

CREW DIMENSION AND PRIVATE LAW ISSUES

outline

I. The Crew Dimension: How To Improve Attractiveness Of Inland Navigation Jobs And Facilitate Mobility Of Personnel Within Europe?

A - Harmonisation of Qualifications

1. *Boatmaster's certificates*

Certificates of RO, HU, CZ, PL recognized.
Certificates of BU, AT, SL likely to be recognized in the course of 2011.
SE and HR have declared their intention to submit a request.

Bilateral administrative arrangements.

2. *Service booklets*

Multilateral administrative arrangement signed with AT, BU, HU, PL, RO, SL, CZ on 8 December 2010; Entry in force on 1 July 2011.

3. *What's next?*

Access to the Rhine is not an issue anymore.
What's now needed = to modernise the content of the regulation.
The common meetings set forth through the administrative arrangements could be an appropriate forum for this.

B - Working and Social Conditions of IWT workers

1. *Social Security*

Agreement recently concluded under Art. 16 of EU Reg 883/2004.
CASS (Administrative Centre for Social Security of Rhine workers): the only forum specifically devoted to IWT issues, composed of social partners and government representatives.

2. *Working conditions*

- to prevent illegal work: create an attestation proving legality of employment, inspired by the EU driver's attestation
- to better control working and resting times: adopt the digital tachograph in IWT?
EU involvement would be necessary to pursue the discussion.

II. Private Law Issues

A - CMNI: the only success in harmonising the legal regime of liability

Budapest Convention on the Contract for the Carriage of Goods by Inland Waterway
Signed on 22 June 2001; Entered into force on 1 April 2005
Counts 15 State parties, out of 18 European States interested in IWT.

AT and PL want to accede to the CMNI but wait for prior authorisation of EU: possible overlap of competence between Art 29 CMNI and Art. 5 REG 593/2008 ("Rome I").

Art. 29 CMNI and Art. 5 "Rome I" are almost identical in content.

B - CLNI: a first step towards harmonisation

Purpose = to warrant effective compensation through better insurability
to prompt harmonisation of insurance practices between West and East

CLNI remains below harmonisation of liability regime and is felt by IWT States as the right level of harmonisation that the sector can take for the moment.