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DRAFT STATEMENT OF THE COUNCIL'S REASONS

Subject:	Position of the Council at first reading with a view to 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 – Draft Statement of the Council's reasons

I. INTRODUCTION

1. On 10 September 2013, the Commission transmitted to the Council a proposal for a Directive of the European Parliament and of the Council laying down technical requirements for inland waterway vessels and repealing Directive 2006/87/EC[1] of the European Parliament and of the Council.

2. The European Economic and Social Committee adopted its opinion on the NAIADES II package, which includes the proposal on technical requirements, on 21 January 2014. The Committee of the Regions adopted its opinion on the NAIADES II package in its plenary on 30 and 31 January 2014.

3. The European Parliament adopted its opinion at first reading on the proposal on 15 April 2014.

4. On 11 June 2015, the Council (Transport, Telecommunications and Energy) reached an agreement (the 'general approach')[2] on the proposal laying down technical requirements for inland waterway vessels.

5. In its discussions with the European Parliament, the Council took account of the comments made by the European Data Protection Supervisor following adoption of the general approach.

6. On 17 March 2016, an agreement was reached with the European Parliament on a compromise text.

7. On 13 May 2016, the Council adopted a political agreement[3] on the compromise text.

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1 OJ L 389, 30.12.2006, p. 1.
2 See 9008/1/15 TRANS 167 MAR 65 CODEC738 REV 1 + ADD 1 REV 1
3 See 7759/1/16 TRANS 101 MAR 110 CODEC 406 + COR 1 + REV 1

8. Taking into account the agreements referred to above and following legal-linguistic revision, the Council adopted its position at first reading on 16 June 2016, in accordance with the ordinary legislative procedure laid down in Article 294 of the Treaty on the Functioning of the European Union.

II. OBJECTIVE

9. The main objective of the proposal is to re-organise the provisions of Directive 2006/87/EC so that the decision-making mechanisms are established in the articles and the annexes contain only technical and procedural provisions.

10. That re-organisation would allow better coordination and harmonisation with the technical and procedural provisions of the Central Commission for Navigation on the Rhine (CCNR), applied under the Mannheim Convention (Revised Convention for Rhine Navigation).

11. In particular, a procedure to apply the technical standards developed by the European Committee for Drawing up Standards in Inland Navigation (CESNI) should be established. CESNI is organised under the auspices of the CCNR.

12. In addition to reducing the administrative burden and delays involved in updating technical requirements for inland waterway vessels, the safe use of new and innovative technologies should be encouraged.

III. ANALYSIS OF THE COUNCIL'S POSITION AT FIRST READING

A. The Council's position on the Parliament's amendments

13. In its preparation for the general approach the Council analysed the amendments by the Parliament and largely incorporated them in the general approach. As regards the amendments on the use of liquefied natural gas (LNG) for the propulsion of vessels, the Council could not accept the amendments for technical reasons. The development of technical provisions on LNG should be carried out by CESNI instead of the Commission. Furthermore, CESNI has already succeeded in including such provisions in the first version of its standard (ES-TRIN 2015/1). Therefore the amendments by the Parliament relating to the use of LNG have essentially become obsolete since their ultimate goal has been achieved.

B. Legislative clarity

14. The Council has sought to present the text in a clear manner and in a logical order. The pursuit of this objective has resulted in a number of editorial changes in the text without affecting the substance of the provisions.

15. The text is presented in thematic chapters, allowing easy and correct understanding of the Directive.

16. The Directive is not applicable to Member States where there are no inland waterways or inland navigation is not used to a significant extent. The addressees of the Directive are defined in an article to clearly and irrevocably establish the geographical scope of the Directive, instead of relying on an indirect reference through an annex to it.

17. The codification of Directive 2009/100/EC on reciprocal recognition of navigability licences for inland waterway vessels[4] has led to a situation where the scopes of Directive 2009/100/EC and Directive 2006/87/EC partially overlap. This inconsistency can be ironed out by making a minor correction to Directive 2009/100/EC.

[4] OJ L 259, 2.10.2009, p. 8.

C. Closer links with the work carried out at CESNI and CCNR

18. The CCNR created CESNI in June 2015 to prepare, *inter alia*, technical requirements for inland waterway vessels that could be more broadly applicable in Europe. The general prerequisites of the European Union and in particular the application of the proposed new Directive are duly taken into account in the working rules of CESNI.

19. By means of Council Decision (EU) 2015/2176[5], the Council endorsed the first version of the technical standard developed by CESNI (ES-TRIN 2015/1). CESNI adopted the standard on 26 November 2015.

20. A swift application of the latest version of the CESNI standard should be ensured in the Union. To this end, the Commission should adopt delegated acts without undue delay to guarantee that the new provisions start to apply at the same time.

21. Furthermore, the Directive would allow the Commission to build on the technical expertise of CESNI to allow innovation in vessel technology to take place whilst ensuring the requisite level of safety.

22. Finally, a safeguard clause is included to cover situations where there are no applicable standards or where the decision-making process of CESNI changes and would risk Union interests. In these cases the Commission could propose the technical requirements to be applied.

IV. CONCLUSION

23. The Council's position at first reading reflects the compromise agreed between the Council and the European Parliament, with the support of the Commission.

24. This compromise was confirmed by a letter from the Chair of the European Parliament's Committee on Transport and Tourism addressed to the Chair of the Permanent Representatives Committee (Part 1) on 7 April 2016.

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[5] OJ L 307, 25.11.2015, p. 25.

25. The position of the Council takes full account of the Commission proposal and the amendments proposed by the European Parliament at first reading. Therefore the Council believes that its position at first reading represents a balanced result and that, once adopted, the new Directive would significantly contribute to more efficient, dynamic and safe transport on inland waterways throughout the European Union and beyond. Furthermore, it would facilitate the use of new and innovative technologies and a lighter administrative burden.