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FITNESS CHECK

on market access in Inland Waterway Transport

{SEC(2026) 50 final} - {SWD(2026) 28 final}

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Glossary

Term or acronym	*Meaning or definition*
ADN	European Agreement concerning the International Carriage of Dangerous Goods by Inland Waterways
CCNR	Central Commission for the Navigation of the Rhine
CESNI	European Committee for Drawing up Standards in the field of inland navigation
CESNI QP	CESNI Committee dealing with standards related to professional qualifications in inland navigation
CEF	Connecting Europe Facility
CJEU	Court of Justice of the European Union
CMNI	Budapest Convention on the Contract for the Carriage of Goods by Inland Waterway
CMR	Convention on the Contract for the International Carriage of Goods by Road
CT	Combined Transport
CTP	Common Transport Policy
DC	Danube Commission
DTLF	Digital Transport and Logistics Forum
EBU	European Barge Union
EC	European Commission
ECJ	European Court of Justice
ECSC	European Coal and Steel Community
ECU	European Currency Unit
EEA	European Economic Area
EEC	European Economic Community
eFTI	EU Regulation on Electronic Freight Transport Information
EIBIP	European Inland Barging Innovation Platform
EQ	Evaluation Question
ESO	European Skippers' Organisation
ETF	European Transport Workers' Federation

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Term or acronym	*Meaning or definition*
EU	European Union
EUSDR	EU Strategy for the Danube Region
FTA	Free Trade Agreement
INE	Inland Navigation Europe
ISO country codes	ISO two-letter country codes are used
IRU	International Transport Union
ISG	Inter-Service Group
IWT	Inland Waterway Transport
IW or IWW	Inland Waterways
MS	Member State
NAIADES	Action programme, derived from Navigation And Inland Waterway Action and Development in Europe
PC	Public Consultation
PLATINA	Platform for the implementation of NAIADES
RIS	River Information Services
SC	Sava Commission
SME	Small and Medium-sized Enterprise
SSMS	Sustainable and Smart Mobility Strategy
TEC	Treaty establishing the European Community
TEN-T	Trans-European Transport Network
TFEU	Treaty on the Functioning of the Union
TKM	Tonne kilometres
UNECE	United Nations Economic Commission for Europe

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1. INTRODUCTION

This report presents the findings of the fitness check of the internal market legislative framework for inland waterway transport (IWT). The fitness check aims to assess the seven pieces of legislation governing the access to the IWT market, namely:

- Regulation N° 11/1960 concerning the abolition of discrimination in transport rates and conditions, as amended[1]
- Council Directive 87/540/EEC of 9 November 1987 on access to the occupation of carrier of goods by waterway in national and international transport and on the mutual recognition of diplomas, certificates and other evidence of formal qualifications for this occupation
- Council Regulation (EEC) No 2919/85 of 17 October 1985 laying down the conditions for access to the arrangements under the Revised Convention for the navigation of the Rhine relating to vessels belonging to the Rhine Navigation
- Council Regulation (EEC) No 3921/91 of 16 December 1991 laying down the conditions under which non-resident carriers may transport goods or passengers by inland waterway within a Member State
- Council Regulation (EC) No 1356/96 of 8 July 1996 on common rules applicable to the transport of goods or passengers by inland waterway between Member States with a view to establishing freedom to provide such transport services
- Council Directive 96/75/EC of 19 November 1996 on the systems of chartering and pricing in national and international inland waterway transport, as amended[2]
- Council Regulation (EC) No 718/1999 of 29 March on a Community –fleet capacity to promote inland waterway transport, as amended[3].

1.1. Context

The EU's inland waterways stretch over 45,419 km and are a key means of connecting seaports, cities and industrial centres[4]. The interconnected waterway network of 13,000 km covers 13 Member States[5] serving over 250 TEN-T inland ports in the TEN-T[6] network. A map of the main waterways in the EU is provided below.

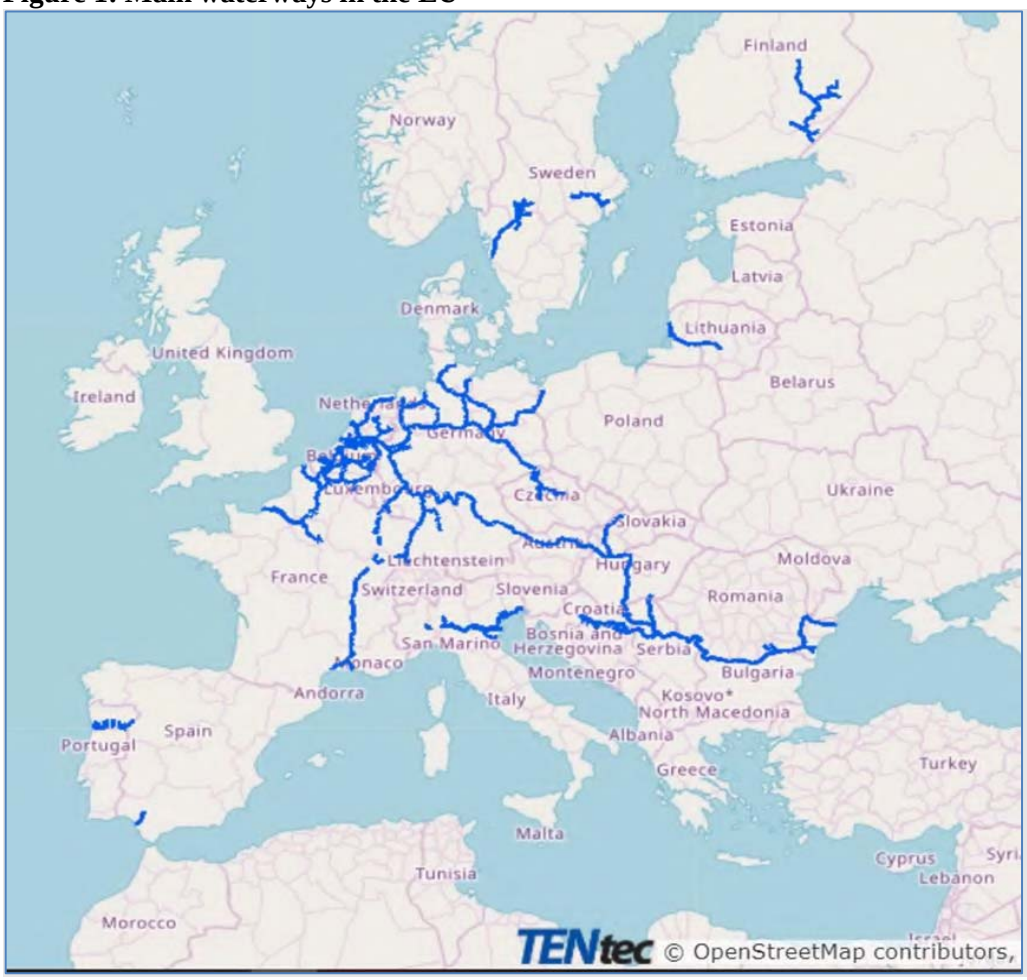
Inland waterway transport (IWT) plays an important role in the European transport system despite its relatively small size. In 2022, 122.1 billion tonne-kilometres (tkm) were transported through inland waters, making up 3.5% of the total freight transport activity within the EU (with road accounting for 53.8%, sea for 28% and rail for 11.9%)[7]. IWT handles 0.8% of the total EU external trade (imports and exports) in terms of weight. Despite

[1] Regulation (EEC) No. 11/1960 has been amended by Council Regulation (EEC) 3626/84 and by Council Regulation (EC) 569/2008
[2] Council Regulation (EC) 718/1999 has been amended by Regulation (EU) 546/2014
[3] Council Directive 96/75/EC has been amended by Regulation (EC) No 1882/2003
[4] Source: *EU transport in figures.* Statistical pocketbook 2024 (europa.eu)
[5] Austria, Belgium, Bulgaria, Czechia, Germany, France, Croatia, Hungary, Luxembourg, the Netherlands, Poland, Romania and Slovakia.
[6] Regulation (EU) 2024/1679
[7] Source: *EU transport in figures.* Statistical pocketbook 2024 (europa.eu)

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its geographically limited and focused network, it offers an important alternative to transport via road or rail for the European hinterland regions closest to inland waterways. Therefore, IWT is mainly in competition and often classified along with land transport modes[8], covering 4.9% of inland freight traffic[9] and 0.01% of inland passenger traffic.

Figure 1: Main waterways in the EU



Source: European Commission, TEN-tec

Looking at the geographical distribution of inland waterways, IWT traffic volumes concentrate in a few Member States, with Germany and the Netherlands accounting for 63% of overall EU IWT transport in 2023[10]. More generally, the European Union countries riparian to the Rhine and Switzerland represented 80.1% of the total freight transport volume via inland navigation, while the European Union countries riparian to the Danube accounted for 19.6%. All other EU countries with inland waterways had a share of 0.3% of volume of goods transported via inland navigation. In terms of transport volumes on the Rhine, mineral oil products, chemicals and 'sand, stones, gravel', were the top three cargo products both in 2022 and 2023[11]. On the Danube, the top three cargo products in 2023 were iron ores, mineral oil products and metals. In 2023, and for the second year in a row,

[8] European Commission (2016), Staff Working Document Refit Ex-Post Evaluation of Combined Transport Directive 92/106/EEC Final Report, SWD(2016) 140 final

[9] Source: *EU transport in figures.* Statistical pocketbook 2024 (europa.eu)

[10] Source: Eurostat

[11] CCNR (2024), Market Observation Report 2024

volumes of transport decreased for almost all cargo segments on the Danube. For agribulk, the most important cargo segment transported on the Danube in 2020, an increase was observed in 2023 compared to 2022 (+32.8%), however, still remaining 70% below the pre-war levels[12]. In the first half of 2024, transport demand in the two largest Rhine countries (NL and DE) fell below the results observed in 2023. On the Danube, the first half of 2024 saw a double-digit growth in transport demand, mainly thanks to higher harvest results compared to 2023. Transport demand in the two largest Danube countries, RO and BG, grew by 21.5% and 33.9% respectively.

Regarding passenger transport, the following types of services can be distinguished: the river cruise segment which represents 80% of cross-border activity, and the daily excursions and local commuting, where vessels rarely cross borders[13]. Inland transport of passengers has boomed since the late 1990s, it grew exponentially until the 2010s and has then stabilised. In 2019 it substantially grew again, before dropping dramatically, up to an almost complete stop in 2020 due to the COVID-19 pandemic. The data for 2023 confirms the recovery of the river cruise sector, with vessels' movements similar to pre-pandemic levels. 1.22 million passengers travelled on European rivers in 2023[14]. In 2024, a small increase was observed for cruise on the Rhine, while it decreased on the Danube. Despite the lower number of cruise vessels passing locks on the Danube, the capacity utilization of river cruise vessels was higher than in 2023[15].

The number of active river cruise vessels in Europe reached 408 in 2023, representing 60,702 beds. The active river cruise fleet in Europe is mainly concentrated on the Rhine, Main, Main-Danube Canal, Danube and Elbe-Oder, accounting for nearly 75% of the total river cruise fleet in Europe[16]. France (on the rivers Seine and Rhone) and Portugal (on the river Douro) also have considerable river cruise markets, representing 13% and 7% of river cruise vessels operating in Europe, respectively[17], while Italy[18] and Sweden have a considerable level of turnover in passenger transport (non-cruise)[19].

According to Eurostat, 9,792 IWT freight and passenger transport companies are active in the EU, employing more than 41,400 persons. Thus, it is a relatively small sector when considering the overall number of transport companies (i.e. 1.4 million private and public companies). The sector is also relatively modest in terms of turnover, reporting a turnover of EUR 8.4 billion in 2021 which corresponds to 0.6% of the turnover of the transport sector[20].

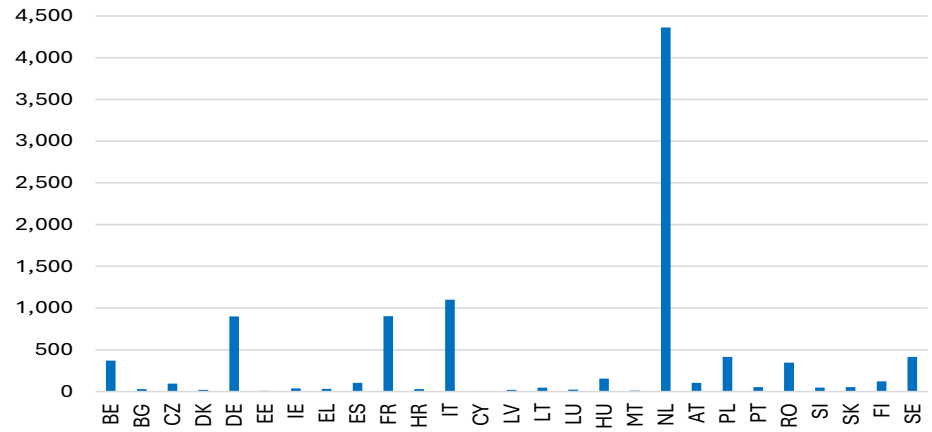
As illustrated in the next figure, about 45% of the total 9,792 IWT freight and passenger enterprises in the EU are registered in the Netherlands (i.e. 4,364 enterprises). An important characteristic of the IWT sector is the high number of Small and Medium sized Enterprises (SMEs); the majority of IWT companies in Western Europe are small family-owned companies operating one or two vessels, while companies in the Danube region are bigger

[12] CCNR (2024), Market Observation Report 2024
[13] Ecorys, STC-Nestra and Tournaye Consulting (2023), *Fitness check - Support study on the access to and the functioning of the inland waterway transport market*, Annexes, p.37.
[14] CCNR (2024), Market Observatory Report 2024
[15] CCNR (2025), Market Insight, April 2025
[16] CCNR (2024), Market Observatory Report 2024
[17] Ecorys, STC-Nestra and Tournaye Consulting (2023), *Fitness check support study*, p.37.
[18] For Italy the turnover is almost entirely generated from day trips activity.
[19] CCNR (2024), Market Observatory Report 2024
[20] Source: *EU transport in figures.* Statistical pocketbook 2024 (europa.eu)

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as they derive from previously state-owned enterprises[21].

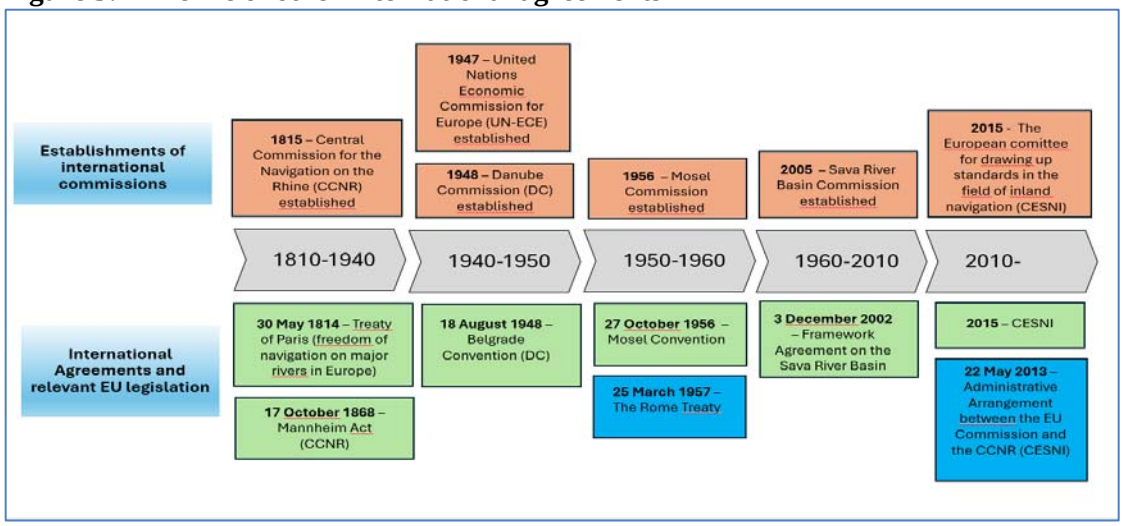
Figure 2: Number of IWT enterprises per EU country



Source: EU transport in figures. Statistical pocketbook 2024 (europa.eu)

As indicated above, European inland waterway transport is mainly clustered along two waterways, the Rhine and the Danube. Before the creation of the European Communities, international treaties - the Act of Mannheim for the Rhine (1868), and the Belgrade Convention for the Danube (1948) - established international organisations in inland navigation, namely the Central Commission for the Navigation of the Rhine (CCNR)[22] and the Danube Commission[23]. These organisations adopt regulations and recommendations on issues including safety of navigation. Their mission is to ensure the freedom of navigation and to address matters of common interest on the Rhine and Danube rivers, respectively. The timeline of related international agreements is provided in the figure below.

Figure 3: Timeline of other international agreements



Source: European Commission, based on desk research

The inland waterway transport governance framework is described in more detail in Annex

[21] CCNR (2020), Marker Report 2014-2019, Main features and trends of the European Inland Waterway Transport Sector, Market-report-2014-2019_Web_BD.pdf (inland-navigation-market.org)
[22] CCNR is an international intergovernmental organisation established by the Mannheim Convention, signed on 17 October 1868.
[23] The Danube Commission is an international intergovernmental organisation established by the Convention regarding the regime of navigation on the Danube, signed in Belgrade on 18 August 1948.

VIII.

1.2. Purpose and scope of the evaluation/fitness check

The EU legislation on accessing and organising the inland waterways market dates back from the 1960s to the 1990s. The legislation was originally designed for a smaller number of Member States. Besides the fact that the original scope was geographically more limited, the legislation primarily addressed the challenges present in the inland navigation transport sector at that time.

In the Paris Treaty (1952) and the Rome Treaty (1957), establishing Community transport policies, it was considered necessary to promote market interpenetration - an essential element of the common market for goods and services. Since then, four waves of EU enlargement have taken place. With Danube riparian countries joining the EU in large numbers, competition among operators increased. Some of the legislation on market access to inland waterways, however, has not been revised since its adoption.

Consequently, the Commission has launched a fitness check of the EU internal market legislative framework for inland waterway transport[24]. This fitness check aims to assess the seven pieces of legislation governing the access to the IWT market, to determine whether they are fit for purpose. It aims at identifying any shortcomings in pursuit of a smooth and fair internal market in the inland waterway sector and at harnessing synergies and simplification potential. In addition, this fitness check provides a contribution to the stress testing of the EU acquis in line with the political guidelines of the European Commission for 2024-2029[25], the 'Competitiveness Compass'[26] and the Communication on 'A simpler and faster Europe'[27]. Notably, the fitness check looks into opportunities for simplification and administrative burden reduction. The fitness check is also included in the NAIADES III Communication[28] as action 7. The findings of the fitness check will provide evidence and feed into any possible revision of the legal framework regulating the IWT market, subject to an impact assessment.

More specifically and in line with the Better Regulation Guidelines, this fitness check analyses:

- effectiveness, to assess the actual changes these legislative acts have triggered, particularly in view of their original objectives;
- efficiency, to assess the actual costs relative to the actual benefits of the implementation, and whether there is potential for simplification and increased cost-efficiency;
- relevance, to assess whether the overall problem analysis and related objectives are still adequate and how the policy context has evolved;
- added value to the EU, its impact beyond what reasonably could have been achieved by national and regional policies; and

[24] A fitness check roadmap was published on 11 July 2019. See: Fitness check on market access in inland waterway transport (europa.eu)
[25] Political Guidelines 2024-2029 | European Commission
[26] COM(2025) 30 final, Competitiveness - European Commission
[27] COM(2025) 47 final, EUR-Lex - 52025DC0047 - EN - EUR-Lex
[28] COM(2021) 324 final, eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52021DC0324

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- coherence of the regulatory framework, regarding both the internal coherence and the coherence with other key legislation and policy initiatives at EU level and at international level.

The geographic scope of the fitness check covers all EU Member States, considering successive waves of EU enlargement. The assessment focuses on the impact of EU legislation on the Rhine and Danube Rivers (including non-EU parts).

The fitness check covers the seven pieces of legislation listed at the beginning of this section, which constitute the basis for the access to and organisation of the EU inland waterway transport. This legislation is referred to as the EU IWT internal market legislative framework (or simply the 'Framework') throughout this document. A summary of each act is presented in Annex VI.

In addition to the legislation listed above, the fitness check roadmap29 envisioned to cover the related social legislation applicable to IWT, namely the posting of workers Directive (Directive 96/71/EC) and the Derogation agreement applicable to Rhine boatmen30, concluded on the basis of Art 16(1) of Regulation (EC)883/2004 on the coordination of social security systems. The Commission assessed the inclusion of the above legislation in this fitness check, taking into account stakeholder feedback. The Commission decided that a fully-fledged analysis of EU's social legislation should not be part of this fitness check. The main reasons are twofold. Firstly, the Posting of Workers Directives have already been comprehensively evaluated and two implementation reports were also published in 2019[31] and 2024[32]. Regarding the EU legislation on the coordination of Social Security systems, the Commission has already evaluated and proposed a revision in 2016, which did not affect Article 16(1) of Regulation (EC) No 883/2004. Secondly, both pieces of social legislation are of horizontal natures, beyond the IWT sector, unlike the other seven legislations which focus only on the IWT sector.

The decision to focus solely on the seven legislations specific to the IWT sector allowed for a more targeted and focused analysis without undermining the comprehensiveness of the Fitness Check on the market access in the inland waterways transport.

More information on the background of this decision is provided in Annex VII.

The methodology used to carry out the fitness check was developed with the support of an external study and in line with the Better Regulation Guidelines and Toolbox[33]. The support study[34] covers the seven legal acts adopted between 1960 and 1999, assessing their impacts from midyear 1961 until the end of 2020. The methodology is detailed in Annex II of this report. An evaluation matrix (provided in Annex III of this report) was elaborated to answer

[29] A fitness check roadmap on the initiative was published on 11 July 2019. See: Fitness check on market access in inland waterway transport (europa.eu)
[30] Derogation agreement applicable to Rhine boatmen concluded on the basis of Art 16(1) of Regulation (EC)883/2004 on the coordination of social security systems
See: Central Commission for the Navigation of the Rhine - Central administration of social security for Rhine boatmen
[31] EUR-Lex - 52019DC0426 - EN - EUR-Lex
[32] eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52024DC0320
[33] Better regulation: guidelines and toolbox
[34] Ecorys, STC-Nestra and Tournaye Consulting (2023), *Fitness check support study*

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the evaluation questions. It identified relevant operational questions, indicators, research tools and data sources.

The consultation strategy set out several stakeholder consultation activities ensuring a good overall geographical balance. A **public consultation**[35] was held between 18/12/2021 and 11/03/2022 which gathered views from trade unions, business associations and public authorities, as well as citizens and companies. The number of responses (20) was in line with (and even exceeded) those of other consultations on IWT-related subjects. Replies were provided by trade unions, business associations, public authorities, as well as citizens and companies. Given the predominant share of SMEs in the IWT sector, a **dedicated SME survey**[36] was conducted with the support of the European Enterprise Network. Most of the 41 SME survey respondents are from the 13 interconnected Member States riparian to the Rhine or the Danube[37]. **Dedicated workshops** were held for the Danube, Rhine and Mosel countries at separate occasions, with the support and participation of the relevant river commissions. A **gap filling survey** was conducted by the European Commission during the last quarter of 2024, with the participation of Member States administrations and operators' organisations. A detailed analysis of the results of stakeholder consultation activities (i.e. synopsis report) is provided in Annex V.

Further sources of information used for this evaluation were: the review of existing literature, including relevant market observation reports and datasets, and complaints and infringement cases related to the legislation in scope.

1.3. Limitations

The limitations inherent to the methodology are:

- The fitness check covers a **long timeframe** (from 1960 to today), during which several EU enlargements took place, and its geographical scope has changed. This made it challenging to obtain **comparable data** and the points of comparison could only be defined in qualitative terms. Moreover, since the legislation dates from the 1960s to 1990s there is **limited historical memory** at the level of stakeholders and the legal acts are not well-known.
- At the time of the adoption of the legal acts, there were no reporting and monitoring requirements foreseen, except for Council Regulation (EC) No 718/1999. As a result, **data is not systemically and consistently collected and reported** for the pieces of legislation in scope.
- Moreover, the **EU market observatory**[38] exists **only since 2005**. The market observatory regularly publishes reports that offer previously unavailable insights into current market conditions, developments, and potential challenges in inland navigation.
- Stakeholders provided **very limited monetised and quantified data,** despite repeated consultation efforts.

[35] Source: Fitness check on market access in inland waterway transport
[36] SME survey was open for feedback during 4/2/2022-11/3/2022.
[37] Austria, Belgium, Bulgaria, Czechia, Germany, France, Croatia, Hungary, Luxembourg, the Netherlands, Poland, Romania and Slovakia.
[38] Other reports - CCNR - Observation Du Marché

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- **Very scarce data** is available on the actual costs of implementation of the legislation in the scope, both for administrations and businesses. While the type of benefits were identified, they could not be properly quantified due to the lack of data. This also hampered the assessment of cumulative impacts. To fill data gaps, an additional targeted consultation with national authorities and business associations was launched in the fourth quarter of 2024[39]. This consultation has led to the collection of limited additional data, which did not prove to be sufficient to address the overall lack of quantified evidence. Therefore, the assessment of the efficiency and effectiveness criteria is mainly qualitative.
- Despite numerous **stakeholder** consultation activities ensuring a broad geographical coverage, **participation was limited**. This is a recurrent issue in IWT and it is partly due to the modest size of the sector, but also due to its limited visibility and political weight. Another reason for the limited participation is that several pieces of EU legislation in the scope relate to interconnected waterways only. Therefore, only 13 Member States closely follow this legislation, while the remaining Member States have no or very limited experience in implementation. This was also apparent during the gap filling final targeted stakeholder consultation, where several Member States indicated no experience in implementation. On the other hand, the dedicated SME survey, conducted with the support of Enterprise Network, received 41 contributions[40] - a level of response that is relatively high considering the IWT context.
- The results of the stakeholder consultation activities are **not statistically representative** of operators' views. Nonetheless, thanks to the various consultation activities including interviews, specific workshops held for the Danube, the Rhine and the Mosel (with the support and participation of the relevant river commissions) as well as the public consultation, the dedicated SME survey and the additional gap filling exercise, representation of all relevant stakeholder groups for IWT was assured. Consultation activities covered all countries where IWT is relevant.

2. WHAT WAS THE EXPECTED OUTCOME OF THE INTERVENTION?

2.1. Description of the intervention and its objectives

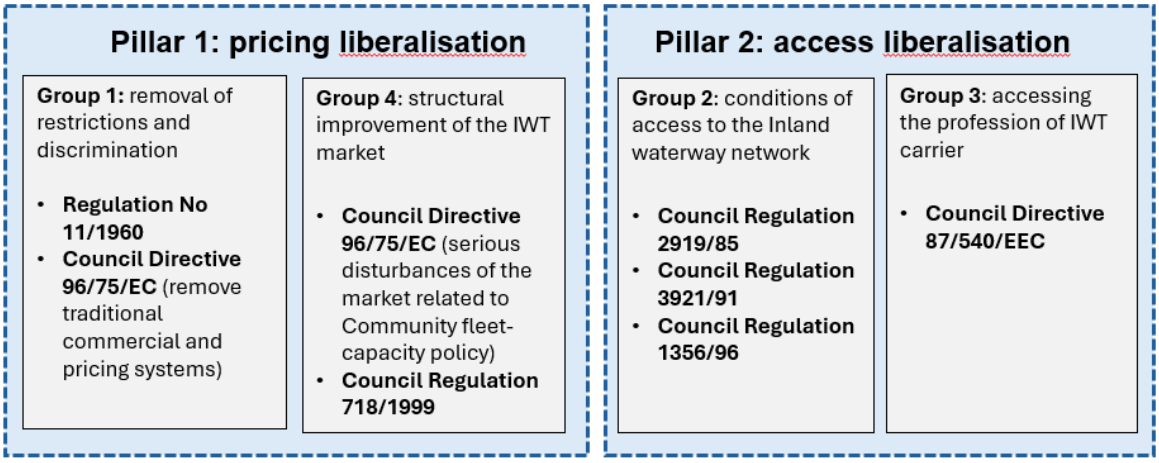
The purpose and general objectives of the seven legal acts were to lay down rules on accessing the IWT market and on the occupation of carriers, liberalise price setting, eliminate discriminatory conditions and structurally improve the IWT market. These acts were introduced over a period of almost 40 years, with the first act adopted in 1960 and the last in 1999. During this period, the main priority was to lay down the necessary elements to **create a true internal IWT market**.

Based on their objectives, the seven legal acts were allocated to four thematic groups in two pillars, as shown in below Figure 4. A summary of each act is presented in Annex VI.

[39] The deadline for providing replies to the gap filling exercise was extended twice to allow collecting as much evidence as possible.
[40] Comparing with the total number of 9,792 freight and passenger IWT enterprises (see Figure 2), the 41 responses represent 4.2 responses for every 1.000 businesses.

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Figure 4: Structure of the internal market legislative framework for IWT



Source: Ecorys et al. (2023), Fitness check support study

The key **problems** that the legislative framework was intended to solve were:

- the lack of equal access conditions for EU operators hindered their ability to provide transport services on all EU waterways, both nationally and internationally in a non-discriminatory way,
- the absence of common, EU-wide standards to access the occupation of a carrier,
- the absence of a free pricing regime ruled by market conditions,
- structural overcapacity in the IWT market.

The intervention logic for Pillar 1 and Pillar 2 is presented in Figures 5 and 6, respectively. The implementation of the legislative acts should lead to specific outputs as well as impacts, reflecting the objectives mentioned above. The identified outputs represent the expected direct outcomes of the measures and obligations of Member States as defined in the legislative acts. The results and their impacts should be in line with the specific and general objectives of the legislative acts. Each group of legal acts responded to the needs and **tackled the barriers hampering the creation of a single market in IWT**.

Pillar 1 legislation

The purpose and general objective of Pillar 1 legislation was to liberalise price setting, remove practices that lead to discriminatory or other commercially restrictive behaviour, as well as structurally improve the capacity of the sector. There was a **need to address market failures** that were preventing the smooth functioning of the IWT internal market, and **lay down rules to abolish discrimination in inland waterway transport**[41]. The key problems that the legislation in Pillar 1 was intended to solve were price discrimination, price fixing, the existence of commercially restrictive practices, and overcapacity[42].

To address the needs and solve the problem, the following **specific objectives** were pursued:

- put in place a verification system to ensure that transport rates and conditions do not lead to discrimination (associated to Group 1 legislation under Pillar 1, see Figure 4),

[41] Article 95 of the TFEU required the Council to lay down rules to abolish discrimination in IWT.
[42] Overcapacity was the result of the fixed pricing system because vessels lacked incentives to operate efficiently and exit the market if they were not profitable.

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- provide a mechanism to reduce overcapacity in the sector (associated to Group 4 legislation under Pillar 1),
- allow action to be taken in the IWT market in the event of serious market disturbances (associated to Group 4 legislation under Pillar 1).

To achieve the objectives, extensive regulatory intervention was needed. Definitions of commercially restrictive, discriminatory and price-setting practices had to be put in place. Tools to verify the elimination of such practices (transport document or equivalent), to empower enforcement bodies (Member States and the European Commission) and to set penalties for non-compliance had to be established. A legal basis for Commission inspections and obligations for relevant Member States administrations to establish and administer the Inland Waterways Funds also had to be introduced.

The **expected achievements** of Pillar 1 legislation were to:

- eliminate discriminatory and fixed rates and certain commercially restrictive practices (associated to Group 1 legislation under Pillar 1),
- achieve an open, competitive single market (associated to Group 1 legislation under Pillar 1),
- restrict the unnecessary increase of capacity while renewing the fleet and remove older vessels from operating[43] (associated to Group 4 legislation under Pillar 1).

The success of the Pillar 1 legislation was seen as establishing freedom of chartering and pricing, prohibiting price discrimination and reducing the risk of non-compliance, through compliance checks and penalties. The intention was also to ensure that funds are established in relevant Member States and that an IWT Platform supports the IWT sector across the EU.

The expected outputs were that freight tariffs would be set at market price, and that the sector modernised its fleet without increasing the overcapacity in the market. This was particularly relevant during 1990-2003, when the mechanism was used. The intention was also to maintain a legal basis for the period after 2003, to enable measures to be taken in case of market disturbances in the IWT sector.

Pillar 2 legislation

The purpose and general objectives of Pillar 2 legislation were to lay down rules on accessing the inland waterway transport market and the occupation of carriers of cargo.

There was a **need to ensure equal access to transport on EU waterways** for EU IWT operators. The key problems that the legislation in Pillar 2 was intended to solve were that:

[43] Specifically, the 'old-for-new' rule of Group 4 legislation. According to Council Regulation (EC) No 718/1999, the 'old-for-new' rule stipulates that vessels, whether newly constructed, imported from a third country or due to leave the waterways may be brought into service subject to the condition that the owner of the vessel to be brought into service: (i) either scraps, without receiving a scrapping premium, tonnage in line with the ratio between old and new tonnage set by the Commission, (ii) or pays into the Fund covering the new vessel, or into the Fund chosen by the vessel-owner, a special contribution based on the abovementioned ratio or, if the owner scraps a tonnage smaller than required by the abovementioned ratio, pays the difference between the tonnage of the new vessel and the tonnage scrapped.

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- transport on the Rhine was restricted to operators exclusively from Rhine countries. EU operators from Member States that were not members of the CCNR were not allowed access to the Rhine[44],
- outside of the Rhine, cabotage[45] operations were subject to bilateral agreements on EU waterways, resulting in a patchwork of agreements and non-level playing field for EU operators,
- EU operators lacked a harmonised system for accessing cross-border transport across the EU,
- there were no common rules to obtain a certificate for carriers of goods, resulting in an uneven playing field.

To address the needs and solve the problem, the following **specific objectives** were pursued:

- provide common rules for EU operators for accessing the European inland waterway transport market (associated to Group 2 legislation under Pillar 2, see Figure 4),
- harmonise the rules for access to the occupation of IWT carrier of goods (associated to Group 3 legislation under Pillar 2).

To achieve the objectives, the application of the legislation in Pillar 2 required various activities on the side of the carriers and public administrations alike. Carriers had to obtain and keep documents proving their right to access the specific market and participate in compliance checks. Member States administrations were required to designate competent authorities to issue documents and carry out compliance checks.

The **expected achievements** of Pillar 2 legislation were to:

- ensure non-discrimination and a level playing field for all operators in Member States by laying down common rules[46] (associated to Group 2 legislation under Pillar 2),
- establish harmonised rules for access to the occupation of IWT goods carriers and common rules on mutual recognition of diplomas across the EU, ensuring freedom to provide services and a level playing field for cargo operators in Member States (associated to Group 3 legislation under Pillar 2).
- improve the productivity and competitiveness of the sector (associated to Group 2 legislation under Pillar 2),
- create a level playing field for EU operators while benefiting the broader market, including consigners and consignees[47] (associated to Group 2 legislation under Pillar 2).

The success of Pillar 2 legislation was seen as all EU operators being able to sail the Rhine, a higher number of non-resident EU operators conducting cabotage, and legal harmonisation for cross-border transport, resulting in an open market and increased competition in the inland waterway transport of goods and passengers. The intention was also to harmonise and improve the level of qualification for carriers of goods across Member States, and to reduce the costs for establishing non-resident EU carriers of goods in other Member States.

[44] In 1979, a protocol of the Mannheim Convention accorded equal status to EU operators with those of CCNR states. However, as this was not encoded in EU legislation, operators not linked to the Rhine navigation continued to face legal uncertainty.

[45] Cabotage is the transport of goods or passengers between two places in the same country, by a carrier of goods or passengers by inland waterway that is not established in that country.

[46] Article 91 of the TFEU required the Council to lay down common rules for international and cabotage transport within the Community.

[47] The consignor is the sender of goods, and the consignee is the receiver of the goods.

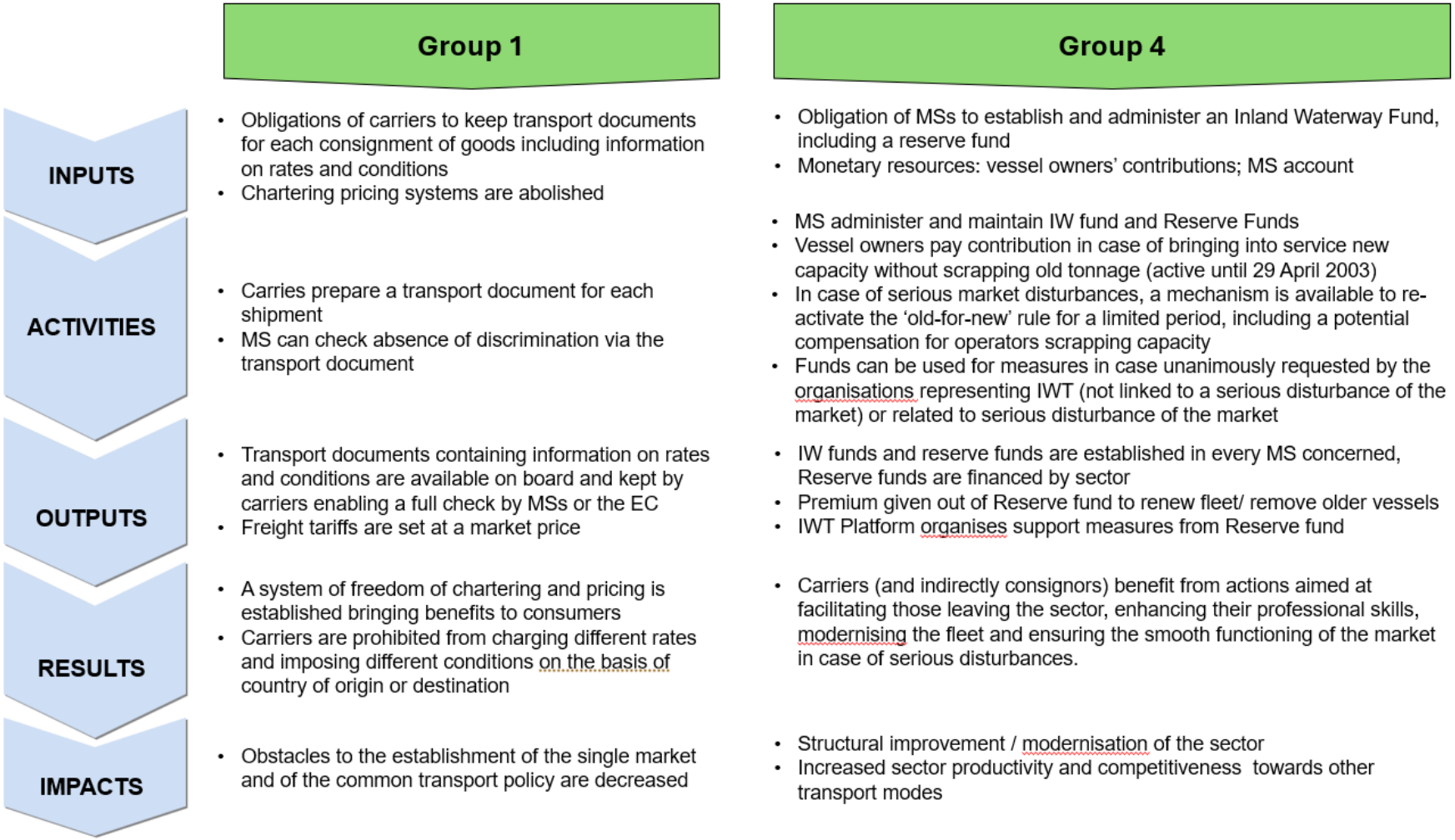
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The expected outputs were that carriers would hold documents proving their right to access the specific market, that carriers of goods would hold certificates of occupation of carrier of goods, and Member States would carry out compliance checks.

Given that the legislative acts in scope date back to the 1960s to 1990s, no intervention logic was drawn up at that time and therefore the intervention logic was reconstructed in Figures 5 and 6. Subsequent Tables 1 and 2 contain an overview of legal acts of the Framework by scope of application and river basin.

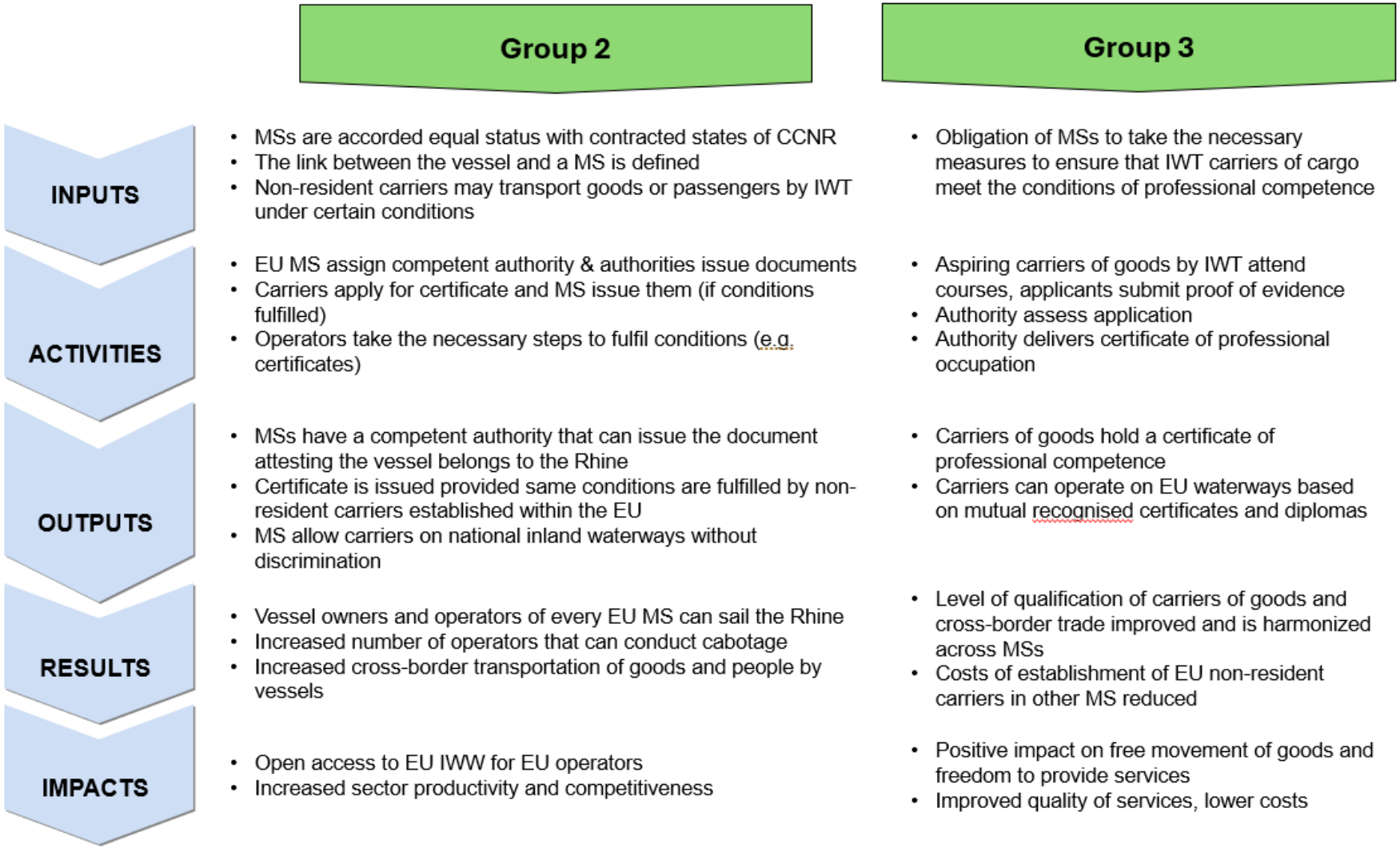
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Figure 5: Intervention logic – Pillar 1



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Figure 6: Intervention logic – Pillar 2



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Table 1: Overview of legal acts of the Framework by scope of application

	Council Regulation (EEC) No 11/1960	Council Directive 96/75/EC	Council Regulation (EC) No 718/1999	Council Regulation (EEC) No 2919/85	Council Regulation (EEC) No 3921/91	Council Regulation (EC) No 1356/96	Council Directive 87/540/EEC	Directive 2005/44/EC	Directive (EU) 2016/ 1629	Directive (EU) 2017/2397
Geographical scope – waterways										
Only connected waterways			√			√		√		
Both connected and non-connected waterways	√	√		√	√		√		√	√
Type of transport - Goods / passengers										
Only goods	√	√	√				√			
Both goods and passengers				√	√	√		√	√	√
Vessels included										
Only cargo vessels	√	√	√				√			
Both cargo and passenger vessels				√	√	√		√	√	√

Source: Ecorys et al. (2023), Fitness check support study

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Table 2: Overview of legal acts according to applicable river basin

	Council Regulation (EEC) No 11/1960	Council Directive 96/75/EC	Council Regulation (EC) No 718/1999	Council Regulation (EEC) No 2919/85	Council Regulation (EEC) No 3921/91	Council Regulation (EC) No 1356/96	Council Directive 87/540/EEC	Directive 2005/44/EC	Directive (EU) 2016/ 1629	Directive (EU) 2017/2397
Geographical scope – river basins										
All waterways	√	√			√	√	√		√[48]	
All connected waterways								√		√[49]
Connected waterways except the Danube			√							
Only the Rhine				√						

Source: European Commission

[48] Derogations (art 39.1) and exemptions (art 40) apply. Basically, all connected waterways, plus Italy, Sweden and Lithuania
[49] Connected waterways: see Directive (EU) 2017/2397 Art. 2.3

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2.2. Point(s) of comparison

The counter-factual scenario estimates the likely developments in absence of the legal Framework over the evaluation period (1960 to 2023). It aims to isolate the effects of the Framework on the inland navigation sector and to establish benchmarks against which to measure its success. Considering the heterogeneous nature of the sector, that is river-basin based, for Group 1, 2 and 4 legislation (as defined in Figure 4) the counter-factual scenario is broken down into: (1) the Rhine, (2) the Danube, and (3) other European waterways. For Group 3 legislation, no distinction is made by river basin in the counter-factual scenario.

When proposed, the legal acts were not accompanied by impact assessments. Therefore, the definition of the counter-factual scenario cannot be based on the impact assessments' baseline. The definition is consequently based on multiple sources (described in Annex II) that provide an assessment of the situation at the time of the adoption of the legal Framework. Prior to the adoption of the legislative Framework, the situation could be described as follows.

Pillar 1 - Group 1 legislation - removal of restrictions and discrimination

Free pricing: For transportation on the Rhine, the conditions for free pricing mechanisms were already established under the Act of Mannheim (1868). While the chartering system (described below for other waterways) was generally not applied to domestic or international Rhine traffic, the system's official rates were often mandatory for domestic transport on the river. On the other hand, the international Rhine transport rates were freely determined by market conditions. In the absence of Group 1 legislation, the CCNR Member States would have generally continued to adopt the free pricing regime for international transport on the Rhine.

Price agreements: In Belgium, France, Germany and the Netherlands transportation took place under the restrictive practices of 'Tour de Role' or 'Festfrachten' systems[50]. These systems set minimum prices at an exchange, dictating the terms under which IWT operators could provide their services. Belgium, France, Germany and the Netherlands all regulated domestic water transport through a chartering system[51] for allocating shipping contracts. The system was accompanied by officially prescribed transport rates. In absence of Group 1 legislative acts, these market distorting practices would likely have remained in place between France, Belgium, The Netherlands and Germany (except on the Rhine).

On the Danube, the Belgrade Convention (1948) allowed international transport for operators of all countries, including those not party to that convention. However, in practice, free access was largely limited to Member States of the Danube Commission through the pricing regime set in the Bratislava Agreements. These agreements were established among the state-owned IWT companies and covered several themes, including

[50] 'Festfrachten', namely minimum prices, were applied in Germany. The system of 'chartering by rotation' or the so-called 'Tour de Role' was applied in Belgium, France and the Netherlands.

[51] A system of 'chartering by rotation' ('Tour de Role') consists in allocating transport operations on the basis of the order in which vessels become available after unloading, at previously fixed prices, usually established by the public administration.

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uniform international tariffs (1979) and freight calculation (1955).

The Bratislava Agreements established a rigid frame for the international tariff system along the Danube and a cargo-sharing mechanism among Danube riparian countries. This mechanism, together with fixed tariffs for cross border transport[52] effectively closed the Danube shipping market to outsiders[53]. With the fall of the Iron Curtain in 1989 and the subsequent transition to the market economy, some state-owned companies were privatised, and others were dissolved. Without the Group 1 legislative acts the practice of price agreements - similar to those of the Bratislava Agreements - would have likely persisted on the Danube in a formal or non-formal way.

To summarise, in the absence of Group 1 legislation that removed restrictions and discrimination, there would be no level playing field within the EU IWT sector, as the pricing systems and practices would have generally continued and vary by river. There would be freedom of pricing on the Rhine, while market distorting practices would persist on the Danube and other waterways.

Pillar 1 - Group 4 legislation – structural improvement of the IWT market

Overcapacity: The issue of overcapacity on the Rhine has been a long-standing concern. On the Danube and other waterways, overcapacity has not been an issue. Prior to Group 4 legislation, national governments (BE, DE, NL, FR) implemented national scrapping schemes to reduce overcapacity, however these schemes were not effective enough[54]. As IWT takes place primarily cross-border[55], a more coordinated approach of the capacity management mechanism was needed at the European level. Without the Group 4 legislation, the efforts to manage or reduce overcapacity would have been restricted to national or regional schemes. These efforts proved to be ineffective prior to Group 4 legislation[56], due to the temporarily nature of the national measures, the lack of coordination between countries, and because of no halt to new builds on the market. The fitness check support study[57] found that the number of active vessels in the Netherlands, Germany, France, Belgium, Switzerland and Luxembourg decreased by 1.2% during 1993-1996. Without the Group 4 legislation the decrease pace observed during 1993-1996 would have likely continued, and the number of vessels on the North-South and East-West corridor would have been 13,339 instead of 9,758. The overcapacity on the Rhine would have likely been absorbed at much slower pace without Group 4 legislation.

Serious market disturbance and inland waterway funds: Without the Group 4 legislation, there would be no mechanism for EU Member States to request recognition of a serious market disturbance related to overcapacity, nor to take suitable measures in such case. The

[52] The Bratislava Convention applied only for international transport; not for the transport in cabotage. Source: Targeted interview with RO association of inland ship owners and port operators – 12 July 2021

[53] 'The importance of the Rhine-Main-Danube transport corridor: its impact on the Central and East European countries, with an emphasis on Romania' by Constantin Sava, World Maritime University – 1997.

[54] Van Hassel E., Vanelslander T. and Sys C. (2016), 'Managing capacity in the inland waterway sector - To intervene or not to intervene?', Inland Waterway Transport, Routledge, available at: Managing capacity in the inland waterway sector

[55] According to the CCNR Market Observation Report 2024, of the total inland waterway transport performance in the EU in 2023 (around 116 billion tkm), 75.1% represented transport that crossed a border in one way or another - whether in the form of export, import or transit traffic.

[56] Van Hassel E., Vanelslander T. and Sys C. (2016), 'Managing capacity in the inland waterway sector - To intervene or not to intervene?', Inland Waterway Transport, Routledge, available at: Managing capacity in the inland waterway sector

[57] Ecorys, STC-Nestra and Tournaye Consulting (2023), *Fitness check support study*

national funds established and funded for the benefit of the inland waterway carriers would not have been in place.

Annex XI contains more information related to point(s) of comparison, tackling structural overcapacity and Group 4 legislation.

Pillar 2 - Group 2 legislation – access to the inland waterway network

Rhine cabotage privilege: Prior to Group 2 legislation, the Mannheim Convention regulated 'Rhine cabotage' (cabotage and international transport on the Rhine) and reserved this privilege to Rhine contracting states only. The Additional Protocol 2 to the Mannheim Convention (1979) extended this privilege to the other Member States of the Community, allowing all vessels of EU countries to access the Rhine, under certain conditions. However, in practice, exclusively Rhine countries continued to provide national and international transport on the Rhine – also because no common EU law laid down the right to access the Rhine for EU operators. To remedy the lack of clarity about the rights on the Rhine, the Additional Protocol 2 to the Mannheim Convention was transposed into EU law by Council Regulation (EEC) 2919/85. In the absence of Group 2 legislation, transport on the Rhine would have continued to be exclusively provided by Rhine countries operators.

Uneven playing field for cabotage: Common rules on cabotage did not exist prior to Group 2 legislation, except on the intermediate waterways between the Netherlands and Belgium (i.e. for those two countries) and on the Rhine for the Rhine countries. On the Danube, the Belgrade Convention stipulated that transport within a Danube State, was allowed 'in accordance with the national regulations of that State', thus it conferred the decision on the right to cabotage to Danube States. In the absence of Group 2 legislation, this situation would have likely persisted, i.e., there would be no level playing field for cabotage operations, either along the Danube or on EU waterways other than the Rhine. Cabotage would be subject to diverse national implementation and/or bilateral (national) agreements, and uneven playing field.

Lack of harmonised rules for international transport: On the Danube, international transport was regulated by the Belgrade Convention (1948), which officially opened access to all vessels of the world, while in practice, this access was limited to Danube states only. On waterways other than the Danube, international transport was restricted; among the NL, BE and FR the 'Tour de Role' system ensured a common system for their operators. In the absence of Group 2 legislation, there would be no level playing field for cross-border transport of EU operators on waterways other than the Danube.

To summarise, in the absence of Group 2 legislation on access to the EU waterway network, the access regime would be highly fragmented and under diverging rules. The absence of uniform rules applicable to all EU operators would result in an uneven playing field. The extent of access and services allowed would vary based on the state affiliation of the operator (or vessel). Generally, there would be freedom of access on the Rhine for international transport and cabotage (however, exclusively by Rhine operators), free access for international transport on the Danube with bilateral agreements on cabotage, and a combination of bilateral agreements and/or national restrictions on other waterways.

Pillar 2 - Group 3 legislation – access to the profession of IWT carrier

Lack of harmonized qualifications for carriers: Prior to the Group 3 legislation (i.e.

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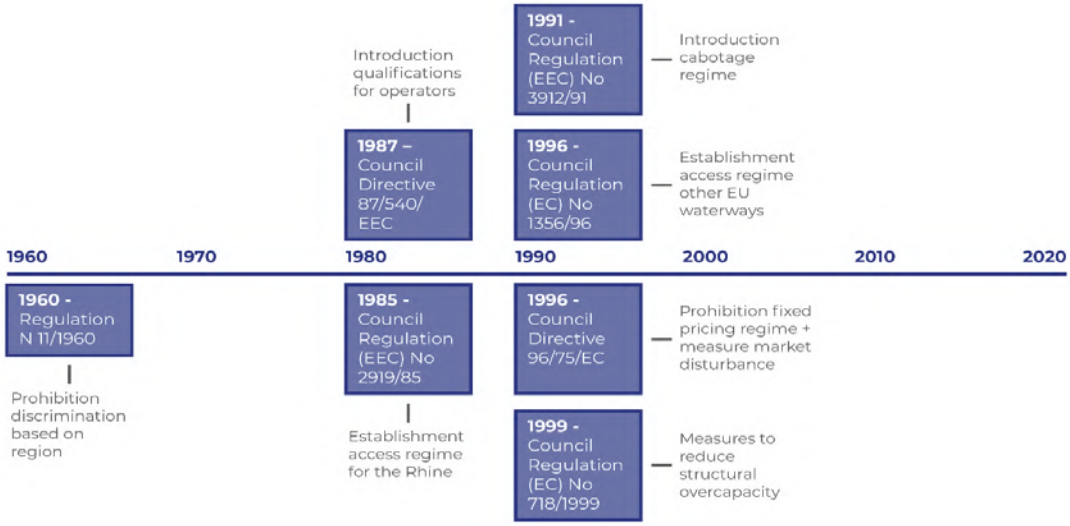
Council Directive 87/540/EEC), there were no harmonised provisions on mutual recognition of diplomas, certificates and other evidence of formal qualifications by EU Member States for the carriers of goods. There were also no common requirements across the EU for enabling operators to prove sufficient commercial and technical knowledge before being authorised to exercise as an IWT carrier. In the absence of the Group 3 legislative act, there would be no EU wide, harmonised common standards for accessing the profession of IWT carrier resulting in an uneven EU playing field.

3. HOW HAS THE SITUATION EVOLVED OVER THE EVALUATION PERIOD?

3.1. Current state of play

Already in the 50s, both the Paris Treaty (1952) and the Rome Treaty (1957) recognised transport as an essential facilitator of the common market for goods and services. A comprehensive framework aiming to establish the single market in inland waterways was progressively built between the 60s and 90s, through the adoption of community legislation on market access and its organisation[58]. Figure 7 provides an overview of the timeline of adoption of the IWT legislative framework.

Figure 7: Timeline of adoption



Source: Ecorys et al. (2023), Fitness check support study

Since the 90s, the overall legal framework has evolved and has been further fine-tuned to reflect new developments, as described below.

Council Regulation (EEC) No 11/1960 was amended twice: Council Regulation (EEC) 3626/84 aligned it with the conditions[59] on the use of vehicles hired without drivers for the carriage of goods by road, while Council Regulation (EC) 569/2008 removed outdated requirements and simplified administrative procedures, in particular by streamlining the information requested in transport documents for all modes of transport in scope, including inland navigation. A further simplification is underway to encourage the digitalisation of

[58] The first legal act addressed price discrimination (1960), followed by rules to open the market for services and for employment (access to waterways and to the occupation (1985-1996)), the prohibition of fixed prices (1996) and the reduction of structural overcapacity (1999).
[59] Article 2 of Directive 84/647/EEC

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freight transport and logistics and to further reduce administrative burden. As of July 2027, the Electronic Freight Transport Information (eFTI) Regulation (EU) 2020/1056[60] will enable the electronic submission of information contained in the transport documents[61] for freight transport, including inland navigation. Council Regulation (EEC) No 11/1960 has also been used beyond the inland navigation sector: the Combined Transport Directive (EEC) 92/106 (CT Directive) builds on Council Regulation (EEC) No 11/1960 and requires the abolition of any system of authorisation or quotas in combined transport[62] - similarly to road, rail and inland navigation - to liberalize operations[63]. The CT Directive fully recognises the transport document[64] in all land modes including in combined transport and inland navigation.

Council Directive 96/75/EC was amended via Regulation (EC) No 1882/2003 enabling the Commission to be assisted by an advisory Committee[65], composed of the representatives of the Member States, during the decision making related to serious disturbance of the market and the related measures[66].

Council Regulation (EC) 718/1999 was amended by Regulation (EU) 546/2014 to broaden the list of Member States' measures included in its Article 8. This Article of the Regulation contained several measures, including re-training or early retirement for inland waterway carriers leaving the sector. The amendment added measures to encourage innovation and environmental adaptation of vessels, as well as measures to improve logistics skills and other skills of IWT operators. It also enabled the use of the inland waterway funds in conjunction with other financial instruments, including CEF and Horizon Europe Programme[67].

Implementation issues

For legislation in Group 1 notable infringement procedures targeted the Netherlands[68] in 1996 for discriminatory practices in freight transport services, while Belgium[69] faced and resolved an issue concerning obstacles to freedom of price formation. Additionally, France and Slovakia were subject to procedures due to non-transposition[70]. For Group 4 legislation, the Netherlands[71] faced an infringement procedure in 1990 due to improper implementation of the scrapping scheme as in Council Regulation (EEC) 1101/89 on structural improvement in inland navigation (predecessor of Council Regulation (EC) No

[60] Article 2.1., Art 5.1 of Electronic Freight Transport Information Regulation (EU) 2020/1056
[61] Article 6 of Regulation 11/1960
[62] Combined transport refers to the transport of goods between Member States where road is used on the initial or final leg of the journey and, on the other leg, rail or inland waterway or maritime services are used for more than 100 km (see detailed provisions in Article 1 of Combined Transport Directive 92/106/EEC).
[63] Article 2 of the Combined Transport Directive 92/106/EEC
[64] Article 3 of the Combined Transport Directive 92/106/EEC
[65] Committee established by Directive 91/672/EEC on the reciprocal recognition of national boatmasters' certificates for the carriage of goods and passengers by inland waterway.
[66] Article 7.1 of Council Directive 96/75/EC
[67] Connecting Europe Facility (CEF) supports the construction and upgrade of sustainable transport infrastructure projects and Horizon Europe Programme develops solutions and services for clean, competitive, safe, smart and resilient transport and mobility.
[68] INFR(1996)4448-NL
[69] INFR(2017)4115-BE
[70] INFR(2019)2049-FR, INFR(2004)1427-SK
[71] INFR(1990)4127-NL

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718/1999).

For legislation in Group 2, infringement procedures against Germany[72], Austria[73] and France[74] concerned restrictions on the freedom to provide services, contravening both EU Treaty principles and Regulations (EC) No 1356/96 and No 3921/91, as well as Directive 96/71/EC on the posting of workers. For Group 3 legislation, in 1993 Germany[75] was required to amend a provision under Council Directive 87/540/EEC because of non-conformity. Additionally, several infringement procedures had been launched against Member States[76] related to non-communication and non-transposition.

The legal Framework within the context of TFEU

The legal Framework plays a role in implementing the common transport policy (Art 90 TFEU), notably the prohibition of discrimination (TFEU Art 95) in the inland waterways transport. It also lays down common rules applicable to international transport and cabotage (Art 91 TFEU). In this context, generic principles founding the EU, including the freedom to provide services (Art 56 TFEU), the establishment of the internal market (Art 24 TFEU), including the free movement of goods and persons should also be mentioned (Art 28 and Art 21 TFEU). Thus, the legislation in the Framework is relevant for the implementation of the single market and the common transport policy.

3.2. State of play of key geopolitical and policy developments

Since the establishment of the first Community rules for the inland navigation sector in 1960, several developments, including geopolitical changes, have impacted the functioning of the internal market for inland waterways transport. These are described below.

EU enlargement

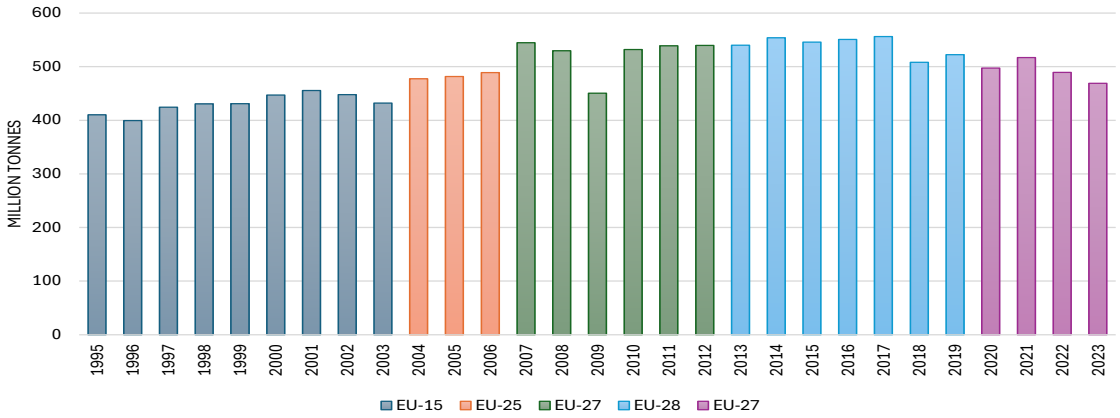
Considering the geographical coverage of the Communities, in the 1960s mainly the Rhine was relevant for inland navigation. Successively, Danube riparian countries joined the EU, expanding the internal inland navigation market and offering an opportunity to intensify competition in the sector: Austria joined the EU in 1995, followed by Hungary and Slovakia in 2004, Romania and Bulgaria in 2007, and Croatia in 2013. With their accession, these countries have progressively adopted the EU acquis. Serbia, Ukraine and Moldova are also Danube riparian states and have been candidates for EU membership since 2012 and 2022, respectively, and as such are also in the process of aligning their legal regime to the EU acquis.

In the EU-enlargement context, the transported cargo volume on the European waterways has been fluctuating between 400 million and 550 million tonnes, going from 15 member countries to 28 in 2013, and to 27 in 2020 (see Figure 8). In 2023, 469 million tonnes of cargo were transported by IWT.

[72] INFR(2015)2100-DE
[73] INFR(2017)2052-AT
[74] INFR(2017)4094-FR
[75] INFR(1993)2202-DE
[76] Finland, Germany, Portugal, Italy, the Netherlands, Luxembourg, and France. INFR(2001)2023-FI; INFR(1989)0456-DE ; INFR(1989)0456-DE ; INFR(1991)2364-PT; INFR(1990)0055IT; INFR(1991)0825 -NL; INFR(1989)0366-LU ; INFR(1989)0365-FR

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Figure 8: IWT volumes in relation to EU-enlargement

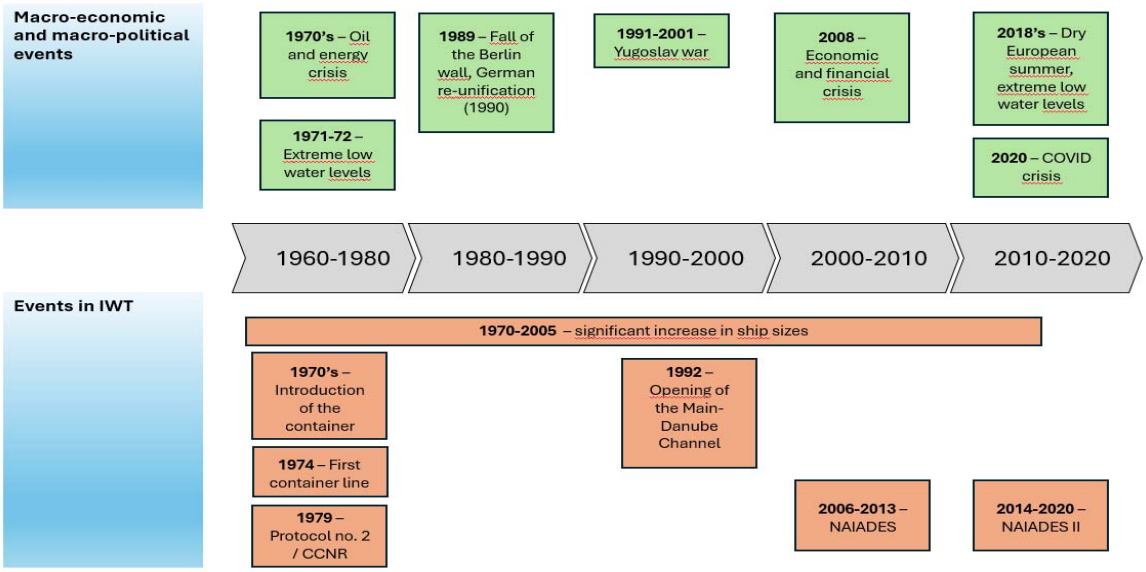


Source: Eurostat

Selected events affecting the IWT sector

After the Second World War, old steamships were replaced by motor ships and the last wooden sailing ships disappeared. All this led to a strong increase in scale, especially after the introduction of push barges. The introduction of radar technology made it possible to sail all night and the introduction of the container transport opened up new opportunities in the organisation of supply chains, including in inland shipping. Some selected events affecting the European IWT sector are presented in Figure 9.

Figure 9: Selected events affecting the European IWT market



Source: EC based on Ecorys et al. (2023), Fitness check support study

Policy developments

The **European Green Deal**[77] and the **Sustainable and Smart Mobility Strategy**[78] highlight the relevance of increasing the role of inland waterway transport to make the transport system more sustainable, in line with the 2050 EU's climate neutrality target and

[77] The European Green Deal: COM(2019) 640 final
[78] Sustainable and Smart Mobility Strategy

the zero-pollution goal. To this end, two milestones covering the inland waterway transport have been set by the Sustainable and Smart Mobility Strategy[79]: (i) by 2030, waterborne-based and rail intermodal transport should be able to compete on equal footing with road-only transport, in terms of share of external costs internalized; (ii) transport by inland waterways and short sea shipping should increase by 25% by 2030 and by 50% by 2050, compared to 2015. The strategy also highlights that the digitalisation of information exchange is needed to increase efficiency and multimodality for transport. For the logistics aspect of the inland navigation sector, an important milestone will be reached in July 2027 with the full implementation of electronic freight transport documents as explained in section 3.1. Availability of electronic certificates and freight transport information facilitates not only operations, but also digital enforcement and monitoring, while real time tracking and tracing of goods also provides a significant step towards the completion of the Digital Single Market, the real time economy and green transition.

Since 2006 the Commission has adopted three successive strategic policy papers on IWT called NAIADES[80]. The current 'Inland Waterway Transport Action Plan 2021-2027' (**NAIADES III**)[81] calls for transformation of the sector in order to substantially increase capacity of inland waterways and its modal share in inland freight transport. NAIADES III emphasised the need for substantial investments in inland waterways and its multimodal infrastructure, fleet modernisation and digitalisation. Furthermore, one of the NAIADES III actions[82] sets out to analyse and make recommendations on the existing framework for inland navigation, including an evaluation of the current set of legislation for market access. Following up on the findings of the 2024 Letta and Draghi reports[83], in 2025 the EC presented the Competitiveness Compass[84], a new roadmap to restore Europe's dynamism and boost its economic growth. The new political guidelines[85] of the second von der Leyen Commission also committed to focus on competitiveness with an accent on the completion of the single market and on resilience. Concretely for the waterborne sector, the EC committed[86] to developing a comprehensive EU Port Strategy focusing on security, competitiveness and economic independence, and to proposing a new industrial maritime strategy to enhance the competitiveness, sustainability and resilience of Europe's maritime manufacturing sector.

Pandemic and Russia's war of aggression against Ukraine

Both freight and passenger transport on European inland waterways suffered from the COVID-19 pandemic. For freight transport, the impact of the COVID-19 pandemic was dependent on the type of goods and on geographical region. On the Rhine for instance, the

[79] Sustainable and Smart Mobility Strategy
[80] The European Commission adopted on 17 January 2006 a Communication on the promotion of inland waterway transport. The 'NAIADES' Action Programme was intended for the period 2006-2013 and focused on five strategic areas for a comprehensive Inland Waterway Transport (IWT) policy: market, fleet, jobs and skills, image and infrastructure. The NAIADES II policy package is the continuation of the first programme and aims at moving more freight transport onto Europe's waterways while reducing emissions.
[81] NAIADES III: Boosting future-proof European inland waterway transport, COM(2021) 324 final
[82] Action 7: Review the inland waterway transport market access legislation
[83] Enrico Letta's Report on the Future of the Single Market (April 2024); Mario Draghi's Report on The future of European competitiveness (September 2024)
[84] Competitiveness compass
[85] Political Guidelines for the Next European Commission 2024−2029, von der Leyen, Strasbourg, 18/7/2024
[86] Mission Letter Apostolos Tzitzikostas, Commissioner for Sustainable Transport and Tourism, 17/9/2024

decrease in turnover was estimated at 65% in 2020, compared to the previous year[87]. In most of Europe, passenger transport and in particular river cruises came to a standstill in the first half of 2020[88]. A major challenge during the pandemic was maintaining the functioning of the single market[89] during the time of increased border controls and entry bans[90].

Russia's war of aggression against Ukraine that started in February 2022 substantially impacted the Danube traffic. As part of the Solidarity Lanes Action Plan[91], alternative logistics routes were established with transport on the Danube playing an increasingly important role. Capacity at Ukraine's Danube River ports, which border Romania, has increased throughout the war via investment and development projects to guarantee free movement of cargo into and out of Ukraine, while the availability of its seaports is limited. Ukraine's government continues to invest in the expansion and restoration of the Danube ports given their reliability as an export route during this period of uncertainty. A total of 30 million tonnes of cargo was moved through the Danube ports in 2023 (i.e. six times the volume of the pre-war period), according to data published by Ukraine Ministry of Infrastructure. The Danube River ports remain a long-term priority and play a fundamental role in ensuring alternative trade routes for Ukraine during Russia's war of aggression against Ukraine[92].

4. EVALUATION FINDINGS (ANALYTICAL PART)

4.1. To what extent was the intervention successful and why?

In this section, the success of the legislative Framework is assessed over the evaluation period in terms of the extent to which it achieved its objectives effectively, efficiently, and in a coherent way. The evidence provided is based on the detailed analysis by criterion in the evaluation matrix and the answers to the evaluation questions (see Annex III).

The analysis depends on availability of sufficient data, spanning over several decades and covering the effects of enlargement in parallel with the evolution of the legislative framework over the past 65 years. The legislation was originally designed for a smaller number of Member States, addressing the challenges perceived for the inland navigation transport sector at that time. In the Paris Treaty (1952) and the Rome Treaty (1957), establishing Community transport policies, it was considered necessary to promote market interpenetration - an essential element of the common market for goods and services. Since then, four waves of EU enlargement have taken place. With Danube riparian countries joining the EU in large numbers, competition among operators increased.

