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PROPOSAL

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Subject: Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL laying down technical requirements for inland waterway vessels and repealing Directive 2006/87/EC of the European Parliament and of the Council

Delegations will find attached a proposal from the Commission, submitted under a covering letter from Mr Jordi AYET PUIGARNAU to Mr Uwe CORSEPIUS, Secretary-General of the Council of the European Union.

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Brussels, 10.9.2013
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Proposal for a

DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

**laying down technical requirements for inland waterway vessels and repealing Directive
2006/87/EC of the European Parliament and of the Council**

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

Council Directive 82/714/EEC of 4 October 1982 laying down the technical requirements for inland waterway vessels¹ introduced harmonised conditions for issuing technical certificates for inland waterway vessels in all Member States, albeit excluding operations on the Rhine. Essentially, the technical requirements set out in the annexes to Directive 82/714/EEC incorporated the provisions laid down in the Rhine Vessel Inspection Regulation, in the version approved by the Central Commission for Navigation on the Rhine (CCNR) in 1982.

The conditions and technical requirements for issuing inland navigation certificates under Article 22 of the Revised Convention for Rhine Navigation have been revised regularly since then for most current types of vessels and are recognised as reflecting current technological developments. For competition and safety reasons it was desirable, specifically in the interests of promoting harmonisation at European level, to set a framework for such technical requirements for the whole of the EU's inland waterway network. Therefore, Directive 2006/87/EC², which has replaced Directive 82/714 EEC, ensures that Union inland navigation certificates attesting that all types of crafts are fully compliant with the aforementioned revised technical requirements are valid on all EU inland waterways, including on the Rhine and that Rhine certificates are valid on all EU inland waterways.

According to Article 3 of Directive 2006/87/EC it is mandatory when navigating on the Rhine (zone R) it is obligatory to carry either:

- a certificate issued under Article 22 of the Revised Convention for Rhine Navigation or
- a Community inland navigation certificate issued or renewed after 30 December 2008 and attesting to the full compliance of the craft with the technical requirements referred to in Annex II of Directive 2006/87/EC for which equivalency with the technical requirements laid down in application of the abovementioned Convention has been established according to the applicable rules and procedures, without prejudice to the transitional provisions of the section in Annex II on "Transitional and final provisions".

However, the equivalence of the two certificates is difficult to maintain. They are linked to two different legal frameworks, each of which operates on a separate set of standards in accordance with its own specific rules and procedures.

In the interest of safety and in order to achieve a level playing field, progress towards a single, uniform set of technical standards is needed. This would provide more legal certainty and ensure that technical adaptations to technical progress can be introduced within a reasonable time so as to ensure that high safety standards on all

¹ OJ L 301, 28.10.1982, p. 1–66.

² 2006/87/EC Directive of the European Parliament and of the Council of 12 December 2006 laying down technical requirements for inland waterway vessels and repealing Council Directive 82/714/EEC, OJ L 389, 30.12.2006, p. 1–260

EU inland waterways are maintained and that innovation in the sector is not hampered.

As the two legal regimes mentioned above operate according to their own rules and procedures, progress towards a single, uniform set of technical standards can only be achieved gradually. As a first step, it is important to separate the rules that refer to decision-making from those of a more general – non EU specific – procedural or technical nature. In the current version of the Directive, these provisions are not neatly separated, making it difficult to devise a single technical standard applicable to both legal regimes.

As a second step, it will be important to establish appropriate structures that enable the EU and CCNR to develop and maintain uniform common technical standards. Therefore, a dedicated structure needs to be created with the necessary expertise to develop technical standards within a context combining EU and CCNR Member States and associating other interested international organisations. To this effect, an administrative arrangement has been signed by the Commission services and the Secretariat General of the CCNR on 22 May 2013 which expresses the intention of both sides to establish a dedicated committee for this purpose under the auspices of the CCNR. This committee will be open to experts representing EU and CCNR member states and will also allow an adequate participation of other stakeholders.

This committee should develop technical standards. Once this dedicated Committee has been set up it would start its work in developing technical standards. The present proposal allows the Commission to take into account the technical standards developed by this dedicated Committee, by making a reference to its standards when adapting the technical requirements included in the directive to technical progress or to the work of international organisations.

If, in accordance with the administrative arrangement of 22 May 2013, the CCNR would proceed in a similar way to adapt the Rhine Vessel Inspection Regulation, allowing this Regulation to refer also to the standards of this new sui generis Committee, the administrative procedures for the maintenance of technical standards for inland navigation vessels would become more streamlined and full uniformity of standards would be achieved between the legal regimes of the EU and the Rhine.

