



European Commission

***Acquis communautaire***

**CHAPTER 14**

**Inland Waterway Transport**

**Screening exercise – explanatory session**

**Presentation 28 June 2006**





# Areas covered by the acquis

- ⊙ **Market access / cabotage (3 regulations)**
- ⊙ **Access to the profession (1 directive)**
- ⊙ **Boatmasters' Certificates (2 directives)**
- ⊙ **Technical and safety conditions (2 dir.)**
- ⊙ **Chartering and pricing (1 directive)**
- ⊙ **Inland Waterways Fund (1 regulation)**
- ⊙ **River Information Services (1 directive)**



# Market access / cabotage

## Legislative instruments:

- © **Council Regulation 2919/85/EEC** laying down the conditions for access to the arrangements under the Revised Convention for the navigation of the Rhine relating to vessels belonging to the Rhine Navigation
- © **Council Regulation 3921/91/EEC** laying down the conditions under which non-resident carriers may transport goods or passengers by inland waterway within a Member State
- © **Council Regulation 1356/96/EC** on common rules applicable to the transport of goods or passengers by inland waterway between Member States with a view to establishing freedom to provide such transport services



# Market access / cabotage

**Council Regulation 2919/85/EEC** laying down the conditions for access to the arrangements under the Revised Convention for the navigation of the Rhine relating to vessels belonging to the Rhine Navigation

© Objective: Equal treatment in terms of **access to the Rhine navigation market** for vessels and operators which have a **genuine link** with any EU Member State



# Market access / cabotage

**Council Regulation 3921/91/EEC** laying down the conditions under which non-resident carriers may transport goods or passengers by inland waterway within a Member State

- © **Objectives:** To introduce cabotage throughout the EU and to lay down the conditions under which non-resident carriers are authorised to provide transport services
- © **Principle:** All carriers of goods or passengers by inland waterway may perform national transport operations within a Member State that is not their place of business



# Market access / cabotage

## **Council Regulation 3921/91/EEC – Conditions:**

- ⊙ Carriers may perform cabotage on a temporary basis within a Member State without opening a registered office there if (Art. 1):
  1. Established in a Member State (legally)
  2. Entitled there to carry out international transport of goods or persons by inland waterway
- ⊙ Owner of the craft must be either (Art.2):
  1. Natural persons – MS domiciled and MS nationals, or
  2. Legal persons - registered place of business in a MS and majority holding in MS (derogation possible)
- ⊙ Vessel registration certificate on board (Art.2)



# Market access / cabotage

**Council Regulation 1356/96/EC** on common rules applicable to the transport of goods or passengers by inland waterway between Member States

- © **Objective:** Freedom to provide goods or passenger transport services by inland waterway on all international traffic routes within the Community
- © **Principle:** Any operator transporting goods or passengers by inland waterway may carry out transport operations between Member States and transit through them without discrimination on grounds of his nationality or place of establishment



# Market access / cabotage

## **Council Regulation 1356/96/EC – conditions (Art.2-4):**

- © Similar to those under Regulation 3921/91/EEC
- © Vessels must be registered in a MS or possess a certificate of membership of a fleet of a MS
- © Exceptions: does not affect third-country operations under the Mannheim Convention for Navigation of the Rhine or the Belgrade Convention for Navigation of the Danube





# Access to the profession

**Council Directive 87/540/EEC** on access to the occupation of carrier of goods by waterway in national and international transport and on the mutual recognition of diplomas, certificates and other evidence of formal qualifications for this occupation

© **Objective:** To facilitate access to the occupation and genuine freedom of establishment for carriers

© **Principles:**

1. Proof of professional competence
2. Mutual recognition of diplomas, certificates and other credentials



# Access to the profession

## Council Directive 87/540/EEC – Conditions and obligations for MS:

- © Carriers of goods by inland waterway must **prove** that they have the necessary **knowledge** in certain areas e.g. law, commercial and financial management, technical standards and operation, safety, international transport (Art. 3)
- © The diplomas, certificates and other credentials certificates on professional competence issued by Member States are **recognised** by the other Member States (Art. 7)

# Boatmasters' Certificates





# Boatmasters' Certificates

## Legislative instruments – two-step approach:

1. **Council Directive 91/672/EEC** on the *reciprocal recognition* of national boatmasters' certificates for the carriage of goods and passengers by inland waterways.
2. **Council Directive 96/50/EC** on the *harmonisation* of the conditions for obtaining national boatmasters' certificates for the carriage of goods and passengers by inland waterway in the Community.



