


# Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Directive	1997/0335(COD) Procedure completed
Inland waterways vessels: technical requirements  Amended by <a href="#">2006/0210(COD)</a> Amended by <a href="#">2006/0278(COD)</a> Repealed by <a href="#">2013/0302(COD)</a>	
Subject 3.20.04 Inland waterway transport	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	<b>TRAN</b> Transport and Tourism		16/03/2006
		PPE-DE <a href="#">SOMMER Renate</a>	
	Former committee responsible		
	<b>TRAN</b> Transport and Tourism		
	Former committee for opinion		
	<b>ECON</b> Economic and Monetary Affairs, Industrial Policy		
Council of the European Union	Council configuration	Meeting	Date
	<a href="#">Environment</a>	<a href="#">2757</a>	23/10/2006
	<a href="#">Education, Youth, Culture and Sport</a>	<a href="#">2710</a>	23/02/2006
	<a href="#">Transport, Telecommunications and Energy</a>	<a href="#">2629</a>	09/12/2004
	<a href="#">Transport, Telecommunications and Energy</a>	<a href="#">2142</a>	30/11/1998
European Commission	Commission DG	Commissioner	
	Energy and Transport	BARROT Jacques	

Key events			
07/12/1997	Legislative proposal published	COM(1997)0644	Summary
28/07/1999	Vote in committee, 1st reading		
16/09/1999	Decision by Parliament, 1st reading	<a href="#">T5-0015/1999</a>	Summary
09/12/2004	Debate in Council	<a href="#">2629</a>	Summary
22/02/2006	Council position published	<a href="#">13274/1/2005</a>	Summary
16/03/2006	Committee referral announced in Parliament, 2nd reading		
01/06/2006	Vote in committee, 2nd reading		Summary
08/06/2006	Committee recommendation tabled for plenary, 2nd reading	<a href="#">A6-0208/2006</a>	
04/07/2006	Debate in Parliament		

05/07/2006	Results of vote in Parliament		
05/07/2006	Decision by Parliament, 2nd reading	<a href="#">T6-0298/2006</a>	Summary
23/10/2006	Act approved by Council, 2nd reading		
12/12/2006	Final act signed		
12/12/2006	End of procedure in Parliament		
30/12/2006	Final act published in Official Journal		

### Technical information

Procedure reference	1997/0335(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
	Amended by <a href="#">2006/0210(COD)</a> Amended by <a href="#">2006/0278(COD)</a> Repealed by <a href="#">2013/0302(COD)</a>
Legal basis	EC Treaty (after Amsterdam) EC 071-p1; Rules of Procedure EP 050
Stage reached in procedure	Procedure completed
Committee dossier	TRAN/6/34815

### Documentation gateway

Legislative proposal	<a href="#">COM(1997)0644</a> <a href="#">OJ C 105 06.04.1998, p. 0001</a>	08/12/1997	EC	Summary
Economic and Social Committee: opinion, report	<a href="#">CES0447/1998</a> <a href="#">OJ C 157 25.05.1998, p. 0017</a>	25/03/1998	ESC	
Committee report tabled for plenary, 1st reading/single reading	<a href="#">A4-0352/1998</a> <a href="#">OJ C 328 26.10.1998, p. 0005</a>	29/09/1998	EP	
Text adopted by Parliament, 1st reading/single reading	T4-0606/1998 <a href="#">OJ C 341 09.11.1998, p. 0011-0034</a>	20/10/1998	EP	Summary
Reconsultation	SEC(1999)0581	28/04/1999	EC	
Committee final report tabled for plenary, 1st reading/single reading	<a href="#">A5-0005/1999</a> <a href="#">OJ C 054 25.02.2000, p. 0010</a>	28/07/1999	EP	
Text adopted by Parliament confirming position adopted at 1st reading	<a href="#">T5-0015/1999</a> <a href="#">OJ C 054 25.02.2000, p. 0056-0079</a>	16/09/1999	EP	Summary
Modified legislative proposal	COM(2000)0419	19/07/2000	EC	Summary
Council statement on its position	<a href="#">06207/2006</a>	16/02/2006	CSL	
Council position	<a href="#">13274/1/2005</a> <a href="#">OJ C 166 18.07.2006, p. 0001-0261 E</a>	23/02/2006	CSL	Summary
Commission communication on Council's position	<a href="#">COM(2006)0126</a>	14/03/2006	EC	Summary

Committee draft report		<a href="#">PE371.855</a>	28/03/2006	EP	
Amendments tabled in committee		<a href="#">PE372.198</a>	10/05/2006	EP	
Committee recommendation tabled for plenary, 2nd reading		<a href="#">A6-0208/2006</a>	08/06/2006	EP	
Text adopted by Parliament, 2nd reading		<a href="#">T6-0298/2006</a>	05/07/2006	EP	Summary
Commission opinion on Parliament's position at 2nd reading		<a href="#">COM(2006)0462</a>	11/08/2006	EC	Summary
Commission response to text adopted in plenary		<a href="#">SP(2006)3801</a>	28/08/2006	EC	
Draft final act		<a href="#">03629/1/2006</a>	12/12/2006	CSL	
Follow-up document		<a href="#">COM(2007)0770</a>	05/12/2007	EC	Summary