Furthermore, there are amendments related to the fact that Directive 2006/87/EC is being reviewed for the first time after the entry into force of the Treaty of Lisbon; the new rules on delegated and implementing powers needed to be introduced.

2. RESULTS OF CONSULTATIONS WITH THE INTERESTED PARTIES

On 1 March 2013, the Commission convened a meeting with the Directors in charge of inland navigation in the Member States' administrations and in the EEA and the Secretary Generals of the River Commissions. Participants in the meeting generally welcomed the overall approach to revising governance in order to streamline updates of the technical standards for inland navigation.

3. LEGAL ELEMENTS OF THE PROPOSAL

In the context of Directive 2006/87/EC, the technical requirements for inland waterway vessels are laid down in annex II. The proposed Directive re-organises the content of the annexes so as to ensure that these only cover aspects of a technical or a procedural nature. Aspects referring to the decision-making mechanism are integrated into the main text of the Directive. This concerns mainly the following provisions:

- Equivalences and derogations (Article 18), Adaptation of the Annexes (Article 22),
- Carrying out of technical inspections (Article 9).

The approach taken in this proposal is to delegate powers to the Commission in respect of adapting the annexes of this directive in light of scientific and technical progress or of developments in this area arising from the work of other international organisations, in particular that of the CCNR.

In particular, the Commission should be empowered to adopt delegated acts for adapting the annexes, including for modifying the models of documents set out in the annexes to this Directive and adopting or modifying administrative instructions.

Furthermore, to ensure uniform conditions for the implementation of this Directive, implementing powers should be conferred on the Commission, to authorise certain derogations to the technical requirements for specific craft, to approve classification societies and to approve certain additional technical requirements for certain zones that are not linked to the navigable inland waterways of another Member State. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers.

4. BUDGETARY IMPLICATION

The Directive has no financial impact. Certain activities linked to the Directive will be financed through other basic acts.

Proposal for a

DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

laying down technical requirements for inland waterway vessels and repealing Directive 2006/87/EC of the European Parliament and of the Council

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 91(1) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national Parliaments,

Having regard to the opinion of the European Economic and Social Committee³,

Having regard to the opinion of the Committee of the Regions⁴,

Acting in accordance with the ordinary legislative procedure⁵,

Whereas:

- (1) Directive 2006/87/EC of the European Parliament and of the Council⁶ establishes harmonised conditions for issuing technical certificates for inland waterway vessels throughout the Union's inland waterway network.
- (2) The technical requirements for vessels navigating on the Rhine river are established by the Central Commission for Navigation on the Rhine (CCNR).
- (3) The technical requirements set out in the annexes to Directive 2006/87/EC for the most part incorporate the provisions laid down in the Rhine Vessels Inspection Regulations, in the version approved in 2004 by the CCNR. The conditions and technical requirements for issuing inland navigation certificates under Article 22 of the Revised Convention on the Navigation on the Rhine are updated regularly and are recognised as reflecting current technological developments.
- (4) Maintaining two different set of rules, those for certificates issued pursuant to Article 22 of the Revised Convention on the Navigation on the Rhine and for the Union inland navigation certificate, does not ensure legal certainty and safety.

³ OJ C , , p. .

⁴ OJ C , , p. .

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⁶ Directive 2006/87/EC of the European Parliament and of the Council of 12 December 2006 laying down technical requirements for inland waterway vessels and repealing Council Directive 82/714/EEC (OJ L 389, 30.12.2006, p. 1).

- (5) In order to achieve harmonisation at Union level and to prevent distortions of competition and varying levels of safety the same technical requirements for the whole of the Union's inland waterway network should be applied and updated regularly.
- (6) Since the CCNR has built up significant expertise in updating technical requirements for inland navigation vessels, this expertise should be fully used for the inland waterways in the Union.
- (9) Union inland navigation certificates attesting that craft are fully compliant with the technical requirements should be valid on all Union inland waterways.
- (10) The conditions for the issuing of supplementary Union inland navigation certificates by Member States for operations on Zone 1 and 2 waterways (estuaries) and for operations on Zone 4 waterways should be harmonised more closely.
- (11) In the interests of safety, standards should be harmonised at a high level and in such a way that there is no reduction in safety standards on the Union inland waterways. However, Member States should be allowed, after consulting the Commission, to establish specific provisions concerning additional or reduced technical requirements for certain zones provided that such measures are limited to the specific subjects set out in Annexes III and IV.
- (12) Member States should have the possibility to derogate from the provisions of this Directive in certain cases related to navigable waterways not linked to the inland waterways of other Member States or to certain craft that operate exclusively on a national waterway.
- (13) Member States, after authorisation by the Commission, should also be allowed to derogate from the provisions of this Directive for specific crafts to accommodate alternative approaches, promote innovation or to prevent unreasonable costs.
- (15) The Union inland navigation certificate should be issued to a craft that passes a technical inspection carried out prior to the craft being put into service. This technical inspection should be used to check whether the craft complies with the technical requirements set out in this Directive. The competent authorities of the Member States should be entitled to carry out additional inspections at any time to verify that the craft's physical state matches the Union inland navigation certificates.
- (16) It is appropriate, within certain time limits and depending on the category of craft concerned, to determine the period of validity of Union inland navigation certificates in each specific case.
- (17) Detailed provisions concerning the replacement, renewal, extension of validity and issuance of new Union inland navigation certificates need to be established, within certain limits, in order to maintain a high degree of safety in inland navigation.
- (18) The measures set out in Directive 2009/100/EC of the European Parliament and of the Council⁷ need to remain in force for vessels not covered by this Directive.

