

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(75) 465 final

Brussels, 10 September 1975

Proposal for a
COUNCIL REGULATION

on the harmonisation of certain social
provisions relating to goods transport
by inland waterway

(submitted to the Council by the Commission)

COM(75) 465 final

EXPLANATORY MEMORANDUM

I. General considerations

This proposal for a Regulation has been drawn up in implementation of the Council Decision of 13 May 1965 on the harmonization of certain provisions affecting competition in transport by rail, road and inland waterways⁽¹⁾, and in particular Section III thereof.

Article 10 of that Decision provides for the approximation and improvement within each mode of transport, of provisions relating to working conditions, and subsequently for the approximation of all provisions applicable to the three modes of transport. Article 11 calls for the standardization of manning provisions for each mode of transport. Article 12 requires harmonization of the provisions concerning working and rest periods in each mode of transport, as well as of overtime arrangements. Finally, article 13 stipulates, among other things, that for transport by inland waterway a record book shall be introduced by means of which compliance with provisions concerning working periods can be checked on an individual basis.

From the actual terms of this Decision it clearly follows that, while the measures to be taken in connection with inland navigation must aim primarily at approximating the conditions of competition, it is imperative that they will also be concerned with improving social conditions and safety standards in this mode of transport. These three groups of objectives are closely linked and will have to be pursued simultaneously.

These objectives, moreover, are embodied in the scheme outlined by the Commission in its communication to the Council of 24 October 1973 on the development of a common transport policy⁽²⁾. The first stage in their implementation is part of a work programme which the Commission has set itself for the period 1974-1976 (see item 71).

(1) OJ N° 68, 24.5.1965, pp. 1500/6

(2) COM(73) 1725 final

If the above-mentioned objectives are to be achieved, however, a good deal of progress will have to be made in improving the present situation. The proposals put forward here must therefore be regarded as an initial phase, from which further advances can be made in the light of experience gained, technical improvements, productivity increases and social progress in the Community as a whole. In this first stage, minimum or maximum standards will be laid down for the regulation of the requirements to be met by the crew (age and qualifications), the composition of crews for the various classes of vessel, spreadover 1, the time worked at the helm and radar screen, rest periods, breaks, annual leave and public holidays.

In the second stage it will be necessary to undertake the harmonization of other factors making up working conditions, e.g. the time worked. In this context, consideration will also have to be given to the harmonization of overtime arrangements, although this is a task in which, owing to its complex nature, considerable difficulties are likely to be encountered. No action can be taken on this matter until wider experience has been gained, notably through application of the Regulation proposed here. It is for this reason that the present proposal contains no provisions of overtime, as required under Article 12 of Council Decision N° 65/271/EEC of 13 May 1965.

The regulations currently in force on the matters dealt with in this proposal differ widely.

For an appreciation of the full extent of the divergence, it will suffice to quote a few examples:

The maximum spreadover in Belgium is 13 hours but, because of the length of preparation periods, it is not regulated in the Federal Republic of Germany. The Rhine regulation prescribes 16 hours whereas the Paris Agreement prescribes 14 hours in summer and 12 hours in winter.

Manning is regulated by law in detail in Germany, in Belgium and in Italy but there are no legal provisions on this subject for France, for the United Kingdom or for the Netherlands.

It is necessary to ensure that harmonization in the field covered by this Regulation takes the form of well-balanced measures. Account must be taken not only of the economic situation in inland navigation but also of the social progress achieved in the other two modes of transport, especially road transport, in pursuance of Council Regulation (EEC) N° 543/69 of 25 March 1969 on the harmonization of certain social legislation relating to road transport (1).

With regard to navigation on the Rhine, the existing regulations on working conditions, crew composition and checks (2) constitute an important precedent, although so far they have been only partially implemented. It therefore seemed expedient to take these into account, bearing in mind, however, that the Community regulations will also be applicable to classes of inland shipping which differ considerably from that on the Rhine.

The Community regulations will, after a transitional period, have to cover all inland shipping irrespective of the nationality of the shipowners or crews or the place where the vessels are registered. In cases where nationals of a third country have rights arising from agreements concluded between Member States and that country before the Treaty of Rome entered into force any incompatibilities between those rights and the Community system to be adopted will have to be eliminated in accordance with the provisions of Article 234 of the Treaty.

(1) OJ N° L 77, 29.3.1969, p. 49

(2) Regulations on the inspection of vessels and rafts operating on the Rhine, 18.11.1947

(3) Agreement on the working conditions of Rhine boatmen, concluded in Paris on 27.7.1950, signed at Geneva on 21.5.1954

For the purpose of drawing up this proposal, the Commission carried out detailed investigations and obtained the most authoritative advice by making a thorough study of all the problems involved within the framework of the Joint Advisory Committee on Social Questions arising in Inland Waterway Transport (1) and in consultation with government experts.

The checks and penalties that will have to be provided for in order to ensure compliance with the provisions of this Regulation must be effective, non-discriminatory and as inexpensive as possible for the authorities. This proposal will therefore have to be followed up by further common provisions laying down the model for a log-book and an individual record book.

II. Special considerations

Article 1

To avoid any uncertainty as to the scope of the provisions, it would seem essential to define certain basic concepts of the Regulation.

Article 2

For reasons concerning competition, the safety of shipping and social welfare, the scope of this Regulation must extend to all crews sailing on the waterway of the Community, including the crews of vessels registered in a third country.

With regard to international agreements which are binding on Member States as well as on third countries and whose provisions are incompatible with this regulation the incompatibilities must be eliminated where necessary, in conformity with the procedure set out in Article 234 of the Treaty.

../...

(1) Set up by Commission decision of 28 November 1967, OJ N° 297, 7.12.1967 as amended by Commission decision of 19 June 1970, OJ N° L 140, 27.6.1970

These incompatibilities may arise mainly with Switzerland for whom conditions of navigation on the Rhine are regulated as far as the matters dealt with in this Regulation are concerned, by the Regulation on inspection of 1947 and by the Agreement on working conditions of Rhine Boatmen 1954. This agreement contains the clause which gives to each signatory country (1) the right of denunciation; the denunciation takes effect one year after notice to this effect has been received by the Director General of the International Labour Office.

Differences which should be noted between the Regulation on inspection of 1947 and the Agreement of 1954 on the one hand and this regulation on the other and which are of importance for the application of this regulation on the Rhine, concern the provisions, relating to hours of duty, daily rest periods, periodic rest days and annual holidays including public holidays, for which the Community regulations provide norms which are more severe or socially more favourable. It therefore appears necessary, in order to ensure uniform conditions in Rhine navigation, to eliminate, before the application of the present regulation on the date envisaged in Article 25, all incompatibilities between the regulation and the international agreements already referred to.

