

# Inland waterway vessels: technical requirements

2013/0302(COD) - 17/06/2016 - Council position

The Council adopted its **position at first reading** with a view to the adoption of a Directive of the European Parliament and of the Council laying down technical requirements for inland waterway vessels, amending Directive 2009/100/EC and repealing Directive 2006/87/EC.

This Directive establishes: (a) the technical requirements necessary to ensure the safety of craft navigating on the inland waterways of the Union; and (b) the classification of those inland waterways.

To recall, Directive 2006/87/EC of the European Parliament and of the Council lays down technical requirements for vessels operating on the EU's inland waterway network. The main objective of the proposal is to **re-organise the provisions of Directive 2006/87/EC** so that the decision-making mechanisms are established in the articles and the annexes contain only technical and procedural provisions.

The main objectives are to:

- improve coordination and harmonisation with the technical and procedural provisions of the Central Commission for Navigation on the Rhine (CCNR), applied under the Mannheim Convention (Revised Convention for Rhine Navigation);
- establish a procedure to apply the technical standards developed by the European Committee for Drawing up Standards in Inland Navigation (CESNI) should be established. CESNI is organised under the auspices of the CCNR;
- reduce the administrative burden and delays involved in updating technical requirements for inland waterway vessels, the safe use of new and innovative technologies should be encouraged.

The Council introduced a number of amendments, notably editorial changes, which are designed to improve clarity without affecting the substance of the provisions.

**Thematic chapters:** the text is presented in thematic chapters concerning: (i) the scope, definitions and waterway zones; (ii) navigation certificates; (iii) vessel identification, inspections and altered technical requirement; final provisions.

**Scope of application:** under the Council position, the Directive shall not apply to Denmark, Estonia, Ireland, Greece, Spain, Cyprus, Latvia, Malta, Portugal, Slovenia and Finland, because they have no inland waterways or because inland navigation is not used to a significant extent.

**List of Union inland waterways divided geographically into zones 1, 2 and 3:** the classification of inland waterways in Annex I has been updated. Sweden has inserted its classification, thus bringing its inland waterways within the scope of the Directive.

**Closer links with the work carried out at CESNI and CCNR:** the Council position stated that a European Committee for drawing up Standards in Inland Navigation (CESNI), acting under the auspices of the CCNR and open to experts from all Member States, shall be responsible for drawing up the technical standards in the field of inland navigation to which reference should be made by the Union. Furthermore, the Directive would allow the Commission to **build on the technical expertise of CESNI** to allow innovation in vessel technology to take place whilst ensuring the requisite level of safety.

The CCNR created CESNI in June 2015 to prepare, inter alia, technical requirements for inland waterway vessels that could be more broadly applicable in Europe. By means of Council Decision (EU) 2015/2176, the Council endorsed the first version of the technical standard developed by CESNI (**ES-TRIN 2015/1**). The Council stated that the reference to the applicable European Standard laying down Technical Requirements for Inland Navigation vessels (ES-TRIN standard) in this Directive should be kept up-to-date. Therefore, the power to adopt acts should be delegated to the Commission in respect of updating the reference to the most recent version of the ES-TRIN standard and setting the date of its application.

Lastly, a **safeguard clause** is included to cover situations where there are no applicable standards or where the decision-making process of CESNI changes and would risk Union interests. In these cases the Commission could propose the technical requirements to be applied.

**Data protection:** the Council position tightened up the provisions on data protection in relation to the European Hull Database. The Directive now includes some essential material on the processing of personal data (the categories of data processed, the reasons for such processing, the recipients of the data, and the period for which it is retained). Moreover, the Commission has been empowered to adopt delegated acts as regards the data to be entered in the database by Member States as well as the instructions regarding the use and operation of the database.

**Legal divergence with Directive 2009/100/EC:** the codification of Directive 2009/100/EC on reciprocal recognition of navigability licences for inland waterway vessels has led to a situation where the scopes of Directive 2009/100/EC and Directive 2006/87/EC partially overlap. This inconsistency can be ironed out by making a minor correction to Directive 2009/100/EC.