



Council of the  
European Union

008960/EU XXVII.GP  
Eingelangt am 21/01/20

Brussels, 21 January 2020  
(OR. en)

5417/20

TRANS 23  
DELECT 6

#### COVER NOTE

From:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
date of receipt:	20 January 2020
To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union
No. Cion doc.:	C(2020) 255 final
Subject:	COMMISSION DELEGATED REGULATION (EU) .../... of 20.1.2020 on the European Hull Data Base

Delegations will find attached document C(2020) 255 final.

Encl.: C(2020) 255 final



EUROPEAN  
COMMISSION

Brussels, 20.1.2020  
C(2020) 255 final

**COMMISSION DELEGATED REGULATION (EU) .../...**  
**of 20.1.2020**  
**on the European Hull Data Base**

## **EXPLANATORY MEMORANDUM**

### **1. CONTEXT OF THE DELEGATED ACT**

Inland waterways vessels operating on European inland waterways need to meet different requirements in relation to safety, administration and crew provisions.

To ensure safe operation a vessel has to obtain an inland navigation certificate issued in accordance with Directive (EU) 2016/1629<sup>1</sup> by a competent authority. In the certificate there is data identifying the vessel (name of the vessel, type of the vessel, dimensions of the vessel etc.). One of the most essential data for the vessel is a unique European Vessel Identification Number (ENI). Only one single ENI can be assigned to one vessel. ENI is issued only once and remains unchanged throughout the whole lifetime of the vessel.

The European Hull Database (EHDB) is a database kept by the European Commission in which the data of the vessels operating on European inland waterways is collected. The EHDB is used to verify the history of pending applications for certificates and information on certificates already issued to the vessel. The EHDB is used to support the proper functioning of river information services (RIS) in accordance with Directive 2005/44/EC<sup>2</sup>.

Directive (EU) 2016/1629 defines general provisions for the EHDB e.g. that Member States shall enter the data identifying and describing the vessels (without specifying what data).

In order to further specify the provisions for the EHDB the European Commission is empowered to issue delegated act defining the details for the database (e.g. list of the data identifying and describing the vessels).

The EHDB has been first established in 2009 within the PLATINA project (Platform for the implementation of NAIADES<sup>3</sup>) and was operated by a contractor on behalf of the European Commission. The project provided a pilot service to the national vessel certification and RIS by connecting them and allowing to exchange the information.

Commission Directive 2013/49/EU<sup>4</sup> amending Annex II to Directive 2006/87/EC of the European Parliament and of the Council laying down technical requirements for inland waterway vessels set up the first legal provisions on the EHDB by requiring Member States to enter the data for the identification of the vessel into the database.

As of 15 March 2016 the EHDB has been migrated into European Commission's computing centres in Luxembourg. It is ensured that the European Commission adheres to the obligations for data protection as set out within Regulation (EU) 2018/1725<sup>5</sup>.

The proposed Delegated Regulation provides the base to adjust the existing EHDB to the provisions set up in Directive (EU) 2016/1629.

---

<sup>1</sup> Directive (EU) 2016/1629 of the European Parliament and of the Council of 14 September 2016 laying down technical requirements for inland waterway vessels, amending Directive 2009/100/EC and repealing Directive 2006/87/EC; *OJ L 252, 16.9.2016, p. 118–176*

<sup>2</sup> 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; *OJ L 255, 30.9.2005, p. 152–159*

<sup>3</sup> Communication from the Commission - First progress Report on the implementation of the NAIADES Action Programme for the promotion of inland waterway transport /\* COM/2007/0770 final \*/

<sup>4</sup> Commission Directive 2013/49/EU of 11 October 2013 amending Annex II to Directive 2006/87/EC of the European Parliament and of the Council laying down technical requirements for inland waterway vessels; *OJ L 272, 12.10.2013, p. 41–43*

<sup>5</sup> Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data ; *OJ L 295, 21.11.2018, p. 39–98*

This Delegated Regulation is in line with Article 19 (7) of Directive (EU) 2016/1629 which empowers the Commission to adopt delegated acts further specifying the data to be entered in the EHDB, the type of access permitted and the instructions regarding the use and operation of the database.

## **2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT**

In accordance with Article 32 of Directive (EU) 2016/1629, before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.

The content of the EHDB was discussed within CESNI<sup>6</sup> at an ad hoc meeting of CESNI on 28 November 2017. At this meeting Member States defined the list of necessary data for the vessel which should be collected in the EHDB.