⁷ Directive 2009/100/EC of the European Parliament and of the Council 16 September 2009 on reciprocal recognition of navigability licences for inland waterway vessels (OJ L 259, 2.10.2009, p. 8).

- (19) A transitional regime should be applied in the case of craft in service not yet carrying a Union inland navigation certificate when they undergo a first technical inspection under the revised technical requirements established by this Directive.
- (20) Binding administrative instructions should be issued in order to provide detailed rules on the application of the technical requirements in a harmonised manner.
- (21) Changes in technical requirements need to be taken into account for reasons of safety of inland navigation and equivalence of certificates. In order to do so, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission to adapt the annexes to this Directive in line with scientific and technical progress or with developments in this area arising from the work of other international organisations, in particular the CCNR. It is particularly important that the Commission carries out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing-up delegated acts, should ensure simultaneous, timely and appropriate submission of the relevant documents to the European Parliament and to the Council.
- (22) In order to accommodate alternative approaches, to promote innovation, to prevent unreasonable costs, to provide for an efficient process for issuing certificates or to take account of regional circumstances, implementing powers should be conferred on the Commission as regards the authorisation of certain derogations to the technical requirements for specific craft, to approve classification societies and to approve additional or reduced technical requirements for vessels operating in certain zones which are not linked to the navigable inland waterways of another Member State. These powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council⁸.
- (26) Directive 2006/87/EC should therefore be repealed,

HAVE ADOPTED THIS DIRECTIVE:

Article 1
Classification of waterways

For the purposes of this Directive, the inland waterways of the Union shall be classified as follows:

- (a) Zones 1, 2, 3 and 4:
- (i) Zones 1 and 2: the waterways listed in Chapter 1 of Annex I;
 - (ii) Zone 3: the waterways listed in Chapter 2 of Annex I;
 - (iii) Zone 4: the waterways listed in Chapter 3 of Annex I.

⁸ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

- (b) Zone R: those of the waterways referred to in point (a) for which certificates are to be issued in accordance with Article 22 of the Revised Convention on the Navigation on the Rhine as that Article is worded when this Directive enters into force.

Article 2

Definitions and scope of application

1. For the purposes of this Directive, the following definitions shall apply:
 - (a) ‘craft’: means a vessel or item of floating equipment;
 - (b) ‘vessel’: means an inland waterway vessel or sea-going ship;
 - (c) ‘tug’: means a vessel specially built to perform towing operations;
 - (d) ‘pusher’: means a vessel specially built to propel a pushed convoy;
 - (e) ‘passenger vessel’: means a day trip or cabin vessel constructed and equipped to carry more than 12 passengers;
 - (f) ‘floating equipment’: means a floating installation carrying working gear such as cranes, dredging equipment, pile drivers or elevators;
 - (g) ‘recreational craft’: means a vessel other than a passenger vessel, intended for sport or pleasure;
 - (h) ‘water displacement’: means the immersed volume of the vessel, in m³;
 - (i) ‘length (L)’: means the maximum length of the hull in m, excluding rudder and bowsprit;
 - (j) ‘breadth (B)’: means the maximum breadth of the hull in m, measured to the outer edge of the shell plating (excluding paddle wheels, rub rails, and similar);
 - (k) ‘draught (T)’: means the vertical distance in m between the lowest point of the hull without taking into account the keel or other fixed attachments and the maximum draught line;
 - (l) ‘Classification society’: means a classification society that has been approved in accordance with the criteria and procedures referred to in Article 9;
 - (m) ‘Union inland navigation certificate’: means a certificate issued to an inland waterway vessel by the competent authority, signifying compliance with the technical requirements of this Directive.

2. This Directive shall apply to the following craft:
 - (a) vessels having a length (L) of 20 metres or more;
 - (b) vessels for which the product of length (L), breadth (B) and draught (T) is a volume of 100 m³ or more.