The period between the adoption of the Community Regulation and the date of implementation envisaged in Article 25 (18 months) appears to be long enough to permit Member States, in conformity with Article 234 of the EEC Treaty; to settle, by means of negotiations with Switzerland, the problems raised by the incompatibilities in question. These negotiations must be aimed at adopting the two agreements to the present regulation or as far as the Agreement of 1954 is concerned, denouncing it if necessary.

(1) Signatory countries: the Federal Republic of Germany, Belgium, France, the Netherlands and Switzerland.

Article 3

It seems necessary to make provision for the opening of negotiations between the Community and third countries in order to settle any problem that may arise in relation to those countries through the application of this Regulation. In the interests of safety and for reasons of competition, it will be necessary to ensure that on Community territory the same rules are likewise observed by nationals of third countries. Moreover, if there is to be an effective system of supervision in international transport involving third countries, it may be necessary to reach agreement with those countries on common or coordinated solutions in respect of certain aspects of the system. To this end, the Community will conclude with third countries any agreement that may be necessary in order to solve the problems that arise.

Article 4

This Article provides that the Regulation shall not apply to the crews of certain classes of small craft which, as such, do not operate on the transport market.

Article 5

This provision specifies the requirements with which crew members must comply as regards age and qualifications.

Article 6

This Article is the logical outcome of the technical conditions obtaining in inland navigation, where the safety of the vessel and the cargo must be given absolute priority.

Article 7

The regulating of manning arrangements in inland navigation is essential in order to achieve the declared aims of social harmonisation in the Community. It is for this reason that the Council Decision of 13 May 1965, in Article 11, specifically provides for the standardisation of manning provisions.

The minimum standards set in the Annex to this Regulation constitute basic rules which, in principle, are applicable to all waterways in the Community. A positive step has thus been taken towards the realisation of this standardisation. In order to set standards which apply to all types of vessels (dumb barges, self-propelled barges, tugs and pushboats) it seemed advantageous to make use of the provisions of the Regulation on Inspection of vessels and rafts operating on the Rhine dated 18 November 1947 which are currently in force and which for some time have proven their worth in both national and international traffic. One of the forms of operation C (semi-continuous sailing : 20 hours) of this Inspection Regulation has not been considered; the rules provided in the Annex to the present Regulation for semi-continuous sailing C (18 hours) correspond to those for semi-continuous sailing B (18 hours) in the Inspection Regulation.

The regulating of manning arrangements should, however, also take account of the different characteristics of the various waterways or part-waterways as well as of their different navigation conditions. For this reason it was necessary, in para. 2, to provide Member States with the possibility to apply certain derogations of a stricter or less strict nature for such waterways in their territory. Such derogations must, nevertheless, be justified by the particular circumstances and they must satisfy certain conditions in respect of the other provisions of this Regulation, in respect of Safety regulations (waterway gauge, current flow, traffic density etc.) and in respect of the vessel's condition. These rules must also conform with the classification in the Annex. As a delay of 18 months between publication and implementation of this Regulation is provided for (cf. Article 25) these national derogations could be adopted and published in ample time beforehand.

In order to maintain a certain coherence in the systems applied in the Community the Member States' derogations provided for in para. 2 should be submitted to the Commission for approval. The Commission will give its agreement providing the conditions laid down in paragraph 2 are met.

The possible derogations provided by paragraph 2 should be of a transitional nature. At the end of a period, yet to be determined by the Council on a proposal from the Commission, it will be necessary, in order to realise the objectives of Article 11 of the Council Decision mentioned above, to try and standardise these national derogations. In this way the standardisation of manning provisions will develop progressively enabling benefit to be taken from the experiences gained and enabling account to be taken of changes experienced by the industry.

As the Community rules contained in the Annex correspond, to a major degree, to the rules currently contained in the Regulation on Inspection of vessels and rafts operating on the Rhine, this traffic is excluded from the possibilities of derogation of paragraph 2.

In the application of national derogations the principle of territoriality applies; stricter or less strict rules may be applied to vessels (i.e. their crew) which operate in international traffic on waterways covered by the derogation in question.

As the derogations provided for in paragraph 2 must be approved by the Commission it was necessary to define special procedural rules in paragraph 3. The Commission will take the necessary decisions within an appropriate time. It will consult the social partners and the government experts of the Member States concerned, as well as the other Member States affected by the provisions in question where the situation calls for it.

In order that technical progress is not impeded and that rapid practical application of such progress is assured, paragraph 4 provides Member States with the possibility to authorise reductions in crews in those cases where the technical equipment of the vessel, particularly in the field of automation, permits. Such reductions must be designated by the competent authorities of the Member States for the vessel in question. The Commission will be advised of such measures taken by Member States so that it is kept informed of developments in this field.

Article 8

The question of women on board a vessel has two aspects, namely:

- the presence of women who are members of the boatman's family;
- the presence of women who are not members of the boatman's family, but who choose inland waterway transport as the field in which they wish to work.

In the interests of safety and social welfare, boatmen's wives responsible for the care of young children under 6 years of age who are continually on board may not be employed as members of the crew.

With regard to the second aspect, sex equality requires that women should, in principle, be accorded the same access to a career in inland waterway transport as men. Consequently, a number of the conditions laid down in the Regulation on the inspection of vessels and rafts on the Rhine, which might be considered to discriminate against women have been omitted from the Community Regulation. On the other hand, certain other provisions which prohibit the assigning to women of tasks that are too heavy for them, have been included as essential.

Article 9

It is in the interests of safety that vessels should sail only if they have a full complement of crew. Exceptions to this rule can be admitted only in exceptional circumstances due to unforeseen causes such as accident, illness, etc.

Article 10

In fixing the spreadover, the factors that have to be taken into account are the need to avoid overfatiguing the crew, the degree of flexibility necessary for the efficient operation of the vessels and the economic and social situation. In order to avoid interference with the operations of inland waterway transport undertakings, this proposal provides for spreadovers which are still relatively long; at a later date they will have to be progressively reduced.

Articles 11 and 12

In view of the special nature of duty at the helm and at the radar screen, and also for reasons of safety, it is essential to lay down special limits for the duration of these two activities.

Article 13

It is obvious that in exceptional situations - e.g. if a member of the crew is incapacitated and has to be replaced by another member, or if the vessel and its cargo are in danger for reasons of force majeure - it must be possible to derogate for as long as the need persists, from the provisions relating to duty periods to hours of continuous work, to daily rest periods and to breaks, provided that such derogations are essential in order to cope with the situation in question.

Article 14

The daily rest periods provided for constitute the logical complement to the duty periods. As in the case of the latter, the durations laid down for them constitute a distinct improvement in comparison with those at present in force. The improvement has been achieved mainly by adopting the system of average rest periods applied to "daytime sailing". This has the advantage of conferring the degree of flexibility necessary for the operation of the vessels.