The draft of the delegated act was presented at the meeting of the Commission's expert group on technical requirements for inland waterway vessels on 24 May 2018. The Expert Group gave support to the draft delegated act prepared by the Commission. The experts provided also comments and remarks on the draft. All remarks were included in the draft of the delegated act.

In addition, stakeholders' comments on the draft Delegated Regulation were collected in the context of the Better Regulation feedback mechanism during the period between 26 August and 23 September 2019. Five feedbacks were received in total. One comment was received from the citizen and four of them came from Members of the Commission expert on technical requirements for inland waterway vessels, which was again consulted in parallel to the online public consultation. The comments received were wherever possible integrated to the final draft, especially requests for clarification.

## **3. LEGAL ELEMENTS OF THE DELEGATED ACT**

In accordance with Article 19 (7) of Directive (EU) 2016/1629 the delegated act specifies the data to be entered in the database by Member States, the types of access permitted, taking into account the categories of the recipients of data and the purposes for which such data are processed, the instructions regarding the use and operation of the database.

The data can be only processed by the competent authorities of the Member States, Contracting parties to the Revised Convention for Rhine Navigation and third countries that are entrusted with the tasks related to the application of Directive (EU) 2016/1629 and of Directive 2005/44/EC. These competent authorities have a full access to the EHDB.

The provisions of the delegated act foresee also limited access to the EHDB (read-only access) for those national authorities that are responsible for waterway traffic and infrastructure management, maintaining or enforcing safety of navigation and collecting statistical data.

In order to have an access to the EHDB, it will be necessary to create an account through the database. The account will be validated by a single contact point for the EHDB designated in

---

<sup>6</sup> CESNI - European Committee for drawing up Standards in Inland Navigation, acting under the auspices of the Central Commission for Navigation on the Rhine (CCNR) and open to experts from all Member States, is responsible for drawing up the technical standards in the field of inland navigation to which reference should be made by the Union.

each Member State, as well as in the contracting parties to the Revised Convention for Rhine Navigation.

The delegated act is composed of a main body (7 articles) and annexes.

Article 1 defines subject matter and scope of the delegated act.

Article 2 refers to Annex 1 which provide the list of data for the identification of a craft which should be submitted to the EHDB (more detailed explanation in the part related to Annex 1).

Article 3 provides provisions related to the access to the EHDB and processing data. This article defines the competent authorities responsible for accessing the EHDB and processing the data into the EHDB.

Article 4 defines the provisions on read-only access to the database and obligation for the competent authorities in this field.

Articles 5 establishes single contact points for the EHDB. The single contact point serves as a connection point for the Commission and other Member States, facilitates the validation of the access to the EHDB.

Annex 1 lists all relevant necessary vessel data that has to be submitted by the competent authorities and provides the list of optional vessel data. To ensure the consistency between Directive (EU) 2016/1629 and Regulations of the Central Commission for the Navigation of the Rhine, the list of data for the vessel, which should be submitted to the EHDB in reference to Annex 2 of ES-TRIN standard (list of the minimum set of data for the identification of a vessel), has been included.

Annex 2 defines user profiles and access rights –provides the list of bodies and their access rights to the minimum set of data for the identification of a vessel EHDB.

Annex 3 provides provisions on full access and processing the data in the EHDB.

Annex 4 provides provisions on read-only access to the EHDB.

Annex 5 provides description of the functionalities of the EHDB.

# COMMISSION DELEGATED REGULATION (EU) .../...

of 20.1.2020

## on the European Hull Data Base

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Directive (EU) 2016/1629 of the European Parliament and of the Council of 14 September 2016 laying down technical requirements for inland waterway vessels, amending Directive 2009/100/EC and repealing Directive 2006/87/EC<sup>7</sup>, and in particular Article 19 (7) thereof,

Whereas:

- (1) In order to ensure the smooth application of Directive (EU) 2016/1629 full access should be granted to the competent authorities of the Member States, the Contracting parties to the Revised Convention for Rhine Navigation and third countries entrusted with the tasks related to the application of Directives (EU) 2016/1629 and 2005/44/EC.
- (2) Full access allows Member States to cooperate among themselves, as well as with third countries, and to coordinate their work with respect to the processing of data regarding the crafts entered in the EHDB.
- (3) Read only access to the EHDB should be provided to other authorities in order to perform administrative measures for ensuring waterway traffic and infrastructure management, maintaining or enforcing safety of navigation and collecting statistical data.
- (4) To ensure the smooth operation of the EHDB and to facilitate the verification of the access requests to the EHDB, Member States, contracting parties to the Revised Convention for Rhine Navigation and relevant third countries should designate a single contact point.
- (5) It is appropriate to set out the steps Member States should follow when providing the read-only access to the EHDB in order to ensure security of data and the smooth operation of the EHDB.
- (6) High-quality, comparable, up-to-date, reliable and harmonised data on inland navigation crafts are needed in order to facilitate the verification of a craft's present and past data and information related to the issued certificates and new applications for certificates. Consequently a detailed list of data related to the craft should be set out.
- (7) The specifications should remain technology-neutral and open to innovative Technologies and the once-only and interoperability-by-default principles should apply. Due account should be taken of the principles and recommendations set out in