Furthermore, there is a high dependency of IWT volumes and its market on access to ports, availability of hinterland connections and the level of integration into door-to-door multimodal logistics chains. Unlike road transport, which can directly connect any origin

[87] Interview with EBU-ESO (2022), carried out in the context of the fitness check support study.
[88] Source: https://unece.org/fileadmin/DAM/trans/doc/2020/sc3/ECE-TRANS-SC3-2020-inf_07e.pdf.
[89] European Commission Communication on the implementation of the Green Lanes of the Guidelines for border management measures to protect health and ensure the availability of goods and essential services
[90] Source: https://www.abnamro.nl/nl/media/Ondernemen-in-tijden-van-corona-Transport-en-Logistiek-2_tcm16-68906.pdf.
[91] An action plan for EU-Ukraine Solidarity Lanes to facilitate Ukraine's agricultural export and bilateral trade with the EU; COM(2022) 217 final
[92] 'War halves Ukraine's maritime trade', 26 February 2024, Bridget Diakun, Analysis (via Lloyd's List 27 February 2024)

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and destination of a freight movement, inland navigation connects logistics hubs (ports) and depends on land-based infrastructure and services between ports and last-mile destinations. Annex X contains more information on IWT's competitiveness linking the legislative framework to the outcomes for the IWT sector, presenting also other aspects such as transported volumes or reasons for the predominance of Dutch operators.

4.1.1. Effectiveness

This section assesses the effectiveness of the legislative Framework. It compares the actual changes these legislative acts have triggered, in view of their original objectives. For further details on the legislation and its objectives, see Annex VI.

Given that the legislative acts in scope date back to the 1960s to 1990s no intervention logic was drawn up at that time and therefore, as mentioned earlier, the intervention logic was reconstructed. The fact that legislation in scope lacks monitoring requirements[93] results in limited data available to assess effectiveness. This had an effect - among others - on the ability to perform a more detailed analysis on how the expected results and impacts have been met over the evaluation period which spans over 60 years. Due to lack of quantitative data, the analysis on effectiveness was primarily based on stakeholder consultation contributions as underlying evidence.

Data was collected through the fitness check support study[94], the public consultation and the SME survey. An additional outreach by the Commission in 2024, addressed operators' associations and administrations, to fill data gaps, collect further evidence and quantify costs, efforts and benefits of implementing the legislation. However, this has resulted in little additional evidence.

Annex XII On data needs contains Table 19 where data needs are listed as well as possible avenues towards filling data gaps specific to the groups of legislation in scope.

Pillar 1 - Group 1 legislation – removal of restrictions and discrimination

Before the **Council Regulation (EEC) No 11/1960** of **Group 1** came into force, discriminatory water transport rates existed in several countries of the European Communities, except on the Rhine, where a free pricing system for cross-border transport prevailed. In the Danube region, transport prices were set by the shipping companies based on the criteria established by the Bratislava Agreements[95] as of 1955.

Thanks to Council Regulation (EEC) No 11/1960[96], **price discrimination based on country of origin or destination has been eliminated**. This was confirmed by several stakeholders, including ProDanube[97] ('there is no price discrimination anymore'), the Danube Commission[98] ('with regard to market entrance and pricing policy there is a full

[93] Only Council Regulation 718/1999 includes reporting requirements in its Art. 9.2
[94] Ecorys, STC-Nestra and Tournaye Consulting (2023), *Fitness check - Support study on the access to and the functioning of the inland waterway transport market*
[95] 1955 Bratislava Agreements, Bratislava Agreements (donau.bg)
[96] Council Regulation (EEC) No 11/1960 aimed to abolish discriminatory transport rates and conditions and establish fairer price competition.
[97] Interview with ProDanube (2021) in the context of the fitness check support study.
[98] Interview with the Secretariat of the Danube Commission (2021) in the context of the fitness check support study.

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liberalisation within the Danube region with some restrictions, especially for non-EU Member States'). Other stakeholders, like the IWT Platform[99], EBU/ESO[100] and a sectoral expert[101] confirmed that the Regulation had a positive effect on abolishing discriminative rates. In a survey[102], the Croat administration also stated that the Regulation significantly diminished discriminatory and price-setting behaviour. On the other hand, EBU[103] and a French sectoral association[104] concluded that this makes the legislation obsolete ('after the liberalisation of transport this regulation is obsolete and no longer required as legal basis for the abolition of discrimination in transport rates and conditions').

The effect of this Council Regulation extends beyond IWT. The Combined Transport Directive 92/106/EEC (CT Directive) built on this Council Regulation and reiterated that, similarly to unimodal transport, combined transport is also free[105] of authorisations and quotas. It also refers[106] to the transport document as contained in the Council Regulation, thereby broadening the effect of the initial Council Regulation.

According to the Council Regulation (EEC) No 11/1960, Member States shall carry out controls or inspections. Evidence shows that controls are carried out, though not in all countries. Croatia reported[107] carrying out 318 checks in 2010 and 261 checks per year during 2020-2024, while Hungary reported[108] 9,108 and 8,054 checks in 2010 and 2020, respectively[109]. In a survey[110], on the question whether inspections are carried out to verify compliance of undertakings with Regulation (EEC) No 11/1960[111], the Finish and Hungarian authorities replied affirmatively, while Luxembourg police responded negatively, and Romanian respondents gave contradictory answers. The control of a vessel by enforcement authorities might serve different aims and may be based on diverse legal bases, not only checking compliance with rates and conditions but also compliance with e.g. safety rules. In a 2022 online survey of Members States authorities related to enforcement procedures, conducted in the context of eFTI initiative[112], 5 of 9 respondents said that rates and conditions are checked in IWT. A collection of use cases on enforcement procedures in the context of eFTI initiative also confirmed that rates and conditions are checked systematically (i.e. all 10 IWT inspection cases mentioned it)[113]. According to Member States, inspections are selected on a random basis and are carried out by police/water police/border police (FR, BE, HU, RO), waterway administration (BE, PL)

[99] Interview with IWT Platform (2021) in the context of the fitness check support study.
[100] Interview with EBU/ESO (2021) in the context of the fitness check support study.
[101] Interview with former CCNR secretary (2021) in the context of the fitness check support study.
[102] Gap filling survey for Member States authorities, organised by the Commission in the fourth quarter of 2024.
[103] Paper submitted by EBU (Roadmap and public consultation)
[104] Paper submitted by Entreprises Fluviales de France (public consultation)
[105] Article 2 of the Combined Transport Directive 92/106/EEC
[106] Article 3 of the Combined Transport Directive 92/106/EEC
[107] Gap filling survey for Member States authorities, organised by the Commission in the fourth quarter of 2024.
[108] Targeted survey (2021) carried out in the context of the fitness check support study.
[109] Hungary however referred to the checks in a more global way, namely that they control and enforce compliance with the waterway transport regulation.
[110] Targeted survey (2021) carried out in the context of the fitness check support study.
[111] Namely, whether the presence and validity of transport documents are checked.
[112] Survey on enforcement procedures (EFTI-D1.2.5 Annex III: Online survey on enforcement procedures).
[113] Overview of the processes and procedures performed by different national competent authorities when checking regulatory information under the scope of the eFTI Regulation (EFTI-D1.2.5). It contains 10 use cases for IWT from AT, FR, HU, LT, LU, RO, SI and NL.

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and port authorities/harbour master (HU, RO)[114]. In Luxembourg, controls are carried out in cooperation with neighbouring countries (especially DE and FR) through an international convention[115].

The SME survey[116] also delivered feedback on enforcement, namely on whether administrations check transport documents kept onboard of the vessel for transport rates and conditions, to see whether prices are based on fair price competition and non-discrimination, as stipulated in Regulation (EEC) No 11/1960. Out of 41 SMEs that responded to the survey, 21 (51%) said authorities do not check transport documents[117], while 3 (7%) responded that authorities do check transport documents[118]. The remaining 17 (41%) SMEs indicated 'do not know'.

EBU and the Dutch Ministry of Infrastructure and Water Management explained[119] that the Dutch water police uses transport documents also to verify freight of a ship (especially for substances used for production of drugs). While EBU/ESO complain about related administrative burden, the Dutch water police[120] defended its practice regarding crime detection and preventing terrorism. Hungarian police[121] also combines checks (including crew member qualification and technical vessel requirements).

Other restrictive practices were addressed by **Council Directive 96/75/EC,** which eliminated national rules or practices impeding the freedom of chartering and pricing (the 'Tour de Role'[122] and Festfrachten[123] systems). In January 1994, the German abolishment of the Festfrachten system of minimum prices, resulted in reduced shipping prices by 60% for coal products and by 40% for bulk cargo[124]. The 'Tour de Role' systems in the Netherlands, France and Belgium were abolished in January 2000. In the Netherlands alone the annual benefits due to the abolishment of the 'Tour de Role' system are estimated at EUR 190 million annually, expressed in 2022 prices[125]. Stakeholders confirmed the effectiveness of Council Directive 96/75/EC[126].

[114] Member States Workshops Breakout sessions (EFTI-D1.2.5 Annex II)
[115] Member States Workshops Breakout sessions (EFTI-D1.2.5 Annex II)
[116] Dedicated SME survey, conducted with the support of the European Enterprise Network in 2022.
[117] In the Netherlands, Hungary, Germany, Bulgaria, Croatia, Austria, Romania, Slovak Republic, Belgium, France, Luxembourg, Moldova, Serbia, Ukraine and Switzerland.
[118] In Romania, Belgium, Germany, France, Luxembourg, the Netherlands and Austria.
[119] Gap filling survey for operators' associations and Member States authorities, organised by the Commission in the fourth quarter of 2024.
[120] Based on an interview with the Dutch police in the context of the fitness check support study, checking the transport documents is usually only one of the activities during an inspection onboard, which might include also checking the manning requirements and sailing/resting times. The police do not check the documents for price discrimination; they check the transport document to see what freight is on board of a vessel.
[121] Interview with the Hungarian police in the context of the fitness check support study.
[122] In the Netherlands, Belgium and France shippers were legally obliged to conclude their contracts for national transport through the intermediary of a state-run system of chartering by rotation ("Tour de Role" in French), which assigned cargo to bargemen on a "first come, first served" basis. For this, shippers had to pay minimum freight rates fixed by law.
[123] Festfrachten is a system of fixed minimum freight rates in Germany.
[124] Interview with the representative of Rhine operators and DE Commissar to the CCNR representing the profession (2021) carried out in the context of the fitness check support study.
[125] Ecorys, STC-Nestra and Tournaye Consulting (2023), *Fitness check support study*, p. 9.
[126] The associations representing IWT operators (EBU/ESO) stated in an interview (2021) that Council Directive 96/75/EC established the free market and was in their view very effective in meeting the objectives.

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The existence of the regulatory framework allows maintaining these achievements over time, as demonstrated by infringement procedures in 1996 and in 2017 against two Member States, based on Council Directive 96/75/EC (see sections 3.1 and 4.3 on relevance).

Conclusion on effectiveness of Group 1 legislation: Group 1 legislation has proven effective in reaching its objectives as discriminatory and/or price-setting behaviour has been eliminated. The legislation and related infringement procedures remain important to avoid discrimination, also in view of future enlargements. A uniform requirement to carry a transport document across the EU enables enforcement authorities to check compliance with transport rates and conditions, no matter the state affiliation of the operator.

Pillar 1 - Group 4 legislation – structural improvement of the IWT market

For **Group 4**, the effectiveness of provisions on handling of structural overcapacity is assessed, together with the provisions on serious market disturbance, and the use of the inland waterways Fund, including the establishment of the IWT Platform.

Together with monitoring fleet capacity, an 'old-for-new' scrapping scheme was introduced by Regulation (EEC) No 1101/89 to allow new vessels only in case of scrapping old capacity or paying into a Reserve Fund. Council Regulation (EC) No 718/1999 extended the scrapping scheme until April 2003. The Fund has subsequently become a standby mechanism[127] not yet used, but available in case of serious market disturbance[128] and welcome by stakeholders. EBU/ESO and the IWT Platform stated in an interview in the context of the fitness check support study that the advantage of this Council Directive is that it offers a unique crisis mechanism which can be used in case of structural overcapacity in the IWT sector, which not many sectors have.

During 1990-1999, 600,509 tonnes of dry cargo capacity were demolished and 650,906 tonnes of new builds added and EUR 9 million of penalties collected for non-compensated demolitions. During the same period, 240,364 tonnes of tank barge capacity were added, while 131,018 tonnes were demolished[129].

The fitness check support study[130] found that the number of active vessels in the Netherlands, Germany, France, Belgium, Switzerland and Luxembourg decreased by 1.2% during 1993-1996 and by 24% during 1996-2000, demonstrating the success in addressing overcapacity. The study also estimated that without the legal acts in Group 4, the number

EBU further underlined the effectiveness of the Directive in the gap filling survey for operators' association, organised by the Commission in the fourth quarter of 2024. In other interviews (2021) carried out in the context of the fitness check support study, the representative of Rhine operators and DE Commissar to the CCNR representing the profession expressed the view that the Directive brought very good results including decreased logistics costs and increase in productivity while the Romanian association of inland ship owners and port operators mentioned that the market is functioning well, while highlighting that some cost elements, like e.g. fuel or port fees, the Black Sea Canal fee, also influence the freight tariffs. In the gap filling survey for Member States authorities, organised by the Commission in the fourth quarter of 2024, the Austrian administration mentioned as benefits the market liberalisation while the Luxembourg administration highlighted the elimination of discrimination aspect.

[127] Article 8 of Council Regulation No (EC) 718/1999

[128] Article 7 of Council Directive 96/75/EC

[129] Van Hassel E., Vanelslander T. and Sys C. (2016), 'Managing capacity in the inland waterway sector - To intervene or not to intervene?', Inland Waterway Transport, Routledge, available at: Managing capacity in the inland waterway sector

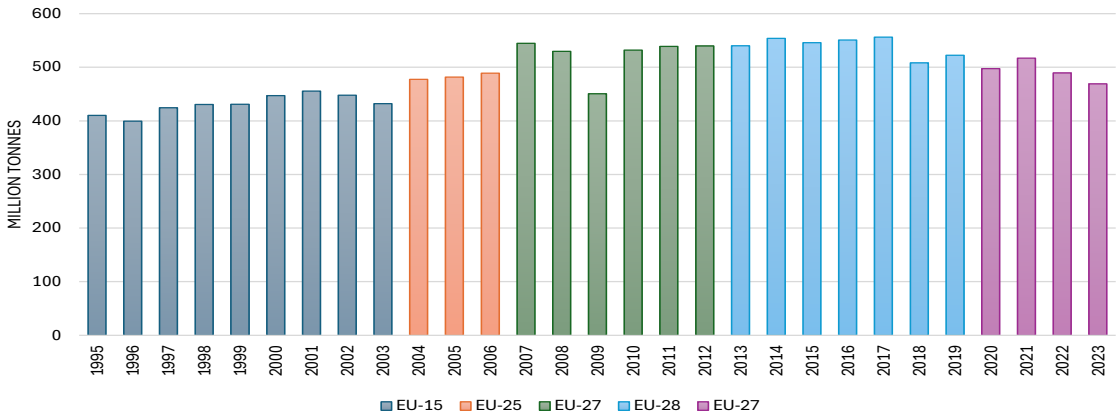
[130] Ecorys, STC-Nestra and Tournaye Consulting (2023), *Fitness check support study*

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of vessels on the North-South and East-West corridor would have been 13,339, instead of 9,758. This overcapacity would have resulted in annual losses of 20.8% per operator.

Regarding the impact of the Community-fleet capacity policy on volumes, as can be seen in the following graph, the Community-fleet capacity policy (active April 1999-April 2003) had no negative impact IWT volumes, as volumes in 2000-2002 have increased compared to volumes in 1999 and even considering the decline in 2003 volumes were still slightly higher than in 1999.

Figure 10: IWT volumes over the period 1995-2023 (in million tonnes)



Source: Eurostat

The annual volume of goods transported by inland navigation declined since 2017 due to several economic and geopolitical factors.

The volume transported by IWT is affected by the level of water on the Rhine and on the Danube. In 2018 and 2022, the Rhine had unusually low water periods which reduced the transported volume. The war in Ukraine lead to an energy crisis which impacted the general industrial production and affected the IWT traditional market segments such as steel and chemical. Maritime transport was also impacted and lead de facto to a reduction of goods transported by IWT from the main maritime ports in the EU. Another factor is the increasing congestion for IWT vessels in maritime ports[131] which impacts the transport of containers by IWT.

In 2024 and early 2025, Rhine and Danube navigation showed signs of recovery after the sharp declines of the previous two years. Despite ongoing geopolitical tensions and structural shifts in global trade, transport volumes picked up slightly, supported by declining inflation. The inland waterway sector also faced persistent challenges related to high operating costs, a weak construction sector, and declining coal transport due to Germany's coal phase-out. Commodity markets showed greater stability overall, with falling crude oil prices offering some relief to fuel-intensive transport modes like inland shipping. However, persistent volatility in gas and agricultural prices, together with a recent drop in metal prices triggered by new trade tensions, continue to pose risks for cargo demand. Over the last decade, modal shares[132] have slightly decreased for IWT and rail at

[131] https://www.ccr-zkr.org/files/documents/omanalysesthematiques/Report_Congestion_Final_en.pdf

[132] Note, many EU countries do not have inland waterways, therefore the overall modal split of IWT at the EU level is less appropriate as a performance indicator for the success of inland waterway transport in the EU - modal split per country is considered as a more meaningful indicator.

EU level, while those of road transport have slightly increased. IWT lost 0.6 percentage points in the last 10 years, to reach 1.6% in 2023[133].

As mentioned before, after April 2003 the inland waterways Fund has become a standby mechanism which can be used in two cases: either in connection with measures[134] referred to in Council Regulation (EC) No 718/1999 if unanimously requested by the organisations representing inland waterway transport, or in connection with suitable capacity measures in case of serious market disturbance[135] in the IWT market.

Attempts have been made by Member States to trigger the latter mechanism related to serious market disturbance, however, until today, the system has not been activated. The main reason is that none of the disturbances were considered by the European Commission as serious market disturbance resulting in a structural decrease in the demand on the IWT market. According to Council Directive 96/75/EC, some conditions are defined, however, there are no explicit criteria. At the same time, the link of Council Regulation (EC) No 718/1999 with Council Directive 96/75/EC is restrictive and allows the use of the fund in restricted cases only. This is intentional as only specific cases of overcapacity are considered as serious disturbance of the market.

From a methodological point of view, it is very difficult to assess whether initial expectations have been met by a measure, which has never been applied in practice. Despite the attempt to trigger this serious market disturbance mechanism, Member States did not succeed in doing so and this provision has not been used in practice so far. Community fleet capacity measures affect the transport capacity for many years after the measures have been taken. According to the Group 4 legislation such measures are only possible in case of a structural or permanent shock and are not possible in a situation where the shock is considered to be temporary and where the market can recover within several years. This was also the most important reason for the European Commission not to declare a serious market disturbance in the two events in which the Member States filled a request to do so. In the case of the BE request, there was no overall agreement by MSs on the measures (i.e. legislation requires agreement by MS). At the same time such measures are only justified under permanent or structural shocks, and this was not the case. In the case of the Netherlands attempt in 2009, in the context of the 2008 financial crisis, the EC found the market situation to be conjunctural and not of structural nature.

The COVID-19 crisis could not be regarded as an issue specific to IWT, consequently the mechanism was not activated by Member States during the crisis.

However, the business associations of the sector (EBU/ESO) expressed their support to keep the mechanism, as a tool for improving resilience of the sector. EBU/ESO and the IWT Platform stated in an interview that this mechanism offers a unique crisis mechanism which can be activated in case of EU-wide structural overcapacity in the IWT sector, which not many sectors have.

The amounts available in the Reserve Fund in 2022, by Member State, are provided in Table 3. Danube countries (with the exception of Austria[136]) currently have no reserve fund as relevant legislation provides for exemptions for vessels operating exclusively on the Danube as well as exemption to countries below a certain fleet size.

[133] Eurostat Freight transport statistics - modal split - Statistics Explained - Eurostat
[134] Article 8 of Council Regulation No (EC) 718/1999
[135] Article 7 of Council Directive 96/75/EC
[136] Austria's fund is a result of the Regulation (EEC) No 1101/89.

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Table 3: Amounts available in the Reserve Fund in 2022, in EUR (excluding interest)

Member State	Dry cargo	Push boats	Tanker shipping	Total
Austria	72,756	1,867	67,241	141,863
Belgium	831,525	163,885	3,379,246	4,374,656
Germany	1,767,195	24,451	2,938,994	4,730,639
France	129,204	32,301	155,495	317,000
The Netherlands	7,808,045	316,905	9,176,514	17,301,464
Total	10,610,273	540,315	15,715,034	26,865,622

Source: Ecorys et al. (2023), Fitness check support study

On the interest from the amounts available in the Reserve Fund, firstly, the Council Regulation (EC) No 718/1999 contains no provisions concerning the interests of the Funds. So, interests and other "fruits" which accrue due to the usage of the means through the establishment of the Funds are not directly regulated in the Regulation; they do not form part of the actual amounts of the Reserve Funds. The Funds are sourced from contributions by the inland navigation sector and are to be used to the benefit of the sector[137]. The Funds are, therefore, comparable to an escrow account[138] and cannot be freely used for unrelated purposes. Article 3(2) Council Regulation (EC) No 718/1999 requires the Member State concerned to administer the Reserve Fund, while also involving their national organisations representing IW carriers in this administration. In Germany, for instance, the law implementing the Regulation provides that the Fund's main amount is blocked for the purposes of the Council Regulation (EC) No 718/1999, but the interest accrued can be used in the interest of the sector[139], after hearing the sector's opinion[140].

In line with Article 3.5 of Council Regulation (EC) 718/1999 the Reserve Fund was used in 2017 to create the IWT Platform[141] whose continuation was supported together with the continuation of the Fund in its current form[142]. Several stakeholders indicated[143] that the Reserve Fund could be used to stimulate innovation and support programmes for

[137] See Article 3(4),(5) and Article 8 Council Regulation (EC) No 718/1999.

[138] an account managed by a neutral third party, holding funds until specific conditions are met

[139] As an example, the interest accrued in the German Reserve Fund in 2024 has been used to support the image campaign 'PRO Inland Navigation'. This image campaign is a joint action by the German IWT industry, highlighting the economic and environmental importance of IWT and promoting workers in a future-proof working environment.

[140] § 5 Gesetz über die Errichtung des Deutschen Binnenschifffahrtsfonds.

[141] EUR 7 million was transferred to establish the IWT Platform and to fund its activities for ten years (2017 to 2027), providing EUR 700,000 annually.

[142] During the gap filling survey for Member States authorities, organised by the Commission in the fourth quarter of 2024, AT, HR DE and NL administrations were of the view that the inland waterway Funds are still needed in their current form. 4 Member States indicated 'cannot say' or left the reply to the question blank. During the gap filling survey for operators' associations, organised during the same period, all respondents, including the IWT Platform, were of the view that the inland waterway Funds are still needed in their current form.

[143] During the public consultation, the French administration commented that the focus now should lay on reducing the lifetime of the vessels in order to reduce the IWT's impact on the climate, rather than reducing the capacity of the fleet. The association of barge operators (EBU/ESO), mentioned in an interview that the Fund could be used to stimulate innovation and used for example for programmes for simulators for schools or catalysts. The scrapping goals of the Regulation are less relevant as e.g. tankers are currently less than 30 years old. The IWT Platform mentioned in an interview that some stakeholders want to maintain the scrapping (programme) but not the old-for-new rule. This was especially the case of the tanker sector, when the change from the single to double hull took place.

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simulators for schools or catalysts[144] or for the uptake of clean technologies.

Group 4 legislation did not aim to restrict or regulate supply. It aimed to avoid aggravation of existing overcapacity or the emergence of further overcapacity in a limited period of four years ending in April 2003. Under Council Regulation (EC) No 718/1999 there is no scrapping premium but rather an 'old-for-new' rule, requiring vessel owners to scrap old tonnage when bringing in new capacity, else paying a special contribution to the Fund. Another important aspect of this mechanism is the fact that this contribution was not a fixed amount, but it was 'moving with the market'. Namely, the ratio could be set at different levels for different sectors of the market, i.e. dry cargo carriers, tanker vessels and pusher craft, depending on the overcapacity in that specific segment[145]. Moreover, the legislation set out to reduce the ratio constantly over the four years to bring it down as quickly as possible and in regular stages to zero no later than by the end of the four-year period, 29 April 2003[146].

Annex XI contains more information related to tackling structural overcapacity and Group 4 legislation.

Conclusion on effectiveness of Group 4 legislation: Group 4 legislation successfully addressed structural overcapacity. Old vessels were scrapped and instead modern vessels introduced in cargo segments with more demand. Legal provisions have adapted to the changing IWT market, broadening the type of measures that can be supported by the Fund.

Pillar 2 - Group 2 legislation – access to the inland waterway network

The access to the market rules in Group 2, enacted in the 80's-90's by the EU, are taking into account the existence of the Rhine rules[147] and of the Danube rules[148], the two major EU markets for IWT.

The legislative acts have allowed EU operators to provide national and international transport services, enabling transit. Consequently, cross-border transport represents 75%[149] of the freight IWT activity of 116 billion tonnes-kilometres[150], while for river cruise up to 80% of its activity[151]. In Bulgaria 74% of traffic is transit[152]. According to a 2024 survey[153], carriers affiliated to responding operators' associations do carry out international transport

[144] According to Article 8, without prejudice to Article 3(5), any Member State may take measures in particular to: make it easier for inland waterway carriers leaving the industry to obtain an early retirement pension or to transfer to another economic activity; organise vocational training or re-training schemes for workers leaving the industry; encourage private owner-operators to join trade associations; encourage adaptation of vessels to technical progress in order to improve working conditions and promote technical safety requirements; improve operators' skills in order to safeguard the development and future of the trade.
[145] Art. 4.2 of Council Regulation (EC) No 718/1999
[146] Art. 4.2 of Council Regulation (EC) No 718/1999
[147] Council Regulation (EEC) No 2919/85 on Rhine access and Art. 6 of cabotage rules in Council Regulation (EEC) No 3921/91.
[148] Art. 3 of Council Regulation (EC) No 1356/96 regulating cross-border transport.
[149] CCNR (2024), Market Observation report 2024
[150] Source: Eurostat
[151] Ecorys, STC-Nestra and Tournaye Consulting (2023), *Fitness check support study*.
[152] In Bulgaria 74% of traffic is transit (on average between 2014-2023) which is explained by the trading routes for agricultural products and iron ore on the Danube. Source: CCNR Market Insight 2025.
[153] Gap filling survey for operators' associations, organised by the Commission in the fourth quarter of 2024.

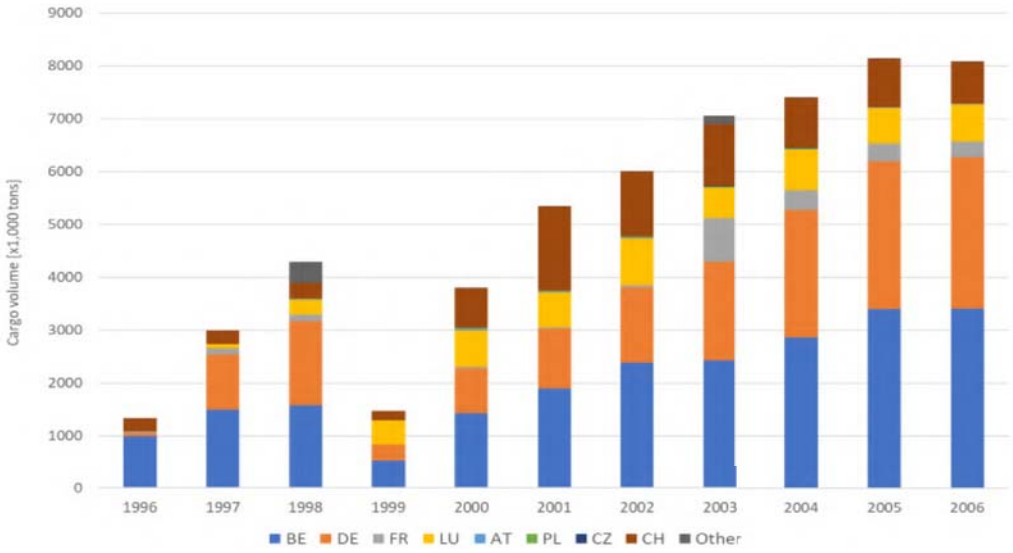
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operations in other EU Member States[154], including on rivers they are not initially affiliated with. Stakeholders agreed[155] that cross-border operations increased due to Regulation (EC) No 1356/96.

Surveys[156] showed that cabotage transport is not recorded separately (AT), is considered as 'part of normal business operations' (LU) and has increased in FR, NL and HU. Any EU operator can now sail the Rhine and some operators established in the Rhine area have also deployed business activities on the Danube. About 7,000 yearly passings between DE and AT are recorded[157], amounting to 2,745 thousand tonnes of cargo[158].

Council Regulation (EEC) No 3921/91 opened cabotage on German waterways beyond the existing openness of Mosel and Rhine[159]. For example, Polish operators[160] are now providing cargo services on the connection Berlin-Szczecin (Spree-Oder Canal). Cabotage between Belgium and the Netherlands was extended to all EU Member States[161]. This benefited volumes transported by foreign flagged vessels in the Netherlands.

Figure 11: IWT cabotage in the Netherlands



Source: Ecorys et al. (2023), Fitness check support study, based on CBS, the Netherlands

On a qualitative basis, the analysis revealed that Danube navigation access had in practice long been limited to Member Countries of the Danube Commission as prices were set in agreements between state-owned companies (Bratislava Agreements). In absence of the

[154] Austria, Croatia, Italy, Portugal, Poland, Belgium, Romania, Bulgaria, France, Germany, Luxembourg, Slovak Republic, Slovenia, Spain, Czechia, Hungary and the Netherlands were mentioned.
[155] Targeted survey (2021) carried out in the context of the fitness check support study
[156] Targeted survey (2021) carried out in the context of the fitness check support study; gap filling survey for Member States authorities, organised by the Commission in the fourth quarter of 2024.
[157] According to ProDanube (2022), 3,504 upstream and 3,634 downstream passings are recorded. These figures include vessels going upstream and not entering the Rhine area, and vessels going downstream which only run on the Danube and not coming from the Rhine. However, they give an idea on the number of vessels concerned.
[158] Danube Commission (2023), Danube Commission Market Observation report 2023, p. 42.
[159] Interviews with the German Commissar at the CCNR, representing the sector, and with the former Secretary General of the CCNR in the context of the fitness check support study.
[160] Interview with the Polish Ministry of Infrastructure in the context of the fitness check support study.
[161] Interview with a Belgian legal expert (2021) in the context of the fitness check support study.

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EU legislative framework, entry and access to (international) transportation on the Danube was reserved to State-owned companies of Danube Commission Member Countries. The legislative framework opened the Danube navigation services and set the preconditions for future growth.

Prior to EU accession, operators of Central and Eastern European countries had limited access (return trip) to EU waterways, based on international treaties. For these countries cabotage in (Western Europe) became a reality once they joined the EU, according to an interview with the Representative of Rhine operators and German Commissar to the CCNR[162]. On the Danube, Council Regulation (EEC) No 3921/91 fully opened cabotage to non-resident EU operators.

For Group 2 legislation, the expected result to liberalise access has been achieved. Looking at the explanatory memorandum of Council Regulation (EEC) No 3291/91 on cabotage[163], the Court of Justice established the obligation of the Council to enact the regulation in application of the then Article 75(1)(b) TEC to regulate services in transport in 1985[164]. The initial Commission's intention has been to liberalise the inland navigation market within five years. Following the enactment of the regulation on cabotage, the Commission proposed only in 1995 to adopt a regulation on international transport. According to the explanatory memorandum of Regulation (EC) 1356/96[165], the Commission established that there has been no issue with international transport and transit as the then Community Member States allowed for it in inland navigation. However, with the accession of Austria having two bilateral agreements which were seen non-compliant with the Treaty, made it necessary to also regulate international transport.

Turning to Council Regulation (EEC) 2919/85 on the free access to the Rhine, the intention was to guarantee equal access to vessels of Member States' which did not already belong to a CCNR Member State (DE, NL, BE, FR and CH). The explanatory memorandum explains that the CCNR Member States started regulatory measures in 1979 to limit access to the Rhine for CCNR Member States and coordinated with the then EEC[166]. This limitation was intended in view of the finalisation of the Main-Danube-Canal which would have given physical access to third countries to the Rhine. Due to the looming over-capacity in the Rhine area, the access, therefore, should have been limited to certain countries. In order not to discriminate against other Community Member States, Regulation (EEC) 2919/85 sets out identical conditions which establish a genuine link with the countries whose vessels can access the Rhine. With EU enlargement, vessels of all EU Member States have legally access to the Rhine and to each other's waterways. The very intention and purpose of Group 2 legislation was to create the framework under Article 91(1)(a), (b) in connection with Article 58(1) TFEU.

During the consultations[167], no issues related to market access for services in inland navigation was reported. The lack of clarity of the legislation in Group 2 was raised by

[162] Interview with the Representative of Rhine operators and German Commissar to the CCNR representing the profession, working for the Port of Rotterdam, in the context of the fitness check support study.
[163] see COM(85) 610
[164] The Court of Justice established the obligation of the Council to act (Case 13/83) after the European Parliament brought a case against the Council in which it claimed that the Council failed to act on the proposal of the Commission submitted 23 November 1967.
[165] see COM(95) 176
[166] see COM (85)10
[167] At the stage of the Roadmap, public consultation, the SME Panel and the 2024 gap filling survey for Member States authorities.

some Member States and some owners/operators[168], for example whether Rhine states need to accept Rhine navigation documents issued by non-Rhine states or to what extend Regulation (EEC) No 2919/85 requires compliance checks regarding the establishment of companies, citizenship of operators, managers/directors or owners of vessels.

The EU legislation allows cabotage on a temporary basis, a term not defined for IWT leading to implementation differences (see Table 4) and uncertainty for IWT operators. Based on the responses to the public consultation only for France and Belgium there are reports[169] on regular control whether cabotage transport is carried out on a temporary basis and 16 out of 40 operators that participated to the SME panel survey are unaware whether access to cabotage is limited in duration[170]. SME replies widely varied on whether Council Regulation (EEC) No 3921/91 brought about any changes regarding cabotage[171].

Table 4: Overview of cabotage rules in the different Member States

		Cabotage in the EU Member States
No time limitation	RHINE (desk research)	No time limitation (cabotage defined at river level under the Rhine regime) Originally reserved for riparian countries and Belgium Officially extended to all EU Member States after the adoption of Council Regulation (EEC) No 2919/85; became a reality beyond Rhine and Mosel countries after recognition of EU inland vessel certificates in 2009.
No time limitation	MOSEL (consultation with Mosel Commission Secretariat and Mosel questionnaire to the Member States, June 2021)	No time limitation in practice, although not covered by the Treaty (cabotage is economically insignificant on the Mosel)
Rhine countries No time limitation except in France	LU (interview of national expert from LU)	Not applicable (only one inland port in LU)
	BE (desk research)	No time limitation since the 19th century Initially reserved to riparian and Rhine countries, then extended to all EU Member States following adoption of Council Regulation (EEC) No 3921/91.
	NL (desk research)	No time limitation Initially reserved to riparian and Rhine countries, then extended to all EU Member States following adoption of Council Regulation (EEC) No 3921/91.
	FR (Desk research)	Limited to 90 consecutive days or 135 non-consecutive days within a period of 12 months (Article L4413-1 code of transport) This has little impact in practice, according to ESO[172]
	DE (interview with CCNR commissar representing the profession, May 2021)	Rhine regime (i.e. unlimited cabotage) extends to the direct tributaries of the Rhine (Neckar, Main), the Ruhr canals up to Dortmund and Hamm. However, the opposite response was provided by the German administration (CCNR questionnaire (DF(21)10). On the other German waterways, the term "temporary" is not legally defined.

[168] Ecorys, STC-Nestra and Tournaye Consulting (2023), *Fitness check support study*, final report (p. 47 and 50) including the stakeholders consultation annex (p. 21 and 24).
[169] Based on the responses to the public consultation.
[170] On the question of whether they experience time limitation in accessing cabotage, 20 operators responded 'No', 16 responded that they did not know and 4 (all located in Belgium or France) responded 'Yes'.
[171] 18 respondents responded that they did not notice any change since the 90's; 12 responded that they did not know; 7 responded that they noticed a change. This change is positively described by some (i.e. discrimination in access granted has ceased), while others see it negatively (i.e. some East European vessels are claimed to operate exclusively on Western waterways without ever returning to their home country).
[172] Naiades Meeting, September 2021.

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		Cabotage in the EU Member States
No practical application	PL (Interview 16/11/21)	'Temporary' is not defined but there is no practical application of this regulation in Poland (no foreign company operates on the Polish waterways).
	CZ	Not known. Cabotage operations in CZ are likely limited.
Danube countries No common understanding	AT (written questionnaire)	Access to cabotage is temporary but the term temporary is not defined. The Austrian administration calls for a specification at the EU level, applying the road transport model.
	SI (response to survey)	Prior authorisation by Ministry of transport required. A permit may be granted to a foreign carrier for a single transport or repeated transport operations, specifying the number of transport operations or the time during which an unlimited number of transport operations may be carried out.
	HU (survey)	Temporary is defined (according to the public authorities in the context of the survey)/ is not defined (according to Federation of Hungarian Danube ports in the context of the survey).
	HR	Not known
	RO (interview with Romanian Association of Inland Ship Owners, July 2021)	Open without any time limitation
	BG	Not known

Source: Ecorys et al. (2023), Fitness check support study, Annex IV

While some authorities appreciate the current flexibility on the interpretation of "temporary cabotage"[173], other administrations plead for a respective definition similar to road transport[174,175]. Some stakeholders[176] ask for any temporary restrictions to be abandoned and to facilitate market entries. Other stakeholders asked for reinforced checks on whether cabotage was of a temporary nature, to avoid social dumping[177,178].

The complexities of legislation in Group 2, related to the geographical scope (Rhine, Danube, other), extent of access (cross-border, transit, cabotage), and the differences in asserting the link between the vessel and the operator vis-à-vis the country, was raised by several respondents during the public consultation[179] and the survey of administrations[180]. They plead for simplification, overhaul or simply revoking of the legislation. The distinction between access to Rhine (Council Regulation (EEC) No 2919/85) and the cabotage legislation (Council Regulation (EEC) No 3921/91) was also unclear to some

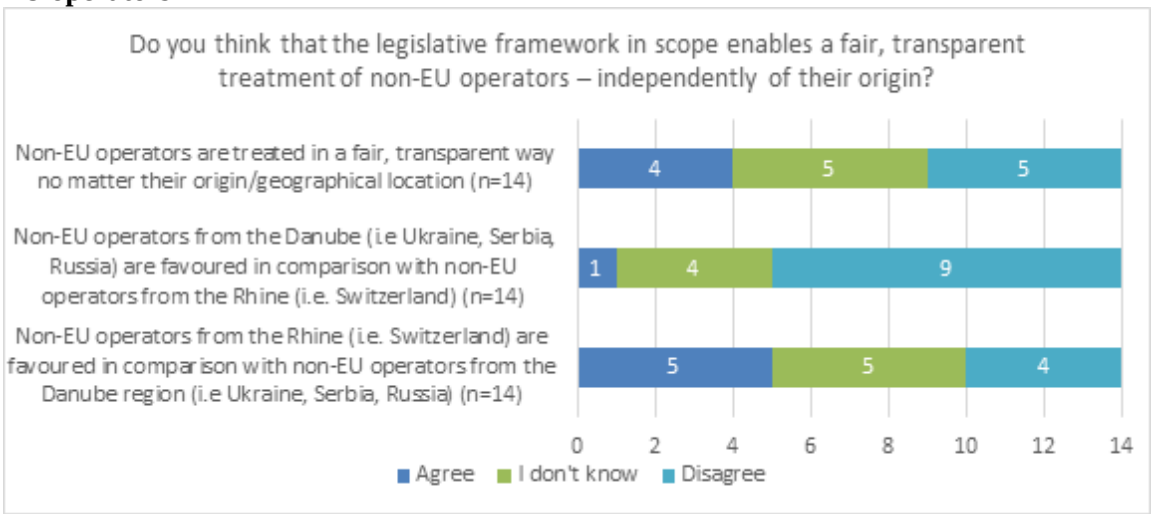
[173] In their reply to the public consultation, the French authorities stated that 'the margin of manoeuvre available to the Member States regarding the temporary nature of cabotage is an essential element in adapting the rules to the reality of the characteristics of the network and the market of the Member State'.
[174] See chapter III of Regulation (EC) No 1072/2009.
[175] The Austrian administration, pleaded for a specification of the term, along the lines of the road transport.
[176] EBU would like to see the temporary restrictions on cabotage abolished (feedback to the Roadmap and public consultation); Bundesverband der Deutschen Industrie pleaded to keep entry barriers low and allowing new entrants to the market, thereby broadening the number of transport providers for a free and fair market (feedback tot he Roadmap).
[177] Ecorys, STC-Nestra and Tournaye Consulting (2023), *Fitness check support study*, stakeholder consultation annex, p. 23, 55 and SME Panel.
[178] The trade unions asserted that the relatively open market would foster social dumping.
[179] Ecorys, STC-Nestra and Tournaye Consulting (2023), *Fitness check support study*, stakeholder consultation annex, p. 49 and 54
[180] By AT, HR, DE and LU in the context of the gap filling survey for Member States authorities, organised by the Commission in the fourth quarter of 2024.

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stakeholders[181].

Group 2 legislation acknowledges some rights of non-EU players encoded in the Mannheim and the Danube Acts. Stakeholders that responded to the public consultation were divided in their views (see Figure 12)[182] on whether non-EU operators from the Rhine (i.e. Switzerland) are favoured in comparison with non-EU operators from the Danube region (i.e. Ukraine, Serbia). Several respondents[183] asked for more clarity and transparency on allowed activities by third country carriers.

Figure 12: Replies to the public consultation on the question related to the treatment of non-EU operators



Source: Ecorys et al. (2023), Fitness check support study, based on the public consultation

Conclusion on Effectiveness for Group 2 legislation: Legislation in Group 2 is successfully regulating access for all EU vessels to all EU inland waterways resulting in a large majority of transport of goods and people crossing Member States' territories (75% for freight transport and 80% for passenger transport). However, there is unawareness and uncertainty of the exact conditions to be applied by vessel owners/operators as well as authorities, which could in theory hamper market access, even though no concrete issues have become apparent so far. In particular a definition of temporary cabotage is requested by several stakeholders.

Pillar 2 - Group 3 legislation – access to the profession of IWT carrier

Council Directive 87/540/EEC provides common rules on access to the occupation of carrier of goods and on the mutual recognition of diplomas, certificates, and other evidence of formal qualifications. It lists requirements for professional competences for national and international cargo operations. While all other modes of transport regulate respective

[181] Interview with Secretary General of Romanian Association of Inland Ship Owners and Port Operators (July 2021), in the context of the fitness check support study.
[182] During the public consultation 5 out of 14 respondents find that non-EU operators from the Rhine (i.e. Switzerland) are favoured in comparison with non-EU operators from the Danube region (i.e. Ukraine, Serbia), while 4 out of 14 disagree with this statement. 4 out of 14 respondents are of the view that non-EU operators are treated in a fair, transparent way, independent of their origin.
[183] Ecorys, STC-Nestra and Tournaye Consulting (2023), *Fitness check support study*, stakeholder consultation annex, p. 49.

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provisions via a Regulation, the rules for IWT are established by a Directive, resulting in national differences (see Annex IX).

In reply to the targeted survey[184], 3 out of 15 respondents were of the view that the scheme for professional competence of an IWT freight carrier has improved the situation compared with the period prior to Directive 87/540/EEC (before 1990). One respondent believed it did not improve it, while the remaining 11 respondents replied that they do not know.

During the public consultation, it was noted[185] that 'there is no harmonised certificate/document transparently confirming the proof of professional competence. As a consequence, it is not easy for enforcement authorities in the field to ascertain that a transport operation is carried out in compliance with the EU requirements. The same comment was also made in the SME survey.

Annually, about 8-10 certificates are issued per Member State[186], and in some Member States also 12 replacements, reclassifications and extensions. Two Member States[187] reported high share of electronically issued certificates. Many exemptions and derogations are included in the Directive. Due to these, in the Netherlands about 25% of certificates of carrier of goods are obtained through practice only[188].

The list of required knowledge included in the Annex of the Directive is still reflecting the situation of the 1980s and missing skills related to digitalisation and clean technologies. While Directive (EU) 2017/2397 on the recognition of professional qualifications in inland navigation for crew addressed required competences, Directive 87/540/EEC only includes knowledge.

The Directive furthermore does not cover the growing passenger transport market[189] raising some stakeholder concerns on a level playing field. Some Member States administrations[190] furthermore voiced that lack of harmonised requirements for the carriers of passengers impacts resilience of those carriers and quality of services.

Conclusion on effectiveness for Group 3 legislation: Council Directive 87/540/EEC introduced EU-wide common rules for the cargo segment, but lead also to national differences in implementation in particular on exemptions, procedures and the lack of

[184] Targeted survey (2021) carried out in the context of the fitness check support study.
[185] By an Austrian citizen.
[186] Gap filling survey for Member States authorities, organised by the Commission in the fourth quarter of 2024. Replies by AT, DE and BE (Flanders and Wallonia responded separately).
[187] According to AT and BE administrations, the share of paper certificates is 2% and 10%, respectively. Other Member States did not respond to this question. Source: gap filling survey for Member States authorities, organised by the Commission in the fourth quarter of 2024.
[188] Gap filling survey for operators' associations, organised by the Commission in the fourth quarter of 2024. Response by Koninlijke Binnenvaart Nederland. Others did not reply or had no opinion.
[189] According to the Danube Commission, the number of vessels increased by 68% over 10 years, with more than a doubling of the number of passengers. 25% of IWT traffic on the Danube is related to passenger transport.
[190] During the gap filling survey for Member States authorities, organised by the Commission in the fourth quarter of 2024, Member States administrations expressed the view that lack of a harmonised set of requirements for the carriers of passengers across the EU results in less resilience of those carriers (2 responses), in diverging requirements by Member State (3 responses) and in low quality service (1 response). One Member State also mentioned loss of time (possibly related to the application for and granting of the certificate). One Member State mentioned however that in view of the very few certificates issued, the effects of the rules are negligible.

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coverage of passenger transport. The legislation allows for EU-wide recognition of qualifications and the right of establishment for IWT carriers of cargo. However, the scope of, and the general approach based on knowledge are seen as outdated; more recent IWT legislation[191] uses competence-based systems for professionals. Furthermore, there is no EU-wide harmonised certificate confirming the proof of professional competence. In summary, the Directive is considered to be partially effective regarding cargo transport, while not addressing passenger transport at all.

Effectiveness of the Framework as a whole

The legal framework has been effective to a large extent, abolishing fixed pricing and other restrictive practices, reducing structural overcapacity and allowing for an open and harmonised market. This was confirmed by 38 of 41 responding SMEs during the SMEs survey[192].

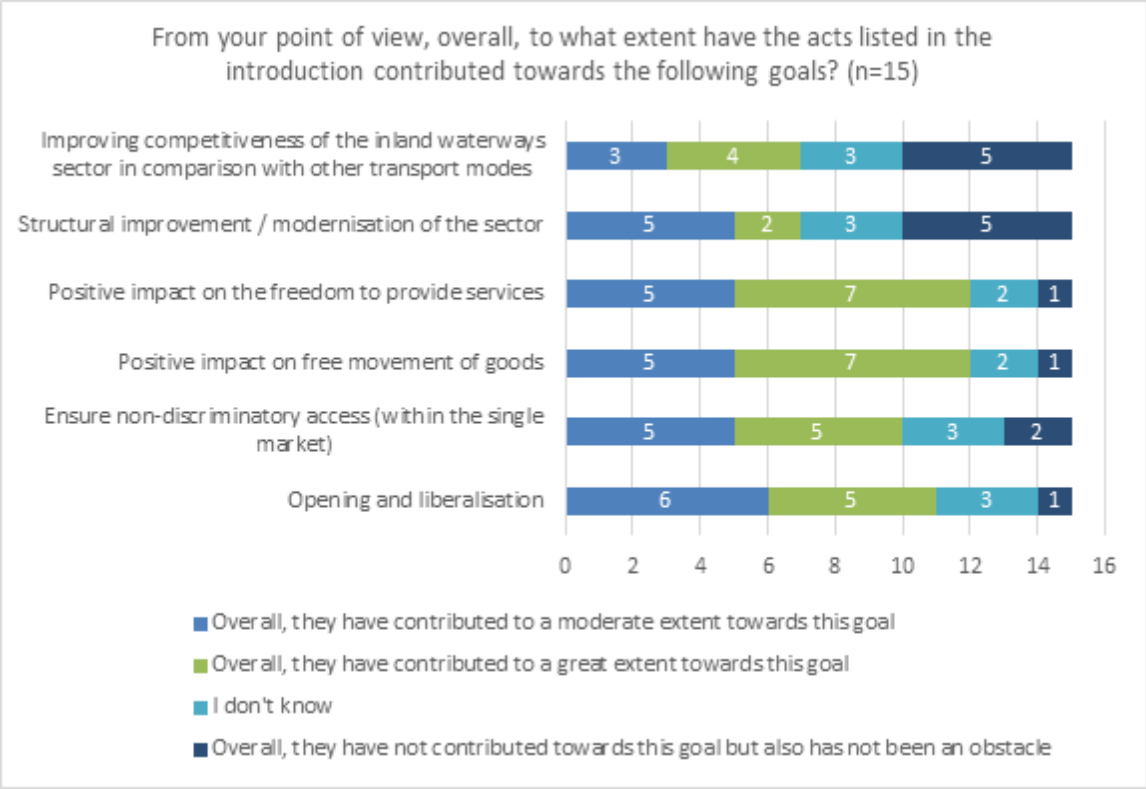
In response to the public consultation, 10 respondents (67%) out of 15 were of the view that the legal framework contributed to a great or moderate extent towards the goal of ensuring non-discriminatory access within the single market, while 2 respondents (13%) were of the view that it did not contribute to this goal. 12 (80%) out of 15 respondents indicated a positive contribution regarding the freedom to provide services and 11 (73%) out of 15 a positive contribution regarding the opening and liberalization of the market. 7 (50%) of 15 respondents answered positively that the framework contributed to improving the competitiveness and structural improvement/modernisation of the sector, while 5 (33%) out of 15 respondents found that the legal framework did not contribute to improving the competitiveness of IWT compared to other transport modes and did not result in a structural improvement or modernization of the sector.

As described above, a few issues have been pointed out, but the related risks do not seem to have materialised so far to a larger extent.

[191] Directive (EU) 2017/2397 on the professional qualification for crew.
[192] During the SMEs survey, 38 of 41 SMEs that responded (93%) agreed or even strongly agreed with the statement that the internal market legislation for IWT has led to a single market in Europe in which free movement of goods across EU countries is ensured.

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Figure 13: Replies to the public consultation on the question related to the contribution of the legislative Framework to different goals



Source: Ecorys et al. (2023), Fitness check support study, based on the public consultation

It should be noted that the IWT market access legislative framework did not intend to influence the willingness or propensity to enter the market. Its main objective was to eliminate discrimination, not only in terms of prices (Group 1 legislation) but also in terms of access (Groups 2 and 3 legislation). Concerning access, barriers were not reduced per se, but conditions were made equal for all EU operators. Moreover, the rules concerning mutual recognition of formal qualifications for operators (Group 3 legislation) further improved the level of integration of the internal market by making easier for EU operators to establish themselves in another Member State.

Since the IWT market access legislative framework did not have as an objective to influence the willingness or propensity to enter the market, the overall effect of the measures on the willingness and propensity to enter the market has not been analysed in great detail in the fitness check, moreover unintended effects on willingness to enter the market could not be evaluated mainly due to lack of data. However further information is provided in Annex X.

This Annex also contains more explanation related to the reasons for Dutch predominance among operators. As explained there, Dutch predominance has geographical, historical, economic and cultural reasons and is not a consequence of barriers to other operators to enter the common market. Therefore, it can be concluded that the Dutch predominance in Western Europe does not put the effectiveness of the intervention in question.

4.1.2. Efficiency

Little data is available to assess the efficiency of the framework as several of the legal acts do not include monitoring requirements and only one includes reporting requirements. The

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analysis of costs and benefits is based on data collected through the fitness check support study[193], the public consultation and the SME survey. An additional outreach by the Commission in 2024, addressed operators' associations and administrations, to fill data gaps, collect further evidence and quantify costs, efforts and benefits of implementing the legislation. However, this has resulted in little additional evidence.

Annex XII On data needs contains Table 19 where data needs are listed as well as possible avenues towards filling data gaps specific to the groups of legislation in scope.

Pillar 1 - Group 1 legislation – removal of restrictions and discrimination

Council Regulation (EEC) No 11/1960 of **Group 1** brings about costs for IWT operators and administrations, as well as benefits for IWT sector and all waterway users. These are discussed below, together with the simplification efforts.

The Regulation (Article 6) requires a transport document for each consignment of goods, detailing the consignor's name and address, nature and weight of the goods, place and date of acceptance, place of delivery. The 2008 amendment of the Regulation[194] reduced administrative burden by eliminating the obligation to create an additional document and allowing enterprises instead to use a national transport document, a company-related consignment note, a bill of lading or a multimodal document - if it contains the required information. According to the impact assessment accompanying the proposal of the eFTI Regulation it takes 15 minutes to fill paper documents for each shipment and the uptake of e-documents/information exchange in IWT is very low. The impact assessment estimated that 24 million hours were spent for processing freight transport information needed for national and international trips in 2018, leading to ***recurrent administrative costs for IWT operators*** of EUR 582 million. By 2030, these costs would amount to EUR 674 million[195]. Not all these costs are attributed to Regulation (EEC) No 11/1960, but stakeholders' consultation activities did not provide evidence that could allow estimating its contribution to the costs.

According to the SME survey, out of 41 SME respondents[196], 19 (46%) experience no costs related to keeping transport documents on board, while 11 (27%) do experience costs and 11 (27%) do not know. On the other hand, operators' associations (EBU, ESO) noted significant to medium efforts (not further quantified) due to the creation, holding and archiving of paper documents. Keeping transport documents for each consignment of goods in IWT results in vast amounts of paperwork, especially for container transport (i.e. a single container ship typically carries up to 200 containers). 7 (41%) of the 17 respondents to the targeted survey[197] mentioned digitalisation (including eFTI Regulation, RIS Directive and Port information systems[198]) as a means of simplification. The CCNR Secretariat also noted during the public consultation that 'paper documents could be replaced by digital versions'. The impact assessment for the proposal of the eFTI

[193] Ecorys, STC-Nestra and Tournaye Consulting (2023), *Fitness check - Support study on the access to and the functioning of the inland waterway transport market*
[194] Council Regulation (EC) 569/2008
[195] SWD(2018) 183 final, p. 19, 28, 87.
[196] SME survey carried out in 2022.
[197] Targeted survey (2021) carried out in the context of the fitness check support study.
[198] eFTI stands for Electronic Freight Transport Information Regulation and RIS for River Information Services Directive.

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Regulation[199], estimated that the 15 minutes to fill paper documents for each shipment could be reduced to 5 minutes by using electronic documents under eFTI from July 2027. Thus, when considering the implementation of the eFTI Regulation from 2027, the recurrent administrative costs for IWT operators is projected at EUR 357 to 452 million in 2030[200]. As explained above, not all these costs are attributed to the Regulation (EEC) No 11/1960, and they should thus be seen as the upper bound estimate.

For public administrations, the costs relate to the control of transport documents. During the gap filling survey, organised by the Commission in 2024, Member States' administrations mentioned that staff involved in checks on the spot (e.g. police) spend 60-90 minutes per check, while staff involved in the following up of infractions and penalties spend 90-480 minutes per infraction. The ***recurrent administrative costs for public administrations*** could not be estimated because the stakeholders' consultation activities provided little evidence on the number of inspections or controls, and no evidence on the number of infractions. In addition, as explained in section 4.1.1, the control of a vessel by enforcement authorities might also serve different aims and may be based on diverse legal bases. During the public consultation, 2 public authorities (PT, IT) have noted low to medium effort (time and/or money) to comply with Regulation (EEC) No 11/1960, while BG did not know. During the targeted survey[201], one respondent from Luxemburg said the associated costs were 'low' (overall policing costs), while the Hungarian Police did not have specific data on costs of inspections, referring to them as being part of the state budget for law enforcement activities.

IWT operators are also expected to experience recurrent enforcement costs due to Regulation (EEC) No 11/1960, for cooperation to inspections or controls. It was not possible to estimate such costs due to the lack of evidence. According to the SME survey, 21 out of 41 (51%) respondents experience no such costs, 10 (24%) do experience costs related to inspections to check transport rates and conditions, while 10 (24%) respondents did not know.

Benefits for IWT operators[202] relate to the easiness in obtaining insurance, the easier identification/designation of the liable party thanks to the obligatory transport document on board of the vessel, and increased safety on the waterways (i.e. transport document indicating dangerous cargo). The ***increased safety on the waterways benefits all waterway users including cargo and passenger vessels.***

During the public consultation (see Figure 14), 7 out of 13 respondents indicated that Regulation (EEC) No 11/1960 requires low or medium effort (time and/or money)[203] to

[199] SWD(2018) 183 final

[200] According to the impact assessment for the proposal of the eFTI Regulation, the administrative costs savings for IWT operators are estimated at EUR 222 to 317 million in 2030 (33% to 47% reduction relative to the baseline costs).

[201] Targeted survey (2021) carried out in the context of the fitness check support study.

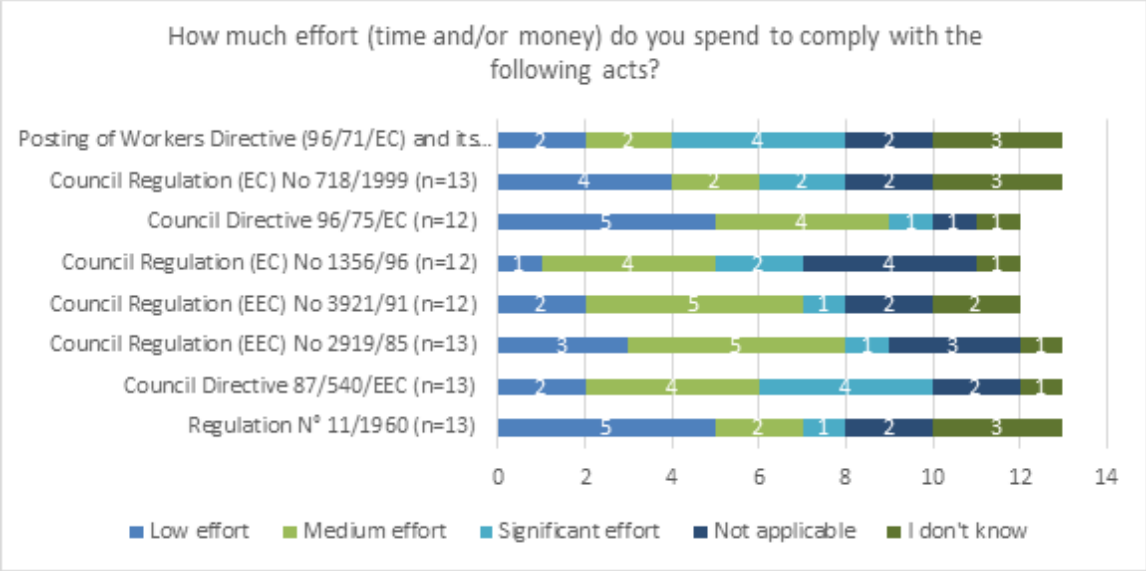
[202] During the targeted survey (2021) carried out in the context of the fitness check support study, 4 respondents out of 15 Member States that responded to the survey were of the view that it brings about increased safety on the waterways and 4 were of the view that it results in fairer competition, 6 were of the view that it results in easier identification/designation of liable party and 2 were of the view that it results in less discrimination in transport rates and conditions. As beneficiaries of these benefits, carriers, clients (passengers or shipper) and Member States administrations were mentioned.

[203] 3 out of 13 respondents indicated significant effort (time and/or money) to comply with the Regulation, 2 out of 13 respondents indicated medium effort, while 5 respondents indicated low effort for complying with the Regulation. 3 others indicated 'do not know' or 'not applicable'.

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comply. In addition, 3 out of 13 respondents expressed the view that the perceived benefits are higher or of similar size with the efforts/costs and 3 that the benefits do not compensate the efforts/costs (see Figure 15)[204].

Figure 14: Replies to the public consultation on the question related to the effort (time and/or money) to comply with the legislative Framework

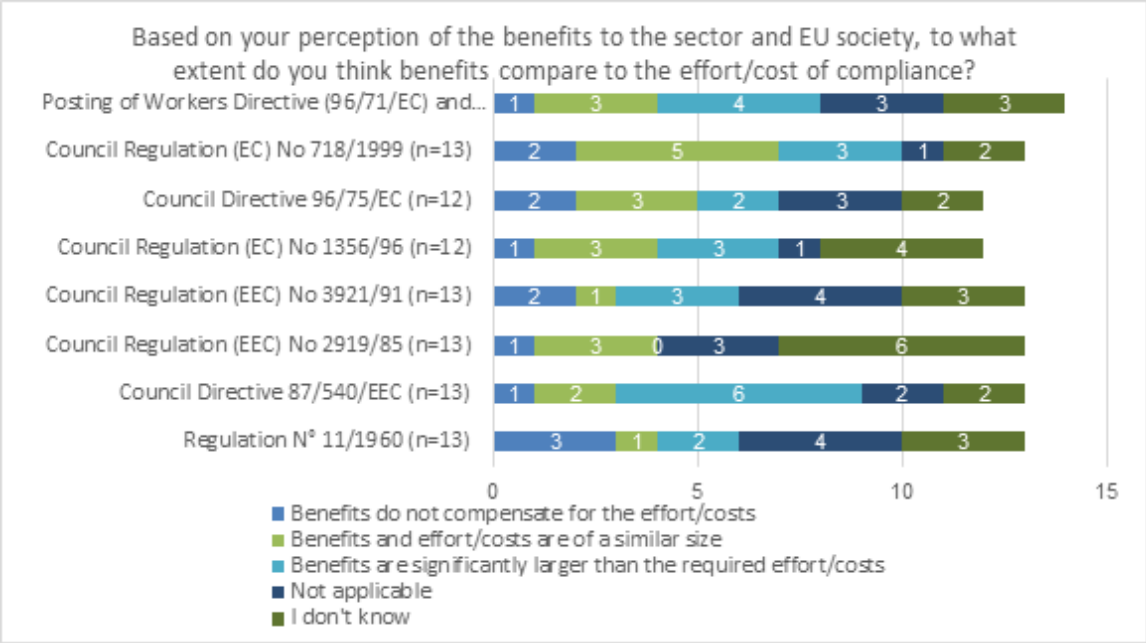


Source: Ecorys et al. (2023), Fitness check support study, based on the public consultation

[204] 3 out of 13 respondents indicated that perceived benefits do not compensate efforts/costs, 1 indicated that perceived benefits and efforts/costs are of similar size and 2 indicated that perceived benefits are significantly larger than required efforts/costs for compliance with the Regulation. The rest did not know or responded 'not applicable'. Among the public authorities that responded to the question on how benefits relate to effort and costs during the public consultation (4 public authorities), one said benefits and effort/costs are of a similar size and one that benefits are significantly larger than the required effort/costs, while 2 did not know or indicated 'not applicable'.

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Figure 15: Replies to the public consultation on the question related to the extent benefits compare to the effort/cost of compliance



Source: Ecorys et al. (2023), Fitness check support study, based on the public consultation

Council Directive 96/75/EC, which eliminated national rules or practices impeding the freedom of chartering and pricing, ***does not entail recurrent costs for IWT operators or public administrations***. In terms of ***benefits***, as explained in section 4.1.1, the German abolishment of the Festfrachten system of minimum prices in 1994, resulted in reduced shipping prices by 60% for coal products and by 40% for bulk cargo, based on the interview with the representative of Rhine operators and DE Commissar to the CCNR [205]. In addition, the abolishment of the 'Tour de Role' system led to annual benefits estimated at EUR 190 million in the Netherlands alone[206]. The public consultation did not provide a clear view on whether overall benefits outweigh costs (including the one-off adjustment costs to phase out minimum compulsory tariffs by the end of 1998)[207]. Further efforts to gather data (as detailed in Annex V) did not provide better insights.

Conclusion on efficiency for Group 1: Council Regulation No 11/1960 brings about recurrent administrative costs for IWT operators due to the requirement of transport documents for consignments of goods. These costs will be significantly reduced from 2027 onwards thanks to digitalisation in the context of the implementation of eFTI Regulation. The Regulation also leads to some recurrent administrative costs for public administrations for inspections or controls, and enforcement costs for IWT operators for cooperating to inspections or controls. Benefits for IWT operators arise from the easiness in obtaining insurance and the easier identification/designation of the liable party. The increased safety on the waterways will benefit both the IWT operators and passengers. Council Directive 96/75/EC does not entail recurrent costs for IWT operators or public administrations and results in benefits due to reduced shipping prices. Overall, the scarce evidence for monetising the costs and benefits does not allow to conclude on the efficiency of the Group

[205] Interview with the representative of Rhine operators and DE Commissar to the CCNR representing the profession (2021) carried out in the context of the fitness check support study.
[206] Ecorys, STC-Nestra and Tournaye Consulting (2023), *Fitness check support study*, p. 9.
[207] 2 out of 12 respondents indicated 'benefits do not compensate for the effort/cost', while 3 respondents indicated 'benefits and effort/costs are of similar size', and 2 indicated 'benefits are significantly larger than the required efforts/costs. The rest did not know or responded not applicable.

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1 legislation, although few stakeholders have indicated during the public consultation that the overall benefits outweigh costs.

Pillar 1 - Group 4 legislation – structural improvement of the IWT market

Council Regulation (EC) 718/1999 led to one-off adjustment costs for vessel owners during 1999-2003 as well as benefits for IWT operators. No costs for businesses were registered after 2003 due to Group 4 legislation. Council Regulation (EC) 718/1999 generates some very limited recurrent administrative costs for public administrations.

One-off adjustment costs for vessel owners, in the form of contributions for new vessels put into service under the 'old-for-new' rule, are estimated at EUR 26 million for 1999-2003[208]. Post-2003 there are ***no one-off or recurrent costs for businesses*** due to Council Regulation (EC) 718/1999 or due to the stand-by mechanism in case of serious market disturbance (Article 6 of Regulation 718/1999 together with article 7 of **Directive 96/75/EC**), which was not triggered so far.

Reporting obligations for public administrations due to Regulation (EC) 718/1999 are very limited and estimated to take on average 10 hours per year per Member State[209], for the Member States that have setup and funded inland waterway Funds (AT, BE, DE, FR and NL). Total ***recurrent administrative costs for public administrations*** related to reporting obligations are thus estimated at EUR 3,628 per year (for all 5 relevant Member States)[210].

Benefits for IWT operators come from reducing overcapacity in the IWT market before 2003 thus avoiding decreases in turnover for IWT operators (often SMEs) and potential losses. The legislation continues to serve as basis for the potential restructuring of the IWT market in case of market disturbance and the use of the Reserve Fund.

EBU[211] saw no substantial costs related to the legislation, but benefits for the restructuring of the market in case of market disturbance and the use of the Reserve Fund.

The Fund established under Council Regulation (EC) No 718/1999 was initially funded with EUR 7 million from surpluses for restructuring actions before 1999. The total amount was raised to over EUR 33 million by 2003 under the 'old-for-new' rules. The funds have not been used until the Commission[212], upon request by the industry, created the 'European IWT platform' to promote safety, clean technologies and innovation of the fleet as well as education and training. EUR 7 million from the Fund support the Platform's operations for the 2017-2027 period. Industry is planning to request a renewal for the subsequent ten years (2028-2037). All respondents of operators and several Member State administrations

[208] Ecorys, STC-Nestra and Tournaye Consulting (2023), *Fitness check support study*, p. 33.
[209] Replies by AT, DE and NL during the gap filling survey for Member States authorities, organised by the Commission in the fourth quarter of 2024.

[210] The tariff rates by Member State for the ISCO 1 category (legislators, senior officials and managers) in 2022 prices were used to monetise the costs.
[211] Gap filling survey for operators' associations, organised by the Commission in the fourth quarter of 2024.
[212] Commission Decision of 5.10.2017 authorising the use of the Inland Waterways Fund established by Council Regulation (EC) No 718/1999 of 29 March 1999 [C(2017) 6663 final]

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(AT, DE, HR)[213] consider that the Platform adds benefits[214] for national and regional administrations, operators, skippers, vessel owners, logistics companies, as well as UNECE, river Commissions and river protection Commissions.

During the public consultation, 8 out of the 13 respondents[215] perceived Council Regulation (EC) 718/1999 as providing overall benefits or benefits of similar size with the effort/costs (see Figure 15).

Conclusion on efficiency for Group 4: No quantitative information is available on the benefits of the Group 4 legislation. The benefits seem to overweigh the overall costs, although they could not be quantified and thus the uncertainty associated to them is acknowledged. Since 2003 there are no costs associated to the Group 4 legislation, except for the very limited administrative costs for public administrations, while benefits are due to the 'European IWT platform' that promotes safety, clean technologies and innovation of the fleet as well as education and training.

Pillar 2 - Group 2 legislation – access to the inland waterway network

Council Regulation (EEC) 2919/85 entails recurrent administrative costs for IWT sector for applying for certificates certifying vessels affiliation with Rhine navigation and recurrent administrative costs for public administrations for issuing such certificates. It also entails recurrent administrative costs for public administrations to carry out checks of certificates and recurrent enforcement costs for IWT operators for cooperating to such checks, as well as benefits for vessel owners and/or operators. **Council Regulation (EEC) 3921/91** and **Council Regulation (EC) 1356/96** do not foresee a specific form for the document which certifies the fulfilment of their conditions.

Regarding the ***recurrent administrative costs for the IWT sector*** for applying for certificates certifying vessels affiliation with Rhine navigation (*Certificate of belonging to the Rhine navigation*), the Koninlijke Binnenvaart Nederland[216] reported that applying for a Rhine certificate takes 30 minutes on average and costs 75 EUR (i.e. fee) in addition to vessel documents required by European legislation[217]. The total cost per certificate in the Netherlands is estimated at EUR 94 (i.e. EUR 19 for the time spent applying and EUR 75 the fee)[218]. Assuming that the cost per certificate in the Netherlands is representative at EU level, in the absence of information on the costs per certificate provided by other Member States, the recurrent administrative costs for IWT operators could be estimated at around

[213] Gap filling survey for operators' associations and Member States authorities, organised by the Commission in the fourth quarter of 2024.
[214] 3 (AT, DE, HR) out of the 9 MS authorities that responded are of the view that the activities of the IWT Platform bring significant benefits to the sector. One (NL) is of the view that the activities of the IWT Platform bring some benefits to the sector. The remaining cannot say or did not respond. All 5 respondents from operators' associations (including the IWT platform) are of the view that the activities of the IWT Platform bring significant benefits to the sector.
[215] 2 out of 13 respondents indicated that perceived benefits do not compensate efforts/costs, 5 indicated that perceived benefits and efforts/costs are of similar size and 3 indicated that perceived benefits are significantly larger than required efforts/costs for compliance with the Regulation. The rest did not know or responded 'not applicable'.
[216] Gap filling survey for operators' associations, organised by the Commission in the fourth quarter of 2024.
[217] Directive (EU) 2016/1629
[218] The tariff rate for the Netherlands for the ISCO 3 category (technicians and associate professionals) in 2022 prices was used to monetise the time spent for application.

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EUR 987,000[219]. This should be regarded as an order of magnitude rather than precise costs estimates.

Regarding the ***recurrent administrative costs for public administrations,*** Germany reported the issuance of about 440 Rhine certificates per year on average during 2022-2023 costing the administration about 185 EUR per certificate (EUR 81,500 in total)[220] while Luxembourg issued about 5 Rhine certificates per year on average during the same period; only paper documents are issued in both countries. The number of checks for certificates (if any) is not known and ***Member States did not provide evidence to allow quantifying the recurrent administrative costs*** associated to such checks[221]. This is also the case of ***recurrent enforcement costs for IWT operators*** for cooperating to such checks.

Administrations[222] and SMEs[223] highlighted the simplification potential of Group 2 legislation. Two separate legal acts, covering cross-border transport and cabotage on the Rhine, co-exist with legislation for cross-border transport and cabotage applying on all European waterways including the Rhine. This approach was perceived to be due to historic reasons (see Annex VIII International treaties and a priority at the time to grant access to the Rhine to Member States operators residing outside of the Rhine). Afterwards, general rules for cross-border transport were created.

Notably, Council Regulation (EEC) 2919/85 requiring a separate document for Rhine cabotage (*Certificate of belonging to the Rhine navigation*) is seen as creating burden, when it could be included in the obligatory *Union inland navigation certificate*[224]. The fulfilment of requirements of the Council Regulation (EEC) 2919/85 could also be contained in the *Union inland navigation certificate*. But this is complicated by the current requirement for the vessel certificate and the registration certificate to be issued in the same state. A CESNI Working Group is examining simplification in the context of the revision of the data model for the *Union inland navigation certificate*.

