



**COUNCIL OF  
THE EUROPEAN UNION**

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#### **INFORMATION NOTE**

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from:	General Secretariat
to:	Permanent Representatives Committee/Council
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 - Outcome of the European Parliament's first reading (Strasbourg, 14 to 17 April 2014)

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#### **I. INTRODUCTION**

The Rapporteur, Ms Corien WORTMANN-KOOL (EPP, NL), presented a report on the abovementioned proposal for a directive on behalf of the Committee on Transport and Tourism. The report contained 14 amendments (amendments 1 - 14) to the proposal.

No other amendments were tabled.

## II. VOTE

When it voted on 15 April 2014, the plenary adopted the 14 amendments to the proposal for a directive. The Commission's proposal as thus amended constitutes the Parliament's first-reading position which is contained in its legislative resolution as set out in the Annex hereto<sup>1</sup>.

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<sup>1</sup> The version of the Parliament's position in the legislative resolution has been marked up to indicate the changes made by the amendments to the Commission's proposal. Additions to the Commission's text are highlighted in ***bold and italics***. The symbol "■" indicates deleted text.

## **Technical requirements for inland waterway vessels \*\*\*I**

**European Parliament legislative resolution of 15 April 2014 on the 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 (COM(2013)0622 – C7-0266/2013 – 2013/0302(COD))**

**(Ordinary legislative procedure: first reading)**

*The European Parliament,*

- having regard to the Commission proposal to Parliament and the Council (COM(2013)0622),
  - having regard to Article 294(2) and Article 91(1) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0266/2013),
  - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
  - having regard to the opinion of the European Economic and Social Committee of 21 January 2014<sup>1</sup>,
  - having regard to the opinion of the Committee of the Regions of 31 January 2014<sup>2</sup>,
  - having regard to Rule 55 of its Rules of Procedure,
  - having regard to the report of the Committee on Transport and Tourism (A7-0145/2014),
1. Adopts its position at first reading hereinafter set out;
  2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
  3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

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<sup>1</sup> Not yet published in the Official Journal.

<sup>2</sup> Not yet published in the Official Journal.

## Amendment 1

### Proposal for a directive Recital 4

*Text proposed by the Commission*

(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.

*Amendment*

(4) ***Given the different legal frameworks and timeframes for the decision-making procedures, it is difficult to maintain the equivalence between the Union inland navigation*** certificates issued pursuant to ***Directive 2006/87/EC and the certificates issued pursuant to*** Article 22 of the Revised Convention ***for Rhine Navigation. Legal certainty is therefore not ensured, and this has a potentially negative impact on navigation*** safety.

## Amendment 2

### Proposal for a directive Recital 6

*Text proposed by the Commission*

(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.

*Amendment*

(6) Since the CCNR has built up significant expertise in ***developing and*** updating technical requirements for inland navigation vessels, ***that*** expertise should be fully used for the inland waterways in the Union. ***The Commission's services and the CCNR signed an Administrative Arrangement in 2013 to reinforce their cooperation, particularly as regards the development of technical requirements concerning inland waterway vessels. Within that framework, it has been agreed that a Committee (the Committee for the Elaboration of European Technical Standards (CESTE)) is to be established to draw up technical standards in the field of inland navigation to which reference can be made by the Union and the CCNR in their respective regulations.***

## Amendment 3

### Proposal for a directive Recital 15

*Text proposed by the Commission*

(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.

*Amendment*

(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 ***will*** be entitled to carry out additional inspections at any time to verify that the craft's physical state matches the Union inland navigation certificates.

**Amendment 4**

**Proposal for a directive**  
**Recital 21**

*Text proposed by the Commission*

(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.

*Amendment*

(21) ***In order to ensure a high level of safety and efficiency for inland navigation and to maintain the equivalence of the inland navigation certificates, the*** technical requirements ***laid down in the annexes to this Directive should be kept up to date in order to take*** into account ***scientific and technical progress, and technical standards in the field of*** inland navigation. 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 ***in respect of the adaptation of*** the annexes to this Directive ***to*** scientific and technical progress or ***to*** developments ***and updates of technical standards*** arising from the work of other international organisations, in particular the CCNR. ***The*** Commission ***should carry out, in an open and transparent manner,*** appropriate consultations ***with all relevant stakeholders*** during its preparatory work, including at expert level. The Commission, when preparing and drawing-up delegated acts, should ensure ***a*** simultaneous, timely and appropriate ***transmission*** of relevant documents to the European Parliament and

to the Council.

