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Proposal for a

DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

amending Directive 2005/44/EC on harmonised river information services (RIS) on inland waterways in the Community

{SEC(2024) 38 final} - {SWD(2024) 15 final} - {SWD(2024) 16 final}

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

• Reasons for and objectives of the proposal

The EU's inland waterways stretch over 42 286 kilometres (km) and are a key means of connecting seaports, cities and industrial centres¹. The interconnected waterway network of 13 000 km covers 13 Member States² and serves over 250 TEN-T inland ports in the TEN-T network. In terms of transport volumes at EU level, inland waterway transport (IWT) plays an important role in the overall European transport system despite its relatively small size. In 2020, 131.7 billion tonne-kilometres (tkm) of freight were transported through inland waters, making up 4.1% of the modal split in terms of freight (with road accounting for 54.9%, sea 29.1%, and rail 11.9%)³. Dry cargo (agricultural products, ore, metals, building materials, coal, etc.) accounted for 59.8% of IWT volume in 2020, while liquid cargo (chemicals and petroleum products) accounted for 28.1% and containers accounted for 12.1%⁴.

IWT handles 0.9% of total imports and exports by weight in the EU. By its very nature, IWT is a geographically limited and focused network, but it nevertheless offers an important alternative to transport via road or rail for the regions in the European hinterland closest to inland waterways. Therefore, IWT is mainly in competition with – and often classified along with – land transport modes⁵, and it covers only 6% of freight traffic moved by land and 0.01% of passenger inland traffic. The development of inland waterway activity is highly dependent on: (i) geography (location of rivers); (ii) the types of goods that are or can be transported; (iii) the location of production and consumption sites in relation to the inland waterway network; and (iv) the availability of transshipment infrastructure.

River information services (RIS) are advanced services and functionalities which refer primarily to either traffic related or transport-related aspects. Traffic-related services are Fairway Information Service, Traffic Information, Traffic Management, and Traffic Monitoring and Calamity Abatement; transport-related services are voyage planning, port and terminal management, cargo and fleet management, statistics, and inland waterways infrastructure charges.

RIS support traffic and transport management in inland navigation. They aim to contribute to: (i) a safe and efficient transport process; and (ii) the use of inland waterways to their fullest extent. The legislative process to regulate RIS at EU level started in 2005 with the adoption of the RIS Directive (Directive 2005/44/EC). The Directive lays down a framework for the deployment and use of harmonised, interoperable, and open RIS aiming to increase the safety, efficiency, and environmental friendliness of IWT in the EU. At the same time, the Directive intended to facilitate interfaces between IWT and other transport modes (i.e. multimodal transport). Within the EU framework, the Directive sets out: (i) the general requirements for how RIS should be set up by the Member States; (ii) the areas in which standards need to be developed; and (iii) the principles to be followed. The actual technical guidelines and

¹ Source: Statistical pocketbook 2022 (europa.eu).

² Austria, Belgium, Bulgaria, Czechia, Germany, France, Croatia, Hungary, Luxembourg, the Netherlands, Poland, Romania and Slovakia.

³ Source: *EU transport in figures*. https://transport.ec.europa.eu/facts-funding/studies-data/eu-transport-figures-statistical-pocketbook/statistical-pocketbook-2022_en

⁴ CCNR (2022). Thematic report an assessment of new market opportunities for inland waterway transport. Available at: https://inland-navigation-market.org/wp-content/uploads/2022/03/Thematic-report_20212022_EN_BD.pdf.

⁵ European Commission (2016), Staff Working Document Refit Ex-Post Evaluation of Combined Transport Directive 92/106/EEC Final Report, SWD(2016) 140 final.

specifications are developed by the Commission and are adopted through secondary legislation.

The Commission carried out an ex-post evaluation of the Directive⁶, which indicated that it had had a positive impact in terms of harmonising RIS. However, the evaluation also found that there is still room for improvement. This is because, when considering the implementation of the Directive: (i) not all RIS technologies have reached the same level of implementation and maturity; and (ii) not all RIS technologies have been fully used to the same extent in all countries and river corridors. Furthermore, the slow update of standards has played a significant role in the slow development of RIS. This is because, in the current context the development of standards is based on input from Member State experts in a loosely coordinated and time-consuming manner before a new version is ready to be adopted under an implementing act. Experience showed that it takes between 5 and 12 years until the standards are prepared and introduced in the sector. This in turn reduces the efficiency of IWT operators who end up using old standards and technology. The DINA report (2017) examined factors relating to digitalisation and their impact on the competitiveness of the sector compared to other transport modes and identified RIS as potentially playing an important role in IWT. Thus, if not properly deployed, RIS can hinder the competitiveness potential of the IWT sector.

Furthermore, the European Green Deal requires all transport modes, including IWT, to contribute towards the EU goal of becoming a climate-neutral economy and protecting the environment. For inland waterway transport, this translates also into a better integration with different modes of transport into a seamless, intermodal logistics chain. The transport sector has already seen developments in other modes. For example, the adoption of legal provisions for digital tools relating to cargo were introduced in 2019 for EMSWe and 2020 for eFTI. However, the RIS Directive has so far focused on safety of navigation, while not enabling the integration of IWT into multimodal supply chains. In addition, the efficient exchange of information across borders between authorities is important for an efficient transport system. Despite improved Member State cooperation over time, not all reports used in IWT are digitalised. And even when they are digitalised, Member States use different reporting applications that are not compatible with each other. This means that no substantial reduction in the number of resubmissions of electronic ship reports at borders has been identified in recent years. Moreover, the RIS Directive does not provide for an obligation to exchange personal data currently through RIS. Nevertheless, some stakeholders, from the vessel operators in particular, have raised concerns about the confidentiality of information on the position of vessels, and this has made Member States reluctant to share RIS information. This example indicates that both Member States and stakeholders seem to be unaware of how far – and for which purposes – personal data are or could be lawfully exchanged via RIS. Finally, the evaluation (impacted in part by a significant lack of available data) was not able to identify an impact of RIS on either sustainability or a modal shift for the sector.

Therefore, the main problem is the slow and fragmented deployment of RIS, which hampers the competitiveness and safety of the sector, and holds back its contribution to the objectives of the European Green Deal.

Because IWT is concentrated on navigable waterways, the problems set out in the previous paragraphs are occurring only in those waterways where RIS is introduced and applied. These problems are therefore highly geographically focused and specialised. When considering the size of the sector, the magnitude of the problems will be necessarily limited in any comparison with the rest of the transport sector.

⁶ SWD(2021)0050 final.

