

## MINISTRY OF TRANSPORTS, CONSTRUCTIONS AND TOURISM

Order no. 318 of 2006

### **For approving standards of training, competency confirmation and issuing of certificates of competency for navigable inland waters personnel under Romanian flag**

Regarding provisions of art.69 and art.70 from European Accord which constitute an association between Romania, on a side and European Community and its Member States on the other side, signed in Bruxelles at 1<sup>st</sup> of February 1993, ratified by Law no. 20/1993 and Recommendations of the Danube Commission regarding issuing of certificates of competency for boatmaster's for inland waterways, adopted in Budapesta in 1995,

On the basis of provisions of art.13 par.(1) and (2) from Government Ordinance no. 19/1997 regarding transports, republished, with ulterior modification and amendments and of art.5 par.(4) from Government Decree no. 412/23.03.2004 regarding organization and function of Ministry of Transports, Construction and Tourism, with ulterior modifications and amendments,

Ministry of Transport, Constructions and Tourism issues the following:

#### **Order**

#### **Scope**

#### **Art. 1. Present order establishes:**

- a) Standards of training, confirmation of competency and issuing of certificates of competency for inland waterways personnel under Romanian flag;
- b) The certification documents for inland waterways personnel, the conditions of obtaining theses, service on board conditions, as the equivalency mode.

**Art. 2.** The documents shown at art. 1 letter b) are issued on behalf of the Romanian Government by the Ministry of Transports, Constructions and Tourism through Romanian Naval Authority.

#### **Definitions**

**Art. 3-** (1) For the purpose of these Regulations, the terms used are defined as follows:

- a) **„Competent authority”** – The Ministry of Transport, Constructions and Tourism, specialized body of central public administration and state authority in the field of maritime and river transport, hereinafter referred to as MTCT;
- b) **„Romanian Naval Authority”** – technical specialized body subordinated to MTCT, hereinafter referred to as RNA, through which MTCT exerts the function of state authority in the field of the safety of navigation and which has competencies concerning:
  - issuing of working and certification documents to maritime and inland waterways personnel;
  - organizing exams sessions in order for the maritime and river personnel to obtain the Certificates;
  - approving of curricula
- c) **„certification documents”** – a valid certificate or a certificate of competency issued in accordance with the provisions of these Regulations and giving to its holder the right to serve on board an inland waters vessel in a certain position and to fulfill the specific duties for the responsibility level mentioned in that document;

- d) „**boatmaster’s**” – the person having the necessary skills and qualifications for ensuring the management of the inland waterways vessel and exerting the responsibility on board vessel;
- e) „**company**” – the shipowner or any other organization or person, such as the manager or the charterer, having the responsibility of vessel’s operation and who, by assuming such a responsibility, agreed to take over all the obligations and responsibilities in accordance with these Regulations;
- f) „**approved programme**” – an education, training or professional training course organized by an institution developing its activity in accordance with the legislation in force;
- g) „**river vessel**” – a vessel navigating exclusively or in special on navigable inland waters;
- h) „**service on board**” – effective length of service on board inland waters ships which is necessary in order to obtain the certification documents
- i) „**effective period of service on board**” - represents the period calculated from the time of joining the ship until the end of voyage, without the days of interruption in which the vessel couldn’t continue its voyage.
- j) „**member of the deck crew**” – the holder of a deck licence which participate regularly in commanding and manning the tiller a ship for inland waterways navigation.

### **Application field**

**Art. 4-** (1) These Regulations shall apply to river personnel serving on board ships under Romanian flag designed for cargo and passengers transport or technical ships on navigable inland waters except:

- a). **boatmaster’s** and river personnel engaged on board war ships
- b). **boatmaster’s** and river personnel engaged on board pleasure ships which do not carry out commercial transport activities.

(2) The duties on board vessels sailing on navigable inland waters can be fulfilled only by persons holding certification documents obtained or revalidated in accordance with these Regulations and which posses valid training courses.

(3) The certificates for river captain category A and category B issued by the Community States in conformity with the provisions of Directive 96/50/EC, as the documents that attests the qualification as Rhin **boatmaster’s**, issued in conformity with regulations regarding the obtaining of certificates for Rhin navigation, are equivalent with the certificates of river captain for inland waterways navigation category A and category B.

(4) a). In order to be accepted to command a vessel equipped with a radar, the **boatmaster’s** shall hold a special certificate issued by RNA

b) The certificate mentioned in letter.a) can be obtain trough exam in conformity with the provisions of annex 1 chapter B of these Regulations. The model of the certificate of river captain serving on board of vessels equipped with radar is settled in annex 2 to these Regulations.

c) After obtaining the certificate mentioned in letter b) RNA will mention the necessary observations in the certification document.

