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## WORKING DOCUMENT

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From:	General Secretariat of the Council
To:	Working Party on Shipping
N° Cion doc.:	ST 6008 2024 ADD 1 + ST 6008 2024 ADD 2 + ST 6008 2024 ADD 3 + ST 6008 2024 ADD 4 + ST 6008 2024 ADD 5 + ST 6008 2024 ADD 6 + ST 6008 2024 INIT
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 Germany.

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

## Comments from Germany

14.03.2024

Concerning Document **WK 3927/2024 INIT**

**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**

Please find enclosed written comments from Germany.

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DEU appreciates the initiative by the COM to revise the RIS Directive and supports the overall objective of the proposal in general. Nonetheless, in detail there are several aspects where DEU sees room for improvement.

### **Article 3 (he)**

DEU supports the AUT proposal on adding the following sentence:

*“It does not include the network data in accordance with Annex I and Annex III provided by the Member States.”*

### **Justification:**

The ERDMS is a reference database containing geographical data and reference codes used by RIS technologies. It was developed several years ago as part of a European project, but there is no obligation to keep the data up to date.

The COM proposal creates a legal basis for the existence of this database and now obliges Member States to provide it with the necessary data “without delay” and to review it at least once a year. In fact, the quality of the data contained in the ERDMS database and its completeness is questioned.

### **Article 3 (hh) in conjunction with Article 4, points 5 and 6:**

The COMs proposal includes the creation of a RIS platform. It is the aim to provide all RIS users with data on waterways, infrastructure, traffic and transport. This platform, set up and operated by the Member States, must also be networked with other modes of transport. COM will define its functioning and characteristics by means of an implementing act.

It should be noted that with EuRIS such a platform already exists and has several of the features mentioned in the RIS Directive. EuRIS was created by an agreement between 13 States actively engaged in inland navigation.

From our point of view, there is now need for an additional RIS platform and the sovereignty over the platform should remain with the MS. There seems to be no added value of setting up another RIS platform.

### **Article 4 para. 3 (g)**

DE suggests the deletion of this paragraph.

#### Justification:

The COM proposal introduces an obligation to exchange RIS data with numerous other stakeholders: Ports, the European Maritime Safety Agency (EMSA), other electronic exchange environments created by the European Union, including eFTI, which are also used by other modes of transport, etc.

This obligation to exchange is likely to generate significant costs for the adaptation of RIS and the definition of interfaces to enable exchange with all these systems. It also raises the question of how this data can be used by the other actors (the interpretation of the GDPR in the maritime sector with regard to AIS data, for example, is very different from the interpretation in the inland navigation sector).

### **Article 4 para. 3 (h)**

DEU suggests the following wording:

*“ensure that standardised interfaces in accordance with ANNEX II and ANNEX III are made available for the port community systems of inland ports, including, among others, availability 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 Council”.*

#### Justification:

We support AUT's comment on this paragraph.

We do not agree that we should ensure an exchange of information on the availability of berths and infrastructure for alternative fuels. Ports are not our responsibility. Nor is it a task for the Federal Waterways and Shipping Administration (WSV). It should remain the responsibility of the MS.

There is no active berth management in DEU. The occupancy of a berth on the waterway, displayed on the electronic waterway chart, can be tracked via AIS and used for your own planning.

### **Article 5 para 1 (f), (g) and (h)**

Following the justifications in Art. 4 DEU rejects also Art. 5 para 1 (f), (g) and (h).

### **Art. 8a**

DEU suggests the deletion of this article.

#### **Justification:**

The establishment of a new national complaints office is fundamentally rejected as an intrusive and superfluous creation of new bureaucracy. The industry and its associations can and will be able to submit their complaints to the national RIS administrations. We have no information about failures or dissatisfaction with the processing of such complaints in the past. In the event of non-redress, the usual legal process can be followed. A need for new national special structures including annual reporting to the Commission has not been presented and is not seen.

### **Article 10 para 2 and 3**

Referring to the established and functioning role of CESNI/TI in the development of technical standards, DEU agrees with FRA's general position.

DEU suggests deleting para 3 and, accordingly, deleting the reference to para 3 in para 2.

### **Article 12**

DEU supports AUT's comments on this article and refers to the need for appropriate deadlines for the provision of modified RIS services.

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We reserve the right to further comment on the Articles of the proposal.