To this end, the initiative aims to address the problems identified. The general objective of amending the Directive is to provide an efficient framework for the deployment and use of RIS. The specific objectives are:

- to ensure RIS data availability and harmonised standards;
- to facilitate the integration of IWT into the multimodal chain;
- to ensure greater uptake and interoperability of digital solutions, and address data-protection concerns.

- **Consistency with existing policy provisions in the policy area**

The rationale for revising the RIS Directive is interlinked with the key objectives of current EU policy, as set out in the European Green Deal⁷. Following the sustainable and smart mobility strategy, which sets a milestone of increasing transport by inland waterways and short sea shipping by 25% by 2030, and by 50% by 2050, the European Commission tabled in June 2021 a 35-point NAIADES III action plan to boost the role of IWT in our mobility and logistics systems. The core objectives are: (i) to shift more cargo over Europe’s rivers and canals; and (ii) to facilitate the transition to zero-emission barges by 2050. This is in line with the European Green Deal, which advocates that a substantial part of the inland freight carried today by road should shift onto rail and inland waterways. The NAIADES III Communication indicates that RIS should play an important role in this policy as a data source feeding into the future European mobility-data space, thereby facilitating the integration of IWT into multimodal mobility and logistics chains.

- **Consistency with other Union policies**

This proposal is consistent with – and complementary to – existing legislative acts in the IWT domain as well as with legal acts on transport in general. On a strategic level, it is consistent with the TEN-T Regulation⁸ which, among its priorities, deals with: (i) information and communication technology (such as implementing IT applications, including RIS); and (ii) multimodal aspects, such as connecting inland port infrastructure to rail freight and road transport infrastructure. In addition, the Connecting Europe Facility programme, under the TEN-T is providing funding to develop RIS. The approach used in all the policy options in this regard is not to duplicate or develop overlapping digital tools for transport modes and functionalities, but to instead enable and improve links with existing tools (through exchange of appropriate information), thus making the best use of existing systems.

The electronic freight transport information (eFTI) Regulation⁹ laid down a legal framework that enables businesses to share information in an electronic format with enforcement authorities (i.e. for the transport of goods by road, rail, inland waterways, and air in the European Union). Operators are not obliged to make regulatory information available electronically to a competent authority. However, when they choose to make this information available electronically, they must follow the set of requirements laid down in the eFTI Regulation. Currently, there is limited interaction between RIS and eFTI, although there are potential synergies that could be achieved by using eFTI platforms to exchange the cargo information required by RIS.

⁷ <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1588580774040&uri=CELEX%3A52019DC0640>.

⁸ Regulation (EU) 1315/2013.

⁹ Regulation (EU) 2020/1056.

The new Alternative Fuels Infrastructure Regulation (AFIR)¹⁰ introduces targets for shore-side electricity supply in inland waterway ports. It also requires Member States to draw up national policy frameworks that will contain planned initiatives for the deployment of infrastructure for alternative fuels in IWT, such as for hydrogen and electricity. RIS can complement the AFIR by facilitating the exchange of information: (i) between inland vessels and ports equipped for such alternative fuels; and, in particular (ii) on the real-time availability of infrastructure. This in turn can support the uptake of these fuels by the IWT sector.

2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY

• Legal basis

Article 91(1) of the Treaty on the Functioning of the European Union (TFEU) serves as the legal basis for the adoption of EU legislation related to a common transport policy. Within this legal framework, the EU provides for a coordinated and harmonised deployment of information and communication technologies on inland waterways that help to increase the safety and efficiency of transport by inland waterways instead of relying on the uncoordinated action of individual Member States only.

• Subsidiarity (for non-exclusive competence)

The necessity for EU action was recognised at the time the RIS Directive was adopted, when RIS was being developed at different rates, with different technologies and applications throughout Europe, creating barriers to cross-border voyages. Thus, in the absence of EU action, there would likely be differences in the level and nature of the provision of RIS between Member States, or in the approaches of initiatives at regional or river level, (i.e. River Commission level). This in turn would likely lead to regional fragmentation, as each River Commission would focus on applying its own solutions, thus introducing barriers to the common market and constituting a step back in terms of harmonisation at corridor level.

The Member States directly impacted are those falling under the scope of the Directive, and more specifically those with navigable waterways of TEN-T importance.

• Proportionality

The proposal has been prepared to address the results of the evaluation exercise mentioned below. The Commission has also carried out an impact assessment to identify, assess, and evaluate alternative measures to achieve the same objectives.

The objective of the proposal is to update the framework for the provision of RIS. This will be achieved through: (i) improving the harmonisation and introduction of technical specifications; (ii) facilitating and expanding the exchange of RIS information between users; and (iii) focusing the scope of the Directive on the navigable waterways of TEN-T importance. No costs for businesses are introduced, while the additional costs to national administrations seem limited, especially when compared with the benefits from reduced burdens for vessel operators and positive impacts from the expected modal shift.

• Choice of the instrument

As the proposal only requires making several amendments to Directive 2004/44/EC, an amending Directive is the most appropriate legal instrument.

¹⁰ Regulation (EU) 2020/1056.

3. RESULTS OF EX-POST EVALUATIONS, STAKEHOLDER CONSULTATIONS AND IMPACT ASSESSMENTS

- **Ex-post evaluations/fitness checks of existing legislation**

Fifteen years after the adoption of Directive 2005/44/EC on harmonised RIS on inland waterways in the Union, the Commission conducted an ex-post evaluation. The purpose of this ex-post evaluation was to support any further decisions related to the development of the legislative framework in this policy area, including a possible revision of the current Directive. The most important findings of the evaluation were related to the degree of harmonisation, which differs between RIS technologies, as they are not used to the same extent in all countries and river corridors. The evaluation also concluded that there was no indication that a modal shift towards inland navigation was occurring because of the RIS Directive. Furthermore, the evaluation showed that the RIS Directive and its implementing acts were still relevant, but that the Directive's primary focus on the safety of navigation was no longer sufficiently aligned with the sector's needs. More specifically, the evaluation found that the RIS Directive does not address the need to improve the efficiency of IWT and its integration into multimodal supply chains. In addition, the evaluation found that the RIS Directive does not sufficiently address new technological challenges and the further digitalisation of the sector. All these findings were considered and tackled in the impact assessment process.

- **Stakeholder consultations**

For the impact assessment, stakeholders' input was gathered by various means, including an inception impact assessment, an open public consultation (OPC), and targeted consultations by an external contractor through online questionnaires, targeted surveys, interviews, meetings and workshops. Both qualitative input (opinions, views, suggestions) and quantitative information (data and statistics) were sought.