The regulations in Group 2 already provide flexibility to accommodate simplification: Article 2.3 of the Annex of Council Regulation (EEC) 2919/85 allows for the *Certificate of belonging to the Rhine navigation* to be contained in any other document already issued for the vessel. Finally, there is simplification potential in issuing documents digitally, including for the vessel and the carrier.

The ***benefits*** of Group 2 legislation relate to the creation of a true internal market. The legislation ensured providing access for vessel owners and/or operators of every EU Member State to the Rhine. The associated benefits however could not be quantified.

According to the responses received during the public consultation (see Figure 14) legislation in Group 2 requires medium to low efforts/costs to comply (8 out of 13 respondents for Regulation (EEC) No 2919/85, 7 out of 12 respondents for Regulation (EEC) No 3921/91 and 5 out of 12 respondents for Regulation (EC) No 1356/96), which

[219] EU fleet consists of around 15,000 vessels, and according to CCNR (30/6/2025) around 70% of the fleet (10,500 vessels) possess the certificate of belonging to the Rhine fleet. Precise figures are not available, as the certificates of belonging to the Rhine fleet are issued by competent authorities of various states and currently there is no obligation (neither at the level of the Rhine nor at EU level) to report on the number of certificates.
[220] Gap filling survey for MS authorities, organised by the Commission in the fourth quarter of 2024.
[221] Gap filling survey for MS authorities, organised by the Commission in the fourth quarter of 2024.
[222] Gap filling survey for MS authorities, organised by the Commission in the fourth quarter of 2024.
[223] SME panel (2022)
[224] Directive (EU) 2016/1629

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are perceived to be outweighed by benefits for Regulation (EC) No 1356/96 (see Figure 15).

Conclusion on efficiency for Group 2: No quantitative information is available on the benefits of the Group 4 legislation and very scarce evidence on the costs, which does not allow to conclude on the efficiency of the Group 2 legislation. For administrative simplification, the separate document on Rhine cabotage could be included in the obligatory *Union inland navigation certificate* and the digitisation of documents to establish the right to access to the market could further improve efficiency and drive the sector towards paperless solutions.

Pillar 2 - Group 3 legislation – access to the profession of IWT carrier

As regards **Council Directive 87/540/EEC**, Member States report an average of 10 certificates issued annually per Member State. The work required by public administrations for issuing a certificate is estimated at 60-120 minutes[225]. Assuming 10 certificates are issued per year in each of the 13 relevant Member States, the total recurrent administrative costs for public administrations for issuing the certificates are estimated at EUR 6,097 to 12,194 per year. Austria also reported the issuance of about 12 replacements, reclassifications and extensions of certificates on average per year[226]. Assuming the same work as that for issuing a certificate (60-120 minutes), the total recurrent administrative costs for issuing replacements, reclassifications and extensions are estimated at EUR 7,316 to 14,633. Thus, the ***total recurrent administrative costs for public administrations*** related to certificates are estimated at EUR 13,413 to 26,827 per year.

Applying for a certificate takes on average 30 minutes and fees associated to the application amount to EUR 70 per certificate in the Netherlands[227]. Considering that 10 certificates are issued per year in each of the 13 relevant Member States, the recurrent administrative costs for IWT operators for applying for certificates are estimated at EUR 9,062 per year[228,229,230]. For the replacements, reclassifications and extensions of certificates the recurrent administrative costs are estimated at EUR 10,874. Thus, the ***total recurrent administrative costs for IWT operators*** related to certificates are estimated to EUR 19,936 per year.

Several exemptions and derogations lead to about 25% of persons obtaining by practice the certificate of carrier of goods in the Netherlands alone. Dedicated courses otherwise last 10 days and cost 2,500 EUR as reported by EBU and ESO[231]. Assuming that 10

[225] AT, DE and BE replies (Flanders, Wallonia responded separately) during the gap filling survey for MS authorities, organised by the Commission in the fourth quarter of 2024.
[226] Gap filling survey for MS authorities, organised by the Commission in the fourth quarter of 2024.
[227] To derive the fee for other Member States the purchasing power parities published by Eurostat have been used.
[228] The tariff rate for the Netherlands for the ISCO 3 category (technicians and associate professionals) in 2022 prices was used to monetise the time spent for application.

[230] These costs are paid either by the applicant or by the employer. However, as no information is available on the actual split between the applicant and the employer all the recurrent administrative costs are assumed for the employer.
[231] Gap filling survey for operators' associations, organised by the Commission in the fourth quarter of 2024.

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certificates[232] are obtained per year on average per Member State and that for 7.5 of certificates on average dedicated courses are followed in view of obtaining the certificate, the adjustment costs for IWT operators in the NL are estimated at EUR 18,750 per year. Using extrapolation[233] for the 13 Member States with connected waterways ***the total recurrent adjustment costs for the operators of 13 Member States*** are estimated at EUR 198,173 per year[234].

Thanks to the Directive, the aspiring carrier needs to apply only once to become a carrier of goods in the EU instead of repeatedly for different national or river-based markets. The common rules and mutual recognition ensure ***benefits*** due to less administrative burden and lower costs ***for operators and national administrations***. 6 of the 13 respondents to the public consultation perceived the efforts/costs for complying with the Directive as medium or low (see Figure 14) and 8 out of 13 respondents indicated that the benefits are higher or similar to the efforts/costs (see Figure 15). Out of 30 SMEs who expressed a view[235] on the process of obtaining the certificate of professional competence, 15 stated that it is sufficiently transparent and 8 that it is not transparent.

Conclusion on efficiency for Group 3: Thanks to Group 3 legislation, common rules and mutual recognition led to benefits due to reduced administrative burden and lower costs for operators and national administrations. It was however not possible to monetise these benefits due to the lack of evidence. Further simplification could be achieved with standardisation and digitisation of the certificate of carrier of goods.

Efficiency of the Framework as a whole

All Groups assessed above lead to recurrent administrative costs for public administrations. Although not all of them could be quantified (or quantified in full) their magnitude appears to be limited. Group 1, 2 and 3 also result in recurrent administrative costs for businesses operating in the IWT sector. Of these, Group 1 appears to lead to the largest administrative costs for businesses due to the transport documents required by Council Regulation (EEC) No 11/1960 for allowing checking the transport rates (see overview table of costs and benefits for the overall framework in Annex IV). It should be noted however that these transport documents are also used for other purposes and not all costs can be directly attributed to Council Regulation (EEC) No 11/1960[236]. In addition, the implementation of eFTI Regulation from 2027 is expected to lead to significant reductions in costs of Group 1 due to digitalisation.

Reporting requirements are only associated to Group 4 (i.e. Council Regulation (EC) 718/1999) and are very limited (estimated at EUR 3,628 per year for all 5 relevant Member States). **Potential for administrative simplification** has been identified for Group 2,

[232] On average 10 certificates are issued by each of the 13 Member States per year but whether those are thanks to dedicated courses or not it is not clear, except for the Netherlands. Note, aspiring operators have the option to provide proof of their knowledge of certain subjects referred to in Annex of the Council Directive 87/540/EEC (e.g. law, finance, access to the market, technical standards and safety), however part of that knowledge (e.g. law, finance) can be obtained in a general course, not necessarily in a dedicated course. Moreover, the Directive provides for exemptions and derogations that lead to the possibility of obtaining by practice the certificate of carrier of goods, without following a course.

[233] Assuming the purchasing power parities published by Eurostat to estimate the cost of a course in other Member States

[234] This can however only be regarded as an upper bound estimate due to the reasons explained above

[235] SME panel (2022)

[236] The share attributed to Council Regulation (EEC) No 11/1960 could not be estimated.

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where the separate document on Rhine cabotage could be included in the obligatory *Union inland navigation certificate* and the digitisation of documents to establish the right to access to the market could further improve efficiency and drive the sector towards paperless solutions. For Group 3 further simplification could be achieved with standardisation and digitisation of the certificate of carrier of goods.

Group 1, 3 and 4 also led to adjustment costs for businesses operating in the IWT sector and Group 4 to one-off adjustment costs for public administrations. Finally, Group 1 and 2 entail some enforcement costs for IWT operators for cooperating with the enforcement authorities in checking certificates.

All Groups result in benefits for the businesses operating in the IWT sector and Group 3 and 4 also in benefits for public administrations. Despite several rounds of consultation activities, including a gap filling survey organised by the Commission in the fourth quarter of 2024, not sufficient evidence was received to allow quantifying the benefits. **The evidence available on costs and benefits does not allow to draw robust conclusions on the overall efficiency of the framework.**

Nevertheless, the 2024 survey showed that some Member States administrations value the contribution of the IWT market access framework to the sector's competitiveness. LU is of the view that the *'framework is largely appropriate for ensuring competitiveness within the internal market, as it promotes fair competition, non-discrimination, and cross-border services. However, to remain competitive with third countries, it may need further simplification and modernisation, particularly to address external challenges like evolving trade dynamics and environmental standards*.' HR is generally of the same opinion and highlighted that the framework creates *'fair conditions of market competition through common rules, including access to the occupation of inland waterway carriers, while also pleaded for simplification of legislation'*. AT appreciates that the equal market access resulted in easy market access. BE appreciated in particular the Directive 87/540/EEC that enables entrepreneurs to start transport activity in any country of the EU. The respondent from DE administration, however, is of the opinion that *'the 7 pieces of legislation are no longer necessary to ensure competitiveness'*. Finally, Annex X contains more information on IWT's competitiveness linking the legislative framework to the outcomes for the IWT sector, presenting also other aspects such as reasons for the predominance of Dutch operators.

4.1.3. Coherence

Coherence has been assessed at several levels: the internal coherence of the legislation as such, and within the Group or Pillar, within the overall legal Framework, and its coherence with other relevant EU legislation or policies.

Pillar 1 - Group 1 legislation – removal of restrictions and discrimination

Council Regulation (EEC) No 11/1960 prohibits rate fixing while Council Directive 96/75/EC foresees free negotiation of prices. Thus, the two pieces of legislation are complementary. Council Regulation (EEC) No 11/1960 however, contains an outdated reference on exemptions of certain goods by referring to Annexes[237] of the Treaty establishing the European Coal and Steel Community (ECSC). The ECSC is no longer in force, and those Annexes have not been replaced under the Treaty of Rome nor its

[237] Annex I (coal and steel) and Annex III (special steel)

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successor regulations including the TFEU. Therefore, none of the goods are exempted anymore, as initially foreseen. Otherwise the legal acts under Group 1 are internally coherent.

Analysis[238] regarding external coherence did not detect any incoherences with other relevant EU legislation.

Consistency with EU policies on free movement of goods and services within the European single market has been confirmed by stakeholders during the consultation activities[239]. They stated that the Group 1 legislation removed restrictions and discriminations to entering and operating in the IWT sector. The implementation of the eFTI Regulation is expected to remedy as of July 2027 concerns raised by EBU and ESO[240] on the acceptance of electronic documents in IWT, which is perceived as currently unclear in relation to Council Regulation (EEC) No 11/1960. In EBU's and ESO's view, currently electronic documents are accepted depending on whether national laws allow it and there is no coherent application of electronic documents across the EU in IWT.

In addition, the implementation of the eFTI system will also bring remedy to the current lack of information concerning the transport document and its compliance checks[241]. Starting from July 2027 the eFTI Regulation[242] will gather data for monitoring purposes: Member States are required to record statistics and report to the Commission on the number of checks they perform electronically of information required in accordance with the EU and national law provisions that fall under the scope of the eFTI Regulation[243]. These provisions include, among others, information requirements as in the transport document[244]. Information on infringements count as information that can optionally be added by MS also as from July 2027[245]. The collection of the statistical information by the Member States will be done automatically, by means of mandatory logs[246]. Member States shall report to the Commission every five years, with information provided on yearly basis.

However, statistics generated by eFTI will initially provide a partial view because

[238] See studies related to the CT Directive 92/106/EEC the Regulation (EU) No 2020/1056 on eFTI, as well as the fitness check support study.
[239] Public consultation: out of 13 respondents 11 respondents were of the view that the Framework had a positive impact on the freedom to provide services to a great/moderate extent, 12 respondents were of the view that the Framework had a positive impact on the free movement of goods to a great/moderate extent. Remaining respondents indicated 'don't know'. Moreover, 10 respondents out of 13 were of the view that the Framework ensures to a great/moderate extent non-discriminatory access within the Single Market, while 1 respondent answered that the framework did not contribute to that. 2 respondents indicated 'don't know'.
[240] Based on targeted interview with EBU, ESO in the context of the fitness check support study.
[241] Council Regulation (EEC) No 11/1960
[242] Article 17 of Regulation (EU) 2020/1056 on electronic freight transport information
[243] As referred to in Article 3
[244] Referred to in Article 6(1) of EEC Council Regulation No 11
[245] In case of infringements, competent authorities may also lodge electronically so-called "follow-up communications", by means of which the competent authority may notify the operator that an infringement had been recorded (pursuant Article 8 of the eFTI Regulation, and corresponding specifications in Commission Implementing Regulation 2024/1942). However, lodging follow-up communications is not mandatory for the authorities, since national legislation covering how Member States deal with infringements does not fall under the scope of the eFTI regulation.
[246] These logs will keep record of the date and time of the checks performed electronically by the competent authorities officers in each Member State, and of the date and time of the follow-up communications, when made. The collection of this information will start as of 9 July 2027, the date of full application of the eFTI Regulation

operators are currently not obliged to submit the information (contained in the transport document) electronically; they still retain the option to provide the information by means of paper documents. While the uptake will start gradually in the first years, the aim is to eventually evolve to a high share of digital submission of transport documents. Regarding the monitoring aspect, it is only when operators provide the information electronically that the authorities have the obligation to perform the checks on that basis and, correspondingly, record (and report on) the number of checks. According to the eFTI Regulation, however, EC shall undertake a review[247] of the eFTI Regulation including the aspect of mandatory submission of transport documents by electronic way. Annex X contains some information related to Combined Transport Directive (EEC) 92/106 and Council Regulation (EEC) No 11/1960.

Conclusion on coherence for Group 1: The legal acts in Group 1 are coherent, except for one outdated reference to exemptions in Council Regulation (EEC) No 11/1960. However, there is no evidence, including from interviews and other consultation activities, that this outdated provision has led to practical issues.

Pillar 1 - Group 4 legislation – structural improvement of the IWT market

No inconsistencies have been identified within Council Regulation (EC) 718/1999. Complementarity has been confirmed between Council Regulation (EC) 718/1999 and Article 7 of Council Directive 96/75/EC regarding the potential use of the Reserve Fund and measures (Council Reg (EC) 718/1999) in connection with the serious disturbance of the IWT market.

External coherence has been maintained by broadening in 2008 the list of Member State measures according to Article 8 of Council Regulation (EC) 718/1999. This enables synergies with other instruments, such as CEF and Horizon Europe. Furthermore, a possibility has been included to encourage the adoption of clean technologies and digitalisation efforts.

Regarding Council Regulation (EC) 718/1999, stakeholders[248] confirmed that the EU IWT Reserve Fund is in line with wider EU policies aimed at greening the transport sector. Finally, a difference in geographical scope within Group 4 has been identified, as the Council Regulation (EC) 718/1999 includes an exemption for vessels navigating exclusively on the Danube, unlike the Council Directive 96/75/EC that applies for IWT in the EU.

Conclusion for coherence of Group 4: The legal acts included under Group 4 are overall coherent.

Pillar 2 - Group 2 legislation – access to the inland waterway network

Several internal coherence issues have been identified in **Group 2**:

[247] See the revision clause in Article 16(1)(a) of the Regulation (EU) 2020/1056

[248] 4 out of the 10 scoping interviews confirmed this point (3 with international organisations and one with an IWT expert). However, 2 out the 4 national organisations interviewed, highlighted the lack of clarity on how to use the Reserve Fund to reach sectoral objectives of sustainability and innovation. AT pointed to the limitations it perceives in providing State aid to IW to green their vessels due to competition law.

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- There are different provisions for international transport and cabotage on the Rhine vis-à-vis international transport and cabotage on other waterways (see Table 5). Cabotage on the Rhine is not limited in time while on other waterways cabotage is allowed only on a temporary basis[249].
- Furthermore, there is no uniform application[250] of temporary cabotage due to the lack of EU-wide definition of what is meant by "temporary"[251].
- International transport on the Rhine is limited to Rhine riparian operators and EU operators, while on the Danube international transport is open to all operators, even from outside of the continent.
- The genuine link[252] is defined in a different manner across the three acts in Group 2 as well as in a different level of detail.
- There are different requirements on access to the market, notably Council Regulation (EEC) 2919/85 requires operators to fulfil the same conditions as the vessel owners, which is not the case in Council Regulations (EEC) 3921/91 and 1356/96. Moreover, Regulation 2919/85 requires for persons managing/directing to be in majority nationals of a Member State. Council Regulations (EEC) 3921/91 and 1356/96 do not mention any conditions for the persons managing/directing. Council Regulations (EEC) 3921/91 and 1356/96 require carriers to be entitled to carry out international transport services while such condition is not included in Council Regulation (EEC) 2919/85.
- Inconsistent use of terminology in the legislation (including the terms of carrier, undertaking, operator[253]). Stakeholders[254] also noted a missing definition of "operator" for which two out of the three pieces of legislation in Group 2 set conditions of access. At the same time there is no evidence that this would have led to non-uniform application of the legislations in question.

In addition, in Group 2 access to waterways provisions address transport of goods and passengers, while the scope of access to the profession (Group 3) only relates to cargo.

Legislation in Group 2 is found to be coherent with the Act of Mannheim (1868) and the Belgrade Convention (1948). However, as these international regimes partly differ, the need to be coherent with both regimes resulted in overly complex EU legislation on access rules on European inland waterways. Furthermore, lack of coherence has been identified with other modes of transport regarding cabotage. As shown in Table 5, air and rail

[249] see Table 4 in section 4.1.1 on effectiveness

[250] see Table 4 in section 4.1.1 on effectiveness. As mentioned above, it is irrelevant for the Rhine as cabotage on the Rhine is not limited in time.

[251] Only France has foreseen a legal definition of temporary cabotage. AT calls for a specification at EU level, applying the road transport model.

[252] Genuine link between a vessel, a carrier and a Member State. The link of an operator, carrier and/or a vessel to a Member State in terms of nationality. Group 2 privileges nationals of EU Member States to carry out cabotage and/or international transport in another Member State; therefore, it is established in the regulations under which conditions an operator, carrier and/or a vessel is to be considered as a national of a Member State ('genuine link')

[253] For example: the definition of the link between a Member State and the craft and/or the undertaking using the craft; the Rhine access rules and the international transport refer to 'operators' while and cabotage rules refer to 'carriers'; the Rhine access rules refer to transport of 'persons' while the international transport and cabotage rules refer to passengers.

[254] The European Transport Workers Federation (ETF) in its written contribution highlighted the need to better define the term operator. This was also the case of a third country's Seafarers Union during the public consultation.

transport do not distinguish between international transport and cabotage, while the maritime sector allows unlimited cabotage. Road transport provides a common definition of 'temporary' cabotage since 2009.

Table 5: Overview of access granted per mode of transport

Mode	Cross-border	Cabotage
ROAD	Full access	Temporary access "temporary" is clarified at EU level
AIR	No distinction between cross-border and cabotage within the EU since 1 January 1993	
SEA	Full access, including for non-EU flagged vessels	Unlimited access for all EU flagged vessels
RAIL	No distinction between cross-border and cabotage within the EU since 1 January 2007 for freight transport (2nd package), and since 1 January 2019 for passenger transport (third package)	
IWT	Outside the Rhine: full access to EU vessels On the Danube: full access to vessels of all nations On the Rhine: full access to EU vessels + CH vessels	Outside the Rhine: temporary access "temporary" is defined at the national level, if at all On the Danube: temporary access "temporary" is defined at the national level, if at all On the Rhine: unlimited access to cabotage

Source: Ecorys et al. (2023), Fitness check support study, complemented by EC

As regards the genuine link, during the public consultation ETWF[255] pointed to the Rhine certificate as an example where requirements applicable to the operator are clearly described by the CCNR, including on the application form: operator's registered office must be established where its commercial activity is concentrated and the existence of the clear link with the commercial activity must be proven[256]. Some stakeholders[257] mentioned the permanent operation of vessels on the Rhine, with operators established in EU Member States with little to no IWT activity and applying lower social and fiscal standards.

Conclusion on coherence for Group 2: Several incoherences have been identified for Group 2 legislation.

[255] European Transport Workers' Federation, public consultation

[256] Exploratory interview with the former Secretary General of the CCNR, 9 March 2021; interview with the Polish Ministry of Transport, 16 November 2021. 2021

[257] This was expressed by 2 German SMEs in the SME survey (41 responses in total), in the scoping interview by one national administration and 1 business association, and as an outcome of the CCNR workshop. An expert stated that even if undertakings active on the Rhine have a stronger incentive to relocate to lower cost countries, effective access to the Rhine by the Danube fleet and vice versa remains limited. In the Danube workshop the DC secretariat expressed the risk that some companies might relocate to less demanding third countries riparian to the Danube to get their vessel certificate gaining a competitive advantage, however, this risk so far has not materialised in weakened competition.

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Pillar 2 - Group 3 legislation – access to the profession of IWT carrier

No inconsistencies of the legal provisions within Group 3 legislation have been identified while at the same time implementation across Member States differs (see Annex IX on the inventory of national implementation of Directive 87/540/EEC).

Several issues related to external coherence have been identified:

- Council Directive 87/540/EEC applies to cargo operators, but not to passenger transport (unlike Group 2 legislation which includes provisions on transport of cargo and passengers). As a consequence, entrepreneurs only need to demonstrate competences for markets on cargo transport, while they employ crew who are trained to work on both passenger and cargo transport according to Directive (EU) 2017/2397. ETF[258] pointed to the growing importance of passenger transport, especially the river cruise market segment and the (locally important) tourism sector. While carriers of passengers are not in scope of the Council Directive 87/540/EEC, some Member States do apply the same principles for both cargo and passenger carriers (see Annex IX).
- Inconsistency between Directive (EU) 2017/2397 and Council Directive 87/540/EEC, which share common objectives on regulating qualifications. The recently implemented Directive (EU) 2017/2397 pursues a competence based-system set up for crew members, based on CESNI standards. This competence based-system is different[259] from the knowledge-based approach applied in Council Directive 87/540/EEC for IWT carriers, which is currently not based on CESNI standards and does neither cover digital or environmental knowledge[260], nor passenger transport.
- Furthermore, EU rules for accessing the profession of an IWT carrier are encoded in a directive, whilst it is a regulation in all other modes of transport, resulting in diverse implementation in Member States. This was also noted during the public consultation[261], the SME survey and the scoping interviews[262].

Conclusion on coherence for Group 3: Several incoherences have been identified for Group 3 legislation.

Coherence of the Framework as a whole

There were no inconsistencies found with the related social legislation applicable in IWT, namely the Posting of Workers Directive (Directive 96/71/EC), concerning the posting of workers in the framework of the provision of services, and its Enforcement Directive (Directive 2014/67/EU) and the Derogation Agreement for Rhine boatmen concluded on the basis of Article 16(1) of Regulation (EC) 883/2004 on the coordination of the Social Security Systems (specifically the agreement on the determination of legislation applicable

[258] European Transport Workers' Federation (ETF) written contribution during the public consultation.
[259] The difference between knowledge-based and competence-based certification is that while knowledge is measured against a standard knowledge base, competence-based certification evaluates how competent the individual is in applying that knowledge, and skills, in the actual workplace
[260] This was also remarked by the CCNR secretariat in the public consultation.
[261] European Transport Workers' Federation (ETF) written contribution during the public consultation.
[262] 7 out of 41 SMEs perceived differences in the national practices of obtaining a certificate of professional competence of a freight carrier. In the scoping interview EBU and ESO stated that little can be said about the level of competence of an undertaking in IWT due to the varying conditions for recognition of professional competence across MS.

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to Rhine boatmen, concluded on this basis). Further information on these related social legislations can be found in Annex VII.

Overall, it can be concluded that Group 1 and 4 legislation is coherent, while for Groups 2 and 3 several incoherences have been identified (some of them interlinked). Further information can be found in Annex III in the responses to the evaluation questions on coherence.

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4.2. How did the EU intervention make a difference and to whom?

Pillar 1 - Group 1 legislation – removal of restrictions and discrimination

The legislation in **Group 1** achieved abolishment of fixed and discriminative pricing regimes and restrictive commercial practices across the EU's IWT sector. At national level it would not have been possible to tackle those challenges due to the international character of the sector.

The requirement to carry transport documents based on the same requirements according to Article 6 of **Council Regulation (EEC) No 11/1960** enables enforcement authorities across the EU to check compliance with transport rates and conditions. **Council Directive 96/75/EC** established freedom of chartering and pricing in all EU Member States and thus greater commercial flexibility and increased competitiveness of the sector in the EU Single Market; overcoming national protectionism and restrictive practices. If needed, action can be taken to protect the current regime (e.g. infringement procedure initiated in 2017 against Belgium or against the Netherlands in 1996 related to discriminatory practices[263]).

Eliminating discriminatory pricing and restrictive commercial practices potentially lowers transport costs for consignors and consignees[264] thanks to fairer and more transparent competition among carriers. The abolition of the Festfrachten system of minimum prices, was estimated to have resulted[265] in a 60% reduction of shipping prices for coal products and 40% for bulk cargo in Germany, according to an interview with the representative of Rhine operators and DE Commissar to the CCNR. In the Netherlands alone the annual benefits due to the abolishment of the 'Tour de Role' system are estimated at EUR 190 million annually, expressed in 2022 prices[266]. During the stakeholders' consultation, AT specifically highlighted regarding Council Regulation (EEC) No 11/1960 the advantage and benefit of uniform rules for the entire EU about prohibition of discriminatory rates and conditions, prohibition of fixing of tariffs and rates and common requirements on creating, keeping and archiving transport documents.

Conclusion for EU value added Group 1: EU added value is demonstrated since, due to the international and cross border nature of IWT transport, freedom in chartering and pricing and the elimination of discriminatory practises could not have been achieved at local, regional or national level, alone.

Pillar 1 - Group 4 legislation – structural improvement of the IWT market

Scrapping schemes carried out at national level prior to Group 4 legislation, in 1960' and 1970' in Germany, Belgium, the Netherlands, and France had limited effect, therefore Member States concerned requested to introduce a scheme at the European level[267]. In the 1990's, action was taken at European level with **Council Regulation (EC) 718/1999** and

[263] The Belgian case resulted in change in Belgian law to comply with EU law on provisions on freedom of price formation (Council Directive 96/75). The Dutch case related to discrimination between users of transport services resulting from the Dutch law on the division of freight in North-South IWT.
[264] The consignor is the sender of goods and the consignee is the receiver of the goods
[265] Interview with the representative of Rhine operators and DE Commissar to the CCNR representing the profession in the context of the fitness check support study.
[266] Ecorys, STC-Nestra and Tournaye Consulting (2023), *Fitness check support study*, p. 9.
[267] EC's report from 1996

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its predecessor Regulation (EEC) 1101/89 which resulted in structural improvement of IWT through the introduction of a scrapping scheme and the 'old-for new' rule (active up to April 2003) in relevant regions of the EU, while keeping geographical areas with no overcapacity out of scope (e.g. the Danube).

The provision in Article 6 of Council Regulation (EC) 718/1999 of scrapping old vessels serves today, in combination with Article 7 of **Council Directive 96/75/EC**, as a potential safety mechanism to prevent any new increase in the transport capacity in case of serious market disturbance of the market. If and when triggered, it provides important added value in ensuring the resilience of the EU IWT market, except for the vessels operating exclusively on the Danube (exempted under its Article 2.2.c). The respondents to the stakeholder consultation activities rather supported having crisis management tools in place at EU level as shown in the following stakeholder consultations contributions. In a targeted interview a Rhine IWT expert stated that measures taken at national level aiming to tackle the supply side of IWT, specifically overcapacity, would not lead to significant results given the number of Member States in which vessel operators are established. An academic/research organisation agreed with this view. In the targeted survey, when asked if the EU or the Member States should put in place public intervention measures to respond to external economic shocks, 5 out of 13 national authorities preferred EU level action, 2 preferred national action, 5 did not know and 1 was not in favour. Both associations EBU/ESO and the German delegation at the CCNR underlined the importance of an existing clear crisis mechanism to be deployed at the EU level during times of crises. Due to lack of quantitative data, analysis on the EU added value was mainly based on stakeholder consultation contributions, as underlying evidence.

The EU added value of the operations of the IWT Platform[268], financed from IW Reserve Funds according to Council Regulation (EC) 718/1999, has been confirmed by several Member State administrations (AT, HR, DE, LU and NL) and all responding operators' associations in the gap filling survey organised by the Commission in 2024.

Annex XI contains more information related to tackling structural overcapacity and Group 4 legislation.

Conclusion for EU value added Group 4: EU action has reduced structural overcapacity and supported modernisation of the fleet. The safety mechanism supports overall resilience of the EU inland navigation market.

Pillar 2 - Group 2 legislation – access to the inland waterway network

Due to the international and cross border nature of IWT, local, regional and national rules alone could not have prevented discrimination on the grounds of nationality or place of establishment within the EU, and allow to establish equal conditions for market access for EU operators. Without Group 2 legislation, market access other than to the Rhine would rely on bilateral agreements or on the River Commission's provisions and a higher degree of fragmentation of access rules to the EU IWT market would be likely. The legislation in Group 2 prevents any discrimination on grounds of nationality or place of establishment; this set of regulations introduced the same rules for market access for all EU operators, without undermining the privileges granted by the River Commissions, notably by the

[268] Since its establishment in 2017, the IWT Platform has contributed to numerous initiatives in standardisation and regulatory bodies as well as to European projects, providing expert knowledge and expertise for the benefit of the entire IWT sector at European level.

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CCNR and the Danube Commission. This means that unlimited Rhine cabotage remains in place, harmonised rules for cross border and cabotage transport on the Danube and other waterways are introduced while privileges of Switzerland and other third countries to access the Rhine and Danube, respectively, are preserved.

It is also questionable whether without EU level legislation national markets would have opened up to cabotage for EU operators, as illustrated by the 2 years grace period obtained by FR and DE in implementing the cabotage regulation. Some experts confirmed this view[269].

Conclusion for EU value added Group 2:

Due to the international and cross border nature of IWT, the objectives of Group 2 legislation could not have been achieved with local, regional or national action alone. Group 2 legislation provides for harmonised access to waterways, cabotage and international transport. EU action helped to overcome fragmentation of the inland navigation market.

Pillar 2 - Group 3 legislation – access to the profession of IWT carrier

As cross-border transport represents 75% of the freight IWT activity[270], the objectives could hardly have been achieved without EU level action to establish common rules for all Member States. With the help of Council Directive 87/540/EEC the harmonisation of access to the profession rules was achieved across the EU, ensuring the effective exercise of the right of establishment for carriers of goods and a clear added value at European level. Due to the fact that the EU rule takes the form of a Directive, national approaches can be applied for its implementation and there is room for improvement in relation to ensuring a more harmonised approach. Moreover, the scope of the Directive does not cover passenger transport so the IWT market is only covered partially. The rules for mutual recognition[271] enable EU-wide use of diplomas and certificates and reduced related administrative burden for aspiring operators. It made thus employment in inland navigation more attractive and contributed to the freedom of movement for professionals and to an increase in operational safety. Several stakeholders who have participated in stakeholder consultation activities have explicitly highlighted EU added value[272].

Conclusion for EU value added Group 3:

As 75% of the freight IWT activity takes place cross-border, the objectives of Group 3 legislation on access to the occupation and on professional competences could not have been achieved without EU level action.

[269] In an interview in the context of the fitness check support study, the IWT platform confirmed that before the adoption of the legislation at the EU level Member States had little appetite to open up markets. Also, an expert highlighted the importance of Council Regulation 3921/91 and 1356/96 in opening up national markets to non-resident EU operators to cabotage and added that the legislation had led to lower prices for domestic IWT through increased competition, thus forcing operators to restructure and become more efficient.

[270] CCNR (2024), Market Observation report 2024

[271] Articles 7, 8, and 9 of Council Directive 87/540/EEC

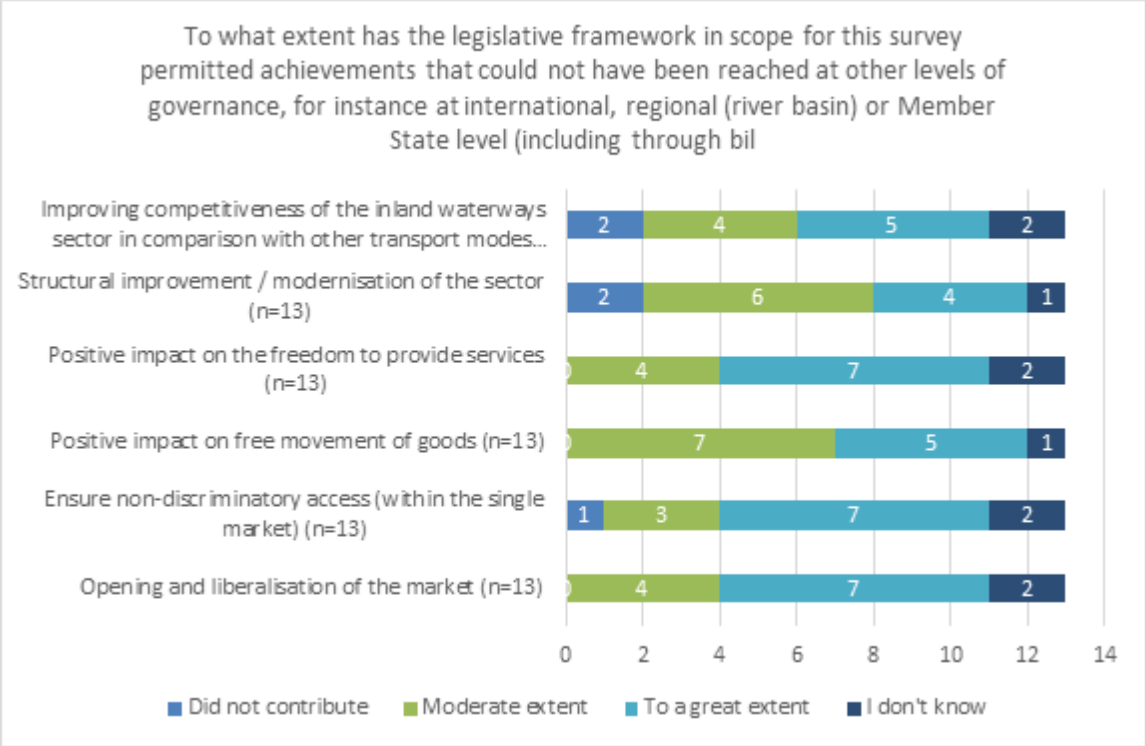
[272] In a targeted interview, Slovakia stated that the lack of an EU scheme for professional competence of IWT freight carriers would be detrimental to the IWT sector. EBU also called for a more harmonised implementation of the Directive. In the public consultation a research/academic institution, praised the introduction of a common standard of qualification of freight transport operators on the European waterways.

EU value added of the Framework as a whole

Due to the cross-border nature of inland navigation in the EU, the objectives of the legal framework subject to this fitness check (i.e. to establish common rules, create a common competitive market, enable free movement of goods and freedom to provide services) could not have been achieved by local, regional or national action alone. Main achievements were the prohibition of fixed pricing regimes, tackling overcapacity in the fleet, removing obstacles to access cabotage and creating harmonised qualifications to access the profession. The framework established a common EU internal market, resulting in improved competitiveness, more harmonisation and the creation of a level playing field.

According to the public consultation (see Figure 16), the main areas where responding stakeholders see EU added value relate to opening and liberalisation of the market, the freedom to provide services and the free movement of goods. The possibility to operate in a Single Market where the same rules apply to all operators and several requirements are harmonised is seen as a main EU added value of the Framework, together with non-discriminatory access, which assures a level playing field throughout Europe.

Figure 16: Replies to the public consultation on the question related to achievements that could not have been reached at other level of governance (e.g. international, regional, Member State level)



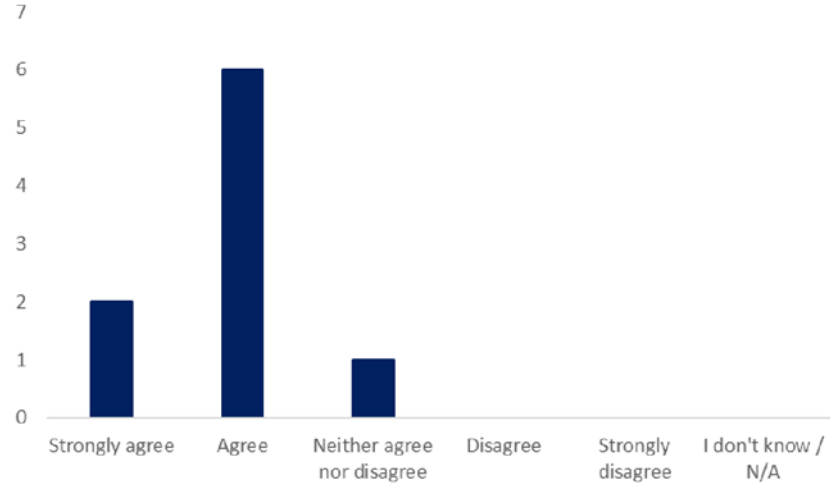
Source: Ecorys et al. (2023), Fitness check support study, based on public consultation

8 out of 9 respondents in the Danube workshop[273] also agreed or strongly agreed that the Framework led to results that could not have been achieved without it (see Figure 17).

[273] Danube workshop, 20 January 2022

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Figure 17: Replies to the statement 'It was the European internal market legislation which led to a single market in Europe in which free movement of goods across EU countries is assured.' (N = 9)



Source: Ecorys et al. (2023), Fitness check support study, based on Danube Workshop

Due to lack of quantitative data, analysis on the EU added value was mainly based on stakeholder consultation contributions, as underlying evidence. Annex XII On data needs contains Table 19 where data needs are listed as well as possible avenues towards filling data gaps specific to the groups of legislation in scope. In Annex III further information can be found in the responses to the evaluations questions on EU added value.

4.3. Is the intervention still relevant?

Pillar 1 - Group 1 legislation – removal of restrictions and discrimination

Prior to **Group 1** legislation the IWT market was ruled by fixed pricing regimes and other commercial restrictive practices hampering the smooth functioning of the Single Market. The legal acts in Group 1 responded to the need to address market failures that were preventing the smooth functioning of the IWT internal market and lay down rules to abolish discrimination in inland waterway transport and can therefore be considered relevant for that period.

Council Regulation (EEC) No 11/1960 has further evolved to reduce administrative burden on businesses by simplification and by removal of outdated and unnecessary requirements[274]. Technical advancements were also addressed, namely that certain information (available in carriers' accounting systems) would no longer have to be retained on paper[275]. The eFTI Regulation[276] builds on Council Regulation (EEC) No 11/1960 highlighting its continued relevance.

The Council Regulation's continued relevance is also highlighted by the fact that it provides a basis for transport beyond inland navigation. The Combined Transport

[274] Council Regulation (EC) 569/2008
[275] Council Regulation (EC) 569/2008
[276] Regulation (EU) 2020/1056

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Directive[277] has liberalised combined transport, made it free from all quota systems and systems of authorization, and used as a tool for eligibility checks the transport document of Article 6 of Council Regulation (EEC) No 11/1960.

Thanks to **Council Directive 96/75/EC**, commercially restrictive practices resulting in protectionist behaviour have been abolished. The Directive remains a safeguard to act against prohibited practices in case of re-emergence of such practices. This was also demonstrated by infringement procedures against the Netherlands in 1996 and against Belgium in 2017[278]. Without EU legislation the national legislation limiting freedom of price-setting would have prevailed and would likely continue restraining the free IWT market. Therefore, the existence of past infringements is an additional piece of evidence demonstrating the relevance of the framework. Moreover, since its enaction, Council Directive 96/75/EC has evolved to provide a legal basis for comitology procedure and the IWT Committee.

Prices are still regulated by the State in some non-EU countries like Ukraine or Serbia[279]. In the context of further enlargements of the EU, considering the need to align with EU legislation, this reinforces the continued relevance of the legislative basis in the EU acquis related to free pricing and the prohibition of discrimination.

Looking beyond land transport (note that Council Regulation (EEC) No 11/1960 covers rail, road and IWT), aviation also has in place legislation ensuring the freedom of price formation and negotiation.

Responding stakeholders were divided on whether Council Regulation (EEC) No 11/1960 is still relevant. All stakeholders' groups found the regulation still relevant except for operators and their associations[280]. Responding stakeholders were less divided on the relevance of Council Directive 96/75/EC[281].

[277] The Combined Transport Directive 92/106/EEC builds on the Regulation (EEC) No 11/1960 and reiterates that, similarly to unimodal transport, combined transport is also free of authorisations and quotas (Article 2 Combined Transport Directive 92/106/EEC).

[278] Infringements demonstrate that despite achievements non-discrimination or freedom of price-setting and despite existing rules, Member States continue to breach these rules. While the two pieces of legislation in Group 1 date of 1960 and 1996, Belgium has as recently as in 2014 established a law that was considered an obstacle to the freedom of price formation and breaching rules set by Council Directive 96/75/EC. After an infringement procedure Belgium has amended the law.

[279] Interview with the DC

[280] Operators' associations including EBU and ESO expressed the view that the Regulation is no longer relevant as it has become obsolete and no longer required as legal basis for the abolition of discrimination in transport rates and conditions. However, respondents not linked to operators were of the view that the Regulation is very relevant.

[281] During the public consultation, 6 of 12 respondents (including EBU and ESO, the Romanian training institute, the Polish maritime Foundation, and the AT Chamber of Commerce) were of the view that the Directive is very relevant, 2 respondents replied that it is somewhat relevant, while 4 respondents (CCNR, a river commission, a barge operator and a DE operator association) were of the view that the Directive is no longer relevant. In another stakeholder consultation AT expressed the view that the Directive is relevant to avoid any market interference by national legal acts in the free setting of prices in the IWT market. In 7 out of the 10 scoping interviews in the context of the fitness check support study (including in those with CCNR, Danube Commission and ProDanube) respondents took the view that although the Directive established a relevant legal basis for the abolition of discrimination in transport rates and conditions at the time, the high level of liberalisation currently observed in IWT in the EU has made it less relevant. Interviews with 4 MS (2 for the CCVR and 2 for the Mosel Commission) confirmed the relevance of the Directive for establishing

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Those who felt Council Directive 96/75/EC not to be relevant share the understanding that the legislation has lost relevance because it has achieved its objective, and no actions are needed anymore. However, the analysis on infringements above shows that there are also relatively recent cases where Member States legislation attempts to limit the freedom of price formation, e.g. in Belgium[282], and therefore this legislation remains relevant. Moreover, for any enlargement without the legislation in Group 1 only TFEU would apply, leaving the acceding countries without more detailed provisions on how to interpret the general provision related to prohibition of discrimination.

Therefore, legislation in Group 1 remains relevant to implement and maintain the goals of common transport policy, notably the prohibition of discrimination as in TFEU Art 95, due to its role of providing a more detailed legal basis than the overall TFEU. In addition, the Council Regulation (EEC) No 11/1960 serves as basis for other transport legislation on digitalisation and combined transport.

Conclusion on relevance for Group 1: The legislation in Group 1 remains relevant to implement and maintain the goals of common transport policy, notably the prohibition of discrimination as in TFEU Art 95, but providing a more detailed legal basis than the overall TFEU. Moreover, the Council Regulation (EEC) No 11/1960 serves as basis for other transport legislation on digitalisation and combined transport.

Pillar 1 - Group 4 legislation - structural improvement of the IWT market

Group 4 legislation was highly relevant between 1990 and 2003 to reduce the sector's structural overcapacity on the Rhine and on other waterways, and to a limited extent on the Danube (in Austria). The market is better positioned to face challenges, such as the financial crisis of 2008, or the replacement of single-hull tankers with double-hull tankers.

Group 4[283] still provides a legal basis for structural improvement measures in case of serious market disturbances of the sector beyond the period mentioned above for capacity measures. While this safety mechanism has not been triggered so far, it remains a useful mechanism that can be activated to strengthen the resilience of the sector, as overcapacity remains a risk that the IWT sector could face in the future. As mentioned in the Sustainable and Smart Mobility Strategy[284], the resilience against future crises is a key objective of the EU's transport policy going forward.

In the 21st century, the sector is transitioning from a capacity-driven to an efficiency-driven structure, facing new needs and skills such as knowledge of logistics, encouraging adaptation to technical progress including clean technologies. In response to these changes, the Regulation evolved: in 2013 its Article 8 was amended to extend the list of measures to allow Reserve Funds to be used for new trends and needs in the IWT sector. The available amounts in the IW Funds of Member States (see Table 3 in section 4.1.1) are relatively small compared to the sector's size and the funding required to tackle challenges like greening or a scrapping round of outdated vessels. However, according to AT, HR, DE, LU and NL, the IWT Platform currently financed by the IW Funds remains a useful tool for the sector.

an internal market for IWT. In its feedback on the Roadmap EBU underlined the relevance of the aim and scope of the Directive.

[282] INFR(2017)4115-BE

[283] Article 7 of Council Directive 96/75/EC and Article 6 of Council Regulation (EC) 718/1999

[284] COM(2020) 789 final

Since the legislation in scope of the fitness check date from the 1960s to 1990s there is limited historical memory at the level of stakeholders and the legal acts are not well-known. For example, there is a case where a Member State representative suggests that the Council Regulation (EC) No 718/1999 could be repealed but at the same time expresses the view that some elements like the Fund and the IWT Platform are useful. If the legislation would be repealed the Fund would also cease to exist. So, this view contains a contradiction in itself. Furthermore, while clearly the views are not representative, the numbers of responses to the different stakeholder consultation activities are not particularly small for this specific and relatively small sector. Additional stakeholder consultation activities had been conducted in order to overcome the lack of evidence, but with limited success.

The existence of legislation related to serious market disturbances beyond the IWT sector, in other land transport modes like road transport, highlights the relevance of such mechanisms. Stakeholders who expressed their views found Group 4 legislation rather relevant[285].

Conclusion on relevance for Group 4: The original objectives were structural improvements in IWT and the promotion of IWT. The market has undergone significant changes since then, both in terms of transport segments and geography (enlargement of the EU), but the Group 4 legislation remains relevant.

Pillar 2 - Group 2 legislation – access to the inland waterway network

Group 2 legislation created the same access rights for EU operators to provide national and international transport services, and enabled the establishment and functioning of the internal market for inland navigation. It implements the common transport policy as stipulated in Articles 90 and 91 of the TFEU. While Article 56 of the TFEU on free movement of services would have provided general principles, these would have been implemented differently across Member States[286]. Therefore, the legislation in Group 2 remains relevant for the implementation of the TFEU. If rules stipulated in these acts were not in place, 'freedom to provide services in the field of transport' would be unregulated.

[285] In the public consultation FR commented that the focus nowadays should lay on reducing the lifetime of the vessel in order to reduce IWT's impact on the climate, rather than reducing the capacity of the fleet, while a French sectoral association (Enterprises Fluviales de France) underlined the relevance of legislation in Group 4 and pleaded to maintain the provisions on serious market disturbance. In a 2024 gap filling survey operator associations (EBU and ESO) stated that the legislation provides the means to take measures in case of a serious market disturbance and such a safety net might still be necessary in the future where inland navigation would experience the consequences of climate change. On the IWT platform, in the 2024 survey 5 of the 5 MS who expressed a view, found the IWT platform relevant. HR highlighted that serious market disturbance in the transport market in inland navigation is still a serious threat to the financial stability and survival of a large number of carriers in inland navigation and this highlights the need for the legislation in question. In various consultations EBU underlined the relevance of the aim and scope of the Directive and remarked the continued importance of the crisis mechanism. 2 out of the 4 respondents to the Roadmap confirmed the relevance of the legislation stating that it aims at reducing sectoral overcapacity through vessel scrapping schemes whilst avoiding excessive social costs. During scoping interview in the context of the fitness check support study EBU and ESO highlighted that the relevance of Council Regulation 718/1999 lies in its links to the Reserve Funds created in 1989 and found the IWT platform relevant as it addresses current needs of the sector.

[286] Also see ECJ Case 13/83

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Responding stakeholder expressed a wider range of views on Group 2 legislation's relevance[287].

Conclusion on relevance for Group 2: Legislation in Group 2 created the same access rights for any EU operator to provide national and international transport services on EU waterways. These legal acts are overall relevant for the establishment and functioning of internal market for inland navigation, even though (due to the fragmentation of the framework) the regulations are not well understood by administrations and operators. While stakeholders' views differ on the relevance of acts in Group 2, it is clear that the legislation is needed to ensure all EU operators have equal access to all EU waterways.

Pillar 2 - Group 3 legislation – access to the profession of IWT carrier

Council Directive 87/540/EEC plays a key role in the implementation of the principle of 'freedom to provide services' under Art 56 of TFEU, as well as Art 95 of TFEU, which prohibits discrimination in transport, therefore it is still relevant.

Thanks to the Council Directive it is possible to require a minimum level of knowledge of the market and of the functioning of the sector, as well as horizontal knowledge on legislation or finances, allowing the introduction of prospective entrepreneurs with a certain level of service and knowledge, resulting in the reduction of risk of business failure. These are regarded as essential elements for this small sector and also contribute to the resilience of the sector, by making sure that entrepreneurs have a solid background knowledge and a higher chance to succeed at their business.

The Directive is considered relevant by operators' representatives and by some Member States. However, the knowledge requirements do not include emerging knowledge fields such as digitalisation or clean technologies.

This Directive is considered relevant by EBU representing IWT operators, as expressed

[287] Regarding *Council Regulation (EEC) No 2919/85*, EBU, in its feedback to the Roadmap stated that although it is considered relevant, it should be replaced by an European system fitting the existing Regulation on the Rhine. LU remarked that it was needed to open the Rhine market, so it was indeed to the benefit of the sector, but now it seems obsolete thanks to the EU and serves only the interest of third countries in terms of access. Concerning *Council Regulation (EEC) No 3921/91*, 4 of 17 targeted interviewees and 1 scoping interviewee stated that the main impact was the opening of temporary cabotage to undertakings from all EU Member States. This differs from the past where third countries were granted occasional access through bilateral treaties. Also, LU explained that the possibility to carry out cabotage operations is important for national passenger transport in small countries where fleets are operating in a condominium, and it is equally important to keep IW transport of cargo economically competitive for transport over longer distances. Concerning *Council Regulation (EU) No 1356/96*, stakeholders stated that its relevance lies in the definition it provides on the link between a vessel and a Member State. In a scoping interview, an international organisation stated that when it comes to opening access to all EU undertakings, the Regulation did not bring significant change due to cross-border traffic being already open to most EEC Member States.
A French sectoral association found Group 2 legislation relevant, however remarked 'the need to strengthen the means of monitoring transport operations carried out on national territory by foreign operators in order to combat illegal cabotage', while the RO association of ship owners and port operators remarked that the use of Group 2 legislation vis-à-vis the Belgrade convention is not clear (i.e. whether the Belgrade Convention, EU legislation or Romanian national legislation applies). Finally, EBU remarked that it is not sufficiently clear to what extent the two certificates (*Union inland navigation certificate* vs the *Certificate establishing that the vessel belongs to the Rhine navigation*) provide equivalent rights, neither to which extent they guarantee access to a geographical market. However, EBU and LU acknowledged the value of the Rhine certificate regarding the application of the Rhine social security system, while ESO remarked that it remains the highest standard in the EU IWT sector.

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during the gap filling survey organised by the Commission in the fourth quarter of 2024, as well as by the French sectoral association (written contribution of Entreprises Fluviales de France). HU has stated that the scheme for professional competence of an IWT freight carrier has somewhat improved in comparison with the situation prior to Council Directive 87/540/EEC, while AT has indicated that in case the scheme for professional competence of an IWT freight carrier was not in place today, it would result in higher risk for distortion of competition. EBU stated in their feedback that the Directive's relevance lies in its introduction of a quality standard for access to the occupation. Despite its relevance, when asked if the list of topics for which proof of professional competence must be provided is accurate, 5 respondents stated 'to a large' or 'to some extent', 3 responded 'to no extent', while 6 of 14 national authorities having responded to the targeted survey stated that they did not know. The stakeholders specified that the list in the Annex of the Council Directive 87/540/EEC does not cover needs that have arisen since its adoption, namely knowledge on sustainability, digitalisation, and automation.

Common rules on the mutual recognition of diplomas and other qualifications also remain relevant. Around 10 certificates are issued per year per Member State on average, and there are also cases of replacements/reclassifications and extensions.

The Directive is currently not regulating the access to the profession for carriers of passenger transport, although this segment of the market constitutes an important share of the market – and a growing one.

Conclusion on relevance for Group 3: The Directive remains relevant, but does not reflect more recent developments in terms of knowledge and expertise required from IWT entrepreneurs.

Relevance of the Framework as a whole

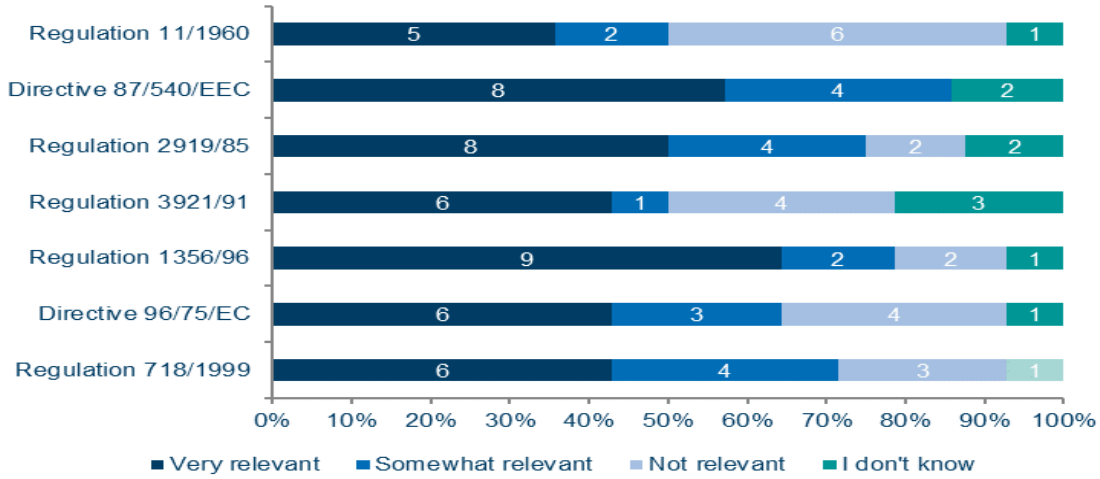
The framework was clearly relevant at the time of its adoption and is overall still relevant today while in some respect the legislation does not fully correspond to today's and future needs (for instance, the requirements on knowledge and expertise of IWT entrepreneurs and the IWT Fund, which is too small to be able to respond to future challenges such as climate change mitigation and adaptation of the IWT sector). While scrapping schemes have not been used since 2003, and the mechanism on serious market disturbance has not been triggered so far, stakeholders who have responded to stakeholder consultation activities rather considered these as tools for building resilience of the IWT sector and therefore as still relevant. Looking to the future, it will still be relevant as a reference for continued enforcement efforts and considering future enlargements.

The respondents to the public consultation consider the Framework still relevant. For each piece of legislation (see Figure 18) more respondents are of the view that the legislation is very relevant or somewhat relevant than the number of respondents responding not relevant.

Further information can be found in Annex III on the answers to the evaluation questions on relevance.

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Figure 18: Relevance of the individual pieces of legislation today (n = 14)[288]



Source: Ecorys et al. (2023), Fitness check support study, based on the public consultation

5. WHAT ARE THE CONCLUSIONS AND LESSONS LEARNED?

5.1. Conclusions

Effectiveness. The IWT internal market legislative Framework has been effective to a large extent: fixed pricing regimes have been abolished, the structural overcapacity in the market has been reduced, common rules for access to the occupation have been set and the market has been opened up for all EU operators who can operate on equal footing. The original intentions of the legal acts have been fulfilled, the group-specific objectives have been met.

Efficiency. The Framework entails some recurrent administrative costs for public administrations and for businesses operating in the IWT sector. Of this, ***reporting requirements*** for public administrations are only associated to Council Regulation (EC) 718/1999 and are not significant (estimated at EUR 3,628 per year at EU level). There are no reporting requirements for businesses. ***Potential for administrative simplification*** has been identified in relation to the *Certificate of belonging to the Rhine navigation* and for digitisation of documents to establish the right to access. Potential for simplification, including digitalisation, has also been identified for the certificate of carrier of goods. The Framework also entails some adjustment costs for businesses operating in the IWT sector and some enforcement costs for IWT operators for cooperating with the enforcement authorities in checking certificates. On the other hand, the Framework results in benefits for the businesses operating in the IWT sector and for public administrations.

Despite several rounds of consultation activities, including a survey organised by the Commission in 2024, no sufficient evidence is available to allow quantifying the benefits and all costs. ***The evidence available on costs and benefits does not allow to draw robust conclusions on the overall efficiency of the Framework, including on the cumulative costs and benefits.*** Nevertheless, during the 2024 survey some Member States administrations stated that they value the contribution of the IWT market access

[288] For all pieces of legislation, with the exception of Council Regulation (EEC) No 2919/85, the number of respondents was 14. For Council Regulation (EEC) No 2919/85 16 responses were received.

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framework to the sector's competitiveness.

Coherence was assessed on several levels and conclusions can be drawn as follows:

- Firstly, there seem to be no conflicting provisions between the Framework and the pre-existing international agreements. However, this co-existence results in a certain complexity and fragmentation of the Framework, requiring formal coordination procedure[289] in cases when legal acts of river commissions touch upon EU competence. As further explained in Annex VIII, the complex governance landscape for IWT is the source of some incoherence identified in Group 2.
- Secondly, no contradictions have been identified between the Framework and other legislation of relevance, notably the Combined Transport Directive and the eFTI Regulation.
- However, external coherence could be improved vis-à-vis the TFEU (Group 1) as well as between different legal instruments in IWT. Notably, there is a perceived lack of coherence of some terminology used by Group 3 legislation for the carrier and the Professional Qualifications Directive for crew. Group 3 legislation is based on knowledge for carriers while the Professional Qualifications Directive for crew uses a competence-based approach.
- Moreover, an issue on the coherence of the scope of Group 2 and Group 3 has been identified, resulting in lack of internal coherence of Pillar 2. Namely, Group 2 contains provisions on access to the waterway network for cargo and passenger transport, while Council Directive 87/540/EEC in Group 3 contains provisions to access of the profession only for cargo operators (see Table 1 in section 2.1) - it does not apply to passenger transport. Consequently, the EU legal basis assures access for both cargo and passenger transport (cabotage and international), but there is no EU legal basis for operators of passenger vessels to prove professional competences. At the same time, it has to be noted that this inconsistency has not been pointed out as a problem during the stakeholder consultations.
- Finally, a difference in geographical scope within Group 4 has been identified, as the Council Regulation (EC) 718/1999 includes an exemption for vessels navigating exclusively on the Danube, unlike the Council Directive 96/75/EC that applies to IWT in the EU.

EU added value. Stakeholders that responded to the consultation activities acknowledge the EU added value of the Framework, confirming that EU action had been justified and similar results could not have been achieved with other levels of governance (international, regional like river basin or national levels). Application of the Framework at EU level has largely resulted in a level playing field for enterprises, many of them SMEs, as well as non-discrimination of operators and consignees/consignors across the EU. High degree of harmonisation has been reached overall, while in areas where the legal form of the legislation left room for diverging implementation, inconsistencies in implementation appeared (Group 3).

Relevance. As can be concluded from the analysis (see section 4), the IWT internal market legislative Framework was and still is relevant for delivering the EU Single Market, in

[289] Art 218.9 TFEU

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particular to achieve the common transport policy, as set out in the TFEU. The need to maintain those achievements imply the continued relevance of the Framework.

5.2. Lessons learned

A number of lessons learned can be drawn, these are discussed below by group of legislation.

Pillar 1 - Group 1 and Group 4 legislation – removal of restrictions and discrimination, structural improvement of the IWT market

An outdated, and now obsolete, reference in Article 1 of Regulation (EEC) No 11/1960 to exempted goods[290] could impair legal clarity. Other than this, Regulation (EEC) No 11/1960, Council Directive 96/75/EC and Council Regulation (EC) 718/1999 are assessed to be fit for purpose. A further reduction of administrative burden is underway with the implementation of eFTI Regulation. This will allow operators to electronically share information on transport of goods in the EU from July 2027.

Pillar 2 - Group 2 legislation – access to the inland waterway network

There is no uniform definition applied for 'temporary' in the cabotage legislation and the interpretation of Council Regulation (EEC) No 3921/91 could further be improved. While no widespread concerns have been raised during the consultations regarding the current practice of national interpretations of temporary cabotage, some stakeholders plead for the removal of possible market entry barriers by deleting the term 'temporary', whilst others plead for adding a definition of the term. A common interpretation of the term 'temporary' cabotage could provide EU-wide legal certainty to service providers and enforcement authorities. This might further improve the level playing field for operators and address the risk of social dumping.

Further administrative simplification could be achieved by discontinuing the specific *Certificate of belonging to the Rhine navigation*[291] and instead including the relevant information on vessel ownership in the *Union inland navigation certificate*[292]. Existing Regulations already allow for such simplification, if the Union inland navigation certificate and the registration certificate for a particular vessel are issued by the same state. A CESNI Working Group[293] is currently examining the practicalities of such approach. Moreover, future digital (vessel) documents could remove the need to provide the relevant data in paper format and could further improve efficiency and drive the sector towards paperless solutions.

Pillar 2 - Group 3 – access to the profession of IWT carrier

The assessment revealed some local differences, for certain aspects, in the implementation of Council Directive 87/540/EEC[294]. These relate to differences in the templates of the

[290] The reference to exempted goods in Annexes I and III of the Treaty establishing the European Coal and Steel Community is obsolete. As a consequence, there are no more exempted goods.
[291] Council Regulation (EEC) No. 2919/85
[292] Art 6 Directive (EU) 2016/1629
[293] European committee for drawing up standards in the field of inland navigation (CESNI) - CESNI - Comité Européen pour l'Élaboration de Standards dans le domaine de la Navigation Intérieure
[294] See Annex IX on the inventory of national implementation of Directive 87/540

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certificate and the transport activity for which a certificate of professional competence is needed. Moreover, the assessment revealed some potential for simplification, some inconsistencies and other issues:

- Potential for simplification of the certificate of carriers. This could be achieved by introducing an EU-wide digital template for the certificate of carriers[295]. In view of the low annual numbers of certificates of carriers issued, it is doubtful however whether the operational savings would justify necessary investments. Synergies could be explored with the database for *Union certificates of qualifications* in the context of the Professional Qualifications Directive (Directive (EU) 2697/2017).
- Inconsistencies in scope of different legal acts in particular for carriers of passenger transport.
- The Annex of Council Directive 87/540/EEC, containing a list of knowledge requirements:
  - Is not aligned with the provisions used in the Professional Qualifications Directive for crew, which is competence-based (including skills and competences for the carriers) instead of knowledge-based;
  - Does not include additional competences that emerged since the 1980s, related to e.g. clean fuels and technologies (e.g. alternative fuels handling), digitalisation, logistics.

The legal form of a Directive, especially in the case of Council Directive 87/540/EEC, allows for less harmonised implementation.

Monitoring system

At the time of the adoption of the legal acts, there were no reporting and monitoring requirements foreseen, except for Council Regulation (EC) No 718/1999. As a result, data is not systemically and consistently collected and reported for the pieces of legislation in scope. In line with the current policy context of simplification (Communication on 'A simpler and faster Europe'[296]), it is recommended to draw on synergies on monitoring and reporting requirements with other related legislation and data collection methods instead of developing additional monitoring requirements and thereby causing additional burden on administrations or businesses. Further analysis of data needs can be found in Annex XII.

For Group 1 legislation, concerning the transport document and its compliance checks[297] as well as infringements, starting from July 2027 the eFTI Regulation[298] will gather data for monitoring purposes. However, statistics generated by eFTI will provide only a partial view because operators are not obliged to submit the information (contained in the transport document) electronically; they still retain the option to provide the information by means of paper documents.

[295] Note, for the certificates of crew there are already European standards, Regulation (EU) 2020/182 of 14 January 2020 on models in the field of professional qualifications in inland navigation https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32020R0182&qid=1752662962169
[296] COM(2025) 47 final, EUR-Lex - 52025DC0047 - EN - EUR-Lex
[297] Council Regulation (EEC) No 11/1960
[298] Article 17 of Regulation (EU) 2020/1056 on electronic freight transport information

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For Group 4 legislation, as mentioned above, yearly reporting requirements are currently already included in Council Regulation (EC) No 718/1999[299].

For Group 2 legislation, particularly for figures on passenger transport, Eurostat and MS agreed in September 2025 to start data collection on a voluntary basis for IWT passenger transport in 2026 for reference year 2025[300].

For Group 2 and 3 legislation there are upcoming potential synergies on monitoring. Firstly, the revised River Information Service Directive[301] will set up an EU RIS Platform which will be the entry point for users to feedback any problems of traffic on EU waterways. Here operators will be able to report issues, including those regarding access to waterways (Group 2 legislation).

For Group 3 legislation, as mentioned above, there is a possibility to explore synergies between the certificate of carrier of cargo and the database for Union certificates of qualifications (ECDB)[302].

It is furthermore recommended to look into opportunities for synergies between future monitoring and reporting systems, in particular for the certificates required by Groups 2 and 3 legislation and the existing IWT databases kept by the Commission, namely the ECDB[303], EHDB[304] and ERDMS[305] as well as the future EU RIS Platform and the IWT eTools[306], while aiming to limit the administrative burden on public authorities and operators. In addition, the IWT Market observation reports[307] can also possibly take up some additional statistics, notably regarding the certificates of belonging to the Rhine navigation [308].

Overall, for streamlining regulatory reporting[309] horizontal digital approaches and tools can also be considered like ‘one-stop shops’, the ‘once only’ principle / ‘report once’ principle,

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[299] Article 9.2

[300] Meeting of the WG on IWW Transport Statistics, 30 September 2025

[301] Co-legislators agree on upgrading river information services - Consilium, trilogue concluded 26 June 2025

[302] ECDB – European Crew database – a database established based on Dir (EU) 2017/2397 on professional qualification in IWT – DB collects main data of crew members working on inland waterways vessels. The statistics provide information on the number of crew members, their nationality, number of qualification documents issued by Member States (divided into the categories).

[303] ECDB – European Crew database – a database established based on Dir (EU) 2017/2397 on professional qualification in IWT – Database collects main data of crew members working on inland waterways vessels. The statistics provide information on the number of crew members, their nationality, number of qualification documents issued by Member States (divided into the categories).

[304] EHDB – European Hull DataBase – established based on Directive (EU) 2016/1629 on technical requirements for inland waterway vessels. This is a database where basic data for vessels is entered (ca. 20 data – dimensions/ owner/operator/certificates). It is also foreseen to collect data related to the propulsion of vessels which may help in assessing of the environmental performance of the EU fleet

[305] ERDMS – the European Reference Data Management System; database (library) supporting implementation of RIS Directive. Important elements of this database is collection of infrastructure data - localization of infrastructure (ports, bridges, etc.).

[306] NAIADES III - Flagship 7: Smart and flexible EU crewing rules - The Commission will assess the need for legislative initiatives for on-board digital tools for recording and exchanging information on crews and vessels, as well as on crewing requirements for better harmonisation at EU level.

[307] Other reports - CCNR - Observation Du Marché

[308] Council Regulation (EEC) 2919/85

[309] Streamlining regulatory reporting | Interoperable Europe Portal

'digital by default'[310] while for holding of certificates the use[311] of EU digital identity wallet[312] and the forthcoming business wallet[313].

As an overall conclusion, with the caveat of limited quantified evidence for assessing efficiency, the fitness check found the examined IWT legislation in general fit for purpose, and drew lessons learned as above.

[310] To lighten reporting burdens and compliance costs, we will further embed the 'digital by default' and 'once-only' principles in partnership with national, regional and local authorities and the relevant EU agencies. (A simpler and faster Europe: Communication on implementation and simplification, COM(2025) 47 final)

[311] For smaller firms, it would be particularly welcome if there were a single digital platform, a 'one-stop shop', where they could … manage reporting ... With regard to reporting, it must be sufficient for a firm to submit information only once. Similarly, both the e-wallet for businesses and e-ID for citizens should now be implemented quickly in all Member States. (EP Own-initiative procedure: 2025/2009(INI))

[312] European Digital Identity - European Commission

[313] Carriages preview | Legislative Train Schedule

ANNEX I. PROCEDURAL INFORMATION

A) Lead DG and internal references

The 'Fitness Check on market access in Inland waterway transport' has been undertaken by DG MOVE Unit D.3 Ports and Inland navigation. The Decide planning entry for this evaluation is PLAN/2019/5558.

The Roadmap[314] on 'Fitness check on market access in Inland waterway transport' was published for feedback from July to August 2019. An inter-service steering group (ISG) was set up consisting of representatives from the Directorate Generals for Mobility and Transport; Competition; Employment, Social Affairs and Inclusion; Internal Market, Industry, Entrepreneurship and SMEs; Trade; Neighbourhood and Enlargement Negotiations; European External Action Service; the Legal Service and the Secretariat General. The ISG met regularly and has been involved in all key steps of the process: providing comments on the terms of reference and on the interim and draft final reports of the support study and giving feedback and making suggestions on the public online consultation questionnaire. The last meeting of the ISG before the submission to the Regulatory Scrutiny Board (RSB) took place on 23 May 2025.

B) Consultation of the Regulatory Scrutiny Board

The draft Fitness Check was submitted to the Regulatory Scrutiny Board (RSB) on 4 June 2025. It was discussed by the RSB on 2 July 2025. The outcome was Positive opinion with reservations, issued on 4 July 2025. The following table provides information on how the recommendations made by the RSB were addressed in the Staff Working Document.

RSB opinion	Action taken
(1) The impact of the intervention on the competitiveness of the sector is not analysed.	The analysis on competitiveness has been strengthened by adding Annex X on competitiveness outlining the impact of the intervention on the competitiveness of the sector.
(2) The report should explain the data needed for conducting the economic analysis, the robustness of the conclusions and the steps taken towards addressing data gaps.	Data needs and gaps have been further highlighted by adding Annex XII on data needs, including a mapping of possibilities of addressing data gaps and explanations concerning the robustness of the conclusions.
(3) The causal link between the intervention and observed impacts should be better substantiated.	The analysis on causal links between intervention and observed impacts has been strengthened. Initial situation, impact and causal link are now included in the new Annex X on competitiveness.

[314] Fitness check on market access in inland waterway transport (europa.eu)

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(4) The reasons for the predominance of Dutch operators in the sector are not explained as well as the economic consequences.	The reasons for the predominance of Dutch operators in the sector has been further analysed. The new Annex X contains a section that provides the underlying reasons behind the predominance of Dutch operators.
(1)The report should provide an analysis of the impacts the intervention had on the competitiveness and on the barriers to entry of the inland waterway transport market. This analysis should be made with reference to the effects of pre-existing distortive pricing practices, market access restrictions and the lessons learned from implementing the regulatory framework.	The analysis on competitiveness has been further strengthened. Annex X has been added that contains an overview table of the impacts the intervention had on the competitiveness and on the barriers to entry of the inland waterway transport market.
(2) The reasons behind the predominance of Dutch operators within the industry should be analysed as the report concludes that the market is now harmonised, liberalised and thus facilitating the access to new operators. The report should discuss to what extent this can be explained by advantages to access the market or the consequence of barriers for other operators. It should assess whether this allows for drawing any lessons on the effectiveness of the interventions with regard to ensuring equal access to transport on EU waterways.	The analysis on effectiveness has been enhanced with an assessment of whether the prominence of Dutch operators puts effectiveness of liberalisation of market access into question. The new Annex X contains further explanation on the reasons behind the predominance of Dutch operators, long term time-series have been added.
(3) Potential risks of negative impacts on competitiveness and consequences on prices or quantities resulting from the intervention when addressing overcapacity, should also be better analysed in the report. The report needs to better explain why these measures were introduced and what are the conditions which would justify their re-enactment in the future, including if overcapacity is an issue in a situation with free and fluid market prices. Given that the market conditions were not found to justify the re-activation of the market disturbances mechanism in the last decades, the report should assess its continued relevance.	Further analysis has been developed related to structural overcapacity and the related legislation. The new Annex XI on overcapacity and Group 4 legislation provides an encompassing overview of the legislation's impact on competitiveness, prices, cargo volumes carried, as well as its continued relevance.
(4) Data needs for a robust economic analysis should be established. Using the data needs as a starting point, the report should provide more information on what data gathering and modelling activities were attempted to fill the data gaps. For example, the report should explain whether information from the existing market observation mechanisms (such as from national registrations databases) was used and if not, what were the specific data availability or suitability issues encountered. Related lessons should be included in the lessons learned.	Annex XII has been added that provides an overview of data needs, and explanations as to which data gathering activities were carried out to fill the data gaps. Annex XII also explains specific data availability issues and also contains references to the existing market observation mechanisms and upcoming collections of additional statistics. Related lessons are included in section 5.2 Lessons learned.
(5) When analysing the achievement of the specific objectives, the report should establish the specific role of the interventions in explaining the resulting impacts observed and better explain the causal link between the introduction of the framework and the evolution of the sector. It should therefore go beyond noting that some market outcomes have temporally occurred after the interventions in areas such as pricing, capacity or geographical spread of market participants. For pricing,	Further assessment is developed on the causal links between the intervention, which are now included in the new Annex X on competitiveness .

