

Basic information

1997/0335(COD)

COD - Ordinary legislative procedure (ex-codecision procedure)
Directive

Inland waterways vessels: technical requirements

Repealed by [2013/0302\(COD\)](#)

Amended by [2006/0210\(COD\)](#)

Amended by [2006/0278\(COD\)](#)

Subject

3.20.04 Inland waterway transport

Procedure completed

Key players

European Parliament	Committee responsible		Rapporteur	Appointed
	TRAN Transport and Tourism		SOMMER Renate (PPE-DE)	16/03/2006
	Former committee responsible		Former rapporteur	Appointed
	TRAN Transport and Tourism			
	Former committee for opinion		Former rapporteur for opinion	Appointed
	ECON Economic and Monetary Affairs, Industrial Policy			
Council of the European Union	Council configuration		Meetings	Date
	Transport, Telecommunications and Energy		2142	1998-11-30
	Transport, Telecommunications and Energy		2629	2004-12-09
	Environment		2757	2006-10-23
	Education, Youth, Culture and Sport		2710	2006-02-23
European Commission	Commission DG		Commissioner	
	Energy and Transport		BARROT Jacques	

Key events

Date	Event	Reference	Summary
08/12/1997	Legislative proposal published	COM(1997)0644 	Summary
28/07/1999	Vote in committee, 1st reading		
16/09/1999	Decision by Parliament, 1st reading	T5-0015/1999	
09/12/2004	Debate in Council		Summary
23/02/2006	Council position published	13274/1/2005	Summary
16/03/2006	Committee referral announced in Parliament, 2nd reading		
01/06/2006	Vote in committee, 2nd reading		Summary
08/06/2006	Committee recommendation tabled for plenary, 2nd reading	A6-0208/2006	
04/07/2006	Debate in Parliament		
05/07/2006	Decision by Parliament, 2nd reading	T6-0298/2006	Summary
05/07/2006	Results of vote in Parliament		
23/10/2006	Act approved by Council, 2nd reading		
12/12/2006	Final act signed		
12/12/2006	End of procedure in Parliament		
30/12/2006	Final act published in Official Journal		

Technical information	
Procedure reference	1997/0335(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
Amendments and repeals	Repealed by 2013/0302(COD) Amended by 2006/0210(COD) Amended by 2006/0278(COD)
Legal basis	EC Treaty (after Amsterdam) EC 071-p1 Rules of Procedure EP 050
Stage reached in procedure	Procedure completed
Committee dossier	TRAN/6/34815

Documentation gateway				
European Parliament				
Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		A4-0352/1998 OJ C 328 26.10.1998, p. 0005	29/09/1998	
		T4-0606/1998		

Text adopted by Parliament, 1st reading/single reading		OJ C 341 09.11.1998, p. 0011-0034	20/10/1998	Summary
Committee final report tabled for plenary, 1st reading /single reading		A5-0005/1999 OJ C 054 25.02.2000, p. 0010	28/07/1999	
Text adopted by Parliament confirming position adopted at 1st reading		T5-0015/1999 OJ C 054 25.02.2000, p. 0056-0079	16/09/1999	Summary
Amendments tabled in committee		PE372.198	10/05/2006	
Committee recommendation tabled for plenary, 2nd reading		A6-0208/2006	08/06/2006	
Text adopted by Parliament, 2nd reading		T6-0298/2006	05/07/2006	Summary

Council of the EU

Document type	Reference	Date	Summary
Council statement on its position	06207/2006	16/02/2006	
Council position	13274/1/2005 OJ C 166 18.07.2006, p. 0001-0261 E	23/02/2006	Summary
Draft final act	03629/1/2006	12/12/2006	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(1997)0644  OJ C 105 06.04.1998, p. 0001	08/12/1997	Summary
Reconsultation	SEC(1999)0581 	28/04/1999	
Modified legislative proposal	COM(2000)0419 	19/07/2000	Summary
Commission communication on Council's position	COM(2006)0126 	14/03/2006	Summary
Commission opinion on Parliament's position at 2nd reading	COM(2006)0462 	11/08/2006	Summary
Commission response to text adopted in plenary	SP(2006)3801	28/08/2006	
Follow-up document	COM(2007)0770 	05/12/2007	Summary

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES0447/1998 OJ C 157 25.05.1998, p. 0017	25/03/1998	