The stakeholders included: participants from the national authorities; RIS users; RIS equipment manufacturers; SMEs; international organisations; sectoral associations; European-level professional associations; Member State authorities; and skippers (i.e. all the relevant groups with a vested interest in RIS).

- **Collection and use of expertise**

The Commission undertook an evaluation study (an ex-post evaluation of Directive 2005/44/EC on harmonised river information services on inland waterways in the Union) to support the evaluation and creation of a staff working document¹¹. This work started in January 2019 and concluded in January 2020.

- **Impact assessment**

The proposal is based on the results of an impact assessment which was informed by a support study carried out by an external consultant with specific knowledge in this area.

Three policy options have been designed and assessed to address the problems and problem drivers identified through the impact assessment. All three policy options contain various measures to help achieve the objectives of the initiative, although each has a different level of effectiveness and efficiency.

¹¹ [090166e5d9dfde69.pdf](https://ec.europa.eu/eip/eip-transport/docs/090166e5d9dfde69.pdf).

Policy option A introduces a limited update of the Directive, without changing the Directive's scope and by aiming to address the Directive's basic identified shortcomings. The basic overall structure of RIS, as regards both the technology elements and the way information is exchanged between stakeholders, would remain mainly the same under this option. Interpretative guidelines on standards and their application by the Member States play a central role, as a non-regulatory measure in this policy option, to improve harmonisation. An important new element introduced by this option is the decision to give to the European committee for drawing up standards in the field of inland navigation (CESNI) a role in the development of standards. To improve the quality of basic RIS data, Member States are required to increase the frequency with which they provide updates to the European Reference Data Management System (ERDMS). Member States must also set up a complaint-handling mechanism for RIS users to report issues with the implementation of RIS (and Member States will need to report on this mechanism in turn to the European Commission on an annual basis). Finally, Member States will have to assess the extent to which personal data are concerned and ensure that these data are processed in the appropriate way.

Option B retains several measures from policy option A, like the complaint-handling mechanism, the requirement to update ERDMS data, the involvement of CESNI, and the clarification regarding personal data. However, policy option B goes further in supporting the development of RIS by introducing an important change in the architecture of RIS, as this policy option would require the creation of a central node for the exchange of information and the provision of services (the RIS platform). Therefore, information would now no longer be exchanged directly between the different users (like the vessel operator with inland ports) but would instead be exchanged through the platforms and functionalities of the RIS platform. New standards on navigation and voyage planning, which are currently missing, would be introduced under this option, providing additional information to vessel operators. The exchange of information would also take on a more prominent role under this option. Under this option, the reporting of cargo information through eFTI would now become mandatory for vessel operators, who would also have the option of exchanging operational information electronically with inland ports. It would also be possible to exchange operational information with other modes of transport. RIS would also be focused on the most important waterways as its scope would match that of the TEN-T waterways.

Option C is the most ambitious, as it would expand on the previous option through two mandatory measures, namely: (i) the requirement for vessel operators to electronically report their voyage plans; and (ii) the requirement to exchange data with inland ports, thus introducing a new framework for traffic management and for technical developments such as digitalisation and automation.

Policy option B is the preferred policy option, since it brings the best balance between the objectives which must be achieved, the degree of proportionality of the intervention, the costs and benefits incurred, and ease of implementation. Although policy option C shows the highest net benefits, at the same time it entails the highest level of costs. The total costs for option C are 434% higher than those of option B, while the total benefits are only 107% higher for option C compared with option B. Furthermore, option B ensures that the specific objectives are addressed in a more progressive and efficient way, entailing a greater benefit-to-cost ratio than option B (4.8 versus 1.9), and allowing a smooth transition for authorities and operators (due to fewer mandatory measures).

The preferred policy option results in total benefits estimated at EUR 450.4 million, expressed as present value for the total period 2025-2050 relative to the baseline. It is also expected to

result in indirect benefits to society, in terms of savings in external costs, estimated at EUR 311 million expressed as present value over 2025-2050 relative to the baseline. These benefits are driven by the greater use of IWT and the shift away from road transport. On the costs, the net benefits for the preferred policy option are estimated at EUR 356.7 million, expressed as present value over 2025-2050 relative to the baseline.

This proposal is accompanied by an impact assessment report¹², a draft submitted to the Regulatory Scrutiny Board (RSB) in August 2023. The RSB issued a positive opinion, and the impact assessment report was revised in line with the RSB's recommendations. The RSB's comments are addressed in the staff working document which accompanies this legislative proposal.

- **Regulatory fitness and simplification**

This initiative is part of the 2023 Commission work programme under Annex II (REFIT initiatives), under the heading 'A Europe fit for the Digital Age'. It has a REFIT dimension in terms of simplifying and harmonising information exchange through RIS. The initiative will reduce administrative burden for vessel operators by reducing the need to re-register cargo information and the need to report cargo information to ports. By improving the harmonisation – and facilitating the exchange – of RIS information, it is estimated that the preferred policy option will result in administrative-cost savings for vessel operators of EUR 28.5 million, expressed as present value for the total period 2025-2050 relative to the baseline scenario. Furthermore, by reducing the effort needed by vessel operators to obtain the information required for voyage planning and navigation purposes, adjustment costs are expected to be reduced for vessel operators by EUR 72.1 million expressed as present value for the total period 2025-2050, relative to the baseline scenario. In addition, providers of RIS software services would benefit from access to more and better-quality data with adjustment-cost savings estimated at EUR 8.1 million, expressed as present value over 2025-2050 relative to the baseline scenario.

- **Fundamental rights**

The policy options were assessed to determine whether they would have an impact on the fundamental rights and/or the equal treatment of EU citizens. The starting point for the assessment of fundamental rights is the Charter of Fundamental Rights of the European Union¹³. All policy options were assessed with regard to the relevant EU instrument, and it was concluded that all three options fully uphold human and fundamental rights, and that none of the options would have any negative impact thereon. This is fully in line with applicable legislation, thus increasing legal clarity for users of RIS services.

4. BUDGETARY IMPLICATIONS

The proposal has no implications for the EU budget.

5. OTHER ELEMENTS

- **Implementation plans and monitoring, evaluation and reporting arrangements**

Appropriate monitoring and reporting arrangements have been identified. The complaint mechanism introduced at Member State level will allow for the 'bottom-up' and early identification of possible challenges in the application of the Directive. Member States will be

¹² SWD [...] 2023.