Article 15

Despite the limits laid down for the duration of duty periods, the attendance times resulting from them would still be too long. Provisions has therefore been made for breaks which vary in length according to the duty period; very short interruptions are to be regarded not as breaks but as attendance time. (see also Art.1 para. 6)

Article 16

A compulsory weekly rest period would be incompatible with the flexibility necessary for efficient operation of the vessels. In many cases, moreover, it would be against the interests of the employees to compel them to take a weekly rest period, which, owing to the nature of transport operations would more often than not have to be taken a long way from their homes. For these reasons a system of periodic rest guaranteeing the crew a minimum number of rest days and Sundays at home instead of weekly rest periods has been proposed.

The amounts proposed are only minimum levels put forward in the interest of social protection and traffic safety which Member States, in conformity with Article 20, may replace by more favourable conditions for crew members.

This proposal is made without prejudice to the objectives which the Commission has set in its Council Recommendation addressed to Member States on the subject of the forty hour week and four weeks annual holiday (1). This Recommendation envisages, inter alia, the general introduction, as a principle, of the five day week and the forty hour week in the sense that hours worked over and above that will be paid at overtime rates. While the 78 days of periodic rest proposed in this Regulation are based, purely for reasons of calculation, on a 5 1/2 day week the 78 days are a minimum number of rest days which must not be derogated from and which, account being taken of the particular circumstances in river navigation, must be taken at home and must contain a limited number of Sundays. The recommendation and this Regulation while pursuing different ends are nonetheless complementary.

(1) O.J. No. L 199, 30.7.1975

Besides, the recommendation itself admits of exceptions to the strict principle of the five day working week for certain sectors of economic life where the particular conditions make it necessary.

Article 17

At the present time, the rules governing both annual leave and public holidays in the Member States differ widely. In certain Member States the number of public holidays may be few while in others they might be quite numerous. Harmonization is therefore impossible between two such disparate sets of conditions. For this reason this article envisages a minimum of 30 days combined annual and public holidays divided between the two categories.

The number of 30 days is based, for reasons of calculation, on a 5 1/2 day working week which for four weeks holiday gives 22 days plus 8 public holidays. With this figure, account is taken of 4 weeks paid annual holiday in accordance with the recommendation of the Council.

Notwithstanding these provisions and given that a holiday of a certain uninterrupted length is indispensable for physical recuperation the article also stipulates that a crew member has a right to an uninterrupted holiday of at least two consecutive weeks per year.

In addition, these proposed figures are minimum values which do not prevent Member States applying more favourable, in the sense of social progress, provisions (see Article 20).

Article 18

The periods of duty, attendance and rest applicable to crew members when in port will have to be those required under the local regulations, provided that such regulations exist and that the arrangements laid down therein are more favourable for crew members.

Article 19

This article exempts self-employed boatmen engaged in inland waterway transport from certain articles of the Regulation. The reason for this exemption is partly that simpler arrangements have to be made for such

persons in regard to periodic rest, and partly that it is virtually impossible to impose leave and public holidays on self-employed persons.

Article 20

This Article is designed to preserve existing social arrangements which are more favourable for crew members than the minimum and maximum standards laid down in the proposal.

In addition the Article will allow the Member States, as autonomous bodies, to introduce any more favourable arrangements they may wish to adopt in the future. If this has the effect of maintaining certain existing disparities, or of creating new ones, between the arrangements applicable in the Member States or to the various waterways and regions, these will have to be accepted in the interests of social progress.

Article 21

In order to render the systems of supervision in the Member States more effective, it is desirable to introduce a standard means of surveillance in the form of a log-book and an individual record book. The Commission therefore requests authorization from the Council to draw up a model for a log-book and an individual record book as instruments of supervision to be used on all Community waterways and for all means of transport covered by this Regulation. In order to simplify the procedure, these implementing provisions, which will be of a purely technical nature, could be laid down in the form of a Commission regulation, which would then supplement this proposal.

Article 22

For the purpose of applying this Regulation, it is necessary that the Member States should set up authorities - modelled on the time-tested Commissions for the inspection of shipping on the Rhine - with the principal task of ensuring the implementation of the provisions concerning crew compo-

sition contained in Article 7 of this Regulation and in the Annex thereto.

Article 23

No comment.

Article 24

The date on which the Regulation is to take effect has been so fixed as to allow Member States sufficient time to adopt all the laws, regulations and administrative provisions required for the effective application of the standards laid down. Prior consultation with the Commission will be necessary in order to ensure that the proposed regulation is applied consistently and in accordance with Community requirements.

Past experience with Regulation (EEC) N° 543/69 on the harmonization of certain social legislation relating to road transport has shown that, if satisfactory results are to be attained in international transport, it is essential that the Member States should afford each other assistance in the practical implementation of the Regulation. This applies particularly in the field of administration and the exchange of information and has special relevance as regards infringements and penalties.

At a later date, the procedure laid down will have to be further developed in the light of experience gained in the application of the Regulation.

Article 25

No comment.

II

(Preparatory Acts)

COMMISSION

**Proposal for a Council Regulation on the harmonization of certain social provisions
relating to goods transport by inland waterway**

(Submitted by the Commission to the Council on 17 September 1975)

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 the Council Decision of 13 May 1965 ⁽¹⁾ on the harmonization of certain provisions affecting competition in transport by rail, road and inland waterway, and in particular Articles 10 to 13 thereof, provides for the elimination of disparities liable to distort the conditions of competition in the transport sector by means of measures for the approximation and improvement of provisions relating specifically to working conditions in transport and measures for the standardization of manning supervision provisions; whereas to this end it is necessary to take account not only of the relations between the various modes of transport but, within each mode of transport, of the relations between the undertakings of the various Member States;

Whereas it is in the interests of crew welfare and the safety of traffic on inland waterways to lay down certain maximum standards for working hours,

minimum standards for rest periods, the composition of crews and the qualifications of crew members;

Whereas it is desirable to deal initially only with goods transport, in view of the predominance thereof in river transport as a whole;

Whereas, for reasons of competition and safety, and on social grounds, it is necessary to provide for the uniform application of the provisions of this Regulation to the crews of all vessels engaging in goods transport and sailing on the inland waterways of the Member States;

Whereas, in order to achieve this objective it is considered necessary to exonerate, during a transitional period, certain transports by third countries from the general application of the Regulation on certain waterways to which other international regulations apply;

Whereas the Member States must open negotiations with a view to eliminating the incompatibilities between these regulations and the Community Regulation;

Whereas in order to achieve the objectives of this Regulation it is not necessary for the rules in question to be applied to the crew members of certain vessels which are of small tonnage or which do not operate in the transport market;

Whereas, for reasons of competition, safety and social protection it is desirable to define clearly the composition of crews of the various types of vessel and to lay down certain requirements to be met by the members of such crews;

⁽¹⁾ OJ No 88, 24. 5. 1965, p. 1500/65.