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the drivers behind the observed downward trend since the legislative framework was introduced need further analysis to demonstrate it is the result of the intervention.	
(6) The conclusions should be better underpinned by evidence based on quantitative data analysis. As the analysis suffers from a lack of data as a consequence of the absence of an adequate monitoring system the report should highlight this issue in the conclusions and make a recommendation to develop such a system which would include key data and methods for its collection without increasing the administrative burden.	Lessons on monitoring have now been darwn and included in section 5.2 Lessons learned. In addition, Annex XII on data needs has been added, including a mapping of possibilities of addressing data gaps.
(7) Stakeholder feedback should be better integrated in the main body of the report. The analysis should provide more information on the evolution of stakeholder views (where relevant), in particular given the long period of preparation for the fitness check.	Annex V synopsis report contains an overview of various stakeholder consultation activities carried out for this Fitness Check. Consultation activities spanned over 2019 and 2024 as described in Section II of Annex V, however, no substantial changes in the views of stakeholders were identified over these 5 years.

C) Evidence provision

The Fitness Check is based on several sources, using both quantitative and qualitative data, including:

- Stakeholder consultation activities (see Annex V synopsis report),
- An external support study,
- The EC's experience in implementing the legislation in scope, including complaints and infringement cases,
- Reports and information sourced from market observation reports by CCNR.

A support study 'Fitness Check – Support study on the access to and the functioning of the inland waterway transport market' was tendered under Framework Contract MOVE.A.3/FRA/2019/0001. The European Commission entrusted the Consortium consisting of Ecorys, STC-NESTRA and Tournaye Consulting to carry out the support study. The objective was to support the Commission's Fitness Check in two ways:

- by assessing to what extent the EU legislation on access to the internal IWT market is fit for purpose;
- by examining whether the IWT Internal Market Legislative Framework helps ensure a smooth and fair functioning of the internal market.

In the course of the support study, several stakeholder consultation activities were conducted, along interviews, surveys and literature review. In terms of a broader stakeholder consultation, an open public consultation[315] was held between 17 December 2021 and 11 March 2022. Given that transport operators on inland waterways are typically SMEs, a survey targeted specifically at SMEs, in cooperation with DG GROW's Enterprise Europe Network, was also undertaken between 4 February and 11 March 2022.

[315] Fitness check on market access in inland waterway transport (europa.eu)

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However, the study did not obtain sufficient data on the costs related to the legislative framework. Some assumptions have been made by the study team upfront, however, these could not be sufficiently tested. The information on the benefit side was very limited: the study was able to identify the benefits categories (the benefits that, in theory, would result from the legislation), however, was not able to quantify them.

Therefore, during the period from 15/10 to end of 2024 the Commission carried out an additional targeted consultation based on an online questionnaire addressed to Member States and associations of operators. The aim was to fill the gaps in data and to gather, as far as possible, quantitative evidence to contribute especially to the efficiency assessment of the Fitness Check.

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ANNEX II. METHODOLOGY AND ANALYTICAL MODELS USED

1. Introduction

This annex presents the methodological approach to the Fitness Check. It describes the design of the methodology, the tools used for data and information gathering and the results obtained. It also provides insights on the limitations encountered and the mitigation strategies adopted.

Evaluation design

The methodology of the evaluation study was designed to respond to (i) the evaluation questions detailed in the Terms of Reference for the IWT Market Access Fitness Check, and (ii) the Better Regulation Guidelines evaluation criteria.

The methodological approach for this Fitness Check, covers:

- The definition of the scope: the geographic, temporal dimension and the policies being evaluated,
- The intervention logic,
- The approach to evidence gathering including desk research, the stakeholder consultation activities and data limitations,
- The identification of the evaluation matrix.

2. Definition of scope

A) See more information on the 7 pieces of legislations on inland waterway market access in Annex VI. Originally the Roadmap316 referred to the evaluation of 9 legislative acts. Annex VII explains the reasons for revisiting and limiting the scope to 7 pieces of legislation.

   Geographical scope: EU and its Member States. Due to the long evaluation period, the number of Member States evolved over time in the subsequent phases of enlargement of the EU. In the 1960s, the Union consists of six countries only. Since then, the Union has been gradually expanding. Since 2020, after Brexit, the current 27 Member States are considered. In addition to the EU Member States, some third countries are included in the evaluation where relevant, such as Moldova, Serbia, Switzerland and Ukraine.

B) Time period in scope: 1960 to 2024. In 1961, the first legal act was adopted. Therefore, the entire evaluation period consists of more than 60 years.

C) Clustering of the 7 pieces of legislation in scope. The purpose and general objectives of the seven acts was to lay down rules on accessing the IWT market and on the occupation of carriers, liberalise price setting, eliminate discriminatory conditions and

[316] Fitness check on market access in inland waterway transport (europa.eu)

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structurally improve the IWT market. Based on their objectives, the seven legal acts were allocated to four thematic groups in two pillars, as shown in Figure 4 in the main text of this Staff Working Document. A summary of each act is presented in Annex VI. The key problems that the legislative framework was intended to solve were:

- the lack of equal access conditions for EU operators hindered their ability to provide transport services on all EU waterways, both nationally and internationally in a non-discriminatory way,
- the absence of common, EU-wide standards to access the occupation of a carrier,
- the absence of a free pricing regime ruled by market conditions,
- structural overcapacity in the IWT market.

3. Intervention logic

The intervention logic diagram (see Figure 5 and 6 in the main text) presents the logic of the Framework and the causal chain linking objectives, activities, inputs and expected outcomes. It provides the basis for the development of the evaluation matrix and the specific criteria, indicators and data identified as relevant for each evaluation question.

An **evaluation matrix** (see Annex III) was developed that sets out the following aspects for each evaluation question:

- Operational sub-questions: These break down the evaluation questions into smaller, measurable aspects.
- Indicators: Identify the measures/metrics that correspond to each operational sub-question. These may be qualitative or quantitative.
- Evaluation approach and success/judgement criteria: Outlines the methodology used to answer the evaluation questions and form the conclusions. The success criteria indicate how the indicators were used to assess the performance of the Framework positively or negatively. These were used to answer the evaluation questions and form the conclusions.
- Potential data sources: Sources of data and information used to inform the indicators. As far as data was available, information was triangulated from several sources for each indicator aiming to have at least input from two different sources for cross-checking.

4. Desk research

Desk research was carried out in the course of the support study but also by the European Commission. The contractor who carried out the support study for this Fitness Check has used a combination of methodologies: legal and historic analysis as well as stakeholder consultation. Desk research has comprised three strands: legal review of the policy provisions, qualitative literature/evidence assessment and quantitative assessment for selected indicators relating to costs. Legal texts were extracted from the Official Journal of the European Union (EUR-Lex). The study conducted a historic analysis on the evolution of the context and legislation in scope.

Evidence and literature was sourced in the first instance by references in the Terms of Reference for the support study, as well as specific sectoral reports like the market monitoring reports published by CCNR and other evidence signposted by the European

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Commission. Quantitative data sources were sourced from Eurostat, and from national administrations, CCNR and the Danube Commission.

Lastly, evidence and literature was sourced from signposting by stakeholders in response to the call for evidence, public consultation, interviews, and workshops.

5. Stakeholder consultation

The contractor who carried out the support study for this Fitness Check has carried out stakeholder consultation, including replies to questionnaires, interviews and workshops with the actors from the sector. Stakeholder meetings were held for the Rhine countries on 17 March 2021, the Danube workshop was held on 20 January 2022. In addition, the matter was also discussed in the NAIADES Commission Expert Group meeting held on 13 September 2021. These three meetings ensured a good geographical representation and coverage in terms of the most important waterways.

A public consultation[317] by the Commission was held between 17 December 2021 and 11 March 2022 and a survey targeted specifically at SMEs, in cooperation with DG GROW's Enterprise Europe Network, was also conducted between 4 February and 11 March 2022.

Table 6: Stakeholder consultation matrix

Stakeholder group	*Scoping interviews*	*Targeted interviews*	*Targeted Survey*	*SME survey*	*Stakeholder meetings*	*Public consultation*
National administrations	*V*	*V*	*V*		*V*	*V*
International organisations	*V*	*V*			*V*	*V*
Private sector				*V*	*V*	*V*
Associations	*V*	*V*			*V*	*V*
Research & innovation		*V*			*V*	*V*
General public						*V*
Experts	*V*	*V*				*V*
Total number of respondents	**8**	**15**	**48**	**41**	**-**	**20**

Source: Ecorys et al. (2023), Fitness check support study

The table below presents an overview of the consultation tools applied, indicating the target group, objective and timing. By using different consultation activities, all stakeholder groups were represented in the process.

The consultation tools were conducted in a sequence to maximise effective interaction between the tools. The scoping interviews provided insight in main issues, together with the desk research establishing the basis for drafting the questionnaire survey and the public consultation. The results of the survey provided a sound basis for better understanding the position of stakeholders and stakeholder groups, which was used as input for interviews. In the latter results were discussed, and missing data or evidence was attempted to be obtained.

[317] Fitness check on market access in inland waterway transport (europa.eu)

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Table 7: Consultation tools

Tool	Target group	Objective	Timing
Scoping interviews	National administrations, international organisations, associations and experts	Obtain insight in main issues at stake.	January 2021 until March 2021
Targeted survey	National administrations	Quantitative and qualitative response from different stakeholder groups	18-06-2021 until 25-08-2021
SME Survey	Private sector	Obtain responses from the private sector	04-02-2022 until 11-03-2022
Targeted interviews	All stakeholder groups, except for private sector and general public	Discuss issues and topics, also more qualitatively focused and elaborated compared to survey(s)	March 2021 until March 2022
Other stakeholders' meetings[318]	All stakeholder groups except for general public and experts	Getting views on the topics from the study from specific stakeholder groups	Between March 2021 and Feb. 2022
Public consultation	All stakeholder groups	Obtain responses from a large number of stakeholders from almost all stakeholder groups, including citizens.	18-12-2021 until 11-03-2022
Targeted consultation (gap filling)	Member states administrations and associations of operators	Quantitative and qualitative response from different stakeholder groups	Mid October to 31/12/2024

Source: Ecorys et al. (2023), Fitness check support study

6. Approach to evidence gathering and data limitations

The Fitness Check is based, as far as possible, on triangulation of data sources, validated by various stakeholder consultations. In many cases, the data gaps and limitations were resolved through a targeted consultation activity or deeper dives into the literature and available studies. Where this was not possible, the Staff Working Document acknowledges the limitations and applies a focussed and qualitative approach to the evaluation analysis based on available data. Data limitations are described in section 1.3 of the main document.

Evidence analysis

The data collected was analysed with the aim to respond to the evaluation questions, using the following approach.

Description of historical and economic background and the implementation of the Framework

The support study[319] provides a comprehensive description of the evolution and current status of the implementation of the Framework that allows to assess whether the Framework

[318] This includes the CCNR meeting 17 March 2021, the meeting of the NAIADES expert group and the Danube workshop, 20 January 2022.
[319] Ecorys, STC-Nestra and Tournaye Consulting (2023), *Fitness check support study*

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has been successfully implemented as intended or whether there are obstacles or limitations in its implementation that can also limit its efficiency or effectiveness. It provides a reference point for answering the evaluation questions.

Development of the points of comparison

In the absence of an impact assessment on the initial proposal of the Framework, that typically provides the starting point for the development of such points of comparison, this Fitness Check relies on other sources and inputs from stakeholders, including the recitals of the legislation and interviews with national authorities and regional bodies to describe what the situation was at the time of the adoption of the different pieces of legislation as from 1960 and how it was expected to evolve in the absence of the legislative Framework.

Datasets rarely extent to the period before the adoption of the Framework, making it difficult to clearly identify pre-existing trends. Therefore, in concluding on what would have been the expected development for this, it was taken into account not only the quantitative data available, but also the qualitative inputs from the stakeholders.

The evaluation also takes into consideration the developments in the relevant EU legal framework since the adoption of the Framework as well as in terms of the evolution of level and type of business to develop a combination of qualitative and quantitative elements that provides the relevant points of comparison.

Analysis of evidence – evaluation questions

The evaluation brought together the evidence collected in the desk and field research, the description of the implementation of the Framework and the development of the points of comparison to develop the answers to the evaluation questions included in the evaluation matrix. It checked that the answers refer back to the intervention logic and the points of comparison, and then summarised the level of confidence of the findings, based on the robustness of available evidence and providing clear identification of where they have stemmed from (e.g. combination of desk research, field research and other evidence analysis) and what assumptions have been made.

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ANNEX III. EVALUATION MATRIX AND, WHERE RELEVANT, DETAILS ON ANSWERS TO THE EVALUATION QUESTIONS (BY CRITERION)

In this Annex the numbering of Evaluation Questions follows the numbering of the questions used in the fitness check support study.

Answers to Evaluation Questions by individual legislation

Effectiveness

13. Council Regulation (EEC) No 11/1960 (transport document) - a) What benefits have resulted from the requirements that made it compulsory to have transport document on board and for them to be kept by the carrier? b) Which stakeholder groups have benefitted?

Group 1 – Council Regulation (EEC) No 11/1960

a) What benefits have resulted from the requirements of Council Regulation (EEC) No 11/1960?

Before the **Council Regulation (EEC) No 11/1960** of **Group 1** came into force, discriminatory water transport rates existed in several countries of the European Communities, except on the Rhine, where a free pricing system for cross-border transport prevailed. In the Danube region, transport prices were set by the shipping companies based on the criteria established by the Bratislava Agreements[320] as of 1955.

Thanks to Council Regulation (EEC) No 11/1960[321], and also thanks to the transport document that served as a tool to achieve the free pricing system, **price discrimination based on country of origin or destination has been eliminated**. This was confirmed by several stakeholders, including ProDanube[322] ('there is no price discrimination anymore'), the Danube Commission[323] ('with regard to market entrance and pricing policy there is a full liberalisation within the Danube region with some restrictions, especially for non-EU Member States'). Other stakeholders, like the IWT Platform[324], EBU/ESO[325] and a sectoral expert[326] confirmed that the Regulation had a positive effect on abolishing discriminative rates. In a survey[327], the Croat administration also stated that the Regulation significantly diminished discriminatory and price-setting behaviour. On the other hand, EBU[328] and a French sectoral association[329] concluded that this makes the legislation obsolete ('after the

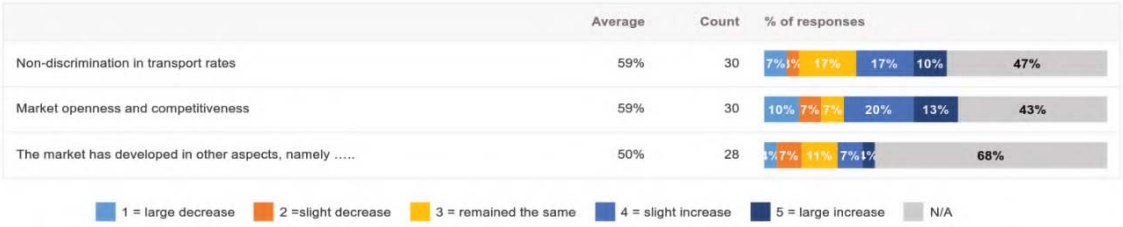
[320] 1955 Bratislava Agreements, Bratislava Agreements (donau.bg)
[321] Council Regulation (EEC) No 11/1960 aimed to abolish discriminatory transport rates and conditions and establish fairer price competition.
[322] Interview with ProDanube (2021) in the context of the fitness check support study.
[323] Interview with the Secretariat of the Danube Commission (2021) in the context of the fitness check support study.
[324] Interview with IWT Platform (2021) in the context of the fitness check support study.
[325] Interview with EBU/ESO (2021) in the context of the fitness check support study.
[326] Interview with former CCNR secretary (2021) in the context of the fitness check support study.
[327] Gap filling survey for Member States authorities, organised by the Commission in the fourth quarter of 2024.
[328] Paper submitted by EBU (Roadmap and OPC)
[329] Paper submitted by Entreprises Fluviales de France (OPC)

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liberalisation of transport this regulation is obsolete and no longer required as legal basis for the abolition of discrimination in transport rates and conditions').

Moreover, results from the survey confirm that the IWT market has become more open and competitive and developed in other aspects such as professionalisation, scaling-up and renewal of the fleet (see Figure 19).

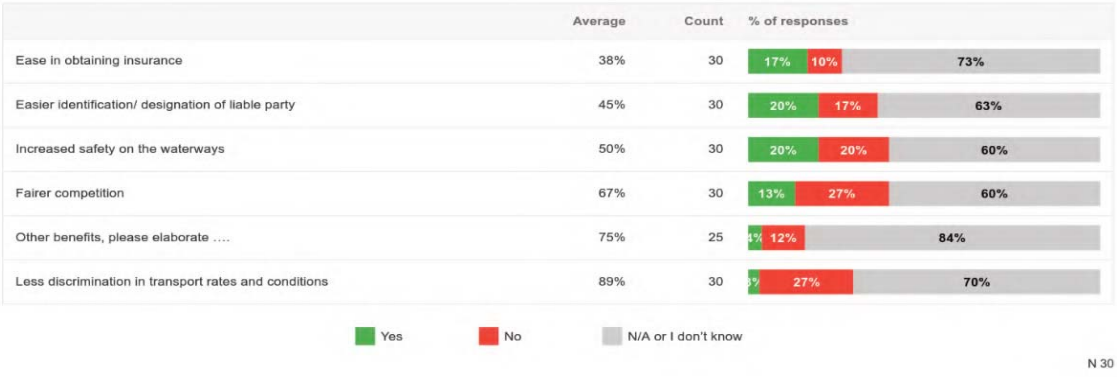
Figure 19: Survey question 'Overall, how would you say the IWT market has developed over time (since the 1960s) in the following areas'



Source: Targeted survey for national authorities

As illustrated in Figure 20, the survey shows that fairer price competition is one of the benefits of Council Regulation (EEC) No 11/1960. Moreover, the ease in obtaining insurance, easier identification/designation of liable party and increased safety on the waterways are being mentioned as benefits of this Regulation by the respondents. This might have to do with the fact that, with the checking of the documents by the authorities, the transport document has become a document that provides value or a quality.

Figure 20: Survey question 'Council Regulation (EEC) No 11/1960 made it compulsory to keep transport document on board the vessel to be kept by the carrier. In your view, did the following benefits occur due to this part of the Council Regulation (EEC) No 11/1960'



Source: Targeted survey for national authorities

The effect and therefore the benefits of this Council Regulation (EEC) No 11/1960 extends beyond IWT. The Combined Transport Directive 92/106/EEC (CT Directive) built on this Council Regulation and reiterated that, similarly to unimodal transport, combined transport is also free[330] of authorisations and quotas. It also refers[331] to the transport document as contained in the Council Regulation, thereby broadening the effect of the initial Council Regulation.

[330] Article 2 of the Combined Transport Directive 92/106/EEC
[331] Article 3 of the Combined Transport Directive 92/106/EEC

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b) Which stakeholder groups have benefitted?

According to survey results, several stakeholder groups benefitted from the requirements that made it compulsory to keep transport document on board. The increased safety of the waterways benefits all waterway users including cargo and passenger vessels. Clients mostly benefitted from the fairer competition and less discrimination in transport rates and conditions. Carriers also benefitted[332].

14. Council Regulation (EEC) No 11/1960 (inspections) - a) To what extent have inspections been carried out over the evaluation period to verify compliance of undertakings with Council Regulation (EEC) No 11/1960? b) To what extent have inspections led to benefits for any stakeholder group? c) Have inspections had any unintended negative or positive consequences?

Group 1 – Council Regulation (EEC) No 11/1960

a) To what extent have inspections been carried out to verify compliance with Council Regulation (EEC) No 11/1960?

Member States are responsible for checking the compliance with the obligations imposed by Articles 5 (2), 6 and 11 of Council Regulation (EEC) No 11/1960 and with the obligation to supply information as laid down in Article 13. However, no historical data have been found on whether or not the Member States did actively check the transport documents for compliance with Council Regulation (EEC) No 11/1960.

Evidence shows that controls are carried out, though not in all countries. Croatia reported[333] carrying out 318 checks in 2010 and 261 checks per year during 2020-2024, while Hungary reported[334] 9,108 and 8,054 checks in 2010 and 2020, respectively[335]. In a survey[336], on the question whether inspections are carried out to verify compliance of undertakings with Regulation (EEC) No 11/1960[337], the Finish and Hungarian authorities replied affirmatively, while Luxembourg police responded negatively, and Romanian respondents gave contradictory answers. The control of a vessel by enforcement authorities might serve different aims and may be based on diverse legal bases, not only checking compliance with rates and conditions but also compliance with e.g. safety rules. In a 2022 online survey of Members States authorities related to enforcement procedures, conducted in the context of eFTI initiative[338], 5 of 9 respondents said that rates and conditions are checked in IWT. A collection of use cases on enforcement procedures in the context of eFTI initiative also confirmed that rates and conditions are checked systematically (i.e. all 10 IWT inspection cases mentioned it)[339]. According to Member States, inspections are selected on a random

[332] It should be noted that most of the respondents to the survey stated that they are not familiar with possible benefits for the different stakeholders and therefore the conclusions should be considered with care.
[333] Gap filling survey for Member States authorities, organised by the Commission in the fourth quarter of 2024.
[334] Targeted survey (2021) carried out in the context of the fitness check support study.
[335] Hungary however referred to the checks in a more global way, namely that they control and enforce compliance with the waterway transport regulation.
[336] Targeted survey (2021) carried out in the context of the fitness check support study.
[337] Namely, whether the presence and validity of transport documents are checked.
[338] Survey on enforcement procedures (EFTI-D1.2.5 Annex III: Online survey on enforcement procedures).
[339] Overview of the processes and procedures performed by different national competent authorities when checking regulatory information under the scope of the eFTI Regulation (EFTI-D1.2.5). It contains 10 use cases for IWT from AT, FR, HU, LT, LU, RO, SI and NL.

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basis and are carried out by police/water police/border police (FR, BE, HU, RO), waterway administration (BE, PL) and port authorities/harbour master (HU, RO)[340]. In Luxembourg, controls are carried out in cooperation with neighbouring countries (especially DE and FR) through an international convention[341].

The SME survey[342] also delivered feedback on enforcement, namely on whether administrations check transport documents kept onboard of the vessel for transport rates and conditions, to see whether prices are based on fair price competition and non-discrimination, as stipulated in Regulation (EEC) No 11/1960. Out of 41 SMEs that responded to the survey, 21 (51%) said authorities do not check transport documents[343], while 3 (7%) responded that authorities do check transport documents[344]. The remaining 17 (41%) SMEs indicated 'do not know'.

b) To what extent have inspections led to benefits for any stakeholder groups?

Inspections and controls set in the Council Regulation (EEC) No 11/1960 have contributed to fair price competition and non-discrimination. As shown in Annex IV, other benefits include:

- For IWT operators, benefits due to easiness in obtaining insurance, easier identification/designation of the liable party thanks to the obligatory transport document on board of the vessel, and increased safety on the waterways (i.e. transport document indicating dangerous cargo), due to Council Regulation (EEC) No 11/1960.
- For consigners and consignees in Germany, benefits due to the abolition of the Festfrachten system of minimum prices in 1994 (Council Directive 96/75/EC). Reduced shipping prices by 60% for coal products and by 40% for bulk cargo.
- For consigners and consignees in Belgium, France and the Netherlands due to the abolition of the 'Tour de Role' system (Council Directive 96/75/EC). The benefits refer to the Netherlands alone and are estimated at EUR 190 million annually.
- Finally, for passengers, increased safety on the waterways for passenger vessels due to Council Regulation (EEC) No 11/1960

c) Have inspections had any unintended negative or positive consequences?

EBU and the Dutch Ministry of Infrastructure and Water Management explained[345] that the Dutch water police uses transport documents also to verify freight of a ship (especially for substances used for production of drugs). While EBU/ESO complain about related administrative burden, the Dutch water police[346] defended its practice regarding crime detection and preventing terrorism. Hungarian police[347] also combines checks (including

[340] Member States Workshops Breakout sessions (EFTI-D1.2.5 Annex II)
[341] Member States Workshops Breakout sessions (EFTI-D1.2.5 Annex II)
[342] Dedicated SME survey, conducted with the support of the European Enterprise Network in 2022.
[343] In the Netherlands, Hungary, Germany, Bulgaria, Croatia, Austria, Romania, Slovak Republic, Belgium, France, Luxembourg, Moldova, Serbia, Ukraine and Switzerland.
[344] In Romania, Belgium, Germany, France, Luxembourg, the Netherlands and Austria.
[345] Gap filling survey for operators' associations and Member States authorities, organised by the Commission in the fourth quarter of 2024.
[346] Based on an interview with the Dutch police in the context of the fitness check support study, checking the transport documents is usually only one of the activities during an inspection onboard, which might include also checking the manning requirements and sailing/resting times. The police do not check the documents for price discrimination; they check the transport document to see what freight is on board of a vessel.
[347] Interview with the Hungarian police in the context of the fitness check support study.

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crew member qualification and technical vessel requirements) pointing possibly to positive consequences (synergies) of the inspections.

Overall, even if there are mixed experiences on the level of scrutiny through inspections and some controls are combined with police operations, inspections and controls set in the Council Regulation (EEC) No 11/1960 have contributed to fair price competition and non-discrimination, also extending beyond the IWT cargo sector.

15. How successful has been Council Directive 96/75 in eliminating national rules and practices impeding the freedom of chartering and pricing?

Group 1 – Council Directive 96/75

In Belgium, France, Germany and the Netherlands transportation took place under the restrictive practices of 'Tour de Role' or 'Festfrachten' systems[348]. These systems set minimum prices at an exchange, dictating the terms under which IWT operators could provide their services. Belgium, France, Germany and the Netherlands all regulated domestic water transport through a chartering system[349] for allocating shipping contracts. The system was accompanied by officially prescribed transport rates. In absence of Group 1 legislative acts, these market distorting practices would likely have remained in place between France, Belgium, The Netherlands and Germany (except on the Rhine).

On the Danube, the Belgrade Convention (1948) allowed international transport for operators of all countries, including those not party to that convention. However, in practice, free access was largely limited to Member States of the Danube Commission through the pricing regime set in the Bratislava Agreements. These agreements were established among the state-owned IWT companies and covered several themes, including uniform international tariffs (1979) and freight calculation (1955).

The Bratislava Agreements established a rigid frame for the international tariff system along the Danube and a cargo-sharing mechanism among Danube riparian countries. This mechanism, together with fixed tariffs for cross border transport[350] effectively closed the Danube shipping market to outsiders[351]. With the fall of the Iron Curtain in 1989 and the subsequent transition to the market economy, some state-owned companies were privatised, and others were dissolved. Without the Group 1 legislative acts the practice of price agreements, similar to those of the Bratislava Agreements, would have likely persisted on the Danube in a formal or non-formal way.

Restrictive practices were addressed by **Council Directive 96/75/EC,** which eliminated national rules or practices impeding the freedom of chartering and pricing (the 'Tour de

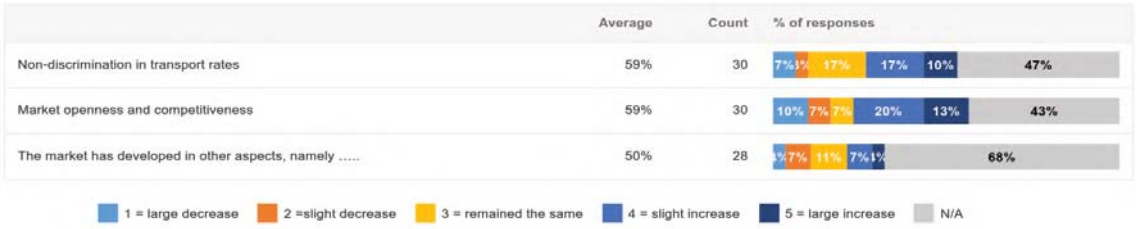
[348] 'Festfrachten', namely minimum prices, were applied in Germany. The system of 'chartering by rotation' or the so-called 'Tour de Role' was applied in Belgium, France and the Netherlands.
[349] A system of 'chartering by rotation' ('Tour de Role') consists in allocating transport operations on the basis of the order in which vessels become available after unloading, at previously fixed prices, usually established by the public administration.
[350] The Bratislava Convention applied only for international transport; not for the transport in cabotage. Source: Targeted interview with RO association of inland ship owners and port operators (12 July 2021).
[351] 'The importance of the Rhine-Main-Danube transport corridor: its impact on the Central and East European countries, with an emphasis on Romania' by Constantin Sava, World Maritime University – 1997.

Role'[352] and Festfrachten[353] systems). In January 1994, the German abolishment of the Festfrachten system of minimum prices, resulted in reduced shipping prices by 60% for coal products and by 40% for bulk cargo[354]. The 'Tour de Role' systems in the Netherlands, France and Belgium were abolished in January 2000. In the Netherlands alone the annual benefits due to the abolishment of the 'Tour de Role' system are estimated at EUR 190 million annually, expressed in 2022 prices[355]. Stakeholders confirmed the effectiveness of Council Directive 96/75/EC[356].

The existence of the regulatory framework allows maintaining these achievements over time, as demonstrated by infringement procedures in 1996 and in 2017 against two Member States, based on Council Directive 96/75/EC (see sections 3.1 and 4.3 on relevance).

From the survey it can be derived how respondents see the IWT market developments from the 1960s until today. 10 out of the 30 respondents see that there is less non-discrimination in rates and more market openness and competitiveness, as shown in Figure 21.

Figure 21: Survey question 'Overall, how would you say the IWT market has developed over time (since 1960's) in the following areas:' (n = 30)



Source: Targeted survey for national authorities

Associations representing IWT operators (EBU/ESO) stated in an interview that Council Directive 96/75/EC established the free market and was in their view very effective in meeting the objectives. The EICB[357] does not see any hindrances in the market anymore. A sectoral expert[358] expressed the view that the Directive brought very good results including

[352] In the Netherlands, Belgium and France shippers were legally obliged to conclude their contracts for national transport through the intermediary of a state-run system of chartering by rotation ("Tour de Role" in French), which assigned cargo to bargemen on a "first come, first served" basis. For this, shippers had to pay minimum freight rates fixed by law.

[353] Festfrachten is a system of fixed minimum freight rates in Germany.

[354] Interview with the representative of Rhine operators and DE Commissar to the CCNR representing the profession (2021) carried out in the context of the fitness check support study.

[355] Ecorys, STC-Nestra and Tournaye Consulting (2023), *Fitness check support study*, p. 9.

[356] The associations representing IWT operators (EBU/ESO) stated in an interview (2021) that Council Directive 96/75/EC established the free market and was in their view very effective in meeting the objectives. EBU further underlined the effectiveness of the Directive in the gap filling survey for operators' association, organised by the Commission in the fourth quarter of 2024. In other interviews (2021) carried out in the context of the fitness check support study, the representative of Rhine operators and DE Commissar to the CCNR representing the profession expressed the view that the Directive brought very good results including decreased logistics costs and increase in productivity while the Romanian association of inland ship owners and port operators mentioned that the market is functioning well, while highlighting that some cost elements, like e.g. fuel or port fees, the Black Sea Canal fee, also influence the freight tariffs. In the gap filling survey for Member States authorities, organised by the Commission in the fourth quarter of 2024, the Austrian administration mentioned as benefits the market liberalisation while the Luxembourg administration highlighted the elimination of discrimination aspect.

[357] Interview with Expertise and Innovation Centre Barging (EICB)

[358] Interview with the representative of Rhine operators and DE Commissar to the CCNR representing the profession (2021) carried out in the context of the fitness check support study.

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decreased logistics costs and increase in productivity, while a Romanian stakeholder[359] also mentioned that the market is functioning well, while highlighting that some cost elements, like e.g. fuel or port fees, the Black Sea Canal fee, also influence the freight tariffs. As benefits the Austrian administration mentioned the market liberalisation while Luxembourg administration highlighted the elimination of discrimination aspect[360]. In various consultations[361], EBU/ESO also underlined the effectiveness of the aim and scope of the Directive and stated that 'this Directive introduced the free market and can be seen as effective, it met its objectives and is relevant'.

Infringement procedures ensure that the system is maintained and also provide a benchmark to follow for enlargements countries with regard to non-discrimination in transport rates. The existence of the regulatory framework allows maintaining these achievements over time, as demonstrated by an infringement procedure in 2017 against Belgium, based on Council Directive 96/75/EC.

To conclude, Council Directive 96/75/EC established the freedom of chartering and pricing in all EU Member States, eliminating national protectionism, enabling greater commercial flexibility and increased competitiveness of the sector. Encouraging and enabling efficient transport services, by eliminating discriminatory pricing and conditions as well as restrictive commercial practices, lowered costs for consignors and consignees[362] thanks to fairer and more transparent competition among carriers.

Council Directive 96/75 therefore has been successful in eliminating national rules and practices impeding the freedom of chartering and pricing.

26. To what extent has the Directive resulted in an improved, more uniform and transparent scheme for freight carriers' professional qualifications at European and Member States' level?

Group 3 – Council Directive 87/540/EEC

Council Directive 87/540/EEC provides common rules on access to the occupation of carrier of goods and on the mutual recognition of diplomas, certificates, and other evidence of formal qualifications. It lists requirements for professional competences for national and international cargo operations. While all other modes of transport regulate respective provisions via a Regulation, the rules for IWT are established by a Directive, resulting in national differences (see Annex IX).

In reply to the targeted survey[363], 3 out of 15 respondents were of the view that the scheme for professional competence of an IWT freight carrier has improved the situation compared with the period prior to Directive 87/540/EEC (before 1990). One respondent believed it did not improve it, while the remaining 11 respondents replied that they do not know.

[359] Interview with the Romanian association of inland ship owners and port operators (2021) in the context of the fitness check support study.
[360] Gap filling survey for Member States authorities, organised by the Commission in the fourth quarter of 2024.
[361] Feedback on the Roadmap and in the Gap filling survey operators' association, organised by the Commission in the fourth quarter of 2024.
[362] The consignor is the sender of goods and the consignee is the receiver of the goods.
[363] Targeted survey (2021) carried out in the context of the fitness check support study.

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During the public consultation, it was noted[364] that 'there is no harmonised certificate/document transparently confirming the proof of professional competence'. As a consequence, it is not easy for enforcement authorities in the field to ascertain that a transport operation is carried out in compliance with the EU requirements. The same comment was also made in the SME survey.

3 out of 15 respondents to the targeted survey[365] are of the view that the scheme for professional competence of an IWT freight carrier has improved the situation in comparison with the period prior to Directive 87/540/EEC (before 1990). One respondent believes it did not improve, while the remaining 11 respondents replied that they do not know.

Out of 30 SMEs who expressed a view[366] on the process of obtaining the certificate of professional competence, 15 stated that it is sufficiently transparent and 8 that it is not transparent.

In relation to the list of knowledge included in the Annex of the Directive, for which proof of satisfactory knowledge is required, important subjects that arose since 1987, like skills related to digitalisation and clean technologies are missing. Therefore, the list included in the Annex is no longer effective in covering relevant subjects for IWT entrepreneurs. Also, in comparison with the Directive (EU) 2017/2397 on the recognition of professional qualifications in inland navigation for crew, where competences are included rather than knowledge, the Council Directive 87/540/EEC fails to list competences. During the targeted survey[367], to the question whether the list included in the Annex of the legislation has met its purpose in providing an accurate listing of topics of professional competence, as originally foreseen, 4 respondents from Member States authorities answered 'to some extent' or to 'a large extent', while one answered 'No'. The other authorities did not know or did not respond.

The Directive does not cover passenger transport, despite the growing passenger transport market[368]. In written contributions submitted during the public consultation, one EU citizen and one company[369] highlighted that contrary to the transport of goods, proof of professional competence is not needed for passenger transport, thus raising questions about the level playing field within the IWT market. The EU citizen also expressed that since there is no harmonised certificate confirming proof of professional competence or harmonised legislation on the registration of inland waterway navigation vessels, it is complicated for enforcement authorities to ascertain the compliance of transport operations. The company added that the issue should be addressed by regulating access to the occupation of river passenger transport. During the SME survey, an Austrian citizen also remarked this gap ('proof of professional competence is required for the transport of goods, but not for the transport of passengers').

In addition, during the gap filling survey organised by the Commission in 2024[370], Member

[364] By an Austrian citizen.
[365] Targeted survey (2021) carried out in the context of the fitness check support study.
[366] SME panel (2022)
[367] Targeted survey (2021) carried out in the context of the fitness check support study.
[368] According to the Danube Commission, the number of vessels increased by 68% over 10 years, with more than a doubling of the number of passenger. 25% of IWT traffic on the Danube is related to passenger transport.
[369] Out of 20 respondents
[370] Gap filling survey for Member States authorities, organised by the Commission in the fourth quarter of 2024.

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States administrations expressed the view that lack of a harmonised set of requirements for the carriers of passengers across the EU results in less resilience of those carriers (2 responses), in diverging requirements by Member State (3 responses) and in low quality service (1 response). One Member State also mentioned loss of time (possibly related to the application for and granting of the certificate). One Member State mentioned however that in view of the very few certificates issued, the effects of the rules are negligible.

Respondents to the survey indicate that the Directive has contributed to a higher quality of transporters and a lower risk for distortion of competition. At the same time, respondents to the survey find it difficult to conclude that the Directive has improved the scheme for freight carriers' professional qualifications. On the question "to what extent has the scheme for professional competence of an IWT freight carrier been improved in comparison with the situation prior to the Directive (before 1990)?", 67% (10 out of 15) indicated "I don't know", while 20% (3 out of 15) indicated an improvement and 13% (2 out of 15) indicated "not improved".

To conclude, the Directive resulted in an improved and transparent scheme for freight carriers' professional qualifications at European and Member States' level. While it is more harmonised than before, it is indeed not uniform.

29. Council Regulation (EC) 718/1999 - What is the state of play of the establishment, management and use of the Fund by Member States, and in particular of the Reserve Fund?

Group 4 – Regulation (EC) No 718/1999

Prior to the existence of the legislation under the scope of the fitness check, IWT operators on waterways other than the Rhine and the Danube could make use of minimum prices[371]. Furthermore, in those days national governments could subsidise the IWT sector, via state aid. With Community - and later EU legislation - in place, these types of market interventions were prohibited.

The 'old-for-new' scrapping scheme was first introduced by Regulation (EEC) No 1101/89 as a mechanism to control the fleet capacity, to prevent its increase. Under this scheme introduction of new capacity (new vessels) was only possible in case of scrapping old capacity or paying a special contribution in a Reserve Fund. The scheme was accompanied by close monitoring of fleet capacity, to support the modernisation of the fleet and enable new construction of vessels. This mechanism expired on 28 April 1999. Council Regulation (EC) No 718/1999 succeeded the Regulation (EEC) No 1101/89 and extended the old-for-new scrapping scheme for another four years, phasing out the mechanism in a gradual manner by 28/4/2003.

Together with monitoring fleet capacity, an 'old-for-new' scrapping scheme was introduced by Regulation (EEC) No 1101/89 to allow new vessels only in case of scrapping old capacity or paying into a Reserve Fund. Council Regulation (EC) No 718/1999 extended the scrapping scheme until April 2003. The Fund has subsequently become a standby

[371] Festfrachten or 'Tour de Role' systems, see description in section 2.2

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mechanism[372] not yet used, but available in case of serious market disturbance[373] and generally welcomed by stakeholders[374].

During 1990-1999, 600,509 tonnes of dry cargo capacity were demolished and 650,906 tonnes of new builds added and EUR 9 million of penalties collected for non-compensated demolitions. During the same period, 240,364 tonnes of tank barge capacity were added, while 131,018 tonnes were demolished[375].

The fitness check support study[376] found that the number of active vessels in the Netherlands, Germany, France, Belgium, Switzerland and Luxembourg decreased by 1.2% during 1993-1996 and by 24% during 1996-2000, demonstrating the success in addressing overcapacity. The study also estimated that without the legal acts in Group 4, the number of vessels on the North-South and East-West corridor would have been 13,339, instead of 9,758. According to this estimation this overcapacity would have resulted in annual losses of 20.8% per operator.

The Fund established under Council Regulation (EC) No 718/1999 was initially funded with EUR 7 million from surpluses for restructuring actions before 1999. The total amount was raised to over EUR 33 million by 2003 under the 'old-for-new' rules[377]. The funds have not been used until the Commission[378], upon request by the operators, created the 'European IWT platform' to promote safety, clean technologies and innovation of the fleet as well as education and training. EUR 7 million from the Fund support the Platform's operations for the 2017-2027 period. The operators are planning to request a renewal for the subsequent ten years (2028-2037). Based on the responses received in the gap filling survey main operators' associations and responding Member State administrations[379] consider that the Platform adds benefits[380] for national and regional administrations, operators, skippers, vessel owners, logistics companies, as well as UNECE, river Commissions and river protection Commissions.

The amounts available in the Reserve Fund in 2022, by Member State, are provided in Table 3 in section 4.1.1. Danube countries (with the exception of Austria[381]) currently have no

[372] Article 8 of Council Regulation No (EC) 718/1999
[373] Article 7 of Council Directive 96/75/EC
[374] EBU/ESO and the IWT Platform stated in an interview in the context of the fitness check support study that the advantage of this Council Directive is that it offers a unique crisis mechanism which can be used in case of structural overcapacity in the IWT sector, which not many sectors have.
[375] Van Hassel E., Vanelslander T. and Sys C. (2016), 'Managing capacity in the inland waterway sector - To intervene or not to intervene?', Inland Waterway Transport, Routledge, available at: Managing capacity in the inland waterway sector
[376] Ecorys, STC-Nestra and Tournaye Consulting (2023), *Fitness check support study*
[377] The fund is owned by the operators and is used by the operators. The Commission's role is only to release the funds which are kept by MS.
[378] Commission Decision of 5.10.2017 authorising the use of the Inland Waterways Fund established by Council Regulation (EC) No 718/1999 of 29 March 1999 [C(2017) 6663 final]
[379] Gap filling survey for operators' associations and Member States authorities, organised by the Commission in the fourth quarter of 2024.
[380] 3 (AT, DE, HR) out of the 9 MS authorities that responded are of the view that the activities of the IWT Platform bring significant benefits to the sector. One (NL) is of the view that the activities of the IWT Platform bring some benefits to the sector. The remaining cannot say or did not respond. All 5 respondents from operators' associations (including the IWT platform) are of the view that the activities of the IWT Platform bring significant benefits to the sector.
[381] Austria's fund is a result of the Regulation (EEC) No 1101/89.

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reserve fund as relevant legislation provides for exemptions for vessels operating exclusively on the Danube as well as exemption to countries below a certain fleet size.

In the stakeholder consultation, the following information has been collected concerning the authority **managing** the funds for each of these Member States:

- Austria: The Federal Ministry of Climate Action, Environment, Energy, Mobility, Innovation and Technology;
- Belgium: Federal Public Service Mobility and Transport;
- Germany: Federal Waterways and Shipping Agency;
- France: Ministry of Ecological and Solidarity Transition;
- The Netherlands: The Human Environment and Transport Inspectorate.

Reporting obligations for public administrations due to Regulation (EC) 718/1999 are very limited and estimated to take on average 10 hours per year per Member State[382], for the Member States that have setup and funded inland waterway Funds (AT, BE, DE, FR and NL). Total recurrent administrative costs for public administrations related to reporting obligations are thus estimated at EUR 3,628 per year (for all 5 relevant Member States)[383].

In line with Article 3.5 of Council Regulation (EC) 718/1999[384] the Reserve Fund was used in 2017 to create the IWT Platform[385] whose continuation was supported together with the continuation of the Fund in its current form[386]. Several stakeholders indicated[387] that the Reserve Fund could be used in the future to stimulate innovation and support programmes for simulators for schools or catalysts[388] or for the uptake of clean technologies.

The available amounts in the IW Funds of Member States (see Table 3 in section 4.1.1) are relatively small compared to the sector's size and the funding required to tackle challenges

[382] Replies by AT, DE and NL during the gap filling survey for Member States authorities, organised by the Commission in the fourth quarter of 2024.
[383] The tariff rates by Member State for the ISCO 1 category (legislators, senior officials and managers) in 2022 prices were used to monetise the costs.
[384] And via Commission Decision C2017/6663
[385] EUR 7 million was transferred to establish the IWT Platform and to fund its activities for ten years (2017 to 2027), providing EUR 700,000 annually.
[386] During the gap filling survey for Member States authorities, organised by the Commission in the fourth quarter of 2024, AT, HR DE and NL administrations were of the view that the inland waterway Funds are still needed in their current form. 4 Member States indicated 'cannot say' or left the reply to the question blank. During the gap filling survey for operators' associations, organised during the same period, all respondents, including the IWT Platform, were of the view that the inland waterway Funds are still needed in their current form.
[387] During the public consultation, the French administration commented that the focus now should lay on reducing the lifetime of the vessels in order to reduce the IWT's impact on the climate, rather than reducing the capacity of the fleet. The association of barge operators (EBU/ESO), mentioned in an interview that the Fund could be used to stimulate innovation and used for example for programmes for simulators for schools or catalysts. The scrapping goals of the Regulation are less relevant as e.g. tankers are currently less than 30 years old. The IWT Platform mentioned in an interview that some stakeholders want to maintain the scrapping (programme) but not the old-for-new rule. This was especially the case of the tanker sector, when the change from the single to double hull took place.
[388] According to Article 8, without prejudice to Article 3(5), any Member State may take measures in particular to: make it easier for inland waterway carriers leaving the industry to obtain an early retirement pension or to transfer to another economic activity; organise vocational training or re-training schemes for workers leaving the industry; encourage private owner-operators to join trade associations; encourage adaptation of vessels to technical progress in order to improve working conditions and promote technical safety requirements; improve operators' skills in order to safeguard the development and future of the trade.

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like greening or a scrapping round of outdated vessels. However, according to Member States[389], the IWT Platform currently financed by the IW Funds remains a useful tool for the sector.

30. Council Directive 96/75/EC - Has the mechanism in case of "serious market disturbances" (Article 7) been effective to achieve its objective?

Group 4 – Council Directive 96/75/EC

After April 2003 the inland waterways Fund has become a standby mechanism which can be used in two cases: either in connection with measures[390] referred to in Council Regulation (EC) No 718/1999 if unanimously requested by the organisations representing inland waterway transport, or in connection with suitable capacity measures in case of serious market disturbance[391] in the IWT market.

Attempts have been made by Member States to trigger the standby mechanism, however, until today, the system has not been activated. The main reason is that none of the disturbances were considered by the European Commission as serious market disturbance resulting in a structural decrease in the demand on the IWT market. According to Council Directive 96/75/EC, some conditions are defined, however, there are no explicit criteria. At the same time, the link of Council Regulation (EC) No 718/1999 with Council Directive 96/75/EC is restrictive and allows the use of the fund in restricted cases only. This is intentional as only specific cases of overcapacity are considered as serious disturbance of the market.

Considering the provisions for the case of serious market disturbance[392], outlined in the Council Directive 96/75/EC on the systems of chartering and pricing, EBU/ESO and the IWT Platform stated in an interview[393] that the advantage of this Council Directive is that it offers a unique crisis mechanism which can be used in case of structural overcapacity in the IWT sector, which not many sectors have.

Efficiency

16. Council Regulation (EEC) No 11/1960 (transport document) - a) What types of costs have been associated with the introduction of transport document and the requirement, to have them on board and for them to be kept by the carrier? Which stakeholder groups have incurred these costs and how high have they been over the evaluation period? b) How do these costs compare to the corresponding actual benefits (see EQ No. 13 and 14 on effectiveness above) for stakeholders and society at large?

Group 1 – Council Regulation (EEC) No 11/1960

a) What types of costs have been associated with the introduction of transport documents and the requirement, to have them on board and for them to be kept by the

[389] AT, HR, DE, LU and NL (gap filling survey 2024)
[390] Article 8 of Council Regulation No (EC) 718/1999
[391] Article 7 of Council Directive 96/75/EC
[392] Article 7 of Council Directive 96/75/EC, serious disturbance in the IWT market
[393] Interview in the context of the fitness check support study.

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carrier? Which stakeholder groups have incurred these costs and how high have they been over the evaluation period?

Not much data is available to assess the efficiency of the framework as several of the legal acts do not include monitoring requirements and only one includes reporting requirements for public administrations. The analysis of costs and benefits is based on data collected through the fitness check support study[394], the public consultation and the SME survey. An additional outreach by the Commission in 2024, addressed operators' associations and administrations, to fill data gaps, collect further evidence and quantify costs, efforts and benefits of implementing the legislation. However, this has resulted in little additional evidence.

Council Regulation (EEC) No 11/1960 of **Group 1** brings about costs for IWT operators and administrations, as well as benefits for IWT sector and all waterway users. These costs are presented below.

The Regulation (Article 6) requires a transport document for each consignment of goods, detailing the consignor's name and address, nature and weight of the goods, place and date of acceptance, place of delivery. The 2008 amendment of the Regulation[395] reduced administrative burden by eliminating the obligation to create an additional document and allowing enterprises instead to use a national transport document, a company-related consignment note, a bill of lading or a multimodal document - if it contains the required information. According to the impact assessment accompanying the proposal of the eFTI Regulation it takes 15 minutes to fill paper documents for each shipment and the uptake of e-documents/information exchange in IWT is very low. The impact assessment estimated that 24 million hours were spent for processing freight transport information needed for national and international trips in 2018, leading to ***recurrent administrative costs for IWT operators*** of EUR 582 million. By 2030, these costs would amount to EUR 674 million[396]. Not all these costs are attributed to Regulation (EEC) No 11/1960, but stakeholders' consultation activities did not provide evidence that could allow estimating its contribution to the costs.

According to the SME survey, out of 41 SME respondents[397], 19 (46%) experience no costs related to keeping transport documents on board, while 11 (27%) do experience costs and 11 (27%) do not know. On the other hand, operators' associations (EBU, ESO) noted significant to medium efforts (not further quantified) due to the creation, holding and archiving of paper documents. Keeping transport documents for each consignment of goods in IWT results in vast amounts of paperwork, especially for container transport (i.e. a single container ship typically carries up to 200 containers). 7 (41%) of the 17 respondents to the targeted survey[398] mentioned digitalisation (including eFTI Regulation, RIS Directive and Port information systems[399]) as a means of simplification. The CCNR Secretariat also noted during the public consultation that 'paper documents could be replaced by digital versions'.

[394] Ecorys, STC-Nestra and Tournaye Consulting (2023), *Fitness check - Support study on the access to and the functioning of the inland waterway transport market*
[395] Council Regulation (EC) 569/2008
[396] SWD(2018) 183 final, p. 19, 28, 87.
[397] SME survey carried out in 2022.
[398] Targeted survey (2021) carried out in the context of the fitness check support study.
[399] eFTI stands for Electronic Freight Transport Information Regulation and RIS for River Information Services Directive.

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The impact assessment for the proposal of the eFTI Regulation[400], estimated that the 15 minutes to fill paper documents for each shipment could be reduced to 5 minutes by using electronic documents under eFTI from July 2027. Thus, when considering the implementation of the eFTI Regulation from 2027, the recurrent administrative costs for IWT operators is projected at EUR 357 to 452 million in 2030[401]. As explained above, not all these costs are attributed to the Regulation (EEC) No 11/1960, and they should thus be seen as the upper bound estimate.

For public administrations, the costs relate to the control of transport documents. During the gap filling survey, organised by the Commission in 2024, Member States' administrations mentioned that staff involved in checks on the spot (e.g. police) spend 60-90 minutes per check, while staff involved in the following up of infractions and penalties spend 90-480 minutes per infraction. The ***recurrent administrative costs for public administrations*** could not be estimated because the stakeholders' consultation activities provided little evidence on the number of inspections or controls, and no evidence on the number of infractions. In addition, as explained in section 4.1.1, the control of a vessel by enforcement authorities might also serve different aims and may be based on diverse legal bases. During the public consultation, 2 public authorities (PT, IT) have noted low to medium effort (time and/or money) to comply with Regulation (EEC) No 11/1960, while BG did not know. During the targeted survey[402], one respondent from Luxemburg said the associated costs were 'low' (overall policing costs), while the Hungarian Police did not have specific data on costs of inspections, referring to them as being part of the state budget for law enforcement activities.

IWT operators are also expected to experience recurrent enforcement costs due to Regulation (EEC) No 11/1960, for cooperation to inspections or controls. It was not possible to estimate such costs due to the lack of evidence. According to the SME survey, 21 out of 41 (51%) respondents experience no such costs, 10 (24%) do experience costs related to inspections to check transport rates and conditions, while 10 (24%) respondents did not know.

During the public consultation (see Figure 14 in section 4.1.2 Efficiency), 7 out of 13 respondents indicated that Regulation (EEC) No 11/1960 requires low or medium effort (time and/or money)[403] to comply.

b) How do these costs compare to the corresponding actual benefits for stakeholders and society at large?

Benefits for IWT operators[404] relate to the easiness in obtaining insurance, the easier identification/designation of the liable party thanks to the obligatory transport document on

[400] SWD(2018) 183 final

[401] According to the impact assessment for the proposal of the eFTI Regulation, the administrative costs savings for IWT operators are estimated at EUR 222 to 317 million in 2030 (33% to 47% reduction relative to the baseline costs).

[402] Targeted survey (2021) carried out in the context of the fitness check support study.

[403] 3 out of 13 respondents indicated significant effort (time and/or money) to comply with the Regulation, 2 out of 13 respondents indicated medium effort, while 5 respondents indicated low effort for complying with the Regulation. 3 others indicated 'do not know' or 'not applicable'.

[404] During the targeted survey (2021) carried out in the context of the fitness check support study, 4 respondents out of 15 Member States that responded to the survey were of the view that it brings about increased safety on the waterways and 4 were of the view that it results in fairer competition, 6 were of the view that it results in easier identification/designation of liable party and 2 were of the view that it results in less discrimination in

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board of the vessel, and increased safety on the waterways (i.e. transport document indicating dangerous cargo). The ***increased safety on the waterways benefits all waterway users including cargo and passenger vessels.***

In the public consultation, 3 out of 13 respondents expressed the view that the perceived benefits are higher or of similar size with the efforts/costs and 3 that the benefits do not compensate the efforts/costs (see Figure 15 in section 4.1.2 on Efficiency)[405].

17. Council Regulation (EEC) No 11/1960 (transport document) - To what extent have the requirements regarding transport document, led to unnecessary administrative burden and what are areas with potential for simplification and digitalisation of transport documents?

Group 1 – Council Regulation (EEC) No 11/1960

To what extent have the requirements regarding transport documents, led to unnecessary administrative burden?

Council Regulation (EEC) No 11/1960 was amended twice: Council Regulation (EEC) 3626/84 aligned it with the conditions[406] on the use of vehicles hired without drivers for the carriage of goods by road, while Council Regulation (EC) 569/2008 removed outdated requirements and simplified administrative procedures, in particular by streamlining the information requested in transport documents for all modes of transport in scope, including inland navigation. A further simplification is underway to encourage the digitalisation of freight transport and logistics and to further reduce administrative burden. As of July 2027, the Electronic Freight Transport Information (eFTI) Regulation (EU) 2020/1056[407] will enable the electronic submission of information contained in the transport documents[408] for freight transport, including inland navigation.

What are areas with potential for simplification and digitalisation of transport documents?

As described above, a further reduction of administrative burden is underway with the implementation of eFTI Regulation. This will allow operators to electronically share information on transport of goods in the EU from July 2027. According to the impact assessment for the proposal of the eFTI Regulation, the administrative costs savings for IWT operators are estimated at EUR 222 to 317 million in 2030 (33% to 47% reduction relative to the baseline costs).

transport rates and conditions. As beneficiaries of these benefits, carriers, clients (passengers or shipper) and Member States administrations were mentioned.

[405] 3 out of 13 respondents indicated that perceived benefits do not compensate efforts/costs, 1 indicated that perceived benefits and efforts/costs are of similar size and 2 indicated that perceived benefits are significantly larger than required efforts/costs for compliance with the Regulation. The rest did not know or responded 'not applicable'. Among the public authorities that responded to the question on how benefits relate to effort and costs during the public consultation (4 public authorities), one said benefits and effort/costs are of a similar size and one that benefits are significantly larger than the required effort/costs, while 2 did not know or indicated 'not applicable'.

[406] Article 2 of Directive 84/647/EEC

[407] Article 2.1., Art 5.1 of Electronic Freight Transport Information Regulation (EU) 2020/1056

[408] Article 6 of Regulation 11/1960

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18. Council Regulation (EEC) No 11/1960 (inspections) - a) What have been the costs associated with the inspections (see EQ No.14 on effectiveness) and what stakeholder groups did they fall on? b) How do these costs compare to the benefits from inspections that could be established?

Group 1 – Council Regulation (EEC) No 11/1960

According to Council Regulation (EEC) No 11/1960 Member States shall be responsible for checking compliance with the obligations imposed on carriers and checking compliance imposes costs for both the inspection authorities and for other stakeholders of the IWT supply chain.

Public authorities face administrative costs related to inspections, while barge operators (fleet operators, skippers) and crew members face enforcement costs to cooperate with the public authorities during the inspections.

Transport documents need to be available on board for inspection. Inspections do take place, though they could take place for other reasons than inspecting the transport documents (i.e. checking dangerous cargo, checking compliance with cabotage rules, transport of waste).

For public administrations, the costs relate to the control of transport documents. During the gap filling survey, organised by the Commission in 2024, Member States' administrations mentioned that staff involved in checks on the spot (e.g. police) spend 60-90 minutes per check, while staff involved in the following up of infractions and penalties spend 90-480 minutes per infraction. The ***recurrent administrative costs for public administrations*** could not be estimated because the stakeholders' consultation activities provided little evidence on the number of inspections or controls, and no evidence on the number of infractions. In addition, as explained in section 4.1.1, the control of a vessel by enforcement authorities might also serve different aims and may be based on diverse legal bases. During the public consultation, 2 public authorities (PT, IT) have noted low to medium effort (time and/or money) to comply with Regulation (EEC) No 11/1960, while BG did not know. During the targeted survey[409], one respondent from Luxemburg said the associated costs were 'low' (overall policing costs), while the Hungarian Police did not have specific data on costs of inspections, referring to them as being part of the state budget for law enforcement activities.

IWT operators are also expected to experience recurrent enforcement costs due to Regulation (EEC) No 11/1960, for cooperation to inspections or controls. It was not possible to estimate such costs due to the lack of evidence. According to the SME survey, 21 out of 41 (51%) respondents experience no such costs, 10 (24%) do experience costs related to inspections to check transport rates and conditions, while 10 (24%) respondents did not know.

How do these costs compare to the benefits from inspections that could be established?

In the public consultation, 3 out of 13 respondents expressed the view that the perceived benefits are higher or of similar size with the efforts/costs and 3 that the benefits do not

[409] Targeted survey (2021) carried out in the context of the fitness check support study.

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compensate the efforts/costs[410].

31. Council Regulation (EC) 718/1999 - Over the evaluation period a) what type of costs have arisen related to the establishment, management and use of the IW Funds, how high were they and who did they fall on and b) have these costs been proportionate to the benefits they have generated?

Group 4 – Regulation (EC) 718/1999

a) What type of costs have arisen related to the establishment, management and use of the IW Funds, how high were they and who did they fall on

Council Regulation (EC) 718/1999 led to one-off adjustment costs for vessel owners during 1999-2003 as well as benefits for IWT operators. No costs for businesses were registered after 2003 due to Group 4 legislation. Council Regulation (EC) 718/1999 generates some very limited recurrent administrative costs for public administrations.

One-off adjustment costs for vessel owners, in the form of contributions for new vessels put into service under the 'old-for-new' rule, are estimated at EUR 26 million for 1999-2003[411]. Post-2003 there are ***no one-off or recurrent costs for businesses*** due to Council Regulation (EC) 718/1999 or due to the stand-by mechanism in case of serious market disturbance (Article 6 of Regulation 718/1999 together with article 7 of **Directive 96/75/EC**), which was not triggered so far.

Reporting obligations for public administrations due to Regulation (EC) 718/1999 are very limited and estimated to take on average 10 hours per year per Member State[412], for the Member States that have setup and funded inland waterway Funds (AT, BE, DE, FR and NL). Total ***recurrent administrative costs for public administrations*** related to reporting obligations are thus estimated at EUR 3,628 per year (in total for all 5 relevant Member States)[413].

The Fund has subsequently become a standby mechanism[414] not yet used, but available in case of serious market disturbance[415] and generally welcomed by stakeholders[416].

[410] 3 out of 13 respondents indicated that perceived benefits do not compensate efforts/costs, 1 indicated that perceived benefits and efforts/costs are of similar size and 2 indicated that perceived benefits are significantly larger than required efforts/costs for compliance with the Regulation. The rest did not know or responded 'not applicable'. Among the public authorities that responded to the question on how benefits relate to effort and costs during the public consultation (4 public authorities), one said benefits and effort/costs are of a similar size and one that benefits are significantly larger than the required effort/costs, while 2 did not know or indicated 'not applicable'.

[411] Ecorys, STC-Nestra and Tournaye Consulting (2023), *Fitness check support study*, p. 33.

[412] Replies by AT, DE and NL during the gap filling survey for Member States authorities, organised by the Commission in the fourth quarter of 2024.

[413] The tariff rates by Member State for the ISCO 1 category (legislators, senior officials and managers) in 2022 prices were used to monetise the costs.

[414] Article 8 of Council Regulation No (EC) 718/1999

[415] Article 7 of Council Directive 96/75/EC

[416] EBU/ESO and the IWT Platform stated in an interview in the context of the fitness check support study that the advantage of this Council Directive is that it offers a unique crisis mechanism which can be used in case of structural overcapacity in the IWT sector, which not many sectors have.

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b) Have these costs been proportionate to the benefits they have generated?

The benefits result from the use of the IWT Platform, on which both operators' associations and Member States expressed a positive view in stakeholder consultation activities, in particular the gap filling survey[417]. During the public consultation, 8 out of the 13 respondents[418] perceived Council Regulation (EC) 718/1999 as providing overall benefits or benefits of similar size with the effort/costs (see Figure 15 in section 4.1.2). While the benefits could not have been quantified in monetary terms due to the lack of data, the costs as, explained above under point a), are very limited and therefore are regarded as proportionate.

Coherence

19. Council Regulation (EEC) No 11/1960: Have any inconsistencies developed, when comparing how requirements on carriage of goods by inland waterway transport have developed, compared to those by other transport modes covered by the Regulation?

Group 1 – Council Regulation (EEC) No 11/1960

Besides IWT, Council Regulation (EEC) No 11/1960 covers road and rail transport. All requirements laid down in the Regulation equally apply to all modes of transport. In addition to EU legislation, each of the modes of transport is also covered by other international laws: IWT is subject to the Budapest Convention on the Contract for the Carriage of Goods by Inland Waterway (CMNI). Road transport is covered by the Convention on the Contract for the International Carriage of Goods by Road (CMR) and rail transport is subject to the Convention concerning International Carriage by Rail (COTIF).

Each of these conventions has been amended and updated over time. One of the most important amendments is the possibility to use electronic transport documents instead of paper ones. In IWT the CMNI Convention was amended. In road transport, an additional protocol (the so-called e-CMR Protocol) was adopted. In rail transport, an annex was attached to the COTIF Convention, more specifically Annex B, CIM, Uniform Rules concerning the Contract of International Carriage of Goods by Rail. Although in each mode the use of electronic documents is possible, the conditions under which the electronic document can be used differ.

Concerning relevant initiatives at European level, further simplification is underway to encourage the digitalisation of freight transport and logistics and to further reduce administrative burden. As of July 2027, the Electronic Freight Transport Information (eFTI) Regulation (EU) 2020/1056[419] will enable the electronic submission of information contained in the transport documents[420] for freight transport, including inland navigation.

[417] AT, HR, DE, LU, NL expressed this view together with EBU, ESO during the gap filling survey for operators' associations, organised by the Commission in the fourth quarter of 2024.
[418] 2 out of 13 respondents indicated that perceived benefits do not compensate efforts/costs, 5 indicated that perceived benefits and efforts/costs are of similar size and 3 indicated that perceived benefits are significantly larger than required efforts/costs for compliance with the Regulation. The rest did not know or responded 'not applicable'.
[419] Article 2.1., Art 5.1 of Electronic Freight Transport Information Regulation (EU) 2020/1056
[420] Article 6 of Regulation 11/1960

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20. Is the approach to legislating on conditions for carrying goods or passengers on EU inland waterways (cabotage, transport between Member States or in transit through them) consistent with the approach used in other transport modes?

Group 2 - Council Regulation (EEC) No 2919/85, Council Regulation (EEC) No 3921/91 and Council Regulation (EC) No 1356/96

Access to cabotage in the other transport modes[421]

- In road transport, cross-border transport is fully open since 1 May 2004 whilst access to cabotage is limited to operations that are consecutive to an international transport operation. Whilst cabotage has always been open on a "temporary" basis, what is authorised as "temporary" cabotage was only described in 2009: Article 8(2) of Regulation 1072/2009 authorises up to three cabotage operations following the international carriage from another Member State or from a third country to the host Member State. The last unloading in the course of a cabotage operation before leaving the host Member State shall take place within 7 days from the last unloading in the host Member State in the course of the incoming international carriage[422].

- In the Commission Interpretative Communication on "the temporary nature of road cabotage in the movement of freight" (2005/C 21/02), the Commission states that *"a clear distinction needs to be drawn between an activity associated with the freedom to provide a service, because it is exercised on a temporary basis, and an activity associated with the right of establishment when it is exercised on a permanent basis. Under the provisions of the Treaty on freedom to provide services and on the right of establishment, economic operators must respect one of these two basic freedoms under Community law; one begins where the other leaves off. Consequently, national regulations which limit, in one way or another, the provision of a service oblige the operator to take up residence at the end of the limited period, thereby interfering with the basic right of freedom to provide services"* (§2.2.1, p. 2).

- In maritime transport, cabotage and intra-EU transport are regulated separately, but cabotage is open without any time limitation to vessels flagged in an EU/EEA Member State ((EEC) Regulation 3577/92) and intra-EU transnational transport is regulated together with international transport with third countries (Regulation 4055/86/EEC). For cross-border transport operations, including the EU, "Community shipowners" may use vessels registered in third countries. For cabotage operations, only vessels flagged within the EU may be used.

- In air transport, no distinction is made between cabotage and cross-border transport operations within the EU, the EEA[423] and Switzerland[424] since 1 January 1993[425]. This occurred progressively through three regulatory "packages"[426]. These packages are now

[421] More analysis can be found in Ecorys, STC-Nestra and Tournaye Consulting (2023), *Fitness check support study*, Section 6.2 Coherence and Annex IV – Annex to Group 2
[422] Regulation (EU) 2020/1055.
[423] Since July 1, 1994: decision No. 7/94 of the mixed committee of the EEA, ECOJ No. L160 of 28/6/94.
[424] Agreement between the European Community and the Swiss Confederation on air transport, 21 June 1999, decision of the Council n° 2002/309 of 4 April 2002, concerning the conclusion of 7 agreements with the Swiss Confederation, ECOJ, No. L 114, 30 April 2002.
[425] Regulation 2408/92, entered in force on 1 January 1993.
[426] 1st package on 14 December 1987, second package in 1990; third package liberalizing intra EU transport in 1992 (Reg 2407/92, 2408/92 and 2409/92).

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included into Regulation 1008/2008 of 24 September 2008 "on common rules for the operation of air services in the Community (Recast)"). Regulation 1008/2008 refers to the "operation of air services in the Community" and establishes the same rules on access to the air transport market for national and international transport within the EU/EEA/Switzerland.

- In rail transport, access is defined as access to the infrastructure (Directive 2012/34, Article 10 and Regulation (EU) 913/2010, Articles 13 and 14), which is granted upon request of the applicant (most often a railway undertaking) by the infrastructure manager. The allocation of railway infrastructure capacity leads to the conclusion of an agreement between the railway undertaking and the infrastructure manager (Directive 2012/34, Chapter IV). Access to the infrastructure thus necessarily requires prior authorisation from the local infrastructure manager and is mostly granted within the framework of the annual timetable. Access is open without any distinction between cabotage and cross-border transport, since 1 January 2007 for freight transport (2nd package), and since 1 January 2019 for passenger transport (third package). It is however supplemented with a series of caveats to ensure public service duties in the sector.

Different modes of transport follow different models for allowing cabotage transport: as shown in Table 5 in section 4.1.3 on Coherence, air and rail transport do not distinguish between international transport and cabotage, while the maritime sector allows cabotage transport in an unlimited fashion. Road transport, on the other hand does provide a common definition of 'temporary' cabotage since 2009[427].

Access granted in other modes of transport

The distinction made through Council Regulation (EC) No. 1356/96 and Council Regulation (EEC) No 3921/91 between cabotage and cross-border transport and transit, can also be found in road transport. This distinction should not necessarily be seen as a restriction to access the market. In a communication devoted to road transport, the European Commission presented the distinction between cabotage and cross-border transport operations as an application of the fundamental distinction, under EU law, between freedom of establishment and freedom to provide services. The first entitles an undertaking legally registered in the EU to establish on the territory of any Member State where it wants to do business continuously. The second entitles any undertaking legally registered in an EU Member State to temporarily do business on the territory of a Member State where it is not established[428].

From this, it can be concluded that the distinction made through Council Regulation (EC) No 1356/96 and Council Regulation (EEC) No 3921/91 between cross-border transport (including transit) and cabotage is consistent with the approach taken in road transport. This is also in line with the initial rules adopted in air[429] and rail transport[430], where the legal framework has progressively evolved towards an absence of distinction. As explained in

[427] Interpretative Communication on "the temporary nature of road cabotage in the movement of freight" (2005/C 21/02); Regulation (EC) No 1072/2009, art. 8(2)
[428] Interpretative Communication on "the temporary nature of road cabotage in the movement of freight" (2005/C 21/02), §2.2.1.
[429] 1st package on 14 December 1987, second package in 1990; third package liberalizing intra EU transport in 1992 (Reg 2407/92, 2408/92 and 2409/92); see Annex IV for further details.
[430] Initially, access to the infrastructure was solely granted for the operation of international transport services (Directive 91/440, art. 10). Rights of access were thereafter progressively extended through Directives 2001/12 and 2004/5, the latter granting access to freight cabotage from 1 January 2007. Through Directive 2016/2370, access to national services was granted to passenger transport as well.

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Annex IV of the fitness check support study, the situation of rail transport is less easily comparable to IWT.

Coherence on defining the link between a Member State and the craft and/or the undertaking using the craft- also referred to as genuine link in IWT

Council Regulation (EEC) No 3921/91 and Council Regulation (EC) No 1356/96 establish three cumulative requirements to assert the link between the craft and a Member State:

- The vessel used must be registered in, or, if not registered, must have a "certificate of membership of a fleet" of, a Member State;
- The transport undertaking using the vessel must be established in a Member State; and
- The transport undertaking using the vessel must be entitled, in that Member State, "to carry out the international transport of goods or passengers by inland" (Council Regulation (EEC) No 3921/91, Article. 1, 2nd hyphen; Council Regulation (EC) No 1356/96, Article 2, 2nd hyphen).

Overall, these three requirements are consistent with those laid down for other transport modes under EU law. Differences can nevertheless be found when taking a closer look at each requirement.

First, the number of certificates required differs. In IWT, the first requirement, referring to the vessel, is the only one that clearly leads to the issuance of a certificate. This certificate is furthermore not harmonised (no EU common model) and may be of two different kinds: either a certificate of registration or a certificate of belonging to the national fleet. The second and third requirements, referring to the transport undertaking, do not seem to systematically lead to the issuance of any certificate, unlike most other transport modes, where they lead to the issuance of either one (rail transport) or two (air and road transport) certificates. On this point, IWT rather follows the pattern of maritime transport, where the vessel registration certificate is the only document required to access the market[431] (See comparative table in Annex IV).

Second, EU rules on access to a transport market usually require that the transport undertaking has an establishment in the country where it manages and maintains the crafts it uses. In road transport, for instance, Regulation (EC) No 1071/2009 (equivalent to Council Directive 87/540/EEC in IWT), states that the transport undertaking must:

- have an establishment in the Member State issuing the license of professional occupation;
- have at its disposal one or more lorries which are registered or otherwise put into circulation in conformity with the legislation of that same Member State;
- have the appropriate technical equipment and facilities at one or several operating centres situated in that same Member State[432].

[431] In accordance with international rules.

[432] Regulation (EC) No 1071/2009, Art 3 (1). These requirements were further strengthened through Regulation 2020/1055. As this regulation does not fall within the timeframe covered by this study, they are not described in detail here. See Annex IV for further explanation.

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Such requirements are presently absent in Council Regulation (EEC) No 3921/91 and Council Regulation (EC) No 1356/96.