Additional information

Source	Document	Date
National parliaments	IPEX	
European Commission	EUR-Lex	

Final act	
Directive 2006/0087 OJ L 389 30.12.2006, p. 0001	Summary

Inland waterways vessels: technical requirements

1997/0335(COD) - 09/12/2004

The Council unanimously adopted a partial political agreement on the operative part of a draft Council Directive laying down technical requirements for inland waterway vessels. The Council will adopt a common position on this matter once agreement has been reached on the annexes (around 400 pages) to the proposed amendment. The annexes are yet to be translated into all of the EU's official languages. Work on the draft Directive, which was first proposed in December 1997, has been delayed because of issues relating to the admittance of vessels with Community certificates to the navigation on the Rhine. Currently, vessels using the Rhine waterways must have a certificate proving conformity with the Rhine vessel inspection regulation, as adopted by the CCNR. The Community certificate, being proposed in the draft Directive, provides for equivalence between the Rhine certificate and the Community certificate. However, until now, such equivalence was not legally possible according to CCNR rules. In December 2004, the CCNR introduced a legal basis for navigation on the Rhine with certificates delivered by bodies other than the CCNR. In other words Community certificates will be considered as equivalent to Rhine certificates.

The Council also made a unilateral statement to the Commission in which it stated that when implementing the present Directive, the Commission must co-ordinate closely with the CCNR, both concerning the adaptation of the annexes and in relation to the application of the Directive by the Member States. In addition the Commission should take account of all further initiatives undertaken by the CCNR. The Federal Republic of Germany understood this to mean the application of the co-operation agreement dated 3 March 2003 between the European Commission and the Central Commission for navigation on the Rhine.

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).

Inland waterways vessels: technical requirements

1997/0335(COD) - 05/12/2007

The European Commission has presented its first activity report on the implementation of the NAIADES programme. The NAIADES programme, covering 2006 to 2013, was set up to promote the use of inland waterway transport and focuses on five strategic areas:

- Improving market conditions.
- Modernising the fleet.
- Developing human capital.
- Strengthening the image of inland waterways.
- Amending the infrastructure.

Both Council and Parliament have endorsed this programme, as has industry. This Communication is the first progress report analysing both the programmes' implementation and achievements thus far. It gives an outline of the financial support offered within the context of the action programme and reports on organisational developments.

Implementation of the programme:

Since the adoption of NAIADES, four legislative acts have been approved concerning:

- technical requirements for inland waterway vessels (this creates harmonised modern requirements for inland waterway vessels covering the entire EU waterway network);
- raising the financial rate for priority projects and for RIS projects from 10 -20% and for cross-border sections up to 30%;
- the "Marco Polo II" programmes, which will continue to promote shifting modes of transport from road to other forms; and
- statistical returns in respect of carriage of goods by inland waterways.

As well as the adoption of these legislative acts, the Commission has sought to improve market conditions by, *inter alia*, producing a "Funding Handbook" the purpose of which is to list an inventory of European national and regional aid schemes. This should be of particular use to SMEs which characterise the market for inland waterways. In terms of modernising the fleet the Commission has presented proposals relating to the transport of dangerous goods (including by inland waterways) as well as proposing a reduction in the maximum permissible sulphur content of gas oils. The Commission has asked the "Central Commission for Navigation on the Rhine" (CCNR) to create a market observation instrument. Further, the Commission is hoping to establish a network of promotion centres for inland waterway transport as a way in which to improve the image of inland waterways. As far as the provision of adequate infrastructure is concerned, Mrs Karla Peijs has been appointed European coordinator with a brief to facilitate the realisation of the inland waterway priority axis Rhine/Meuse-Main-Danube and the Seine-Scheldt link. In 2007 three Regulations were adopted in relation to the River Information Services (RIS). These refer to technical guidelines for the planning, implementation and operational use of RIS; on technical specifications relating to vessel tracing systems (Inland AIS) and notices to skippers.

As for the Member States, all are actively engaged in inland waterway transport policy. Indeed one Member State has adapted a comprehensive national action programme entailing some forty measures. Other Member States are encouraging the modernisation of their fleets by offering tax-free reinvestment schemes and financial aid. Aid is given to those wishing to improve both the economic and environmental performance of their fleet such as grants for cleaner engines, more efficient propulsion techniques, new hull constructions etc. From an industrial point of view, a constructive dialogue with the social partners has emerged within the context of the NAIADES programme. Headway has been made on two major issues: sector-specific working arrangements and professional qualification requirements.