Whereas it is advisable to permit the Member States to agree certain derogations to the standardization of manning provisions for a transitional period.

Whereas in the interests of preventing the crews of vessels from being overworked it is desirable to lay down limited hours for the spreadover and minimum rest periods, with due regard to the improvements that are taking place in working and operating conditions in inland navigation; whereas for the same reason crew members must also enjoy the benefit of regular rest days, annual leave and public holidays, of which it must be possible for a reasonable portion to be spent at home;

Whereas in view of the special features of work in port, it is desirable to apply the local regulations regarding periods of duty in as far as these are more favourable than the Community Regulation;

Whereas certain provisions cannot be applied to self-employed boatmen;

Whereas the standards laid down in this Regulation in respect of working conditions are merely maximum or minimum standards; whereas, in order to promote social progress or to improve the safety of shipping, each Member State may apply appropriate measures which are more favorable for crew members in this respect; whereas in these circumstances the Commission must observe developments in the Member States and present regular reports to the Council with a view to adapting the Regulation to any changes in the situation;

Whereas measures should be laid down to improve the efficiency of the system of supervision for ensuring compliance with the provisions of this Regulation, and whereas to this end it is desirable that the Member States grant each other assistance,

HAS ADOPTED THIS REGULATION:

SECTION I

Definitions

Article 1

For the purposes of this Regulation:

1. 'spreadover' means the period between the commencement and the termination of work. It includes:

- time spent at the helm, watching the radar screen and performing other tasks on board,
- time spent in making ready for sailing and clearing up afterwards,
- time spent in shifting berth,
- time spent on administrative work,
- time spent in loading or unloading, maintenance, inspection and repairs, or in supervision of these activities on mixed-duty days,
- time spent on any other work that is customary in inland navigation,
- time during which the crew is required to stay on board pursuant to shipping regulations, with the exception of daily rest periods,
- time during which the crew must remain available for beginning or resuming one of the abovementioned activities,
- time during which, in the course of a sailing day or mixed-duty day, sailing is held up for reasons other than the daily rest period,
- time during which, in the course of the working day, goods handling is held up before the work of loading or unloading is completed,
- official breaks,
- any other time during which work is interrupted, including intervening rest periods (non-official breaks or interruptions);

2. 'interruption' means any time, other than official breaks and daily rest periods, during which work is interrupted owing to the particular demands of transport and/or business organization;

3. 'mixed-duty day' means a day during which part of the time is spent on sailing and part on such work as loading, unloading, maintenance and repairs;

4. 'crew member' means boatman, helmsman, deck hand, ship's boy, engineer, deck hand motorman or stocker;

5. (a) 'daytime sailing' means sailing for a maximum of 14 hours out of 24, with a night rest period for the crew to be taken between 6 p.m. and 8 a.m.,

- (b) 'semi-continuous sailing' means sailing for a maximum of 18 hours out of 24, with a night rest period for the crew to be taken between 7 p.m. and 7 a.m.,
- (c) 'continuous sailing' means sailing for more than 18 hours out of 24;
6. 'break' means any statutory or contractual break occurring between the commencement and termination of work lasting at least 30 minutes during which the employee may dispose freely of his time;
7. 'week' means the period from 00 a.m. on Sunday to 12 midnight on Saturday;
8. 'daily rest period':
- in daytime and semi-continuous sailing, any uninterrupted period of at least 10 hours and eight hours respectively during which the employee disposes freely of his time and is free to move about within the limitations imposed by Community and national provisions in respect of crew composition and attendance,
 - in continuous sailing, any uninterrupted period of at least six hours during which the employee disposes freely of his time and is free to move about within the limitations imposed by Community and national provisions in respect of crew composition and attendance.

SECTION II

Scope

Article 2

1. This Regulation shall apply to crew members of vessels engaged in goods transport on the inland waterways of Member States.
 2. Nevertheless, during a transitional period expiring at the conclusion of the negotiations referred to in paragraph 3 of this Article, this Regulation will not apply to crews of vessels:
 - on waterways covered by the Regulation on Inspection of Shipping and Rafts on the Rhine of 18 November 1947 and belonging to undertakings which have their headquarters on the territory of a third country,
 - on waterways covered by the Paris Agreement concerning the working conditions of Rhine boatmen of 21 May 1954 and belonging to undertakings which have their headquarters on Swiss territory.
3. Member States will start whatever negotiations are necessary in order, if possible before... (18 months from the adoption of the Regulation) to:
- modify, within the framework of the Central Commission for Navigation on the Rhine, the Regulation on Inspection of Shipping and Rafts on the Rhine of 18 November 1947 to eliminate from it all provisions which prove incompatible with the provisions of this Regulation,
 - modify the Agreement on conditions of work of Rhine boatmen of 21 May 1954 to eliminate from it all provisions which prove to be incompatible with the provisions of the present Regulation or, if necessary, denounce the Agreement.

Article 3

The Community shall undertake such negotiations with third countries as may prove necessary for the implementation of this Regulation.

Article 4

This Regulation shall not apply to the crew members of the following vessels:

- ferries,
- rafts and floating devices incorporating mechanical apparatus but not transporting goods,
- vessels whose dead weight is less than 150 metric tons, excluding tow and pushboats,
- vessels which, coming from or returning to the sea, are using waterways for the sole purpose of being loaded or unloaded in a port situated thereon,
- fishing vessels used for fishing,
- vessels carrying salvage or emergency repair equipment for immediate use,
- vessels in the service of the inland waterway authority, the police force, the armed forces or the fire brigade, and all vessels in the service of any person acting on behalf of a public authority,
- vessels used solely for towing in port,
- pushboats used solely for pushing in ports,
- vessels used for towing at sea, provided that they are not also used on inland waterways.

SECTION III

Crews

Article 5

Crew members must meet the following requirements:

(a) *the boatmen*

must be at least 21 years of age and have sailed for at least four years at sea or on inland waterways. In the assessment of sailing experience, account may be taken of part or all of the time spent in attendance at an appropriate training establishment. Three years' previous experience may be deemed sufficient if the person concerned holds a certificate of proficiency stating that he has completed a boatman's training, for which a minimum standard shall be laid down by the Council, acting on a proposal from the Commission, not later than one year after the entry into force of this Regulation;

(b) *the helmsman*

must have sailed for at least one year as deck hand or deck hand motorman on inland waterways;

(c) *the deckhand*

must be at least 17 years of age and have sailed for at least one year as a member of a deck crew at sea or on inland waterways. In the assessment of sailing experience, account may be taken of part or all of the time spent in attendance at an appropriate training establishment;

(d) *the ship's boy*

must be at least 15 years of age;

(e) *the engineer*

must, in addition to possessing a basic knowledge of engines, have worked for at least two years as deckhand motorman or have undergone a course of vocational training, for which the minimum standard will be laid down by the Council, acting on a proposal from the Commission, not later than one year after the entry into force of this Regulation;

(f) *the deckhand/motorman*

must, in addition to possessing a basic knowledge of engines, have sailed for at least one year as deckhand on board vessels equipped with mechanical means of propulsion at sea or on inland waterways.