Council Regulation (EEC) No 2919/85 conversely establishes more stringent requirements. Pursuant to this Regulation, the link is proven through a 'certificate of belonging to the navigation of the Rhine' which is issued to the vessel after verifying that its owner[433] and operator have their nationality/statutory seat ("registered office") (Article 3 1) c) aa)), place of operation ("place from which the vessel is operated", Article 3 1) c) bb)), and principal place of business (Article 3 1) c) bb)) in one and the same State. Furthermore, when they are legal persons, they must be directed and controlled by a majority of persons who are both nationals of, and residents in, Contracting States (Article 3 1) c) cc)). Despite these stringent conditions, it is unclear whether this Regulation effectively ensures that transport undertakings are established where the appropriate technical equipment and facilities are located. Requirements included in Council Regulation (EEC) No 2919/85 have been revisited by the CCNR in 2015[434], but the interpretation proposed therewith is not incorporated into Council Regulation (EEC) No 2919/85.

During consultations stakeholders shared their opinions as follows:

- Some Member States have expressed difficulties in understanding the Regulation[435] and therefore its implementation in the various EU Member States may not be fully effective.
- The IWT Platform has called for clarification on the difference between cabotage and the right of establishment. It pointed out that freedom of cabotage is misused by some enterprises who transport goods in only one EU Member State, in which they are active as non-resident carriers[436]. Similar statements were made by two German companies in the SME survey. Likewise, ETF pointed out that "If all time limitation to cabotage is removed, as suggested by EBU in its initial feedback of 2019, then the conditions of establishment should be strengthened to ensure that the company is established where it has a substantial navigational activity. If not […] it will be an open door to social dumping. All companies will be able to establish in Cyprus or Bulgaria whilst doing business solely in Northern Europe"[437]. The former Secretary-General of the CCNR also emphasised the need to clarify the "genuine link" between the crafts circulating and the Member States, to ensure a level playing field[438].
- The Polish administration also indicated that it would welcome specifications on what should be understood by a "stable and effective establishment" in IWT. It noted that it is defined in road transport but not in IWT[439].

However, stakeholder consultation and other evidence gathered (i.e. market observatory reports and infringement cases) have not revealed that differences between modes would have led/would lead to issues in transport operations or in the functioning of the transport single market, but highlighted inconsistencies in Group 2 legislation within IWT.

[433] Article 5.
[434] CCNR Resolution 1984-I-3.
[435] Interview of a Romanian delegate, 21 July 2021; interview of Polish delegate 16 November 2021.
[436] IWT Platform, interview of 23 March 2021. The IWT Platform even questioned whether Member States without waterways should be allowed to deliver group 2 documents.
[437] ETF feedback to the Roadmap.
[438] Exploratory interview a former Secretary General of the CCNR, 9 March 2021.
[439] Interview, 16 November 2021.

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To conclude, several internal incoherences are present in IWT in Group 2 legislation:

- There are different provisions for international transport and cabotage on the Rhine vis-à-vis international transport and cabotage on other waterways (see Table 5). Cabotage on the Rhine is not limited in time while on other waterways cabotage is allowed only on a temporary basis.

- Furthermore, there is no uniform application of temporary cabotage due to the lack of EU-wide definition of what is meant by "temporary".

- International transport on the Rhine is limited to Rhine riparian operators and EU operators, while on the Danube international transport is open to all operators, even from outside of the continent.

- The genuine link is defined in a different manner across the three acts in Group 2 as well as in a different level of detail.

- There are different requirements on access to the market, notably Council Regulation (EEC) 2919/85 requires operators to fulfil the same conditions as the vessel owners, which is not the case in Council Regulations (EEC) 3921/91 and 1356/96. Moreover, Regulation 2919/85 requires for persons managing/directing to be in majority nationals of a Member State. Council Regulations (EEC) 3921/91 and 1356/96 do not mention any conditions for the persons managing/directing. Council Regulations (EEC) 3921/91 and 1356/96 require carriers to be entitled to carry out international transport services while such condition is not included in Council Regulation (EEC) 2919/85.

21. a) During the evaluation period, has the coexistence of different legal regimes (EU Treaty, Act of Mannheim, Belgrade Convention) led to any inconsistencies in regulating market access on EU inland waterways? b) Is the co-existence of different legal regimes a helping, hindering or neutral factor in pursuit of implementing an IWT Single Market?

Group 2 - Council Regulation (EEC) No 2919/85, Council Regulation (EEC) No 3921/91 and Council Regulation (EC) No 1356/96

a) During the evaluation period, has the coexistence of different legal regimes (EU Treaty, Act of Mannheim, Belgrade Convention) led to any inconsistencies in regulating market access on EU inland waterways?

Looking at the consistency with international treaties, the most important legislation are in this context the Act of Mannheim and the Belgrade Convention, which introduced an access regime for the Rhine (1868) and Danube (1948) respectively. These regimes do partly differ, and the European legislator choose to follow one or both in the legislation in Group 2 regulating access, thereby creating a complex and fragmented access regime on European waterways.

While as a result, the legislation in Group 2 is overall considered to be in line with the Act of Mannheim and the Belgrade Convention, stakeholders highlighted in their contributions inconsistencies resulting from this complex access regime on EU waterways.

Stakeholders who have responded to stakeholder activities highlighted the following points about legislation in Group 2:

- 2 German SMEs expressed that since EU enlargement, there are vessels permanently operating on the Rhine, with operators established in EU MS with little to no IWT activity and that apply lower social and fiscal standards. This point was also brought up at the CCNR workshop and in a scoping interview by 1 national administration and 1 business association. An expert stated that even if undertakings active on the Rhine have a stronger incentive to relocate to lower-cost countries, effective access to the Rhine by the Danube fleet and vice versa remains limited.
- Contrary to the Rhine regime and the EU market, access to the Danube is not solely reserved to vessels connected to a MS of the Danube Commission or the EU. In the Danube workshop, the Danube Commission Secretariat expressed the fear that some companies be tempted to relocate to less-demanding Danube third countries to get their vessel certificate (among others), thus gaining a competitive advantage. The same stakeholder however expressed that for the moment, although flags from non-EU countries have been spotted operating in the Danube, the impact on weakening fair competition remains limited.

With regards to the coherence of EU legislation with the other legislative frameworks in the IWT sector, some stakeholders underline the need for more clarity and simplification. An EU citizen indicated in the public consultation that the number of legislation relevant to IWT makes it complicated for vessel owners to follow. A similar point was brought up by EBU and ESO in their scoping interview, stating that the difference in concept between the Rhine regime and the EU system is not clearly considered by the 3 legal acts regulating conditions of access to the IW network. This also echoes a comment from the Secretary General of Romanian Association of Inland Ship Owners and Port Operators in the targeted interview, expressing the lack of clarity in the distinction between Council Regulation N° 2919/85 and the cabotage legislation stipulated in Council Regulation N° 3921/91, as well as between the Danube regime and the EU legal acts. In contrast to the Rhine, during their targeted interviews both the French and Luxembourgish delegations to the Mosel Commission stated that there is no incoherence between the provisions of the 1956 Mosel Convention and EU legislation.

b) Is the co-existence of different legal regimes a helping, hindering or neutral factor in pursuit of implementing an IWT Single Market?

In the area of market access, the co-existence of the different legal regimes is a neutral factor in pursuit of implementing an IWT Single Market, as with the legislation in Group 2 the EU has internalised the Rhine regime and the Danube regime.

However, in other areas[440] the different legal regimes might be perceived as a hindering factor, as described in Annex VIII International Treaties Context.

[440] Recognition of professional qualifications for crew in inland navigation: Directive (EU) 2017/2397 and the Technical requirements for inland waterways vessels: Directive (EU) 2016/1629

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22. a) To what extent are the legal acts in Group 2 consistent in their approach to regulate access to the EU IWT market by third countries (e.g. Switzerland, Serbia, Ukraine)? b) To what extent are any of the differences in approach justified by and proportionate to the countries' different statuses (e.g. Association Agreements with Neighbourhood Countries and the Transport Community Treaty with Accession Countries, etc.)?

Group 2 - Council Regulation (EEC) No 2919/85, Council Regulation (EEC) No 3921/91 and Council Regulation (EC) No 1356/96

The three legal acts do not cover access by third countries[441]. However, in accordance with Article 351 (1) TFEU, Council Regulation (EEC) No 3921/91 and Council Regulation (EC) No 1356/96 acknowledge the validity of the Rhine and the Danube regimes, as regimes predating the EU[442]. As a result, IWT within the EU is not only accessible to the EU Member States. Third countries also have access, at least partially. The analysis focuses on third countries that have full or partial access by virtue of predating regimes recognised by the EU[443]. The treatment of third countries within the EU IWT market largely depends on whether they are members of the Rhine or the Danube Commission. For this reason, we will consider separately Switzerland, as the third country which is a CCNR Member State, and Serbia, Moldova, Ukraine, Russia and Bosnia and Herzegovina ("BiH"), as third countries which are members of the Danube Commission or the Sava Commission (SC).

a) Access granted, according to the river regimes

Access by third countries under the Rhine and the Danube regimes can be described as follows:

Under the Rhine regime

- Switzerland has access to the Rhine, as a Member State of the CCNR and a Rhine riparian State;
- Third countries that are non CCNR Member States may submit a request to the CCNR to gain access to the Rhine (Act of Mannheim, Article 4, 2nd sentence). No access has been granted so far on this basis;
- Consequently Switzerland is the only third country covered by the Rhine regime.

Under the Danube regime

- by virtue of the Belgrade Convention[444] any third country has access to international

[441] EUCJ, C-266/03, 2 June 2005, Commission v. Luxembourg, § 48: "Council Regulation (EEC) No 3921/91 does not govern the conditions for access by non-Community carriers to the national transport of goods or passengers by inland waterway in a Member State".

[442] Council Regulation (EEC) No 3921/91 provides that "This regulation shall not affect the rights existing under the Revised Convention for the navigation of the Rhine (Act of Mannheim)" (Article 6). The Danube regime is not mentioned because no Danube State was Member State at the time of adoption of the Regulation. Furthermore, cabotage does not fall in the scope of the Danube regime.

[443] Access by other third countries to the EU waterways not already covered by the Rhine or the Danube regime can be regulated by agreement concluded between the EU and these third countries. The EU has concluded over 40 trade agreements with about 80 countries. They will not be considered in this study.

[444] Danube Convention Art.1 'Navigation on the Danube shall be free and open for the nationals, vessels of commerce and goods of all States, on a footing of equality' Convention regarding the regime of navigation on the Danube – Danube Commission – Donaukommission – Commission du Danube – Дунайская Комиссия

transport on the Danube

- therefore, non-EU countries situated on the Danube like Serbia, Ukraine, Moldova - even though Member States of the Danube Commission - have full access to international transport on the Danube: not solely thanks to their membership, but thanks to the access right of any third country described in the Belgrade Convention;
- Likewise, third countries that are non-Member States of the Danube Commission have full and automatic access to international transport on the Danube (including Switzerland and BiH).

Under the Sava regime

- BiH and Serbia have full and automatic access to international transport on the Sava;
- Likewise, third countries that are non-Member States of the Sava Commission have full and automatic access to international transport on the Sava.

►All third countries of the world are covered by the Danube regime and the Sava regime.

Concluding

- By recognising the Rhine regime, the EU recognises that Switzerland has access to the Rhine;
- By recognising the Danube regime, the EU recognises that all third countries of the world have access to international transport on the Danube section situated within the EU;
- By recognising the Sava regime, the EU recognises that all third countries of the world have access to international transport on the Sava section situated within the EU.

b) Access granted beyond the river regime

Under the EU legal acts under consideration, access granted to third countries is limited to the recognition of the river regime for DC or SC Member States, whereas it goes beyond the mere recognition of the river regime for third countries that are CCNR Member States (i.e. Switzerland):

- Third countries that are Member States of the DC continue to have access to the Danube in accordance with the Belgrade Convention. Conversely, EU rules do not grant them access to the EU waterways beyond the Danube. Serbia, Ukraine, Moldova, and Bosnia and Herzegovina, are the countries concerned;
- Third countries that are CCNR Member States (Switzerland) not only continue to have access to the Rhine in accordance with the Rhine regime, Council Regulation (EEC) No 3921/91 and Council Regulation (EC) No 1356/96 also grant them access to all EU waterways, by recognising the validity, on all EU waterways, of the certificate of belonging to the navigation of the Rhine. Switzerland is the only country concerned.

►Switzerland, as a CCNR Member State, is treated differently than third countries that are the Member States of the Danube or the Sava Commission.

Regarding Switzerland, a Rhine riparian state

At least in the original CCNR setting[445], the certificate of belonging to the navigation of the Rhine entails the guarantee that the vessel complies with all CCNR regulations and has Rhine certificates on board. Today, it entails the guarantee that the vessel complies at least with the EU safety regulations. In parallel, institutional arrangements are in place to ensure the enduring equivalence over time of CCNR and EU safety requirements[446].

The recognition of the certificate of belonging to the navigation of the Rhine in Council Regulation (EEC) No 3921/91 and Council Regulation (EC) No 1356/96 warrants a level of safety that is at least equivalent to that required within the EU.

- The socio-economic context in Switzerland is close to that of the North-Western EU countries. Therefore, the risk of unfair competition in the EU IWT market, induced by either Swiss newcomers, or former EU companies relocated to Switzerland, can be considered as rather low. Switzerland actually has access to all other EU transport markets, through special agreement signed in 1999;[447]

- Through the CCNR, Switzerland already has access to the most significant IWT market in Europe. Compared therewith, access granted by the EU to Swiss carriers has limited impact in practice.

For these reasons, access by Swiss carriers to EU waterways is unlikely to disrupt the level playing field within the EU.

Regarding third countries from the Danube Commission

In contrast with the Rhine regime, vessel technical certificates delivered in Serbia, Ukraine, Moldova or Russia are not "Danube" but national certificates. Recommendations adopted by the Danube Commission are not binding upon the Member States and are viewed are less stringent than EU standards.

Before granting access to all EU waterways, the EU would have to either recognise each individual third country's vessel technical certificates or grant access on the condition that these countries abide by EU safety regulations when circulating on EU waterways.

Technically, the recognition could not be achieved through the same methodology as with the CCNR Member States, because considerations of safety cannot be approached the same way:

- The socio-economic context in Ukraine, Moldova and Serbia differs from that of most EU countries[448]. Accepting operation, within the EU, of carriers established in these

[445] This setting is somewhat less clear since the certificate of belonging to the navigation of the Rhine may be issued by any EU Member State and since the EU safety certificates are recognised as valid on the Rhine. Despite these changes, the certificate of belonging to the navigation of the Rhine still guarantees that the vessel complies with all safety regulations applicable within the EU.
[446] CESNI committee.
[447] A package of seven sectoral Agreements (known as the "Bilaterals I") were signed on 21 June 1999 between the European Community and the Swiss Confederation on various topics, including one on air transport, and one on land transport (excluding IWT).
[448] Interview with the Danube Commission Secretariat, June 2021.

countries, are more likely to disrupt the EU level playing field than carriers established in Switzerland;

- Access granted to these countries to EU IW market (beyond the Danube) could be economically more significant than for Switzerland. Even though the Rhine would have to remain excluded from such an opening, market players from third countries would gain access to the North-South corridor, which is the second most significant IWT corridor after the Rhine.

For these reasons, the difference in treatment can be considered justified and proportionate[449].

27. To what extent are the requirements on professional competence for carriers in the Directive consistent with the competence based-system set up for crew members under Directive (EU) 2017/2397 on the recognition of professional qualifications in inland navigation? Are there any contradictions or overlaps?

Group 3 - Council Directive 87/540/EEC

Directive (EU) 2017/2397 lays down the conditions and procedures for the certification of the qualifications of persons involved in the operation of a craft navigating on Union inland waterways, as well as for the recognition of such qualifications in the Member States.[450] Annex I of this Directive describes the minimum requirements for age, administrative compliance, competence and navigation time and Annex II of this Directive describes the essential competence requirements, i.e. essential competence requirements at the operational level; essential competence requirements for competences at the management level; essential competence requirements for specific authorisations; and essential competence requirements for specific operations. All these requirements are aimed at establishing the professional qualifications of persons working in the operations of craft in the IWT sector, e.g. the deckhand, the boatman, the helmsman and the boat master.

Both Directive (EU) 2017/2397 and Council Directive 87/540/EEC aim at establishing a basis for professional qualifications, with Council Directive 87/540/EEC concentrating on natural persons or undertakings and the conditions of professional competence to operate as a carrier (i.e. a company involved in IWT transport) and Directive (EU) 2017/2397 concentrating on persons involved in the operation of an IWT vessel and the conditions of professional competence to work onboard a vessel. Both directives share common ambitions in aiming to contribute to the free movement of people and goods and improved the functioning of the internal market and improve the situation of the IWT sector. To this end, the IWT sector needs professionally operating carriers (Council Directive 87/540/EEC), as well as professionally operating staff (Directive (EU) 2017/2397).

Directive (EU) 2017/2397 is actively pursuing a competence based-system set up for crew members; Member States should ensure that persons receiving certificates of qualification have the corresponding minimum levels of competence, verified following an appropriate assessment (exam or approved training programmes). This competence based-system is different from the knowledge-based approach applied in Council Directive 87/540/EEC for IWT carriers.

[449] Support Study's Annex IV summarises these considerations.
[450] According to Article 1 of Directive (EU) 2017/2397.

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Moreover, it needs to be noted that the standardisation approach followed by Directive (EU) 2017/2397 makes use of delegated acts. Delegated acts adopted under the Directive make reference to standards established by CESNI[451]; this is a different approach than the 'standalone' approach in Council Directive 87/540/EEC.

Stakeholders noted the inconsistency between Council Directive 87/540/EEC and Directive (EU) 2017/2397 related to the competence-based vs knowledge-based approach in IWT.

Member States of CESNI and CESNI's experts found that a competence-based approach could be well placed to address the significant variety in Member States implementation of the Council Directive 87/540/EEC consequently CESNI does foresee the development of standards for competence of IWT entrepreneurs carrying goods or passengers[452]. Moreover, the CCNR Secretariat also noted[453] the mentioned inconsistencies between Directive (EU) 2017/2397 and Council Directive 87/540/EEC and noted that currently competencies related to digitalisation and clean technologies are missing.

CCNR stated in the public consultation "the Directive on access to the market only lists items of knowledge, not associated with any practical skills. So, the idea is to combine knowledge and ability to have a more integrated transposition of the Directive by a competence table that should also introduce new elements of green and digital competence". Based on the above, lessons could be learned from Directive (EU) 2017/2397 and the competence based-system could be introduced to IWT carriers as well.

Also, the difference in scope needs to be noted: while Directive (EU) 2017/2397 applies to crew engaged in both cargo and passenger transport, Council Directive 87/540/EEC applies only to cargo operators not to passenger transport.

28. To what extent are the requirements on professional competence for carriers in the Directive consistent with the requirements pursuing similar objectives in other modes of transport, in particular road transport and aviation?

Group 3 - Council Directive 87/540/EEC

Looking at other modes of transport, the level of detail between the qualifications of carriers set for rail and IWT is similar, while legislation regarding access to the occupation is more detailed in road transport and aviation. More requirements need to be fulfilled to become a road transport operator, than an operator in IWT, and requirements for road transport operators are more recent and thereby reflect the current professional standards. Moreover, the EU rules for accessing the profession of an IWT carrier are encoded in a directive, whilst it is a regulation in all other modes of transport, resulting in diverse implementation in various Member States – this was also remarked by a stakeholder[454] during the public consultation.

[451] See also Annex VIII International treaties context

[452] See: Draft standards for competence of entrepreneurs in inland navigation including green and digital skills as input for update of Council Directive 87/540/EEC after fitness check and evaluation, based on the competence-based approach developed by CESNI/QP (January 2022).

[453] Public consultation

[454] European Transport Workers' Federation (ETF, submitted document at the occasion of the public consultation)

General benchmark on professional competence required with other modes

In the general benchmark, the situation in IWT is compared with the situation in road transport, rail transport, aviation and maritime transport. Relevant legislation and the requirements related to obtaining a certificate of professional competence embedded in this legislation are presented in Table 8 below.

- Requirements for professional competence are usually an integral part of the requirements to gain access to the occupation as a transport carrier. They can be found in air transport, rail transport, road transport and IWT. Yet they are only specified in detail in road transport and aviation;
- A mechanism of mutual recognition of certificates can only be found in road transport and IWT. Therefore, only IWT and road will be considered in the remainder of the analysis;
- In both Council Directive 87/540/EEC (for IWT) and Regulation 1071/2009 (for road)[455], the Member State of establishment, the carrier's country of origin or the carrier's country whence he comes is entitled to deliver the certificates of professional competence. In Regulation (EC) No 1071/2009 (for road), conversely, the certificate may only be issued by the Member State where the transport manager has his normal residence or by the Member State in which he works.

[455] as amended by Regulation (EC) No 2020/1055

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Table 8: Comparison between modes: relevant legislation and professional competence required

Aspects	IWT	Road transport	Rail transport	Aviation	Maritime transport
Relevant legislation	Council Directive 87/540/EEC	Regulation No 1071/2009, amended by Regulation (EU) No 2020/1055.	Directive 2012/34/EU, Regulation (EU) 913/2010	Regulation 965/2012[456], Regulation 452/2014[457], Regulation 859/2008, repealed by Regulation 2018/1139 and Regulation1321/2014[458]	
Professional competence required	Yes: Article 3 + Annex 'List of the subjects referred to in Article 3 (2) for which proof of professional competence must be proved'	Yes, in Regulation1071/2009, Article8 + Annex I Part I 'List of the subjects referred to in Article 8'	Yes, but not detailed: Article21	Yes, detailed requirements for aircraft operators are included in Regulation 965/2012, especially Annex III (Part-ORO) In addition, professional competence must be proven to obtain an Air Operator Certificate (AOC)[459]:	Not required for a carrier

Source: Ecorys et al. (2023), relevant legislation[460]

[456] On common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency, and amending Regulations (EC) No 2111/2005, (EC) No 1008/2008, (EU) No 996/2010, (EU) No 376/2014 and Directives 2014/30/EU and 2014/53/EU of the European Parliament and of the Council, and repealing Regulations (EC) No 552/2004 and (EC) No 216/2008 of the European Parliament and of the Council and Council Regulation (EEC) No 3922/91.

[457] On third countries.

[458] Covering maintenance requirements for aircraft, which the operators need to comply with.

[459] As described in Regulation 859/2008 (Subpart C, OPS 1.175). Prerequisites to get a valid AOC are detailed in Regulation 965/2012 and 452/2014.

[460] https://eur-lex.europa.eu/homepage.html

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Initially, requirements for professional competence in both IWT and road transport were similarly regulated. Since Regulation (EC) No 1071/2009 came into force, the road transport legislation has evolved whilst the IWT legislation has not. Therefore, it is considered that road transport legislation is the most relevant to compare requirement for professional competence. Thus, emphasis is placed on a comparison with Regulation (EC) No 1071/2009[461], as presented in the next section.

Specific benchmark on professional competence required with road transport

The relevant legislation for the IWT and road transport sector[462], both describe a similar list of subjects for which proof of professional competence must be provided, including (i) law, (ii) commercial and financial management of an undertaking, (iii) access to the market, (iv) technical standards and technical aspects of operations, (v) safety and (vi) knowledge required in case of international transport operations. A key difference lies in the fact that the road transport legislation covers both road haulage operators and road passenger transport operators, whilst Council Directive 87/540/EEC for IWT only covers freight transport operators.

Requirements are more detailed in Regulation (EC) No 1071/2009, as compared to Council Directive 87/540/EEC. For example, whilst Council Directive 87/540/EEC refers to 'the tax system', Regulation (EC) No 1071/2009 specifies the topics in fiscal law which should be known: VAT on transport services, motor-vehicle tax, taxes on certain road haulage vehicles, income tax. Stakeholders have expressed concerns that the requirements of professional competence for IWT are less detailed than in other transport modes. For example, ETF has stated that "this Directive on the licence of professional occupation sets out requirements of professional competence, which are less detailed than those laid down in its counterparts for all other modes of transport. It is a Directive whilst it is a regulation in all other modes of transport. As a result, it is diversely implemented in the various Member States. Furthermore, it does not apply to passenger vessels; operators thereof do not need to prove any professional competence in the EU"[463]. However, despite the lack of detail in Council Directive 87/540/EEC, the main topics are similar to those listed in Regulation (EC) No 1071/2009, therewith assuring that "transport carriers of all modes are required to have the same type of competences, to facilitate the integration of IWT into the logistics chain"[464].

In Council Directive 87/540/EEC, pursuant to Article 3(2), professional competence shall be acquired by either attending courses, practical experience in a waterway transport undertaking or, a combination of both. Under Regulation (EC) No 1071/2009, the applicants must systematically take an exam in the Member State in which they have their 'normal residence' or in the 'Member State in which they work'. The notion of 'normal residence',

[461] Regulation (EC) No 1071/2009 has recently been amended through Regulation (EU) No 2020/1055. This most recent regulation, however, will not be considered in the Study, as it will be applied after the evaluation period covered by the present Study (from 21 February 2022). Furthermore, the modifications entailed therein do not touch upon the requirements on professional competence *per se*.
[462] Council Directive 87/540/EEC (IWT) and Regulation (EC) 1071/2009 (road transport).
[463] ETF Feedback to the Roadmap on fitness check, 20 May 2020.
[464] As expressed by former Secretary General of the CCNR.

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is defined very precisely in Article 8.2 to avoid forum shopping. Regulation (EC) No 1071/2009 has also the advantage of being strict and clear on the programme of exams.

Another difference between Council Directive 87/540/EEC and Regulation (EC) No 1071/2009 lies in the number of exemptions. In IWT, there are three exemptions: freight carriers with at least three years of practical experience (Article 4.2), freight carriers active in the field before 1 July 1990 (Article 5) and freight carriers operating exclusively on national waterways (Article 3). In Regulation (EC) No 1071/2009 there is only one: "when the holders of certain higher education qualification or technical education qualifications obtained in that Member State, specifically designated to this end, and whose programme covers all subjects listed in Annex I from the exams in the subjects covered by those qualifications" (Article 8.7). The room for different implementation among the Member States is therewith much more limited in road transport.

Preparatory work for Regulation (EC) No 1071/2009 and in particular the "Proposal for a Regulation of the European Parliament and of the Council establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator, presented by the Commission on 6 July 2007"[465] presents relevant information on the reasons why the road legislation has evolved on professional competence. "Some of the measures of this legislative framework [Directive 96/26/EC] are not applied and enforced uniformly as a result of legal provisions that are unclear, incomplete or not in keeping with the development of the sector"[466]. According to the proposal, this situation creates unfair competition due to a certain extent to different levels of professional competence required by the Member States. For all these reasons, the road transport legislation has evolved, by developing a regulation and setting new requirements regarding the establishment, listing the required competences with more details and further harmonising the procedure to prove the requisite professional competence.

33. Council Regulation (EC) 718/1999 - a) To what extent do the mechanisms set under the Regulation complement or interact with other EU sectoral instruments, in particular funding instruments? - b) Do any inconsistencies exist (between these instruments)?

Group 4 – Council Regulation (EC) 718/1999 and Council Directive 96/75/EC

Relating to the measures that can be taken in case of a serious market disturbance is declared (Council Regulation N° 718/1999 and Article 7 of Council Directive 96/75), 2 of 4 international organisations consulted through scoping interviews highlighted the lack of clarity on how to use the Reserve Fund to reach greening and innovation sectoral objectives.

Mechanisms set under the Regulation

The Reserve Fund is the direct (and main) mechanism of Council Regulation (EC) 718/1999. Before its amendment, Council Regulation (EC) No. 718/1999 left little to no room for the Reserve Fund to interact with other EU sectoral instruments. The amended Article 8 of Council Regulation (EC) No 718/1999 through Regulation (EU) No 546/2014

[465] European Commission (2007). Proposal for a regulation of the European Parliament and of the Council establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator;

[466] This is confirmed by the impact assessment, which was made for the revision of Directive 96/26/EC, which showed that Member States had difficulty in transposing Directive 96/26/EC and were applying it in a very disparate manner.

has widened the potential use of the Reserve Fund and left room for the Reserve Fund to interact with other funding instruments.

Other EU sectoral (funding) instruments

The European Framework Programmes for Research and Technological Development (i.e. for the period 2014 – 2020: Horizon 2020, now Horizon Europe) and the Connecting Europe Facility (CEF), in particular CEF-Transport are by far the two most relevant EU funding instruments to consider for the IWT sector. Horizon 2020 has had an important position in terms of filling gaps for Europe-wide Research and Innovation (R&I) in the IWT sector, especially in the context of cross-border R&I collaboration, which is important to a sector with a lot of cross border operations such as the IWT sector. CEF-Transport provides funding for infrastructure projects, thereby helping to realise full-scale operational deployment of innovations in the IWT sector.

Both instruments are generic instruments with some specific calls specifically designed for the IWT sector. These two instruments need to be analysed in their combined capacity for the analysis of their potential complementarities with the mechanisms under Council Regulation (EC) No 718/1999, especially in the context of new trends such as greening and digitalisation.

Conclusion on complementarities and inconsistencies

Until 2014, there has been no interaction of the Reserve Fund with other EU instruments. This finding is reinforced by the evidence from the legislation itself, such as the following statement of Regulation 546/2014: "*the Reserve Funds, consisting solely of financial contributions from the industry have never been used*". Therefore, from this perspective, it could be concluded that until 2014 the mechanisms set under Council Regulation (EC) No 718/1999 do not complement or interact with other EU sector (funding) instruments.

The amended Article 8 opened the opportunity to establish the IWT platform in 2017. Since then, the EU IWT Platform has participated in European projects related to the new needs of the sector, such as greening and innovation. Examples are the following projects: ENTRANCE project, the PLATINA3 project, and the IW-NET project, all of which are funded under the H2020 scheme[467]. The involvement of the IWT Platform in these projects is however limited, playing a representative role of the sector at the European level mainly. Therefore, from this perspective, it could be concluded that since 2014 the mechanisms that stemmed from Council Regulation (EC) No 718/1999 slightly complement and interact with other EU sector (funding) instruments.

From the database of IWT projects of the European Inland Barging Innovation Platform (EIBIP)[468], no reference was found to the Reserve Fund.

[467] See projects in which the IWT platform is currently involved.
[468] See EIBIP funding database.

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34. Are there any inconsistencies a) within each of the two pieces of legislation of group 4 and b) between them?

Group 4 – Council Regulation (EC) 718/1999 and Council Directive 96/75/EC

As regards Group 4, no inconsistencies have been identified within Council Regulation (EC) 718/1999. Similarly, no overlaps or contradictions have been identified within and between Council Regulation (EC) 718/1999 and Article 7 of Council Directive 96/75/EC, besides the fact that the geographical scope of Council Directive 96/75/EC is EU-wide while that of Council Regulation (EC) 718/1999 contains several limitations, including an exemption for vessels operating exclusively on the Danube. In its design there is a strong link, a complementarity between the two acts, notably the potential use of the reserve fund and measures (Council Regulation 718/1999) in connection with the serious disturbance of the IWT market (as in Art 7 of Council Directive 96/75/EC).

EU added value

24. a) What is the rationale of public intervention at EU-level for group 2? b) To what extent has there been evidence of actual EU-added value (in support of this rationale)?

Group 2 - Council Regulation (EEC) No 2919/85, Council Regulation (EEC) No 3921/91 and Council Regulation (EC) No 1356/96

The rationale of public intervention

The aim of the legislation in Group 2 is to open the entire European IWT market for all European operators and ensure that all operators within the EU can provide IWT services on EU waterways under the same conditions. The legislation aimed to open the Rhine market (Council Regulation (EEC) 2918/85) specifically, open all other connected waterways (Council Regulation (EC) No 1356/96) and open the national markets (cabotage) (Council Regulation (EEC) No 3921/91).

The reason for specifically adopting legislation on the opening of the market was that the market was not open to all under the same conditions. As presented for EQ8, the Rhine River was mainly accessible for operators belonging to the Rhine fleet and national markets were only open for foreign operators in case a bilateral agreement was concluded. At the time, the Commission considered adopting the three Regulations part of Group 2, no intentions existed to open the markets on other (inter)governmental levels. Without EU intervention, the existing access to the market rules would probably not have changed.

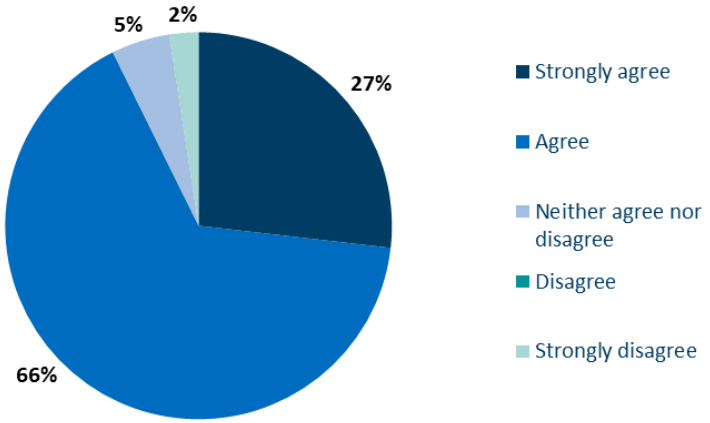
EU added value in practice

The legal framework is only one element which contributes to opening the market. The geographical and economic features of IWT also play a major role.

Evidence could be collected from different stakeholders. In the SME survey, respondents were asked whether they think that the market access legislation has contributed to the free movement of goods. Over 90% of the respondents agree that the legislation at least to some extent contributed to this (see Figure 22).

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Figure 22: The European internal market legislation has led to a single market in Europe in which free movement of goods across EU countries is assured (n = 41)



Source: SME survey

The other evidence found on EU-added value mainly concerns access to cabotage, which cannot be reserved to national companies or be subject to quantitative restrictions or prior authorisations any longer. The EU added value could be increased if it laid down clear requirements regarding the link between the vessel and a Member State as this would be an important element to ensure conditions of fair competition among operators[469].

Group 2[470] legislation adds value: it provided a legal basis based on which EU operators face equal conditions to access waterways and carry out cabotage and international transport in the EU. Equal access for EU operators would not have been introduced without these set of legislation: without EU action, it would not be clear under which conditions operators from EU Member States would have access to the Rhine, except for the operators from CCNR Member States. Without these EU legislations, market access on waterways other than the Rhine would rely on bilateral agreements or on the River Commission's provisions. It would have been questionable whether national markets would have opened up for cabotage for EU operators, as illustrated by the two-year grace period obtained by France and Germany in implementing the cabotage regulation. Even if some would have, those would be on terms specific to the Member States, and as a result the same rules would not apply. This would lead to a much higher degree of fragmentation of the IWT market access rules, as with EU legislation.

The IWT Platform also confirmed[471] that before the adoption of legislation at the EU level, Member States had little appetite to open up the markets. Also, an expert highlighted[472] the importance of Council Regulations (EEC) 3921/91 and (EC) 1356/96 in opening national markets to non-resident EU operators to cabotage and added that the legislation had led to

[469] Responding to the SME survey question: "Have you noticed any change in this respect (time limitations or discrimination in accessing the IWT national market of an EU Member country) since the 1990s?", 7 respondents declared that the regulations brought about change, 18 responded that it did not bring any change, and 12 responded that they did not know. At least the answers provided show that the answer is not self-evident.
[470] Due to the high level of complementarity of Group 2 legislation, their value added is evaluated together
[471] In the scoping interview
[472] In the scoping interview

lower prices for domestic IWT through increased competition, thus forcing operators to restructure and become more efficient.

The objective of legislation in Group 2 was to regulate access for all EU vessels to all inland waterways in EU Member States. The objective has been achieved. Namely, vessel owners and operators of every EU Member State can sail the Rhine, a higher number of operators can conduct cabotage operations and the share of cross-border transport of goods and people by vessels is over 75% (i.e. 75% for freight transport and 80% for passenger transport). Group 2 legislation has thus been effective in reaching its objective. Operators are active throughout the European IWT market instead of on their national waterways. Some operators established in the Rhine area have also deployed business activities on the Danube and vice versa.

35. a) What is the rationale of public intervention at EU level for group 4? b) To what extent does evidence suggest group 4 has generated added value over and beyond what could have been achieved by Member States at national level?

Group 4 – Regulation 718/1999 and Council Directive 96/75/EC

The IWT market is characterised by low entry barriers and significant exit barriers. As such, situations have occurred where there have been a lot of new entrants during years in which the economy was booming. Sometimes, these years of economic growth have been followed by years of economic and financial crisis, resulting in overcapacity and financial instability, given the fact that it was no possibility for many IWT operators to leave the market. Government intervention can be justified in those circumstances, especially when the crisis is structurally affecting demand (i.e. the crisis is not temporary) and especially given the fact that the IWT sector is playing an increasingly important role in the EU's transport policy.

Historic evidence from the uncoordinated attempts during the 1980s has shown that national measures to influence the supply side of the IWT sector have been inefficient. Therefore, it could be concluded that the legislation of Group 4 has added value over and beyond what has been achieved at the national level.

Scrapping schemes carried out prior to the legislation at national level, in 1960' and 70' in Germany, Belgium, the Netherlands, and France had limited effect, therefore Member States concerned requested to introduce a scheme at the European level. In the 1990's, action was taken at European level with Council Regulation (EC) 718/1999 and its predecessor Regulation 1101/89 which resulted in structural improvement of IWT through the introduction of a scrapping scheme and the old-for new rule – active up to April 2003 - in relevant regions of the EU, while keeping geographical areas with no overcapacity out of scope (e.g. the Danube). EU level action put in place a system of mutual financial support among the national IW Funds in order to guarantee equal treatment for all carriers, thereby creating value added in the EU.

The provision in Art 6 of Council Regulation (EC) 718/1999 of scrapping old vessels serves today, in combination with Art 7 of Council Directive 96/75/EC, as a potential safety mechanism to prevent any new increase in the transport capacity in case of serious market disturbance of the market – if and when triggered, an important added value to improve resilience of the EU IWT market, except for the vessels operating exclusively on the Danube, as exempted under its Art 2.2.c.

In a targeted interview, a Rhine IWT expert stated that measures taken at the national level aiming to tackle the supply side of IWT, specifically overcapacity, would not lead to significant results given the number of Member States in which vessel operators are established. An academic/research institution agreed with this view.

In the targeted survey, when asked if the EU or the Member States should put in place public intervention measures to respond to external economic shocks, 5 of 13 national authorities answered "Yes, by the EU", 2 responded "Yes, Member States", 5 did not know and 1 answered "No". This position was seconded by EBU, ESO and the German delegation at the CCNR during their scoping interviews, with the 3 stakeholders underlining the importance of an existing clear crisis mechanism to be deployed at the EU-level during times of crises.

The EU value added of the operations of the IWT Platform[473] covering the sector in the EU, financed from IW Funds as in Council Regulation (EC) 718/1999, has been confirmed by Member State administrations[474] and all responding operators' associations alike in the targeted survey during the gap filling phase.

Relevance

12. To what extent have the original objectives of the legal acts in Group 1 met the challenges and needs of the IWT sector over the evaluation period until today? Particular attention should be paid to the objectives of opening and improving the competitiveness of the IWT market and ensuring non-discrimination in transport rates and conditions.

Group 1 - Council Regulation (EEC) No 11/1960 and Council Directive 96/75

Before the **Council Regulation (EEC) No 11/1960** of **Group 1** came into force, discriminatory water transport rates existed in several countries of the European Communities, except on the Rhine, where a free pricing system for cross-border transport prevailed. In the Danube region, transport prices were set by the shipping companies based on the criteria established by the Bratislava Agreements[475] as of 1955.

Thanks to Council Regulation (EEC) No 11/1960[476], price discrimination based on country of origin or destination has been eliminated. This was confirmed by several stakeholders, including ProDanube[477] ('there is no price discrimination anymore'), the Danube Commission[478] ('with regard to market entrance and pricing policy there is a full liberalisation within the Danube region with some restrictions, especially for non-EU Member States'). Other Stakeholders, like the IWT Platform[479], EBU/ESO[480] and a sectoral

[473] Since its establishment in 2017, the IWT Platform has contributed to numerous initiatives in standardisation and regulatory bodies as well as to European projects, providing expert knowledge and expertise for the benefit of the entire IWT sector at European level.
[474] AT, HR, DE, Lux and NL
[475] 1955 Bratislava Agreements, Bratislava Agreements (donau.bg)
[476] Council Regulation (EEC) No 11/1960 aimed to abolish discriminatory transport rates and conditions and establish fairer price competition.
[477] Interview with ProDanube (2021) in the context of the fitness check support study.
[478] Interview with the Secretariat of the Danube Commission (2021) in the context of the fitness check support study.
[479] Interview with IWT Platform (2021) in the context of the fitness check support study.
[480] Interview with EBU/ESO (2021) in the context of the fitness check support study.

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expert[481] confirmed that the Regulation had a positive effect on abolishing discriminative rates. In a survey[482], the Croat administration, too, stated that the Regulation significantly diminished discriminatory and price-setting behaviour. On the other hand, EBU[483] and a French sectoral association[484] concluded that this makes the legislation obsolete ('after the liberalisation of transport this regulation is obsolete and no longer required as legal basis for the abolition of discrimination in transport rates and conditions').

Since its enaction, Council Regulation No 11/1960 has evolved to reduce administrative burden on businesses by simplification and by removal of outdated and unnecessary requirements. Technical advancements were also responded to, namely that certain information (available in carriers' accounting systems) would no longer obliged to be retained on paper. Building on the latter aspect, the eFTI Regulation builds on Council Regulation No 11/1960 highlighting the latter's continued relevance.

The Council Regulation's continued relevance is also highlighted by the fact that it provided a basis for transport modalities beyond the modes directly mentioned in it; the Combined Transport Directive has liberalised combined transport, made it free from all quota systems and systems of authorization, and used - as a tool for eligibility checks - the transport document as in Art 6 of Council Regulation No 11/1960.

While the discrimination in rates and other conditions based on the country of origin or destination of cargo was tackled by Council Regulation (EEC) No 11/1960, other restrictive practices were in use until the end of the 1990s and were subsequently addressed by the **Council Directive 96/75/EC**. Market regulation systems (i.e. the 'Tour de Role'[485] and Festfrachten[486] systems that were in place in Belgium, Germany, France and the Netherlands) ceased to exist thanks to the Council Directive 96/75/EC, thus contributing to the gradual liberalisation of the inland waterways market.

Specifically, in January 1994, the German government abolished the Festfrachten system of minimum prices, resulting[487] in a 60% drop in the shipping prices for coal products and 40% in the shipping prices for bulk cargo. The 'Tour de Role' systems in the Netherlands, France and Belgium were abolished in January 2000, after a transitional period set by Council Directive 96/75/EC. The Council Directive 96/75/EC can therefore be considered successful in eliminating national rules or practices impeding the freedom of chartering and pricing. An indicative estimate[488] shows that the welfare loss associated to the practices that were eliminated amounts to EUR 190 million annually, expressed in 2022 prices, in the

[481] Interview with former CCNR secretary (2021) in the context of the fitness check support study.
[482] Gap filling survey for Member States authorities, organised by the Commission in the fourth quarter of 2024.
[483] Submitted paper by EBU (Roadmap and public consultation)
[484] Submitted paper by Entreprises Fluviales de France (public consultation)
[485] In the Netherlands, Belgium and France shippers were legally obliged to conclude their contracts for national transport through the intermediary of a state-run system of chartering by rotation ("Tour de Role" in French), which assigned cargo to bargemen on a "first come, first served" basis. For this, shippers had to pay minimum freight rates fixed by law.
[486] Festfrachten is a system of fixed minimum freight rates in Germany.
[487] Interview with the representative of Rhine operators and DE Commissar to the CCNR representing the profession (2021) carried out in the context of the fitness check support study.
[488] Ecorys, STC-Nestra and Tournaye Consulting (2023), *Fitness check support study*, p. 9.

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Netherlands - these would have likely persisted without the adoption of Group 1 legislative acts.

The associations representing IWT operators (EBU/ESO) stated in an interview that Council Directive 96/75/EC established the free market and was in their view very effective in meeting the objectives. A sectoral expert[489] expressed the view that the Directive brought very good results including decreased logistics costs and increase in productivity, while a Romanian stakeholder[490] also mentioned that the market is functioning well, while highlighting that some cost elements, like e.g. fuel or port fees, the Black Sea Canal fee, also influence the freight tariffs. As benefits the Austrian administration mentioned the market liberalisation while Luxembourg administration highlighted the elimination of discrimination aspect[491]. In various consultations[492], EBU also underlined the effectiveness of the aim and scope of the Directive.

The existence of the regulatory framework allows maintaining these achievements over time, as demonstrated by an infringement procedure in 2017 against Belgium, based on Council Directive 96/75/EC.

Council Directive 96/75/EC established the freedom of chartering and pricing in all EU Member States, eliminating national protectionism, enabling greater commercial flexibility and increased competitiveness of the sector. Encouraging and enabling efficient transport services, by eliminating discriminatory pricing and conditions as well as restrictive commercial practices, lowered costs for consignors and consignees[493] thanks to fairer and more transparent competition among carriers.

The continued relevance of the Directive is that it remains a safeguard to act against prohibited practices in case of re-emergence of such practices. This was also demonstrated by infringement procedures as recently as in 2017 against Belgium[494], as mentioned above, and earlier, in 1996[495] against NL.

In the context of further enlargements of the EU, prices are still being state-regulated in some non-EU countries like Ukraine or Serbia[496]. Considering their ongoing efforts to align with EU legislation, this reinforces the continued relevance of the legislative basis in the EU acquis related to free pricing and the prohibition of discrimination.

Stakeholder views are divided on whether Council Regulation No 11/1960 is relevant. Operators and operators' associations (incl. EBU, ESO) are of the view that the Regulation is not relevant. EBU is of the view, that now that the liberalisation of transport is accomplished, the regulation is obsolete and no longer required as legal basis for the

[489] Interview with the representative of Rhine operators and DE Commissar to the CCNR representing the profession (2021) carried out in the context of the fitness check support study.
[490] Interview with the Romanian association of inland ship owners and port operators (2021) in the context of the fitness check support study.
[491] Gap filling survey for Member States authorities, organised by the Commission in the fourth quarter of 2024.
[492] Feedback on the roadmap and in the Gap filling survey operators' association, organised by the Commission in the fourth quarter of 2024.
[493] The consignor is the sender of goods and the consignee is the receiver of the goods.
[494] INFR(2017)4115-BE
[495] INFR(1996)4448-NL
[496] Interview with the DC

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abolition of discrimination in transport rates and conditions. However, respondents not linked to operators were of the view that the Regulation is very relevant.

Concerning Council Directive 96/75/EC, the public consultation revealed that 6 respondents (incl. EBU and ESO, the RO training institute, the Polish Maritime Foundation and the AT chamber of commerce) were of the view that the Directive is very relevant, 2 responded somewhat relevant, while 4 respondents (CCNR, a river commission, a barge operator and a DE operator association) were of the view that the Council Directive 96/75/EC is not relevant. In another consultation, AT public admin was also of the view that the Council Directive 96/75/EC is relevant to avoid any market interference by national legal acts in the free setting of prices in the IWT market[497].

7 of 10 respondents of scoping interviews – including the CCNR, the Danube Commission and Pro Danube – stated that although Council Directive 96/75/EC established a relevant legal basis for the abolition of discrimination in transport rates and conditions at the time, the high level of liberalisation currently observed in IWT in the EU has made it less relevant. The Danube workshop[498] also points to this, with all participants agreeing on a full liberalisation for market entry and pricing policy within the Danube region, except for rare smaller restrictions for vessels operating with a flag from a non-EU MS.

4 country delegations consulted in targeted interviews – 2 for the CCNR and 2 for the Mosel Commission – confirmed the relevance of the Directive for establishing an internal market in IWT. In its feedback on the roadmap, EBU also underlined the relevance of the aim and scope of the Directive.

As demonstrated in another EQ, the IWT Internal Market Legislative Framework has contributed to the objectives of the EU IWT policy, as laid down in the subsequent NAIADES action programmes.

23. Over the evaluation period, how well have the objectives of the legal acts corresponded to the sector's needs arising from developments of the EU IWT market (including from the successive enlargements of the EU and the implementation of free trade agreements including commitments in IWT)?

Group 2 - Council Regulation (EEC) No 2919/85, Council Regulation (EEC) No 3921/91 and Council Regulation (EC) No 1356/96

Group 2 legislation created equal access rights for EU operators to provide national and international transport services, and therefore the three pieces of legislation together are relevant for the establishment and functioning of internal market for inland navigation. According to Chapter on Transport in the TFEU (see Article 58 (1) of the TFEU), freedom of services in the field of transport needs to be addressed [499]. The legislation, hence, plays a role in implementing the common transport policy as foreseen in Art. 90 of TFEU. While Article 56 of the TFEU on free movement of services provides general principles, these would have been implemented differently across Member States. To this end, the common transport policy required the EU to lay down common rules applicable to international

[497] 2024 gap filling survey (Member States administrations)
[498] Danube workshop, 20 January 2022
[499] Also see ECJ Case 13/83

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transport and cabotage (Art. 91 TFEU) while paying particular attention to Art. 95 related to the prohibition of discrimination in transport.

Legislation in Group 2 are together relevant for the implementation of TFEU: if rules stipulated in these acts were not in place, 'freedom to provide services in the field of transport' would be unregulated.

As described in section 3.1, over the years the legislative framework has evolved to follow the evolution of the sector's needs. While the Group 2 legislation has not been amended, implementation issues by Member States have been tackled by infringements. Moreover, (as demonstrated in more detail in another answer) the IWT Internal Market Legislative Framework has contributed to the objectives of the EU IWT policy, as laid down in the subsequent NAIADES action programs.

Considering the geographical coverage of the Communities, in the 1960s mainly the Rhine was relevant for inland navigation. Successively, Danube riparian countries joined the EU, expanding the internal inland navigation market and offering an opportunity to intensify competition in the sector: Austria joined the EU in 1995, followed by Hungary and Slovakia in 2004, Romania and Bulgaria in 2007, and Croatia in 2013. With their accession, these countries have progressively adopted the EU acquis.

EBU and ESO indicated[500] that they were afraid that the enlargement of the internal market to the Danube would result in an influx of old ships on the Rhine. This could have been considered an unintended and negative effect since this would deteriorate the European policy of modernisation of the IWT fleet. However, the opposite has occurred, since the enlargement of the EU towards the Danube caused an acceleration of replacing older vessels with newer vessels on the Danube. As such, the concern of this negative impact due to the enlargement of the EU does not seem to have materialised.

As a result of Group 2 legislation, operators are active throughout the European IWT market instead of on their national waterways. Some operators established in the Rhine area have also deployed business activities on the Danube and vice versa. Today, many operators are established in non-Rhine or Mosel countries and operate primarily on the Rhine with for example Polish, Maltese and Cyprus flags.

As shown in Figure 8 in section 3.2, in the EU-enlargement context, the transported cargo volume on the European waterways has been fluctuating between 400 million and 550 million tonnes, going from 15 members countries to 28 in 2013 and 27 in 2020. In 2023, 469 million tonnes of cargo were transported by IWT.

Council Regulation (EEC) No 3921/91 opened cabotage on German waterways beyond the already existing openness of Mosel and Rhine[501]. For example, Polish operators[502] are now providing cargo services on the connection Berlin-Szczecin (Spree-Oder Canal). Cabotage between Belgium and the Netherlands was extended to all EU Member States[503]. This

[500] Exploratory interview with EBU/ESO – 18 February 2021
[501] Interviews with the German Commissar at the CCNR, representing the sector, and with the former Secretary General of the CCNR in the context of the fitness check support study.
[502] Interview with the Polish Ministry of Infrastructure in the context of the fitness check support study.
[503] Interview with a Belgian legal expert (2021) in the context of the fitness check support study.

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benefitted freight volumes transported by foreign flagged vessels in the Netherlands, as shown in Figure 11 in section 4.1.1.

The main relevance of Council Regulation (EEC) No 3921/91 is to grant equal access to cabotage in Danube countries which are now EU Member States (prior Council Regulation (EEC) No 3921/91 cabotage was possible under bilateral agreements only[504]). However, the sector's need to access cabotage in Danube countries is probably less than the need to access cabotage in North-Western countries, especially Germany[505].

Council Regulation (EC) No 1356/96 opened access to all EU undertakings. In practice, however, it did not bring any significant change, since cross-border traffic including transit was already open to most EEC Member States interested in IWT. Today, Council Regulation (EC) No 1356/96 does not bring any change to the extent of access granted on the Danube since access to cross-border transport is already open to all under the Belgrade Convention. It is however relevant for its definition of the link between the vessel and a Member State.

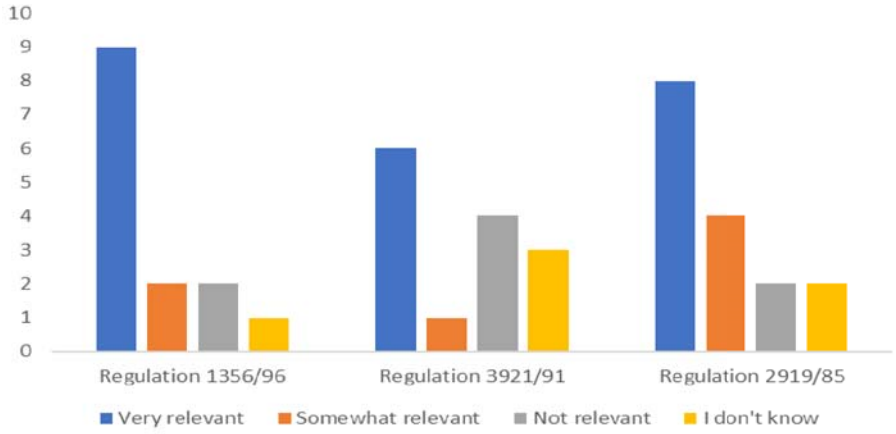
Serbia, Ukraine and Moldova are also Danube riparian states and have been candidates for EU membership since 2012 and 2022, respectively, and as such are also in the process of aligning their legal regime to the EU acquis. The alignment of the IWT legal regime to the EU acquis by Serbia, Ukraine and Moldova is ongoing in the context of the Treaty establishing the Transport Community[506] (TC Treaty), rather than in the context of a Free Trade Agreement. The aim of the TC Treaty is the creation of a Transport Community in the field of transport[507]; the Transport Community is based on the progressive integration of transport markets of the Western Balkan Parties into the EU transport market on the basis of relevant acquis, including the Group 2 legislation[508].

Looking to the future, legislation in Group 2 will continue to be relevant, assuring equal access rights to operators of future new Member States in the context of future enlargements.

To conclude, the objectives of the Group 2 legal acts corresponded well to the sector's needs arising from developments of the EU IWT market, including from the successive enlargements, as they ensured equal, non-discriminative access to the market and contributed to implementing the common transport policy as in Art 90 of TFEU. This is also shown in the Figure 22 below.

[504] regulation of cabotage is a national competence according to the Belgrade Convention
[505] Interview with the Danube Commission Secretariat, June 2021.
[506] Treaty establishing the Transport Community signed on 9th of October 2017 (Council Decision (EU) 2019/392).
[507] road, rail, inland waterway and maritime transport
[508] See Annex I.5 Rules applicable to IWT, of the Treaty establishing the Transport Community

Figure 22: Relevance of legislation in Group 2 today (n = 14)[509]



Source: Ecorys et al. (2023), based on public consultation.

25. To what extent are the scope and the requirements for the access to the occupation of carrier, laid down in the Directive, still relevant to address the current and future expected needs of the sector, particularly in view of a modern, digitalised, safe and environmental-friendly inland waterborne transport?

Group 3 - Council Directive 87/540/EEC

The Group 3 legislation, the Council Directive 87/540/EEC, plays a key role in the implementation of the principle 'freedom to provide services' under Art 56 of TFEU, as well as Art 95 of TFEU, which prohibits discrimination in transport, therefore it is still relevant.

Prior to Council Directive 87/540/EEC on access to the occupation, Member States used to have their own requirements, differing among countries. Thanks to the Council Directive 87/540/EEC it is possible to require a minimum level of knowledge of the market and of the functioning of the sector, as well as horizontal knowledge on legislation or finances, allowing the introduction of prospective entrepreneurs with a certain level of service and knowledge, resulting in the reduction of risk of business failure. These are regarded essential elements for this small sector and also contribute its resilience by making sure that entrepreneurs have a solid background knowledge and a higher chance to succeed at their business.

This Directive is considered relevant by operators' representatives and by some Member States[510]. However, the list of subjects where knowledge should be proven for entrepreneurs does not contain newly emerged knowledge fields such as digitalisation or skills related to clean technologies, therefore it needs to be updated to improve its relevance for the 21st century.

Common rules on the mutual recognition of diplomas and other qualifications are also relevant. About 6-14 certificates are issued per year per Member State on average, and there

[509] For Council Regulation (EC) No 1356/96 and Council Regulation (EEC) No 3921/91 the number of responses received is 14. For Council Regulation (EEC) No 2919/85 the number of responses received is 16.
[510] 2024 gap filling survey

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are also cases of replacements/reclassifications and extensions[511].

The Directive currently is not regulating the access to the profession for carriers of passenger transport, although this segment of the market constitutes an important share of the market – and a growing one.

According to a respondent in the public consultation[512], the Council Directive 'is generally well accepted by inland waterway operators, […]. It makes it possible to require a minimum level of knowledge of the market and of the functioning of the sector, allowing the introduction of new players with a high level of service and avoiding the creation of ephemeral undertakings which are likely to artificially disrupt the supply […], the market and the prices charged. (These are) essential elements for a limited sector in size and (in terms of number of) actors. The stability of inland waterway transport is an essential element in the functioning of the economy'.

This Directive is considered relevant by EBU representing IWT operators[513] as well as the French sectoral association[514]. HU MoT[515] has expressed that the scheme for professional competence of an IWT freight carrier has somewhat improved in comparison with the situation prior to Council Directive 87/540/EEC, while AT MoT has expressed that in case the scheme for professional competence of an IWT freight carrier were not in place today, it would result in higher risk for distortion of competition.

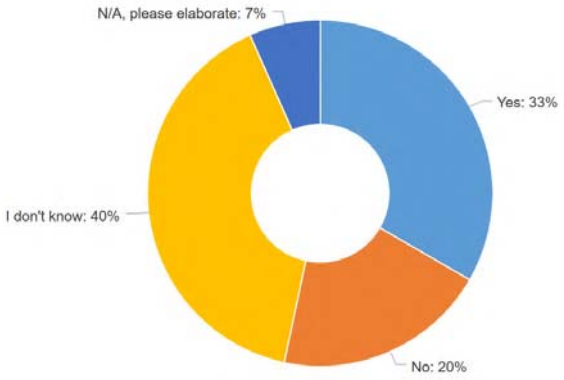
EBU stated in their feedback that the Directive's relevance lies in its introduction of a quality standard for access to the occupation. Despite its relevance, when asked if the list of topics for which proof of professional competence must be provided is accurate, 5 respondents stated to a large or to some extent, 3 responded "to no extent", while 6 of 14 national authorities having responded to the targeted survey stated that they did not know. The stakeholders specified that the list as stated in the Annex of the Council Directive 87/540/EEC does not cover needs that have arisen since its adoption, namely knowledge on sustainability, digitalisation, and automation.

Concerning the evolution of conditions for accessing the occupation of IWT freight carriers, the survey responses were divided. 33% of the stakeholders responding to the targeted survey agreed with the statement that conditions for accessing the occupation of IWT freight carriers have changed over time, whereas 20% consider that no changes have taken place, as reflected in Figure 23 below.

[511] AT reported approximately 12 cases of replacements/reclassifications and extensions annually
[512] Stakeholder Consultation Report p58
[513] 2024 gap filling survey
[514] Submitted document by the Entreprises Fluviales de France (public consultation)
[515] MoT: Ministry of Transport

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Figure 23: Changes in conditions for accessing the occupation of IWT freight carrier over time (N=15)



Source: Ecorys et al. (2023), based on Survey.

32. Council Regulation (EC) 718/1999 - How well do the original objectives of setting-up a Community-fleet capacity policy through the establishment of national Inland Waterways Funds, including Reserve Funds, correspond to the current situation and needs of the IWT sector and of the wider society?

Group 4 – Regulation 718/1999

Original objectives of setting up a Community-fleet capacity policy

Group 4 legislation was relevant at the time of its adoption: during the period when the fleet capacity policy contained in Council Regulation (EC) 718/1999 was active (29/4/1999 – 28/4/2003) and during its predecessor Regulation 1101/89, the IWT market has lost some of its structural overcapacity on the Rhine and on other waterways, and to a limited extent on the Danube, in Austria. Old and outdated vessels were taken out of the market and replaced by modern vessels. While in the 20th century support measures regarding overcapacity were seen as a rather common measure, such measures are far less needed in the 21st century. The market is better positioned to face challenges, such as the financial crisis of 2008, or the replacement of single-hull tankers with double-hull tankers, etc. Therefore, since 29/4/2003 the capacity policy measures mentioned in Article 1 of Council Regulation (EC) 718/1999 are no longer active as an ongoing mechanism.

Group 4 legislation[516] also provides a legal basis for structural improvement measures - including scrapping old vessels - in case of serious market disturbances of the sector beyond the period mentioned above for capacity measures. While this safety mechanism has not been triggered so far, it remains a useful mechanism that can be activated to strengthen the resilience of the sector, as overcapacity remains a real and significant challenge that the IWT sector could face in the future. As mentioned in the Sustainable and Smart Mobility Strategy[517] , the resilience against future crises is a key objective of the EU's transport policy going forward.

Current situation and needs of the IWT sector and the wider society

In the 21st century, the sector is transitioning from a capacity-driven to an efficiency-driven structure; facing new needs and skills such as knowledge of logistics, encouraging

[516] Art 7 of Council Directive 96/75/EC and Art 6 of Council Regulation (EC) 718/1999
[517] SWD(2020) 331 final

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adaptation to technical progress including environmentally-friendly vessels. In response to these changes, the Regulation evolved: in 2013 its Article 8 was amended to include these points and list of measures extended to allow reserve funds to be used for new trends and needs in the IWT sector.

The available amounts in the IW Funds[518] of Member States are relatively small compared to the sector's size and the funding required to tackle challenges like greening or a scrapping round of outdated vessels. However, according to Member States[519], the IWT Platform currently financed by the IW Funds - remains a relevant structure.

In its contribution to the public consultation, the French administration commented that the focus nowadays should lay on reducing the lifetime of the vessels in order to reduce IWT's impact on the climate, rather than reducing the capacity of the fleet, while a French sectoral association[520] underlined the relevance of the legislation in Group 4 and pleaded to maintain the provision on serious market disturbances.

The existence of legislation related to serious market disturbances beyond the IWT sector, in other land transport modes like road transport, highlights the relevance of such mechanisms.

In the most recent targeted survey, operator associations (EBU and ESO) expressed that this legislation provides the means to take measures in case of a serious disturbance of the market. Such safety net might still be necessary especially in the future where inland shipping will experience the consequences of climate change.

In the same survey, 5[521] of the 5 Member States that responded to the question expressed that the IWT Platform is still relevant. HR highlighted that serious market disturbance in the transport market in inland navigation is a phenomenon that can cause a serious and possibly permanent excess of supply over demand. This represents a serious threat to the financial stability and survival of a large number of carriers in inland navigation and highlights the need for the legislation in question.

In various consultations, EBU underlined[522] the relevance of the aim and scope of the Directive and remarked the continued importance of the crisis mechanism, as it can be invoked in case of a serious market disturbance. While for the Regulation, EBU remarked[523] its positive contribution to the competitiveness of IWT sector by enabling a stronger positioning of the sector following its restructuring that was needed after the price liberalisation. 2 of 4 stakeholders having sent feedback to the roadmap confirmed the relevance of the legislation, stating that it aims to reduce sectoral overcapacity through vessel-scrapping schemes whilst avoiding excessive social costs. During their scoping interview, EBU and ESO highlighted that the relevance of Council Regulation (EC) 718/1999 lies in its link to the reserve funds created in 1989. The Regulation was used to create the EU IWT Platform and the funds remain available to address sectoral needs.

[518] Table 3 in chapter 4.1.1
[519] AT, HR, DE, Lux and NL
[520] Submitted document by the Entreprises Fluviales de France (public consultation)
[521] AT, HR, DE, Lux and NL
[522] Feedback on the roadmap and in the gap filling survey operators' associations, organised by the Commission in the fourth quarter of 2024.
[523] gap filling survey operators' associations, organised by the Commission in the fourth quarter of 2024.

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Answers to Evaluation Questions for the overall framework

Effectiveness

2. To what extent has the IWT Internal Market Legislative Framework been effective and led to the establishment of a true internal market in IWT?

General evaluation questions – all seven acts

The legal framework has been effective to a large extent, abolishing fixed pricing and other restrictive practices, reducing structural overcapacity and allowing for an open and harmonised market. All EU operators can provide IWT services under the same conditions across the EU and carriers have to comply with harmonised rules, and conditions under which carriers' certificates are mutually recognised are the seme. As such, the original intentions of the legal acts have been fulfilled: EU has now an open, single market for IWT.

This was confirmed by 38 of 41 responding SMEs during the SMEs survey[524].

In response to the public consultation (see Figure 13 in section 4.1.1), 10 respondents (67%) out of 15 were of the view that the legal framework contributed to a great or moderate extent towards the goal of ensuring non-discriminatory access within the single market, while 2 respondents (13%) were of the view that it did not contribute to this goal. 12 (80%) out of 15 respondents indicated a positive contribution regarding the freedom to provide services and 11 (73%) out of 15 a positive contribution regarding the opening and liberalization of the market. 7 (50%) of 15 respondents answered positively that the framework contributed to improving the competitiveness and structural improvement/modernisation of the sector, while 5 (33%) out of 15 respondents found that the legal framework did not contribute to improving the competitiveness of IWT compared to other transport modes and did not result in a structural improvement or modernization of the sector.

3. To what extent has the IWT Internal Market Legislative Framework contributed to the objectives of the EU IWT policy, as laid down in the NAIADES action programmes?

General evaluation questions – all seven acts

NAIADES is EC's strategic action programme for IWT, derived from Navigation And Inland Waterway Action and Development in Europe. Three subsequent programmes and actions plans have been published so far. Actions can be classified in legislative, coordination, and support measures[525], recommendations for action to be taken by the European Union, Member States and other parties concerned. The Internal Market Legislative Framework contributed to the NAIADES action programmes, and vice-versa.

The NAIADES[526] programme spanned from 2006 to 2013, focusing on five strategic areas: Market, Fleet, Jobs and Skills, Image, and Infrastructure. For market access, the primary goals were to attract new markets, foster entrepreneurship, and enhance the administrative

[524] During the SMEs survey, 38 of 41 SMEs that responded (93%) agreed or even strongly agreed with the statement that the internal market legislation for IWT has led to a single market in Europe in which free movement of goods across EU countries is ensured.
[525] https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2006:0006:FIN:EN:PDF.
[526] https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52006DC0006

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and regulatory frameworks. A significant milestone occurred in 2008 with the amendment of Council Regulation (EEC) No 11/1960 with the Council Regulation (EC) No 569/2008, which simplified administrative procedures by reducing the information required in transport documents. In 2013, the European Commission conducted a consultation[527] to explore why the Reserve Funds as Council Regulation (EC) No 718/1999 remained underutilized.

NAIADES II[528], 'Towards Equality in Inland Waterway Transport,' ran from 2014 to 2020. This program expanded its focus to six key areas: Quality Infrastructure, Quality through Innovation, Smooth Functioning of the Market, Environmental Quality via Low Emissions, Skilled Workforce and Quality Jobs, and Integration of Inland Waterway Transport into the Multimodal Logistics Chain[529]. The 'Smooth Functioning of the Market' initiative built upon the Market area objectives from NAIADES I. In this context in 2014, Council Regulation (EC) No 718/1999 was amended[530], broadening the list of potential Member State measures – from the Reserve Fund – to include greening, innovation, and skills development in logistics, while also allowing interaction with other funding instruments[531]. The Combined Transport Directive also underwent evaluation in 2016[532]. Moreover, in 2017, the establishment of the 'European Inland Waterways Transport Platform' (IWT Platform) was established from the Inland Waterways Reserve Funds. The IWT Platform aligns with Article 8 of the amended Council Regulation (EC) No 718/1999. Finally, in 2019, the Roadmap (Call for evidence)[533] for the market access fitness check was published, followed by the publication of the eFTI Regulation[534] in 2020.

The current NAIADES III[535], 'Boosting Future-Proof European Inland Waterway Transport,' covers the period from 2021 to 2027. Its core objectives are to increase freight transport via inland waterways and set the sector on an irreversible path to zero emissions, supported by a paradigm shift towards digitalization. The related Action Plan includes a review to ensure market access legislation for inland waterway transport remains fit-for-purpose, (indeed as a follow up of the Roadmap (Call for evidence) published under NAIADES II), ensuring a smooth and fair internal market. Since 2020, the eFTI framework has seen ongoing legislative development, with a 2027 deadline for eFTI Regulation implementation.[536] Additionally, a revision of the Combined Transport Directive was proposed in 2023. In 2024, EBU and ESO indicated their wish to prolong the financing of the IWT Platform.

As demonstrated above, the IWT Internal Market Legislative Framework has contributed to the objectives of the EU IWT policy, as laid down in the subsequent NAIADES action

[527] The Commission launched a consultation on 11 April 2013 on the reasons why the Reserve Funds had never been used.
[528]https://transport.ec.europa.eu/transport-modes/inland-waterways/promotion-inland-waterway-transport/naiades-ii_en
[529] https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2013:0623:FIN:EN:PDF.
[530] via Regulation (EU) No 546/2014
[531] See also EQ33
[532] Staff Working Document Refit Ex-Post Evaluation of Combined Transport Directive 92/106/EEC Final Report, SWD(2016) 140 final
[533]https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/11874-Fitness-check-on-market-access-in-Inland-waterway-transport
[534] Electronic Freight Transport Information (eFTI) Regulation (EU) 2020/1056
[535] NAIADES III: Boosting future-proof European inland waterway transport; EUR-Lex - 52021DC0324 - EN - EUR-Lex
[536] Electronic Freight Transport Information (eFTI) Regulation (EU) 2020/1056

programmes.

4. To what extent has the IWT Internal Market Legislative Framework improved the level playing field and competitiveness of the inland navigation sector compared to other transport modes, contributing notably to the modal shift objectives of the EU transport policy?

General evaluation questions – all seven acts

IWT handles 0.8% of the EU external trade (imports and exports) in terms of weight. Despite its geographically limited and focused network, it offers an important alternative to transport via road or rail for the European hinterland regions closest to inland waterways. Therefore, IWT is mainly in competition and often classified along with land transport modes[537], covering 4.9% of inland freight traffic[538] and 0.01% of inland waterway passenger traffic. Given the negligible size of inland waterway passenger traffic the analysis focuses on freight transport.

Thanks to Group 1 legislation discriminatory and fixed rates and certain commercially restrictive practices were eliminated, resulting in an open, competitive single market, and based on an interview, it is estimated to have resulted in a sharp price decrease[539] after the implementation of the legislation.

Group 4 legislation restricted the unnecessary increase of capacity while renewing the fleet and removed older vessels from operating. The legislation[540] continues to provide a legal basis for structural improvement measures in case of serious market disturbances of the sector beyond the period of capacity measures. Even though the safety mechanism has not been triggered so far, it remains a useful mechanism that can be activated to strengthen the resilience of the sector, as overcapacity remains a risk that the IWT sector could face in the future.

As a result of Group 1 and 4, freight tariffs are now set at market price, and the sector modernised its fleet without increasing the overcapacity in the market, contributing to the overall competitiveness of the IWT sector. The safety mechanism of Group 4 supports overall resilience of the EU inland navigation market.

