



Rotterdam, 4th August 2015

To M. H.-C. KAUNE  
President of the STF Committee  
P/a CCNR  
Palais du Rhin  
2, Place de la République  
F-67082 Strasbourg cedex

**Concerning: Invitation to the European Social Partners to introduce a joint proposal regarding adaptations of the Regulations for Rhine navigation personnel (RNP)**

Dear President,

As European Social Partners for Inland Waterway Transport (IWT) we would like to express our appreciation of the positive choice made by the CCNR in embracing dialogue and negotiation as the means to modernise the regulation of crew compositions and sailing- and resting times.  
Responding to your letter of April 23rd we confirm that we feel a shared responsibility to participate in this process constructively.

Our joint reply to your invitation consists of following chapters:

- General observations
- Short-term adaptations
- Long-term objectives

**General observations**

To explain our view we would like to make the following general observations.

- **Modernisation of the crewing regulations has to go hand in hand with the improvement of the controlling capacity**  
In order to establish a modern and effective crewing regulation European Social Partners, River Commissions and the European Commission must jointly address the insufficient controlling capacity together with Aquapol and engage in a productive dialogue aiming at administrative simplification. The

present multitude of relevant documents makes effective control very hard if not impossible. With this in mind the overall aim should be to develop European document formats/templates – comparable to a European drivers' licence – that can be used in all EU Member States in a uniform manner. The establishment of a European database for service record books, boatmasters' licenses, patents and logbooks should be envisaged.

As European Social Partners we express a clear and solid commitment to develop improved controlling tools and implement them simultaneously with a fundamentally revised crewing regulation. We anticipate that both discussions will run parallel to one another and that their results will be implemented at the same moment in time.

- **Research to the impact of changes on the workload of crew members**

As European Social Partners we underline that more in depth research is needed on the various impacts that both technological and non-technological changes have on the work of crew members. The outcome of such study and research could establish the basis to negotiate fundamental modernisation of crewing regulations.

This very objective is one of the priorities of the European Social Dialogue Committee for IWT. Unfortunately, due to various reasons the scheduled Social Partners project on the matter had to be postponed.

We look forward to working closely together in this field with the CCNR and would like to table a Social Partners' project in 2016. Prior to such a project a consultant could provide the necessary data. We would like to be closely involved in the formulation of the consultant's assignment and to be part of the projects Reflection and Advisory Group.

As this research will become the basis of negotiations it goes without saying that its scope should be European.

- **Automatic multilateral recognition of professional qualifications in Europe**

The EU Social Partners, supported by Aquapol and other stakeholders are planning to address this issue in a joint open letter which is to be disseminated shortly.

The signatories highlight the need for an EU legislative framework for recognition and harmonisation of professional qualifications in IWT. The current patchwork arrangement is quite clearly no longer fit for purpose. It hampers the attractiveness of the profession and makes the sector vulnerable to illegal practices that threaten a level playing field.

The European Commission announced in its Communication "Towards quality inland waterways transport - NAIADES II" (2013) a review of the

framework on the harmonisation and modernisation of professional qualifications in the IWT sector and indicated that sectorial legislation on this matter is the most appropriate way to address the problems of the incoherent legal situation the sector is confronted with today.

The signatories are committed to continuing this process and call upon the Commission to come forward without delay with its legislative proposal as announced in the NAIADES Communication, and upon the European Parliament and the Council to give priority to this important initiative for a transport sector that is of strategic importance to the EU's economic development.

- **Robust framework with tailor-made specifications for special activities and circumstances**

Provided that an effective controlling system is implemented, the ideal format for a future crewing regulation would be a robust framework with enough flexibility to service the industry. The ideal format has to be dynamic - fit for purpose - unlike the static corset the present crewing regulation represents. The future crewing regulation should keep pace with the evolutions of the industry in order to remain up-to-date and fully effective.