Financial support programmes:

A continuous stream of investment into logistics, fleet modernisation, human resources and the marketing of inland waters is needed. Whilst primary responsibility for this rests with industry, the NAIADES action programme acts as an incentive to further encourage investment in this sector. Within this context, the Council has asked the Commission to submit a proposal for a "European Inland Waterway Transport Innovation Fund". The European Parliament, in a Resolution on NAIADES, supported this initiative and specified that any such fund should be a key instrument of the NAIADES Action Programme. The Commission has undertaken exploratory work on the development of such a fund, in close cooperation with experts.

Any future programme of an "Innovation Fund" would target IWT carriers and operators. Industry will be encouraged:

- to establish new market and transport services in the inland waterway transport sector;
- to modernise the fleet with a view to improved safety, efficiency and higher environmental standards;
- to train and to educate those working in the inland waterway sector; and
- to improve the image of the sector with targeted public relations campaigns.

The programme would run from 2009 to 2013. Financial support for inland waterway services would also be available, in parallel, with the Marco Polo programme for improvements under TEN-T; the Cohesion policy and the RT&D framework programme. Funding for this new instrument could derive

from the existing "Inland Waterway Reserve Fund" created under Regulation (EC) 718/1999 though to use it would require the creation of a new legal instrument. The report estimates that the reserve fund amounts to approximately EUR 40 million in today's figures.

Modernising the organisational structure:

The Commission has undertaken an impact assessment regarding the future modernisation of the inland waterways structure in which four options were considered. This study concluded that, even though the current framework may have its shortcomings, no clear advantage would be gained should a new legislative system be adopted. Thus, the report concludes, it is preferable to continue operations under the existing institutional framework and to improve, modernise and coordinate working methods wherever possible. The Commission does not propose the creation of additional structures to the existing institutional framework. For strategic policy developments the European Commission will continue to play a coordinating role.

Conclusions:

The report concludes by noting that in spite of the fact that NAIADES has only been operational for a year and a half the inland waterway infrastructure has already been strengthened. The Commission remains committed to the completion of the programme and fully intends to maintain momentum. Thus, within the coming years the following will be prioritised:

- **Funding:** completion of the "Funding Handbook" and the possible compilation of "State aid guidelines".
- **The human factor:** a cluster of actions will focus on the human factor including specific working time arrangements; defining professional qualification requirements at an EU level; the harmonisation of minimum manning requirements; and the development of a uniform boat master's certificate.
- **Improvements to the infrastructure:** in addition to the implementation of the RIS, an indicative development plan to improve and maintain inland waterways and ports will be elaborated. This exercise will take account of environmental issues and it will build upon the ongoing dialogue between the international navigation and protection commission for the Rhine and the Danube.
- **Organisational support:** to help support implementation of NAIADES, the Commission will look for support from all interested parties; from the Member States; from the river commissions and from industry. This could take the form of an "IWT think tank". Calls for proposals under the RTD 7th framework programme could also help facilitate this initiative by, for example, supporting actions designed specifically to target inland waterway transport.

Inland waterways vessels: technical requirements

1997/0335(COD) - 16/09/1999

The European Parliament confirmed its first reading in the context of the codecision procedure of the text that it adopted on 20.10.1998 on this proposal for a directive.

Inland waterways vessels: technical requirements

1997/0335(COD) - 05/07/2006 - Text adopted by Parliament, 2nd reading

The European Parliament adopted a resolution drafted by Renate **SOMMER** (EPP-ED, DE) making one amendment to the Council's common position. (Please see the summary of 01/06/2006.)

Inland waterways vessels: technical requirements

1997/0335(COD) - 14/03/2006 - Commission communication on Council's position

The Commission considers that the common position adopted by the Council with unanimity does not alter the aims and approach of its proposal and so can support it, all the more because the common position takes due account of amendments proposed by European Parliament in its first reading and of the amended Commission position.

The Commission made a unilateral declaration at the occasion of the adoption of the common position. It states that when implementing the present Directive, the Commission commits itself to a close cooperation with CCNR, both concerning the adaptation of the Annexes and concerning the application of the Directive by Member States, and to take into account all initiatives undertaken by CCNR in this regard.

Inland waterways vessels: technical requirements

1997/0335(COD) - 11/08/2006 - Commission opinion on Parliament's position at 2nd reading

Being the result of a Parliamentary/Council compromise, the Commission has decided to accept the single amendment adopted by the European Parliament in second reading. The Commission clarified that it will pay particular attention to the matter of recreational craft during discussion in the comitology procedure. As such, the accepted amendment neither alters, nor substantially changes, the Commission's initial approach.