# Boatmasters' Certificates

1. **Council Directive 91/672/EEC** on the reciprocal recognition of national boatmasters' certificates for the carriage of goods and passengers by inland waterways
  - © **Objective and principle:** To introduce the **mutual recognition** of national inland waterway boatmasters' certificates by MS



# Boatmasters' Certificates

## Council Directive 91/672/EEC – Obligations for MS:

- ⊙ Classification of MS boatmasters' certificates (Art. 1):
  - A. boatmasters' certificates valid for all Community waterways and for seaways
  - B. boatmasters' certificates valid for the Community's other waterways, apart from the Rhine, the Lek and the Waal
    - ⊙ Rhine boatmasters' licence is valid for all Member-State waterways and mandatory for Rhine, Lek and Waal
- ⊙ MS **mutually recognise** the national certificates for groups A and B for the transport of goods and passengers by inland waterway (Art. 3)
- ⊙ MS may require additional knowledge for transport of dangerous cargo or for the local situation (Art. 3)



# Boatmasters' Certificates

## **Council Directive 91/672/EEC – Obligations for MS (2):**

- ⊙ Commission can adapt Annex I according to a so-called “Committee procedure” (Art. 4)
- ⊙ Commission shall be assisted by a committee composed of the representatives of the Member States and chaired by the representative of the Commission (Art. 7)
- ⊙ Committee according to this Directive has become the Inland waterways Committee – also for other parts of legislation, e.g. RIS, technical requirements



# Boatmasters' Certificates

## 2. **Council Directive 96/50/EC** on the harmonisation of the conditions for obtaining national boatmasters' certificates for the carriage of goods and passengers by inland waterway in the Community

### © **Objectives:**

- o Harmonise conditions for obtaining national inland waterway boatmasters' certificates
- o Introduce a model Community boatmasters' certificate
- o Combat distortions of competition among carriers
- o Enhance inland waterway safety





# Boatmasters' Certificates

## **Council Directive 96/50/EC (2) – Conditions:**

- ⊙ Minimum age of 21 (exceptions in MS possible)
- ⊙ Proof of physical / mental fitness (medical examination)
- ⊙ Proof of professional experience: min. four years as a member of the bridge crew (exceptions possible)
- ⊙ Examination to test professional knowledge
- ⊙ Special conditions for passenger transport and the operation of radar equipped vessels



# Boatmasters' Certificates

## **Council Directive 96/50/EC (3)** – Obligations for MS:

- ⊙ Introduce a boatmasters' certificate for the transport of goods and passengers by inland waterway according to a **Community model**
- ⊙ Certificate to be issued by the **competent authorities** of MS taking into account the special characteristics of waterways (Art. 1 of Directive 91/672/EEC (groups A+B))
- ⊙ Provide in their national legislation for the **application of the minimum requirements** and the recognition of the Community certificate
- ⊙ Recognise the Rhine boatmasters' licence on all Community waterways, including Rhine, Lek and Waal

# Technical and safety conditions





# Technical and safety conditions

## **OBJECTIVE:**

- ◎ **To set up a harmonised system of technical requirements,**
- ◎ **In accordance with the highest safety standards for inland waterway vessels**
- ◎ **Valid for navigation on all Community inland waterways, including the Rhine**



# Technical and safety conditions

## Legislative instruments:

1. **Council Directive No 76/135/EEC** on reciprocal recognition of navigability licences for inland waterway vessels
2. **Council Directive 82/714/EEC** laying down technical requirements for inland waterway vessels (**revision almost completed!**)



# Technical and safety conditions

## Council Directive 76/135/EEC (1):

- © Requires each MS to **recognise the validity of the navigability licences issued by another MS**, so that the vessel can use its national network of navigable waterways on the same basis as if the MS itself had issued the certificates
- © Most provisions of Directive 76/135/EEC have been **replaced** by Directive 82/714/EEC.
- © Directive 76/135/EEC will **continue to apply to passenger vessels until** the Commission's proposal to revise Directive 82/714/EEC is adopted.