(5) In order to be accepted to command a vessel transporting passengers on navigable inland waters, either the **boatmaster’s** or other deck officer shall hold a special certificate issued by RNA. The special certificate for transporting passengers can be obtain by exam in conformity with provisions of annex 1 chapter C at these Regulations. The model of the certificates for special training in passengers transport is the one shown in Annex 5.

### **Inland Waterways personnel certificates**

**Art. 5- (1) River captain category A** is the certification document permitting its holder to fulfill the function of boatmaster's on board any vessel sailing on all the navigable inland waters, Sulina harbourage, Constanta harbour, Midia harbour except those on which there are applied the certificates issuing regulations for Rhine sailing.

(2) **River captain category B** is the certification document permitting its holder to fulfill the function of boatmaster's on board any vessel sailing on all the navigable inland waters except the maritime ones provided in Annex II of 91/672/EEC Directive, the Danube sector between Braila (km 175) and Black Sea trough Sulina channel, those on which there are applied the certificates issuing regulations for Rhine sailing and Constantza and Midia ports.

(3) **Other certificates:**

- a. river chief engineer;
- b. mechanic;
- c. river helmsman;
- d. maritime Danube pilot;
- e. maritime Danube cadet pilot.

(4) The form and the content of the certificates for river captain category A and category B are the ones stipulated in annex 4 at these Regulations.

### **Other competency for Inland Waterways personnel**

**Art.6- (1) Other competency for the river deck personnel:**

- a. River motorboat master;
- b. River boatswain;
- c. River deck rating;
- d. River deck rating assistant.

(2) **Other competency for the river engine personnel:**

- a. mechanic assistant;
- b. Board electrician.

### **Validity of certification documents**

**Art. 7- (1)** The issued certification document is losing its validity when the holder of the document has reached the age of 50. After this date and until reaching age of 65 years, the validity of the document will be extended every 5 years on the basis of the medical examination, in conformity with the provisions of art.8 paragraph (2).

(2) When the holder of the certificate reached the age of 65, the validity of the document shall be extended annually on the basis of the medical examination

(3) The certification documents for inland waterways personnel have an unique identification number

### **Medical standards**

**Art.8-** (1) The river personnel shall prove their physical abilities and psychical skills by passing a medical exam carried out by an institution recognized by the competent authority. This exam refers especially to keenness of sight and hearing, the skill of distinguishing the colors, the motility of upper and lower limbs, as well as the neuropsychiatric and vascular condition of the candidate.

(2) The medical examination shall be done in compliance with legislation in force.

### **Obtaining of the certification documents**

**Art.9-** (1) The certification documents are obtaining through out an exam or official granted.

(2) For participation to an exam for obtaining the certification document for river personnel, they shall prove that:

- a) the candidate reached the age of 18
- b) the candidate fulfills the conditions of training and the period of service on board in conformity with provisions of Annex 3 at these Regulations
- c) the candidate fulfills the medical standards stipulated in art.8

(3) The period of service on board it is calculated like follows:

180 days of effective navigation, in conformity with the written from working book, is the equivalent of one year service on board. If in a period of consecutive 365 days the time of effective navigation is more then 180 days, the period of service on board it shall be considered one year.

(4) The proof of service on board provided at para.(2) shall be made through the specifications in the working book and the registration file and these specifications shall be verified and validated by RNA.

(5) The methodology of organization and the process of the examination sessions for obtaining the certification documents for river personnel shall be approved through out a decision of General Director of RNA.

### **Issuing and registration of the competency certification documents**

**Art.10-** (1) In order to obtain a certification document by passing an exam or ex officio, the candidates shall present:

- a) an identity document;
- b) a valid medical certificate issued in accordance with the legislation in force;
- c) the proof of the service on board provided in Annex 3 of these Regulations for the requested certification document;
- d) the proof of passing an exam in accordance with the provisions of Annex 3 or the proof of fulfilling the conditions provided in Annex 3 for obtaining ex officio the certificate;
- e) the proof of completing the mandatory courses in accordance with art. 11 of these Regulations, within their validity period.

(2) RNA shall keep the record of the certificates and certificates of competency issued, expired, revalidated, suspended, annulled or declared as being lost or damaged, as well as the record of dispensations which were granted.

(3) RNA shall make available the information regarding the authenticity and the validity of the certification documents or dispensations, upon other administrations' or companies' request.

### **Quality standards**

**Art.11-** (1) RNA shall ensure that all the qualification and training activities for the river personnel are carried out only by public institutions, non-governmental organizations, autonomous companies, commercial companies, associations and foundations subordinated to or under the authority of or authorized by the Ministry of Transport, Constructions and Tourism.

(2) The syllabus of the programmes drawn up by the institutions provided at para. 1 shall be verified and approved by RNA.

