

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 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

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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:

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- 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.

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.

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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.