# Technical and safety conditions

## Council Directive 76/135/EEC (2):

- ⊙ The Directive will continue to apply to:
- ⊙ Vessels used for goods transport on inland waterways, having a total dead weight of 20 metric tons or more, which either
  - o have a length (L) of **less than 20 metres**, or
  - o for which the product of length (L), breadth (B) and draught (T) is a **volume of less than 100 m<sup>3</sup>**



# Technical and safety conditions

## Council directive 82/714/EEC:

- ⊙ Introduces a **Community certificate** for inland waterway vessels, which is valid for all Community waterways, with the exception of the River Rhine.
- ⊙ Provides that the **Rhine vessel certificate** is valid on all Community waterways, including the Rhine.
- ⊙ The Community certificate certifies the compliance of a vessel with **technical requirements** which are specified in the Annexes of the Directive.
- ⊙ It is issued to vessels by the relevant authorities in the Member States, following a **technical inspection** to check whether the vessel meets the technical requirements.





# Technical and safety conditions

## Revision of Directive 82/714/EEC (1) – objectives:

- ⊙ Update technical requirements (after almost 25 years)
- ⊙ Include passenger vessels
- ⊙ Recognition of the Community certificate on all EC waterways incl. the Rhine
- ⊙ Allow regular adaptation of the technical requirements



# Technical and safety conditions

## Revision of Directive 82/714/EEC (2) – state of play:

- 1997      ©      Proposal Commission COM(1997)644
- 1998/99      ©      Council discussions + 1<sup>st</sup> reading EP
- 2000      ©      Amended proposal COM(2000)419
- 2004      ©      Political agreement
- 2006      ©      Council common position + 2<sup>nd</sup> reading EP
- IV 2006      ©      Adoption / entry into force



# Technical and safety conditions

## Revision of Directive 82/714/EEC (3) – Obligations for MS:

- ⊙ List of Community waterways (Art. 1)
- ⊙ Obligation to carry a Community certificate according to a specific model (Art. 3)
- ⊙ Provide for recognition of Rhine vessel certificate (Art. 4)
- ⊙ Indicate competent authorities for issuing the Community certificates (Art. 9)
- ⊙ Indicate competent authorities for carrying out technical inspections (Art. 10)



# Technical and safety conditions

## Revision of Directive 82/714/EEC (4):

- © Possible exemptions (on MS own territory):
  - o Additional requirements for zones 1+2
  - o Reduced requirements for zones 3+4
  - o Vessels, tugs, pushers and floating equipment
  - o Limited journeys of local interest or in harbour areas



# Technical and safety conditions

## Revision of Directive 82/714/EEC (5) – Annexes :

- I. Classification of waterways
- II. Technical requirements zones 1-4
- III. Additional technical requirements zones 1+2
- IV. Reductions of technical requirements zones 3+4
- V. Model certificates
- VI. Model register
- VII. Classification societies
- VIII. Inspections
- IX. Signal lights, radar installations, rate-of-turn indicators

# Functioning of the market





# Chartering and pricing

**Council Directive 96/75/EC** on the systems of chartering and pricing in national and international inland waterway transport in the Community

- © **Objective:** To promote greater commercial flexibility of the inland waterway transport market in the Community and to establish a system of freedom of chartering and pricing
- © **Principle:** Contracts are freely concluded and prices are freely negotiated for national and international inland waterway transport in the EC (Art. 1)



# Chartering and pricing

**Council Directive 96/75/EC (2)** – obligations for MS:

- ⊙ Introduce the freedom of chartering and pricing in their national IWT market (Art. 2)

