

# Applicable social security legislation Rhine Navigation

**DIRECTION  
RELATIONS  
INTERNATIONALES**

**DIRECTIE  
INTERNATIONALE  
BETREKKINGEN**

 **RSZ | ONSS**



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# Belgian powers

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## Some observations

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### No statistics

- A1 only issued upon request
- rule applies automatically

### Cases

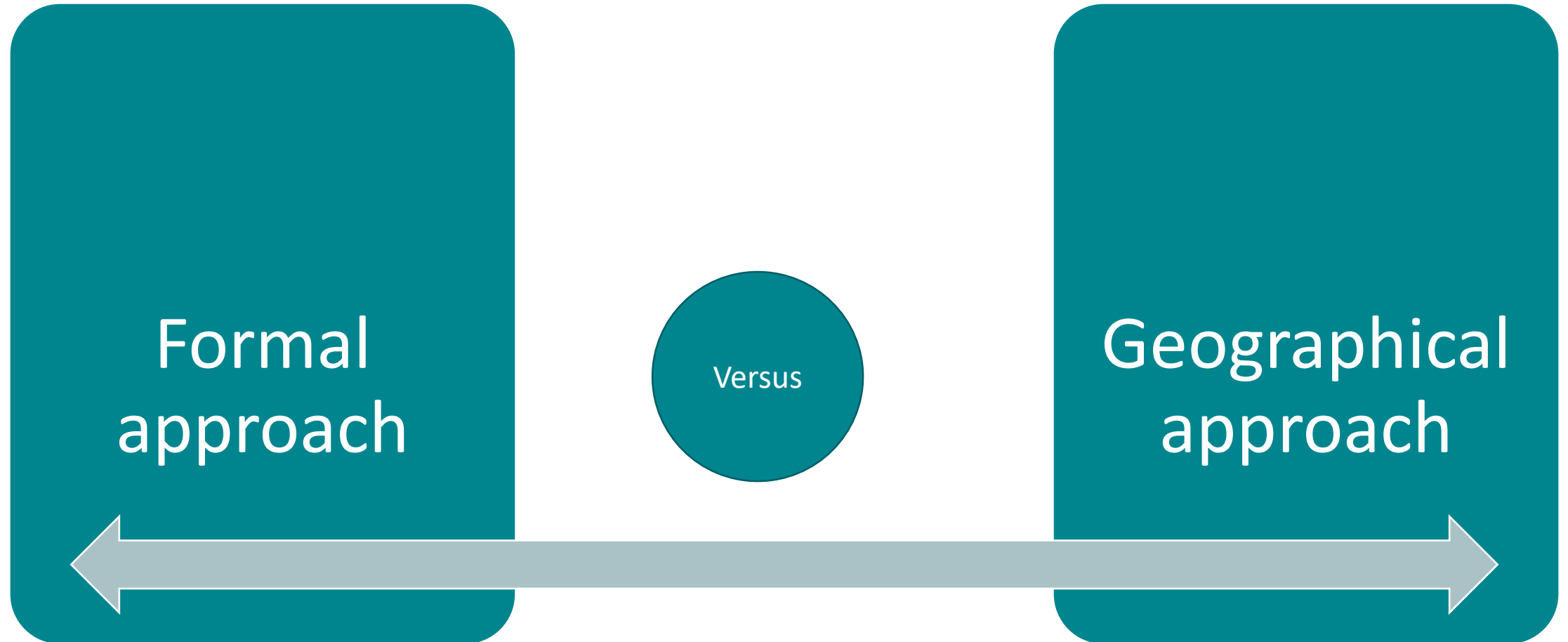
- Mainly disputes
  - A lot of time and effort
  - Cooperation between Member states not optimal

### Few request for clarification

- Interpretation
- Complaints to inspection services
- Requests for determination

# What is a Rhine vessel

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# Formal approach

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"Can the ship be used in Rhine navigation?"

Formal criteria:

- Rhine certificate determines competent Member State (indication of operator's registered office)

What is a Rhine boat

- A boat meeting the technical conditions for pursuing transport on the Rhine.

Analogy with concept of sea vessel

- ECJ case-law: Bakker C-106/11: vessel technically able/authorised to sail at sea = vessel at sea (shipping register, maritime certificate, etc.)
- => Rhine Navigation and Manheim Convention: Rhine boat = boat capable of navigation on the Rhine.
- => Coherent interpretation of the concept of "ship": both for sea and inland vessels

# Geographical approach

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"Is the boat effectively used in Rhine navigation?"

Impossible to apply

- To be determined retroactively only (<> social security: determination for the future)
  - Possibly via estimation, but refutable

Legal uncertainty

- Which period/trip?
- What about short duration?
- What if partly sailed on and alongside the Rhine: all or nothing, partly?
- 1 day enough on the Rhine?
- Person or ship?

# NSSO Inspection service

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## Bound by the Rhine Navigation Certificate

- National jurisdiction

## Findings

- Binding until withdrawn by issuing Member State
- => Legal force Rhine certificate similar to A1

## Access to information

- Accessing/exchanging data (application, certificate, ...)

# Bottlenecks

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## Interpretation questions remain unanswered

- Some discussion, no clear guideline or decisions

## No procedure to obtain uniform interpretation

- Conflicting jurisprudence from national courts

## Everything drags on



# Challenge

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Examine how member states can access the latest data:

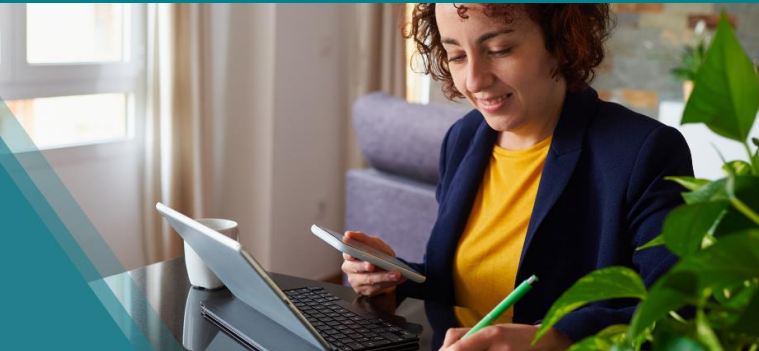
- A central database
- Consulting authentic sources

Knowledge centre

- Building a central database of national case law on Rhine navigation


# Thank you

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