Technical requirements for inland waterway vessels: implementing powers conferred on the Commission

2006/0210(COD) - 24/10/2006 - Legislative proposal

PURPOSE: to amend the European Parliament and Council Directive laying down technical requirements for inland waterway vessels and repealing Council Decision 82/714/EEC, the measures necessary for the implementation of this Directive need as a matter of urgency to be aligned with Council Decision 1999 /468/EC.

PROPOSED ACT: Directive of the European Parliament and of the Council.

CONTENT: in order to avoid further delays in the entry into force of the European Parliament and Council Directive laying down technical requirements for inland waterway vessels and repealing Council Decision 82/714/EEC, the measures necessary for the implementation of this Directive need to be aligned with Council Decision 1999/468/EC as a matter of urgency.

The Directive establishes harmonised conditions for issuing technical certificates for inland waterway vessels throughout the Community's inland waterway network. The technical requirements set out in the Annexes of the Directive, for the most part, incorporate the provisions laid down in the Regulation on Inspection of Shipping on the Rhine, in the version approved in 2004 by the member states of the Central Commission for Navigation on the Rhine (CCNR). The conditions and technical requirements for issuing inland navigation certificates under Article 22 of the Revised Convention for Rhine Navigation are updated regularly and are recognised as reflecting current technological developments.

In order to prevent distortions of competition and varying levels of safety, it is desirable, specifically in the interests of promoting harmonisation at European level, to adopt equivalent technical requirements for the whole of the Community's inland waterway network and, subsequently, to update them at regular intervals in order to maintain equivalence.

The Directive laying down technical requirements for inland waterway vessels needs to facilitate the adaptation of these technical requirements in the future, by way of a comitology procedure, in the light of technical progress and of developments arising from the work of other international organisations, in particular that of the CCNR. Amendments must be made in accordance with the advisory procedure laid down by Council Decision 1999/468/EC.

With a view to involving the co-legislators more fully in scrutinising executive acts, Council Decision 2006/512/EC of 17 July 2006 (see **CNS/2002/0298**), amending Council Decision 1999/468/EC, introduced a regulatory procedure with scrutiny for measures of general scope intended to amend non-essential elements of a basic instrument adopted in accordance with the procedure referred to in Article 251 of the Treaty, including by deleting some of those elements or by supplementing them by the addition of new non-essential elements.

Undifferentiated application of this procedure would entail considerable delays in adapting the Annexes to the Directive laying down technical requirements for inland waterway vessels which would go against the express wishes of the co-legislations. In view of the fact that the Rhine standards are adapted regularly, these delays would be such as to produce the risk of substantial discrepancies between the levels of navigation safety on the Rhine and on other inland waterways in the Community. This would constitute a

distortion in competition for Community operators wishing to operate shipping on the Rhine. It would compromise the very effectiveness of the Community inland navigation certificate.

For the above reasons, provision must be made for the Commission to be able to apply the emergency procedure provided for in Article 5a(6) of Council Decision 1999/468/EC in respect of adaptation of the Annexes or adoption of temporary provisions enabling it, after receiving the assent of the Committee, to adopt and immediately implement such measures. Furthermore, for reasons of effectiveness, the time limits normally applicable under the regulatory procedure with scrutiny should be shortened for any other measure to be taken concerning the safety of inland navigation.