Article 6

Any crew member may, if the safety of the vessel or cargo so requires, be called upon to perform duties other than those which fall within the scope of his specific functions, provided that his qualifications and physical powers are commensurate with such duties.

Article 7

1. The composition of crews for the various categories of vessel is laid down in the Annex, which forms an integral part of this Regulation.

2. During a period which will terminate at a date to be fixed by the Council on a proposal from the Commission, the latter shall authorize the Member States, upon request, to apply derogations from the rules prescribed under paragraph 1 for the totality or a part of the traffic operating on the waterways located in their territory in as far as such derogations are justified by the particular navigation conditions on these waterways and that they conform to the following requirements:

- (a) they take account of the prescriptions of the present Regulation, and particularly, respect the provisions of Sections IV and V;
- (b) they respect the safety regulations for movement on the waterways concerned and that they take account of the technical level of the equipment of the vessel in question;
- (c) they do not represent a step backward in the social field in relation to the existing level in the Member State concerned.

These derogations shall not apply to navigation on the Rhine. By 'navigation on the Rhine' is meant navigation from Mittebrücke Basle to the open sea including the Alsace canal, the Pannerdensch canal, the Nederijn, the Lek, the Waal, the Merwede, the Noord and the Nieuwe Maas.

3. The Commission will formulate its decisions provided for in paragraph 2 after consultation with the Joint Advisory Committee on Social Questions arising in Inland Water Transport, instituted by the Commission Decision of 28 November 1967⁽¹⁾ and

⁽¹⁾ OJ No 297, 7. 12. 1967 modified by the Commission Decision of 19 June 1970, OJ No L 140, 27. 6. 1970.

after consultation with the applicant Member State, and as necessary with the other Member States affected by the provisions in question.

This decision shall be notified to the applicant State within four months from the date of receipt of the application by the Commission. This delay may be extended to six months where the Commission invites the opinion of other Member States.

4. Member States may, individually, authorize a reduction in crew composition in those cases where the technical equipment of the vessel in question is higher than that prescribed and is capable of effecting certain tasks normally effected by crew members. The Member States shall inform the Commission of measures taken by virtue of this disposition.

Article 8

1. Crews may not include any female members:
 - where the rigging of the vessel is difficult to handle,
 - where the rudder, at maximum draught, cannot be moved effortlessly by one person,
 - where the work of individual crew members entails shifting or carrying, without assistance, loads or articles of rigging exceeding 15 kilogrammes in weight or carrying, with the help of another crew member, loads or articles of rigging exceeding 35 kilogrammes in weight. The casting-off and paying-out of heavy towing cables shall in all cases be considered as falling within this category of work,
 - where the vessel does not possess separate accommodation, washrooms and toilets for female and male crew members. This provision shall not apply where all the crew are members of the same family.
2. The competent authorities to be designated by each Member State, pursuant to Article 22, shall decide whether the vessel is suitable for women to work aboard and shall incorporate their decision in a certificate of inspection.
3. No person responsible for supervising and caring for children under the age of six who are constantly on board the vessel shall be employed as a crew member.
4. Women shall not be employed after the sixth month of pregnancy or before the end of the third month following their confinement.

Article 9

1. The crew prescribed for a particular mode of operation shall be constantly on board the vessel

during the voyage. Departure of a vessel without its prescribed crew shall be prohibited.

2. By way of derogation from the preceding paragraph, where not more than one member of the prescribed crew is unable to work during a voyage because of exceptional and fortuitous circumstances, such as illness, accident or official instructions, a vessel may nonetheless continue its voyage as far as the first place where it can moor and wait in safety.

SECTION IV

Spreadovers

Work at the helm and radar screen

Article 10

1. For daytime sailing the daily spreadover shall not exceed:
 - 14 hours in the period from March to October inclusive,
 - 12 hours in the period from November to February inclusive.

The average daily spreadover calculated over a period of 12 consecutive weeks shall not exceed 12 hours. For the calculation of this average daily spreadover, account shall be taken only of sailing days and mixed-duty days.
2. For semi-continuous sailing, the daily spreadover shall not exceed 12 hours.
3. For continuous sailing, the daily spreadover shall not exceed eight hours.

Article 11

Continuous work at the helm shall not exceed four hours' duration. This period shall be followed by a break.

Article 12

Observation of the radar screen shall not exceed a duration of seven hours per spreadover for daytime and semi-continuous sailing, or seven hours per 24-hour period for continuous sailing.

Continuous observation of the radar screen shall not exceed two hours' duration and may only be resumed after an interval of at least 30 minutes.

Article 13

Derogations from the provisions of Articles 10, 11, 12, 14 and 15 shall be permitted only in the following cases:

- (a) where a crew member is unable to work for reasons of illness or accident and his work has to be taken over by another crew member; in this case, the derogation remains valid only until the vessel reaches a stopping place appropriate to the circumstances, at which the incapacitated crew member must, if necessary, leave the vessel and be replaced;
- (b) in order to ensure the safety of the vessel or its cargo.

SECTION V

Rest periods and breaks — annual leave and public holidays

Article 14

1. For daytime sailing, the daily rest period shall not be less than:

- 10 consecutive hours during the period from March to October inclusive,
- 12 consecutive hours during the period from November to February inclusive.

The average daily rest calculated over a period of 12 consecutive weeks shall not be less than 12 hours. For the calculation of this average daily rest, regular rest days, public holidays and days of leave, are not taken into account.

- 2. For semi-continuous sailing, the daily rest period shall not be less than eight consecutive hours.
- 3. For daytime and semi-continuous sailing, the daily rest period must be taken at night; for daytime sailing it must be taken at some time between 6 p.m. and 8 a.m. and for semi-continuous sailing at some time between 7 p.m. and 7 a.m.
- 4. For continuous sailing, the daily rest period shall not be less than six consecutive hours.

The minimum total daily rest must be:

- either 12 hours in a period of 24 hours,

- or 24 hours in a period of 48 hours.

5. During the daily rest period, crew members may dispose freely of their time provided that their presence on board is not required under a national or local police order for reasons of safety.

Article 15

During sailing, crew members shall be entitled to official breaks whose total minimum duration shall be as follows:

- 30 minutes for a spreadover of not less than five hours but less than eight hours,
- one hour for a spreadover of not less than eight hours but less than 12 hours,
- one hour 30 minutes for a spreadover of 12 hours or longer.

These provisions shall not apply to continuous sailing.

Article 16

1. Any crew member engaged in daytime sailing shall be entitled to at least 78 periodic rest days a year in lieu of weekly rest days. It must be possible for him to spend at least 39 of these days at home. At least 10 periodic rest days shall be Sundays.

