II

(Preparatory Acts)

COMMISSION

Proposal for a Council Directive on the reciprocal recognition of national boatmasters' certificates for the carriage of goods by inland navigation

COM(88) 171 final

(Submitted by the Commission to the Council on 21 April 1988)

(88/C 120/10)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 75 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Having regard to the opinion of the Economic and Social Committee,

Whereas it is appropriate to work for the establishment of a uniform boatmasters' certificate for inland waterways in the Community;

Whereas, pending establishment of such a certificate, 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 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 purposes of this Directive, the general boatmasters' certificates for the carriage of goods 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, including the Lek and the Waal.

Article 2

Subject to the provisions of Article 3 (6), 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, with the exception of waterways of a maritime character in the Federal Republic of Germany as indicated in Annex II.

Article 3

1. Without prejudice to the provisions of paragraphs 3 and 4, each Member State shall recognize the validity of boatmasters' certificates issued by another Member State for the purposes of navigation on waterways of a maritime character as listed in Group A in Annex I as if it had issued the certificates in question itself.

2. Without prejudice to the provisions of paragraphs 3 to 6, each Member State shall recognize, with regard to navigation on inland waterways where the Rhine navigation licence is not required and which are not listed in Annex II, the validity of boatmasters' certificates relating to Group B in Annex I issued by another Member State as if it had issued the certificates in question itself.

3. Paragraphs 1 and 2 shall apply only to the extent to which the boatmasters' certificate is still valid in the Member State of issue.

4. Paragraphs 1 and 2 shall apply where the holder of the boatmasters' certificate is at least 21 years old.

5. Recognition by other Member States of the French 'Certificat Général Catégorie A' as indicated in the list in Group B shall be confined to vessels whose length does not exceed 60 metres.

6. 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.

Article 4

As soon as possible, the Council, acting on a proposal from the Commission, shall adopt common provisions concerning the establishment of a Community boatmaster's certificate for the carriage of goods by inland waterway.

Article 5

Member States shall adopt in good time and no later than 1 July 1988, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith inform the Commission thereof.

Article 6

This Directive is addressed to the Member States.

ANNEX I

List of national boatmasters' certificates for the carriage of goods by inland waterway

(Article 1 of the Directive)

GROUP A.

Federal Republic of Germany

— 'Schifferpatent' with additional validity for the 'Seeschiffahrtstrassen' (Binnenschifferpatentverordnung 7. 12. 1981)

Kingdom of the Netherlands

— 'Groot Vaarbewijs II' (Binnenschepenwet, Staatsblad 1981, nr. 678)

GROUP B.

Federal Republic of Germany

— 'Schifferpatent' (Binnenschifferpatentverordnung 7. 12. 1981)

French Republic

— 'Certificat Général de Capacité Catégorie A' (Arrêté du 3. 6. 1985 Journal Officiel du 28. 6. 1985)

— 'Certificat spécial de Capacité Catégorie CP' (Arrêté du 3. 6. 1985 Journal Officiel du 28. 6. 1985)

Kingdom of the Netherlands

— 'Groot Vaarbewijs I' (Binnenschepenwet, Staatsblad 1981, nr. 678)

ANNEX II

List of waterways of a maritime character

(Article 2 of the Directive)

Federal Republic of Germany

Zone 1 and zone 2 of Annex I of the Directive 82/714/EEC.

Kingdom of the Netherlands

Dollard, Eems, Waddensea, Ijsselmeer, Eastern and Western Scheldt.