**Exception: Serious disturbance in the market**

- ⊙ On request of a MS the Commission may take suitable measures in particular to prevent an overcapacity in the IWT market (Art. 7)
- ⊙ The Commission will be assisted by the Committee established by Directive 91/672/EEC (Art. 8)





# Inland Waterways Fund

## Council Regulation 718/99/EC on a Community fleet capacity policy to promote inland waterway transport

- © **History:** Community fleet capacity policy to promote inland waterway transport (during the 1990s, Regulation 1101/89/EEC)
- © **Objective:** set up transitional measures (“old for new”) to avoid the immediate emergence of new overcapacity
- © Transitional measures ended in 2003 but (obligation for MS to set up) Inland Waterways Fund persists



# Inland Waterways Fund

## **Council Regulation 718/99/EC – Obligations for MS**

- ◎ MS have to set up a fund under their national legislation and with their own *administrative* resources (Art. 3), if:
  - Linked to another Member State by inland waterways and
  - Tonnage of national fleet above 100.000 tonnes
- ◎ Fund to be managed by competent authorities in MS (often MoT)
- ◎ Involve professional organisations representing inland waterway carriers in fund administration



# Inland Waterways Fund

## **Council Regulation 718/99/EC – Obligations for MS (2)**

- © Reserve fund shall consist of three separate accounts (Art. 3):
  1. dry cargo carriers
  2. tanker vessels
  3. pusher craft
  
- © Even if revenues (Art. 3-3) are currently not operational, new MS must make administrative capacity available and set up the fund as a standby-mechanism (Art. 4-2)

