



COMMISSION OF THE EUROPEAN COMMUNITIES

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**COMMUNICATION FROM THE COMMISSION
TO THE EUROPEAN PARLIAMENT**

pursuant to the second subparagraph of Article 251 (2) of the EC Treaty

concerning the

**common position of the Council on the adoption of a Directive of the European
Parliament and of the Council laying down technical requirements for inland waterway
vessels and repealing Council Directive 82/714/EEC**

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1. BACKGROUND

Date of transmission of the proposal to the EP and the Council (document COM(1997) 644 final – 1997/0335 (COD):	9 December 1997
Date of the opinion of the European Economic and Social Committee:	25 March 1998
Date of the opinion of the European Parliament, first reading:	20 October 1998
Change of the legal basis following the entry into force of the Treaty of Amsterdam introducing the co-decision procedure for the transport sector:	1 May 1999
Date of the confirmation of the European Parliament's opinion adopted at first reading:	16 September 1999
Date of transmission of the amended proposal (document COM(2000) 419 final):	19 July 2000
Date of the partial political agreement of the Council relating to the operative part of the draft Directive:	9 December 2004
Date of adoption of the common position (by unanimity):	23 February 2006

2. OBJECTIVE OF THE COMMISSION PROPOSAL

The Commission amended proposal for a Directive of the European Parliament and of the Council amending Directive 82/714/EEC of 4 October 1982 laying down technical requirements for inland waterway vessels aims at aligning 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. It should also 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 Central Commission for Navigation on the Rhine (CCNR).

The internal market and the development of free inland navigation on all waterways in the EU require the harmonisation or alignment of technical and safety requirements according to the highest standards. 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.

3. COMMENTS ON THE COMMON POSITION

Between 1999 and 2004, discussions in the Council remained at a standstill because of the question of the possibility of admitting craft with Community certificates to navigation on the Rhine. Whereas the Revised Convention for Navigation on the Rhine did previously not allow the recognition of certificates which were not issued by the Rhine riparian countries and Belgium, this situation changed with the adoption and entry into force (on 1 December 2004) of Additional Protocol No. 7 to the abovementioned Convention. Once a legal basis for the recognition of certificates delivered by bodies other than the Rhine riparian countries and Belgium had been established, the Council was able to reach partial political agreement on the operative part of the draft Directive, and several months later also on the text of the annexes.

The Council has agreed on the main lines of 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. The Commission is of the opinion that these amendments do not alter the objectives of its proposal.

This Common Position text 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 in Articles 3 (1) a), 5 (5) a), 8 (1) and (2), 13 (2) and (3), 22, 23 and 25, 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 Council has also accepted Parliament's amendment, taken up by the amended Commission proposal, to insert a reference to passenger sailing vessels in the list of definitions (Annex II, Part I, Chapter 1, Article 1.01, section 19). In addition, a new chapter on passenger sailing vessels (Annex II, Part II, Chapter 15a), elaborated by the

abovementioned expert group, has been added to Annex II of the Directive.

The number of changes which the Council has introduced is limited and the changes can be deemed to be in line with the objectives of the original Commission proposal and its amended proposal.

- (1) The most important change relates to Article 3, concerning the “*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.
- (2) The Commission can support the amendment of Article 5, concerning “*Additional or reduced technical requirements for certain zones*”, which 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.
- (3) Article 19, concerning the “*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.
- (4) From a formal point of view, 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.
- (5) In Article 27 new, concerning “*Addressees*”, the text was modified so as to provide that the Directive is only addressed to those Member States which have inland waterways as referred to in Article 1(1). The Commission can accept this limitation.

4. CONCLUSION

For the above stated reasons, the Commission considers that the Common Position adopted by the Council with unanimity on 23/02/2006 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.

5. COMMISSION DECLARATION

The Commission made a unilateral declaration at the occasion of the adoption of the Common Position (see Annex I).

ANNEX I

Commission declaration

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.