

Inland waterways vessels: technical requirements

1997/0335(COD) - 23/02/2006 - Council position

The common position, adopted unanimously, is in line with the Commission proposal, while slightly modifying the text of some articles either for clarification purposes or in order to accommodate concerns brought forward by certain Member States. This common position does not only constitute the current Council position, but also incorporates almost all of Parliament's amendments in first reading. Most of these changes are formal, sometimes leading to a replacement of words, phrases, paragraphs or articles. For example, Parliament's amendment to replace a fixed date on which Member States must implement the provisions necessary to comply with the Directive by a definition of this date in relation to the day of publication has been taken up. To this end, a reference to the entry into force of the Directive has been inserted into certain Articles as well as in the Annexes.

Given that technical progress and developments arising from the work of other international organisations, namely the CCNR, did not come to a halt during the "hibernation" of the Directive, a Joint Working Group of Experts from EU Member States, the CCNR and the European Commission has worked continuously since 2002 in order to adapt the voluminous technical annexes of the Directive. During this procedure, three new annexes – currently numbered 7, 8 and 9 – were inserted in the text. The Council has integrated the result of these works in the common position.

The most important changes introduced by the Council concern the following:

- **obligation to carry a certificate:** the text of this Article, which provides for the equivalency between the technical requirements as defined in Annex II of the Directive and the technical requirements laid down in application of the Revised Convention for Navigation on the Rhine, is the result of in-depth preparative discussions between the European Commission and the EU Member States which are members of the CCNR. This Article constitutes the cornerstone of the Directive, because it ensures that certificates issued under this Community Directive give rights to navigation on the Rhine equivalent to those given by certificates issued by the Rhine riparian countries and Belgium;
- **additional or reduced technical requirements for certain zones:** has been modified in order to accommodate the concerns of some Member States to have the possibility to disapply the transitional provisions set out in Chapter 24a of Annex II in those cases where their application would result in a reduction of existing national safety standards;
- **committee procedure:** has been modified so as to follow the general rules for Committee procedures according to Articles 3 and 7 of Decision 1999/468/EC;
- the Council has modified the proposal into a recast exercise, replacing the current Directive 82/714/EEC. This means that it also contains all Articles of the current Directive which have not been amended, and that a new Article 25 concerning the "Repeal of Directive 82/714/EEC" has been added to the text;
- **addressees:** the text was modified so as to provide that the Directive is only addressed to the 13 Member States which have inland waterways as referred to in Article 1(1).