3. This Directive shall also apply to the following craft:
 - (a) tugs and pushers intended for towing or pushing craft referred to in paragraph 1 or floating equipment or for moving such craft or floating equipment alongside;
 - (b) vessels intended for passenger transport which carry more than 12 passengers in addition to the crew;
 - (c) floating equipment.
4. This Directive shall not apply to the following craft:
 - (a) ferries;
 - (b) naval vessels;
 - (c) sea-going vessels, including sea-going tugs and pusher craft, which:
 - (i) operate or are based on tidal waters;
 - (ii) operate temporarily on inland waterways, provided that they carry:
 - a certificate proving conformity with the 1974 International Convention for the Safety of Life at Sea (SOLAS), or equivalent, a certificate proving conformity with the 1966 International Convention on Load Lines, or equivalent, and an international oil pollution prevention (IOPP) certificate proving conformity with the 1973 International Convention for the Prevention of Pollution from Ships (MARPOL); or
 - in the case of passenger vessels not covered by all of the Conventions referred to in the first indent, a certificate on safety rules and standards for passenger ships issued in conformity with Directive 2009/45/EC of the European Parliament and of the Council of 6 May 2009 on safety rules and standards for passenger ships (Recast)⁹; or
 - in the case of recreational craft not covered by all of the Conventions referred to in the first indent, a certificate of the country of which it carries the flag.

Article 3

Obligation to carry a certificate

1. Craft operating on the Union inland waterways referred to in Article 1 shall carry:
 - (a) when operating on a Zone R waterway:
 - either a certificate issued pursuant to Article 22 of the Revised Convention on the Navigation on the Rhine; or

⁹ OJ L 163, 25.6.2009, p. 1.

- a Union inland navigation certificate attesting full compliance of the craft, without prejudice to the transitional provisions of Annex II, with technical requirements as referred to in Annex II for which equivalency with the technical requirements laid down in application of the Revised Convention on the Navigation on the Rhine has been established according to the applicable rules and procedures;
 - (b) when operating on other waterways, a Union inland navigation certificate, including, where applicable, the specifications referred to in Article 5.
2. The Union inland navigation certificate shall be drawn up following the model set out in Part I of Annex V and shall be issued in accordance with this Directive. The Commission shall be empowered to adopt delegated acts in accordance with Article 24 to amend that model if this becomes necessary in order to take account of scientific and technical progress, to streamline administrative requirements or to take account of developments in this area arising from the work of other international organisations, in particular that of the CCNR.

Article 4

Supplementary Union inland navigation certificates

1. All craft carrying a valid certificate issued pursuant to Article 22 of the Revised Convention on the Navigation on the Rhine may, subject to the provisions of Article 5(5) of this Directive, navigate on Union waterways carrying that certificate only.
2. However, all craft carrying the certificate referred to in paragraph 1 shall also be provided with a supplementary Union inland navigation certificate:
 - (a) when operating on Zone 3 and 4 waterways, if they wish to take advantage of the reduction in technical requirements on those waterways;
 - (b) when operating on Zone 1 and 2 waterways, or, in respect of passenger vessels, when operating on Zone 3 waterways that are not linked to the navigable inland waterways of another Member State, if the Member State concerned has adopted additional technical requirements for those waterways, in accordance with Article 5(1), (2) and (3).
3. The supplementary Union inland navigation certificate shall be drawn up following the model set out in Part II of Annex V and shall be issued by the competent authorities on production of the certificate referred to in paragraph 1 and under the conditions laid down by the authorities competent for the waterways concerned. The Commission shall be empowered to adopt delegated acts to amend that model if this becomes necessary in order to take account of scientific and technical progress, to streamline administrative requirements or to take account of developments in this area arising from the work of other international organisations, in particular that of the CCNR.

Article 5

Additional or reduced technical requirements for certain zones

1. Member States may, after consulting the Commission, and where applicable subject to the requirements of the Revised Convention on the Navigation on the Rhine, adopt technical requirements additional to those in Annex II for craft operating on Zone 1 and 2 waterways within their territory.
2. In respect of passenger vessels operating on Zone 3 waterways within its territory that are not linked to the navigable inland waterways of another Member State, each Member State may maintain technical requirements additional to those in Annex II. Member States may adopt such new additional technical requirements following the procedure referred to in paragraph 3. The additional requirements may cover only the elements listed in Annex III.
3. The Member State shall notify the Commission of the proposed additional requirements at least six months before their envisaged date of entry into force and shall inform the other Member States.

The Commission shall approve the additional technical requirements by way of implementing acts adopted in accordance with the advisory procedure referred to in Article 25 (2).

