

Inland waterway vessels: technical requirements

2013/0302(COD) - 10/09/2013 - Legislative proposal

PURPOSE: to adopt a uniform set of technical standards for inland navigation vessels.

PROPOSED ACT: Directive of the European Parliament and of the Council (repealing Directive 2006/87/EC).

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: Directive 2006/87/EC of the European Parliament and of the Council establishes harmonised conditions for issuing technical certificates for inland waterway vessels throughout the Union's inland waterway network. The technical requirements for vessels navigating on the Rhine river are established by the Central Commission for Navigation on the Rhine (CCNR).

The technical requirements set out in the annexes to Directive 2006/87/EC for the most part incorporate the provisions laid down in the Rhine Vessels Inspection Regulations, in the version approved in 2004 by the CCNR. The conditions and technical requirements for issuing inland navigation certificates under Article 22 of the Revised Convention on the Navigation on the Rhine are updated regularly and are recognised as reflecting current technological developments.

Maintaining two different set of rules, those for certificates issued pursuant to Article 22 of the Revised Convention on the Navigation on the Rhine and for the Union inland navigation certificate, **does not ensure legal certainty and safety**.

In order to achieve harmonisation at Union level and to prevent distortions of competition and varying levels of safety, it is necessary that the **same technical requirements for the whole of the Union's inland waterway network should be applied and updated regularly**.

IMPACT ASSESSMENT: no impact assessment was undertaken. The interested parties generally welcomed the overall approach to revising governance in order to streamline updates of the technical standards for inland navigation.

LEGAL BASIS: Article 91(1) of the Treaty on the Functioning of the European Union.

CONTENT: the proposal seeks to adopt a **uniform set of technical standards for inland navigation vessels**. This would provide: (i) more legal certainty; (ii) ensure that technical adaptations to technical progress can be introduced within a reasonable time; (iii) ensure that high safety standards on all EU inland waterways are maintained; (v) promote innovation in the sector.

In the context of Directive 2006/87/EC, the technical requirements for inland waterway vessels are laid down in annex II. The proposed Directive re-organises the content of the annexes so as to ensure that these only cover aspects of a technical or a procedural nature. Aspects referring to the decision-making mechanism are integrated into the main text of the Directive.

This concerns mainly the following provisions:

Equivalences and derogations: in order to accommodate alternative approaches, to promote innovation, to prevent unreasonable costs, to provide for an efficient process for issuing certificates or to take account

of regional circumstances, **implementing powers should be conferred on the Commission** as regards the authorisation of certain derogations to the technical requirements for specific craft, to approve classification societies and to approve additional or reduced technical requirements for vessels operating in certain zones which are not linked to the navigable inland waterways of another Member State. These powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council.

Adaptation of the Annexes: the approach taken in this proposal is to delegate powers to the Commission in respect of adapting the annexes of this directive in light of scientific and technical progress or of developments in this area arising from the work of other international organisations, in particular that of the CCNR. In particular, the **Commission should be empowered to adopt delegated acts** for adapting the annexes, including for modifying the models of documents set out in the annexes to this Directive and adopting or modifying administrative instructions.

When adopting such delegated acts the Commission shall ensure that the technical requirements that have to be fulfilled for the issuance of the Union inland navigation certificate recognised for navigation on the Rhine comply with a level of safety equivalent to that required for the issuing of the certificate referred to in Article 22 of the Revised Convention for Rhine Navigation.

Technical inspections: the Union inland navigation certificate should be issued to a craft that passes a technical inspection carried out prior to the craft being put into service. This technical inspection should be used to check whether the craft complies with the technical requirements set out in this Directive. The competent authorities of the Member States should be entitled to carry out additional inspections at any time to verify that the craft's physical state matches the Union inland navigation certificates.

BUDGETARY IMPLICATION: the proposal has no implication for the EU budget.

DELEGATED ACTS: this proposal contains provisions empowering the Commission to adopt delegated acts in accordance with Article 290 of the Treaty on the Functioning of the European Union.