¹³ OJ C 326 of 26.10.2012, p. 2.

required to report to the Commission every year providing information on areas of complaints and rectification measures. In addition, the RIS platform, as the digital tool for RIS exchanges, will make it possible to collect statistics that will in turn enable RIS usage to be monitored. Specific indicators to be monitored will be developed along with the further development of technical specifications for the platform. Furthermore, information from already publicly available sources (Eurostat) – from or ad hoc surveys and consultations with sector experts – will provide information on the operational and market impacts of the Directive.

Given that the initiative is reliant on the application of secondary legislation (technical standards), it is important to allow for a sufficient timeframe for the development and introduction of this secondary legislation. Therefore, 7 years after the end of the implementation date of the legislation, the Commission should carry out an evaluation to verify to what extent the objectives of the initiative have been reached.

- **Explanatory documents (for directives)**

Explanatory documents are not required as the proposal aims to simplify and clarify the existing regime.

- **Detailed explanation of the specific provisions of the proposal**

Article 1 of the amending Directive forms its main part and contains amendments to numerous provisions of Directive 2005/44/EC.

The substantive changes to the Directive are set out below.

Subject matter and scope

In point 1, Article 1 is replaced to remove outdated references. In point 2, Article 2, paragraph 1 is amended to adapt the scope of the Directive focusing it on inland waterways of the Member States that are part of the Trans-European Transport Network.

Definitions

Point 3 introduces definitions reflecting new elements introduced with this Directive, and in particular relating to electronic systems and platforms used in the transport sector.

Setting-up of RIS and technical guidelines and specifications

Point 4 replaces Article 4 to update both the way that services will be provided under RIS and the type of services that will be provided. Under paragraph 3, the requirement for Member States to provide data on navigation and voyage planning is strengthened and refined, and a new requirement to provide information to the ERDMS is introduced to improve the overall quality and timeliness of the information provided to RIS users. In addition, to improve the exchange of information and multimodality of IWT, requirements are introduced for the exchange of information with other systems and platforms used in the transport sector (including for EMSWe, eFTI, port-community systems and smart inland waterway infrastructure systems).

Furthermore, paragraph 6 lays down the structure for the digital architecture of RIS, by laying down a single digital platform (the RIS platform) as the main digital backbone for the provision of RIS, through which all RIS should be developed and provided. The Commission is empowered to decide on the functional and technical specifications of the RIS platform through implementing acts.

Point 5 replaces Article 5 removing outdated elements and introduces new technical specifications that Member States need to apply to ensure the provision of the services as required by Article 4.

Competent authorities and handling of complaints

Point 6 replaces Article 8 to introduce competent authorities for the operation of the RIS platform and for the handling of complaints. Point 7 introduces a new Article 8(a) that describes the role and the main elements of the procedure that should be followed in handling the complaints. Member States are responsible for developing and applying this procedure and are required to regularly report on its performance to the European Commission. This would provide for improved monitoring and faster handling of issues in the implementation of the Directive.

Rules on privacy, security and the re-use of information

Point 8 replaces Article 9, updating the requirements on privacy, security and the re-use of information. Point 8 also removes outdated provisions.

Amendment procedure and exercise of delegation

Point 9 replaces Article 10 on the amendment procedure, providing in paragraph 1 for a delegated act to update the minimum data requirements in Annex I. Paragraph 2 provides for the Commission to amend Annex III to introduce the most recent version of the ES-RIS through a delegated act as the necessary standards for RIS now become an integral – but not essential – part of the Directive, subject to conditions. Paragraph 3, empowers the Commission to amend Annex III through a delegated act in case a series of conditions cannot be met.

Points 10 and 11 replace paragraphs 2 and 6 of Article 10(a) to update outdated elements.

Point 12 replaces Article 11, removing outdated provisions and establishing the Inland Waterway Transport Committee as the relevant committee in the meaning of Regulation (EU) 182/2011.

Point 13 deletes paragraphs 2 and 3 of Article 12 as they contain outdated specific transposition provisions, given that there is sufficient experience in the implementation of RIS and that the scope of the amending Directive is now the most important waterways.

Point 14 inserts Article 12a which introduces monitoring provisions on the implementation of the Directive.

Point 15 replaces Annex I of Directive 2005/44/EC including updates to the minimum data requirements.

Point 16 replaces Annex II of Directive 2005/44/EC updating and streamlining the principles of RIS technical specifications.

Point 17 adds new Annex III which contains the reference to ES-RIS.

Other provisions

Article 2 of the amending Directive lays down the obligation for transposition.

Article 3 of the amending Directive lays down the entry into force of this Directive.

Article 4 of the amending Directive lays down the addressees.

Annexes

Annex I sets out the minimum data requirements to be provided for navigation and voyage planning. Annex II sets the principles for developing RIS technical specifications. Annex III sets the technical specifications applicable to RIS.

Proposal for a

DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

amending Directive 2005/44/EC on harmonised river information services (RIS) on inland waterways in the Community

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,
Having regard to the Treaty on the Functioning of the European Union, and in particular Article 91(1) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee¹⁴,

Having regard to the opinion of the Committee of the Regions¹⁵,

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) Directive 2005/44/EC of the European Parliament and of the Council¹⁶ establishes a framework for the deployment and use of harmonised river information services ('RIS') in the Union. The deployment of RIS on inland waterways supports the safety and efficiency of transport by inland waterways, and ultimately its sustainability, by increasing the efficiency of inland waterways operations.
- (2) Since the entry into force of Directive 2005/44/EC, the inland waterway sector has benefited from the provision of harmonised RIS. However, the level of harmonisation between Member States varies, while the process of introducing the necessary specifications has proved to be lengthy. At the same time, the European Green Deal¹⁷ calls for the further development of an automated and connected multimodal mobility, and RIS should be adapted to address those new challenges. Furthermore, the Sustainable and Smart Mobility Strategy¹⁸ proposes the revision of Directive 2005/44/EC among its measures to achieve the objective of promoting the creation of a truly smart transport system, efficient capacity allocation and traffic management. The NAIADES III action plan¹⁹ indicates that to support the objective of inland waterways being part of a seamless system of harmonised RIS by 2030, revisions of the legal framework on RIS would aim to help close existing harmonisation and interoperability gaps with other transport modes, and contribute to improved data availability, reuse and interoperability of digital systems, in line with the European

¹⁴ OJ C , , p. .

¹⁵ OJ C , , p. .

¹⁶ Directive 2005/44/EC of the European Parliament and of the Council of 7 September 2005 on harmonised river information services (RIS) on inland waterways in the Community (OJ L 255, 30.9.2005, p. 152, ELI: <http://data.europa.eu/eli/dir/2005/44/oj>).