4. Compliance with the additional requirements shall be specified in the Union inland navigation certificate referred to in Article 3 or, where Article 4(2) applies, in the supplementary Union inland navigation certificate. Such proof of compliance shall be recognised on Union waterways of the corresponding zone.
5. Where application of the transitional provisions set out in chapter 24a of Annex II would result in a reduction in existing national safety standards, a Member State may disapply those transitional provisions in respect of inland waterway passenger vessels operating on its inland waterways that are not linked to the navigable inland waterways of another Member State. In such circumstances, the Member State may require that such vessels operating on its non-linked inland waterways comply fully with the technical requirements set out in Annex II starting from 30 December 2008.

A Member State using the possibility referred to in the first subparagraph shall inform the Commission and the other Member States of its decision and provide the Commission with details of the relevant national standards applying to passenger vessels operating on its inland waterways.

Compliance with the requirements of a Member State for operating on its non-linked inland waterways shall be specified in the Union inland navigation certificate referred to in Article 3 or, where Article 4(2) applies, in the supplementary Union inland navigation certificate.

6. Craft operating only on Zone 4 waterways shall qualify for the reduced requirements set out in Annex II on all waterways in that zone. Compliance with those reduced requirements shall be specified in the Union inland navigation certificate referred to in Article 3.

7. Member States may, after consulting the Commission, allow a partial application of the technical requirements or set technical requirements which are less stringent than those of Annex II for craft operating exclusively on Zone 3 and 4 waterways within its territory.

The less stringent or partial application of technical requirements may cover only the elements listed in Annex IV. Where the technical characteristics of a craft correspond to the less stringent or partial application of technical requirements, this shall be specified in the Union inland navigation certificate or, where Article 4(2) applies, in the supplementary Union inland navigation certificate.

The Member States shall notify the Commission of the less stringent or partial application of the technical requirements of Annex II at least six months before they come into force and shall inform the other Member States.

Article 6 **Derogations**

1. Member States may authorise derogations from all or part of this Directive for:
 - (a) vessels, tugs, pushers and floating equipment operating on navigable waterways not linked by inland waterway to the waterways of other Member States;
 - (b) craft having a dead weight not exceeding 350 tonnes or craft not intended for the carriage of goods and having a water displacement of less than 100 m³, which were laid down before 1 January 1950 and operate exclusively on a national waterway.
2. Member States may authorise, in respect of navigation on their national waterways, derogations from one or more provisions of this Directive for limited journeys of local interest or in harbour areas. The derogations and the journeys or area for which they are valid shall be specified in the craft's certificate.
3. The Member States shall notify the Commission the derogations authorised in accordance with paragraphs 1 and 2 and shall inform the other Member States.
4. Any Member State which, as a result of derogations authorised in accordance with paragraphs 1 and 2, has no craft subject to the provisions of this Directive operating on its waterways shall not be required to comply with Articles 8, 9 and 11.

Article 7 **Issuance of Union inland navigation certificates**

1. The Union inland navigation certificate shall be issued to craft laid down as from [date of transposition of this Directive] following a technical inspection carried out prior to the craft being put into service and intended to check whether the craft complies with the technical requirements of Annex II.

2. The Union inland navigation certificate shall be issued to craft excluded from the scope of Directive 82/714/EEC, but covered by this Directive in accordance with Article 2(2) and (3), following a technical inspection which shall be carried out upon expiry of the craft's current certificate, but in any case no later than 30 December 2018, to check whether the craft complies with the technical requirements of Annex II.

Any failure to meet the technical requirements of Annex II shall be specified in the Union inland navigation certificate. Provided that the competent authorities consider that these shortcomings do not constitute a manifest danger, the craft referred to in the first subparagraph of this Article may continue to operate until such time as those components or areas of the craft which have been certified as not meeting those requirements are replaced or altered, whereafter those components or areas shall meet the technical requirements of Annex II.

3. Manifest danger within the meaning of this Article shall be presumed in particular when requirements concerning the structural soundness of the shipbuilding, the navigation or manoeuvrability or special features of the craft in accordance with the technical requirements referred to Annex II are affected. Derogations as allowed for in the technical requirements of Annex II shall not be identified as shortcomings which constitute a manifest danger.

The replacement of existing parts with identical parts or parts of an equivalent technology and design during routine repairs and maintenance shall not be considered as a replacement within the meaning of this Article.

4. Compliance of a craft with the additional requirements referred to in Article 5(1), (2) and (3) shall, where appropriate, be checked during the technical inspections provided for in paragraphs 1 and 2 of this Article, or during a technical inspection carried out at the request of the craft's owner.

