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Accompanying document to the

**Report on the impact assessment
of proposals aiming to modernise and reinforce the organisational framework
for inland waterway transport in Europe**

SUMMARY OF THE IMPACT ASSESSMENT REPORT

{SEC(2008) 23}

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Lead DG: DG TREN

1. THE PROCEDURE

A “Package of Proposals aiming to modernise and reinforce the organisational framework for inland waterway transport” was one of the priorities in the Commission’s Legislative Work Programme 2006 (CLWP reference: 2006/TREN/009).

Work on the impact assessment started in January 2006. An inter-service steering group was established and held regular meetings between May and September 2006. The initiative was originally planned for 2006 but was postponed. The impact assessment, including external expertise and the stakeholder consultation was carried out between May 2006 and July 2007.

The result of the impact assessment is referred to the Commission’s First progress report on the implementation of the NAIADES Action Programme for the promotion of inland waterway transport¹, foreseen under the Commission’s Legislative Work Programme 2007 (CLWP reference: 2007/TREN/012).

2. THE PROBLEM

Besides proposing the “NAIADES” Action Programme, the Commission’s Communication on the promotion of inland waterway transport in January 2006² also addressed the question of modernising the organisational structure for inland waterway transport in Europe.

The problem posed by the current organisational structure shows different, yet interdependent facets. It can be described as threefold: (1) regulatory, (2) institutional and (3) organisational.

1. Today a skipper who wants to sail through the EU’s inland waterway network is faced with coexisting sets of rules stemming from the European Union, from the Central Commission for Navigation on the Rhine (CCNR) or from the Danube Commission. While some of these rules are equivalent, they are not identical and mutual recognition of the respective certificates is not ensured.

¹ COM(2007) 770 final of 5 December 2007.

² [COM\(2006\) 6 final](#) of 17 January 2006.

2. The regulatory aspect is reinforced by the institutional setting. Only the Community can adopt binding rules for the entire Community network. The CCNR can only set rules for the Rhine. The Danube Commission cannot adopt binding decisions. While the different organisations have different geographical scopes, their regulatory activities largely overlap.
3. In addition, the way in which existing administrative resources in the area of inland waterway transport at international level are used, having to overcome system-inherent frictions and coping with duplication of work at different levels, does not allow the development of their full potential. Moreover, given that apart from the EU, none of the organisations has neither the competence nor the means to legitimately act in the area of strategic policy management, progress in that area is regarded as insufficient. Furthermore, inland waterway transport enjoys comparably little attention at political level.

There is agreement since a number of years that the current framework has to be modernised. The process has already started. The main issue to be solved, however, is whether the insufficiencies of the current organisational framework can be overcome through a modification of the institutional setting, possibly on the basis of an initiative from the European Commission.

3. THE OBJECTIVE

The major purpose of the intended initiative is to modernise - and possibly simplify - the organisational structure of inland waterway transport in Europe, with the aim to fully integrate the single market in the area of inland navigation, to create a better regulatory and business environment and thereby to contribute to growth and enhanced competitiveness in the inland waterway transport sector.

This should go hand in hand with concentrating available knowledge and resources, and avoiding double/parallel work in different organisations. The envisaged solution should facilitate decision-making, allow the participation of interested third countries (members of the Rhine and Danube Commissions), and facilitate regulatory harmonisation at European scale.

Furthermore, the objective would be a shift from a rather regulatory policy approach to a more strategic inland navigation policy, by creating synergies and coherence, e.g. through the establishment of common rules at the appropriate level.

4. THE IMPACT ASSESSMENT

The impact assessment has been focused on the question whether or not modernising the organisational structure for inland waterway transport in Europe would require a modification of the institutional setting. To this aim, and following the adoption of the 2006 “NAIADES” Communication, the Commission services have undertaken an impact assessment of the following four options:

- Option 1: Increased cooperation but no change in the institutional framework
- Option 2: Adhesion of the Community to the Rhine and the Danube Commissions

- Option 3: Pan-European Convention
- Option 4: European Agency.