## **Amendment 5**

### **Proposal for a directive Recital 21 a (new)**

*Text proposed by the Commission*

*Amendment*

***(21a) The Commission should in particular adopt delegated acts to introduce technical requirements for vessels powered by liquefied natural gas (LNG), in order to allow efficient and safe circulation of those vessels in inland waterways.***

## **Amendment 6**

### **Proposal for a directive Recital 22 a (new)**

*Text proposed by the Commission*

*Amendment*

***(22a) In order to ensure an appropriate framework for coordination and cooperation with international organisations competent for inland waterway navigation, in particular the CCNR, and the development of uniform technical standards for inland navigation to which the Union and international organisations could refer, this Directive should be subject to review, particularly as regards the effectiveness of the measures introduced by this Directive, as well as the mechanisms for cooperation with international organisations competent for inland navigation, with a view to achieving a single, uniform set of technical standards.***

## **Amendment 7**

### **Proposal for a directive Article 8 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. Union inland navigation certificates **may** be issued by the competent authorities of the Member States.

1. Union inland navigation certificates **shall** be issued by the competent authorities of the Member States.

**Amendment 8**

**Proposal for a directive  
Article 9 – paragraph 6**

*Text proposed by the Commission*

*Amendment*

6. The Commission shall publish and keep updated a list of the classification societies approved in accordance with the present Article.

6. The Commission shall publish **for the first time by ...<sup>+</sup>**, and keep updated, a list of the classification societies approved in accordance with the present Article.

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**<sup>+</sup> OJ: please insert the date: one year after the date of entry into force of this Directive.**

**Amendment 9**

**Proposal for a directive  
Article 22 – paragraph 1 – subparagraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***The Commission shall, by 31 December 2017, adopt delegated acts in accordance with Article 24 concerning the introduction, within Chapter 19ba of Annex II, of specific requirements for vessels powered by liquefied natural gas (LNG).***

**Amendment 10**

**Proposal for a directive  
Article 24 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

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**

2. The power **to adopt delegated acts** referred to in Articles 3, 4, 8, 10, 22 and 23 **shall be** conferred on the Commission for a period of **five years** from ...\*. **The Commission shall draw up a report in**

*force of the Directive].*

*respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.*

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*\* OJ: please insert the date of entry into force of this Directive.*

## Amendment 11

### Proposal for a directive Article 24 – paragraph 3

*Text proposed by the Commission*

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.

*Amendment*

3. The delegation of power referred to in Articles 3, 4, 8, 10, 22 and 23 ***may be revoked*** at any time ***by the European Parliament or by the Council***. A decision ***to revoke*** 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 ***therein***. It shall not affect the validity of any delegated acts already in force.

## Amendment 12

### Proposal for a directive Article 24 – paragraph 5

*Text proposed by the Commission*

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.

*Amendment*

5. A delegated act adopted ***pursuant to*** Articles 3, 4, 8, 10, 22 and 23 shall enter into force only if ***no objection has been expressed either by*** the European Parliament ***or*** the Council within ***a period of two*** months of ***notification of that act to*** the European Parliament ***and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that***



*they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.*

## **Amendment 13**

### **Proposal for a directive Article 26 a (new)**

*Text proposed by the Commission*

*Amendment*

#### **Article 26a**

##### **Review**

*The Commission shall submit, before ...\* and every three years thereafter, a report to the European Parliament and to the Council reviewing the effectiveness of the measures introduced by this Directive, particularly as regards the harmonisation of technical requirements and the development of technical standards for inland navigation. The report shall also review the mechanisms for cooperation with international organisations competent for inland navigation. The report shall, if appropriate, be accompanied by a legislative proposal to further streamline cooperation and coordination in establishing standards to which reference can be made in legal acts of the Union.*

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*\* OJ: please insert the date: three years after the date of entry into force of this Directive.*

## **Amendment 14**

### **Proposal for a directive Annex II – Chapter 19 b a – title and heading (new)**

*Text proposed by the Commission*

*Amendment*

#### **CHAPTER 19ba**

***SPECIFIC REQUIREMENTS  
APPLICABLE TO VESSELS POWERED  
BY LIQUEFIED NATURAL GAS (LNG)  
(left void)***