Article 8

Competent authorities

1. Union inland navigation certificates may be issued by the competent authorities of the Member States.
2. Each Member State shall draw up a list indicating the competent authorities for issuing the Union inland navigation certificates and shall notify the Commission and the other Member States thereof.
3. Competent authorities shall keep a register of all Union inland navigation certificates they issue in accordance with the model set out in Annex VI. The Commission shall be empowered to adopt delegated acts in accordance with Article 24 to amend that model in order to take account of scientific and technical progress, to streamline administrative requirements or to take account of developments in this area arising from the work of other international organisations, in particular that of the CCNR.

Article 9

Carrying out of technical inspections

1. The technical inspection referred to in Article 7 shall be carried out by the competent authorities. Those authorities may refrain from subjecting the craft in whole or in part to technical inspection where it is evident from a valid attestation, issued by a recognised classification society, that the craft satisfies in whole or in part the technical requirements of Annex II.
2. The Commission shall adopt implementing acts in order to approve a classification society which meets the criteria listed in Annex VII, or to withdraw approval, in accordance with the procedure provided in paragraph 3 and 4. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 25 (2).
3. An application for approval shall be submitted to the Commission by the Member State in which the classification society has its headquarters or a subsidiary authorised to issue attestations that craft satisfies the requirements of Annex II in accordance with this Directive. This application shall be accompanied with all information and documentation needed to check that the criteria for approval are met.

Any Member State can demand that a hearing takes place or that further information or documentation has to be provided.

4. Any Member State can submit to the Commission a request to withdraw the approval if it considers that a classification society no longer meets the criteria provided in Annex VII. The request for withdrawal shall be accompanied with documentary evidence.
5. Until their approval under this Directive, classification societies which are recognised and approved and authorised by a Member State in accordance with Council Directive 94/57/EC of 22 November 1994¹⁰ shall be considered approved only in respect of vessels which operate exclusively on waterways of that Member State.
6. The Commission shall publish and keep updated a list of the classification societies approved in accordance with the present Article.
7. Each Member State shall draw up a list indicating its competent authorities for carrying out technical inspections and shall notify the Commission and the other Member States thereof.
8. Each Member State shall comply with the specific requirements as regards inspection bodies and the request for an inspection provided in Annex II.

¹⁰ Council Directive 94/57/EC of 22 November 1994 on common rules and standards for ship inspection and survey organisations and for the relevant activities of maritime administrations (OJ L 319, 12.12.1994. p. 20).

Article 10

Validity of Union inland navigation certificates

1. The validity period of Union inland navigation certificates issued to newly built vessels in accordance with the provisions of this Directive shall be determined by the competent authority up to a maximum of:
 - (a) five years in the case of passenger vessels;
 - (b) 10 years in the case of all other craft.

The period of validity shall be entered on the Union inland navigation certificate.

2. In the case of vessels already in operation before the technical inspection, the competent authority shall set the period of validity of the Union inland navigation certificate case by case, in the light of the results of the inspection. However, the validity may not exceed the periods specified in paragraph 1.
3. Each Member State may, in the cases specified in Annex II, issue provisional Union inland navigation certificates. Provisional Union inland navigation certificates shall be drawn up following the model set out in Part III of Annex V. The Commission shall be empowered to adopt delegated acts in accordance with Article 24 to amend that model in order to take account of scientific and technical progress, to streamline administrative requirements or to take account of developments in this area arising from the work of other international organisations, in particular that of the CCNR.

Article 11

Replacement of Union inland navigation certificates

Each Member State shall lay down the conditions under which a valid Union inland navigation certificate which has been lost or damaged may be replaced.

Article 12

Renewal of Union inland navigation certificates

1. The Union inland navigation certificate shall be renewed on expiry of its period of validity in accordance with the conditions laid down in Article 7.
2. For the renewal of Union inland navigation certificates, the transitional provisions provided in chapters 24 and 24a of Annex II shall apply to the craft and under the conditions specified therein.

Article 13

Extension of validity of Union inland navigation certificates

The validity of a Union inland navigation certificate may be exceptionally extended without a technical inspection in accordance with Annex II by the authority which issued or renewed it. The extension shall be indicated on the certificate.

Article 14

Issuance of new Union inland navigation certificates

In the event of major alterations or repairs which affect the structural soundness of the ship, the navigation or manoeuvrability or special features of the craft in accordance with Annex II, that craft shall again undergo, prior to any further voyage, the technical inspection provided for in Article 7. Following this inspection, a new Union inland navigation certificate stating the technical characteristics of the craft shall be issued or the existing certificate shall be amended accordingly. If the certificate is issued in a Member State other than that which issued or renewed the initial certificate, the competent authority which issued or renewed the certificate shall be informed accordingly within one month.