- **Hampering infrastructure**

Unfortunately the state of a great number of locks and other inland waterway infrastructure is of such a quality that only partial use is possible causing major delays and long queues. This necessitates many vessels to be creative with their daily sailing time. We are willing to address this issue and provide the sector with some more flexibility in order to cope with this situation, but at the same time we urge to invest without delay in the necessary repairs and maintenance.

### **Short term adaptations**

Prior to a Europe-wide fundamental revision of crewing regulations based on the abovementioned research the RNP can be adapted at the following points:

1. On vessels meeting the most recent standards on noise (according to their certificate), vibration and heat daily rest can be taken whilst the vessel is sailing.
2. When a vessel which meets the above-mentioned standards changes from one mode of operation to another according to Art. 3.12 RNP and additional crewmember(s) come on board who have enjoyed 8 hours rest (of which at least 6 hours outside sailing time or on a vessel which meets the above-mentioned standards) to fulfil the necessary complement an exception can be made to the compulsory lay still period: the new mode of operation may start immediately without interrupting navigation.

3. Currently, only large vessels can make use of the rule that an apprentice does not have to be replaced during school classes for a maximum period of three months in a year. We suggest to expand this rule to all vessels in order to make professional training more attractive also for the owners of small vessels that often operate as family businesses and could sail without an apprentice.
4. The tasks of a boatman-motorman/engineer/machinist may be executed by an Able Boatman (Bootsmann/Maître Matelot/Volmatroos) if the required number of crew members remains intact.
5. The minimum crew for push barge combinations of +4 in B-modus may be lowered with one boatman, provided that all other functions/crewmembers remain in place.
6. The minimum crew for passenger vessels should be based on the effective number of passengers on board instead of the maximum vessels' capacity, if the number of passengers is known and fixed before the start of the journey. This will be consistent with the safety personnel rules: safety staff depends on the actual number of passengers on board. However, this should be possible for day trip vessels only and only when at least two crew members are on board.  
The minimum crew requirement should adequately address two factors:
  - a) the nautical crew necessary for the safe navigation of the vessel according to its size and technical equipment,
  - b) the number of personnel (who may be drawn from the nautical crew and/or the board personnel, but respecting the necessities of point a.) who are necessary for an effective crowd or panic or evacuation management. Attention should be given to the levels of ability/disability of the passengers carried.

### **Long term objectives**

With regard to future discussions about a fundamental revision of crewing regulations we already identified some important questions that will have to be addressed:

- Vessels should be allowed to get some fair flexibility – when respecting the maximum allowed sailing time and the compulsory lay still time – to lengthen the daily allowed sailing time in order to optimise the use of the infrastructure. This kind of fundamental changes resulting in tailor-made flexibility can only be implemented when effective controlling capacity (digital tachograph providing data on individual crewmembers' resting times as well as the vessels' sailing time) is available.
- The crewing tables should be revised in an overall and consistent way, including the applicable vessel sizes, exploitation modes and equipment standards. As a part of this process the current minimum crew compositions will have to be evaluated in order to resolve various discrepancies, some of which have been mentioned at the round table and are subject to ongoing

discussions between the Social Partners (for example how many patents are required for continuous navigation).

- The Social Partners have agreed on effective rules to protect workers at night. These rules became part of EU directive 112/2014/EC on working time in IWT. We feel that better use of infrastructure should be made during night hours as soon as more reliable control instruments are available.
- At the moment digitalisation, IT and automation is high on the European Commissions' agenda. A lot of initiatives, budget lines and pilot projects are being promoted by the EC to upgrade transport efficiency. Within this European debate, voices are heard promoting auto-track systems and unmanned vessels.

For us as European Social Partners safety is a CORE issue for the crew, the passengers, the vessel and the cargo. From this point of view we do not anticipate that the idea of unmanned vessels will become realistic.

We would like to underline that the above list of questions with regard to the longer term is not exhaustive.

Hoping that our reaction to your invitation will be of use, we look forward to a fruitful discussion.

Yours truly,

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EBU

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