Council of the European Union

Brussels, 22 June 2016
(OR. en)

10546/16

Interinstitutional File:
2013/0302 (COD)

TRANS 255
MAR 178
CODEC 936

COVER NOTE

From:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
date of receipt:	21 June 2016
To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union
No. Cion doc.:	COM(2016) 429 final
Subject:	COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT pursuant to Article 294(6) of the Treaty on the Functioning of the European Union concerning the 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, amending Directive 2009/100/EC and repealing Directive 2006/87/EC of the European Parliament and of the Council

Delegations will find attached document COM(2016) 429 final.

Encl.: COM(2016) 429 final

EUROPEAN
COMMISSION

Brussels, 21.6.2016
COM(2016) 429 final

2013/0302 (COD)

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

pursuant to Article 294(6) of the Treaty on the Functioning of the European Union

concerning the

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, amending Directive 2009/100/EC and repealing Directive 2006/87/EC of the European Parliament and of the Council

2013/0302 (COD)

COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT

pursuant to Article 294(6) of the Treaty on the Functioning of the European Union

concerning the

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, amending Directive 2009/100/EC and repealing Directive 2006/87/EC of the European Parliament and of the Council

1. BACKGROUND

Date on which the proposal was sent to the European Parliament and the Council - 10.9.2013 (document COM(2013)622 final – 2013/0302 COD).

Date of the opinion of the European Economic and Social Committee - 21.1.2014.

Date of the opinion of the Committee of the Regions - 31.1.2014

Date of the position of the European Parliament, first reading - 15.4.2014.

Date on which the Council adopted its position - 13.5.2016.

2. OBJECTIVE OF THE COMMISSION PROPOSAL

Directive 2006/87/EC lays down technical requirements for vessels operating on the EU's inland waterway network. In addition, the Central Commission for Navigation on the Rhine (CCNR) has laid down technical requirements for vessels navigating on the Rhine in the Revised Convention for Rhine Navigation. Directive 2006/87/EC is designed to ensure safe navigation under conditions equivalent to those covered by the Rhine rules. The Directive also aims to ensure that Union inland navigation certificates attesting that all types of craft are fully compliant with technical requirements are valid on all EU inland waterways, including the Rhine, and that Rhine certificates are valid on all EU inland waterways. In general, the technical requirements in the annexes to the Directive incorporate the standards laid down in the Rhine Vessels Inspection Regulations.

However, it is difficult to ensure consistency between the two legal regimes, as each is governed by its own rules and procedures. In the interests of maintaining legal certainty and achieving a level playing field, progress towards a single, uniform set of technical standards is needed.

The main reasons for revising the Directive are to streamline decision-making on the adoption of technical standards for inland waterway vessels, and to standardise technical standards for both the EU and the CCNR regimes.

To achieve these objectives, in June 2015 the CCNR set up an international body to draw up uniform technical standards for inland waterway vessels, the CESNI (*Comité européen pour les standards dans le domaine de la navigation intérieure*). It adopted its first technical standard for inland waterway vessels in November 2015, thus enabling reference to be made to that standard in the Directive before its final adoption and publication.

Subsequent versions of the CESNI technical standard will be referred to in EU legislation by means of delegated acts.

3. Comments on the Council position

Most of the Council's amendments are designed to improve clarity and the implementation of the Directive. They are based on a decade of experience of its application.

The main changes in the Council position are:

- The articles have been reorganised into thematic chapters, thereby improving clarity. At the Commission's request, the Council has agreed not to change the technical requirements in the annexes in such a way that they refer to the CESNI standard adopted in the course of the discussions held in the Council in November 2015 (see above). The Council has transferred some further detailed procedural issues from Annex II to the main body of the Directive, in addition to those already transferred in the Commission's proposal.

- The Council has taken the opportunity to update the classification of inland waterways in Annex I. Sweden has inserted its classification, thus bringing its inland waterways within the scope of the Directive.

- The Council has also modified Article 30, listing the Member States that are excluded from the scope of the Directive because they have no inland waterways or because inland navigation is not used to a significant extent. The others are covered by the Directive.

- The provisions on data protection in relation to the European Hull Database have been tightened up, in line with the opinion of the European Supervisor for Data Protection (EDPS), who was consulted by the Commission at the Council's request. The Directive now includes some essential material on the processing of personal data (the categories of data processed, the reasons for such processing, the recipients of the data, and the period for which it is retained). Moreover, the Commission has been empowered to adopt rules on the functioning of the database by delegated acts.

- The minor legal discrepancy with Directive 2009/100/EC, resulting in an overlap in the scope of application, has been removed by amending Directive 2009/100/EC.

4. CONCLUSION

Overall, the form of the text has changed considerably, while the substance of the original Commission proposal on navigation safety has been preserved. The Commission welcomes these improvements.

The Commission can endorse the position adopted by the Council, thus enabling the European Parliament to adopt the final text at second reading.