Article 15

Refusal to issue or renew, and withdrawal of, Union inland navigation certificates

1. Any decision refusing to issue or renew a Union inland navigation certificate shall be motivated. The owner of the craft shall be notified and shall be informed about the appeal procedure and its time limits in the Member State concerned.
2. Any valid Union inland navigation certificate may be withdrawn by the competent authority which issued or renewed it if the craft ceases to comply with the technical requirements specified in its certificate.

Article 16

Additional inspections

1. The competent authorities of a Member State may check at any time whether a craft is carrying a certificate valid under the terms of this Directive and satisfies the requirements set out in such certificate or constitutes a manifest danger for the persons on board, the environment or the safety of the navigation. The competent authorities shall take the necessary measures in accordance with paragraphs 2 to 5.
2. If the authorities find upon such inspection that the certificate is not being carried or that the certificate carried on the craft is invalid, or that the craft does not satisfy the requirements set out in the certificate, but that such invalidity or failure to satisfy the requirements does not constitute a manifest danger, the owner of the craft or his representative shall take all necessary measures to remedy the situation. The authority which issued the certificate or which last renewed it shall be informed within seven days.
3. If, upon making the inspection, the authorities find that the craft constitutes a manifest danger for the persons on board, the environment or the safety of the navigation, they may prevent the craft from proceeding with its voyage until the necessary steps have been taken to remedy the situation.

They may also prescribe measures which will enable the craft to proceed safely, where appropriate on termination of its transport operations, to a place where it will be either inspected or repaired. The authority which issued or last renewed the certificate shall be informed within seven days.

4. A Member State which has prevented a craft from proceeding with its voyage, or has notified the owner of its intention to do so if the defects found are not corrected, shall inform the authority in the Member State which issued or last renewed the certificate, within seven days, of the decision which it has taken or intends to take.
5. Any decision to interrupt the passage of a craft taken in the implementation of this Directive shall state in detail the reasons on which it is based. It shall be notified without delay to the party concerned, who shall at the same time be informed of the appeal procedures available to him under the laws in force in the Member States and of their time limits.

Article 17

Unique European Vessel Identification Number

The competent authority having issued a Union inland navigation certificate shall include in the Union inland navigation certificate the Unique European Vessel Identification Number in accordance with Chapter 2 of Annex II.

Article 18

Equivalences and derogations

1. Member States may require the Commission to adopt implementing acts allowing derogations or recognising the equivalence of technical specifications for a specific craft regarding:
 - a) the use, or presence, on board of a craft of other materials, installations or items of equipment, or the adoption of other design aspects or other arrangements than those included in Annex II;
 - b) the issuance of a Union inland navigation certificate for trial purposes for a limited period incorporating new technical specifications that derogate from the requirements of Part II of Annex II provided those specifications offer equivalent safety;
 - c) the application, by the inspection bodies, of derogations, on a passenger vessel, regarding the areas provided for use by persons with reduced mobility, where the application of the specific requirements laid down in chapter 15 of Annex II is considered difficult in practice or incurs unreasonable costs;
 - d) the use of other extinguishing agents than those referred to in chapter 10 of Annex II;
 - e) the use of permanently installed firefighting systems for protecting objects;
 - f) the application of chapter 24 of Annex II to a craft converted to a length of more than 110 m;
 - g) derogations from the requirements laid down in chapter 24 and chapter 24a of Annex II following the expiry of the transitional provisions, where those

requirements are technically difficult to apply or where their application might require disproportionate costs;

- h) the recognition of standards concerning systems spraying smaller quantities of water other than those referred to in chapter 10 of Annex II.

Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 25 (2).

2. The equivalences and derogations referred to in points (a) to (g) of paragraph 1 shall be entered in the Union inland navigation certificate by the competent authorities of the Member States. The Commission and the other Member States shall be informed.
3. Pending the adoption of the implementing acts referred to in paragraph 1 point (a), the competent authorities may issue a provisional Union inland navigation certificate in accordance with Article 10(2).

In that case, the competent authorities shall within one month of the issuance of the provisional Union inland navigation certificate report to the Commission and the other Member States the name and the European Vessel Identification Number of the craft, the nature of the derogation and the State in which the craft is registered or has its home port.

4. The Commission shall publish a register of radar navigation equipment and rate-of-turn indicators approved in accordance with Annex II.

Article 19

Recognition of navigability certificates of craft from third countries

The Union shall enter into any negotiations with third countries in order to ensure the mutual recognition of navigability certificates between the Union and third countries.

Pending the conclusion of such agreements, the competent authorities of a Member State may recognise the navigability certificates of craft from third countries for navigation on the waterways of that Member State.