Group 3 harmonised the rules for access to the occupation of IWT carrier of goods and the related knowledge requirements positively impact resilience of those carriers and the quality of services. Thanks to this legislation, it is possible to require a minimum level of knowledge of the market and of the functioning of the sector, as well as a horizontal knowledge on legislation or finances. This allows the introduction of prospective entrepreneurs with a certain level of service and knowledge and reduces the risk of business failure. These elements are essential for this small sector as they contribute to resilience by ensuring that entrepreneurs have a solid background knowledge and a higher chance to succeed at their

[537] European Commission (2016), Staff Working Document Refit Ex-Post Evaluation of Combined Transport Directive 92/106/EEC Final Report, SWD(2016) 140 final
[538] Source: *EU transport in figures.* Statistical pocketbook 2024 (europa.eu)
[539] This led to a drop in prices by 60% for coal products, 40% for bulk cargo. based on interview 12 conducted in the course of the support study with the representative of Rhine operators and German Commissar to the CCNR representing the profession, working for the Port of Rotterdam, on 3 May 2021.
[540] Art 7 of Council Directive 96/75/EC and Art 6 of Council Regulation (EC) 718/1999

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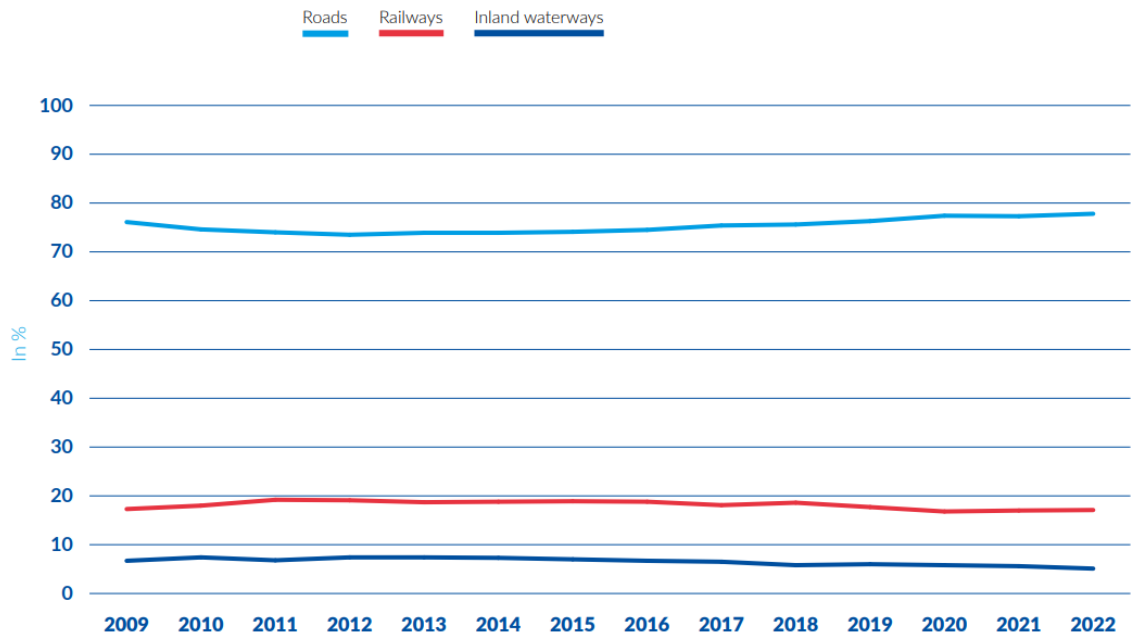
business.

Looking at other modes of transport, all land modes, including rail and road, have qualifications requirements in place for carriers. However, more requirements need to be fulfilled to become a road transport operator than an operator in IWT. Moreover, the requirements for road transport operators are more recent and thereby reflect the current professional standards. In addition, the EU rules governing access to the profession of IWT carriers are set out in a directive, resulting in diverse implementation[541] across Member States – a point also highlighted by a stakeholder[542] during the public consultation.

Based on the above we can conclude that the IWT Internal Market Legislative Framework improved the level playing field and competitiveness of the inland navigation sector compared to other transport modes, notably land modes. As mentioned in the Sustainable and Smart Mobility Strategy[543], the resilience against future crises is a key objective of the EU's transport policy going forward, and IWT Internal Market Legislative Framework contributes to IWT's resilience, too.

However, this improvement is not reflected in the modal share of IWT, as the modal share in freight transport is influenced by factors beyond the existence of IWT Internal Market Legislative Framework, such as economic factors, developments in the other modes, environmental factors, infrastructure bottlenecks, or legislative aspects beyond legislation related to market access.

Figure 24: Modal share of inland transport modes in the EU-27 (in %) 2009-2022[544]



Source: CCNR Annual Market Observation Report – 2024, based on Eurostat [tran_hv_frmod]

Over the last decade, modal shares have remained rather stable. **As many EU countries do not have inland waterways, the overall modal share of IWT at the EU level should not**

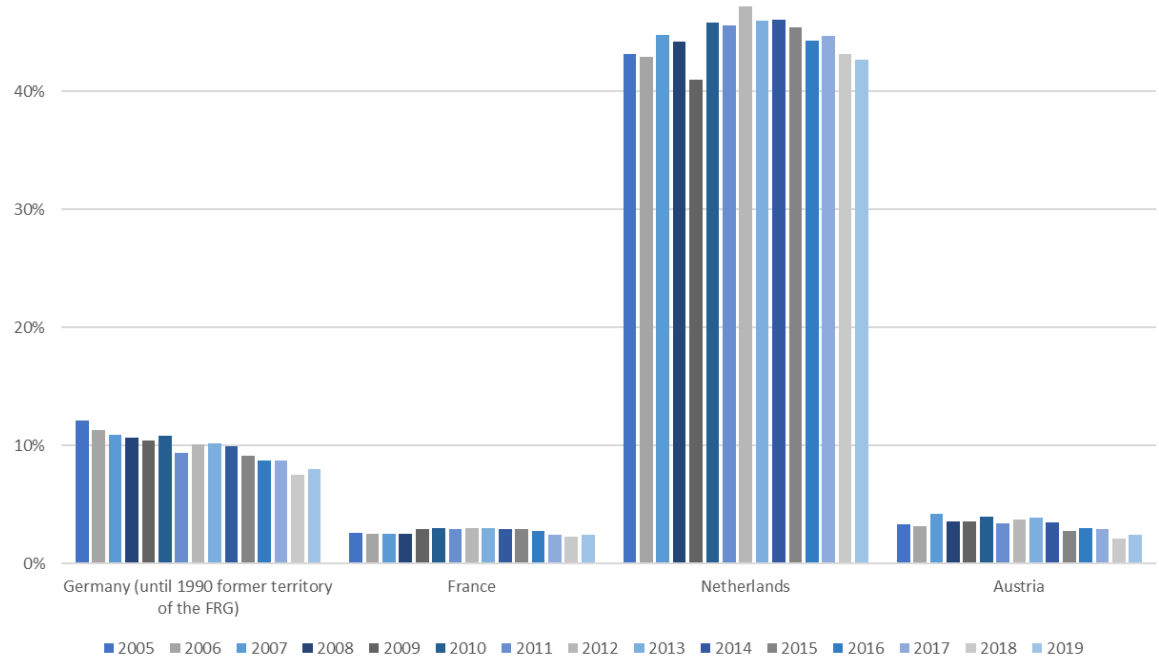
[541] See Annex IX
[542] European Transport Workers' Federation (ETF, submitted document at public consultation)
[543] SWD(2020) 331 final
[544] CCNR Annual Market Observation Report - 2024

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be used as a performance indicator for the success of inland waterway transport in the EU. In order to measure the success of IWT in the transport market, it is better to look at the modal split evolution of IWT in countries where there is a sufficiently dense inland waterway network, such as in the Netherlands, Belgium or Germany, or where inland navigation has traditionally been important for goods transport, as in many Danube countries[545].

Modal split shares of inland waterway transport (IWT) in main IWT countries have decreased in the last decade. In the Netherlands, the modal split share of IWT increased until 2012, to reach a peak at 47.2%. It decreased in the following years, reaching 41.0% in 2022. This decline also took place in Germany, as the IWT modal share fell below the 7.0% mark for the first time since 2005. Within Danube countries, Romania and Bulgaria record high IWT modal shares. However, after a first decrease in 2021, both sustained another strong decrease in their IWT modal shares in 2022 reaching respectively 20.5% (-4.6 percentage points lost to road) and 16.6% (-7.8 percentage points lost to both road and rail). Looking at data on Member State level (see Figures below), the modal share of IWT in terms of freight volumes has been decreasing in all Rhine countries over the past decades. In Danube countries, however the modal share fluctuated over the years, mostly because the volumes of transported goods over inland waterways are highly dependent on navigational conditions throughout the year.

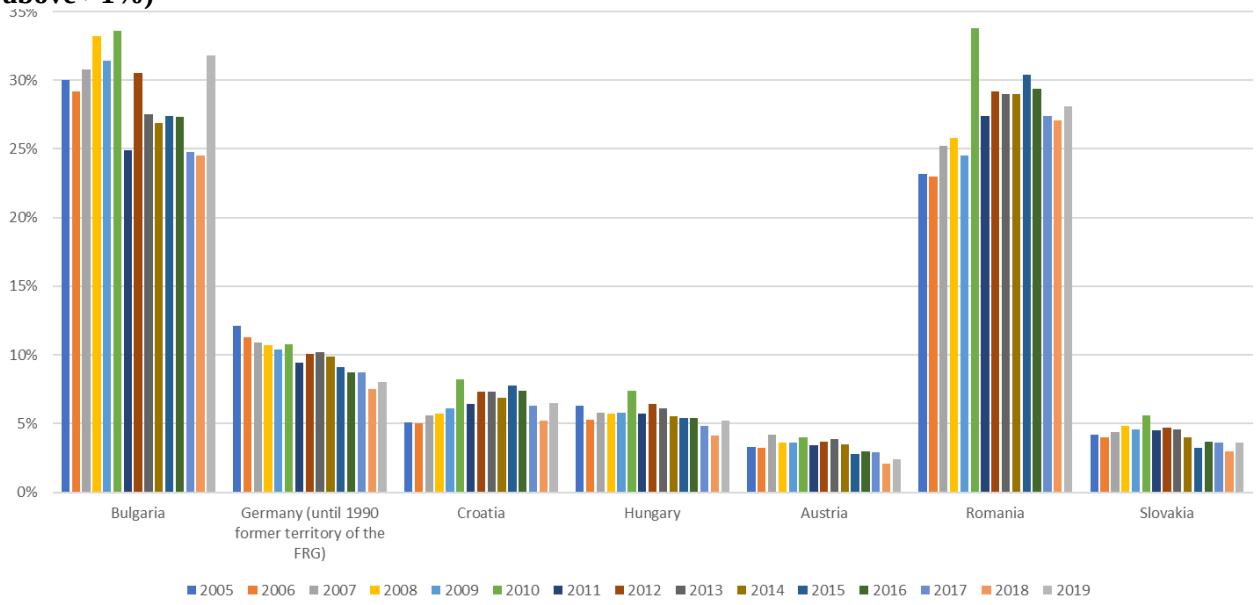
Figure 25: Modal share of IWT in Rhine countries



Source: Ecorys et al. (2023), Fitness check support study, based on Eurostat TRAN_HV_FRMOD.

[545] CCNR Annual Market Observation Report - 2024

Figure 26: Modal share of IWT in Danube countries (EU-27 and in which the modal share is above >1%)



Source: Ecorys et al. (2023), Fitness check support study, based on Eurostat TRAN_HV_FRMOD.

Pro Danube confirms the decreasing IWT share over the years compared to other transport modes, despite the successes of waterway managers in terms of good fairway conditions. It is estimated that only 10% of the current capacity is used, so there would be potential for moving goods from other modes. One of the reasons for the decreasing numbers is that, mostly "in the past 15-20 years, the unpredictability of the waterways was very high. The logistics decision makers do not trust IWT as a reliable mode and most of them even do not have IWT on their menu of choice anymore"[546].

Another reason for the decreasing modal share of IWT mentioned by Pro Danube is that the ports are not well designed – both infrastructurally and operationally – to optimally use inland waterways. Examples are shallow waters (lower than fare depth on the river itself) and limited opening hours.

A third reason hampering IWT highlighted by Pro Danube is the limited availability of crew. "Good people are recruited for other flags such as Dutch and German flags. It is very difficult for the Danube flags to recruit the good people."

Legislative aspects beyond legislation related to market access

The different transport modes have different legal regimes in Europe. Some legislation is applicable horizontally, such as Council Regulation (EEC) No 11/1960 which is applicable to freight transport by land modes, but for most other matters in the different modes of transport different rules apply. An example mentioned by EBU-ESO[547] is that in the Combined Transport Directive[548], it is stated that Member States must subsidise

[546] Interview with Pro Danube on 22 February 2022.
[547] Ecorys et al. (2023), Fitness check support study, p 85
[548] Art 6 Council Directive 92/106/EEC of 7 December 1992 on the establishment of common rules for certain types of combined transport of goods between Member States

combinations of rail and road, whilst for other modal combinations, this is an option. This is a disadvantage to the IWT sector compared to the rail and road sector.

Besides the differences on European level, there are national differences as well. As an example, EBU-ESO mentions that "the market for inland navigation has been liberalised but that this has not been done for rail, as a lot of rail companies are still state-owned. However, the competitive advantage of these state-owned companies vis-à-vis other transport modes which are liberalised is difficult to prove"[549].

Environmental factors

Generally, inland navigation can be seen as a very reliable mode, however, the infrastructure is more vulnerable to climate change than other modes, because of the sector's reliance on water levels. Extreme weather conditions influence the water levels both ways: exceeding the maximum permitted levels and droughts. Both extremes make inland waterway transport difficult.[550]

Europe was strongly impacted from long periods of drought and low water levels in 2018. The impact of the extreme drought on transport activity varied among river basins. The impact was particularly pronounced on the Rhine, on its tributaries, on the Upper and Middle Danube, and on the Upper and Middle Elbe.[551]

Infrastructural factors

Also, the Danube region is subject to different infrastructural preconditions. Navigation on this network is somewhat more limited than the Rhine due to its sharp river bends and broad sections that tend to create fords and sand bars in the riverbed.[552] Besides, because of the limited tributary network, several Danube countries face difficulties to integrate IWT in multimodal supply chains due to relatively longer pre- and end- haulage by road or even rail in comparison to Rhine countries. These infrastructural preconditions cause the inland navigation in the Danube region to have a lower share of national modal split figures in terms of transported volumes. When looking into modal split in terms of freight ton-kilometres, Romania (28%) and Bulgaria (32%) are exceptions due to the transport of bulk goods over a relatively long distance.

Modernisation: digitalisation and greening

The EICB explains that the "other modalities move faster compared to digitalisation compared to IWT. The sector will not / does not agree with an increase in costs resulting from greening and digitalising of the IWT sector, because this would be unfair compared to other transport modes. However, IWT is still very cheap compared to other modes and the price elasticity is often underestimated. However, it is difficult to identify the link between all of the above and the legislative framework."[553]

[549] Interview with EBU-ESO on 10 March 2022.
[550] Jonkeren, O., Rietveld, P., & van Ommeren, J. (2007), Christodoulou, A., Christidis, P., & Bisselink, B. (2020).
[551] CCNR (2019).
[552] www.danubecommission.org/dc/de/die-donauschifffahrt/540-2/.
[553] Interview with EICB on 3 March 2022.

In 2022, inland waterway is one of the most CO_2-efficient transport modes per tonne of goods carried. To reduce CO_2 emissions from transport, the European Commission is seeking a modal shift of freight transport to rail and inland shipping.[554] However, the inland waterway sector is characterised by SME's using vessels and engines with a long lifespan with large investments, which makes greening by modernisation of the fleet difficult.[555] Road transport typically has shorter lifespans of equipment and requires smaller investments.[556] Therefore, road transport can respond to the greening challenge in a faster and cheaper way.

To conclude, while the IWT Framework on market access has made freight transport more competitive by creating a level playing field and increasing competition in the market, and therefore contributed to the transport policy objectives of making transport more sustainable, its primary objective is not related to modal shift. Modal shift is significantly affected by further factors which go beyond the remit of the IWT framework on market access.

5. a) To what extent has the IWT Internal Market Legislative Framework been effective in countering adverse effects on the sector due to the COVID-19 pandemic? b) Have there been unintended effects, such as unfair competition practices or discrimination?

General evaluation questions – all seven acts

The impact of COVID-19

UNECE concluded in 2020 that the IWT sector has been impacted in the following ways:[557]

- Reduction in freight volumes at all levels, as a result of reduced/stopped industrial production; substantial decline in freight volumes due to a major drop in demand;
- Serious disruption of logistics flows, in particular border controls, entry bans, lack of crew and available infrastructure;
- Dramatic decrease in passenger numbers due to the standstill in tourism.

Reduction in freight volumes

With regards to freight transport, the impact of the COVID-19 pandemic was dependent on type of goods and on location. On the traditional Rhine, mostly coal, iron ore and metals decreased from 2019 to 2020. Because of the decrease in the demand for cargo transport due to COVID-19, transport prices also decreased significantly. This double effect led to a decrease in turnover of 65%.[558]

However, it is important to note that the COVID-19 crisis is not the only reason for the declines observed in the IWT sector, which are also explained by seasonal effects and the

[554] https://www.europarl.europa.eu/RegData/etudes/BRIE/2022/698918/EPRS_BRI(2022)698918_EN.pdf.
[555] https://www.ebu-uenf.org/wp-content/uploads/IWT-sectors-input-priorities-and-ambition-20201123.pdf.
[556] https://transportgeography.org/contents/chapter5/transportation-modes-modal-competition-modal-shift/.
[557] https://unece.org/fileadmin/DAM/trans/doc/2020/sc3/ECE-TRANS-SC3-2020-inf_07e.pdf.
[558] Interview EBU-ESO on 10 March 2022.

structural change in the energy sector.[559] After the macroeconomic and world trade decline that started in 2017 and the low water year in 2018, steel related transport decreased. The COVID crisis then provoked a sharp decrease in automobile and steel production and therefore a drop in related transport demand. Combined with energy transition, this explains why the sharpest decreases within Rhine transport in 2020 were seen for coal (-23.8%), iron ore (-14.2%) and metals (-14.6%).[560] Agribulk and food products increased by 10.7%, which is closely correlated with harvest results. The explanation for this growth is indeed found in the higher grain volumes harvested in Europe.[561]

It can be concluded that there has been an impact of COVID-19 on transport volumes, dependent on the type of goods and on location. However, parallel developments also play a role in changes in transport volumes.

Serious disruption in logistical flows

ABN AMRO published a paper on the impact of COVID-19 on the transport and logistics sector (2020) and concluded that one of the major impacts of COVID-19 sector is the serious disruption of flows due to, among other things, border controls and entry bans.[562] The Commission also stated that *"The COVID-19 outbreak is having a major disruptive impact on European transport and mobility. The European supply chain is maintained through an extensive network of freight transport services, including all modes of transport. Continued and uninterrupted land, maritime and air cargo services are of key strategic importance for the whole EU. Land-based supply chains, particularly road, which today accounts for 75 % of freight transport, have been particularly severely affected by the introduction of entry bans at internal land borders, and/or restrictions on professional drivers accessing certain Member States. Waiting times on some recent days, at certain internal EU borders, went beyond 24 hours, even for medical supplies.*"[563]

According to the European Commission, "*In order to avoid shortages and avoid that the social and economic difficulties that all European countries are already experiencing worsen, maintaining the functioning of the Single Market is key. Member States should therefore not undertake measures that jeopardise the integrity of the Single Market for goods, in particular of supply chains, or engage in any unfair practices*."[564] This shows that , even in times of crisis, the single market must be guaranteed. To mitigate the negative impact and to make sure that all freight vehicles and drivers are treated in a non-discriminatory manner, the Commission introduced 'green lane' border crossings. "*Passing through these 'green lane' border crossings, including any checks and screenings, should not exceed 15 minutes. Additional border crossings should be opened, focused exclusively on goods passage, if those on the TEN-T Network are saturated*." In practice, at these green

[559] Informal document SC.3 No. 7 (2020) Working Party on Inland Water Transport Sixty-fourth session Item 4 (a) of the provisional agenda Transmitted by ERSTU. Consulted via: https://unece.org/fileadmin/DAM/trans/doc/2020/sc3/ECE-TRANS-SC3-2020-inf_07e.pdf.
[560] CCNR (2021b).
[561] Interview EBU-ESO on 10 March 2022.
[562] https://www.abnamro.nl/nl/media/Ondernemen-in-tijden-van-corona-Transport-en-Logistiek-2_tcm16-68906.pdf.
[563] European Commission (2020). Communication from the Commission on the implementation of the Green Lanes under the Guidelines for border management measures to protect health and ensure the availability of goods and essential services 2020/C 96 I/01;
[564] European Commission (2020). COVID-19 - Guidelines for border management measures to protect health and ensure the availability of goods and essential services 2020/C 86 I/01;

lane border crossings, procedures should be minimised and streamlined to what is strictly necessary. Drivers of freight vehicles do not have to produce any document other than their identification and driving licence (and if necessary a standard template letter from the employer), where the electronic submission/display of documents are sufficient. While the green lane border crossings were also applicable to vessels, the importance was less, as IWT had not experienced exaggerated checks at borders.

According to the Robert Schuman Foundation, the green lanes helped trade to continue to flow smoothly, in particular by limiting checks and health examinations for transport workers to 15 minutes.[565] This indicates that this measure taken by the Commission to minimise the COVID-19 impact on trade flows, was effective. Also, the IWT platform welcomed the initiative of the Commission which calls upon Member States to "guarantee an unhampered safe movement of crew members to ensure adequate movement of goods and essential staff".[566]

In addition, in March 2020, the CCNR announced to have taken exceptional measures in relation to the COVID-19 pandemic to ensure a good performance of Rhine navigation and that the supply chain continues to operate. The resolution[567] came into force immediately. In addition to infrastructure management and the validity of certificates and attestations, this resolution provides for measures ensuring free movement of crew. A crew member certificate of attestation will be provided in the annex to the resolution.[568] The IWT platform stated that they welcome this resolution, indicating that the measures are considered are helpful in tackling the crisis.[569]

To conclude, the impact in terms of serious disruptions in logistics flows has been minimised by the effective intervention of both the Commission (by introducing green lanes) and the CCNR (measures ensuring free movement of crew).

Decrease in passenger numbers

Passenger transport was affected hugely by the COVID-19 pandemic, since no traveling was allowed. Everywhere in Europe, passenger transport almost came to a standstill in the first half of 2020.[570] River cruises were heavily affected by this: "As a direct consequence of the pandemic, the number of cruise vessel voyages decreased by 91% on the Danube, 82% on the Rhine and 70% on the Mosel in 2020."[571]

In 2022 the river cruise sector was on the path to recovery, with values similar to, and sometimes higher than, pre-pandemic levels concerning vessels' movements. Figures are

[565] Robert Schuman Foundation (2021). COVID-19 crisis and European mobility: What lessons? What future? European Issue n°604, retrieved from: https://www.robert-schuman.eu/en/european-issues/0604-covid-19-crisis-and-european-mobility-what-lessons-what-future
[566] https://www.inlandwaterwaytransport.eu/wp-content/uploads/IWT-Platform-2020-Annual-Report.pdf.
[567] https://www.inlandwaterwaytransport.eu/wp-content/uploads/IWT-Platform-2020-Annual-Report.pdf.
[568] https://www.ccr-zkr.org/files/documents/covid19/pre20_18nl_final.pdf (available in Dutch, French and German, link refers to the Dutch version).
[569] https://www.inlandwaterwaytransport.eu/wp-content/uploads/IWT-Platform-2020-Annual-Report.pdf.
[570] https://unece.org/fileadmin/DAM/trans/doc/2020/sc3/ECE-TRANS-SC3-2020-inf_07e.pdf.
[571] https://inland-navigation-market.org/chapitre/7-passenger-transport/?lang=en.

also on the rise regarding the number of passengers embarking on river cruises and the passenger capacity utilisation rates of vessels.[572]

It can be concluded that the passenger transport sector took a big hit because of COVID-19. However, as measures were lifted, the volumes also recovered.

IWT Internal Market Legislative Framework

Council Directive 96/75/EC Article 7 contains a legal basis for suitable measures to be taken - at the request of a Member State - in the event of a serious market disturbance. However, the legislation further specifies that 'serious market disturbance' shall mean[573] the emergence, in the inland waterway transport market, of problems specific to that market. The COVID-19 crisis could not be regarded as an issue specific to IWT, consequently the mechanism was not requested by Member States during the COVID-19 crisis.

Responses from the sector are divided: in the public consultation 36% argue that the framework provides a basis to face this challenge and 57% does not think so. In the Danube workshop[574], 43% thinks that the European internal market legislation was/is well equipped to adapt to the COVID-19 pandemic. In the survey, 53% thinks that public intervention measures should be put in place to respond to an external economic shock such as COVID-19, either by Member State or EU.

To conclude, for freight transport, the impact of the COVID-19 pandemic was dependent on type of goods and on location. However, passenger transport was affected hugely by the COVID-19 pandemic and came to a standstill in the first half of 2020. River cruises were heavily affected by the restrictions of travel. In this context, the IWT Internal Market Legislative Framework did not have a direct specific effect, however earlier positive impact of the Framework - improved resilience and competitiveness of the sector - were useful in this difficult period. There had not been reports of unintended effects, such as unfair competition practices or discrimination. Finally, the sector could not draw on the Article 7 Council Directive 96/75/EC for a serious market disturbance, as the legislation restricts the use of that mechanism in situations of serious disturbance specifically in the inland waterway transport market. The COVID-19 crisis could not be regarded as an issue specific to IWT, consequently the mechanism was not activated by Member States during the COVID-19 crisis.

36. Has the implementation of the legal acts (in scope) revealed any other negative impacts or issues not covered under any of the other evaluation questions?

Horizontal evaluation question – all seven legal acts

Stakeholders were consulted at multiple occasions whether they see any other negative impacts other than the impacts that were discussed. Consultations did not reveal any negative impacts beyond those already covered under other evaluation questions. EBU and ESO indicated that they were initially afraid that the enlargement of the internal market to the Danube would result in an influx of old ships on the Rhine. This could have been considered an unintended and negative effect since this would deteriorate the European policy of modernisation of the IWT fleet. However, the opposite has occurred, since the

[572] CCNR (2023). Market Observation - Annual Report 2023. Inland navigation in Europe;
[573] Article 1 of Council Directive 96/75/EC
[574] Danube workshop, 20 January 2022

enlargement of the EU towards the Danube caused an acceleration of replacing older vessels with newer vessels on the Danube. As such, the concern of this negative impact due to the enlargement of the EU does not seem to have materialised.

One specific negative impact has been covered by another evaluation question, which revealed that the fact that Council Regulation (EEC) No 11/1960 is used to check which cargo is transported to which location, rather than used to check for transport tariffs and conditions.

However, data obtained from different sources did not confirm this. In a 2022 online survey of Members States authorities related to enforcement procedures, conducted in the context of eFTI initiative[575], 5 of 9 respondents said that rates and conditions are checked in IWT. A collection of use cases on enforcement procedures in the context of eFTI initiative also confirmed that rates and conditions are checked systematically (i.e. all 10 IWT inspection cases mentioned it)[576].

The SME survey[577] also delivered feedback on enforcement, namely on whether administrations check transport documents kept onboard of the vessel for transport rates and conditions, to see whether prices are based on fair price competition and non-discrimination, as stipulated in Regulation (EEC) No 11/1960. Out of 41 SMEs that responded to the survey, 21 (51%) said authorities do not check transport documents[578], while 3 (7%) responded that authorities do check transport documents[579]. The remaining 17 (41%) SMEs indicated 'do not know'.

EBU and the Dutch Ministry of Infrastructure and Water Management explained[580] that the Dutch water police uses transport documents also to verify freight of a ship (especially for substances used for production of drugs). While EBU/ESO complain about related administrative burden, the Dutch water police[581] defended its practice regarding crime detection and preventing terrorism. Hungarian police[582] also combines checks (including crew member qualification and technical vessel requirements).

[575] Survey on enforcement procedures (EFTI-D1.2.5 Annex III: Online survey on enforcement procedures).
[576] Overview of the processes and procedures performed by different national competent authorities when checking regulatory information under the scope of the eFTI Regulation (EFTI-D1.2.5). It contains 10 use cases for IWT from AT, FR, HU, LT, LU, RO, SI and NL.
[577] Dedicated SME survey, conducted with the support of the European Enterprise Network in 2022.
[578] In the Netherlands, Hungary, Germany, Bulgaria, Croatia, Austria, Romania, Slovak Republic, Belgium, France, Luxembourg, Moldova, Serbia, Ukraine and Switzerland.
[579] In Romania, Belgium, Germany, France, Luxembourg, the Netherlands and Austria.
[580] Gap filling survey for operators' associations and Member States authorities, organised by the Commission in the fourth quarter of 2024.
[581] Based on an interview with the Dutch police in the context of the fitness check support study, checking the transport documents is usually only one of the activities during an inspection onboard, which might include also checking the manning requirements and sailing/resting times. The police do not check the documents for price discrimination; they check the transport document to see what freight is on board of a vessel.
[582] Interview with the Hungarian police in the context of the fitness check support study.

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Efficiency

6. To what extent has administrative costs and enforcement costs for authorities (e.g. issuing of documents and certificates, enforcement, administering funds) as well as compliance and administrative costs of other stakeholders affected by the IWT Internal Market Legislative Framework proportionate and necessary in relation to the outputs and results achieved?

General evaluation questions – all seven acts

Not much data is available to assess the efficiency of the framework as several of the legal acts do not include monitoring requirements and only one includes reporting requirements. The analysis of costs and benefits is based on data collected through the fitness check support study[583], the public consultation and the SME survey. An additional outreach by the Commission in 2024, addressed operators' associations and administrations, to fill data gaps, collect further evidence and quantify costs, efforts and benefits of implementing the legislation. However, this has resulted in little additional evidence.

Pillar 1- Group 1 legislation

Council Regulation (EEC) No 11/1960 of **Group 1** brings about costs for IWT operators and administrations, as well as benefits for IWT sector and all waterway users. These are discussed below, together with the simplification efforts.

The Regulation (Article 6) requires a transport document for each consignment of goods, detailing the consignor's name and address, nature and weight of the goods, place and date of acceptance, place of delivery. The 2008 amendment of the Regulation[584] reduced administrative burden by eliminating the obligation to create an additional document and allowing enterprises instead to use a national transport document, a company-related consignment note, a bill of lading or a multimodal document - if it contains the required information. According to the impact assessment accompanying the proposal of the eFTI Regulation it takes 15 minutes to fill paper documents for each shipment and the uptake of e-documents/information exchange in IWT is very low. The impact assessment estimated that 24 million hours were spent for processing freight transport information needed for national and international trips in 2018, leading to ***recurrent administrative costs for IWT operators*** of EUR 582 million. By 2030, these costs would amount to EUR 674 million[585]. Not all these costs are attributed to Regulation (EEC) No 11/1960, but stakeholders' consultation activities did not provide evidence that could allow estimating its contribution to the costs.

According to the SME survey, out of 41 SME respondents[586], 19 (46%) experience no costs related to keeping transport documents on board, while 11 (27%) do experience costs and 11 (27%) do not know. On the other hand, operators' associations (EBU, ESO) noted significant to medium efforts (not further quantified) due to the creation, holding and archiving of paper documents. Keeping transport documents for each consignment of goods

[583] Ecorys, STC-Nestra and Tournaye Consulting (2023), *Fitness check - Support study on the access to and the functioning of the inland waterway transport market*
[584] Council Regulation (EC) 569/2008
[585] SWD(2018) 183 final, p. 19, 28, 87.
[586] SME survey carried out in 2022.

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in IWT results in vast amounts of paperwork, especially for container transport (i.e. a single container ship typically carries up to 200 containers). 7 (41%) of the 17 respondents to the targeted survey[587] mentioned digitalisation (including eFTI Regulation, RIS Directive and Port information systems[588]) as a means of simplification. The CCNR Secretariat also noted during the public consultation that 'paper documents could be replaced by digital versions'. The impact assessment for the proposal of the eFTI Regulation[589], estimated that the 15 minutes to fill paper documents for each shipment could be reduced to 5 minutes by using electronic documents under eFTI from July 2027. Thus, when considering the implementation of the eFTI Regulation from 2027, the recurrent administrative costs for IWT operators is projected at EUR 357 to 452 million in 2030[590]. As explained above, not all these costs are attributed to the Regulation (EEC) No 11/1960, and they should thus be seen as the upper bound estimate.

For public administrations, the costs relate to the control of transport documents. During the gap filling survey, organised by the Commission in 2024, Member States' administrations mentioned that staff involved in checks on the spot (e.g. police) spend 60-90 minutes per check, while staff involved in the following up of infractions and penalties spend 90-480 minutes per infraction. The ***recurrent administrative costs for public administrations*** could not be estimated because the stakeholders' consultation activities provided little evidence on the number of inspections or controls, and no evidence on the number of infractions. In addition, as explained in section 4.1.1, the control of a vessel by enforcement authorities might also serve different aims and may be based on diverse legal bases. During the public consultation, 2 public authorities (PT, IT) have noted low to medium effort (time and/or money) to comply with Regulation (EEC) No 11/1960, while BG did not know. During the targeted survey[591], one respondent from Luxemburg said the associated costs were 'low' (overall policing costs), while the Hungarian Police did not have specific data on costs of inspections, referring to them as being part of the state budget for law enforcement activities. The support study found no historical data available on whether Member States did actively check the transport documents for compliance with Council Regulation (EEC) No 11/1960. However, the evidence collected in the stakeholder consultation suggests that nowadays there are few inspections for compliance with Council Regulation (EEC) No 11/1960.[592]

IWT operators are also expected to experience recurrent enforcement costs due to Regulation (EEC) No 11/1960, for cooperation to inspections or controls. It was not possible to estimate such costs due to the lack of evidence. According to the SME survey, 21 out of 41 (51%) respondents experience no such costs, 10 (24%) do experience costs related to inspections to check transport rates and conditions, while 10 (24%) respondents did not know. Based on the findings of the support study few inspections are carried out to verify compliance with Council Regulation (EEC) No 11/1960 was further confirmed with the

[587] Targeted survey (2021) carried out in the context of the fitness check support study.
[588] eFTI stands for Electronic Freight Transport Information Regulation and RIS for River Information Services Directive.
[589] SWD(2018) 183 final
[590] According to the impact assessment for the proposal of the eFTI Regulation, the administrative costs savings for IWT operators are estimated at EUR 222 to 317 million in 2030 (33% to 47% reduction relative to the baseline costs).
[591] Targeted survey (2021) carried out in the context of the fitness check support study.
[592] There are inspections for other purposes but this question has been scoped to the inspections that are carried out to verify compliance with Council Regulation (EEC) No 11/1960.

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findings from the stakeholder consultation. Out of 41 responses to the SME panel, only 3 respondents indicated that authorities check transport documents for transport rates and conditions to see whether prices are based on fair price competition and non-discrimination. Furthermore, during a NAIADES expert group meeting organised on the 13 September 2021, 8 respondents out of 19 respondents indicated that Council Regulation (EEC) No 11/1960 results in administrative burden for the sector.

Benefits for IWT operators[593] relate to the easiness in obtaining insurance, the easier identification/designation of the liable party thanks to the obligatory transport document on board of the vessel, and increased safety on the waterways (i.e. transport document indicating dangerous cargo). The ***increased safety on the waterways benefits all waterway users including cargo and passenger vessels.***

During the public consultation, 8 out of 13 respondents indicated that Regulation (EEC) No 11/1960 requires low or medium effort (time and/or money)[594] to comply. In addition, 3 out of 13 respondents expressed the view that the perceived benefits are higher or of similar size with the efforts/costs and 3 that the benefits do not compensate the efforts/costs [595].

Council Directive 96/75/EC, which eliminated national rules or practices impeding the freedom of chartering and pricing, ***does not entail recurrent costs for IWT operators or public administrations***. In terms of ***benefits***, as explained in section 4.1.1, the German abolishment of the Festfrachten system of minimum prices in 1994, resulted in reduced shipping prices by 60% for coal products and by 40% for bulk cargo[596]. In addition, the abolishment of the 'Tour de Role' system led to annual benefits estimated at EUR 190 million in the Netherlands alone[597]. The public consultation did not provide a clear view on whether overall benefits outweigh costs (including the one-off adjustment costs to phase out minimum compulsory tariffs by the end of 1998)[598]. Further efforts to gather data (as detailed in Annex V) did not provide better insights.

Conclusion on efficiency for Group 1: Council Regulation No 11/1960 brings about recurrent administrative costs for IWT operators due to the requirement of transport documents for consignments of goods. These costs will be significantly reduced from 2027

[593] During the targeted survey (2021) carried out in the context of the fitness check support study, 4 respondents out of 15 Member States that responded to the survey were of the view that it brings about increased safety on the waterways and 4 were of the view that it results in fairer competition, 6 were of the view that it results in easier identification/designation of liable party and 2 were of the view that it results in less discrimination in transport rates and conditions. As beneficiaries of these benefits, carriers, clients (passengers or shipper) and Member States administrations were mentioned.

[594] 3 out of 13 respondents indicated significant effort (time and/or money) to comply with the Regulation, 2 out of 13 respondents indicated medium effort, while 5 respondents indicated low effort for complying with the Regulation. 3 others indicated 'do not know' or 'not applicable'.

[595] 3 out of 13 respondents indicated that perceived benefits do not compensate efforts/costs, 1 indicated that perceived benefits and efforts/costs are of similar size and 2 indicated that perceived benefits are significantly larger than required efforts/costs for compliance with the Regulation. The rest did not know or responded 'not applicable'. Among the public authorities that responded to the question on how benefits relate to effort and costs during the public consultation (4 public authorities), one said benefits and effort/costs are of a similar size and one that benefits are significantly larger than the required effort/costs, while 2 did not know or indicated 'not applicable'.

[596] Interview with the representative of Rhine operators and DE Commissar to the CCNR representing the profession (2021) carried out in the context of the fitness check support study.

[597] Ecorys, STC-Nestra and Tournaye Consulting (2023), *Fitness check support study*, p. 9.

[598] 2 out of 12 respondents indicated 'benefits do not compensate for the effort/cost', while 3 respondents indicated 'benefits and effort/costs are of similar size', and 2 indicated 'benefits are significantly larger than the required efforts/costs. The rest did not know or responded not applicable.

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onwards thanks to digitalisation in the context of the implementation of eFTI Regulation. The Regulation also leads to some recurrent administrative costs for public administrations for inspections or controls, and enforcement costs for IWT operators for cooperating to inspections or controls. Benefits for IWT operators arise from the easiness in obtaining insurance and the easier identification/designation of the liable party. The increased safety on the waterways will benefit both the IWT operators and passengers. Council Directive 96/75/EC does not entail recurrent costs for IWT operators or public administrations and results in benefits due to reduced shipping prices. Overall, the scarce evidence for monetising the costs and benefits does not allow to conclude on the efficiency of the Group 1 legislation, although few stakeholders have indicated during the public consultation that the overall benefits outweigh costs.

Pillar 1- Group 4 legislation

Council Regulation (EC) 718/1999 led to one-off adjustment costs for vessel owners during 1999-2003 as well as benefits for IWT operators. No costs for businesses were registered after 2003 due to Group 4 legislation. Council Regulation (EC) 718/1999 generates some very limited recurrent administrative costs for public administrations.

One-off adjustment costs for vessel owners, in the form of contributions for new vessels put into service under the 'old-for-new' rule, are estimated at EUR 26 million for 1999-2003[599]. Post-2003 there are no one-off or recurrent costs for businesses due to Council Regulation (EC) 718/1999 or due to the stand-by mechanism in case of serious market disturbance (Article 6 of Regulation 718/1999 together with article 7 of Directive 96/75/EC), which was not triggered so far.

Reporting obligations due to Regulation (EC) 718/1999 are very limited and estimated to take on average 10 hours per year per Member State[600], for the Member States that have setup and funded inland waterway Funds (AT, BE, DE, FR and NL). Total recurrent administrative costs for public administrations related to reporting obligations are thus estimated at EUR 3,628 per year (for all 5 relevant Member States)[601].

Benefits for IWT operators come from reducing overcapacity in the IWT market before 2003 thus avoiding decreases in turnover for IWT operators (often SMEs) and potential losses. The legislation continues to serve as basis for the potential restructuring of the IWT market in case of market disturbance and the use of the Reserve Fund.

EBU[602] saw no substantial costs related to the legislation but benefits for the restructuring of the market in case of market disturbance and the use of the Reserve Fund.

The Fund established under Council Regulation (EC) No 718/1999 was initially funded with EUR 7 million from surpluses for restructuring actions before 1999. The total amount was raised to over EUR 33 million by 2003 under the 'old-for-new' rules. The funds have not been used until the Commission[603], upon request by the industry, created the 'European

599 Ecorys, STC-Nestra and Tournaye Consulting (2023), Fitness check support study, p. 33.
600 Replies by AT, DE and NL during the gap filling survey for Member States authorities, organised by the Commission in the fourth quarter of 2024.
601 The tariff rates by Member State for the ISCO 1 category (legislators, senior officials and managers) in 2022 prices were used to monetise the costs.
602 Gap filling survey for operators' associations, organised by the Commission in the fourth quarter of 2024.
603 Commission Decision of 5.10.2017 authorising the use of the Inland Waterways Fund established by

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IWT platform' to promote safety, clean technologies and innovation of the fleet as well as education and training. EUR 7 million from the Fund support the Platform's operations for the 2017-2027 period. Industry is planning to request a renewal for the subsequent ten years (2028-2037). Operators and Member State administrations[604] consider that the Platform adds benefits[605] for national and regional administrations, operators, skippers, vessel owners, logistics companies, as well as UNECE, river Commissions and river protection Commissions.

During the public consultation, 7 out of the 13 respondents perceived Council Regulation (EC) 718/1999 as providing overall benefits or benefits of similar size with the effort/costs (see Figure 15).

Conclusion on efficiency for Group 4: No quantitative information is available on the benefits of the Group 4 legislation. The benefits seem to overweigh the overall costs, although they could not be quantified and thus the uncertainty associated to them is acknowledged. Since 2003 there are no costs associated to the Group 4 legislation, except for the very limited administrative costs for public administrations, while benefits are due to the 'European IWT platform' that promotes safety, clean technologies and innovation of the fleet as well as education and training.

Pillar 2 - Group 2 legislation

Council Regulation (EEC) 2919/85 entails recurrent administrative costs for IWT sector for applying for certificates certifying vessels affiliation with Rhine navigation and recurrent administrative costs for public administrations for issuing such certificates. It also entails recurrent administrative costs for public administrations to carry out checks of certificates and recurrent enforcement costs for IWT operators for cooperating to such checks, as well as benefits for vessel owners and/or operators. **Council Regulation (EEC) 3921/91** and **Council Regulation (EC) 1356/96** do not foresee a specific form for the document which certifies the fulfilment of their conditions.

Regarding the ***recurrent administrative costs for the IWT sector*** for applying for certificates certifying vessels affiliation with Rhine navigation (*Certificate of belonging to the Rhine navigation*), the Koninlijke Binnenvaart Nederland[606] reported that applying for a Rhine certificate takes 30 minutes on average and costs 75 EUR (i.e. fee) in addition to vessel documents required by European legislation[607]. The total cost per certificate in the Netherlands is estimated at EUR 94 (i.e. EUR 19 for the time spent applying and EUR 75 the fee)[608]. Total recurrent administrative costs for the IWT sector cannot be estimated as the total number of Rhine certificates issued is not known. Regarding the ***recurrent***

Council Regulation (EC) No 718/1999 of 29 March 1999 [C(2017) 6663 final]

604 Gap filling survey for operators' associations and Member States authorities, organised by the Commission in the fourth quarter of 2024.

605 3 (AT, DE, HR) out of the 9 MS authorities that responded are of the view that the activities of the IWT Platform bring significant benefits to the sector. One (NL) is of the view that the activities of the IWT Platform bring some benefits to the sector. The remaining cannot say or did not respond. All 5 respondents from operators' associations (including the IWT platform) are of the view that the activities of the IWT Platform bring significant benefits to the sector.

606 Gap filling survey for operators' associations, organised by the Commission in the fourth quarter of 2024.

607 Directive (EU) 2016/1629

608 The tariff rate for the Netherlands for the ISCO 3 category (technicians and associate professionals) in 2022 prices was used to monetise the time spent for application.

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administrative costs for public administrations, Germany reported the issuance of about 440 Rhine certificates per year on average during 2022-2023 costing the administration about 185 EUR per certificate (EUR 81,500 in total)[609] while Luxembourg issued about 5 Rhine certificates per year on average during the same period; only paper documents are issued in both countries. The number of checks for certificates (if any) is not known and ***Member States did not provide evidence to allow quantifying the recurrent administrative costs*** associated to such checks[610]. This is also the case of ***recurrent enforcement costs for IWT operators*** for cooperating to such checks.

Administrations[611] and SMEs[612] highlighted the simplification potential of Group 2 legislation. Two separate legal acts, covering cross-border transport and cabotage on the Rhine, co-exist with legislation for cross-border transport and cabotage applying on all European waterways including the Rhine. This approach was perceived to be due to historic reasons (see Annex VIII International treaties and a priority at the time to grant access to the Rhine to Member States operators residing outside of the Rhine). Afterwards, general rules for cross-border transport were created.

Notably, Council Regulation (EEC) 2919/85 requiring a separate document for Rhine cabotage (*Certificate of belonging to the Rhine navigation*) is seen as creating burden, when it could be included in the obligatory *Union inland navigation certificate*[613]. The fulfilment of requirements of the Council Regulation (EEC) 2919/85 could also be contained in the *Union inland navigation certificate*. But this is complicated by the current requirement for the vessel certificate and the registration certificate to be issued in the same state. A CESNI Working Group is examining simplification in the context of the revision of the data model for the *Union inland navigation certificate*.

The regulations in Group 2 already provide flexibility to accommodate simplification: Article 2.3 of the Annex of Council Regulation (EEC) 2919/85 allows for the *Certificate of belonging to the Rhine navigation* to be contained in any other document already issued for the vessel. Finally, there is simplification potential in issuing documents digitally, including for the vessel and the carrier.

The ***benefits*** of Group 2 legislation relate to the creation of a true internal market. The legislation ensured providing access for vessel owners and/or operators of every EU Member State to the Rhine. The associated benefits however could not be quantified.

According to the responses received during the public consultation (see Figure 14) legislation in Group 2 requires medium to low efforts/costs to comply (8 out of 13 respondents for Regulation (EEC) No 2919/85, 7 out of 12 respondents for Regulation (EEC) No 3921/91 and 5 out of 12 respondents for Regulation (EC) No 1356/96), which are perceived to be outweighed by benefits for Regulation (EC) No 1356/96 (see Figure 15).

Conclusion on efficiency for Group 2: No quantitative information is available on the benefits of the Group 4 legislation and very scarce evidence on the costs, which does not allow to conclude on the efficiency of the Group 2 legislation. For administrative simplification, the separate document on Rhine cabotage could be included in the obligatory

[609] Gap filling survey for MS authorities, organised by the Commission in the fourth quarter of 2024.
[610] Gap filling survey for MS authorities, organised by the Commission in the fourth quarter of 2024.
[611] Gap filling survey for MS authorities, organised by the Commission in the fourth quarter of 2024.
[612] SME panel (2022)
[613] Directive (EU) 2016/1629

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Union inland navigation certificate and the digitisation of documents to establish the right to access to the market could further improve efficiency and drive the sector towards paperless solutions.

Pillar 2 - Group 3 legislation

As regards **Council Directive 87/540/EEC**, Member States report an average of 10 certificates issued annually per Member State. The work required by public administrations for issuing a certificate is estimated at 60-120 minutes[614]. Assuming 10 certificates are issued per year in each of the 13 relevant Member States, the total recurrent administrative costs for public administrations for issuing the certificates are estimated at EUR 6,097 to 12,194 per year. Austria also reported the issuance of about 12 replacements, reclassifications and extensions of certificates on average per year[615]. Assuming the same work as that for issuing a certificate (60-120 minutes), the total recurrent administrative costs for issuing replacements, reclassifications and extensions are estimated at EUR 7,316 to 14,633. Thus, the ***total recurrent administrative costs for public administrations*** related to certificates are estimated at EUR 13,413 to 26,827 per year.

Applying for a certificate takes on average 30 minutes and fees associated to the application amount to EUR 70 per certificate in the Netherlands[616]. Considering that 10 certificates are issued per year in each of the 13 relevant Member States, the recurrent administrative costs for IWT operators for applying for certificates for their employees are estimated at EUR 9,062 per year[617,618]. For the replacements, reclassifications and extensions of certificates the recurrent administrative costs are estimated at EUR 10,874. Thus, the ***total recurrent administrative costs for IWT operators*** related to certificates are estimated to EUR 19,936 per year.

Several exemptions and derogations lead to about 25% of persons obtaining by practice the certificate of carrier of goods in the Netherlands alone. Dedicated courses otherwise last 10 days and cost 2,500 EUR as reported by EBU and ESO[619]. The ***total recurrent adjustment costs for IWT operators*** for these courses could however not be estimated due to the lack of evidence on the number of courses per year.

Thanks to the Directive, the aspiring carrier needs to apply only once to become a carrier of goods in the EU instead of repeatedly for different national or river-based markets. The common rules and mutual recognition ensure ***benefits*** due to less administrative burden and lower costs ***for operators and national administrations***. 6 of the 13 respondents to the public consultation perceived the efforts/costs for complying with the Directive as medium or low (see Figure 14) and 8 out of 13 respondents indicated that the benefits are higher or similar to the efforts/costs (see Figure 15). Out of 30 SMEs who expressed a view[620] on the

[614] AT, DE and BE replies (Flanders, Wallonia responded separately) during the gap filling survey for MS authorities, organised by the Commission in the fourth quarter of 2024.
[615] Gap filling survey for MS authorities, organised by the Commission in the fourth quarter of 2024.
[616] To derive the fee for other Member States the purchasing power parities published by Eurostat have been used.
[617] The tariff rate for the Netherlands for the ISCO 3 category (technicians and associate professionals) in 2022 prices was used to monetise the time spent for application.
[618] These costs are paid either by the applicant or by the employer. However, as no information is available on the actual split between the applicant and the employer all the recurrent administrative costs are assumed for the employer.
[619] Gap filling survey for operators' associations, organised by the Commission in the fourth quarter of 2024.
[620] SME panel (2022)

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process of obtaining the certificate of professional competence, 15 stated that it is sufficiently transparent and 8 that it is not transparent.

Conclusion on efficiency for Group 3: Thanks to Group 3 legislation, common rules and mutual recognition led to benefits due to reduced administrative burden and lower costs for operators and national administrations. It was however not possible to monetise these benefits due to the lack of evidence. Further simplification could be achieved with standardisation and digitisation of the certificate of carrier of goods.

Efficiency of the Framework as a whole

All Groups assessed above lead to recurrent administrative costs for public administrations. Although not all of them could be quantified (or quantified in full) their magnitude appears to be limited. Group 1, 2 and 3 also result in recurrent administrative costs for businesses operating in the IWT sector. Of these, Group 1 appears to lead to the largest administrative costs for businesses due to the transport documents required by Council Regulation (EEC) No 11/1960 for allowing checking the transport rates (see overview table for the overall framework in Annex IV). It should be noted however that these transport documents are also used for other purposes and not all costs can be directly attributed to Council Regulation (EEC) No 11/1960[621]. In addition, the implementation of eFTI Regulation from 2027 is expected to lead to significant reductions in costs of Group 1 due to digitalisation.

Reporting requirements are only associated to Group 4 (i.e. Council Regulation (EC) 718/1999) and are very limited (estimated at EUR 3,628 per year for all 5 relevant Member States).

Group 1, 3 and 4 also led to adjustment costs for businesses operating in the IWT sector and Group 4 to one-off adjustment costs for public administrations. Finally, Group 1 and 2 entail some enforcement costs for IWT operators for cooperating with the enforcement authorities in checking certificates.

All Groups result in benefits for the businesses operating in the IWT sector and Group 3 and 4 also in benefits for public administrations. Despite several rounds of consultation activities, including a gap filling survey organised by the Commission in the fourth quarter of 2024, not sufficient evidence was received to allow quantifying the benefits. **The evidence available on costs and benefits does not allow to draw robust conclusions on the overall efficiency of the framework.**

[621] The share attributed to Council Regulation (EEC) No 11/1960 could not be estimated.

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7. Is there a potential for simplification of the IWT Internal Market Legislative Framework in particular in view of enabling the sector to adapt to significant disruption of the IWT market due to major macro-economic events or catastrophes (drought, flooding, epidemics)?

General evaluation questions – all seven acts

The analysis for this EQ is looking into the parts of the IWT Internal Market Legislative Framework that enable the sector to adapt to significant disruptions and answers the question to what extent that particular legislation can be simplified.

Legislation in Group 4 is the only legislation within the IWT Internal Market Legislation Framework that does include provisions enabling the sector to adapt to significant disruptions. Both legal acts analysed in Group 4 are designed with the objective to reduce structural overcapacity in the sector and to improve the competitiveness of the IWT sector. Entry barriers for the IWT market are relatively low whilst exit barriers are relatively high, which can result in a situation where the supply side of the IWT market is unable to respond to a sudden drop in demand, thereby threatening the long-term financial stability of the sector. Therefore, the policies developed under Group 4 help the sector adapting to these significant and structural disruptions, thereby avoiding the aggravation of existing overcapacity or the emergence of further overcapacity. As such, it can be concluded that the IWT Internal Market Legislative Framework does include legal acts enabling the sector to adapt to external macro(-economic) events disrupting the demand but does not include legal acts enabling the sector to adapt to external shocks impacting the navigability such as climate change for example. As such, the activation of mechanisms triggering community-fleet capacity measures might only be efficient in a situation where the external macro(-economic) event has a long-lasting structural negative impact on the demand in the IWT market. In other words, these measures are only efficient when the expectation is that the demand will not recover within a few years' time. Such a situation has not occurred since Council Regulation (EC) No 718/1999 was adopted.

Both the analysis conducted in the framework of the underlying support study and stakeholder views received did not point to simplification potential specifically on group 4 legislation to more efficiently adapt to significant disruption of the IWT market.

Potential for administrative simplification has been identified for Group 2, where the separate document on Rhine cabotage could be included in the obligatory *Union inland navigation certificate* and the digitisation of documents to establish the right to access to the market could further improve efficiency and drive the sector towards paperless solutions. For Group 3 further simplification could be achieved with standardisation and digitisation of the certificate of carrier of goods.

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Coherence

8. To what extent are the legal acts forming the IWT Internal Market Legislative Framework consistent with one another?

General evaluation questions – all seven acts

Coherence has been assessed at several levels: the internal coherence of the legislation as such, and within the Group or Pillar, within the overall Legal Framework, and its coherence with other relevant EU legislation or policies. See also Tables 1 and 2 in section 2.1.

Pillar 1 - Group 1 legislation

Council Regulation No 11/1960 prohibits rate fixing while Council Directive 96/75/EC foresees free negotiation of prices. Thus, the two legislations are complementary. Council Regulation (EEC) No 11/1960 however, contains an outdated reference on exemptions of certain goods by referring to Annexes[622] of the Treaty establishing the European Coal and Steel Community (ECSC). The ECSC is no longer in force, and those Annexes have not been replaced under the Treaty of Rome nor its successor regulations including the TFEU. Therefore, none of the goods are exempted anymore as initially foreseen. Otherwise, the legal acts under Group 1 are internally coherent.

Analysis[623] regarding external coherence with other legislation within the Framework did not detect any incoherences between the different pieces of legislation.

Pillar 1 - Group 4 legislation

No inconsistencies have been identified within Council Regulation (EC) 718/1999. Complementarity has been confirmed between Council Regulation (EC) 718/1999 and Article 7 of Council Directive 96/75/EC regarding the potential use of the reserve fund and measures (Council Reg (EC) 718/1999) in connection with the serious disturbance of the IWT market.

Pillar 2 - Group 2 legislation

Several internal coherence issues have been identified in **Group 2**:

- There are different provisions for international transport and cabotage on the Rhine vis-à-vis international transport and cabotage on other waterways (see Table 5). Cabotage on the Rhine is not limited in time while on other waterways cabotage is allowed only on a temporary basis[624].

- Furthermore, there is lack uniform application[625] of temporary cabotage due to the lack

[622] Annex I (coal and steel) and Annex III (special steel)
[623] See studies related to the CT Directive 92/106/EEC the Regulation 2020/1056 on eFTI,as well as the support study for the Fitness check
[624] see Table 4 in section 4.1.1 on effectiveness
[625] see Table 4 in section 4.1.1 on effectiveness. Note: as mentioned above, it is irrelevant for the Rhine as cabotage on the Rhine is not limited in time.

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of EU-wide definition of what is meant by "temporary"[626].

- International transport on the Rhine is limited to Rhine riparian operators and EU operators, while on the Danube international transport is open to all operators, even from outside of the continent.

- The genuine link[627] is defined in a different manner across the three acts in Group 2 as well as in a different level of detail

- Different requirements on access to the market, notably Council Regulation (EEC) 2919/85 requires operators to fulfil the same conditions as the vessel owners, which is not the case in Council Regulations (EEC) 3921/91 and 1356/96. Moreover, Regulation 2919/85 requires for persons managing/directing to be to a majority nationals of a Member State. Council Regulations (EEC) 3921/91 and 1356/96 do not mention any conditions for the persons managing/directing. Council Regulations (EEC) 3921/91 and 1356/96 require carriers to be entitled to carry out international transport services while such condition is not included in Council Regulation (EEC) 2919/85.

- Inconsistent use of terminology in the legislation (including the terms of carrier, undertaking, operator[628]). Stakeholders[629] also noted a missing definition of "operator" for which two out of the three legislations in Group 2 set conditions of access. At the same time there is no evidence that this would have led to non-uniform application of the legislations in question.

- In Group 2 access to waterways provisions address transport of goods and passengers, while the scope of access to the profession (Group 3) only relates to cargo.

Two national administrations[630] noted the absence of requirements on establishment of undertakings in Council Regulations (EEC) 3921/91 and 1356/96. This is seen to be incoherent with EU rules on access to a transport market requiring transport undertakings to be established in the country from which it manages and maintains its fleet. As regards the genuine link, ETWF[631] pointed to the Rhine certificate as an example where requirements applicable to the operator are clearly described by the CCNR, including on the application form: operator's registered office must be established where its commercial activity is concentrated and the existence of the clear link with the commercial activity must be proven.[632] . Some stakeholders[633] stated the permanent operation of vessels on the Rhine,

[626] Only France has foreseen a legal definition of temporary cabotage. AT calls for a specification at EU level, applying the road transport model.
[627] Genuine link between a vessel, a carrier and a Member State
[628] for example: - the definition of the link between a Member State and the craft and/or the undertaking using the craft - The Rhine access rules and the international transport refer to 'operators' while and cabotage rules refer to 'carriers'. - The Rhine access rules refer to transport of 'persons' while the international transport and cabotage rules refer to passengers.
[629] The European Transport Workers Federation (ETF in its written contribution highlighted the need to better define the term operator) and a third country's Seafarers Union (public consultation)
[630] At targeted interviews
[631] European Transport Workers' Federation, public consultation
[632] Other stakeholders pleaded to improve the genuine link based on the country where substantial navigation activity takes place.
[633] This was expressed by 2 German SMEs in the SME survey (41 responses in total), in the scoping interview by one national administration and 1 business association, and as an outcome of the CCNR workshop. An expert stated that even if undertakings active on the Rhine have a stronger incentive to relocate to lower cost

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with operators established in EU Member States with little to no IWT activity and applying lower social and fiscal standards.

Pillar 2 - Group 3 legislation

Inconsistencies have been identified between group 2 and 3 legislations. Council Directive 87/540/EEC applies to cargo operators, but not to passenger transport (unlike Group 2 legislation which includes provisions on transport of cargo and passengers). As a consequence, entrepreneurs only need to demonstrate competences for markets on cargo transport, while they employ crew who are trained to work on both passenger and cargo transport according to Directive (EU) 2017/2397. ETF[634] pointed to the growing importance of passenger transport, especially the river cruise market segment and the (locally important) tourism sector. While carriers of passengers are not in scope of the Council Directive 87/540/EEC, some Member States do apply the same principles for both cargo and passenger carriers (see Annex IX).

Inconsistency between Directive (EU) 2017/2397 and Council Directive 87/540/EEC, which share common objectives on regulating qualifications. The recently implemented Directive (EU) 2017/2397 pursues a competence based-system set up for crew members, based on CESNI standards. This competence based-system is different635 from the knowledge-based approach applied in Council Directive 87/540/EEC for IWT carriers, which is currently not based on CESNI standards and does neither cover digital or environmental knowledge[636], nor passenger transport.

Furthermore, EU rules for accessing the profession of an IWT carrier are encoded in a directive, whilst it is a regulation in all other modes of transport, resulting in diverse implementation in Member States. This was also noted during the public consultation637, the SME survey and the scoping interviews[638].

Coherence of the Framework as a whole

Overall, it can be concluded that Group 1 and 4 legislation is coherent within and with each other, while several incoherences have been identified within group 2 legislation and between group 2 and 3.

countries, effective access to the Rhine by the Danube fleet and vice versa remains limited. In the Danube workshop the DC secretariat expressed the risk that some companies might relocate to less demanding third countries riparian to the Danube to get their vessel certificate gaining a competitive advantage, however, this risk so far has not materialised in weakened competition.

634 European Transport Workers' Federation (ETF) written contribution during the public consultation.

635 The difference between knowledge-based and competence-based certification is that while knowledge is measured against a standard knowledge base, competence-based certification evaluates how competent the individual is in applying that knowledge, and skills, in the actual workplace

636 This was also remarked by the CCNR secretariat in the public consultation.

637 European Transport Workers' Federation (ETF) written contribution during the public consultation.

638 7 out of 41 SMEs perceived differences in the national practices of obtaining a certificate of professional competence of a freight carrier. In the scoping interview EBU and ESO stated that little can be said about the level of competence of an undertaking in IWT due to the varying conditions for recognition of professional competence across MS.

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9. To what extent does the IWT Internal Market Legislative Framework align with wider EU policies (e.g. jobs, growth, trade, mobility, competition policy, Climate Change Policy)?

General evaluation questions – all seven acts

The IWT Internal Market Legislative Framework is compared with wider EU policies, which are briefly presented in Table 9.

Table 9: Wider EU policy considered for the comparison with the IWT Internal Market Legislative Framework

EU policy area	Explanation of the policy area
Jobs[639] and social dimension	The European employment strategy (EES) dates back to 1997, when the EU Member States undertook to establish a set of common objectives and targets for employment policy. Its main aim is the creation of more and better jobs throughout the EU. In IWT social legislation is applicable, the most relevant legal acts are the Posting of Workers Directive and the Derogation Agreement to Rhine boatman.
Competition[640], trade[641] and growth	The European competition policy encourages companies to offer consumers goods and services on the most favourable terms. It encourages efficiency and innovation and reduces prices. To be effective, competition requires free trade within and outside of the European Single Market. The Single Market Act, therefore, aims to establish free movement of goods, services and capitals across the European Union. In 2024 the Letta report on the Future of the Single Market and the Draghi report on the future of the European Competitiveness were published. Based on these reports the EC developed its Competitiveness Compass, which is a roadmap to restore Europe's dynamism and boost its economic growth.
Climate change policy and sustainable growth[642]	The most EU policies on climate change are defined in European Green Deal. The European Green Deal aims to accelerate the transition to a climate-neutral economy in the EU in 2050. In transport policy the Sustainable and Smart Mobility Strategy is setting out the key steps towards making transport policy more sustainable.

Competition, trade and growth

Following up on the findings of the 2024 Letta and Draghi reports[643], in 2025 the EC presented the Competitiveness Compass[644], a new roadmap to restore Europe's dynamism and boost its economic growth. The new political guidelines[645] of the second von der Leyen Commission also committed to focus on competitiveness with an accent on the completion of the single market and on resilience. Concretely for the waterborne sector, the EC committed[646] to developing a comprehensive EU Port Strategy focusing on security, competitiveness and economic independence, and to proposing a new industrial maritime strategy to enhance the competitiveness, sustainability and resilience of Europe's maritime manufacturing sector.

[639] Please see the European employment strategy, here.
[640] Please see the European competition policy, here.
[641] Please see the European policy on the single market for goods and service, here.
[642] Please see the European policy on delivering the European Green Deal, here.
[643] Enrico Letta's Report on the Future of the Single Market (April 2024); Mario Draghi's Report on The future of European competitiveness (September 2024)
[644] Competitiveness compass
[645] Political Guidelines for the Next European Commission 2024−2029, von der Leyen, Strasbourg, 18/7/2024
[646] Mission Letter Apostolos Tzitzikostas, Commissioner for Sustainable Transport and Tourism, 17/9/2024

For the wider EU policies on competition, trade and growth, the legislative acts within Group 1, 2 and 3 need to be considered.

The objectives of the legislation in Group 1 are to establish a common transport policy and build up a smoothly functioning internal market. The legislation in Group 1 is aligned with the wider EU policies in the areas of competition and (free) trade, as the objectives of the wider EU policies are also to ensure free movement of goods, services and capitals within the European Single Market. The legislation in this group provides a mechanism to ensure that the IWT market remains open and free.. The requirement to carry a transport documents based on the same requirements according to Article 6 of Council Regulation (EEC) No 11/1960 enables enforcement authorities across the EU to check compliance with transport rates and conditions. Council Directive 96/75/EC established freedom of chartering and pricing in all EU Member States and thus greater commercial flexibility and increased competitiveness of the sector in the EU Single Market; overcoming national protectionism and restrictive practices. If needed, action can be taken to protect the current regime (e.g. infringement procedure initiated in 2017 against Belgium or against the Netherlands in 1996 related to discriminatory practices[647]). As such, the legislation in Group 1 as well as the wider EU legislation on competition and (free) trade are working towards the same objectives.

The objectives of the legislation in Group 2 are to regulate access for all EU vessels to all inland waterways in EU Member States. Similar to Group 2, the objectives in Group 3 are to coordinate the conditions for access to the occupation of carriers. The legislation in both groups – as presented under the conclusions of Group 2 and 3 – created a more harmonised access regime for EU operators to operate IWT services within the European Single Market. As such, the legislation in Group 2 and Group 3 are working towards the same objectives as the wider EU legislation on competition and (free) trade.

Consistency with EU policies on free movement of goods and services within the European single market has been confirmed by stakeholders during the consultation activities[648]. They stated that the Group 1 legislation removed restrictions and discriminations to entering and operating in the IWT sector. The implementation of the eFTI Regulation is expected to remedy as of July 2027 concerns raised by EBU and ESO[649] on the acceptance of electronic documents in IWT, which is perceived as currently unclear in relation to Council Regulation (EEC) No 11/1960. In EBU's and ESO's view, currently electronic documents are accepted depending on whether national laws allow it and there is no coherent application of electronic documents across the EU in IWT. For Group 1 legislation, the entry into force of the eFTI Regulation as of July 2027 will further improve efficiency and drive the sector towards paperless solutions.

[647] The Belgian case resulted in change in Belgian law to comply with EU law on provisions on freedom of price formation (Council Directive 96/75). The Dutch case related to discrimination between users of transport services resulting from the Dutch law on the division of freight in North-South IWT.

[648] Public consultation: out of 13 respondents 11 respondents were of the view that the Framework had a positive impact on the freedom to provide services to a great/moderate extent, 12 respondents were of the view that the Framework had a positive impact on the free movement of goods to a great/moderate extent. Remaining respondents indicated 'don't know'. Moreover, 10 respondents out of 13 were of the view that the Framework ensures to a great/moderate extent non-discriminatory access within the Single Market, while 1 respondent answered that the framework did not contribute to that. 2 respondents indicated 'don't know'.

[649] Based on targeted interview with EBU, ESO in the context of the fitness check support study.

During the 2024 survey some Member States administrations stated that they value the contribution of the IWT market access framework to the sector's competitiveness.

Climate change policy and sustainable growth

The **European Green Deal**[650] and the **Sustainable and Smart Mobility Strategy**[651] highlight the relevance of increasing the role of inland waterway transport to make the transport system more sustainable, in line with the 2050 EU's climate neutrality target and the zero-pollution goal. To this end, two milestones covering the inland waterway transport have been set by the Sustainable and Smart Mobility Strategy[652]: (i) by 2030, waterborne-based and rail intermodal transport should be able to compete on equal footing with road-only transport, in terms of share of external costs internalized; (ii) transport by inland waterways and short sea shipping should increase by 25% by 2030 and by 50% by 2050, compared to 2015.

The objectives of the legislation in Group 4 are to reduce overcapacity in the sector and to improve the competitiveness of the IWT sector. As such, given the fact that IWT is considered as an environmentally friendly mode, and given the fact that – against this background – policies are developed to promote the share of IWT in the modal split, a comparison can be drawn with the wider EU policy area of climate change policy.[653]

Since Article 8 of Regulation (EC) No 718/1999 was amended in 2014[654], the legislation in Group 4 is aligned with the wider EU policies in the areas of climate change and sustainable growth. New measures were included to encourage innovation and IWT's adaptation to technical progress as regards environment. The legislation in this group aims to support the modernisation, thereby improving the competitiveness of the IWT sector. As such, the legislation in Group 4 as well as the wider EU legislation on climate change policy are aiming towards the same objectives. Regarding Council Regulation (EC) 718/1999, stakeholders[655] confirmed that the EU IWT Reserve Fund is in line with wider EU policies aimed at making the transport sector more sustainable.

In line with Article 3.5 of Council Regulation (EC) 718/1999 the Reserve Fund was used in 2017 to create the IWT Platform[656] whose continuation was supported together with the

[650] The European Green Deal: COM(2019) 640 final
[651] Sustainable and Smart Mobility Strategy
[652] Sustainable and Smart Mobility Strategy
[653] See for instance NAIADES III, here.
[654] Regulation (EU) 546/2014
[655] 4 out of the 10 scoping interviews confirmed this point (3 with international organisations and one with an IWT expert). However, 2 out the 4 national organisations interviewed, highlighted the lack of clarity on how to use the Reserve Fund to reach sectoral objectives of sustainability and innovation. AT pointed to the limitations in providing State aid to IW to green their vessels due to competition law.
[656] EUR 7 million was transferred to establish the IWT Platform and to fund its activities for ten years (2017 to 2027), providing EUR 700,000 annually.

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continuation of the Fund in its current form[657]. Several stakeholders indicated[658] that the Reserve Fund could be used to stimulate innovation and support programmes for simulators for schools or catalysts[659] or for the uptake of clean technologies.

As for Group 3, the list of required knowledge included in the Annex of the Directive is still reflecting the situation of the 1980s and missing skills related to digitalisation and clean technologies. The CCNR Secretariat also remarked[660] that competencies related to digitalisation and clean technologies are currently missing.

Jobs and social dimension

The main aim of European employment policy is the creation of more and better jobs throughout the EU. Topics such as creating minimum requirements on working conditions, preventing social dumping, as well as the modernisation of jobs all have an important role to play in this respect.

Looking at legislation in Group 4, the legislation[661] has been amended to allow for measures to improve skills in inland navigation and knowledge of logistics in order to safeguard the development and future of the profession.

The list of required knowledge included in the Annex of the Directive is still reflecting the situation of the 1980s and missing skills related to digitalisation and clean technologies. While Directive (EU) 2017/2397 on the recognition of professional qualifications in inland navigation for crew addressed required competences, Directive 87/540/EEC only includes knowledge. The CCNR Secretariat also noted[662] the mentioned inconsistencies between Directive (EU) 2017/2397 and Council Directive 87/540/EEC and remarked that currently competencies related to digitalisation and clean technologies are missing.

Finally, concerning equality mainstreaming - gender (non-)neutrality in Pillar 2 legislation, several text fragments were remarked in Council Regulation 3921/91, Council Regulation 1356/96 and Council Directive 87/540/EEC referring only to one gender (he/his). While

[657] During the gap filling survey for Member States authorities, organised by the Commission in the fourth quarter of 2024, AT, HR DE and NL administrations were of the view that the inland waterway Funds are still needed in their current form. 4 Member States indicated 'cannot say' or left the reply to the question blank. During the gap filling survey for operators' associations, organised during the same period, all respondents, including the IWT Platform, were of the view that the inland waterway Funds are still needed in their current form.

[658] During the public consultation, the French administration commented that the focus now should lay on reducing the lifetime of the vessels in order to reduce the IWT's impact on the climate, rather than reducing the capacity of the fleet. The association of barge operators (EBU/ESO), mentioned in an interview that the Fund could be used to stimulate innovation and used for example for programmes for simulators for schools or catalysts. The scrapping goals of the Regulation are less relevant as e.g. tankers are currently less than 30 years old. The IWT Platform mentioned in an interview that some stakeholders want to maintain the scrapping (programme) but not the old-for-new rule. This was especially the case of the tanker sector, when the change from the single to double hull took place.

[659] According to Article 8, without prejudice to Article 3(5), any Member State may take measures in particular to: make it easier for inland waterway carriers leaving the industry to obtain an early retirement pension or to transfer to another economic activity; organise vocational training or re-training schemes for workers leaving the industry; encourage private owner-operators to join trade associations; encourage adaptation of vessels to technical progress in order to improve working conditions and promote technical safety requirements; improve operators' skills in order to safeguard the development and future of the trade.

[660] Public consultation

[661] Article 8 of the Council Regulation (EC) No 718/1999

[662] Public consultation

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these points do not influence interpretation or enforcement of the legislation; they are listed for good order and in the broader context of EC's efforts to maintain/improve gender neutrality.

The IWT Internal Market Legislative Framework are in principle aligned with the wider EU framework aiming for better and safer jobs.

There were no inconsistencies found with the related social legislations applicable in IWT, namely the Posting of Workers Directive 96/71/EC, concerning the posting of workers in the framework of the provision of services, and its Enforcement Directive 2014/67/EU and the Derogation Agreement for Rhine boatmen concluded on the basis of Article 16(1) of Regulation (EC) 883/2004 on the coordination of the Social Security Systems (specifically the agreement on the determination of legislation applicable to Rhine boatmen, concluded on this basis). Further information on these related social legislations can be found in Annex VII.

To conclude, external consistency could be improved vis-à-vis the TFEU as well as between different legal instruments in IWT. Notably, there is a perceived lack of coherence of some terminology used by legislation for the carrier and the Professional Qualifications Directive for crew. The relevant legislation in the framework is based on knowledge for carriers while the Professional Qualifications Directive for crew uses a competence-based approach.