### Additional information

National parliaments

[IPEX](#)

### Final act

[Directive 2006/87](#)

[OJ L 389 30.12.2006, p. 0001](#) Summary

Final legislative act with provisions for delegated acts

## Inland waterways vessels: technical requirements

**OBJECTIVE:** guarantee the highest level of safety in inland navigation and to establish the single market in waterway transport services through the adoption of common technical standards. **SUBSTANCE:** the Commission seeks to update without delay technical standards relating to inland waterway vessels laid down in Directive 82/714/EEC, since they are now out of date. This process should take the form of a revision of the technical requirements in line with the latest Rhine rules, not only because they represent the most up-to-date safety standards which have also proved their worth in practice but because this is also the approach being adopted by the UN Economic Commission for Europe (ECE). The action will improve safety in inland waterway transport, ensure a single set of technical requirements for inland waterway vessels within the EU and also contribute to harmonization at pan-European level. It will facilitate transport by inland waterway and thereby contribute to a modal shift in favour of waterways and a reduction in the overall level of environmental damage brought about by transport activities. In addition, shipbuilders will be able to construct vessels according to harmonized specifications for a larger single market. ?

## Inland waterways vessels: technical requirements

Parliament adopted the report by Mr Christoph Konrad (EPP, D) on harmonisation of the technical requirements for inland waterway vessels in Europe. Parliament hopes that the Commission will keep Parliament regularly informed of substantial changes made to the annexes to the directive. It calls on the Member States to comply with the directive not later than one year after publication in the Official Journal. Parliament also calls for the special provisions for passenger vessels not to apply to passenger sailing vessels, for which special provisions should be laid down in accordance with the procedures of the committee, and included in the annex. ?

## Inland waterways vessels: technical requirements

Amendments adopted by the European Parliament and accepted by the European Commission concern three amendments to the recitals, one amendment to the articles of the Directive and two amendments to articles in Annex II of the proposed Directive. The amendments accepted by the Commission note:

- The coexistence of two sets of technical requirements.
- That the technical requirements set out in the annexes to Directive 82/714 already incorporate most of the Regulation on Inspection of Shipping on the Rhine.
- There should be a new recital recognising that the Commission proposal also covers vessels designed to carry more than 12 passengers.
- There should be a new reference to the entry into force of the Directive.
- There should be a reference to passenger sailing vessels in the list of definitions as well as a new chapter on passenger vessels.

## Inland waterways vessels: technical requirements

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The Council unanimously adopted a partial political agreement on the operative part of a draft Council Directive laying down technical requirements for inland waterway vessels. The Council will adopt a common position on this matter once agreement has been reached on the annexes (around 400 pages) to the proposed amendment. The annexes are yet to be translated into all of the EU's official languages. Work on the draft Directive, which was first proposed in December 1997, has been delayed because of issues relating to the admittance of vessels with Community certificates to the navigation on the Rhine. Currently, vessels using the Rhine waterways must have a certificate proving conformity with the Rhine vessel inspection regulation, as adopted by the CCNR. The Community certificate, being proposed in the draft Directive, provides for equivalence between the Rhine certificate and the Community certificate. However, until now, such equivalence was not legally possible according to CCNR rules. In December 2004, the CCNR introduced a legal basis for navigation on the Rhine with certificates delivered by bodies other than the CCNR. In other words Community certificates will be considered as equivalent to Rhine certificates.

The Council also made a unilateral statement to the Commission in which it stated that when implementing the present Directive, the Commission must co-ordinate closely with the CCNR, both concerning the adaptation of the annexes and in relation to the application of the Directive by the Member States. In addition the Commission should take account of all further initiatives undertaken by the CCNR. The Federal Republic of Germany understood this to mean the application of the co-operation agreement dated 3 March 2003 between the European Commission and the Central Commission for navigation on the Rhine.

## Inland waterways vessels: technical requirements

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The common position, adopted unanimously, is in line with the Commission proposal, while slightly modifying the text of some articles either for clarification purposes or in order to accommodate concerns brought forward by certain Member States. This common position does not only constitute the current Council position, but also incorporates almost all of Parliament's amendments in first reading. Most of these changes are formal, sometimes leading to a replacement of words, phrases, paragraphs or articles. For example, Parliament's amendment to replace a fixed date on which Member States must implement the provisions necessary to comply with the Directive by a definition of this date in relation to the day of publication has been taken up. To this end, a reference to the entry into force of the Directive has been inserted into certain Articles as well as in the Annexes.

Given that technical progress and developments arising from the work of other international organisations, namely the CCNR, did not come to a halt during the 'hibernation' of the Directive, a Joint Working Group of Experts from EU Member States, the CCNR and the European Commission has worked continuously since 2002 in order to adapt the voluminous technical annexes of the Directive. During this procedure, three new annexes – currently numbered 7, 8 and 9 – were inserted in the text. The Council has integrated the result of these works in the common position.