The issuance of Union inland navigation certificates to craft from third countries shall be carried out in accordance with Article 7(1).

Article 20

Continued applicability of Directive 2009/100/EC

For those craft falling outside the scope of Article 2(2) and (3) of this Directive, but falling within the scope of Article 1(a) of Directive 2009/100/EC, the provisions of that Directive shall apply.

Article 21

Transitional provisions concerning the use of documents

Documents falling within the scope of this Directive and issued by the competent authorities of the Member States under Directive 2006/87/EC before the entry into force of this Directive remain valid until they expire.

Article 22

Adaptation of the Annexes

1. The Commission shall be empowered to adopt delegated acts in accordance with Article 24 concerning the adaptations of Annexes I, II, III, IV and VII to scientific and technical progress or to developments in this area arising from the work of other international organisations, in particular that of the CCNR to ensure that the two certificates referred to in Article 3(1)(a) are issued on the basis of technical requirements which guarantee an equivalent level of safety, or to take account of the cases referred to in Article 5.

The Commission shall be empowered to adopt delegated acts in accordance with Article 24 concerning binding administrative instructions as regards the detailed application of the technical requirements provided in Annex II, in order to ensure a harmonised interpretation of those requirements or take into account best practices developed at Union level or derived from the work of international organisations, in particular that of the CCNR.

When adopting such delegated acts the Commission shall ensure that the technical requirements that have to be fulfilled for the issuance of the Union inland navigation certificate recognised for navigation on the Rhine comply with a level of safety equivalent to that required for the issuing of the certificate referred to in Article 22 of the Revised Convention for Rhine Navigation.

2. The Commission shall be empowered to adopt delegated acts in accordance with Article 24 in order to update the references in this Directive to certain provisions of Annex II in order to take into account the amendments brought to this Annex.

Article 23

Temporary requirements

The Commission shall be empowered to adopt delegated acts in accordance with Article 24 in order to provide for temporary technical requirements for crafts to allow tests in order to incentivise innovation and technical progress. Such requirements shall be valid for a maximum period of three years.

Article 24

Delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The delegation of power referred to in Articles 3, 4, 8, 10, 22 and 23 is conferred on the Commission for an indeterminate period of time from [date of entry into force of the Directive].
3. The European Parliament or the Council may revoke the delegation of power referred to in Articles 3, 4, 8, 10, 22 and 23 at any time. A revocation decision of revocation shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified in the decision. It shall not affect the validity of any delegated acts already in force.
4. As soon as it adopts a delegated act, the Commission shall simultaneously notify the European Parliament and the Council.
5. A delegated act adopted under Articles 3, 4, 8, 10, 22 and 23 shall enter into force only if neither the European Parliament nor the Council objects within 2 months of the Commission notifying them of the act. The European Parliament or the Council may extend this period by 2 months.

Article 25

Committee procedure

1. The Commission shall be assisted by the Committee established by Article 7 of Council Directive 91/672/EEC (hereinafter referred to as ‘the Committee’). The Committee is a committee within the meaning of Regulation (EU) No 182/2011.
2. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply. If the Committee's opinion is to be obtained by written procedure, its chair may decide to terminate the procedure without result within the time-limit for delivery of the opinion.

Article 26

Penalties

Member States shall lay down the rules on penalties applicable to infringements of the national provisions adopted pursuant to this Directive and shall take the measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive.

Article 27

Transposition

1. Member States with inland waterways referred to in Article 1 shall bring the laws, regulations and administrative provisions necessary to comply with this Directive into force, with effect from 1 January 2015. They shall forthwith inform the Commission thereof.

When Member States adopt such provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their

official publication. Member States shall determine how such reference is to be made.

2. Member States shall communicate to the Commission the text of the national law provisions that they adopt in the field covered by this Directive.

Article 28

Repeal

Directive 2006/87/EC is repealed with effect from 1 January 2015.

References to the repealed Directive shall be construed as references to this Directive.

Article 29

Entry into force

This Directive shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

Article 30

Addressees

This Directive is addressed to the Member States that have inland waterways referred to in Article 1.

Done at Brussels,

For the European Parliament
The President

For the Council
The President

LIST OF ANNEXES

Annex I List of Union inland waterways divided geographically into Zones 1, 2, 3 and 4

Annex II Minimum technical requirements applicable to craft on inland waterways of Zones 1, 2, 3 and 4

Annex III Subjects for possible additional technical requirements applicable to craft on inland waterways of Zones 1 and 2

Annex IV Subjects for possible reductions of the technical requirements applicable to craft on inland waterways of Zones 3 and 4

Annex V Model for Union inland navigation certificate

Annex VI Model for register of Union inland navigation certificates

Annex VII Classification societies