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REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL

on the exercise of the delegation conferred on the Commission pursuant 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

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1. INTRODUCTION

Directive (EU) 2017/2397 introduces for the first time a harmonised system for the certification and recognition of professional qualifications of persons operating craft on inland waterways, allowing certificate holders to operate throughout the EU waterways. The directive aims to remove barriers to labour mobility, to improve safety, to develop the skills and employability of young people, to offer better career prospects to all crew members and to facilitate the transition of experienced workers from other sectors.

The system applies to all deck crew members, liquefied natural gas experts and passenger navigation experts working on passenger vessels and other craft more than 20 metres in length (as well as certain other specific types of vessels), except where navigation is for sport or leisure, or by the armed forces or emergency services.

The directive provides the following provisions related to the specific crew members:

- Deck crew members, persons qualified to take measures in emergency situations on board passenger vessels and persons involved in refuelling vessels operating on liquefied natural gas must have an EU certificate of qualification.
- Boat-masters must have specific authorisations when they:
    - navigate on stretches of inland waterway with specific risks;
    - navigate on inland waterways with a maritime character;
    - navigate by radar;
    - operate vessels powered by liquefied natural gas;
    - sail in large convoys.

The Directive sets out minimum requirements for age, administrative compliance, competence and navigation time for the different qualifications. It also requires all deck crew members to meet certain standards for medical fitness.

The Directive takes account of the different characteristics of EU Member States by granting exemptions from some measures. This is the case in particular for Member States whose waterways are not connected to those of other Member States and where inland navigation is only seasonal or very limited. All other Member States with navigable inland waterways need to take the necessary measures to implement the certificate recognition system set by the directive for these waterways.

EU certificates of qualification, service record books and logbooks issued by competent authorities are valid on all inland waterways in the EU. Certificates issued in accordance with

the regulations for Rhine navigation personnel, which lay down requirements that are identical to those of the directive, are also valid on all EU waterways. Any non-EU country may apply to the European Commission for recognition of the certificates, service record books or logbooks issued by its authorities.

Each Member State should ensure that persons receiving certificates of qualification have the corresponding minimum levels of competence by carrying out an assessment. This could be an administrative examination or part of an approved training programme. The possibility of examination on simulators is also included in the directive.

The Directive sets objective and transparent criteria for Member States to identify inland waterways with specific risks and for the classification of inland waterways with a maritime character.

The Directive provides for the setting up of an information system to facilitate the exchange of data on certificates of qualification, service record books and logbooks between the authorities in charge of the implementation and enforcement of the directive (so-called the Eureopan Crew database 'ECDB').

The Directive was adopted on 12 December 2017 and entered into force on 16 January 2018, with the date of transposition and application of 17 January 2022.

Article 17(1) of the Directive provides that the Commission shall adopt delegated acts in accordance with Article 31 to supplement the Directive by laying down the standards for competences and corresponding knowledge and skills in compliance with the essential requirements set out in Annex II of the Directive.

Article 21(2) provides that the Commission is empowered to adopt delegated acts in accordance with Article 31 to supplement the 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).

Article 23(6) provides that 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 the 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.

Article 25(1) provides that the Commission is empowered to adopt delegated acts in accordance with Article 31 in order to supplement the information in the registers for service record books and logbooks with other information required by the models of service record books and logbooks adopted pursuant to Article 22(4), with the objective of further facilitating the exchange of information between Member States.

Article 31 empowers the Commission to adopt delegated acts referred to in the above mentioned articles of the directive. The article provides in its second paragraph:

'The power to adopt delegated acts referred to in Article 17(1) and (4), Article 21(2), Article 23(6) and Article 25(1) and (2) shall be conferred on the Commission for a period of five years from 16 January 2018. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.'

2. LEGAL BASIS

The present Report is required by Article 31(2) of Directive (EU) 2017/2397. Pursuant to this provision, the delegation is conferred on the Commission for a period of five years from 16 January 2018 and the Commission is required to make a report in respect of the delegated powers. The same Article states that the delegation of power shall be tacitly extended for periods of identical duration, unless the European Parliament or the Council opposes such extension.

3. EXERCISE OF THE DELEGATION

From the entry into force of Directive (EU) 2017/2397 up until the date of the adoption of the present report, the Commission adopted the following delegated acts:

1. **Commission Delegated Regulation (EU) 2020/473** of 20 January 2020 supplementing Directive (EU) 2017/2397 of the European Parliament and of the Council with regard to the standards for databases for the Union certificates of qualification, service record books and logbooks.

   This delegated Regulation sets the standards laying down the characteristics and conditions for the use of databases of Union certificates of qualification, service record books and logbooks issued in accordance with Directive (EU) 2017/2397 and for documents recognised pursuant to its Article 10(2)-(3). It also defines access rights, functionalities and communication between the Union database and national registers. The Union database on crew-related documents will provide a consolidated overview of the data in the certificates of qualifications and on the service record books of the crew members that are kept in the national registers.

2. **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

   This Delegated Directive supplements Directive (EU) 2017/2397 on certain standards relaged to professional qualifications in inland navigation. The standards were drawn up by the European Committee for Standardisation in Inland Navigation (CESNI).

The standards for competences include the required specific competences and corresponding knowledge and skills that are in compliance with the essential competence requirements set out in the Directive.

The Delegated Directive provides for standards for:

- Knowledge and skills
- Practical examinations
- Approval of simulators
- Medical fitness

The standards have been adopted for:

- the operational level (defining the key competence for boatmen and any other qualification at operational level);
- the management level (boat-masters);
- the specific authorisation for a boat-master sailing on inland waterways with a maritime character;
- the specific authorisation for a boat-master sailing with the aid of radar;
- passenger navigation experts;
- liquefied natural gas experts.

For the operational and management levels, the standards for competences cover the following chapters:

- navigation;
- operation of craft;
- cargo handling, stowage and passenger transport;
- marine engineering and electrical, electronic and control engineering;
- maintenance and repair;
- communication;
- health, safety and environmental protection.

All adopted delegated acts were transmitted to the European Parliament and the Council. There were no extension to the objection periods or objections during the provided objection periods.

3. **Commission Delegated Regulation (EU) 2022/184** of 22 November 2021 amending Annex IV to Directive (EU) 2017/2397 of the European Parliament and of the Council

   This legislative act replaces Annex IV of Directive (EU) 2017/2397 and establishes the applicable requirements regarding practical examinations and approval of simulators. It also establishes the essential competence requirements and the essential requirements regarding medical fitness, by reference to European Standards for Qualifications in Inland Navigation (ES-QIN).

4. EXTENSION OF THE PERIOD FOR THE DELEGATION OF POWERS

The Commission has over the past 4 years exercised the delegated powers conferred to it under Directive (EU) 2017/2397.

The exercise of the delegated powers enabled the Commission to adapt the relevant provisions of Directive (EU) 2017/2397 on standards for databases for the EU certificates of qualification, service record books and logbooks, as well as standards for competences and corresponding knowledge and skills, for the practical examinations, for the approval of simulators and for medical fitness.

The Commission considers that the delegation of power has proved to be necessary and will remain so. For this reason its extension seems appropriate.

5. CONCLUSION

With this report the Commission complies with the reporting requirement under Article 31(2) of Directive (EU) 2017/2397 and invites the European Parliament and the Council to take note of this report.