10. To what extent is the IWT Internal Market Legislative Framework consistent with market access rules set up under the legal systems regarding navigation on the Rhine and the Danube?

General evaluation questions – all seven acts

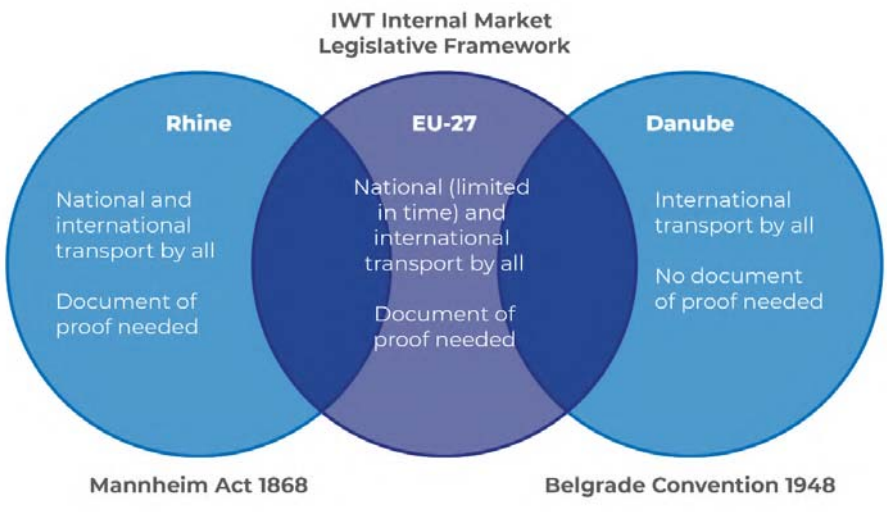
Legislation in Group 2 is found to be coherent with the Act of Mannheim (1868) and the Belgrade Convention (1948). However, as these international regimes partly differ, the need to be coherent with both regimes resulted in overly complex EU legislation on access rules on European inland waterways.

The need of proof

Both the Act of Mannheim and the IWT Internal Market Legislative Framework do require proof that the vessel is registered in an EU or a CCNR Member State. Further, both systems require the existence of a genuine link between the operator and a Member State. However, they both define the genuine link differently. On the contrary, the Belgrade Convention does not posit any genuine link requirement to grant access to international transport operations on the Danube and consequently does not require any certificate proving the genuine link. Therefore, operators can operate without proof on the Danube. On the Danube, the only requirement (though laid down by a recommendation) is to hold a vessel certificate (DFND[663], art. 1.10). Figure 27 below summarises the above analysis.

[663] Basic Provisions for Navigation on the Danube Basic Provisions for Navigation on the Danube (DFND) – Danube Commission – Donaukommission – Commission du Danube – Дунайская Комиссия

Figure 27: The different access regimes visually presented



Source: Ecorys et al. (2023)

Stakeholder views on the different access regimes

During the stakeholder consultation, stakeholders were asked whether the existence of multiple access regimes leads to problems. In general, the regimes themselves do not lead to major disruptions, however, as some regimes grant non-EU registered vessels access to the market, this is could be regarded as a possible disruption of the competitive position of the EU operators vis-à-vis non-EU operators[664]. Third country vessels do not have to comply with the EU technical requirements, the social legislation and transition to a zero-emission fleet[665]. This means that their cost profile is lower than that of their EU counterparts and especially on the Danube this is perceived as a risk.[666]

As regards the genuine link, ETWF[667] pointed to the Rhine certificate as an example where requirements applicable to the operator are clearly described by the CCNR, including on the application form: operator's registered office must be established where its commercial activity is concentrated and the existence of the clear link with the commercial activity must be proven.[668] . Some stakeholders[669] stated the permanent operation of vessels on the Rhine, with operators established in EU Member States with little to no IWT activity and applying lower social and fiscal standards.

[664] Exploratory interview with the Danube Commission Secretariat, February 2021
[665] Exploratory interview with the Danube Commission Secretariat, February 2021
[666] These views were expressed during the Danube workshop, 20 January 2022.
[667] European Transport Workers' Federation, public consultation
[668] Other stakeholders pleaded to improve the genuine link based on the country where substantial navigation activity takes place.
[669] This was expressed by 2 German SMEs in the SME survey (41 responses in total), in the scoping interview by one national administration and 1 business association, and as an outcome of the CCNR workshop. An expert stated that even if undertakings active on the Rhine have a stronger incentive to relocate to lower cost countries, effective access to the Rhine by the Danube fleet and vice versa remains limited. In the Danube workshop the DC secretariat expressed the risk that some companies might relocate to less demanding third countries riparian to the Danube to get their vessel certificate gaining a competitive advantage, however, this risk so far has not materialised in weakened competition.

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37. Taking into account existing legislation, as well as any available ongoing policy developments, evaluations, impact assessments, and studies, are there any notable inconsistencies, overlaps, synergies or complementarities between the legal acts (in scope) and other relevant pieces of legislation, in particular:

a. other EU legislation in the area of inland waterway transport policy (for example, the Professional Qualifications Directive, the Directive on Technical Requirements for Inland Waterway Vessels and the River Information Services Directive) and in particular with regards to their scope of application?

b. other EU legislation/initiatives concerning the transport of goods/passengers and logistics, including digitalisation of transport and logistics (e.g. relevant work within the Digital Logistics & Transport Forum (DTLF) and its sub-groups, Regulation on electronic freight transport information, (eFTI))?

c. other EU legislation in areas outside transport policy, such as the Digital Single Market, e-Government initiatives in relation to digitalisation, exchange of information and interoperability, and initiatives in the area of private data protection?

Horizontal evaluation questions – all seven legal acts

a. other EU legislation in the area of inland waterway transport policy (for example, the Professional Qualifications Directive, the Directive on Technical Requirements for Inland Waterway Vessels and the River Information Services Directive) and in particular with regards to their scope of application?

As already pointed out several incoherencies have been identified between the Professional Qualifications Directive (EU) 2017/2397 and the Council Directive 87/540/EEC (Group 3)[670].

On one hand, Council Directive 87/540/EEC applies to cargo operators, but not to passenger transport, unlike the Professional Qualifications Directive which includes provisions on professional qualifications for crew working on cargo and passenger vessel). As a consequence, entrepreneurs only need to demonstrate competences for the cargo market, while they employ crew who are trained to work on both passenger and cargo transport according to Directive (EU) 2017/2397. ETF[671] pointed to the growing importance of passenger transport, especially the river cruise market segment and the (locally important) tourism sector. It needs to be noted, though, that while carriers of passengers are not in scope of the Council Directive 87/540/EEC, some Member States do apply the same principles for both cargo and passenger carriers (see Table 15 in Annex IX).

On the other hand, an inconsistency between Directive (EU) 2017/2397 and Council Directive 87/540/EEC which share common objectives on regulating qualifications has been identified. The recently implemented Directive (EU) 2017/2397 pursues a competence based-system set up for crew members, based on CESNI standards. This competence based-system is different[672] from the knowledge-based approach applied in Council Directive

[670] See support study for further detail on inconsistencies.
[671] European Transport Workers' Federation (ETF, submitted document at public consultation)
[672] The difference between knowledge-based and competence-based certification is that while knowledge is measured against a standard knowledge base, competence-based certification evaluates how competent the individual is in applying that knowledge, and skills, in the actual workplace

87/540/EEC for IWT carriers, which is currently not based on CESNI standards and does neither cover digital or environmental knowledge[673], nor passenger transport.

Synergies between Directive (EU) 2017/2397, Directive (EU) 2016/1629 and Council Regulation (EEC) No 11/1960 had been identified: according to the Council Regulation (EEC) No 11/1960, Member States shall carry out controls or inspections. Evidence shows that controls are carried out, according to Member States, inspections are selected on a random basis and are carried out by police/water police/border police (FR, BE, HU, RO), waterway administration (BE, PL) and port authorities/harbour master (HU, RO)[674].

In Luxembourg, controls are carried out in cooperation with neighbouring countries (especially DE and FR) through an international convention[675] this could be regarded as a synergy. Moreover, Hungarian police[676] combines checks related to Council Regulation (EEC) No 11/1960 with checking other matters including crew member qualification and technical vessel requirements, resulting in synergies of control activities.

An opportunity for administrative simplification has been identified leading to possible further synergies between Directive (EU) 2016/1629 and Council Regulation (EEC) No 11/1960. The possibility to discontinue the specific *Certificate for belonging to the Rhine navigation*[677] and instead including the relevant information on vessel ownership in the *Union inland navigation certificate*[678]. Existing Regulations already allow for such simplification, if the Union inland navigation certificate and the registration certificate for a particular vessel are issued by the same state. A CESNI Working Group[679] is currently examining the practicalities of such approach. Moreover, future digital (vessel) documents could remove the need to provide the relevant data in paper format and could further improve efficiency and drive the sector towards paperless solutions.

Related to RIS and the Framework, no inconsistencies or overlaps have been identified, though RIS was mentioned in relation to digital solutions including regarding Council Regulation (EEC) No 11/1960 pointing to possible synergies or complementarities, see also the answers to the next sub-question.

There is strong synergy and complementarity between Council Regulation (EEC) No 11/1960 and the Combined Transport Directive 92/106/EEC (CT Directive): the effect of this Council Regulation extends beyond modes directly mentioned in it. The CT Directive built on Council Regulation (EEC) No 11/1960 and reiterated that, similarly to unimodal transport, combined transport is also free[680] of authorisations and quotas. It also refers[681] to the transport document as contained in the Council Regulation, thereby broadening the effect of the initial Council Regulation.

Moreover, there is a strong synergy and complementarity between Council Regulation

[673] This was also remarked by the CCNR secretariat in the public consultation.
[674] Member States Workshops Breakout sessions (EFTI-D1.2.5 Annex II)
[675] Member States Workshops Breakout sessions (EFTI-D1.2.5 Annex II)
[676] Interview with the Hungarian police in the context of the fitness check support study.
[677] Council Regulation (EEC) No. 2919/85
[678] Art 6 Directive (EU) 2016/1629
[679] European committee for drawing up standards in the field of inland navigation (CESNI) - CESNI - Comité Européen pour l'Élaboration de Standards dans le domaine de la Navigation Intérieure
[680] Article 2 of the Combined Transport Directive 92/106/EEC
[681] Article 3 of the Combined Transport Directive 92/106/EEC

(EEC) No 11/1960 and the Electronic Freight Transport Information (eFTI) Regulation (EU) 2020/1056[682]. The latter will simplify and encourage the digitalisation of freight transport and logistics and to further reduce administrative burden. As of July 2027, the Electronic Freight Transport Information (eFTI) Regulation (EU) 2020/1056[683] will enable the electronic submission of information contained in the transport documents[684] for freight transport, including inland navigation.

The synergy between Council Regulation (EEC) No 11/1960 and the Electronic Freight Transport Information (eFTI) is quantified as follows.

Council Regulation (EEC) No 11/1960 of Group 1 brings about costs for IWT operators and administrations as well as benefits for the IWT sector.

The Regulation (Article 6) requires a transport document for each consignment of goods, detailing the consignor's name and address, nature and weight of the goods, place and date of acceptance, place of delivery. The 2008 amendment of the Regulation[685] already reduced administrative burden by eliminating the obligation to create an additional document and allowing enterprises instead to use a national transport document, a company-related consignment note, a bill of lading or a multimodal document - if it contains the required information. Furthermore, the eFTI Regulation which enters into force in July 2027 provides for a reduction in recurrent administrative costs for IWT operators and simplification.

Keeping transport documents for each consignment of goods in IWT results in vast amounts of paperwork, especially for container transport (i.e. a single container ship typically carries up to 200 containers). 7 (41%) of the 17 respondents to the targeted survey[686] mentioned digitalisation (including eFTI Regulation, RIS Directive and Port information systems[687]) as a means of simplification. The CCNR Secretariat also noted during the public consultation that ‘paper documents could be replaced by digital versions’. See savings by eFTI under the section on efficiency in Annex III and Annex IV.

EU added value

11. To what extent has the IWT Internal Market Legislative Framework permitted achievements that could not have been reached at other levels of governance, for instance at international, regional (river basin) or Member State level (including through bilateral agreements)?

General evaluation questions – all seven acts

Due to the cross-border nature of Inland navigation in the EU objectives of the legislations in question could not have been achieved without EU level action and by local regional or national action alone, to establish common rules, create a common competitive market enable free movement of goods and freedom to provide services. Main results were the prohibition of fixed pricing regimes, tackling overcapacity in the fleet, removing obstacles to access cabotage and creating harmonised qualifications to access the profession. The

[682] Article 2.1., Art 5.1 of Electronic Freight Transport Information Regulation (EU) 2020/1056
[683] Article 2.1., Art 5.1 of Electronic Freight Transport Information Regulation (EU) 2020/1056
[684] Article 6 of Regulation 11/1960
[685] Council Regulation (EC) 569/2008
[686] Targeted survey (2021) carried out in the context of the fitness check support study.
[687] eFTI stands for Electronic Freight Transport Information Regulation and RIS for River Information Services Directive.

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framework established a common EU internal market, resulting in improved competitiveness, more harmonisation and creation of a level playing field.

According to the public consultation (see Figure 16 in section 4.2), the main areas where responding stakeholders see EU added value is related to opening and liberalization of the market, the freedom to provide services and the free movement of goods. The possibility to operate in a single market where the same rules apply to all operators and several requirements are harmonised is seen as a main EU added value of the Framework, together with non-discriminatory access, which assures a level playing field throughout Europe.

8 out of 9 respondents in the Danube workshop[688] also agreed or strongly agreed that the Framework lead to results that could not have been achieved without it (see Figure 17 in section 4.2).

Relevance

1. Are the objectives of the IWT Internal Market Legislative Framework still relevant considering the evolution of the market, the present transport policy priorities and the successive enlargements of the EU?

General evaluation questions – all seven acts

The framework was clearly relevant at the time of its adoption and is overall still relevant today while in some respect the legislations do not fully correspond to today's and future needs, see for instance the requirements on knowledge and expertise of IWT entrepreneurs and the IWT Fund, which is too small to be able to respond to future challenges such as climate change mitigation and adaptation of the IWT sector. While scrapping schemes have not been used since 2003, and the mechanism on serious market disturbance has not been triggered so far, stakeholders who have responded to stakeholder consultation activities rather considered these as tools for building resilience of the IWT sector and therefore as still relevant.

The public consultation results[689] confirmed the relevance of the Framework. For each of the legislation (see Figure 18 in section 4.3) more respondents are of the view that the legislation is 'very relevant' or 'somewhat relevant' than the number of respondents responding 'not relevant'.

The overall conclusion is that the legislative Framework was highly relevant at its enaction and still is relevant for the establishment and the smooth functioning of the single market in IWT. Looking to the future, it will still be relevant as a reference for continued enforcement efforts and considering future enlargements.

[688] Danube workshop, 20 January 2022
[689] Public consultation (see Figure 16 in section 4.3)

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Matrices by legislation

Effectiveness questions

Effectiveness

13. Council Regulation (EEC) No 11/1960 (transport document) - a) What benefits have resulted from the requirements that made it compulsory to keep transport document on board and for them to be kept by the carrier? b) Which stakeholder groups have benefitted?

Group 1 – Council Regulation (EEC) No 11/1960

Sub-question	Assessment criteria	Type of information	Indicators	Sources
EQ-13b: Who has benefited from the provisions of Council Regulation (EEC) No 11/1960 regarding the holding of documents?	The questions have been reversed as it is important to first identify the beneficiaries and then (in the following question) to identify the benefits per stakeholder. This is an exploratory question to identify the stakeholder groups that have benefitted, and the benefits materialized for both intended stakeholders as well as other stakeholders.	• Benefits materialised for intended stakeholders. • Benefits materialised for other stakeholders	*Qualitative indicators:* - Identification and verification of beneficiaries	• Interviews (2021) with stakeholders, i.e. ProDanube the Secretariat of the Danube Commission, IWT Platform, EBU/ESO, with former CCNR secretary • Targeted consultation for Member States authorities, organised by the Commission in the fourth quarter of 2024. • Paper submitted by EBU (Roadmap and OPC) • Paper submitted by Entreprises Fluviales de France (OPC) • Targeted survey for national authorities • Literature research, in particular market studies and association reports, as well as studies, legislation and policy documents related to the Combined Transport Directive 92/106/EEC and eFTI, Council Regulation (EEC) No 11/1960
EQ-13a: What benefits have resulted from the above provisions for each stakeholder?	This question looks at the benefits per stakeholder to assess whether the existence of benefits reach the main objective of Council Regulation (EEC) No 11/1960 to assess whether the IWT market has become more open and competitive and developed in other aspects such as professionalisation, scaling-up and renewal of the fleet. The	• Existence and estimated value of benefits	*Qualitative indicators:* -Non-quantifiable benefits, such as fair competition, safety, liability, insurance components, etc.	

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Sub-question	Assessment criteria	Type of information	Indicators	Sources
	main objective of Council Regulation (EEC) No 11/1960 was to abolish discrimination in transport rates and establishing conditions leading to the main benefit of liberalisation and opening up of the IWT market through fairer price competition.		*Quantitative indicators:* - estimated value of benefits (no estimate received)	• 1955 Bratislava Agreements, Bratislava Agreements (donau.bg)

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14. Council Regulation (EEC) No 11/1960 (inspections) - a) To what extent have inspections been carried out over the evaluation period to verify compliance of undertakings with Council Regulation (EEC) No 11/1960? b) To what extent have inspections led to benefits for any stakeholder group? c) Have inspections had any unintended negative or positive consequences?

Effectiveness

Group 1 – Council Regulation (EEC) No 11/1960

Sub-question	Assessment criteria	Type of information	Indicators	Sources
EQ-14a: To what extent have inspections been carried out over the evaluation period to verify compliance of undertakings with Council Regulation (EEC) No 11/1960?	The question looks at whether inspections has been taking place and the extent of undertaken inspections. Have the member states actively checked the transport documents for compliance with prices and transport conditions.	• Inspections have taken place • Extent of undertaken inspections	*Quantitative indicators:* - No. of inspections per MS per year *Qualitative indicators:* - Estimation by stakeholders on frequency of inspections	• Targeted survey (2021) carried out in the context of the fitness check support study. • Dedicated SME survey, conducted with the support of the European Enterprise Network in 2022. • Targeted consultation of operators' associations and Member States authorities, organised by the Commission in the fourth quarter of 2024. • Exploratory interviews EBU and the Dutch MoT Literature research, in particular: • Survey on enforcement procedures (EFTI-D1.2.5 Annex III: Online survey on enforcement procedures). • Overview of the processes and procedures performed by different national competent authorities when checking regulatory information under the scope of the eFTI Regulation (EFTI-D1.2.5). • Member States Workshops Breakout sessions (EFTI-D1.2.5 Annex II)
EQ-14b: To what extent have inspections led to benefits for any stakeholder group?	This question looks at the potential benefits that inspections have brought for each stakeholder group compared to a situation where this legislation would not have been in place, to look at whether inspections have brought a benefit for at least one stakeholder group. The purpose of the question is also to identify potential negative impacts in case of absence of inspections and the extent of benefits for stakeholders.	• Inspections have brought a benefit for at least one stakeholder group. • Identification of potential negative impacts in case of absence of inspections • Extent of benefit for stakeholders	*Qualitative indicators:* - Non-quantifiable benefits, such as fair competition, safety, liability, insurance components, etc.	
EQ-14c: Have inspections had any unintended negative or	This is an exploratory question, which looks into possible unintended positive and negative consequences of the inspections (e.g. in terms of	• Identification of unintended effects and affected stakeholders	*Quantitative indicators:* - Monetary impacts (positive or negative) (no estimate received)	

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Sub-question	Assessment criteria	Type of information	Indicators	Sources
positive consequences?	additional costs). The question intends to identify unintended effects and affected stakeholders and the estimation of the extent of impact.	• Estimation of the extent of impact	- Other quantitative indicators (time, personnel numbers, etc) (no estimate received) *Qualitative indicators:* - Qualitative assessment by stakeholders	

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15. How successful has been Council Directive 96/75 in eliminating national rules and practices impeding the freedom of chartering and pricing?

Effectiveness

Group 1 – Council Directive 96/75

Sub-question	Assessment criteria	Type of information	Indicators	Sources
EQ 15a: What national rules were in place that hampered the freedom of chartering and pricing?	This is a baseline question, which aims to sketch the picture of the market situation at the time of adoption of Council Directive 96/75.	n/a	*Qualitative indicators:* - Overview of national rules on chartering and pricing	Targeted survey for national authorities Public consultation, SME panel. Feedback on the roadmap, in particular EBU Targeted consultation of Member States authorities and operators' associations, organised by the Commission in the fourth quarter of 2024 Feedback on the roadmap Targeted interviews with MS authorities (Ministry of Transport), associations (e.g. EBU/ESO, Pro Danube and INE), businesses (individual carriers) and the individual IWT experts, in particular: Interview with the representative of Rhine operators and DE Commissar to the CCNR representing the profession (2021) carried out in the context of the fitness check support study. Targeted interview with RO association of inland ship owners and port operators Interview with the Hungarian police in the context of the fitness check support study Interview with Expertise and Innovation Centre Barging (EICB) Literature research on national rules that used to exist and are now eliminated. (p. 59-61, annexes to support study), diverse reports, in particular: Belgrade Convention (1948) The Bratislava Convention

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Sub-question	Assessment criteria	Type of information	Indicators	Sources
				'The importance of the Rhine-Main-Danube transport corridor: its impact on the Central and East European countries, with an emphasis on Romania' by Constantin Sava, World Maritime University – 1997. Legal analysis, in particular: Council Directive 96/75/EC and EU acquis to be complied with by accession countries, Complaints and infringements against Member States
EQ-15b: To what extent has Council Directive 96/75 achieved its aim to eliminate rules and practices impeding freedom of chartering and pricing?	This question looks to what extent the main aim of Council Directive 96/75 has been achieved, whether no practices remain that impede the freedom of chartering and pricing. The question looks at whether the gradual timeline of the Directive was respected and if complaints were being reported.	No practices remain that impede the freedom of chartering and pricing The gradual timeline of the Directive was respected No complaints are reported	*Qualitative indicators:* - Presence or absence of impeding national or regional rules - Entry conditions at accession - Number of infringements - Analysis of infringements	

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26. To what extent has the Directive resulted in an improved, more uniform and transparent scheme for freight carriers' access to the profession at European and Member States' level?

Effectiveness

Group 3 – Council Directive 87/540/EEC

Sub-question	Assessment criteria	Type of information	Indicators	Sources
EQ-26a: How was the occupation of the carrier regulated before the adoption of Council Directive 87/540/EEC, and did it change thanks to it?	This is a baseline question which aims to sketch the picture of how the occupation of carrier was regulated at the time of adoption of Council Directive 87/540/EEC.	• Rules to access the occupation of carrier of goods have improved	*Qualitative indicators:* - Overview o rules applicable to the occupation of carrier and the related qualifications	Literature research on rules governing the profession of carrier - Targeted interviews with MS authorities, international organisations, operators' associations (e.g. EBU/ESO, ETF) and businesses (individual carriers) - Targeted survey (2021) carried out in the context of the fitness check support study. - SME panel, public consultation - Targeted consultation during the gap filling phase, Feedback on the roadmap Literature review including verification of MS certification authorities web-sites, etc, targeted interviews and survey with the same organisations as mentioned before
EQ-26b: To what extent has Council Directive 87/540/EEC created uniform rules to access the occupation of carrier of goods by IWT?	This question looks at the extent to which the rules to access the occupation of carrier of goods has become more uniform as a result of Council Directive 87/540/EEC.	• Rules to access the occupation of carrier of goods have become uniform •	*Qualitative indicators:* - Analysis of similarity/ uniformity / divergence of MS requirements (analysis of legislation) - Overview of differences and presenting them in tables ('Inventory of national implementation')	
EQ-26c: To what extent has the Directive led to a transparent rules for the access to the occupation?	This question focuses on an increase in the level of transparency currently provided through the application of Council Directive 87/540/EEC and whether the existing scheme applied by MS is transparent.	• Scheme applied by MS is transparent	*Qualitative indicators:* - Assessment of transparency by SMEs, ease of obtaining necessary information	

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Sub-question	Assessment criteria	Type of information	Indicators	Sources
EQ-26d: To what extent can the current scheme be considered as improved?	This question requires the comparison of the current scheme with the previous situation and looks at whether the existing scheme has brought quantifiable benefits for stakeholders and non-quantifiable benefits.	• Existing scheme has brought quantifiable benefits for stakeholders • Existing scheme has brought non quantifiable benefits	*Quantitative indicators:* - Monetary and time costs related to scheme *Qualitative indicators:* - Assessment by Stakeholders (no estimate received) - Other possible non quantifiable benefits	Targeted consultation of MS administrations and operators' associations during the gap filling phase Market observation by CCNR and Danube Commission

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29. Council Regulation (EC) 718/1999 - What is the state of play of the establishment, management and use of the Fund by Member States, and in particular of the Reserve Fund?

Effectiveness

Group 4 – Regulation 718/1999

Sub-question	Assessment criteria	Type of information	Indicators	Sources
EQ-29a: What is the status of establishment, management and use of Fund?	The aim of this question is to explore the way the Member States are implementing the Fund. To explore fund provision implementation and identify discrepancies.	• Explore fund provision implementation • Identify discrepancies	*Quantitative indicators:* - Per MS:, current reserves, managing authority - administrative burden (reporting burden) per MS - Number of occurrences that funds were used; timing (year/month) and occasion/ reason (note: Funds were used only once since 2003) - Level of fund use for the establishment of the IWT Platform *Qualitative indicators:* - beneficiaries of Fund (of the activities of the IWT Platform)	Targeted survey to MS authorities, associations, and businesses, SME panel, public consultation Literature review including market studies and association reports, in particular: Annual reports of the IWT Platform Amended Regulation 718/1999 by Regulation 546/2014 Council Directive 96/75/EC Commission Decision C(2017) 6663 final of 5.10.2017 authorizing the use of the Inland Waterways Fund Van Hassel E., Vanelslander T. and Sys C. (2016), 'Managing capacity in the inland waterway sector - To intervene or not to intervene?', Inland Waterway Transport, Routledge, available at: Managing capacity in the inland waterway sector
EQ-29b: What is the status of establishment, management and use of the Reserve Fund?	This question focuses in particular on the Reserve Fund, to explore fund provision implementation and identify discrepancies.	• Explore fund provision implementation • Identify discrepancies		
EQ-29c: What are the benefits of the establishment, management and use of the Reserve Fund?	This question will look at the potential benefits that the funds have brought compared to a situation where this legislation would not have been in place. The question looks at the extent of benefit for stakeholders and the identification of potential negative impacts in case of absence of IW funds.	• Extent of benefit for stakeholders • Identification of potential negative impacts in case of absence of IW funds	*Qualitative indicators:* - Non quantifiable costs and benefits (e.g. better functioning of the market, level playing field).	

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Sub-question	Assessment criteria	Type of information	Indicators	Sources
EQ-29d: How has the extension of objectives affected the management and use of the funds?	Regulation 718/1999 was amended by Regulation 546/2014; it extended the scope of the measures for the use of the funds. This question looks how this has impacted the management and use of the fund and explore whether the funds are used for new objectives and to what extent.	• Explore whether Funds are used for new objectives and to what extent.	*Qualitative indicators:* - Extent for fund use (measures)	Study on Financing the energy transition towards a zero-emission European IWT sector. ISCO 1 category Targeted consultation of MS administrations and operators' associations during the gap filling phase Targeted interviews with MS authorities, associations (e.g. EBU/ESO, IWT Platform, Pro Danube) and with individual IWT experts, in particular interview EBU/ESO and the IWT Platform

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30. Council Directive 96/75/EC - Has the mechanism in case of "serious market disturbances" (Article 7) been effective to achieve its objective?

Effectiveness

Group 4 – Council Directive 96/75/EC

Sub-question	Assessment criteria	Type of information	Indicators	Sources
EQ-30a: How often has the mechanism been requested by MS and granted by the Commission?	This is a baseline question which is to collect information on the occasions MS requested to trigger the mechanism and how the Commission dealt with such requests.	• n/a	*Quantitative indicators:* - Number of times MS requested to trigger the mechanism and the number of times the Commission granted the Request Qualitative indicators: - Reasons for requesting the mechanism and reasons for granting / refusing to trigger the mechanism	Legal analysis and literature review: Literature research on the mechanism and its functioning and targeted surveys to MS authorities (Ministry of Transport) Amended Regulation 718/1999 by Regulation 546/2014 Council Directive 96/75/EC Targeted interviews with MS authorities (Ministry of Transport, especially Belgium), international organisations and associations (e.g. EBU/ESO, IWT platform).
EQ-30b: To what extent has the 'serious market disturbances' mechanism of Council Directive 96/75 attained its goal and/or is still useful?	The aim of this question is to examine the extent to which the mechanism has supported the sector in overcoming any serious disturbances and/or is still useful. To examine whether the mechanism has been activated when necessary and to whether its activation was timely. The question also looks at whether the mechanism has contributed to ensuring stability during the disturbance period or at least mitigated negative impacts.	• Mechanism has been activated when necessary • Mechanism activation was timely • Mechanism contributed to ensuring stability during the disturbance period or at least mitigated negative impacts	*Quantitative indicators:* - Extent of use of mechanism and number of instances, time for activation of mechanism and period of application in each instance Qualitative indicators: - Assessment of stakeholders on positive use of mechanism	

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Efficiency questions

Efficiency

16. Council Regulation (EEC) No 11/1960 (transport document) - a) What types of costs have been associated with the introduction of transport document and the requirement, to have them on board and for them to be kept by the carrier? Which stakeholder groups have incurred these costs and how high have they been over the evaluation period? b) How do these costs compare to the corresponding actual benefits (see EQ No. 13 and 14 on effectiveness above) for stakeholders and society at large?

Group 1 – Council Regulation (EEC) No 11/1960

Sub-question	Assessment criteria	Type of information	Indicators	Sources
EQ-16a.1: What types of costs have been associated with the introduction of transport document and the requirement, to have them on board and for them to be kept by the carrier?	This question establishes the formal cost typology of the ex-post assessment relating to the application of the provisions of Council Regulation (EEC) No 11/1960. The question looks at the cost typology as per Better Regulation guidance (focus on implementation costs, enforcement costs), which costs are actors facing when complying with IWT legislation.	• Cost typology as per Better Regulation guidance (focus on implementation costs, enforcement costs)	*Quantitative indicators:* - administrative costs, adjustment costs - one-off, recurrent costs - cost for businesses and costs of administrations *Qualitative indicators:* - Qualitative assessment by stakeholders level of costs	Literature research, in particular studies, legislation and policy documents related to the Combined Transport Directive and eFTI [SWD(2018) 183 final], study by SIRA Consulting. Legal analysis, in particular: Council Regulation (EEC) No 11/1960 Council Regulation (EC) 569/2008 Targeted survey to MS authorities, associations, EBU/ESO and businesses Public consultation, SME survey Targeted consultation during the gap filling phase
EQ-16a.2: Which stakeholder groups have incurred these costs and how high have they been over the evaluation period?	This question focuses on the identification of impacted stakeholders and the allocation of costs to stakeholders and identify the level of costs.	• Identification of impacted stakeholders • Identification of costs incurred by stakeholders, or identification of level of costs		
EQ-16b: How do these costs compare to the corresponding actual benefits (see EQ No. 13	This question looks at the actual costs compared to the actual benefits for key stakeholder groups. This question also seeks to examine whether the benefits for	• Level of benefits, level of costs	*Qualitative indicators:* - Estimation of benefits by stakeholders	

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Sub-question	Assessment criteria	Type of information	Indicators	Sources
and 14 on effectiveness above) for stakeholders and society at large?	stakeholders have compensated for the efforts/costs	• Costs are compared to benefits for all stakeholders	- Assessment of costs and benefits by stakeholders, and how these relate to each other	

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17. Council Regulation (EEC) No 11/1960 (transport document) - To what extent have the requirements regarding transport document, led to unnecessary administrative burden and what are areas with potential for simplification and digitalisation of transport document?

Efficiency

Group 1 – Council Regulation (EEC) No 11/1960

Sub-question	Assessment criteria	Type of information	Indicators	Sources
EQ-17a: To what extent have the requirements of Council Regulation (EEC) No 11/1960 regarding the transport document led to unnecessary administrative burden?	The aim of the question is to consider the extent to which the administrative burden brought by Council Regulation (EEC) No 11/1960 can be considered unnecessary. The question looks at administrative costs that cannot be avoided without diminishing benefits. The question looks at where the costs originate from.	• Administrative costs cannot be avoided (without diminishing benefits)	*Qualitative indicators:* - Stakeholders views on whether administrative burden could be reduced and processes simplified or not.	Answers to EQ 16, literature research and targeted interviews with businesses (individual carriers) Legal analysis, in particular: Council Regulation (EEC) No 11/1960 Council Regulation (EEC) 3626/84 Council Regulation (EC) 569/2008 Electronic Freight Transport Information (eFTI) Regulation (EU) 2020/1056 Targeted survey Targeted interviews with MS authorities, associations and businesses (individual carriers) SME panel Literature research, in particular studies, policy documents and legislation related to the Combined Transport Directive and eFTI.
EQ-17b: What are areas with potential for simplification and digitalisation of transport documents? In particular considering recent developments, like the eFTI and the e-governance principles (notably the 'digital only' and once-	This is an exploratory question aiming to identify areas of potential simplification and digitalisation. Do public authorities accept electronics documents?	• Identify areas of legal simplification • Identify areas of digitalisation potential	*Quantitative indicators:* - Analysis of compliance with paperless principles. *Qualitative indicators:* - Processes /activities/requirements that could be simplified, particularly those where digitalisation could lead to simplification.	

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Sub-question	Assessment criteria	Type of information	Indicators	Sources
only'[690])?				Impact Assessment on Electronic freight transport information and Refit evaluation of the CTD, a study by SIRA Consulting.

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[690] COM(2016) 179 page 4, https://ec.europa.eu/transparency/regdoc/rep/1/2016/EN/1-2016-179-EN-F1-1.PDF.

18. Council Regulation (EEC) No 11/1960 (inspections) - a) What have been the costs associated with the inspections (see EQ No.14 on effectiveness) and what stakeholder groups bear these? b) How do these costs compare to the benefits from inspections that could be established?

Efficiency

Group 1 – Council Regulation (EEC) No 11/1960

Sub-question	Assessment criteria	Type of information	Indicators	Sources
EQ-18a: What have been the inspection costs relating to Council Regulation (EEC) No 11/1960 and what stakeholder groups did they fall on?	The aim of this question is to identify the costs linked with the inspection and to attribute them to the stakeholders		*Quantitative indicators:* - Inspection frequency as confirmed by administrations and business - No of inspections (as per EQ 14 - Inspection costs *Qualitative indicators:* - Qualitative indicators on inspection costs, including stakeholders assessment on inspection costs	Targeted survey to MS authorities, associations, and businesses and SME panel. Targeted interviews with MS authorities (including inspection authorities like police), associations and businesses (individual carriers). Legal analysis, in particular: Council Regulation (EEC) No 11/1960 Council Regulation (EEC) 3626/84 Council Regulation (EC) 569/2008 Literature research, in particular studies related to eFTI. SME survey, public consultation Targeted consultation of MS administrations and operators' organisations during the gap filling phase public consultation
EQ-18b: How do the costs compare to the benefits from inspections that could be established?	This question builds on the previous one and EQ14, looking at the cost benefit results of the inspections	Comparison of costs and benefits	*Qualitative indicators:* - Assessment of benefit-cost relationship stakeholders	

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31. Council Regulation (EC) 718/1999 - Over the period of evaluation period a) what type of costs have arisen related to the establishment, management and use of the IW Funds, how high were they and who bears these costs and b) have these costs been proportionate to the benefits they have generated?

Efficiency

Group 4 – Regulation 718/1999

Sub-question	Assessment criteria	Type of information	Indicators	Sources/Focus of Evaluation analysis
EQ-31a.1: Over the period of evaluation period what type of costs have arisen related to the establishment, management and use of the IW Funds, and how high were they?	This question investigates the costs for establishing, managing, and using the IW funds. It investigates the type of costs as well as the level per cost of establishment.	• Establishment of type of costs • Establishment of type of activities leading to costs (ie reporting burden)	*Quantitative indicators:* - amount of funds collected - associated costs (ie reporting burden) *Qualitative indicators:* - Qualitative assessment of costs - Stakeholders' qualitative assessment of IW funds costs	Targeted survey to MS authorities, associations, and businesses SME panel, Public consultation Literature review, legal analysis, in particular related legislation Commission Decision [C(2017) 6663 final] tariff rates by Member State for the ISCO 1 category market studies. Targeted interviews with MS authorities, international organisations, and associations. Targeted consultation of MS administrations and operators' organisations during the gap filling phase
EQ31a.2: Who bears the costs?	This question investigates the distribution of these costs among the stakeholders and the allocation of costs to authorities.	• Understanding which authorities bear those costs		
EQ-31b: Have the costs regarding IW funds been proportionate to the benefits they generated?	This question builds on the previous one looking at the cost benefit relationship of the IW funds.	• Comparison of costs and benefits	*Qualitative indicators:* - Assessment of costs and benefits by stakeholders	

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Coherence questions

Coherence

19. Council Regulation (EEC) No 11/1960: Have any inconsistencies developed, when comparing how requirements on carriage of goods by inland waterway transport have developed, compared to those by other transport modes covered by the Regulation?

Group 1 – Council Regulation (EEC) No 11/1960

Sub-question	Assessment criteria	Type of information	Indicators	Sources
EQ-19a: What are the requirements on carriage of goods by IWT and how have they developed since 1960?	The aim is to establish an overview of the original requirements on the carriage of goods by IWT in 1960 and analyse whether (and how) these requirements have changed since then, in order to have an overview of the current requirements.	n/a	*Qualitative indicators:* - Overview of requirements in 1960 - Overview of requirements in 2022 - Main developments to describe the changes between 1960 and 2022, if any	Analysis of legislation, such as Council Regulation (EEC) No 11/1960, TFEU, Coal and Steel Community, CMNI Convention, eFTI Regulation Literature research, especially legal paper on carriage of goods in general and carriage of goods in IWT in particular Stakeholder consultation
EQ-19b: What are the requirements on carriage of goods by road transport and how have they developed since 1960?	The aim is to establish an overview of the original requirements on the carriage of goods by road transport in 1960 and analyse whether (and how) these requirements have changed since then in order to have an overview of the current requirements.	n/a	*Qualitative indicators:* - Overview of requirements in 1960 - Overview of requirements in 2022 - Main developments to describe the changes between 1960 and 2022, if any	Analysis of legislation, such as Council Regulation (EEC) No 11/1960, TFEU, Coal and Steel Community, CMNI Convention, CMR Convention Literature research, especially legal paper on carriage of goods in the road sector in particular. Stakeholder consultation

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Sub-question	Assessment criteria	Type of information	Indicators	Sources
EQ-19c: What are the requirements on carriage of goods by rail transport and how have they developed since 1960?	The aim is to establish an overview of the original requirements on the carriage of goods by rail transport in 1960 and analyse whether (and how) these requirements have changed since then in order to have an overview of the current requirements.	n/a	*Qualitative indicators:* - Overview of the requirements in 1960 - Overview of the current Requirements - Main developments to describe the changes between 1960 and 2022, if any	Council Regulation (EEC) No 11/1960, COTIF Convention, literature research, especially legal paper on carriage of goods in the rail sector in particular and targeted interviews with sector associations. Stakeholder consultation
EQ-19d: To what extent are the requirements on carriage of goods for the different modes of transport similar?	The aim is to establish how the requirements on carriage of goods have developed over time and whether the requirements for the different modes have developed in a similar way or deviations have taken place	• The developments influencing the requirement on the carriage of goods have been similar • The requirements today are still similar between all modes	*Qualitative indicators:* - Number of current requirements that are similar - Number of current requirements that do deviate	Answers to EQ 19a, 19b and 19c, literature research, especially comparative studies on the requirements for the carriage of goods, targeted interview with all-round legal expert on the carriage of goods and with MS authorities

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20. Is the approach to legislating on conditions for carrying goods or passengers on EU inland waterways (cabotage, transport between Member States or in transit through them) consistent with the approach used in other transport modes?

Coherence

Group 2 - Council Regulation (EEC) No 2919/85, Council Regulation (EEC) No 3921/91 and Council Regulation (EC) No 1356/96

Sub-question	Assessment criteria	Type of information	Indicators	Sources
EQ-20a: Which legal approach is taken for carrying goods and/or passengers in rail and road transport, aviation and maritime transport?	The aim is to identify the conditions under which goods and/or passenger can be carried in rail and road maritime and aviation transport.	legal analysis	*Qualitative indicators:* Overview of cross border and the cabotage conditions in road, air, sea, rail and IWT transport	Legal analysis: • Treaty for European Union, Common Transport Policy • Regulation (EC) No 1072/2009 as amended in 2020, notably by Regulation (EU) No 2020/1055 (for road transport) • Regulation (EC) No 1073/2009 (for bus and coaches), • Directive 2012/34/EU, • Regulation 3577/92, • Regulation 4055/86/EC • Regulation 1008/2008 • Regulation (EU) 913/2010 • Council Regulation (EC) No. 1356/96 • Council Regulation (EEC) No 3921/91 • Regulations 2407/92, 2408/92, 2409/92 • Regulation (EC) No 1071/2009 • Council Directive 87/540/EEC • Directive 91/440 • Directive 2001/12

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Sub-question	Assessment criteria	Type of information	Indicators	Sources
				• Directive 2004/5 • Directive 2016/2370 • Council Regulation (EEC) No 2919/85 Interpretative Communication on “the temporary nature of road cabotage in the movement of freight” (2005/C 21/02) Decision No. 7/94 of the mixed committee of the EEA, ECOJ No. L160 of 28/6/94 Agreement between the European Community and the Swiss Confederation on air transport, 21 June 1999, decision of the Council n° 2002/309 of 4 April 2002 CCNR Resolution 1984-I-3 Review of relevant market studies Feedback from ETF Interviews with stakeholders such as Romanian and Polish delegates, the IWT Platform, a former Secretary General of the CCNR

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Sub-question	Assessment criteria	Type of information	Indicators	Sources
EQ-20b: To what extent are the conditions for carrying goods and/or passenger similar between IWT on the one hand and rail, road, aviation and maritime transport on the other hand?	The aim is to assess to what extent the approach considered for IWT is similar to that of rail and road, aviation and maritime transport.	• The approach taken is highly similar between the different transport modes, both goods and passengers • The conditions for carrying goods and/or passengers by IWT are similar to those of rail and road transport.	*Qualitative indicators:* - Extent of similar/diverging provisions on cabotage - Extent of similar/diverging provisions regulating transport of goods/passengers between Member States - Extent of similar/diverging provisions regulating transport of goods/passenger while transit through Member States	

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21. a) During the evaluation period, has the coexistence of different legal regimes (EU Treaty, Act of Mannheim, Belgrade Convention) led to any inconsistencies in regulating market access on EU inland waterways? b) Is the co-existence of different legal regimes a helping, hindering or neutral factor in pursuit of implementing an IWT Single Market?

Coherence

Group 2 - Council Regulation (EEC) No 2919/85, Council Regulation (EEC) No 3921/91 and Council Regulation (EC) No 1356/96

Sub-question	Assessment criteria	Type of information	Indicators	Sources
EQ-21a: Has the coexistence of different legal regimes (EU Treaty, Act of Mannheim, Belgrade Convention) led to any inconsistencies in regulating market access of EU inland waterways?	The aim is to analyse whether the different legal regimes, all providing conditions for market access, different from another and whether this leads to inconsistencies.	• There are no inconsistencies between conditions laid down in EU law and the Act of Mannheim • There are no inconsistencies between conditions laid down in EU law and the Belgrade Convention	*Qualitative indicators:* - Extent of similar/diverging provisions in EU law and the Act of Mannheim - Extent of similar /diverging provisions in EU law and the Belgrade Convention	Targeted interviews with the DC Secretariat and MS that fall under the Danube regime, including third countries, UNECE and experts on the subject; targeted survey; , public consultation and SME panel. Literature and legislative review, in particular: Act of Mannheim Belgrade Convention Council Regulation (EEC) No 2919/85 Council Regulation (EEC) No 3921/91 Council Regulation (EC) No 1356/96
EQ-21b: Is the coexistence of different legal regimes a helping, hindering or neutral factor in pursuit of implementing an IWT Single Market?	The aim is to analyse whether the fact that different legal regimes apply to market access influence the implementation of an IWT single market.	• The implementation of the single market is not hindered, or not hindered. Why. • Is above response different by stakeholder or by river basin	*Qualitative indicators:* - River commissions agreeing to the statement, and the reasons why or why not (no estimate received) - Member State authorities agreeing to the statement, and the reason why or why not (no estimate recieved)	Public consultation Directive (EU) 2017/2397

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Sub-question	Assessment criteria	Type of information	Indicators	Sources
			- Operators and other relevant economic actors agreeing to the statement, and the reason why or why not (no estimate received)	

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22. a) To what extent are the legal acts in Group 2 consistent in their approach to regulate access to the EU IWT market by third countries (e.g. Switzerland, Serbia, Ukraine)? b) To what extent are any of the differences in approach justified by and proportionate to the countries' different statuses (e.g. Association Agreements with Neighbourhood Countries and the Transport Community Treaty with Accession Countries, etc.)?

Coherence

Group 2 - Council Regulation (EEC) No 2919/85, Council Regulation (EEC) No 3921/91 and Council Regulation (EC) No 1356/96

Sub-question	Assessment criteria	Type of information	Indicators	Sources
EQ-22a.1: How is market access regulated in each of the three legal acts towards non-EU countries?	The aim is to analyse which conditions have been set in the three legal acts to establish what legal regimes are applicable to non-EU countries such as Switzerland, Ukraine and Serbia? In other words, do the three legal acts have a similar approach?	• The legal acts have a similar approach regarding market access of EEA counties. • All three legal acts have a similar approach regarding market access of countries with whom the EU has an Association Agreement. • All three legal acts have a similar approach regarding market access of countries with whom the EU has signed the Transport Community Treaty with Accession Countries.	*Qualitative indicators:* - Similar provisions granting market access to EEA countries - Similar provisions granting market access to countries with whom the EU has an Association Agreement - Similar provisions granting market access to countries with whom the EU has signed the Transport Community Treaty with Accession Countries	Legal analysis: Council Regulation (EEC) No 2919/85, Council Regulation (EEC) No 3921/91 and Council Regulation (EC) No 1356/96, including relevant memoranda of Understanding literature research, including academic literature on market access and EU law in general (especially on enlargements) Danube Convention EUCJ, C-266/03, 2 June 2005, Commission v. Luxembourg Public consultation, (stakeholder input by EU and non-EU respondents, like Switzerland, Ukraine and Serbia was allowed) CCNR documentation (River Law Committee)

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Sub-question	Assessment criteria	Type of information	Indicators	Sources
EQ-22a.2: In case of different regimes towards different countries: is such an approach justified?	The aim is to assess whether applying different regimes on market access are justified.	• Objective criteria can be identified based on which difference can be justified.	*Qualitative indicators:* - Overview of the criteria applied per type of country seeking access - Input from stakeholders on justifiability of the application of different regimes	Review of literature, research on EU accession law and policy Targeted interviews with stakeholders in Danube countries, including the Secretariat of the DC to understand practice of Danube regime today Public consultation reaching MS and 3rd country representatives.
EQ-22b: To what extent are any of the differences in approach justified by and proportionate to the countries' different statuses?	The aim is to assess whether the different regimes on market access are applied in a justified and proportionate manner.	• Burden imposed by different regimes is proportionate to benefit from status	*Quantitative indicators:* - Number of operators operating on EU waters from Switzerland, Ukraine and Serbia, UK & number of vessel - Number of third country operators who operate in EU IW - Number of refusals of vessels operating on EU water	IWT statistics (such as # of vessels on EU waters, economic actors on EU market, # of crew working in the EU) e.g. from the CCNR market observation report.

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27. To what extent are the requirements for carriers in the Directive consistent with the competence based-system set up for crew members under Directive (EU) 2017/2397 on the recognition of professional qualifications in inland navigation? Are there any contradictions or overlaps?

Coherence

Group 3 - Council Directive 87/540/EEC

Sub-question	Assessment criteria	Type of information	Indicators	Sources
EQ-27a: Which requirements are laid down in Directive (EU) 2017/2397?	The aim is to obtain an overview of the requirements laid down in Directive (EU) 2017/2397 on the recognition of professional qualifications.	Legal analysis	*Qualitative indicators:* - Overview of the requirements laid down - Overview to whom these requirements apply - Overview how these requirements apply - Impact of the requirements on crew	Council Directive 87/540/EEC Review of Directive (EU) 2017/2397, including the memoranda of understanding, review of other policy documents such as impact assessments and evaluation of this Directive[691] Various consultations Targeted interview with EBU/ESO
EQ-27b: To what extent do Council Directive 87/540/EEC and Directive (EU) 2017/2397 overlap?	The aim is to assess to what extent both Directives are coherent. In other words, do they overlap or are specific parts posing conflicts.	• There is no conflict between Council Directive 87/540/EEC and Directive (EU) 2017/2397 • The objectives achieved by both legal acts are partly similar (objective of Council Directive 87/540/EEC is much broader)	*Qualitative indicators:* - The number of overlapping requirements - The number of stand-alone requirements - The number of requirements that contradict the Directive (EU) 2017/2397 - Inconsistencies between Council Directive 87/540/EEC and Directive (EU) 2017/2397	In addition to a., Review of Council Directive 87/540/EEC, including memoranda of understanding, other policy documents and studies if available and targeted interview with EBU/ESO. Public consultation Exploratory interview with EU IWT platform[692]

[691] For example: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52021PC0071 and https://eur-lex.europa.eu/summary/EN/legissum:320404_1.
[692] p. 88 in the annexes to the support study

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28. To what extent are the requirements for carriers in the Directive consistent with the requirements pursuing similar objectives in other modes of transport, in particular road transport and aviation?

Coherence

Group 3 - Council Directive 87/540/EEC

Sub-question	Assessment criteria	Type of information	Indicators	Sources
EQ-28a: Which rules on professional competence are laid down in EU aviation law?	The aim is to obtain an overview of the requirements laid down in EU law for professional competence for carriers in the aviation sector.	n/a	*Qualitative indicators:* - Overview of provisions on professional competence for carriers in the aviation sector and what they entail	Amended proposal for a Council Directive on safety requirements and attestation of professional competence for cabin crew in civil aviation / COM/99/0068 final - SYN 97/0212, including related policy documents, Regulation 965/2012, Regulation 452/2014, Regulation 859/2008 repealed by Regulation 2018/1139 and Regulation 1321/2014, Regulation (EC) No 2111/2005, Regulation (EC) No 1008/2008, Regulation (EU) No 996/2010, Regulation (EU) No 376/2014, Directive 2014/30/EU, Directive 2014/53/EU, repealing regulations (EC) No 552/2004 and (EC) No 216/2008, literature research, including academic publications on professional qualifications in aviation, and ECA and with Member State Inspection authorities, targeted survey to all stakeholders.
EQ-28b: Which rules on professional competence are laid down in EU road transport law?	The aim is to obtain an overview of the requirements laid down in EU law for professional competence for carriers in the road sector.	n/a	*Qualitative indicators:* - Overview of provisions on professional competence for carriers in the road sector and what they entail	Regulation (EC) No 1071/2009 + 2020/1055 + related policy documents, Literature research, including academic publications on professional qualifications in road transport, and IRU and with Member State authorities, targeted survey with all stakeholders

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Sub-question	Assessment criteria	Type of information	Indicators	Sources
EQ-28c: Which rules on professional competence are laid down in EU rail transport law?	The aim is to obtain an overview of the requirements laid down in EU law for professional competence for carriers in the rail sector.	n/a	*Qualitative indicators:* - Overview of provisions on professional competence for carriers in the rail sector and what they entail	Directive 2012/34/EU, Regulation (EU) 913/2010, literature research, including academic publications on professional qualifications in rail transport, targeted interview with ETF and ERFA and with Member State authorities, targeted survey with all stakeholders.
EQ-28d: To what extent do the requirements for professional competence between the different modes of transport overlap?	The aim is to assess whether IWT has any undue competitive disadvantage as opposed to other modes of transport.	• The requirements for professional competence for carriers are similar between IWT and aviation • The requirements for professional competence for carriers are similar between IWT and road transport • The requirements for professional competence for carriers are similar between IWT and rail transport • The requirements for professional competence for carriers are similar between IWT and maritime transport	*Qualitative indicators:* - Number of similar provisions on qualifications - Number of similar provisions on training requirements - Number of similar provisions on certification requirements - Number of similar provisions on recording of activities	Analysis of the above

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33. Council Regulation (EC) 718/1999 - a) To what extent do the mechanisms set under the Regulation complement or interact with other EU sectoral instruments, in particular funding instruments? - b) Do any inconsistencies exist (between these instruments)?

Coherence

Group 4 – Regulation 718/1999 and Council Directive 96/75/EC

Sub-question	Assessment criteria	Type of information	Indicators	Sources
EQ-33a: To what extent do mechanisms set under the Regulation complement or interact with other EU sectoral instruments, in particular funding instruments?	Screening relevant EU sectoral instruments in order to compare the consistency with the mechanisms laid down in Regulation 718/1999.	n/a	*Qualitative indicators:* - Overview of the relevant instruments - Screening of these instruments aim to achieve and how they intend to do it	H2020, CEF, Cohesion Fund, EUSDR, State aid law and instruments included therein, https://eibip.eu/funding/, other Council Regulation (EC) 718/1999, Council Directive 96/75/EC, Regulation (EU) No 546/2014
EQ-33b: Do any inconsistencies exist between these instruments?	The aim is to assess to what extent the scrapping fund and old-for-new legislation are in line with other instruments on sectoral support.	• The mechanisms mentioned in Regulation 718/1999 are fully in line with identified EU sectoral instruments	*Qualitative indicators:* - Overlaps between the mechanisms mentioned in Regulation 718/1999 and other EU Instruments - Discrepancies/ conflicts between the mechanisms mentioned in Regulation and other EU Instruments	Answer to EQ 33a, literature review, including academic papers on Regulation 718/1999, market studies, targeted interviews with representatives of different stakeholder groups (e.g. MS authorities (Ministry of Transport) and associations (EBU/ESO, Pro Danube, INE) and targeted surveys to MS authorities (Ministry of Transport) and associations (EBU/ESO, Pro Danube, INE) Council Regulation (EC) 718/1999, Council Directive 96/75/EC, Regulation (EU) No 546/2014

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Sub-question	Assessment criteria	Type of information	Indicators	Sources

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34. Are there any inconsistencies a) within each of the two pieces of legislation of group 4 and b) between them?

Coherence

Group 4 – Regulation 718/1999 and Council Directive 96/75/EC

Sub-question	Assessment criteria	Type of information	Indicators	Sources
EQ-34a: To what extent is Council Directive 96/75/EC internally coherent?	The aim is to assess whether provisions laid down in Council Directive 96/75/EC are in line with another or that inconsistencies or conflicts between certain provision exists	• The Directive does not contain contradicting provisions.	*Qualitative indicators:* - Extent of similar/conflicting provisions • - Checks adjustment to cargo and passenger shipping separately	Council Directive 96/75/EC + relevant policy documentation, literature research, including academic papers on potential problems with Council Directive 96/75/EC Stakeholder consultation
EQ-34b: To what extent is Council Regulation (EC) 718/1999 internally coherent?	The aim is to assess whether provisions laid down in Council Regulation (EC) 718/1999 are in line with another or that inconsistencies or conflicts between certain provision exists	• The Regulation does not contain contradicting provisions.	*Qualitative indicators:* - Extent of similar/conflicting provisions	Council Regulation (EC) 718/1999 + relevant policy documentation, literature research, including academic papers on potential problems with Council Regulation (EC) 718/1999, targeted interview with legal expert on this Regulation and targeted survey to all stakeholders.
EQ-34c: Are there any inconsistencies between the two pieces of legislation of group 4?	The aim is to assess whether all provisions laid down in Council Regulation (EC) 718/1999 and Council Directive 96/75/EC are in line with one another or that inconsistencies or conflicts between certain provision exists	• The Council Directive and the Council Regulation do not contain contradicting provisions	*Qualitative indicators:* - Extentof similar/conflicting Provisions	Answer to EQ 34a & EQ 34b.

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EU added Value

EU Added value questions

24. a) What is the rationale of public intervention at EU-Level for group 2? b) To what extent has there been evidence of actual EU-added value (in support of this rationale)?

Group 2 - Council Regulation (EEC) No 2919/85, Council Regulation (EEC) No 3921/91 and Council Regulation (EC) No 1356/96

Sub-question	Assessment criteria	Type of information	Indicators	Sources
EQ-24a: What is the rationale of public intervention at EU-Level for group 2?	This question asks whether any EU Added Value could exist in theory; i.e. to make explicit the rationale that underlies the policy, with respect to optimising EU society's welfare.	• There is a welfare economic rationale for EU-level public intervention due to a market failure (e.g. borders, high coordination cost); equity concerns. • There is no conflict with the subsidiarity principle • There is no conflict with the proportionality principle	*Qualitative indicators:* - Subsidiarity analysis - Proportionality analysis - Mapping of political situation at time of adoption	Council Regulation (EEC) No 2919/85, Council Regulation (EEC) No 3921/91, Council Regulation (EC) No 1356/96 Targeted interviews with MS authorities (Ministry of Transport), international organisations, and associations and targeted surveys to authorities, associations, and businesses. Literature review
EQ-24b: What has been the actual EU-added value of group 2?	This question is the counterpart to 24a and asks about empirical evidence for EU added value; i.e. evidence that the theoretical benefit from EU-level intervention has actually materialised.	• Group 2 led to a direct and clear welfare benefit for EU society as a whole beyond that which non-EU-level actors would likely have achieved	*Quantitative indicators:* - Relevant efficiency and effectiveness indicators (including for example market statistics) *Qualitative indicators:*	Targeted survey Public consultation and SME survey

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Sub-question	Assessment criteria	Type of information	Indicators	Sources
			- Legal, operational, political analysis - Non quantitative information on benefits (e/g relating to synergies, etc)	

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35. a) What is the rationale of public intervention at EU level for group 4? - b) To what extent does evidence suggest group 4 has generated added value over and beyond what could have been achieved by Member States at national level?

EU added Value

Group 4 – Regulation 718/1999 and Council Directive 96/75/EC

Sub-question	Assessment Criteria	Type of information	Indicators	Sources
EQ-35a: What is the rationale of public intervention at EU-Level for group 4?	This question asks whether any EU added value could exist in theory; i.e. to make explicit the rationale that underlies the policy, with respect to optimising EU society's welfare. The question investigates whether there are conflicts with the subsidiarity and proportionality principle.	• There is no conflict with the subsidiarity principle. • There is no conflict with the proportionality principle. • There is a welfare economic rationale for EU-level public intervention due to a market failure (e.g. borders, high coordination cost); equity concerns.	*Qualitative indicators:* - Subsidiarity analysis - Proportionality analysis - Mapping of political situation at time of adoption	Council Regulation (EC) 718/1999, Council Directive 96/75/EC Targeted interviews with MS authorities (Ministry of Transport), international organisations, and associations and targeted surveys to authorities, associations, and businesses. Literature review.
EQ-35: What has been the actual EU-added value of group 4?	This question is the counterpart to 35a and asks about the empirical evidence for EU added value; i.e. evidence that the theoretical benefit from EU-level intervention has actually materialised.	• Group 4 led to a direct and clear welfare benefit for EU society as a whole beyond that which non-EU-level actors would likely have achieved	*Quantitative indicators:* - Relevant efficiency and effectiveness indicators (Including for example fleet statistics, employment statistics, etc) *Qualitative indicators:* - Legal, operational, political analysis - Non quantitative information on benefits (e.g. relating to synergies, etc)	Answers to EQ29, EQ30 & EQ31 and Eurostat data on fleet and employment Literature review on politics and targeted interviews with MS authorities (Ministry of Transport), international organisations, and associations Targeted surveys to all stakeholders

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Relevance questions

Relevance

12. To what extent have the original objectives of the legal acts in Group 1 met the challenges and needs of the IWT sector over the evaluation period until today? Particular attention should be paid to the objectives of opening and improving the competitiveness of the IWT market and ensuring non-discrimination in transport rates and conditions.

Group 1 - Council Regulation (EEC) No 11/1960 and Council Directive 96/75

Sub-question	Assessment criteria	Type of information	Indicators	Sources
EQ-12a: To what extent have the original objectives of the legal acts in Group 1 met the policy needs of the IWT market with respect to opening and improving the competitiveness?	Establish whether objectives correspond to the scale of challenges in the market when it comes to creating an open market with improved competitiveness throughout the evaluation period.		*Qualitative indicator:* - Infringements cases - Assessment of stakeholders of how adequate the policy ambition/ objectives of the legislation has been to respond to the challenges in the sector with regard to opening, competitiveness and non-discrimination	Council Regulation (EEC) No 11/1960, Council Directive 96/75/EC Literature review including the relevant legislation[693], the Bratislava Agreements, market studies[694] and associations' reports Targeted survey to all stakeholders Targeted interviews with MS authorities, international organisations, associations (e.g. EBU/ESO, Pro Danube, IWT Platform, EBU/ESO)
EQ-12b: To what extent have the original objectives of the legal acts in Group 1 met the policy needs of the IWT market with respect to ensuring non-discrimination in transport rates and conditions?	Establish whether objectives correspond to the challenges in the market regarding non-discrimination in transport rates and conditions.			

[693] i.e. Council Regulation (EC) 569/2008, Regulation (EU) 2020/1056; Combined Transport Directive 92/106/EEC

[694] NEA & PLANCO (1991). Towards a European Policy for the Inland WaterTransport Industry;
CE Delft, MDS Transmodal, NEA, PLANCO, Via Donau & Panteia (2011). Medium- and Long-Term Perspectives of IWT in the European Union;

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Sub-question	Assessment criteria	Type of information	Indicators	Sources
EQ-12c: Have the objectives of Group 1 legal acts met the challenges and needs of the IWT sector apart from those with regards to opening and improving the competitiveness of the IWT market and ensuring non-discrimination in transport rates and conditions?	Examine the extent to which the objectives of Group 1 were relevant to (and covered) the policy needs of the sector in terms of market access, competitiveness and barrier removal over the evaluation period.	• Objectives covered the actual needs of the sector. • Whether there were other needs in terms of market access, competitiveness and barrier removal, that the original objectives did not consider/cover (or whether other needs appeared during the period).	*Quantitative indicators:* - Market statistics *Qualitative indicators:* - Objectives cover actual needs (yes/no) - Review of needs development through the evaluation period - Identification of possible gaps and analysis of extent of needs coverage. - Indications from stakeholders sector needs not addressed during a specific period.	and businesses (individual carriers). Public consultation with submitted papers from EBU and Enterprises Fluviales de France, SME panel Targeted consultation of MS administrations and operators' organisations during the gap filling phase INFR(2017)4115-BE INFR(1996)4448-NL Danube workshop, 20 January 2022
EQ-12d: Is there any discrimination among EU operators currently that is not addressed by these acts?	This question aims to identify discrimination which is not addressed by the legal acts of this group.	• There is discrimination in the sector in the EU	*Qualitative indicators:* - Occurrences of discrimination in IWT sector (not addressed by legal acts Council Regulation (EEC) No 11/1960 and Council Directive 96/75)	

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23. Over the evaluation period, how well have the objectives of the legal acts corresponded to the sector's needs arising from developments of the EU IWT market (including from the successive enlargements of the EU and the implementation of free trade agreements including commitments in IWT)?

Relevance

Group 2 - Council Regulation (EEC) No 2919/85, Council Regulation (EEC) No 3921/91 and Council Regulation (EC) No 1356/96

Sub-question	Assessment criteria	Type of information	Indicators	Sources
EQ-23a: To what extent have the objectives of the Group 2 legal acts covered the needs of the sector over the evaluation period?	The aim of this question is to analyse the objectives of the legal acts in Group 2 and compare them with actual sector needs (over the evaluation period) in terms of the conditions to access the IWT market. There were other needs in terms of market access, competitiveness and barrier removal, that the original objectives did not consider/cover (or other needs appeared during the period).	• The objectives covered actual and real needs of the sector • There were other needs in terms of market access, competitiveness and barrier removal, that the original objectives did not consider/cover (or other needs appeared during the period).	*Quantitative indicators:* - Market statistics *Qualitative indicators:* - Examination of the development of needs from the sector through the evaluation period - Indications from stakeholders that sector needs are addressed /not addressed. - Objectives covered actual needs (yes/no) - Identification of possible gaps and analysis of extent of needs coverage	Legislations including Council Regulation (EEC) No 2919/85, Council Regulation (EEC) No 3921/91, Council Regulation (EC) No 1356/96, TFEU Literature review including Policy documents, market studies and association reports, such as Eurostat[695] and the Inland Navigation in Europe Market Observation[696] Targeted interviews with associations (e.g. CCNR experts) Public consultation, SME panel Review of FTAs,[697] TCT[698], Association Agreements, review of literature on the principle of free navigation on inland waterways[699]
EQ-23b: To what extent have free trade agreements	The aim of this question is to analyse the objectives of Free Trade Agreements and	• The objectives covered actual and real needs of the sector	*Quantitative indicators:* - Market statistics *Qualitative indicators:*	

[695] https://ec.europa.eu/eurostat/statistics-explained/index.php/Inland_waterway_transport_statistics.
[696] https://inland-navigation-market.org/.
[697] https://ec.europa.eu/trade/policy/countries-and-regions/negotiations-and-agreements/.
[698] Transport Community Treaty
[699] Advisory opinion of the CESE, 17 April 1985 (CES 292/85 final, OJ No C 169, 8. 7. 1985): In practice, the undertakings involved in Rhine navigation are likely to remain established in Rhine riparian States.

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Sub-question	Assessment criteria	Type of information	Indicators	Sources
(including commitments in IWT) contributed to covering the needs of the sector?	compare them with the actual needs of the sector in terms of conditions to access the IWT market. There were other needs in terms of market access, competitiveness and barrier removal, that the original objectives did not consider/cover (or appeared during the period).	• There were other needs in terms of market access, competitiveness and barrier removal, that the original objectives did not consider/cover (or other needs appeared during the period).	- Overview of relevant Free Trade Agreements- Indication from stakeholders to which extent the needs of the sector are addressed. - Identification of possible gaps and analysis of extent of needs coverage	Targeted consultation of MS administrations and operators' organisations during the gap filling phase Danube workshop, 20 January 2022 Treaty establishing the Transport Community (Council Decision (EU) 2019/392)

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25. To what extent are the scope and the requirements for the access to the occupation of carrier, laid down in the Directive, still relevant to address the current and future expected needs of the sector, particularly in view of a modern, digitalised, safe and environmental-friendly inland waterborne transport?

Relevance

Group 3 - Council Directive 87/540/EEC

Sub-question	Assessment criteria	Type of information	Indicators	Sources
EQ-25a: To what extent are the scope and requirements of Council Directive 87/540/EEC still relevant to address current and future needs of the sector?	This question will examine whether the scope and the requirements of Council Directive 87/540/EEC are still relevant to address the challenges of today as well as those of the future, with a focus on digitalisation, safety and environment.	• Scope and requirements are appropriate for current needs • Scope and requirements are appropriate for future needs	*Quantitative indicators:* - Market statistics, number of entrepreneurs, information about courses *Qualitative indicators:* - Identification of current and future needs and comparison with existing scope and requirements - Assessment of the extent to which current provisions lead to a qualification level that addresses todays and future challenges - gaps as communicated by stakeholders	Council Directive 87/540/EEC, TFEU Literature review including market studies and association reports[700] Targeted interviews with MS certification and inspection authorities, associations (e.g. EBU/ESO, Pro Danbe), targeted surveys to businesses (individual carriers, targeted consultation and SME panel. Public consultation[701]
EQ-25b: What are suggestions to improve legislation?	In this question we will look for suggestions for improvement of the legislation, in order to keep its relevance with today's challenges.	• n/a	*Qualitative indicators:* - Suggestions made by different stakeholders	

[700] For instance: https://inland-navigation-market.org/chapitre/3-overview-of-the-european-inland-waterway-transport-labour-market/.
[701] p. 77-79 annexes to support study

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32. Council Regulation (EC) 718/1999 - How well do the original objectives of setting-up a Community-fleet capacity policy through the establishment of national Inland Waterways Funds, including Reserve Funds, correspond to the current situation and needs of the IWT sector and of the wider society?

Relevance

Group 4 – Regulation 718/1999

Sub-question	Assessment criteria	Type of information	Indicators	Sources
EQ-32a: How do the original objectives of Regulation 718/1999 correspond to current and future needs of the IWT sector and the general society?	This question investigates the extent to which objectives of Regulation 718/1999 regarding the establishment of the IW fund and the Reserve Fund are still relevant to current and future needs of the sector and that the objectives are relevant to broader needs of the society.	• Objectives are appropriate for current needs of the sector • Objectives are appropriate for future needs of the sector • Objectives are relevant to broader needs of the society	*Quantitative indicators:* - Market, and fleet statistics *Qualitative indicators:* - Identification of current and future needs and comparison with existing objectives - Assessment of level of correspondence of objectives and needs first for the sector and then for the society (at a higher level) - Estimation by stakeholders current and future gaps - Identification of the actors benefitting from the activities of the IWT platform	Regulation 718/1999, Council Directive 976/75/EC Literature review including market studies, statistics databases (e.g. Eurostat), background documents on amendment of Regulation in 2014 and association reports and answer to EQ29. Targeted interviews with MS authorities, associations (e.g. EBU/ESO, IWT Platform, Pro Danube), business (individual carriers) and individual IWT experts[702] Targeted survey to stakeholders and SME panel Targeted consultation of MS administrations and operators' associations during the gap filling phase Public consultation
EQ-32b: How do the new objectives implemented by Regulation 546/2014 amending Regulation 718/1999 correspond to current and future needs of the IWT sector and the general society?	This question looks into the extent to which the new objectives of Regulation 718/1999 as implemented by Regulation 546/2014 are still relevant to current and future needs of the sector and the society.			

[702] Especially experts with a long working experience in IWT who are able to provide details on the historical development of the sector and the contribution of this legislation on the sector's development.

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Matrices for the Framework as a whole

Effectiveness

Effectiveness

2. To what extent has the IWT Internal Market Legislative Framework been effective and led to the establishment of a true internal market in IWT?

General evaluation questions – all seven acts

Sub-question	Assessment Criteria	Type of information	Indicators	Sources
EQ-2a: Has the overall legal framework reached its general objectives?	The aim here is to see if the seven legal acts together have reached their objectives and whether the effects expected have been fully materialised.	• Objectives have been reached addressed • The effects expected by the objectives have been fully materialised	*Qualitative indicators:* - Assessment by stakeholders of the achievement of fulfilled objectives	Targeted surveys to MS authorities (Ministry of Transport) and associations (e.g. EBU/ESO, Pro Danube, INE) and SME panel, public consultation Targeted interviews with MS authorities (Ministry of Transport), associations (e.g. EBU/ESO, Pro Danube, INE), and individual IWT experts[703] Literature research and in particular market studies and association reports[704] CCNR Market observatory reports Eurostat data
EQ-2b: Has the combined performance of the legal acts been effective?	The aim of this question is to identify the extent to which the combined performance of the legal acts has supported or gone beyond the	• Final impacts go beyond those envisaged in the individual objectives. • The result is directly linked to synergies of the legal framework	*Quantitative indicators:* - Objectives attained a higher level of performance than expected (N.B. no data received to be able to perform such an assessment) *Qualitative indicators:*	

[703] Especially experts with a long working life in IWT who are able to provide details on the historical development of the sector and the contribution of this legislation on the sector's development.
[704] For instance annual reports Inland Navigation Europe – market observation.

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Sub-question	Assessment Criteria	Type of information	Indicators	Sources
	attainment of the objectives		- Performance can be attributed to combined effect - Stakeholders agree to the existence of the effect	
EQ-2c: To what extent can be considered that the internal market has been achieved in the IWT sector?	Here the aim is to conclude whether IWT is considered complying with the proper definition of an internal market	• The IWT market has the characteristics of an internal market • The achieved internal market is a direct result of the legislative framework	*Quantitative assessment:* - Market size (volume) and share of volume of cross border traffic[705] - Number of employees and share of employees working in a cross border manner - Number of companies and share of companies operating in a cross border manner - Herfindahl–Hirschman Index, HHI *Qualitative assessment:* - Absence of barriers - IWT market can be defined as competitive, with no trade barriers and full four freedoms	

[705] By cross border traffic in this evaluation questions, we mean traffic originating from countries in which a specific waterway does not flow. For example, we look at operators from Member States that do not have connecting waterways. We also consider operators from the Rhine active on the Danube and operators from the Danube active on the Rhine.

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3. To what extent has the IWT Internal Market Legislative Framework contributed to the objectives of the EU IWT policy, as laid down in the NAIADES action programmes?