2. Any crew member engaged in semi-continuous or continuous sailing shall be entitled to one rest day for every two days worked. In all cases, rest days shall be granted within a time limit of six weeks; they shall be consolidated and may be spent, if desired, at the home of the crew member.

3. For daytime and semi-continuous sailing, any regular rest period must begin not later than 8 p.m. It must comprise a rest of at least 36 consecutive hours. The number of days worked between two regular rest periods shall not exceed 30.

Article 17

1. Every crew member shall be entitled to at least 30 days of annual leave and public holidays a year. Periodic rest days shall not be included in these 30 days.

2. Every crew member shall be entitled to a continuous period of at least two weeks by way of annual leave.

SECTION VI

Work in port*Article 18*

For the activity of crew members in a port or any other stopping place, local provisions on the duration of the duty period and rest periods shall apply if they lay down minimum or maximum standards which are more favourable to the employee than those laid down in Sections IV and V.

SECTION VII

Self-employed boatmen*Article 19*

1. The provisions of Articles 16 and 17 shall not apply to self-employed boatmen.
2. Self-employed boatmen shall take at least 78 periodic rest days a year.

SECTION VIII

Application of more favourable provisions*Article 20*

1. Provisions now in force in the Member States which lay down higher minimum requirements concerning age, crew composition, professional qualifications, rest periods and breaks or lower maximum requirements for the spreadover, duration of work at the helm or of observation of the radar screen than those laid down in this Regulation shall remain applicable.

Each Member State may apply higher minimum requirements concerning age, crew composition, professional qualifications, rest periods and breaks or lower maximum requirements for the duty period, duration of work at the helm or of observation of the radar screen than those laid down in this Regulation.

2. By way of derogation from the foregoing paragraphs, the provisions of this Regulation shall continue to apply to members of crews engaged in international transport on board vessels registered in another State.

3. Every two years, starting from the date of entry into force of this Regulation, the Commission shall present to the Council a report on developments in the situation concerning the matters referred to in this Article.

SECTION IX

Implementation and supervision*Article 21*

The Commission shall lay down by Regulation, before ... (18 months after the adoption of the Regulation):

- (a) a model for a log book;
 - (b) a model for an individual record book;
- together with the necessary procedures for their use.

Article 22

Each Member State shall designate the authorities to be responsible for ensuring the implementation of the provisions concerning crew composition contained in the Annex to this Regulation.

Article 23

1. The Commission shall, every two years, forward to the Council and the European Parliament a general report concerning the implementation of this Regulation by Member States.

2. In order to enable the Commission to prepare the report referred to in paragraph 1, Member States shall forward the necessary information to the Commission every two years, using a standard form of report, of which a model will be drawn up by the Commission after consultation with the Member States

SECTION X

Final provisions*Article 24*

1. After consulting the Commission, Member States shall adopt by (18 months after the adoption of the Regulation) the necessary laws, regulations and administrative provisions required for the implementation of this Regulation.

The provisions shall contain, among other things, details of organization, procedures, control measures and penalties for contraventions.

2. Member States shall afford each other assistance in the implementation of the provisions of this Regulation and in the supervision thereof.

3. Where the competent authorities of a Member State are aware of an infringement of the provisions of this Regulation committed by a crew member who comes under the jurisdiction of another Member State, they may notify the authorities of that State thereof. The competent authorities shall transmit to each other all the information in their possession concerning penalties applied for such infringements.

Article 25

Articles 2 (3), 5 (a) and (c), 7 (2) and (3), 21 and 24, (1) will apply from the coming into force of this Regulation. The other provisions of this Regulation shall become applicable as from ... (18 months after the adoption of the Regulation).

This Regulation shall be binding in its entirety and directly applicable in all Member States.

ANNEX

COMPOSITION OF CREWS

A. DEFINITIONS

The composition of crews on board vessels engaged in goods transport is laid down below for the following three modes of operation:

- daytime sailing (14 hours), referred to under (A) in the tables below,
- semi-continuous sailing (18 hours), referred to under (B) in the tables below,
- continuous sailing (24 hours) referred to under (C) in the tables below.

B. COMPOSITION OF CREWS ON BOARD DUMB BARGES, SELF-PROPELLED BARGES AND TUGS

I. Dumb barges

1. When, in the case of a vessel not equipped with mechanical means of propulsion and intended to be towed, the following conditions are fulfilled:
 - (a) the rudder can be moved effortlessly by one person at the maximum authorized draught;
 - (b) vessels of more than 350 metric tons dead weight are equipped with a system of intercommunication, which allows two-way conversation between the wheelhouse and the bows;
 - (c) the bilge pumps and deck-washing pumps are motorized in vessels of more than 350 metric tons dead weight;
 - (d) the bow anchor winch in vessels of more than 350 metric tons dead weight and the stern anchor winch in vessels of more than 750 metric tons dead weight are motorized;
 - (e) vessels of more than 1 000 metric tons dead weight are equipped with hatch covers capable of being slid or turned laterally, unless equivalent devices such as sliding hatch covers are installed;

the composition of the crew shall be as follows:

Group	Dead weight	Crew	A	B	C
1	Over 150 but not exceeding 750 metric tons	Boatmen	1	2	2
		Deckhands	1	1	2
		Ship's boys	—	—	—
2	Over 750 but not exceeding 1 400 metric tons	Boatmen	1	2	2
		Deckhands	1	1	2
		Ship's boys	1	1	1
3	Over 1 400 but not exceeding 2 500 metric tons	Boatmen	1	2	2
		Deckhands	2	2	3
		Ship's boys	—	—	—
4	Over 2 500 metric tons	Boatmen	1	2	2
		Deckhands	2	2	3
		Ship's boys	1	1	1

2. Where one or more of the conditions set out in paragraph 1 are not fulfilled, the crew prescribed under this head shall, irrespective of the mode of operation, be increased by one ship's boy for Groups 1 and 2 and by one deckhand for Groups 3 and 4.

