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WORKING DOCUMENT

From:	General Secretariat of the Council
To:	Working Party on Shipping
N° Cion doc.:	6008/24 + ADD 1- ADD 6
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

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

Comments from Germany

10.04.2024

Concerning Document ST 7938/24, presidency compromise proposal

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.

DE thanks the presidency for the compromise proposal. However, our main concerns with the introduction of the ERDMS database, the reference to eFTI and EMSW, the handling of complaints and setting up an EU RIS environment without all EURIS countries remain.

DE holds a general scrutiny reservation. We reserve the right to further comment on the proposal.

Article 1, par.2

Deletion of "*in particular maritime vessel traffic management and information services*".

Justification:

We have general concerns to provide RIS data to the European Maritime Single Window. Firstly, because of the possible use of this data (The maritime context does not consider this data as 'personal data' while inland navigation does). And secondly, because it will generate costs and time while the benefits are not clear.

In addition, it remains unclear whether "maritime vessel traffic management" is mentioned as an example or as a priority.

Article 3 par. 3 (hc)

Deletion

Justification:

DE wishes to exclude any references to the EMSW in the Directive. Therefore, no definition of EMSW is needed.

Article 3 (he)

in conjunction with Article 4, point 3 (e)(ea):

We cannot generally agree with Article 3 (he) or Article 4, point 3 (e)(ea) and suggest deleting it.

Justification:

We see no need to introduce the ERDMS reference database on a mandatory basis because a corresponding reference database already exists within the framework of EURIS. Instead it will create costs and efforts without any added value.

Article 4, par 3. (e) and (ea)

Deletion

Justification: see Article 3 (he)

Article 4 par. 3 (f)

According to the changes in Article 4, par. 3 (f) the Annex II, § 7 should be changed as well. We suggest deleting “including EMSWe, eFTI, ERDMS”.

Also, the reference in Annex II par. 6.h) to EMSW should be deleted including the text in parentheses.

Article 4 par. 3 (g)

DE suggests replacing the word “shall” with “are” to make sure that the use of eFTI will not become mandatory or the use of eFTI will not effect the way electronic reporting (ERI) is implemented, because ERI is safety related while eFTI is not.

Otherwise we suggest the deletion of this paragraph.

Justification:

The COM first 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)

DE welcomes the new wording and points out that the ports must be provided with the necessary funds to implement the new requirements of the directive as part of a corresponding funding framework. The same also applies to security and resilience measures in accordance with Directives 2022/2555/EU (NIS-2 Directive, cyber security) and 2022/2557/EU (CER Directive, physical security).

Article 4, par. 6

Add “and further involved countries” after “Union” in 6.

Justification:

DE insist that the EURIS platform developed in the RIS COMEX project will stay the basis of an European RIS environment and that all states, that cooperated during the project, will be included in further developments (e.g. Serbia and Switzerland).

Article 5 par. 1 (g) and (h)

Deletion of Article 5 par. 1 (g).

We can support (h) in the new, revised version.

Justification:

Following the justifications in Art. 4 DE rejects also Art. 5 par 1 (g). Please see comments under Article 4.

Article 8a par. 7

DE still suggests the deletion of Article 8a par.7.

Justification:

The establishment of a new national complaint 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.

In addition, DE and the ports are of the opinion that no further bureaucracy should be created.

Article 9

To be discussed.

Justification:

DE supports AT's comments on this article.

Article 10 par. 2 and 3

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

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

Article 12a

DE supports AT's comments on this article and suggests replacing "5 years after the date of entry into force" with "7 years after the end of the implementation date".

Annex II

Deletion of "(for example eFTI, EMSWe, port community systems)" in 6 (h) as well as deletion of "EMSWe, eFTI, ERDMS" in (7).

Annex III

DE supports AT's comments to ES-RIS 2025/1.