¹⁷ COM/2019/640 final.

¹⁸ COM/2020/789 final.

¹⁹ COM/2021/324 final.

Data Strategy²⁰. Those changes and developments as well as the experience gained in the implementation of Directive 2005/44/EC should be taken into account when adapting RIS.

- (3) In the interest of adopting a coherent approach to interoperability in the public service sector, when implementing the RIS platform and other solutions in scope of this act, the principles laid down by the latest European Interoperability Framework (EIF)²¹, as mandated by Article 6 of the proposal for a Regulation of the European Parliament and of the Council laying down measures for a high level of public sector interoperability across the Union (Interoperable Europe Act)²², should be followed.
- (4) Regulation (EU) 1315/2013²³ sets up requirements for the development of the trans-European transport network ('TEN-T')²⁴ to achieve the smooth functioning of the internal market, and it aims to ensure that the same high-quality services are available and compatible with the systems of other transport modes along this network.
- (5) Given that the majority of journeys of inland vessels are of international nature, RIS should be focused on those inland waterways being a part of the TEN-T and thus of high importance for the Union and not only those belonging to an interconnected network. Member States should be able to continue extending, on a voluntary basis, the RIS requirements to parts of their inland waterways network other than those included in the TEN-T to account for national specificities.
- (6) The experience gained from the application of Directive 2005/44/EC showed that it is important to strengthen the technical specifications concerning the provision of data on navigation and voyage planning, in order to improve the quality and timeliness of information provided to RIS users. The European Reference Data Management System ('ERDMS') contains necessary information for the proper functioning of RIS and is set up and operated by the Commission. Member States should therefore support the operation of the ERDMS by supplying all the required data in a timely manner and revise and update them as needed at least on a yearly basis.
- (7) The availability to RIS users, during navigation, of up-to-date and accurate information regarding the condition of the fairway and specific points like bridges, locks and inland ports, should improve the overall efficiency of the inland waterway sector. RIS should therefore include up-to-date exchanges of data with semi and fully automated management of infrastructure systems of locks and movable bridges as well as with port community systems of inland ports.
- (8) In order for RIS to allow for interconnection with the logistics chain, it is important that information is shared not only within the inland waterway transport users, but also with systems and applications of other modes of transport. The Maritime National Single Windows ('MNSW') within the European Maritime Single Window

²⁰ COM/2020/66 final.

²¹ COM/2017/134 final.

²² COM/2022/720 final.

²³ Regulation (EU) No 1315/2013 of the European Parliament and of the Council of 11 December 2013 on Union guidelines for the development of the trans-European transport network and repealing Decision No 661/2010/EU (OJ L 348, 20.12.2013, p. 1, ELI: <http://data.europa.eu/eli/reg/2013/1315/oj>).

²⁴ The EU's trans-European transport network policy, the TEN-T policy, is a key instrument for the development of coherent, efficient, multimodal, and high-quality transport infrastructure across the EU. It comprises railways, inland waterways, short sea shipping routes and roads linking urban nodes, maritime and inland ports, airports and terminals.

environment ('EMSWe')²⁵ should enable harmonised ship reporting across the Union. The exchange of traffic related information, such as arrival and departure times, would ensure interoperability, multimodality, and smooth integration of inland waterway transport with the overall logistics chain. The electronic freight transport information ('eFTI') should form the basis for the exchange of cargo information between RIS users where required. When necessary, RIS should create links and exchange information with systems and platforms of other modes of transport.

- (9) The exchange of information between inland waterway vessels and inland ports, for example on availability of port installations, operating times, or vessel and cargo information is not always optimal, which impacts the efficiency of IWT operations. Information on the availability of alternative fuel infrastructure in ports is of particular importance in promoting the environmental performance of the sector. In order to simplify and streamline the exchange of such information and improve the overall efficiency of the sector, it is important that such exchanges become part of RIS and that the necessary technical specifications are developed.
- (10) The use of a single digital platform for RIS should streamline the provisions of RIS, improve efficiency in IWT operations and reduce burden for RIS providers and users. That platform ('the RIS Platform') should support relevant services, be a central point for the exchange of RIS information within the inland waterways sector as well as with other transport modes, and therefore become the main digital backbone for the provision of RIS in the Union. Member States should designate one or more competent authorities responsible for operating RIS Platform. These authorities are controllers for purpose of operating the RIS Platform.
- (11) In order to ensure uniform conditions for introduction of the RIS Platform, implementing powers should be conferred on the Commission to set the framework for the development and the functioning of the platform. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council.²⁶
- (12) In order to ensure the proper and effective application of Directive 2005/44/EC, Member States should ensure that an effective procedure is in place to handle complaints. Member States' authorities should cooperate when handling complaints involving cross-border elements (for example, incompatible standards in reporting of vessel information), as 75% of inland waterways operations includes international voyages. By analysing the subject matter of the complaints, as well as their frequency and the way and timeliness of their resolution, it can be possible to identify the extent to which the provisions of the Directive are complied with, thus supporting the monitoring of implementation by pointing to areas where implementation can be improved. It is therefore important that this information is collected and reported by the Member States to the Commission on an annual basis. Any handling of complaints under this directive should be without prejudice of the competence of supervisory

²⁵ Regulation (EU) 2019/1239 of the European Parliament and of the Council of 20 June 2019 establishing a European Maritime Single Window environment and repealing Directive 2010/65/EU (OJ L 198, 25.7.2019, p. 64, ELI: <http://data.europa.eu/eli/reg/2019/1239/oj>).

²⁶ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p.13, ELI: <http://data.europa.eu/eli/reg/2011/182/oj>).

authorities under Union and Member States laws, including Regulation (EU) 2016/679²⁷ and Regulation (EU) 2018/1725²⁸.

