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**OUTCOME OF PROCEEDINGS**

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| From: | General Secretariat of the Council |
| To: | Delegations |
| No. prev. doc.: | ST 10127/21 |
| Subject: | Proposal for a Directive of the European Parliament and of the Council amending Directive (EU) 2017/2397 as regards the transitional measures for the recognition of third countries certificates<br>– Letter to the Chair of the European Parliament Committee on Transport and Tourism |

Following the Permanent Representatives Committee meeting of 30 June 2021 which endorsed the final compromise text with a view to agreement, delegations are informed that the Presidency sent the attached letter, together with its Annex, to the Chair of the European Parliament Committee on Transport and Tourism (TRAN).

Conseil de l'Union européenne

Bruxelles, le 30 juin 2021

**Mme Karima DELLI**
Présidente de la Commission des transports et du tourisme du Parlement européen
STRASBOURG

**Objet : Proposition de directive du Parlement européen et du Conseil modifiant la directive (UE) 2017/2397 en ce qui concerne les mesures transitoires pour la reconnaissance des certificats de pays tiers**

Madame,

À la suite des contacts informels qui ont eu lieu entre les représentants des trois institutions, le Comité des représentants permanents a approuvé ce jour le projet de compromis en annexe de la présente lettre.

Je suis en mesure de confirmer que si le Parlement européen arrête sa position en première lecture, conformément à l'article 294, paragraphe 3, du traité, sous la forme du texte figurant à l'annexe de la présente lettre (sous réserve d'une mise au point par les juristes-linguistes des deux institutions), le Conseil, conformément à l'article 294, paragraphe 4, du traité, approuvera la position du Parlement européen et l'acte sera adopté dans la formulation qui correspond à la position du Parlement européen.

Au nom du Conseil, je tiens également à vous remercier pour votre étroite coopération qui devrait nous permettre de parvenir à un accord en première lecture sur ce dossier urgent.

Je vous prie d'agréer, Madame la Présidente, l'expression de ma considération la plus distinguée.

**Pedro LOURTIE**
Président du Comité des représentants permanents (1ère partie)

Copie à: Mme Adina VĂLEAN, Commissaire

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2021/0039 (COD)

**Proposal for a DIRECTIVE**
**OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**amending Directive (EU) 2017/2397 as regards the transitional measures for the recognition of third countries certificates**

**(Text with EEA relevance)**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 91(1) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee[1],

Having regard to the opinion of the Committee of the Regions[2],

Acting in accordance with the ordinary legislative procedure,

Whereas:

[1] OJ C ***[…]***, ***[…]***, p. ***[…]***.
[2] OJ C […], […], p. […].

***(1)*** Directive (EU) 2017/2397 of the European Parliament and of the Council[3] sets out transitional measures in order to ensure the continued validity of certificates of qualification, service record books and logbooks issued before the end of its transposition period and to give skilled crew members reasonable time in which to apply for a Union certificate of qualification or another certificate recognised as equivalent. However, with the exception of the Rhine navigation licences referred to in Article 1(5) of Council Directive 96/50/EC[4], those transitional measures do not apply to the certificates of qualification, service record books and logbooks issued by third countries that are currently recognised by Member States under their national requirements ***or international agreements applicable*** before the entry into force of Directive (EU) 2017/2397.

***(2)*** Article 10(3), (4) and (5) of Directive (EU) 2017/2397 lay down the procedure and the conditions for the recognition of certificates, service record books or logbooks issued by the authorities of a third country.

***(3)*** Given that the procedure for recognition of third country documents is based on the assessment of the certification systems in the requesting third country, with the purpose to determine whether the issuing of the certificates, service record books or logbooks specified in the request is subject to requirements that are identical to those laid down in Directive (EU) 2017/2397, it is unlikely that the recognition procedure will be completed before 17 January 2022.

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[3] 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 (OJ L 345, 27.12.2017, p. 53).

[4] Council Directive 96/50/EC of 23 July 1996 on the harmonization of the conditions for obtaining national boatmasters' certificates for the carriage of goods and passengers by inland waterway in the Community (OJ L 235, 17.9.1996, p. 31).

***(4)*** In order to ensure a smooth transition to the system of the recognition of third country documents provided for in Article 10 of Directive (EU) 2017/2397, it is necessary to provide for transitional measures which would allow the time needed for the third countries to align their requirements to those laid down in that Directive, as well as for the Commission to assess their certification systems and, where appropriate to adopt an implementing act under Article 10(5) of that Directive. Those measures would also ensure legal certainty to the individuals and economic operators active in the inland waterway transport sector. In the light of those objectives, it is appropriate to set the cut-off date for third country documents falling within the scope of those transitional measures, by reference to the period for the transposition of that Directive extended by ***two years***.

***(5)*** To ensure consistency with the transitional measures applicable to the Member States pursuant to Article 38 of Directive (EU) 2017/2397, the transitional measures applicable to certificates of qualification, service record books and logbooks issued by third countries and recognised by the Member States should not apply beyond 17 January 2032. Moreover, the recognition of such certificates of qualification, service record books and logbooks should be restricted to the Union inland waterways situated in the Member State concerned.

***(6)*** In order to ensure consistency with the transitional measures applicable to certificates of qualification issued by Member States, it is appropriate to clarify that ***as regards third country certificates, the identical requirements referred to in*** Article 10(3) ***of*** Directive (EU) 2017/2397 ***also include*** the requirements for the exchange ***of the existing certificates set out in*** Article 38(1) and (3) of that Directive.

***(7)*** Therefore, in order to provide inland waterway transport companies and workers with legal clarity and certainty, Directive (EU) 2017/2397 should be amended accordingly.

***(8)*** In order to enable Member States to promptly proceed with the transposition of the measures for which this Directive provides, it should enter into force on the day following that of its publication in the *Official Journal of the European Union*.

***(9)*** ***In accordance with Article 39(4) of Directive (EU) 2017/2397, Member States where inland waterway navigation is not technically possible are not obliged to transpose that Directive. The same derogation should apply to this Directive,***

HAVE ADOPTED THIS DIRECTIVE:

*Article 1*

Directive (EU) 2017/2397 ***is amended as follows***:

***(10)*** *in Article 10, paragraph 3 is replaced by the following:*

> ***'3. Without prejudice to paragraph 2, any certificate of qualification, service record book or logbook that has been issued in accordance with the national rules of a third country laying down requirements that are identical to those of this Directive, including those set out in Article 38(1) and (3), shall be valid on all Union inland waterways, subject to the procedure and the conditions set out in paragraphs 4 and 5.';***

***(11)*** *in Article 38, the following paragraph is added:*

> '7. Until 17 January 2032, Member States may continue to recognise, on the basis of national Member State's requirements ***or international agreements applicable*** before 16 January 2018, certificates of qualification, service record books and logbooks that have been issued by a third country before 18 January ***2024***. The recognition shall be limited to the inland waterways on the territory of the Member State concerned.

'.

*Article 2*

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 17 January 2022 at the latest. They shall forthwith communicate to the Commission the text of those provisions.

   When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

   ***The derogation laid down in Article 39(4) of Directive 2017/2397 shall apply accordingly.***

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

*Article 3*

This Directive shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

*Article 4*

This Directive is addressed to the Member States.

Done at Brussels,

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|---|---|
| *For the European Parliament* | *For the Council* |
| The President | The President |