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To:	Working Party on Shipping
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Subject:	DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Directive 2005/44/EC on harmonized river information services (RIS) on inland waterways in the Community. - Comments by Luxembourg.

Delegations will find attached comments by **Luxembourg** on the above proposal.

Luxembourg, March 12, 2024

Written Comments by Luxembourg on the Proposal

Directive of the European Parliament and of the Council amending Directive 2005/44/EC on harmonized river information service (RIS) on inland waterways in the Community

In general, Luxembourg is looking forward to the future evolution of the RIS Directive environment and considers the text in general positively. Luxembourg is pointing to the fact some of the issues are anticipating future developments making it difficult to assess the complete impact of the directive.

Also Luxembourg considers that the development of the RIS platform(s) impact should not be rushed due to ongoing RIS COMEX II project and its architecture should be in line with best standards in IT development. Mentions in the text of the directive to a “unique” RIS Platform and to the interconnection of such “unique” platform to various nominally mentioned platforms is considered problematic as it excludes possible future platforms and creates unknown future obligations. This or those RIS platforms should be open to interconnections with current and future platforms without exclusion.

Article 1: Amendments to Directive 2005/44/EC	Article 4: Setting up of RIS	Point 5: <i>Here the question is why a competent authority has to be designated and what is its role of this platform next to the operating entity of the RIS Platform. This needs to be refined. Since the RIS center obligation subsists and clarification is needed on the interrelation.</i> <i>Is it not per se better to have a single RIS Platform if a federative architecture is better suited to achieve the announce policy objectives. RIS COMEX 2 is working on the future structure.</i>
		Point 6: <i>Here is the question, what is meant with “identifying its operating entity”. As said, it could be two operational entities managing two platforms.</i>
	Article 5: Technical specifications	Point 1 f): <i>again mentions “operation of the RIS platform”. This is an operational task and not necessarily a regulatory task. A</i>

Article 1: Amendments to Directive 2005/44/EC		<i>distinction between “operation” and “principles of operation” is not done thoroughly in the text.</i>
	Article 8: Competent authorities	<i>This is an operational task and not necessarily a regulatory task. A distinction between “operation” and “principles of operation” is not done thoroughly in the text.</i>
	Article 8a: Handling complaints	<i>Here the establishment of a functionally independent authority seems to miss the point of effective procedure which should be incorporated in the RIS platforms.</i>
		Point 4: <i>The principle of collaboration of MS concerned for the handling of complaints of a cross border nature should be extended as a principle for the provision of all RIS serviced given in a cross border context, i.e. the only concerned TEN-T River in Luxembourg, the Mosel river is a 37km condominium (common territory between Luxembourg and Germany).</i>
		<i>In this context it is proposed to add a new article:</i> <i>“RIS services in a cross-border context can be provided for by either of the two countries concerned. The authorities responsible for the cross border inland waterway shall cooperate for the purpose of the provision of these services.”</i>
		Point 6: <i>This is superfluous and an unnecessary administrative burden.</i>
	Article 9: Rules on privacy and security information	Point 8: <i>This is superfluous and an unnecessary administrative burden. Statistical data can be pulled and submitted by the RIS Platform operators.</i>
		<i>Clerical error “untoward “events, probably “unforeseen” events is meant.</i>

Article 2: Transposition	<i>The transposition time is too short due to legal procedures and IT adaptations required as well as the need to foresee new services (real time waiting times at locks, bridges and ports) to be implemented. A 3 years transposition time is proposed.</i>
Annex I	<i>Reservation on the annex.</i>
Annex II	<i>Reservation on the annex, mainly points 6.-8.</i> <i>Due to the absence of a seaport and according to similar provisions in Regulation (EU) 2019/1239 of the European Parliament and of the Council of 20 June 2019 establishing a European Maritime Single Window (eMSW) environment and repealing Directive 2010/65/EU it is proposed to add the following below paragraph to points 6. to 8.</i> <i>“Member States without a seaport are exempt from the obligation to connect to a national maritime single windows”.</i> <i>Also Luxembourg proposes to add a paragraph on mitigation of cybersecurity risks in these Points 6.-8.</i> <i>Point 7 (f) “exchanges with future European Mobility Data Space” is too vague and should be removed.</i> <i>It is not clear if Inland ports (or other infrastructure made available by third parties) on the Ten-T network have to be connected and share data with the RIS Platform and other connected platforms. This has a potential administrative and financial impact that needs to be assessed and is related to AIS infrastructure.</i> <i>The exact assessment on the impact of administrative burden is still ongoing.</i>
Annex III	<i>No comment but the exact impact of the Directive will depend on the technical specifications as defined further on in the process of the IA and DA.</i>