- (13) The development of technical specifications should follow a set of principles (in particular, the ones included in Annex II) in order to ensure the proper and harmonised implementation of the provisions of Directive 2005/44/EC. Those principles should outline the main elements that each RIS component should include.
- (14) The requirements and technical specifications for the purposes of RIS should ensure in particular that all RIS data can be processed solely in accordance with a comprehensive, rights-based access-control system that provides assigned functionalities, that all competent authorities can have immediate access to that data in accordance with their respective regulatory competences, that appropriate technical and organisational measures are implemented to ensure that the processing by electronic means of personal data can be carried out in accordance with Regulation (EU) 2016/679 of the European Parliament and of the Council²⁹ and Regulation (EU) 2018/1725 of the European Parliament and of the Council³⁰, including to protect against personal data breaches and that the processing of sensitive commercial information can be carried out in a way that respects the confidentiality of that information.
- (15) In order to ensure the safe and optimal navigation of vessels in inland waterways, Member States should be aware of the position of all inland waterway vessels including through the use of automatic identification systems ('AIS') data. Member States should also exchange RIS related information to increase the efficiency of RIS and reduce reporting requirements. Where transmission and exchange of RIS related information for these purposes cannot be achieved without processing of personal data, Member States should ensure the lawfulness of the processing of those personal data in accordance with Regulation (EU) 2016/679.
- (16) In order to ensure that RIS users are supplied with the necessary information concerning navigation and voyage planning, and taking account of scientific and technical progress, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in order to amend the minimum data requirements established in the Annex I to Directive 2005/44/EC.
- (17) Where duly justified by an appropriate analysis and in the absence of pertinent and up-to-date international standards to ensure safety of navigation, or where changes in or the outcome of the decision-making process of the European committee for drawing up standards in the field of inland navigation (CESNI) would compromise Union interests, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of the amendment of Annex III to Directive 2005/44/EC in order to provide appropriate technical specifications for RIS, in line

²⁷ OJ L 119, 4.5.2016, p. 1.

²⁸ OJ L 295, 21.11.2018, p. 39.

²⁹ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data and repealing Directive 95/46/EC (OJ L 119, 4.5.2016, p. 1, ELI: <http://data.europa.eu/eli/reg/2016/679/oj>).

³⁰ Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39, ELI: <http://data.europa.eu/eli/reg/2018/1725/oj>).

with the principles set out in Annex II of Directive 2005/44/EC with the aim of safeguarding Union interests.

- (18) The experience gained from the implementation of Directive 2005/44/EC shows that the period to introduce and update the technical specifications has been lengthy, which has impacted the performance of the sector. It is therefore important to change the process by which technical specifications are introduced.
- (19) Directive (EU) 2016/1629 of the European Parliament and of the Council³¹ introduced such a process based on technical specifications developed by the CESNI. Acting under the auspices of the Central Commission for Navigation on the Rhine ('CCNR') and open to experts from all Member States, CESNI³² is responsible for drawing up the technical standards in the field of inland waterway transport. Experience has shown that CESNI has developed and updated technical requirements for inland navigation vessels in an organised and timely manner. Taking into account the expertise of CESNI and the experience from implementing Directive (EU) 2016/1629, a similar approach should be applied for Directive 2005/44/EC.
- (20) In order to ensure a high level of safety and efficiency in inland navigation, to ensure the provision of RIS and to take into account scientific and technical progress and other developments in the sector, the reference to the applicable technical specifications for river information services, the European Standard for River Information Services (ES-RIS), provided it is in line with the principles of Annex II, should form an integral but not essential part of Directive 2005/44/EC, and be kept up to date. Therefore, the power to adopt acts amending Annex III to Directive 2005/44/EC in view of updating the reference to the most recent version of the ES-RIS standard and setting the date of its application should be delegated to the Commission in accordance with Article 290 TFEU.
- (21) When adopting delegated acts, it is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making³³. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as the experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.
- (22) The Committee on boatmasters' certificates for the carriage of goods and passengers by inland waterway referred to in Article 11 of Directive 2005/44/EC has been abolished. In its place, the Inland Waterway Transport Committee having expertise in standards and technical specifications in the inland waterway sector is relevant to assist the Commission within the meaning of Regulation (EU) 182/2011 of the European Parliament and of the Council³⁴ in respect of RIS. Furthermore, this

³¹ Directive (EU) 2016/1629 of the European Parliament and of the Council of 14 September 2016 laying down technical requirements for inland waterway vessels, amending Directive 2009/100/EC and repealing Directive 2006/87/EC (OJ L 252, 16.9.2016, p. 118, ELI: <http://data.europa.eu/eli/dir/2016/1629/oj>).

³² CESNI is established under CCNR resolution 2015-i-3.

³³ OJ L 123, 12.5.2016, p. 1, ELI: http://data.europa.eu/eli/agree_interinstit/2016/512/oj.

³⁴ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13, ELI: <http://data.europa.eu/eli/reg/2011/182/oj>).

Directive introduces amendments to Article 5 and Article 12 of Directive 2005/44/EC relating to the Committee procedure that need to be reflected in an updated article. Therefore Article 11 of Directive 2005/44/EC should be amended to reflect these changes.

- (23) For the purposes of better regulation and simplification, it should be possible for Directive 2005/44/EC to make reference to international standards without duplicating them in the Union legal framework.
- (24) RIS has been established in the Union since 2005 and considerable experience in its development and implementation has been gathered by the Member States. Furthermore, the technical specifications necessary for the functioning of RIS are included in Annex III of Directive 2005/44/EC. In this regard, Article 12(2) of Directive 2005/44/EC should be deleted. In addition, by amending the scope of Directive 2005/44/EC to focus on the TEN-T the requirement to implement RIS is applicable on the most important waterways, creating a reliable transport network. As such, Article 12(3) of Directive 2005/44/EC should be deleted.
- (25) In accordance with the principle of proportionality, it is necessary and appropriate for the achievement of the basic objective of establishing a framework for the provision of River Information Services (RIS) in the Union to lay down rules on the setting up, operation and technical specifications of RIS. This Directive does not go beyond what is necessary in order to achieve the objectives pursued in accordance with Article 5(4) of the Treaty on European Union.
- (26) The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) 2018/1725 of the European Parliament and of the Council and delivered an opinion on [XX XX 2024]³⁵.
- (27) Directive 2005/44/EC should therefore be amended accordingly,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Amendments to Directive 2005/44/EC

Directive 2005/44/EC is amended as follows:

- (1) Article 1 is replaced by the following:

'Article 1

Subject Matter

1. This Directive establishes a framework for the deployment and use of harmonised river information services (RIS) in the Union in order to support inland waterway transport with a view to enhancing its safety, efficiency and sustainability and to facilitating interfaces with other transport modes.
2. This Directive provides a framework for the establishment and further development of technical requirements, specifications and conditions to ensure harmonised, interoperable and open RIS on the Union inland waterways and

³⁵ OJ C [...], [...], p. [...].

ensure continuity with other modal traffic management services, in particular maritime vessel traffic management and information services.’

