work, and the list of restrictions and mitigation measures.

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- (1) Council Directive 2014/112/EU of 19 December 2014 implementing the European Agreement concerning certain aspects of the organisation of working time in inland waterway transport, concluded by the European Barge Union (EBU), the European Skippers Organisation (ESO) and the European Transport Workers' Federation (ETF) ([OJ L 367, 23.12.2014, p. 86](#)).