3. The deckhands in Groups 1 and 2 must be at least 18 years old.

II. Self-propelled barges

1. Where, in the case of a self-propelled vessel, the following conditions are fulfilled:

- (a) the rudder at the maximum authorized draught, can be moved effortlessly by one person;
- (b) the emission of signals (acoustic and optical) from the vessel under way can be effected from the wheelhouse;
- (c) vessels of more than 350 metric tons dead weight are equipped with a system of intercommunication between the wheelhouse and the bows which allows two-way conversation;
- (d) the propulsion machinery is such that changes in speed and direction as well as that for those vessels equipped with reversing motors the starting and stopping of the propulsion motors can be effected from the wheelhouse;
- (e) warning devices installed in the wheelhouse for monitoring of the propulsion machinery, actuated at certain critical levels of:
 - temperature of the cooling water and pressure of the lubricating oil of the main engines and the transmission system,
 - oil pressure and air pressure in the parts of the equipment operating under oil pressure or under air pressure;
- (f) the warning devices referred to in (e) of the acoustic or optical type. They must be constructed in such a way that they are capable of functioning while the propulsion machinery is running and of attracting the boatman's attention in any circumstances;
- (g) the mechanical equipment is arranged in such a way that routine maintenance work during navigation can be interrupted at any time;
- (h) the bilge pumps and the deck-washing pumps are motorized in vessels of more than 350 metric tons dead weight;

- (i) the anchor bow winch in vessels of more than 350 metric tons dead weight and the stern anchor winch in vessels more than 86 m long are motorized;
- (j) the towrope winches of self-propelled barges in Groups 2, 3 and 4 are motorized and can be operated by one person;
- (k) vessels of more than 1 000 metric tons dead weight are equipped with hatch covers capable of being slid or turned laterally, unless equivalent devices such as sliding hatch covers are installed;

the composition of the crew shall be as follows:

Group	Deadweight	Crew	A	B	C
1	Over 150 but not over 500 metric tons	Boatmen	1	2	2
		Helmsmen	—	—	—
		Deckhands	1	1	2
		Ship's boys	—	—	—
2	Over 500 but not over 1 000 metric tons	Boatmen	1	2	2
		Helmsmen	—	—	—
		Deckhands	1	1	3
		Ship's boys	1	1	—
3	Over 1 000 but not over 1 600 metric tons	Boatmen	1	2	2
		Helmsmen	1	1	1
		Deckhands	2	2	3
		Ship's boys	—	—	1
4	Over 1 600 metric tons	Boatmen	1	2	2
		Helmsmen	1	1	1
		Deckhands	2	2	4
		Ship's boys	1	1	—

2. On board vessels equipped with engines developing more than 800 metric horsepower, the deckhand must be replaced by a deckhand/motorman.

3. On board vessels equipped with engines developing not more than 800 metric horsepower, one crew member must know how to operate and supervise the engines and another crew member must be sufficiently familiar with their operation to be able to start and stop them.

4. Where one or more of the conditions set out in paragraph 1 are not fulfilled, the crew prescribed under this head shall, irrespective of the mode of operation, be increased by one ship's boy for Groups 1 and 2, and by one deckhand for Groups 3 and 4.

5. Vessels whose engine is used solely for effecting small movements in ports of loading or unloading, or for increasing dirigibility when under tow, shall for the purposes of crew composition be deemed to be dumb barges. Restrictions on the use of the engine shall be stated on an inspection certificate.

6. Where a self-propelled barge is required to tow more than one vessel, its crew shall be increased as follows for all groups and for all modes of operation:

- by one ship's boy for two or three towed vessels,
- by one deckhand for four or more towed vessels.

If, however, a self-propelled barge is required to tow downstream not more than two light dumb barges coupled abreast, its crew shall not be increased.

When a self-propelled barge is used as an additional tug with the aid of a single towrope, its prescribed crew shall not be increased.

III. Tugs

1. Where, in the case of a self-propelled vessel designed for towing, the following conditions are fulfilled:

- (a) the propulsion machinery can be controlled from the wheelhouse;
- (b) for monitoring of the propulsion machinery, warning devices installed in the wheelhouse are actuated at certain critical levels of:
 - temperature of the cooling water and pressure of the lubricating oil of the main engines and transmission system,
 - oil pressure and air pressure in the parts of the equipment operating under oil pressure or under air pressure;
- (c) the warning devices referred to in (b) may be of the acoustic or optical type. They must be constructed in such a way that they are capable of functioning while the propulsion machinery is running and of attracting the boatsman's attention in any circumstances;
- (d) the anchor and towrope winches of more than 250 CV are motorized;
- (e) the towrope winches can be operated by one person;

The composition of the crew shall be as follows:

Group	Metric horsepower	Crew	A	B	C
1	Up to 250 CV	Boatmen	1	2	2
		Helmsmen	—	—	—
		Deckhands	—	—	1
		Ship's boys	—	—	—
		Engineers	—	—	—
		Deckhand/motormen	1	1	1
2	Over 250 CV but not exceeding 500 CV	Boatmen	1	2	2
		Helmsmen	—	—	—
		Deckhands	—	—	1
		Ship's boys	1	1	1
		Engineers	—	—	—
		Deckhand/motormen	1	1	1
3	Over 500 CV but not exceeding 750 CV	Boatmen	1	2	2
		Helmsmen	—	—	—
		Deckhands	1	1	1
		Ship's boys	—	1	1
		Engineers	—	—	—
		Deckhand/motormen	1	1	2

Group	Metric horsepower	Crew	A	B	C
4	Over 750 but not exceeding 1 000	Boatmen	1	2	2
		Helmsmen	—	—	—
		Deckhands	1	1	2
		Ship's boys	1	—	1
		Engineers	1	1	1
		Deckhand/motormen	—	1	1
5	Over 1 000 but not exceeding 2 000	Boatmen	1	2	2
		Helmsmen	1	1	1
		Deckhands	1	1	2
		Ship's boys	1	—	1
		Engineers	1	1	1
		Deckhand/motormen	—	1	1
6	Over 2 000	Boatmen	1	2	2
		Helmsmen	1	1	1
		deckhands	2	2	4
		Ship's boys	1	—	—
		Engineers	1	1	1
		Deckhand/motormen	—	1	1

2. Where only one towrope is used or where there is only one length of tow, no ship's boy shall be required.

3. Where one or more of the conditions set out in paragraph 1 are not fulfilled, the crew prescribed under this head shall be increased by one deckhand/motorman.

IV. Derogations and special provisions

1. Where the number of helmsmen, deckhands and deckhand/motormen in the crew prescribed under I, II and III is two or more, a deckhand may be replaced by two ship's boys. This replacement is not permissible in semi-continuous or in continuous sailing.

A crew may not include more than three ship's boys. Two ship's boys may be replaced by one deckhand if the crew also includes at least one deckhand, a deckhand/motorman or a helmsman.

2. Where the statutory crew on board a vessel consists of more than six members, no crew member shall, irrespective of the mode of operation, be assigned the task of cooking for all.

3. If, by reason of its size, construction, installations or functions, a vessel does not correspond to one of the types mentioned under I, II and III, the competent authorities of

the Member State, in which the owner of the vessel has his registered office, shall specify a larger crew than that provided for under I, II and III, if it can reasonably be assumed that the crew resulting from application of the provisions thereof would be inadequate to ensure safe navigation of the vessel.

For each floating device, provided that it is not excluded under Article 4 of the Regulation, and also for steam tugs, the competent authorities of the Member States shall determine, according to the size, construction, installations and functions of the craft, the crew required to be on board during navigation.