- (2) in Article 2, paragraph 1 is replaced by the following:
- ‘1. This Directive applies to the implementation and operation of RIS on all inland waterways and inland ports of the Member States which are part of the trans-European transport network, as specified and listed in Annex I and II to Regulation (EU) No 1315/2013 of the European Parliament and of the Council³⁶.’
- (3) in Article 3, the following points (ha) to (hi) are added:
- ‘(ha) ‘trans-European transport network’ (TEN-T) means inland waterways as defined in Annex I of Regulation (EU) 1315/2013;
- (hb) ‘electronic freight transport information’ (eFTI) means electronic freight transport information as defined in Article 3(4) of Regulation (EU) 2020/1056 of the European Parliament and of the Council³⁷;
- (hc) ‘European Maritime Single Window environment’ (‘EMSWe’) means European Maritime Single Window environment as defined in Article 2(1) of Regulation (EU) 2019/1239 of the European Parliament and of the Council³⁸;
- (hd) ‘maritime National Single Window’ means a maritime National Single Window as defined in Article 2(3) of Regulation (EU) 2019/1239;
- (he) ‘European Reference Data Management System’ (ERDMS) means a single point of access repository (library) of reference data and codes lists that are used by IT applications in inland waterway transport operated by the Commission;
- (hf) ‘Port Community System’ means an electronic platform for the exchange of information between public and private stakeholders to ensure smooth port and logistics processes;
- (hg) ‘smart inland waterway infrastructure system’ an electronic platform supporting semi and fully automated management of IWT infrastructure in locks and movable bridges in the TEN-T, operated by the public waterway management authorities;
- (hh) ‘RIS Platform’ means an electronic single-point-of-access platform sourced by national RIS information and providing Fairway-, Infrastructure-, Traffic- and Transport Information Services, including route- and transport planning, for RIS users and serving for electronic reporting according to the ‘once-only’ principle;

³⁶ Regulation (EU) No 1315/2013 of the European Parliament and of the Council of 11 December 2013 on Union guidelines for the development of the trans-European transport network and repealing Decision No 661/2010/EU (OJ L 348, 20.12.2013, p. 1, ELI: <http://data.europa.eu/eli/reg/2013/1315/oj>).

³⁷ Regulation (EU) 2020/1056 of the European Parliament and of the Council of 15 July 2020 on electronic freight transport information (OJ L 249, 31.7.2020, p. 33, ELI: <http://data.europa.eu/eli/reg/2020/1056/oj>).

³⁸ Regulation (EU) 2019/1239 of the European Parliament and of the Council of 20 June 2019 establishing a European Maritime Single Window environment and repealing Directive 2010/65/EU (OJ L 198, 25.7.2019, p. 64, ELI: <http://data.europa.eu/eli/reg/2019/1239/oj>).

(hi) ‘Inland ports’ means an inland waterway port of the TEN-T core network or TEN-T comprehensive network, as listed and categorised in Annex II to Regulation (EU) No 1315/2013.’

(4) Article 4 is replaced by the following:

‘Article 4

Setting-up of RIS

1. Member States shall take the necessary measures to implement RIS on inland waterways and inland ports falling within the scope of this Directive.
2. Member States shall develop RIS in such a way that the RIS application is efficient, expandable and interoperable so as to interact with other RIS applications and with systems for other modes of transport, while also providing interfaces to transport management systems and commercial activities.
3. In order to set up RIS, Member States shall:
 - (a) ensure that all relevant data are supplied to RIS users concerning navigation and voyage planning on inland waterways. These data, as defined in Annex I, shall be up-to-date and provided at least in an accessible common electronic format;
 - (b) ensure that for all their inland waterways of the TEN-T, in addition to the data referred to in point (a), electronic navigational charts suitable for navigational purposes are available to RIS users;
 - (c) enable, as far as ship reporting is required by national or international regulations, the competent authorities to receive electronic ship reports of the required data from ships. In cross-border transport, this information shall be transmitted to the competent authorities of the neighbouring State and any such transmission shall be completed before arrival of the vessels at the border;
 - (d) ensure that notices to skippers, including water level (or maximum allowable draught) and ice reports of their inland waterways, are provided as standardised, encoded and downloadable messages. The standardised message shall contain at least the information necessary for safe navigation. The notices to skippers shall be up-to-date and provided at least in an accessible common electronic format;
 - (e) ensure that ERDMS is kept up to date by supplying all the necessary data without delay and revise them at least once per year;
 - (f) ensure that at least traffic related information is exchanged between RIS and electronic information exchange environments established by Union law and used in other transport modes, including through maritime National Single Windows within EMSWe;
 - (g) ensure that dangerous goods related information as required pursuant to Chapter 5.4 of Part 5 of the Regulations annexed to the European Agreement concerning the International Carriage of Dangerous Goods by Inland Waterways (ADN), concluded at Geneva on 26 May 2000, as referred to in Section III.1 of Annex III to Directive 2008/68/EC of the

European Parliament of the Council³⁹ shall be made available to the competent authorities on an eFTI platform, through a unique electronic identifying link referred to in point (e) of Article 9(1) of Regulation (EU) 2020/1056;

- (h) ensure that information is exchanged between RIS and the port community systems of inland ports, including, among others, up-to-date, availability of berths, and of alternative fuel infrastructure, and in particular those installations required pursuant to Article 10 of Regulation (EU) 2023/1804 of the European Parliament and of the Council⁴⁰;
- (i) ensure that information is exchanged between RIS and other smart inland waterways infrastructure systems for the purpose of managing of river traffic.

The obligations referred to in this paragraph shall be fulfilled in compliance with the requirements and principles set out in Annexes I and II.

4. The competent authorities of the Member States shall establish RIS centres according to regional needs.
5. Member States shall create, operate, use and maintain a single RIS Platform which provides fairway-, infrastructure-, traffic-, and transport related data. The RIS Platform shall be accessible for all RIS users and shall be the main platform for the exchange of RIS related information. It shall contain interfaces for connections with systems of other transport modes and inland ports. Member States shall designate one or more competent authorities responsible for operating RIS Platform.
6. The Commission shall adopt implementing acts laying down the operational characteristics, roles and procedures for the RIS platform and identifying its operating entity, based on the principles for RIS technical specifications set out in point 7 of Annex II, to ensure their uniform implementation throughout the Union. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 11(2).
7. For the use of the automatic identification systems ('AIS'), the regional arrangement concerning the radiotelephone service on inland waterways concluded in Basel on 6 April 2000 in the framework of the radio regulations of the International Telecommunication Union (ITU) shall apply.
8. Member States, if appropriate in cooperation with the Union, shall encourage boat masters, operators, agents or owners of vessels navigating on their inland waterways and shippers or owners of goods carried on board such vessels to fully profit from the services which are made available under this Directive.
9. The Commission shall take appropriate measures to verify the interoperability, reliability and safety of RIS.'