### **Responsibility of the ship owners or ship operators**

**Art.12-** (1) The ship owners, the ship operators are being responsible to ensure that:

a) Every person employed on board any of their vessels holds the appropriate certification document in accordance with the provisions of these Regulations;

b) The relevant documents for all river personnel employed on board vessels are permanently available on board, can be read and obligatorily include, without being limited to, the documents concerning the professional experience, the health condition and the necessary qualification to perform the designated tasks;

c) The river personnel on board their vessels is familiar with specific duties and with the vessel's design, installations, equipment, procedures and characteristics which are relevant for the usual or emergency tasks;

d) The vessel's crew is able to effectively co-ordinate its activities in an emergency situation and in carrying out the vital tasks for safety or prevention respectively diminution of the pollution.

### **Courses**

**Art.13-** (1) The courses provided in these Regulations shall be developed within the training centers subordinated or under the authority or authorized by the MTCT.

(2) The courses which shall be attended by the navigable inland waters personnel are listed below:

1. **Use of radar on board vessels sailing on navigable inland waters** – for river deck officers;
2. **Radiotelephone operator in the radiotelephonic service on navigable waterways** – for river deck officers;
3. **Prevention of pollution on inland waters** – for river deck and engine personnel;
4. **Handling and transport of dangerous cargo on inland waters** - for river deck and engine personnel in case the vessel transports dangerous cargo;
5. **Special training course for passengers transport** - for river deck and engine personnel in case of service on board vessels transporting passengers.
6. **Expert in passenger transport** - for river deck in case of service on board vessels transporting passengers.
7. **Medical first aid** - for river deck and engine personnel in case of service on board vessels transporting passengers.
8. **The use of breathing device** - for river deck and engine personnel in case of service on board vessels transporting passengers.

(3) The courses provided at par.2, letters 1 and 5 shall be done just once and these courses are finalized with an exam with a commission approved by RNA.

(4) The courses provided at par. 2 letters 2,3,4,6,7,8 shall be done in periods of time not exceeding 5 years.

### **Transitory and final clauses**

**Art.14-** (1)The certification documents shall be issued by RNA.

(2) In order to carry out the mandatory practice on board vessel, the graduates of the first year of the marine universities shall be issued with a working book, upon the university request.

(3) The issuing of the working book for a apprentice rating or motorman shall be made upon the request of the shipowner of vessel's operator

(4) For the students within the marine universities, the practice shall be carried out in the function of apprentice rating, deck assistant or mechanic assistant. In case the student holds a valid certificate of competency issued by RNA, the practice can be carried out in the position specified in that certificate.

**Art.15-** (1) the certification documents issued for the inland waterways personnel before entering into force of these Regulations shall be turned as follows:

- a) The certificates for river captain A, B, C categories and dredge man captain shall be turned ex officio into certificates of river captain category A, card type
- b) The certificates for river deck officer and the certificates of river helmsman shall be turned ex officio in certificates for river helmsman
- c) The certificates for river engineer officer and the certificates for river motorman shall be turned ex officio into certificates of mechanic.

(2) The certification documents stipulated in par. (1) shall be turned ex officio by Romanian Naval Authority until 31st of December 2006. After this date, the documents will loose their validity.

(3) The certificates of river captain category D, chief dradgeman and river dradgeman certificates issued before the entry into force of these Regulations are made void.

(4) The particular situations which are not regulated through these Regulations shall be solved by the General Director of RNA

### **Sanctions**

**Art.16-** The contraventions to these Regulations are established by Government Decizion.

**Art.17-** The General Directorate for Naval Transport from Ministry of Transports, Constructions and Tourism and Romanian Naval Authority shall apply the provisions of these Regulations.

**Art.18-** The Annexes no. 1-5 are integrated part of these Regulations.

### **Rendition**

**Art.19-** These Regulations transcript the Council Directive 96/50/EC published in Official Journal L 235 from 17<sup>th</sup> of September 1996 regarding the harmonization of conditions for obtaining the national certificates for **boatmaster's** for inland waterways for the transport of goods and of the passengers in the Community and the Council Directive 91/672/EEC published in Official Journal L 373 from 31<sup>st</sup> of December 1991 regarding the mutual recognition of the certificates for **boatmaster's** for the ships used in transports of goods and passengers on inland waterways.

### **Coming into force**

**Art.20-** These Regulations shall be published in Romanian Official Journal, Part I.

**Art.21-** On the date of entering into force of these Regulations, the Order of Ministry of Public Works, Transports and Housing no. 984 from 04<sup>th</sup> of July 2001 regarding the approval of Regulation regarding the issue of national licences and of the national certificates of competency for inland waterways personnel published in Romanian Official Journal, Part I no. 441 from 6<sup>th</sup> of August 2001 and the Oder of Ministry of Transports no.133 from 13<sup>th</sup> of March 1998 for approving of the Regulation regarding the obtaining of the certificates of user of radar on inland waterways and of the model of the certificate for user of radar is revoked.