<sup>7</sup>

OJ L 252, 16.9.2016, p. 118

the EU eGovernment Action Plan 2016-2020<sup>(8)</sup> and the European Interoperability Framework<sup>(9)</sup>.

- (8) Whenever the measures provided for in this Regulation entail the processing of personal data, it should be carried out in accordance with Union law on the protection of personal data, in particular Regulation (EU) 2018/1725<sup>(10)</sup> with regard to the processing by the European Commission and Regulation (EU) 2016/679 of the European Parliament and of the Council<sup>(11)</sup> with regard to the processing by the Member States competent authorities.
- (9) The European Data Protection Supervisor was consulted in accordance with Article 42 of Regulation (EU) 2018/1725.

HAS ADOPTED THIS REGULATION:

### *Article 1*

#### **Subject matter and scope**

This Regulation lays down rules on the collection, processing and access of the data kept in the European Hull Data Base (EHDB) referred to in Article 19 of Directive (EU) 2016/1629, as well as the types of access permitted and the instructions regarding the use and operation of the database.

### *Article 2*

#### **Collecting data**

Member States shall enter in the EHDB the data for the identification of a craft referred to in Annex 1 to this Regulation.

### *Article 3*

#### **Full access of and processing of the data in the EHDB**

1. The data shall be accessed and processed by the competent authorities of the Member States, by the contracting parties to the Revised Convention for Rhine Navigation and by third countries entrusted with the tasks related to the application of Directives (EU) 2016/1629 and 2005/44/EC in order to support the implementation of administrative measures for maintaining safety and ease of navigation and to ensure application of Directive (EU) 2016/1629.

---

<sup>8</sup> EU eGovernment Action Plan 2016-2020 Accelerating the digital transformation of government-Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions (COM/2016/0179 final).

<sup>9</sup> European Interoperability Framework – Implementation Strategy, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions (COM(2017)134).

<sup>10</sup> Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC

<sup>11</sup> Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).

2. Each Member State, contracting party to the Revised Convention for Rhine Navigation and third country referred to in paragraph 1 shall notify the Commission the names and addresses of the competent authorities referred to in paragraph 1.
3. Member States shall ensure consistency between the data kept in registers referred to in Article 17 of Directive (EU) 2016/1629 and data provided in the EHDB.
4. Full access to the EHDB shall be granted in accordance with Annex 3 to this Regulation.

#### *Article 4*

##### **Read-only access to the EHDB**

1. In order to perform administrative measures for ensuring waterway traffic and infrastructure management, maintaining or enforcing safety of navigation and collecting statistical data, read-only access to the EHDB may be granted to authorities, other than those referred to in Article 3 of Member States, of contracting parties to the Revised Convention for Rhine Navigation and of third countries referred to in Article 3(1) of this Regulation.
2. Each Member State, contracting party to the Revised Convention for Rhine Navigation or third country shall notify the Commission of the names and addresses of the bodies referred to in paragraph 1, indicating their user profiles in accordance with Annex 2 to this Regulation.
3. The read-only access to the EHDB shall be granted in accordance with Annex 4 to this Regulation.

#### *Article 5*

##### **Single contact point for the EHDB**

1. Each Member State, contracting party to the Revised Convention for Rhine Navigation and third country referred to in Article 3 (1) shall designate a single contact point for the Commission and other Member States, in order to facilitate the exchange of information on the validation of the access in accordance with Articles 3 and 4. Notifications in accordance with paragraph (2) of Article 3 and paragraph (2) of Article 4 shall be done by recording the relevant information in the EHDB.
2. The single contact point shall be selected among the competent authorities referred to in Article 3 (1) of this Regulation.
3. Each Member State, contracting party to the Revised Convention for Rhine Navigation and third country referred to in Article 3(1) of this Regulation shall notify the Commission the names and contact details of the single contact point for the EHDB.

#### *Article 6*

##### **Entry into force**

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



This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 20.1.2020

*For the Commission  
The President  
Ursula von der LEYEN*