³⁹ Directive 2008/68/EC of the European Parliament and of the Council of 24 September 2008 on the inland transport of dangerous goods (OJ L 260, 30.9.2008, p. 13, ELI: <http://data.europa.eu/eli/dir/2008/68/oj>).

⁴⁰ Regulation (EU) 2023/1804 of the European Parliament and of the Council of 13 September 2023 on the deployment of alternative fuels infrastructure and repealing Directive 2014/94/EU (OJ L 234, 22.9.2023, p. 1, ELI: <http://data.europa.eu/eli/reg/2023/1804/oj>).

- (5) Article 5 is replaced by the following:

‘Article 5

Technical specifications

1. In order to support RIS and to ensure the interoperability of those services as required by Article 4(2), the technical specifications as referred to in Annex III in line with the principles set out in Annex II shall apply and shall cover in particular the following areas:
 - (a) electronic chart display and information system for inland navigation (inland ECDIS);
 - (b) electronic ship reporting;
 - (c) notices to skippers;
 - (d) vessel tracking and tracing systems;
 - (e) compatibility of the equipment necessary for the use of RIS;
 - (f) operation of the RIS Platform;
 - (g) interconnection and exchange of information with Union data bases (ERDMS);
 - (h) interconnection and exchange of information with IT platforms of other transport modes, including at least eFTI and EMSWe;
 - (i) interconnection and exchange of information with port management systems and with smart inland waterway infrastructure systems;
 - (j) provisions for navigation, and voyage planning.’

- (6) Article 8 is replaced by the following:

‘Article 8

Competent authorities

Member States shall designate competent authorities for the RIS application, for the international exchange of data, for the operation of the RIS platform and for the handling of complaints by RIS users. These authorities shall be notified to the Commission by ... [one year after the date of entry into force of this Directive].’

- (7) The following Article 8a is inserted:

‘Article 8a

Handling of complaints

1. Each Member State shall ensure that an effective procedure is in place to handle complaints arising from the application of this Directive.

2. The handling of complaints shall be carried out in a manner which avoids conflicts of interest, and which is functionally independent of any competent authority for the RIS application, for the international exchange of data and for the operation of the RIS platform. The handling of complaints shall be impartial and transparent and shall duly respect the right to freely conduct business.
3. Complaints shall be filed in the Member State in whose waterways or inland ports the reason for the complaint originated. Member States shall ensure that RIS users and other relevant stakeholders are informed of where and how to lodge a complaint and which authorities are responsible for handling complaints.
4. The authorities responsible for handling complaints shall cooperate for the purposes of complaints of a cross-border nature.
5. The authorities responsible for the handling of complaints shall, in accordance with national law, have the power to require competent authorities for the RIS application, for the international exchange of data, providers of RIS services, infrastructure managers and inland ports to provide them with information relevant to a complaint.
6. The authorities responsible for the handling of complaints shall, in accordance with national law, have the power to take decisions that have binding effect, subject to judicial review, where applicable.
7. Member States shall inform the Commission of the procedure for the handling of complaints by ... [one year after the date of entry into force] and, subsequently, of any changes to that information. The Commission shall publish and regularly update such information on its website.
8. Member States shall inform the Commission on an annual basis about the number and type of complaints received by the authorities responsible for handling of complaints, the number of corrective actions taken, and the time required to resolve complaints.'

(8) Article 9 is replaced by the following:

'Article 9

Rules on privacy and security of information

Member States shall take the necessary technical and organisational measures in accordance with the applicable Union and national law to protect RIS information and records against untoward events or misuse, including improper access, alteration or loss and to ensure the confidentiality of commercial and other sensitive information exchanged pursuant to this Directive.'

(9) Article 10 is replaced by the following:

'Article 10

Amendment procedure

1. The Commission shall be empowered to adopt delegated acts in accordance with Article 10a to amend Annex I, by updating and revising the minimum data

requirements, taking into account the experience gained from the application of this Directive, and the technical progress in developing RIS technologies and applications.

2. The Commission shall be empowered to adopt delegated acts in accordance with Article 10a to amend Annex III by updating, if appropriate in view of the criteria defined in paragraph 3, and in line with the principles of Annex II the reference to the most recent version of the ES-RIS and to set the date of its application.
 3. In the absence of pertinent and up-to-date technical specifications, or when technical specifications developed by CESNI do not comply with any applicable requirements set out in the Annex II or where changes in the decision-making process of CESNI or in other elements of the standard would compromise Union interests and where duly justified by an appropriate analysis, the Commission shall be empowered to adopt delegated acts in accordance with Article 10a to amend Annex III to provide appropriate technical specifications based on the principles set out in Annex II.'
- (10) In Article 10a, paragraph 2 is replaced by the following:
- '2. The power to adopt delegated acts referred to in Article 10 shall be conferred on the Commission for a period of five years from [the date of entry into force]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.'
- (11) In Article 10a, paragraph 6 is replaced by the following:
- '6. A delegated act adopted pursuant to this Article shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament.'
- (12) Article 11 is replaced by the following:

Article 11

Committee procedure

1. The Commission shall be assisted by the Inland Waterway Transport Committee. That Committee shall be a committee within the meaning of Regulation (EU) No 182/2011 of the European Parliament and of the Council⁴¹.
 2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.'
- (13) in Article 12, paragraphs 2 and 3 are deleted.
- (14) The following Article 12a is inserted:

⁴¹ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13, ELI: <http://data.europa.eu/eli/reg/2011/182/oj>).

Article 12a

Monitoring

The Commission shall monitor the setting up of RIS in the Union and shall report to the European Parliament and to the Council by ... [5 years after the date of entry into force].’

- (15) Annex I to Directive 2005/44/EC is replaced by the text set out in Annex I to this Directive.
- (16) Annex II to Directive 2005/44/EC is replaced by the text set out in Annex II to this Directive.
- (17) The text set out in Annex III to this Directive is added as Annex III.

Article 2

Transposition

- 1. Member States falling within the scope of this Directive shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by ... [one year after the entry into force] at the latest. They shall immediately inform the Commission thereof.
- 2. When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.
- 3. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 3

Entry into force

This Directive shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

Article 4

Addressees

This Directive is addressed to the Member States which have inland waterways falling within the scope of Article 2 of Directive 2005/44/EC.

Done at Brussels,

For the European Parliament
The President

For the Council
The President