4. On board vessels whose crew consists of more than one boatman and one deckhand, the crew may be reduced to one ship's boy, if the latter is attending a training school for boatmen and there is a certificate on board attesting to this fact. This reduction shall be permitted for a continuous period not exceeding three months in any calendar year.

5. The competent authorities of each Member State may, in the case of vessels owned by undertakings which have their registered office in the territory of that State, and whose crews include a boatman and two other members having at least the qualifications of a deckhand, issue written authorization for the replacement of one deckhand, for a period of three months, by a person of at least 18 years of age, who has not had the sailing experience required under Article 5 (c) of the Regulation. Such authorization, however, shall only be issued where the boatman in charge of the vessel has shown that, despite his efforts, he has been unable to obtain a deckhand to bring his crew up to strength.

C. COMPOSITION OF PUSHER CREWS

I. Trains pushed by a standard-type pushboat

1. The composition of the crew for convoys pushed by a standard-type pushboat shall be as follows:

Group	Metric horsepower	Number of pushed craft	Crew	A	B	C
1	Up to 500	0 or 1 or 2	Boatmen	1	2	2
			Helmsmen	—	—	—
			Deckhands	1	1	2
			Ship's boys	—	—	—
			Engineers	—	—	—
			Deckhand/motormen	1	1	2
		3 or more	Boatmen	1	2	2
			Helmsmen	—	—	—
			Deckhands	2	2	3
			Ship's boys	—	—	—
			Engineers	—	—	—
			Deckhand/motormen	1	1	2

Group	Metric horsepower	Number of pushed craft	Crew	A	B	C
2	Over 500 but not exceeding 750	0 or 1 or 2	Boatmen	1	2	2
			Helmsmen	1	1	1
			Deckhands	1	1	2
			Ship's boys	—	—	—
			Engineers	—	—	—
			Deckhand/motormen	1	1	2
	3 or more	Boatmen	1	2	2	
		Helmsmen	1	1	1	
		Deckhands	2	2	3	
		Ship's boys	—	—	—	
		Engineers	—	—	—	
		Deckhand/motormen	1	1	2	
3	Over 750 but not exceeding 1 000	0 or 1 or 2	Boatmen	1	2	2
			Helmsmen	1	1	1
			Deckhands	2	1	2
			Ship's boys	—	—	—
			Engineers	1	1	1
			Deckhand/motormen	—	1	1
	3 or more	Boatmen	1	2	2	
		Helmsmen	1	1	1	
		Deckhands	3	2	3	
		Ship's boys	—	—	—	
		Engineers	1	1	1	
		Deckhand/motormen	—	1	1	
4	Over 1 000	0 or 1 or 2	Boatmen	1	2	2
			Helmsmen	1	1	1
			Deckhands	2	1	2
			Ship's boys	—	—	—
			Engineers	1	1	1
			Deckhand/motormen	—	1	1

Group	Metric horsepower	Number of pushed craft	Crew	A	B	C
4	Over 1 000	3 or more	Boatmen	1	2	2
			Helmsmen	1	1	1
			Deckhands	3	2	3
			Ship's boys	—	—	—
			Engineers	1	1	1
			Deckhand/motormen	—	1	1

II. Trains pushed by a pusher barge

1. For trains pushed by a pusher barge, where:

- the pusher barge complies with all the provisions of Section B, II (1),
- the pusher barge is equipped with a pushing platform,
- the train comprises only one pushed lighter and does not include any unconverted dumb barge;

the composition of the crew shall be as follows:

Group	Deadweight tonnage of pusher barge	Crew	A	B	C
1	Over 50 but not exceeding 500 metric tons	Boatmen	1	2	2
		Helmsmen	—	—	—
		Deckhands	2	2	3
		Ship's boys	—	—	—
2	Over 500 but not exceeding 1 000 metric tons	Boatmen	1	2	2
		Helmsmen	—	—	—
		Deckhands	2	2	4
		Ship's boys	1	1	—
3	Over 1 000 but not exceeding 1 600 metric tons	Boatmen	1	2	2
		Helmsmen	1	1	1
		Deckhands	2	2	3
		Ship's boys	—	—	1
4	Over 1 600 metric tons	Boatmen	1	2	2
		Helmsmen	1	1	1
		Deckhands	2	3	4
		Ship's boys	1	1	—

2. On board pusher barges equipped with engines developing more than 800 metric horsepower, one deckhand shall be replaced by a deckhand/motorman.

On board pusher barges equipped with engines developing not more than 800 metric horsepower, one crew member must know how to operate and supervise the engines and another crew member must be sufficiently familiar with their operation to be able to start and stop them.

3. Where one or more of the conditions set out in paragraph 1 are not fulfilled, the prescribed crew shall, irrespective of the mode of operation, be increased by one ship's boy for Groups 1 and 2 and by one deckhand for Groups 3 and 4.

4. Where the pusher barge is not equipped with a pushing platform, the competent authorities of the Member States shall, for each train, require that the coupling operations be demonstrated to them.

If they find that the prescribed deck crews are not adequate for the proper performance of these operations, even in adverse conditions (rain, frost, etc.), they shall supplement these crews as required.

III. Trains pushed by a converted tug

1. For trains pushed by a converted tug which does not possess all the technical features of a standard-type pushboat, where:

- the pushing vessel complies with the provisions of Section B III, paragraphs (a), (b) and (c) and is equipped with motorized anchor winches,
- the train does not comprise more than two pushed craft;

the composition of the crew shall be as follows:

Group	Metric horsepower	Number of pushed craft	Crew	A	B	C
1	Up to 500	1 or 2	Boatmen	1	2	2
			Helmsmen	—	—	—
			Deckhands	2	2	3
			Ship's boys	—	—	—
			Engineers	—	—	—
			Deckhand/motormen	1	1	2
2	Over 500 but not exceeding 750	1 or 2	Boatmen	1	2	2
			Helmsmen	1	1	1
			Deckhands	2	2	3
			Ship's boys	—	—	—
			Engineers	—	—	—
			Deckhand/motormen	1	1	2
3	Over 750 but not exceeding 1 000	1 or 2	Boatmen	1	2	2
			Helmsmen	1	1	1
			Deckhands	3	2	4
			Ship's boys	—	—	—
			Engineers	1	1	1
			Deckhand/motormen	—	1	1

Group	Metric horsepower	Number of pushed craft	Crew	A	B	C
4	Over 1 000	1 or 2	Boatmen	1	2	2
			Helmsmen	1	1	1
			Deckhands	3	2	4
			Ship's boys	—	—	—
			Engineers	1	1	1
			Deckhand/motormen	—	1	1

2. The competent authorities of the Member States shall require that the coupling operations of the train be demonstrated to them. If they find that the deck crews prescribed for Group 1 in the foregoing table are not adequate for the proper performance of these operations even in adverse conditions (rain, frost, etc.), they shall supplement these crews as required.