The Commission has made a unilateral declaration in which it states that, when implementing the present Directive, it commits itself to working closely with the CCNR.

Inland waterways vessels: technical requirements

1997/0335(COD) - 08/12/1997 - Legislative proposal

OBJECTIVE: guarantee the highest level of safety in inland navigation and to establish the single market in waterway transport services through the adoption of common technical standards. **SUBSTANCE:** the Commission seeks to update without delay technical standards relating to inland waterway vessels laid down in Directive 82/714/EEC, since they are now out of date. This process should take the form of a revision of the technical requirements in line with the latest Rhine rules, not only because they represent the most up-to-date safety standards which have also proved their worth in practice but because this is also the approach being adopted by the UN Economic Commission for Europe (ECE). The action will improve safety in inland waterway transport, ensure a single set of technical requirements for inland waterway vessels within the EU and also contribute to harmonization at pan-European level. It will facilitate transport by inland waterway and thereby contribute to a modal shift in favour of waterways and a reduction in the overall level of environmental damage brought about by transport activities. In addition, shipbuilders will be able to construct vessels according to harmonized specifications for a larger single market.

Inland waterways vessels: technical requirements

1997/0335(COD) - 12/12/2006 - Final act

PURPOSE: to align the Community technical requirements on the advanced standards governing navigation on the Rhine with a view to establishing a single scheme for the entire network of European waterways.

LEGISLATIVE ACT: Directive (EC) No 2006/87 laying down technical requirements for inland waterway vessels and repealing Council Directive (EEC) No 82/714.

CONTENT: the Council adopted this Directive after approving the amendments passed by the European Parliament at second reading under the codecision procedure.

Work in the Council bodies on the Directive remained at a standstill for a long time because of the issue of admitting craft with Community certificates to navigation on the Rhine. Whereas such a possibility was previously excluded under the rules established by the Central Commission for Navigation on the Rhine (CCNR), this situation changed when the CCNR adopted a modification of the Mannheim Act (Additional Protocol 7, in force since December 2004), introducing a legal basis for navigation on the Rhine with certificates delivered by bodies other than the CCNR.

The Directive provides for the equivalence of Community inland navigation certificates with certificates issued by the CCNR. It aims to align the Community technical requirements on the advanced standards governing navigation of the Rhine, with a view to establishing a single scheme for the entire network of European waterways. This will further both the free movement of goods and high safety, environmental and social standards. At the same time the harmonisation of technical requirements and the mutual recognition of certificates will improve the conditions for fair competition and establish a genuine level playing field in inland waterway transport in the single market. The Directive will also facilitate the adaptation of 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 Central Commission for Navigation on the Rhine.

The Directive is addressed to the 13 Member States which have inland waterways.

ENTRY INTO FORCE : 30/12/2006.

TRANSPOSITION : 30/12/2008 for Member States having inland waterways.

Inland waterways vessels: technical requirements

1997/0335(COD) - 20/10/1998 - Text adopted by Parliament, 1st reading/single reading

Parliament adopted the report by Mr Christoph Konrad (EPP, D) on harmonisation of the technical requirements for inland waterway vessels in Europe. Parliament hopes that the Commission will keep Parliament regularly informed of substantial changes made to the annexes to the directive. It calls on the Member States to comply with the directive not later than one year after publication in the Official Journal. Parliament also calls for the special provisions for passenger vessels not to apply to passenger sailing vessels, for which special provisions should be laid down in accordance with the procedures of the committee, and included in the annex.

Inland waterways vessels: technical requirements

1997/0335(COD) - 19/07/2000 - Modified legislative proposal

Amendments adopted by the European Parliament and accepted by the European Commission concern three amendments to the recitals, one amendment to the articles of the Directive and two amendments to articles in Annex II of the proposed Directive. The amendments accepted by the Commission note:

- The coexistence of two sets of technical requirements.

- That the technical requirements set out in the annexes to Directive 82/714 already incorporate most of the Regulation on Inspection of Shipping on the Rhine.
- There should be a new recital recognising that the Commission proposal also covers vessels designed to carry more than 12 passengers.
- There should be a new reference to the entry into force of the Directive.
- There should be a reference to passenger sailing vessels in the list of definitions as well as a new chapter on passenger vessels. The aim of these amendments is to allow for the adoption of special provisions designed for this type of unusual craft.