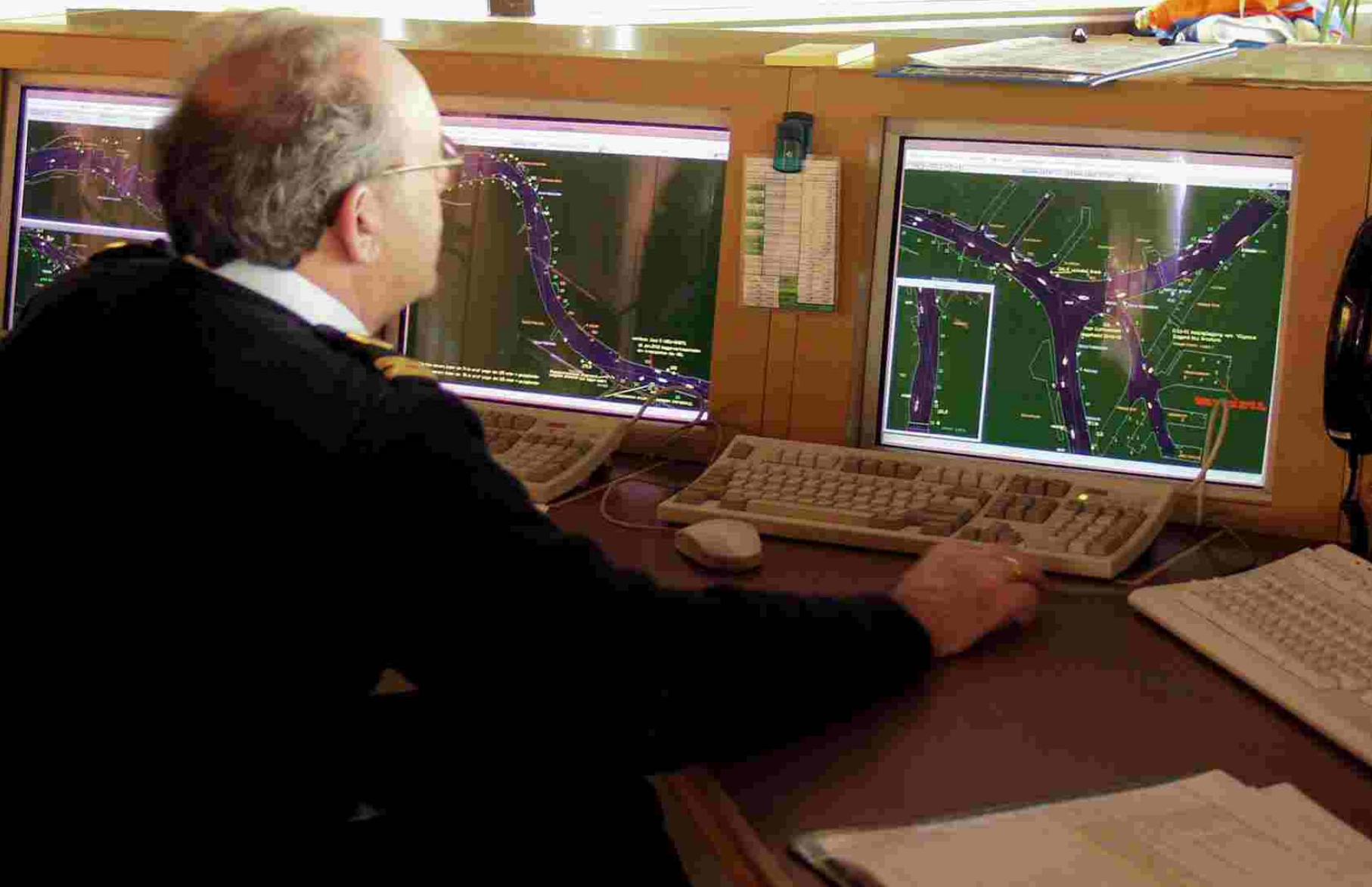


# Inland Waterways Fund

## Council Regulation 718/99/EC – Fund reactivation (Art. 3)

- ⊙ Exclusively by the Commission, on the request of
  - a **MS** in the event of a serious disturbance in the inland waterway transport market (Art. 3-4 as well as Art. 7 of Directive 96/75/EC) or
  - **professional organisations** representing IWT at EU level (Art 3-5): only for support measures in the sense of Art. 8
- ⊙ Action to be organised exclusively at EC level
- ⊙ Mutual financial support between the funds
- ⊙ IWT is referred to in NAIADES Action Programme

# River Information Services





# River Information Services

**Directive 2005/44/EC** of the European Parliament and of the Council of 7 September 2005 on harmonised river information services (RIS) on inland waterways in the Community

- © **Objective:** comprehensive framework for harmonised and interoperable development and deployment of information services on Community inland waterways to support traffic and transport management in inland navigation



# River Information Services

## Directive 2005/44/EC (2)

### © Scope:

- o Community inland waterways of Class IV and higher
- o Inland ports (TEN, at least 500.000 tonnes p/a)
- o Interconnected inland waterway network

- © The Commission will establish **guidelines and technical specifications** according to a time-table and assisted by the Committee established under Directive 91/672/EEC (Art. 5, 11)



# River Information Services

## **Directive 2005/44/EC (3) – Obligations for MS**

- ⊙ Develop services so that RIS applications are interoperable and can interact with systems of other transport modes and transport management systems
- ⊙ Designate and notify competent authority(ies) for RIS
- ⊙ Mutually recognise type approval of RIS equipment
- ⊙ Comply with the requirements (setting-up of RIS) not later than 30 months after the entry into force of the relevant technical guidelines and specifications





# River Information Services

## Directive 2005/44/EC (4) – Obligations for MS

- © Member States shall (Art. 4):
  - o provide relevant data necessary for the execution of the voyage
  - o ensure provision of electronic navigational charts
  - o enable capability of competent authorities to receive electronic ship reports on voyage and cargo data
  - o ensure provision of notices to skippers
  - o establish RIS centres according to regional necessities
  - o encourage users to fully profit from the services



# More information

The entire legislative acquis (including explanations and hyperlinks to legal texts) is available from the following website:

[http://ec.europa.eu/transport/iw/legislation/index\\_en.htm](http://ec.europa.eu/transport/iw/legislation/index_en.htm)