The most important changes introduced by the Council concern the following:

- obligation to carry a certificate: the text of this Article, which provides for the equivalency between the technical requirements as defined in Annex II of the Directive and the technical requirements laid down in application of the Revised Convention for Navigation on the Rhine, is the result of in-depth preparative discussions between the European Commission and the EU Member States which are members of the CCNR. This Article constitutes the cornerstone of the Directive, because it ensures that certificates issued under this Community Directive give rights to navigation on the Rhine equivalent to those given by certificates issued by the Rhine riparian countries and Belgium;
- additional or reduced technical requirements for certain zones: has been modified in order to accommodate the concerns of some Member States to have the possibility to disapply the transitional provisions set out in Chapter 24a of Annex II in those cases where their application would result in a reduction of existing national safety standards;
- committee procedure: has been modified so as to follow the general rules for Committee procedures according to Articles 3 and 7 of Decision 1999/468/EC;
- the Council has modified the proposal into a recast exercise, replacing the current Directive 82/714/EEC. This means that it also contains all Articles of the current Directive which have not been amended, and that a new Article 25 concerning the 'Repeal of Directive 82/714/EEC' has been added to the text;
- addressees: the text was modified so as to provide that the Directive is only addressed to the 13 Member States which have inland waterways as referred to in Article 1(1).

## Inland waterways vessels: technical requirements

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The Commission considers that the common position adopted by the Council with unanimity does not alter the aims and approach of its proposal and so can support it, all the more because the common position takes due account of amendments proposed by European Parliament in its first reading and of the amended Commission position.

The Commission made a unilateral declaration at the occasion of the adoption of the common position. It states that when implementing the present Directive, the Commission commits itself to a close cooperation with CCNR, both concerning the adaptation of the Annexes and concerning the application of the Directive by Member States, and to take into account all initiatives undertaken by CCNR in this regard.

## Inland waterways vessels: technical requirements

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The committee adopted the report by Renate SOMMER (EPP-ED, DE) approving the Council's common position on the directive laying down technical requirements for inland waterway vessels, subject to just one amendment under the 2nd reading of the codecision procedure. This called for the annexes of the directive and those of the 1994 directive on recreational craft to be adjusted under the comitology procedure as soon as possible "if there are any contradictions or incompatibilities between the provisions of those directives".

## Inland waterways vessels: technical requirements

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The European Parliament adopted a resolution drafted by Renate SOMMER (EPP-ED, DE) making one amendment to the Council's common position. (Please see the summary of 01/06/2006.)

## Inland waterways vessels: technical requirements

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Being the result of a Parliamentary/Council compromise, the Commission has decided to accept the single amendment adopted by the European Parliament in second reading. The Commission clarified that it will pay particular attention to the matter of recreational craft during discussion in the comitology procedure. As such, the accepted amendment neither alters, nor substantially changes, the Commission's initial approach.

The Commission has made a unilateral declaration in which it states that, when implementing the present Directive, it commits itself to working closely with the CCNR.

## Inland waterways vessels: technical requirements

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**PURPOSE:** to align the Community technical requirements on the advanced standards governing navigation on the Rhine with a view to establishing a single scheme for the entire network of European waterways.

**LEGISLATIVE ACT:** Directive (EC) No 2006/87 laying down technical requirements for inland waterway vessels and repealing Council Directive (EEC) No 82/714.

**CONTENT:** the Council adopted this Directive after approving the amendments passed by the European Parliament at second reading under the codecision procedure.

Work in the Council bodies on the Directive remained at a standstill for a long time because of the issue of admitting craft with Community certificates to navigation on the Rhine. Whereas such a possibility was previously excluded under the rules established by the Central Commission for Navigation on the Rhine (CCNR), this situation changed when the CCNR adopted a modification of the Mannheim Act (Additional Protocol 7, in force since December 2004), introducing a legal basis for navigation on the Rhine with certificates delivered by bodies other than the CCNR.

The Directive provides for the equivalence of Community inland navigation certificates with certificates issued by the CCNR. It aims to align the Community technical requirements on the advanced standards governing navigation of the Rhine, with a view to establishing a single scheme for the entire network of European waterways. This will further both the free movement of goods and high safety, environmental and social standards. At the same time the harmonisation of technical requirements and the mutual recognition of certificates will improve the conditions for fair competition and establish a genuine level playing field in inland waterway transport in the single market. The Directive will also facilitate the adaptation of technical requirements in the future, by way of a comitology procedure, in the light of technical progress and of developments arising from the work of other international organisations, in particular that of the Central Commission for Navigation on the Rhine.

The Directive is addressed to the 13 Member States which have inland waterways.

**ENTRY INTO FORCE :** 30/12/2006.

**TRANSPOSITION :** 30/12/2008 for Member States having inland waterways.