The comparison of the impacts of the different options can be summarised as follows:

Further increasing the cooperation between the European Commission and the international river commissions (option 1) would maintain the existing framework and working methods but entail increased coordination between the works of these organisations. Even if the fragmented legal bases for inland waterway transport and the different sets of rules for different geographical areas within the single market would remain untouched, the objective of fully integrating the single market in the area of inland navigation and to create a level playing field on all Community waterways can also be reached without changing the organisational structure. It would nevertheless take longer than under options with a stronger impact on the institutional setting, and come at similar administrative costs as the adherence of the Community to the international river commissions (option 2).

Administrative structures and human resources might be used more efficiently and effectively if the European Community adhered to the international river commissions with regard to matters of its competence (option 2). This option would not modify the institutional setting significantly. It would require a marginal increase in human resources. At the same time, it would allow relying on existing expertise and using established working and decision-making mechanisms, which might speed up the process of legislative harmonisation. Within this option, a clear difference of the impacts with regard to the CCNR or to the Danube Commission has been identified. With regard to the latter, the adherence of the Community will not only facilitate the adoption of harmonised rules for navigation on the Danube, but also help to facilitate and speed up the revision of the Belgrade Convention – needed in order to reform the Danube Commission. In addition, it is legally justified by the specific circumstances of the ongoing revision of the Belgrade Convention.

In comparison to the two first options, the establishment of a Pan-European Convention (option 3) would mean an additional regulatory, institutional and administrative layer, bearing the risk of further complicating the process of regulatory harmonisation. It would generate extra administrative costs which would be significantly higher than the two first options, but the increase in human resources would not be justified by an increase in efficiency. This option would, however, bear the potential of attracting stronger political attention, which might make it easier to achieve the objective of strategic promotion.

Establishing an EU Agency for inland waterway transport – or an inland waterway transport “antenna” of an existing agency – (option 4) would be the option with a similar impact on human resources and operational costs as option 3 (even if the latter could be reduced in case of an “antenna”). This option would be consistent with the European Union’s policy with regard to other modes of transport or e.g. with promoting the intelligent use of energy. The establishment of an EU Agency *in addition* to the existing international river commissions might not constitute a more efficient use of human resources, *unless* such an Agency was attributed executive tasks to ensure the uniform implementation of inland waterway transport safety legislation in all Member States, an activity which is normally entrusted to the competent authorities of Member States. Using established working and decision-making mechanisms could nevertheless speed up the harmonisation process in comparison to option 1 and to option 3. The objective of strategic promotion and stronger political attention might be reached more easily under this option, even if further measures would be required.

All options which have been analysed have in common that without further measures, the impacts of any option – as a stand-alone measure – on *competitiveness*, the *environment*, or the *social situation* of the inland waterway transport sector would be either too hypothetical or too marginal to be quantified. An analysis of these impacts would have had to be based on assumptions with a great degree of uncertainty, and would have been disproportionate to the potential impacts.

5. CONCLUSION

The Commission services conclude from the analysis that the impact assessment shows no clear advantage of a particular option in terms of the impacts assessed. Even if the current organisational structure situation may be regarded as “a patchwork of resources and efforts, with a fragmented legitimacy and a system-inherent reduced effectiveness”³, the modification of the organisational structure, *as such*, would apparently not provide a sufficient contribution to dissolving the obstacles for the development of inland waterway transport in Europe.

As a result, it appears that, under the current circumstances, it can be preferable to base the organisational framework on the existing institutional actors, and to improve and modernise their working methods wherever possible. Against this background, a combination of options 1 and 2 – increased coordination of the existing institutional actors combined, at an early stage, with Community membership in the Danube Commission to speed up its reform and the revision of the Belgrade Convention – can offer the best value. The Commission services have no intention to propose the creation of any additional structures to the existing framework at this point. As requested by the stakeholders, this should go hand in hand with an even stronger commitment from the European Commission services within the existing organisational framework.

³

[COM\(2006\) 6 final](#).