Effectiveness

General evaluation questions – all seven acts

Sub-question	Assessment Criteria	Type of information	Indicators	Sources
EQ-3a: What are the relevant objectives of the NAIADES action programmes?	The objective is to identify which NAIADES objectives are linked with the working of the IWT market legislative framework	• Impact of the IWT market legislative framework on the achievement of the objectives of NAIADES	*Qualitative indicators:* - Progress in each phase of NAIADES (for current situation) by the IWT market legislative framework	Literature review, including NAIADES policy documents and reports[706] Meeting with the NAIADES expert group
EQ-3b: To what extent has the IWT Internal Market Legislative Framework contributed to reaching the NAIADES objectives?	The aim is to assess to which extent the objectives achieved by NAIADES have been achieved as a result of the IWT Internal Market Legislative Framework.	• The impacts of the IWT market legislative framework contribute to achieving the relevant NAIADES objectives • Level of contribution to the objectives (individual per act if applicable and combined)		

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[706] For instance: European Commission (2011b), European Commission (2012a).

4. To what extent has the IWT Internal Market Legislative Framework improved the level playing field and competitiveness of the inland navigation sector compared to other transport modes, contributing notably to the modal shift objectives of the EU transport policy?

Effectiveness

General evaluation questions – all seven acts

Sub-question	Assessment Criteria	Type of information	Indicators	Sources
EQ-4a: To what extent has the legislative framework supported the competitiveness of the IWT compared to other (inland) transport modes?	Here we examine how and to what extent the legislative framework aids the competitiveness of IWT compared other transport modes	• There is quantitative evidence of competitive position • The competitiveness is a direct impact of the legislative framework (and not for example of the technical legislation)	*Quantitative indicators:* - Freight statistics; share of IWT over time - Freight costs/prices as compared to those in IWT *Qualitative indicators:* - Legal framework provisions actively supporting competitiveness of IWT in comparison with other modes - Competitive position and direct link with legislative framework	Literature research and in particular statistics (*EU transport in figures.* Statistical pocketbook 2024 (europa.eu)); CCNR market observatory reports, Danube Commission website; The Geography of Transport Systems Public consultation Studies, in particular: • European Commission (2016), Staff Working Document Refit Ex-Post Evaluation of Combined Transport Directive 92/106/EEC Final Report, SWD(2016) 140 final • Jonkeren, O., Rietveld, P., & van Ommeren, J. (2007), Christodoulou, A., Christidis, P., & Bisselink, B. (2020). Targeted interview with ProDanube, with EBU/ESO,
EQ-4b: To what extent has the legislative framework contributed to modal split objectives?	In this sub-question we focus on the particular question of the modal split	• There is quantitative evidence of positive modal split development (i.e. share of IWT is increasing)	*Quantitative indicators:* - Modal split statistics and their evolution over time *Qualitative indicators:* - Barriers in achieving modal shift	

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Sub-question	Assessment Criteria	Type of information	Indicators	Sources
EQ-4c: To what extent has the legislative framework established a level playing field with other competitive transport modes?	The aim here is to examine the existence of a level playing field the other transport modes (road and rail).	• Legislative framework covers particularities of the IWT	*Qualitative indicators:* - Legal framework supports IWT characteristics (e.g. provisions promote market and operational advantages) - Legal framework contains same/analogous/ proportionate provisions with road/rail legal framework - Legal framework contains provisions that balance legal/market/operational characteristics of road and rail	EICB, with the representative of Rhine operators and German Commissar to the CCNR representing the profession Legal analysis, in particular: • Legislation in scope • related amending acts • Commission Decision C(2017) 6663 final

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5. a) To what extent has the IWT Internal Market Legislative Framework been effective in countering adverse effects on the sector due to the COVID-19 pandemic? b) Have there been unintended effects, such as unfair competition practices or discrimination?

Effectiveness

General evaluation questions – all seven acts

Sub-question	Assessment Criteria	Type of information	Indicators	Sources
EQ-5a: To what extent was the legislative framework effective in addressing COVID-19 challenges?	Here we examine if and the extent to which the legislative framework supported the resilience of the IWT sector	• The legislative framework was not an obstacle of flexibility of the sector (i.e. though inflexible provisions) • The legislative framework supported the resilience of the sector (i.e. included provisions that supported the sector through the crisis)	*Quantitative indicators:* - Statistics on market performance and COVID-19 impact *Qualitative indicators:* - Absence of restricting provisions and existence of supporting provisions - Need for EU or national intervention to support the sector (in terms of acts adopted, derogations provided, etc) - Comparison of performance with that of other land transport modes	Literature research and in particular statistics, market studies and association reports, study by the UNECE, CCNR market observatory reports, study by ABN AMRO, paper by the Robert Schuman Foundation, website of the IWT Platform Targeted interviews with EBO/ESO/, Danube workshop Reports, in particular: • European Commission (2020). Communication from the Commission on the implementation of the Green Lanes under the Guidelines for border management measures to protect health and ensure the availability of goods and essential services 2020/C 96 I/01; - European Commission (2020). COVID-19 - Guidelines for border management measures to protect health and ensure the availability of goods and essential services 2020/C 86 I/01; • The seven legal acts in scope of the Fitness check
EQ-5b: To what extent have there been unintended effects, such as unfair competition practices or discrimination?	This is an exploratory question and will look into whether the MS and market reaction to COVID-19 brought any unintended effects	• Existence and size of unintended effects	*Qualitative indicators:* - Existence of unintended effects	

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Effectiveness

36. Has the implementation of the legal acts (in scope) revealed any other negative impacts or issues not covered under any of the other evaluation questions?

Horizontal evaluation question – all seven legal acts

Sub-question	Assessment Criteria	Type of information	Indicators	Sources
EQ-36a: Have there been any negative unintended effects or uncovered areas in terms of effectiveness? **EQ-36b:** Have there been any negative unintended effects or uncovered areas in terms of efficiency? **EQ-36c:** Have there been any negative unintended effects or uncovered areas in terms of relevance? **EQ-36d:** Have there been any negative unintended effects or uncovered areas in areas not identified above?	These series of sub-questions aim to identify the existence and extent of possible unintended effects. While the focus will be on negative effects, we do not exclude the identification of positive ones. This question will be examined for each of the legal acts.	• Existence of unintended effects • Size and extent of such effects	*Quantitative indicators:* - Any possible quantitative information in terms of costs, people, numbers, etc. *Qualitative indicators:* - Qualitative description of impact and its implications to the IWT sector or beyond	Targeted interviews with MS authorities, international organisations, associations and businesses (individual carriers), in particular interview with the HU and NL police Targeted survey to MS authorities (Ministry of Transport) and associations (e.g. ESO/EBU) SME panel Literature review, in particular: Survey on enforcement procedures (EFTI-D1.2.5 Annex III: Online survey on enforcement procedures) and Overview of the processes and procedures performed by different national competent authorities when checking regulatory information under the scope of the eFTI Regulation (EFTI-D1.2.5). Targeted consultation of operators' associations and Member States authorities during the gap filling phase

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Efficiency

Efficiency

6. To what extent has administrative costs and enforcement costs for authorities (e.g. issuing of documents and certificates, enforcement, administering funds) as well as compliance and administrative costs of other stakeholders affected by the IWT Internal Market Legislative Framework proportionate and necessary in relation to the outputs and results achieved?

General evaluation questions – all seven acts

Sub-question	Assessment Criteria	Type of information	Indicators	Sources
EQ-6a: To what extent are administrative costs and enforcement costs for authorities introduced by the Legislative Framework proportionate and necessary to the results achieved?	The aim of this question is to examine the extent to which the burden imposed by the Legal Framework is justified and proportionate to the benefits	• Cost categories for authorities are necessary (i.e. benefits could not be achieved otherwise) • Cost categories for stakeholders are necessary (i.e. benefits could not be achieved otherwise) • Monetised costs are not disproportionate to the monetised benefits • Monetised benefits develop proportionately to the monetised costs	*Quantitative indicators:* - Cost elements per input and per stakeholder (direct, administrative, implementation, operational, one-off, recurrent, etc.) (N.B. Little evidence was received on costs and benefits) - administrative burden, reporting burden - Benefit indicators as identified in the efficiency questions *Qualitative indicators:* - Qualitative indicators on costs, administrative burden, reporting burden - Stakeholders confirm that costs are proportionate and necessary	Targeted survey to all stakeholders and SME panel, public consultation Targeted interviews with MS authorities, associations, in particular: • with the NL and HU police, • Interview with the representative of Rhine operators and DE Commissar to the CCNR representing the profession (2021) Targeted consultation during the gap filling phase Literature review, in particular studies, legislation and policy documents related to the Combined Transport Directive and eFTI.(SWD(2018) 183 final), Market studies, in particular: tariff rates by Member State for the ISCO 1 category, tariff rate for the Netherlands for the ISCO 3 category, purchasing power parities published by Eurostat Legal analysis, in particular: • Legislation in scope • related amending acts • Commission Decision C(2017) 6663 final • Directive (EU) 2016/1629 Mannheim Convention, website of the CCNR, Certificate of belonging to the Rhine navigation
EQ-6b: To what extent are the compliance and administrative costs for the different stakeholders introduced by the Legislative Framework proportionate and necessary to the results achieved?	The aim of this question is to examine the extent to which the burden imposed by the Legal Framework is justified and proportionate to the benefits			

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7. Is there a potential for simplification of the IWT Internal Market Legislative Framework in particular in view of enabling the sector to adapt to significant disruption of the IWT market due to major macro-economic events or catastrophes (drought, flooding, epidemics)?

Efficiency

General evaluation questions – all seven acts

Sub-question	Assessment Criteria	Type of information	Indicators	Sources
EQ-7a: Is there a potential of simplification of the Legislative Framework in view of enabling the sector to adapt to important external disruptions?	This question looks into whether provisions could improve the ability of the IWT sector to react flexibly to important market disruptions.	• Identification of provisions that hinder the sector's adaptation in case of important disruption • Identification of provisions that may be removed or refined	*Quantitative indicators:* - Cost benefit information (NB. Little evidence received on cost and benefits) *Qualitative indicators:* - External factors which necessitate/ facilitate simplification of provisions - Assessment of provisions that can be removed/adapted - Stakeholders confirm potential for simplification	Answers to Effectiveness, Coherence and Relevance questions, literature review, including market studies, targeted interviews with MS authorities (Ministry of Transport), international organisations and associations (e.g. EBU/ESO) and targeted surveys to MS authorities (Ministry of Transport), associations, and businesses (including SME Panel)

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Coherence questions

Coherence

8. To what extent are the legal acts forming the IWT Internal Market Legislative Framework consistent with one another?

General evaluation questions – all seven acts

Sub-question	Assessment Criteria	Type of information	Indicators	Sources
EQ-8a: To what extent is the IWT Internal Market Legislative Framework internally consistent?	The aim is to assess whether the set of legal acts are coherent or that conflicts between them exist. Moreover, are there any overlaps, gaps, missing links?	• There is no conflict between the legal acts vis-à-vis of the other acts • The framework as a whole does not have conflicting objectives or provisions.	*Qualitative indicators:* - Extent of conflicting objectives between the legal acts - Extent of conflicting provisions between the legal acts - Number of CJEU cases on conflicts between legal acts	Legal analysis: the seven legal acts in scope of the Fitness check[707], plus their memoranda of understanding and other policy documents, Directive (EU) 2017/2397, literature research, targeted interviews with representatives of different stakeholder groups, targeted survey for all stakeholders, public consultation and SME panel. CJEU cases on conflicts between on two or more legal acts.

[707] Regulation 11/1960, Council Directive 87/540/EC, Council Regulation (EEC) 2919/85, Council Regulation (EEC) 3921/91, Council Regulation (EC) 1356/96, Council Directive 96/75/EC, Council Regulation (EC) 718/1999

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9. To what extent does the IWT Internal Market Legislative Framework align with wider EU policies (e.g. jobs, growth, trade, mobility, competition policy, Climate Change Policy)?

Coherence

General evaluation questions – all seven acts

Sub-question	Assessment Criteria	Type of information	Indicators	Sources
EQ-9a: What are the main EU policies and what do they entail?	The aim is to obtain an overview of relevant policies and identify their key objectives.	n/a	*Qualitative indicators:* - Overview of relevant policies related to the creation of jobs - Overview of relevant policies related to economic growth - Overview of relevant policies related to trade - Overview of relevant policies related to improving mobility - Overview of relevant policies related to Climate Change	The seven legal acts in scope of the Fitness check[708],, Regulation (EU) 546/2014, literature research, including the European Green Deal, European Sustainable and Smart Mobility Strategy published Dec 2020, digitalisation policies, the European employment strategy, the European competition policy, the European policy on the single market for goods and service etc., the political priorities of the Commission, trade policies, including trade agreements, etc. and targeted interviews with Member State Authorities and other stakeholders, public consultation, targeted consultation, Mission Letter Apostolos Tzitzikostas, Commissioner for Sustainable

[708] Regulation 11/1960, Council Directive 87/540/EC, Council Regulation (EEC) 2919/85, Council Regulation (EEC) 3921/91, Council Regulation (EC) 1356/96, Council Directive 96/75/EC, Council Regulation (EC) 718/1999

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Sub-question	Assessment Criteria	Type of information	Indicators	Sources
				Transport and Tourism, CJEU cases
EQ-9b: To what extent is the IWT internal market legislative framework in line with the broader EU policy objectives?	The aim is to assess whether the IWT market access framework is in line with the wider EU policy goals or that the IWT framework is posing problems.	• The IWT internal market legislative framework continues to be aligned with the wider EU policies	*Qualitative indicators:* - Stakeholders perceptions of the degree of conflicting provisions in each of the legal acts included in the fitness check - Stakeholders perceptions of the extent to which the provisions support the current EU policy objectives	The seven legal acts in scope of the Fitness check targeted interviews with Member State Authorities and targeted survey to all stakeholders (including SME Panel), stakeholder consultation

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10. To what extent is the IWT Internal Market Legislative Framework consistent with market access rules set up under the legal systems regarding navigation on the Rhine and the Danube?

Coherence

General evaluation questions – all seven acts

Sub-question	Assessment Criteria	Type of information	Indicators	Sources
EQ-10a: What are the market access rules under the Act of Mannheim (and other relevant CCNR-legislation)?	The aim is to obtain a full overview of the market access rules under the Act of Mannheim and additional CCNR legislation. To whom, is market access granted and under which conditions?	see sub-question c	*Qualitative indicators:* - List of economic actors granted access to the Rhine market - Overview of the conditions under which market access is granted	The seven legal acts in scope of the Fitness check[709], legal text of the Act of Mannheim and other relevant CCNR legislation, memoranda of Understanding accompanying those legal acts and targeted interview with the legal experts of the CCNR, literature research, stakeholder consultation.
EQ-10b: What are the market access rules under the Belgrade Convention (and other relevant Danube Commission legislation)?	The aim is to obtain a full overview of the market access rules under the Belgrade Convention and additional legislation issued by the Danube Commission. To whom, is market access granted and under which conditions?	see sub-question c	*Qualitative indicators:* - List of economic actors granted access to the Danube market - Overview of the conditions under which market access is granted	The seven legal acts in scope of the Fitness check (idem), legal text of the Belgrade Convention and other relevant legislation issued by the Danube Commission, memoranda of Understanding accompanying those legal acts and targeted interview with the legal experts of the Danube Commission, literature research, stakeholder consultation.
EQ-10c: To what extent do the market access rules of the different legal regimes overlap and/or differ and how do they relate to market	The aim is to compare the conditions under which market access is granted as well to which economic actors under the different legal regimes	• There is no conflict between EU law and law on market access issued by the CCNR	*Qualitative indicators:* - The extent of overlapping economic actors	The seven legal acts in scope of the Fitness check (idem), legal texts + memoranda of understanding on the seven legal acts included in the fitness check, targeted interviews with Member States that fall under two legal regimes (either EU and

[709] Regulation 11/1960, Council Directive 87/540/EC, Council Regulation (EEC) 2919/85, Council Regulation (EEC) 3921/91, Council Regulation (EC) 1356/96, Council Directive 96/75/EC, Council Regulation (EC) 718/1999

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Sub-question	Assessment Criteria	Type of information	Indicators	Sources
access provisions by the EU?		• There is no conflict between EU law and law on market access issued by the Danube Commission	- The extent of overlapping criteria (on conditions). - The extent of criteria (on conditions) that are different	CCNR or EU and Belgrade) and targeted surveys, especially to the IWT sector itself (i.e. barge operators), literature research.

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37. Taking into account existing legislation, as well as any available ongoing policy developments, evaluations, impact assessments, and studies, are there any notable inconsistencies, overlaps, synergies or complementarities between the legal acts (in scope) and other relevant pieces of legislation, in particular:

Coherence

a. other EU legislation in the area of inland waterway transport policy (for example, the Professional Qualifications Directive, the Directive on Technical Requirements for Inland Waterway Vessels and the River Information Services Directive) and in particular with regards to their scope of application?

b. other EU legislation/initiatives concerning the transport of goods/passengers and logistics, including digitalisation of transport and logistics (e.g. relevant work within the Digital Logistics & Transport Forum (DTLF) and its sub-groups, Regulation on electronic freight transport information, (eFTI))?

c. other EU legislation in areas outside transport policy, such as the Digital Single Market, e-Government initiatives in relation to digitalisation, exchange of information and interoperability, and initiatives in the area of private data protection?

Horizontal evaluation questions – all seven legal acts

Sub-question	Assessment Criteria	Type of information	Indicators	Sources
EQ-37a: Are there any notable inconsistencies, overlaps, synergies or complementarities between the legal acts in scope and other relevant pieces of legislation, in particular other EU legislation in the area of inland waterway transport policy and in particular with regards to their scope of application?	The aim is to assess whether there are any inconsistencies between the market access framework and other IWT related legislation. Special attention will be given to the use of connected notions such as "operator", "carrier', "owner" and "transport undertaking"	• The market access framework is in line with the legislation on vessels. • The market access framework is in line with the legislation on jobs & skills • The market access framework is in line with environmental legislation. • The market access framework is in line with the RIS frameworks • The market access framework is in line with	*Qualitative indicators:* - The extent of inconsistencies detected - Overview of what these inconsistencies entail - Overview of synergies among the 7 pieces of legislation, potential of simplification etc.	Legal analysis: the seven legal acts in scope of the Fitness check[710], relevant legal acts in the domain of vessels (registration formalities and technical requirements, e.g. Directive (EU) 2017/2397, Directive (EU) 2016/1696), Council Regulation (EC) 569/2008, jobs and skills, RIS, environment and others + memoranda of understanding and relevant policy documents (impact assessments and evaluations), market studies, public consultation, targeted interviews with representatives of different stakeholder groups, including CESNI,

[710] Regulation 11/1960, Council Directive 87/540/EC, Council Regulation (EEC) 2919/85, Council Regulation (EEC) 3921/91, Council Regulation (EC) 1356/96, Council Directive 96/75/EC, Council Regulation (EC) 718/1999

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Sub-question	Assessment Criteria	Type of information	Indicators	Sources
		other IWT related legislation		targeted survey questions to all stakeholders (including SME Panel),comparative analysis of national transpositions. Targeted consultation of MS administrations and operators' associations during the gap filling phase.
EQ-37b: Are there any notable inconsistencies, overlaps, synergies or complementarities between the legal acts in scope and other relevant pieces of legislation, in particular other EU legislation/initiatives concerning the transport of goods/passengers and logistics, including digitalisation of transport and logistics?	The aim is to assess whether the market access framework is in line with other legal initiatives in the transport sector of that conflicts exists.	• The market access framework is in line with work ongoing in the DTLF and/or with the legislative framework as set by the Regulation on electronic freight transport information, (eFTI) • The market access framework is in line with the Combined Transport Directive	*Qualitative indicators:* - The extent of inconsistencies detected - Overview of what these inconsistencies entail	The seven legal acts in scope of the Fitness check (idem), information on work ongoing in DTLF, information stemming from policy documents, legislations and studies in particular on eFTI, Combined Transport Directive, targeted interviews with relevant stakeholders, including DTLF and SME panel, targeted survey questions to stakeholders and SME panel.
EQ-37c: Are there any notable inconsistencies, overlaps, synergies or complementarities between the legal acts in scope and other relevant pieces of legislation, in particular other EU legislation in areas outside transport policy?	The aim is to assess whether the market access framework is in line with legal initiatives outside the transport sector, which affect inland shipping, or whether conflicts exist.	• The market access framework is in line with the Digital Single Market • The market access initiative is in line with e government digitalisation efforts • The market access initiative is in line initiatives on the exchange	*Qualitative indicators:* - The extent of inconsistencies detected - Overview of what these inconsistencies entail	The seven legal acts in scope of the Fitness check (idem), literature research on the Digital Single Market, including relevant legislation, e-government initiatives, including relevant legislation, exchange of information and interoperability, data protection, including the legislation on GDPR.

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Sub-question	Assessment Criteria	Type of information	Indicators	Sources
		of information and interoperability • The market access framework is in line with initiative related to data protection.		Targeted interviews with representatives of different stakeholder categories, targeted survey questions to stakeholders and SME panel

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EU Added value questions

EU added Value

11. To what extent has the IWT Internal Market Legislative Framework permitted achievements that could not have been reached at other levels of governance, for instance at international, regional (river basin) or Member State level (including through bilateral agreements)?

General evaluation questions – all seven acts

Sub-question	Assessment Criteria	Type of information	Indicators	Sources
EQ-11a: Could the same impacts have been reached during this period in the absence of the Legislative Framework?	The aim of this question is to examine qualitatively (and if possible, quantitatively) if at least similar effects could have been achieved by other levels of governance over the same time period at roughly comparable cost?	• Actors on other levels of governance had the legal/operational ability to enact actions that would lead to similar achievements • Extent to which actors on other levels of governance would have proceeded with such actions if available/possible • Extent to which EU level action removed barriers or facilitated achievements	*Quantitative indicators:* - Relevant efficiency indicators - Costs associated with bilateral agreements *Qualitative indicators:* - Mapping of how the problems varied across the Member States - Legal, operational, political analysis - Description of the type and magnitude of transaction and coordination costs associated with action by actors other than EU - Summary assessment of the probability that non-EU actors could have undertaken relevant actions	The seven legal acts in scope of the Fitness check [711] Literature research and data collection, in particular from market studies and association reports. eFTI Regulation and Impact Assessment SWD , CCNR Market Observation report 2024 Targeted interviews with MS policy decision makers, MS inspection authorities, and associations, targeted survey to the sector and SME panel. Public consultation & the Danube workshop712 Targeted consultation of MS administrations and operators' associations at the gap filling phase

[711] Regulation 11/1960, Council Directive 87/540/EC, Council Regulation (EEC) 2919/85, Council Regulation (EEC) 3921/91, Council Regulation (EC) 1356/96, Council Directive 96/75/EC, Council Regulation (EC) 718/1999

[712] p.102 in final report of the support study

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Relevance questions

Relevance

1. Are the objectives of the IWT Internal Market Legislative Framework still relevant considering the evolution of the market, the present transport policy priorities and the successive enlargements of the EU?

General evaluation questions – all seven acts

Sub-question	Assessment Criteria	Type of information	Indicators	Sources
EQ-1a: To what extent are the objectives of the Legislative Framework still relevant in relation to the IWT market?	The aim of this question is to review whether the objectives of each of the seven legal acts under consideration correspond to actual needs of the IWT market today.	• The objectives are still relevant • Adaptations to the existing objectives are needed • Objectives need to be changed (added or removed)	*Quantitative indicators:* - Market statistics *Qualitative indicators:* - Analysis of market characteristics and needs and comparison with existing objectives - Indications from stakeholders on level of relevance	The seven legal acts in scope of the Fitness check[713] Literature review including market studies, statistics databases (e.g. Eurostat) and association reports. Targeted interviews with MS authorities, international organisations, associations (e.g. EBO/ESO, Pro Danube), businesses (individual carriers) and individual IWT experts[714], public consultation, targeted surveys to all stakeholders and SME panel.
EQ-1b: To what extent are the objectives of the Legislative Framework still relevant in relation to current transport	The aim of this question is to review whether the objectives of each of the seven legal acts under consideration		*Quantitative indicators:* - Market statistics	The seven legal acts in scope of the Fitness check (idem)

[713] Regulation 11/1960, Council Directive 87/540/EC, Council Regulation (EEC) 2919/85, Council Regulation (EEC) 3921/91, Council Regulation (EC) 1356/96, Council Directive 96/75/EC, Council Regulation (EC) 718/1999

[714] Especially experts with a long working life in IWT who are able to provide details on the historical development of the sector and the contribution of this legislation on the sector's development.

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Sub-question	Assessment Criteria	Type of information	Indicators	Sources
policies?	correspond today with transport policy priorities		- Economic, social, environmental indicators. *Qualitative indicators:* - Comparison between legislative framework objectives and those of main transport policies (e.g. European Sustainable and Smart Mobility Strategy published Dec 2020[715], Green Deal, NAIADES, digitalisation, etc) - Indications from stakeholders on level of relevance.	Literature review including EC strategy and policy documents, statistics databases (e.g. Eurostat), market studies and association reports. Complaints and infringement cases Targeted surveys to all stakeholders and SME panel, public consultation Targeted interviews with MS authorities, international organisations, associations (e.g. EBO/ESO, Pro Danube), businesses (individual carriers) and individual IWT experts
EQ-1c: To what extent are the objectives of the Legislative Framework still relevant considering the successive phases of EU enlargements	The aim of this question is to see to what extent the objectives of each of the seven legal acts (enacted in an era of a much smaller Community) are still relevant given the current geographical scope of the EU.		*Quantitative indicators:* - Market statistics - Economic, social, environmental indicators *Qualitative indicators:* - Analysis of extent to which objectives cover needs of an enlarged Union (e.g. the link between Rhine and Danube). - Indications from stakeholders on level of relevance.	The seven legal acts in scope of the Fitness check (idem) Targeted interviews with MS authorities, international organisations, associations (e.g. EBO/ESO, Pro Danube), businesses (individual carriers) and individual IWT experts, targeted surveys to all stakeholders and SME panel.

[715] https://ec.europa.eu/transport/themes/mobilitystrategy.

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ANNEX IV. OVERVIEW OF BENEFITS AND COSTS, TABLE ON SIMPLIFICATION AND BURDEN REDUCTION

Overview of costs and benefits identified in the fitness check *Group 1 legislation*							
		Citizens/Consumers		Businesses		Administrations	
		Quantitative	Comment	Quantitative	Comment	Quantitative	Comment
Cost description:							
Administrative costs	Recurrent	-	-	EUR 582 million in 2018, going down to EUR 357 to 452 million in 2030[716] (upper bound estimate)	Costs for IWT operators for transport documents required by Council Regulation (EEC) No 11/1960 for allowing checking the transport rates. Upper bound estimate as not all costs are attributed to the Regulation. Post-2027, the impacts of eFTI Regulation are reflected.	Not quantified	For public administrations for inspections or controls for checking the transport rates, and following up on infractions. Staff involved in checks on the spot (e.g. police) spend 60-90 minutes per check, while staff involved in the following up of infractions and penalties spend 90-480 minutes per infraction. Consultation activities provided little evidence on the number of inspections or controls, and no evidence on the number of infractions due to Council Regulation (EEC) No 11/1960.
Adjustment costs	One-off	-	-	Not quantified	Costs for IWT operators to phase out minimum compulsory tariffs by the end of 1998 (Council Directive 96/75/EC).	-	-

[716] SWD(2018) 183 final

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Enforcement costs	Recurrent	-	-	Not quantified	Costs for IWT operators for cooperating to inspections or controls (Council Regulation (EEC) No 11/1960)[717]. Not possible to quantify the costs due to the lack of evidence.	-	-
Benefits description:							
Benefits	Recurrent	Not quantified	For passengers, increased safety on the waterways for passenger vessels due to Council Regulation (EEC) No 11/1960	Not quantified Reduced shipping prices by 60% for coal products and by 40% for bulk cargo EUR 190 million annually (lower bound estimate)	For IWT operators, benefits due to easiness in obtaining insurance, easier identification/designation of the liable party thanks to the obligatory transport document on board of the vessel, and increased safety on the waterways (i.e. transport document indicating dangerous cargo), due to Council Regulation (EEC) No 11/1960. For consigners and consignees in Germany, benefits due to the abolition of the Festfrachten system of minimum prices in 1994 (Council Directive 96/75/EC). For consigners and consignees in Belgium, France and the Netherlands due to the abolition of the 'Tour de Role' system (Council Directive 96/75/EC). The benefits refer to the Netherlands alone.	-	-

[717] Transport documents need to be available on board for inspection. Inspections do take place, though they could take place for other reasons than inspecting the transport documents (i.e. checking dangerous cargo, checking compliance with cabotage rules, transport of waste).

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Overview of costs and benefits identified in the fitness check *Group 2 legislation*							
		Citizens/Consumers		Businesses		Administrations	
		Quantitative	Comment	Quantitative	Comment	Quantitative	Comment
Cost description:							
Administrative costs	Recurrent	-	-	EUR 987,000	For IWT operators for applying for certificates certifying vessels affiliation with Rhine navigation (Certificate of belonging to the Rhine navigation). Koninlijke Binnenvaart Nederland[718] reported that applying for a Rhine certificate takes 30 minutes on average and costs 75 EUR (i.e. fee) in addition to vessel documents required by European legislation[719]. The total cost per certificate in the Netherlands is estimated at EUR 94 (i.e. EUR 19 for the time spent applying and EUR 75 the fee)[720]. Assuming that the cost per certificate in the Netherlands is representative at EU level, in the absence of information on the costs per certificate provided by other Member	EUR 81,500 for Germany Not quantified	For public administrations for issuing certificates certifying vessels affiliation with Rhine navigation (Certificate of belonging to the Rhine navigation). Germany reported the issuance of about 440 Rhine certificates per year on average during 2022-2023 costing the administration about 185 EUR per certificate (EUR 81,500 in total)[722] while Luxembourg issued about 5 Rhine certificates per year on average during the same period; only paper documents are issued in both countries. Total one-off administrative costs for public administrations cannot be estimated as the total number of Rhine certificates issued is not known.

[718] Gap filling survey for operators' associations, organised by the Commission in the fourth quarter of 2024.
[719] Directive (EU) 2016/1629
[720] The tariff rate for the Netherlands for the ISCO 3 category (technicians and associate professionals) in 2022 prices was used to monetise the time spent for application.
[722] Gap filling survey for MS authorities, organised by the Commission in the fourth quarter of 2024.

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					States, the recurrent administrative costs for IWT operators could be estimated at around EUR 987,000[721]. This should be regarded as an order of magnitude rather than precise costs estimates.		For public administrations, to carry out checks of certificates. Member States did not provide evidence to allow quantifying the recurrent administrative costs associated to such checks[723].
Enforcement costs	Recurrent	-	-	Not quantified	For IWT operators for cooperating to checks of certificates. No evidence is available to allow quantifying such checks	-	-
Benefits description:							
Benefits	Recurrent	-	-	Not quantified	Group 2 legislation led to the creation of a true internal market. The legislation ensured providing access for vessel owners and/or operators of every EU Member State to the Rhine. The associated benefits however could not be quantified.	-	-

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[721] EU fleet consists of around 15,000 vessels, and according to CCNR (30/6/2025) around 70% of the fleet (10,500 vessels) possess the certificate of belonging to the Rhine fleet. Precise figures are not available, as the certificates of belonging to the Rhine fleet are issued by competent authorities of various states and currently there is no obligation (neither at the level of the Rhine nor at EU level) to report on the number of certificates.

[723] Gap filling survey for MS authorities, organised by the Commission in the fourth quarter of 2024.

Overview of costs and benefits identified in the fitness check *Group 3 legislation*							
		Citizens/Consumers		Businesses		Administrations	
		Quantitative	Comment	Quantitative	Comment	Quantitative	Comment
Cost description:							
Administrative costs	Recurrent	-	-	EUR 19,936 per year	For IWT operators, for applying for certificates as well as for applying for replacements, reclassifications and extensions of certificates.	EUR 13,413 to 26,827 per year	For public administrations, for issuing certificates as well as for issuing replacements, reclassifications and extensions of certificates.
Adjustment costs	Recurrent	-	-	EUR 198,173	For IWT operators, for courses in view of obtaining certificates. Several exemptions and derogations lead to about 25% of persons obtaining by practice the certificate of carrier of goods in the Netherlands alone. Dedicated courses otherwise last 10 days and cost 2,500 EUR as reported by EBU and ESO[724]. Assuming that 10 certificates[725] are obtained per year on average per Member State and that for 7.5 of certificates on average	-	-

[724] Gap filling survey for operators' associations, organised by the Commission in the fourth quarter of 2024.

[725] On average 10 certificates are issued by each of the 13 Member States per year but whether those are thanks to dedicated courses or not it is not clear, except for the Netherlands. Note, aspiring operators have the option to provide proof of their knowledge of certain subjects referred to in Annex of the Council Directive 87/540/EEC (e.g. law, finance, access to the market, technical standards and safety), however part of that knowledge (e.g. law, finance) can be obtained in a general course, not necessarily in a dedicated course. Moreover, the Directive provides for exemptions and derogations that lead to the possibility of obtaining by practice the certificate of carrier of goods, without following a course.

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					dedicated courses are followed in view of obtaining the certificate, the adjustment costs for IWT operators in the NL are estimated at EUR 18,750 per year. Using extrapolation[726] for the 13 Member States with connected waterways the total recurrent adjustment costs for the operators of 13 Member States are estimated at EUR 198,173 per year.		
Benefits description:							
Benefits	Recurrent	-	-	Not quantified	The aspiring carrier needs to apply only once to become a carrier of goods in the EU instead of repeatedly for different national or river-based markets.	Not quantified	For public administrations, for issuing less certificates as the aspiring carrier needs to apply only once to become a carrier of goods in the EU instead of repeatedly for different national or river-based markets.

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[726] Assuming the purchasing power parities published by Eurostat to estimate the cost of a course in other Member States

Overview of costs and benefits identified in the fitness check *Group 4 legislation*							
		Citizens/Consumers		Businesses		Administrations	
		Quantitative	Comment	Quantitative	Comment	Quantitative	Comment
Cost description:							
Administrative costs	Recurrent	-	-	-	-	EUR 3,628 per year	Reporting obligations for the Member States administrations that have setup and funded inland waterway Funds (AT, BE, DE, FR and NL).
Adjustment costs	One-off	-	-	EUR 26 million for 1999-2003	For vessel owners, in the form of contributions for new vessels put into service under the 'old-for-new' rule before 2003.	EUR 7 million	From the Reserve Fund, used to support the 'European IWT platform' operations for the 2017-2027 period.
Benefits description:							
Benefits	Recurrent	-	-	Not quantified	For IWT operators, from reducing overcapacity in the IWT market before 2003 thus avoiding decreases in their turnover and potential losses. The legislation continues to serve as basis for the potential restructuring of the IWT market in case of market disturbance. For operators, skippers, vessel owners and logistics companies thanks to the 'European IWT platform' that promotes safety, clean technologies and innovation of	Not quantified	For national and regional administrations, as well as UNECE, river Commissions and river protection Commissions, thanks to the 'European IWT platform' that promotes safety, clean technologies and innovation of the fleet as well as education and training.

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					the fleet as well as education and training.		

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Overview of costs and benefits identified in the fitness check *Overall framework*							
		Citizens/Consumers		Businesses		Administrations	
		Quantitative	Comment	Quantitative	Comment	Quantitative	Comment
Cost description:							
Administrative costs	Recurrent	-	-	**Group 1 legislation:** EUR 582 million in 2018, going down to EUR 357 to 452 million in 2030[727] (upper bound estimate)	**Group 1 legislation:** Costs for IWT operators for transport documents required by Council Regulation (EEC) No 11/1960 for allowing checking the transport rates. Upper bound estimate as not all costs are attributed to the Regulation. Post-2027, the impacts of eFTI Regulation are reflected.	**Group 1 legislation:** Not quantified	**Group 1 legislation:** For public administrations for inspections or controls for checking the transport rates,and following up on infractions. Staff involved in checks on the spot (e.g. police) spend 60-90 minutes per check, while staff involved in the following up of infractions and penalties spend 90-480 minutes per infraction. Consultation activities provided little evidence on the number of inspections or controls, and no evidence on the number of infractions due to Council Regulation (EEC) No 11/1960.
				Group 2 legislation: EUR 987,000	**Group 2 legislation:** For IWT operators for applying for certificates certifying vessels affiliation with Rhine navigation (Certificate of belonging to the Rhine navigation). Koninlijke Binnenvaart Nederland[728]	**Group 2 legislation:** EUR 81,500 for Germany	**Group 2 legislation:** For public administrations for issuing certificates certifying vessels affiliation with Rhine navigation (Certificate of belonging to the Rhine navigation). Germany reported the issuance of about 440 Rhine certificates per year on average

[727] SWD(2018) 183 final

[728] Gap filling survey for operators' associations, organised by the Commission in the fourth quarter of 2024.

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					reported that applying for a Rhine certificate takes 30 minutes on average and costs 75 EUR (i.e. fee) in addition to vessel documents required by European legislation[729]. The total cost per certificate in the Netherlands is estimated at EUR 94 (i.e. EUR 19 for the time spent applying and EUR 75 the fee)[730]. Assuming that the cost per certificate in the Netherlands is representative at EU level, in the absence of information on the costs per certificate provided by other Member States, the recurrent administrative costs for IWT operators could be estimated at around EUR 987,000[731]. This should be regarded as an order of magnitude rather than precise costs estimates.	Not quantified	during 2022-2023 costing the administration about 185 EUR per certificate (EUR 81,500 in total)[732] while Luxembourg issued about 5 Rhine certificates per year on average during the same period; only paper documents are issued in both countries. Total one-off administrative costs for public administrations cannot be estimated as the total number of Rhine certificates issued is not known. For public administrations, to carry out checks of certificates. Member States did not provide evidence to allow quantifying the recurrent administrative costs associated to such checks[733].

[729] Directive (EU) 2016/1629

[730] The tariff rate for the Netherlands for the ISCO 3 category (technicians and associate professionals) in 2022 prices was used to monetise the time spent for application.

[731] EU fleet consists of around 15,000 vessels, and according to CCNR (30/6/2025) around 70% of the fleet (10,500 vessels) possess the certificate of belonging to the Rhine fleet. Precise figures are not available, as the certificates of belonging to the Rhine fleet are issued by competent authorities of various states and currently there is no obligation (neither at the level of the Rhine nor at EU level) to report on the number of certificates.

[732] Gap filling survey for MS authorities, organised by the Commission in the fourth quarter of 2024.

[733] Gap filling survey for MS authorities, organised by the Commission in the fourth quarter of 2024.

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				Group 3 legislation: EUR 19,936 per year **Group 4 legislation:** -	**Group 3 legislation:** For IWT operators, for applying for certificates as well as for applying for replacements, reclassifications and extensions of certificates. **Group 4 legislation:** -	**Group 3 legislation:** EUR 13,413 to 26,827 per year **Group 4 legislation:** EUR 3,628 per year	**Group 3 legislation:** For public administrations, for issuing certificates as well as for issuing replacements, reclassifications and extensions of certificates. **Group 4 legislation:** Reporting obligations for the Member States administrations that have setup and funded inland waterway Funds (AT, BE, DE, FR and NL).
Adjustment costs	One-off	-	-	**Group 1 legislation:** Not quantified **Group 4 legislation:** EUR 26 million for 1999-2003	**Group 1 legislation:** Costs for IWT operators to phase out minimum compulsory tariffs by the end of 1998 (Council Directive 96/75/EC). **Group 4 legislation:** For vessel owners, in the form of contributions for new vessels put into service under the 'old-for-new' rule before 2003.	**Group 1 legislation:** - **Group 4 legislation:** EUR 7 million	**Group 1 legislation:** - **Group 4 legislation:** From the Reserve Fund, used to support the 'European IWT platform' operations for the 2017-2027 period.
Adjustment costs	Recurrent	-	-	**Group 3 legislation:** EUR 198,173	**Group 3 legislation:** For IWT operators, for courses in view of obtaining certificates. Several exemptions and derogations lead to about 25% of persons obtaining by practice the certificate of carrier of goods in the Netherlands alone. Dedicated courses	**Group 3 legislation:** -	**Group 3 legislation:** -

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					otherwise last 10 days and cost 2,500 EUR as reported by EBU and ESO[734]. Assuming that 10 certificates[735] are obtained per year on average per Member State and that for 7.5 of certificates on average dedicated courses are followed in view of obtaining the certificate, the adjustment costs for IWT operators in the NL are estimated at EUR 18,750 per year. Using extrapolation[736] for the 13 Member States with connected waterways the total recurrent adjustment costs for the operators of 13 Member States are estimated at EUR 198,173 per year		
Enforcement costs	Recurrent	-	-	**Group 1 legislation:** Not quantified	**Group 1 legislation:** Costs for IWT operators for cooperating to inspections or controls (Council Regulation (EEC) No 11/1960)[737]. Not	**Group 1 legislation:** -	**Group 1 legislation:** -

[734] Gap filling survey for operators' associations, organised by the Commission in the fourth quarter of 2024.

[735] On average 10 certificates are issued by each of the 13 Member States per year but whether those are thanks to dedicated courses or not it is not clear, except for the Netherlands. Note, aspiring operators have the option to provide proof of their knowledge of certain subjects referred to in Annex of the Council Directive 87/540/EEC (e.g. law, finance, access to the market, technical standards and safety), however part of that knowledge (e.g. law, finance) can be obtained in a general course, not necessarily in a dedicated course. Moreover, the Directive provides for exemptions and derogations that lead to the possibility of obtaining by practice the certificate of carrier of goods, without following a course.

[736] Assuming the purchasing power parities published by Eurostat to estimate the cost of a course in other Member States

[737] Transport documents need to be available on board for inspection. Inspections do take place, though they could take place for other reasons than inspecting the transport documents (i.e. checking dangerous cargo, checking compliance with cabotage rules, transport of waste).

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					possible to quantify the costs due to the lack of evidence.		
				Group 2 legislation: Not quantified	**Group 2 legislation:** For IWT operators for cooperating to checks of certificates. No evidence is available to allow quantifying such checks	**Group 2 legislation:** -	**Group 2 legislation:** -
Benefits description:							
Benefits	Recurrent	**Group 1 legislation:** Not quantified	**Group 1 legislation:** For passengers, increased safety on the waterways for passenger vessels due to Council Regulation (EEC) No 11/1960	**Group 1 legislation:** Not quantified Reduced shipping prices by 60% for coal products and by 40% for bulk cargo	**Group 1 legislation:** For IWT operators, benefits due to easiness in obtaining insurance, easier identification/designation of the liable party thanks to the obligatory transport document on board of the vessel, and increased safety on the waterways (i.e. transport document indicating dangerous cargo), due to Council Regulation (EEC) No 11/1960. For consigners and consignees in Germany, benefits due to the abolition of the Festfrachten system of minimum prices in 1994	**Group 1 legislation:** -	**Group 1 legislation:** -

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					(Council Directive 96/75/EC).		
				EUR 190 million annually (lower bound estimate)	For consigners and consignees in Belgium, France and the Netherlands due to the abolition of the 'Tour de Role' system (Council Directive 96/75/EC). The benefits refer to the Netherlands alone.		
				Group 2 legislation: Not quantified	**Group 2 legislation:** Group 2 legislation led to the creation of a true internal market. The legislation ensured providing access for vessel owners and/or operators of every EU Member State to the Rhine. The associated benefits however could not be quantified.	**Group 2 legislation:** -	**Group 2 legislation:** -
				Group 3 legislation: Not quantified	**Group 3 legislation:** The aspiring carrier needs to apply only once to become a carrier of goods in the EU instead of repeatedly for different national or river-based markets.	**Group 3 legislation:** Not quantified	**Group 3 legislation:** For public administrations, for issuing less certificates as the aspiring carrier needs to apply only once to become a carrier of goods in the EU instead of repeatedly for different national or river-based markets.
				Group 4 legislation: Not quantified	**Group 4 legislation:** For IWT operators, from reducing overcapacity in the IWT market before 2003 thus avoiding	**Group 4 legislation:** Not quantified	**Group 4 legislation:** For national and regional administrations, as well as UNECE, river Commissions and river protection Commissions,

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					decreases in their turnover and potential losses. The legislation continues to serve as basis for the potential restructuring of the IWT market in case of market disturbance. For operators, skippers, vessel owners and logistics companies thanks to the 'European IWT platform' that promotes safety, clean technologies and innovation of the fleet as well as education and training.		thanks to the 'European IWT platform' that promotes safety, clean technologies and innovation of the fleet as well as education and courses.

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Simplification and burden reduction (savings already achieved)								
	Citizens/Consumers/Workers		Businesses		Administrations		Other	
	Quantitative	Comment	Quantitative	Comment	Quantitative	Comment	Quantitative	Comment
Administrative costs savings								
Recurrent	-	-	**Group 1 legislation:** Not quantified **Group 3 legislation:** Not quantified	**Group 1 legislation:** The amendment[738] of Regulation (EEC) 11/1960 in 2008, simplified the administrative procedure by reducing the amount of information needed in the transport documents. Outdated requirements were deleted and certain requirements were modified to minimise the administrative burden on businesses[739]. The consultation activities did not provide evidence on the administrative costs savings related to the amendment. **Group 3 legislation:** By mutually recognising the diplomas proving competence to exercise as an IWT carrier, carriers can more swiftly be authorised to carry out the profession of IWT carrier in the Member State where they chose to establish. Thanks to the Directive, the aspiring	**Group 1 legislation:** Not quantified **Group 3 legislation:** Not quantified	**Group 1 legislation:** The amendment of Regulation (EEC) 11/1960 in 2008, simplified the administrative procedure by reducing the amount of information needed in the transport documents. Outdated requirements were deleted and certain requirements were modified, also reducing administrative costs for administrations. The consultation activities did not provide evidence on the administrative costs savings related to the amendment. **Group 3 legislation:** By mutually recognising the diplomas proving competence to exercise as an IWT carrier, carriers can more swiftly be authorised to carry out the profession of IWT carrier in the Member State where they chose to establish. Thanks to the Directive, public	-	-

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				carrier needs to apply only once to become a carrier of goods in the EU instead of repeatedly for different national or river-based markets. The consultation activities did not provide evidence.		administrations need to issue less certificates. The consultation activities did not provide evidence.		

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[738] Council Regulation (EC) No 569/2008 of 12 June 2008 amending Regulation (EEC) No 11/1960 concerning the abolition of discrimination in transport rates and conditions

[739] Where existing documents, including the company's accounting system, provide all details needed allowing to carry out a full check of the transport rates and conditions, carriers are no longer required to introduce a specific transport document. IWT operators can use for example a national transport document, a company-related consignment note, a bill of lading or a multimodal document etc. as long as the information required is provided. The amendment reduced the administrative costs, thanks to the elimination of the obligation to create an additional document and allowing the use of electronic systems.

PART II: II <u>Potential</u> simplification and burden reduction (savings)								
	Citizens/Consumers/Workers		Businesses		Administrations		Other	
	Quantitative	Comment	Quantitative	Comment	Quantitative	Comment	Quantitative	Comment
Administrative costs savings								
Recurrent	-	-	**Group 1 legislation:** EUR 222 to 317 million in 2030 (33% to 47% reduction relative to the baseline costs) **Group 2 legislation:** Not quantified	**Group 1 legislation:** Using electronic documents under eFTI Regulation (Regulation (EU) 2020/1056) from July 2027 will reduce the administrative costs for IWT operators related to the transport documents for consignments of goods under Regulation (EEC) No 11/1960. **Group 2 legislation:** Discontinuing the specific *Certificate of belonging to the Rhine navigation*[740] and instead including the relevant information on vessel ownership in the Union inland navigation certificate would lead to a reduction in the costs for businesses in the IWT sector, due to the fact that they do not have to apply for an additional certificate. Future digital (vessel) documents could remove the need to provide the relevant data in paper format and	**Group 1 legislation:** - **Group 2 legislation:** Not quantified	**Group 1 legislation:** - **Group 2 legislation:** Discontinuing the specific *Certificate of belonging to the Rhine navigation*[741] and instead including the relevant information on vessel ownership in the Union inland navigation certificate would lead to a reduction in the costs for public administrations because they would issue a lower number of certificates. Future digital (vessel) documents could remove the need of relevant data in paper format and could further reduce	-	-

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				could further reduce administrative costs. **Group 3 legislation:** Potential for simplification of the certificate of carriers by introducing an EU-wide digital template for the certificate.		administrative costs for public administrations. **Group 3 legislation:** Introducing an EU-wide digital template for the certificate of carriers may also lead to administrative costs savings for public administrations. In view of the low annual numbers of certificates issued, it is doubtful however whether the operational savings would justify necessary investments. Synergies could be explored with the database for *Union certificates of qualifications* in the context of the Professional Qualifications Directive[742].		

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[740] if the Union inland navigation certificate and the registration certificate for a particular vessel are issued by the same state
[741] if the Union inland navigation certificate and the registration certificate for a particular vessel are issued by the same state
[742] Directive (EU) 2697/2017

ANNEX V. STAKEHOLDERS CONSULTATION - SYNOPSIS REPORT

This annex should be regarded solely as an overview of the contributions received during the stakeholder consultation activities on market access Inland Waterway Transport (IWT) in the context of a Fitness Check. It cannot, under any circumstances, be regarded as the official position of the Commission or of its services. Furthermore, responses to the consultation activities cannot be considered as a representative sample of the views of the EU population.

In this synopsis report on stakeholder consultation activities carried out for this Fitness Check, first the stakeholder consultation strategy is laid out, providing an overview of the stakeholder mapping and the various consultation activities carried out between 2019 and 2024. Section 2 specifies the consultation activities in further detail. Section 3 describes the responsiveness of the participants to the various consultation activities. Section 4 summarises the findings of the stakeholder consultation activities structured around the five evaluation criteria, i.e. relevance, effectiveness, efficiency, coherence, and EU added value. Finally, section 5 lists the observed limitations of the evidence collection process of the stakeholder consultation activities.

I. Stakeholder consultation strategy

This Fitness Check examines how well the EU internal market legislative framework works for IWT, assessing the extent to which it is fit-for-purpose and helps ensure a smooth and fair internal market.

The main **objective** of the stakeholder consultation process is to collect information, data, evidence, and opinions on the implementation of the EU internal market legislative framework for IWT in the EU *acquis*. Considering the stakeholders' views, their practical experience, and data provided, the stakeholder consultation improves the overall understanding of the issues at stake, thus leading to better quality and credibility of the Fitness Check. As can be seen in Tables 10-12 below, the stakeholder consultation activities span from July 2019 to end of December 2024 and include feedback to the roadmap, interviews, stakeholder workshops, a targeted survey, a public consultation, a survey targeting Small and Medium sized Businesses (SMEs) and an additional targeted consultation in order to fill remaining data gaps.

Stakeholder mapping was carried out following the recommendations stated in Tool #52 (*Consultation Strategy*) of the Better Regulation Toolbox. The stakeholder mapping identified those **target groups who were directly impacted** by the internal market legislative framework of IWT. Particular attention was paid to SMEs, which represent around 99.5% of operators in freight and passenger IWT[743].

The derived consultation strategy targeted a wide range of stakeholders who have stakes in the EU internal market legislative framework for IWT. The following **major stakeholder groups** were identified:

- **National public authorities**, that are responsible for the implementation and enforcement of the internal market legislative framework for IWT in Member States (MS), in EEA countries, in EU candidate countries and in non-EU riparian countries on the Rhine and on the Danube.

[743] EUROSTAT. Enterprise statistics by size class and NACE Rev.2 activity (from 2021 onwards). Freight and Passengers.

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- **International organisations** engaged in developing and implementing international rules and agreements related to IWT navigation and safety, like river Commissions.
- **Stakeholders** in IWT including businesses/companies (mostly SMEs) operating as barge owners and operators, shippers and logistics service providers as well as training providers.
- **Stakeholder associations** representing businesses in IW and trade unions representing IWT sector workers, i.e., operators, crew members, other persons involved in IW activities.
- **Research and Academia** that conduct studies and specialise in the IWT sector and **Experts** working in IWT in Europe, including past representatives of river Commissions
- **EU Citizens** interested or involved in the IWT sector e.g. as a passenger.

Table 10: Timeline of consultation activities

	2019		2021						2022		2024	
Month / Stakeholder consultation activity	*Jul*	*Aug*	*Jan*	*Mar*	*Jun*	*Aug*	*Sep*	*Dec*	*Feb*	*Mar*	*Oct*	*Dec*
Roadmap												
Scoping Interviews												
Stakeholder Workshops												
Targeted Interviews												
Targeted Survey												
Open Public Consultation												
SME Survey												
Targeted Consultation												

Table 11: Key stakeholder groups reached through consultation activities

Stakeholder group	Roadmap	Scoping interviews	Targeted interviews	Targeted Survey
National administrations	√	√	√	√
International organisations	√	√	√	
Private sector	√			
Associations	√	√	√	
Research & innovation	√		√	
General public	√			
Experts	√	√	√	
Total respondents	**4**	**8**	**15**	**48**

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Table 12: Key stakeholder groups reached through consultation activities (continued)

Stakeholder group	SME survey	Stakeholder workshops	Public consultation	Targeted Consultation
National administrations	√	√	√	√
International organisations		√	√	
Private sector	√	√	√	√
Associations		√	√	√
Research & innovation		√	√	
General public			√	
Experts			√	
Total respondents	**41**	**61**	**20**	**14**

II. Stakeholder consultation activities

A **Roadmap/Call for evidence**[744] kicked off the consultation activities, with 4 stakeholders providing feedback between 11 July and 30 August 2019. It aimed to inform citizens and stakeholders about the Commission's initiative to evaluate those pieces of legislation that constitute the basis for the access and organisation of the IWT market[745].

10 scoping interviews were conducted between 11 February and 23 March 2021 with stakeholders directly involved in (or impacted by) the implementation of the internal market legislation framework for IWT. Interviewed stakeholder types include national administrations, international organisations, associations, and experts on IWT. The interviews contributed to gaining a better understanding of the main issues at stake. Stakeholders were asked about the status quo of the market, whether the legal acts had met their objectives and were still relevant, and what were the needs of the sector.

17 targeted interviews were organised between March 2021 and March 2022. Interviewed stakeholders include representatives from national administrations, international organisations, associations, and experts from the sector and academia. Stakeholders were asked to provide their views on whether the 7 pieces of legislation were fit-for-purpose and had successfully addressed both sectoral and regional goals relating to competitiveness, open markets, safety and security, as well as supporting the transition to a more digital and environmentally sustainable IWT sector.

3 stakeholder workshops were held in 2021 to collect views from specific stakeholder groups on whether the internal market legislative framework for IWT had effectively established a free market and if EU-level action was justified. The 1st stakeholder workshop took place on 20 January 2021 and included stakeholders involved or operating in IWT on the Danube. A 2nd stakeholder workshop was held on 30 March 2021 with stakeholders relevant to IWT activity on the Rhine. The 3rd workshop took place with the Navigation and Inland Waterway Action and Development in Europe (NAIADES) Commission expert group on 13 September 2021. Stakeholder workshops helped to ensure a relevant

744 Fitness check on market access in inland waterway transport (europa.eu)

745 Two acts – Posted Workers Directive (96/71/EC) and its enforcement directive (2014/67/UE) have since been dropped from the scope of the fitness check.

geographical representation and coverage of the most important waterways – i.e., the Rhine, Danube, Mosel and Sava – which account for 99.7% of EU transport performance on IW.

A targeted survey was open between 18 June and 25 August 2021, collecting information from Member State (MS) ministries, inspection authorities, and to a lower extent barge associations and international organisations. Evidence was collected on vessel registration, certification, compliance, cabotage, and on the evolution of the IWT sector over the years and the impact of the legislation.

The (**Open) Public Consultation**[746] aimed at collecting public views and evidence about the implementation of the EU internal market legislative framework for IWT, specifically examining the effectiveness, efficiency, coherence, relevance, and EU added value of the legislative acts. The public consultation was accessible between 17 December 2021 and 11 March 2022.

An SME survey was conducted between 4 February and 11 March 2022, in cooperation with DG GROW's Enterprise Europe Network. As SMEs represent around 99.5% of IWT operators for both freight and passengers, it was deemed crucial to gain their perspective on the matter[747]. 41 SMEs provided their views on whether the legislation framework had led to a single market in Europe, its impact on the competitiveness of IWT compared to other transport modes, whether intervention at the EU-level was justified, on additional costs that the legislation imposed, as well as processes for vessel registration and for obtaining certifications of professional competence as freight carriers.

An additional targeted consultation, also referred to as **gap filling survey** took place between 15 October and 31 December 2024. Two questionnaires were sent, one to MS and another to associations of operators. This consultation activity was carried out with the aim to filling the remaining data gaps for the fitness check of the internal market framework legislation for IWT. MS and operators' associations were asked to provide further data on the individual and cumulative impacts of the legislations, including on costs and benefits of specific provisions.

The data collected through these stakeholder consultation activities, both quantitative and qualitative, contributed to the evidence base for the analysis carried out in the fitness check of the internal market legislative framework for IWT. The insights obtained through the interviews, stakeholder workshops and targeted surveys proved particularly useful to complement and validate evidence collected via other means e.g. desk research. Throughout the document, and where possible, stakeholder views and other evidence provided were contrasted and triangulated to ensure robustness in the analysis.

III. Stakeholder groups that participated in consultation activities

4 stakeholders responded to the consultation at the stage of the **roadmap (Call for evidence**[748]**)**: 2 respondents are European associations (EBU and Coceral), 1 respondent is a German trade association[749] and the 4th contribution was provided by the Swiss delegation of the CCNR. In addition, EBU submitted a position paper.

[746] Public consultation – Fitness check on market access in inland waterway transport (europa.eu), 17 December 2021 and 11 March 2022

[747] EUROSTAT. Enterprise statistics by size class and NACE Rev.2 activity (from 2021 onwards). Freight and Passengers.

[748] 11 July and 30 August 2019

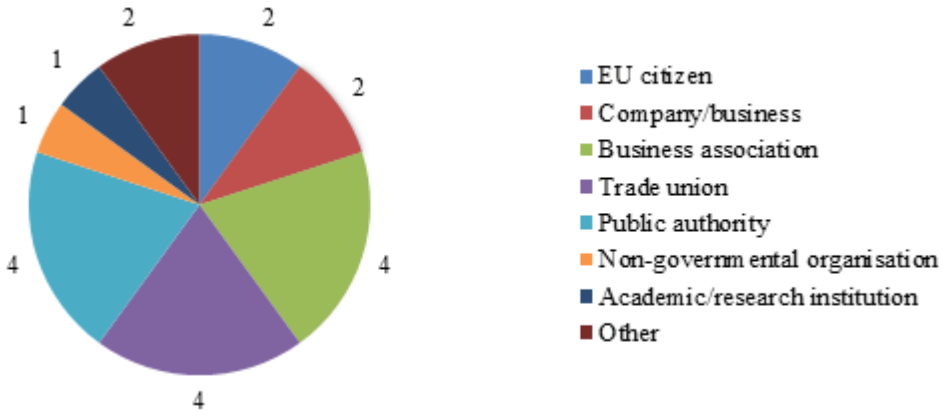
[749] Bundesverband der Deutschen Industrie

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20 respondents completed the **public consultation**[750] questionnaire, with all answers considered suitable and included in the analysis, and three respondents also submitted papers. The respondents represent 12 countries, 11 EU MS and 1 non-EU country (Russia). Belgium had the most respondents (5), followed by France and Austria (both with 3), followed by Germany, Italy, Luxembourg, Netherlands, Poland, Portugal and Romania (all with 1 response). In addition, three respondents (EBU, ETF and a French sectoral association[751]) also submitted a paper.

The main stakeholder type of the respondents were business associations (4), trade unions (4), and public authorities (4), as shown in Figure 28. Fewer responses were received by companies/businesses (2), EU citizens (2), Other (2), non-governmental organisations (1) and academic/research institutions (1). The 2 respondents that identified as "other" both concern IWT on the Rhine, these being the Secretariat of the CCNR and the Administrative Centre for the social security of Rhine boatmen. Apart from the 2 EU citizen respondents, the organisation size of the respondents is well balanced: 6 respondents are from small organisations (10 to 49 employees), and 4 (each) were from micro (1 to 9 employees), medium (50 to 249 employees) and large (more than 250 employees) enterprises.

Figure 28: Respondents of the Public Consultation[752] by organisation type, N=20



Concerning the 10 **scoping interviews**[753], 3 interviewed stakeholders are international organisations, 2 are national administrations, 2 are EU institutions, 2 are business associations and 1 is an expert in IWT. The participating international organisations are key actors in the IWT sector, namely the Danube Commission, Pro Danube, and the EU IWT Platform. Concerning national administrations, interviewees represent the Netherlands and Austria. Experts from DG MOVE and DG TRADE represent the EU institutions while EBU and ESO are the business associations.

The 17 **targeted interviews** were conducted with 5 national administrations, 7 international organisations, 2 associations, 1 academic/research institution and 2 experts. The targeted interviews allowed for a broad representation of key actors regulating, coordinating, managing and monitoring the internal market for the IWT sector, as the respondents – which include the Danube Commission, Mosel Commission, the CCNR among other actors – oversee around 99% of all IWT in the EU. The 3 trade associations that were interviewed –

[750] Public consultation – Fitness check on market access in inland waterway transport (europa.eu), 17 December 2021 and 11 March 2022
[751] Entreprises Fluviales de France
[752] Public consultation – Fitness check on market access in inland waterway transport (europa.eu), 17 December 2021 and 11 March 2022
[753] 11 February and 23 March 2021

EBU, ESO and the Romanian association of inland owners and port operators – allowed to gather in-depth insights from a sectoral perspective that complemented other stakeholder consultation activities.

The **1st stakeholder workshop** targeted actors relevant to the river Danube (hereafter referred to as the "Danube workshop"). Of the 13 attendees, 5 are companies/businesses, 4 national authorities, 3 international organisations and 1 academic/research institution. National authorities of countries that had not participated in stakeholder interviews had the opportunity to provide feedback, namely the Bulgarian and Romanian Ministries of Transport and the Serbian Port Governance Agency.

The **2nd workshop** targeted actors relevant to the river Rhine (hereafter referred to as the "CCNR workshop"). Counting with 15 participants, attendees include country representatives operating in the Central Commission for the Navigation of the Rhine (CCNR), with 1 participant represented per country (the Netherlands, Luxembourg, Belgium, Switzerland) except for Germany and France, which had 3 and 2 participants, respectively. Attendees also included 4 representatives of the CCNR including the chairman, as well as 1 representant of an academic/research institute.

The **3rd workshop** was with the NAIADES expert group (hereafter referred to as the "NAIADES workshop"). The 37 participants cover 9 EU institutions, 14 national authorities, 10 international organisations including 4 IWT Commissions (i.e., the CCNR, the Mosel Commission, the Danube Commission, and the International Sava River Basin Commission) and 4 associations. The 14 national authorities are from Austria, Belgium, the Czechia, France, Germany, Luxembourg, the Netherlands, Poland, Romania, and Slovakia.

Of the 90 stakeholders invited to respond to the **targeted survey** 48 participated and 12 completed it. The survey targeted national administrations, with participants representing mostly Ministries of Transport (16), enforcement authorities including the water police (7) and inspection authorities (2). The remaining 23 respondents identified as "other". Geographical coverage was ensured by having participants from Luxembourg (9), Hungary (8), Austria (6), Finland, France and Slovakia (3 each), Belgium (2), and Croatia, Germany, Lithuania, the Netherlands, Poland, Romania, Slovenia, Switzerland and Ukraine (1 each). The remaining 5 respondents did not specify a country.

The **SME Survey**[754] received 41 replies from SMEs located in 12 countries. Germany is the most represented country with 12 entries, followed by Austria, Belgium and Romania (4 each), the Netherlands and France (3 each), Bulgaria and Hungary (2 each) and Luxembourg, Slovakia, Croatia and Poland (1 each), with 3 SMEs not providing information on their location. The responding companies are mostly active on the Rhine (19 entries) and on the Danube (17 entries), followed by the Elbe (5), the Mosel (4) and the Saar (3). Furthermore, 2 respondents are active on all European IW.

The additional **targeted consultation**[755] received 14 responses in total, 9 from the MS national administrations and 5 from operator associations. Most MS responses are from Croatia (3), followed by Belgium (2), and Germany, Luxembourg, Austria, and the Netherlands (1 response each). Since 2 identical entries were received from Croatia, only 1 was kept, leaving the total of Croatia's contributions to 2 and total participants to 8. 4 respondents are active on the Danube, followed by the Rhine (3), the Mosel (2) and the Elbe (1). In addition, 2 MS (Sweden and Ireland) confirmed no intention to contribute as they have no practical experience in the implementation of the legislation in scope. Of the 5

[754] 4 February and 11 March 2022

[755] A targeted consultation, also referred to as gap filling survey took place between 15 October and 31 December 2024

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associations, 3 have European membership while 2 responses stem from a Dutch association.

IV. Findings of the stakeholder consultation activities

This section presents a summary of the stakeholder input received through the consultation activities on the internal market legislation framework for IWT, structured around the five evaluation criteria of relevance, effectiveness, efficiency, coherence, and EU added value.

1. Relevance

Of the 7 acts in scope, responses from the public consultation[756] show that those considered as either very or somewhat relevant today are Council Regulation N° 2919/85 and Council Directive 87/540/EEC (12 of 14 respondents each), followed by Council Regulation N° 1356/96 (11 of 14) and Council Regulation N° 718/1999 (10 of 14). Regulation N° 11/1960 received the most "non relevant" votes (6 of 14), followed by Council Regulation N° 3921/91 and Council Directive 96/75/EC (4 each). Overall, all pieces of legislation received more "relevant" votes than "non-relevant".

Concerning **Regulation N° 11/1960**, 7 of 10 respondents of scoping interviews[757] – including the CCNR, the Danube Commission and Pro Danube – stated that since it established a relevant legal basis for the abolition of discrimination in transport rates and conditions at the time, the high level of liberalisation currently observed in IWT in the EU has made it less relevant. The Danube workshop[758] also points to this, with all participants agreeing on having achieved a full liberalisation for market entry and pricing policy within the Danube region, except for rare smaller restrictions for vessels operating with a flag from a non-EU MS. The participants referred to the need to revise the legislation to ensure it is relevant to current needs.

Relating to **Council Directive 96/75/EC**, all 4 country delegations consulted in targeted interviews[759] – 2 for the CCNR and 2 for the Mosel Commission – confirmed the relevance of the Directive for establishing an internal market in IWT. In its feedback to the roadmap[760], EBU also underlined the relevance and effectiveness in aim and scope of the Directive.

Regarding **Council Regulation N° 718/1999**, 2 of 4 stakeholders having sent feedback to the roadmap[761] confirmed its relevance, stating that it aims to reducing sectoral overcapacity through vessel-scrapping schemes whilst avoiding excessive social costs. During their scoping interview[762], EBU and ESO highlighted that the Regulation's relevance lies in its link to the Reserve Fund – created in 1989 and that the Council Regulation N° 718/1999 adjusted – was used to create the EU IWT Platform and the remaining funds available to address sectoral needs. In the additional targeted consultation[763], 5 of the 5 MS having responded to the question expressed that the IWT Platform is still relevant.

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[756] Public consultation – Fitness check on market access in inland waterway transport (europa.eu), 17 December 2021 and 11 March 2022
[757] 11 February and 23 March 2021
[758] Stakeholder workshops were held 20 January 2021 -13 September 2021
[759] Targeted interviews were organised between March 2021 and March 2022
[760] 11 July and 30 August 2019
[761] 11 July and 30 August 2019
[762] 11 February and 23 March 2021
[763] A targeted consultation, also referred to as gap filling survey took place between 15 October and 31 December 2024

Regarding **Council Regulation N° 2919/85**, EBU expressed in its feedback to the roadmap[764] that although it is considered relevant, it should be replaced by a European system fitting in the existing Regulation on the Rhine.

Concerning **Council Regulation N° 3921/91**, 4 of 17 targeted interviewees[765] and 1 scoping interviewee[766] stated that the main impact was the opening of cabotage to undertakings from all EU MS, thus differing from the past where third countries were granted occasional access through bilateral treaties on waterways other than the Rhine.

Concerning **Council Regulation N° 1356/96**, stakeholders have expressed that its relevance lies in the definition it provides of the link between a vessel and a MS. In their scoping interview[767], the Danube Commission stated the importance of ensuring that third country vessels comply with EU technical requirements on vessels and on reducing pollution to reduce cases of unfair competition from third countries riparian to the Danube. Relating to **Council Directive 87/540/EEC** on access to the profession of IWT carriers, EBU stated in their feedback to the roadmap[768] that the Directive's relevance lies in its introduction of a quality standard for access to the occupation. Despite its relevance, when asked if the list of topics for which proof of professional competence must be provided is accurate, 5 respondents state to a large or to some extent, 3 responded "to no extent", while 6 of 14 national authorities having responded to the targeted survey[769] stated that they did not know. The stakeholders specified that the list as stated in the Annex of the Council Directive 87/540/EEC does not cover needs that have arisen since its adoption, namely knowledge on sustainability, digitalisation, and automation.

Conclusions are difficult to draw regarding the **evolution of the IWT market over time**, given that Regulation N° 11/1960 dates back more than 60 years. In the targeted survey[770] for national authorities, when asked how the IWT had developed over time 14 of 30 respondents answered "NA" regarding non-discrimination in transport rates, and 13 of 30 responded "NA" concerning market openness. For the remaining respondents, there are slightly more respondents perceiving an increase in market openness and competitiveness (10 of 30) than in reducing discrimination (8 of 30). 1 of 4 respondents to the roadmap[771] and 1 national authority having participated in the targeted survey[772] stated that while the Regulation N° 11/1960 originally aimed at checking if transport was carried out according to the legislations, it is currently being abused by the water police to check if transported cargo is legal. A respondent of the targeted survey[773] suggested that it could be revised to serve as a basis for freight flows data collection. No consensus is found among the respondents to the targeted survey[774] on whether there have been changes in the conditions to access the IWT freight carrier occupation over time. 5 of 15 respondents of the targeted

[764] 11 July and 30 August 2019
[765] Targeted interviews were organised between March 2021 and March 2022
[766] 11 February and 23 March 2021
[767] 11 February and 23 March 2021
[768] 11 July and 30 August 2019
[769] The targeted survey was open for feedback between 18 June and 25 August 2021
[770] The targeted survey was open for feedback between 18 June and 25 August 2021
[771] 11 July and 30 August 2019
[772] The targeted survey was open for feedback between 18 June and 25 August 2021
[773] The targeted survey was open for feedback between 18 June and 25 August 2021
[774] The targeted survey was open for feedback between 18 June and 25 August 2021

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survey[775] answered that there have been changes, against 3 that did not notice any change and 7 that did not provide an answer.

2. Effectiveness

Regarding overall effectiveness of the internal market legislation for IWT, results from stakeholder consultation activities show a consensus that the objectives of Regulation N° 11/1960, Council Regulation N° 3921/91, Council Regulation N° 2919/85, Council Regulation N° 1356/96 and Council Directive 96/75/EC have been met, as the sector has experienced significant liberalisation and the establishment of fairer price competition:

- 12 of 15 respondents of the public consultation[776] (5 did not answer) find that the acts have positively impacted the free movement of goods and the freedom to provide services, a result that parallels the Danube workshop[777] (8 of 9 stakeholders agreed with this view), the scoped interviews (6 of 10 agreed) and the targeted interviews[778] (8 of 13 agreed). SME survey[779] results also confirm this perception, with 38 of 41 SMEs either agreeing or strongly agreeing with the statement that the European internal market legislation led to a single market which ensures the free movement of goods across the EU, against 1 disagreeing[780].
- Of the 16 national authorities having responded to the targeted survey[781], 10 agree that there has been either a slight or large increase in market openness and competitiveness. 6 of 7 MS having answered the targeted consultation[782] consider the legislative framework for IWT market access appropriate to ensure competitiveness of the sector both within the internal market and vis-à-vis third countries. This mirrors public consultation[783] results, where 11 of 15 respondents affirmed that the acts have achieved their goal of opening and liberalising the market, and 10 of 15 claimed that they ensure non-discriminatory access within the single market. For all these objectives, 2 or less respondents claimed that the acts have neither contributed nor hindered achieving the objectives.

Public consultation[784] respondents expressed differing views with regards to whether the 7 legislative acts provide a solid basis to address the sector's challenges. 8 of 14 respondents stated that these provide a solid basis to address the uptake of innovation, the greening of the IWT fleet and sector, as well as the promotion of IWT's role in intermodal transport (4 claimed that it does not, 1 did not know and 1 thinks the framework is irrelevant for these challenges). In contrast, 6 of 14 expressed that the legislation does not provide a solid basis

[775] The targeted survey was open for feedback between 18 June and 25 August 2021

[776] Public consultation – Fitness check on market access in inland waterway transport (europa.eu), 17 December 2021 and 11 March 2022

[777] Stakeholder workshops were held 20 January 2021 -13 September 2021

[778] Targeted interviews were organised between March 2021 and March 2022

[779] 4 February and 11 March 2022

[780] This SME is active only in the Danube IWT and does not provide further information regarding its strong reservations towards the existence of a free internal market for IWT in the EU.

[781] The targeted survey was open for feedback between 18 June and 25 August 2021

[782] A targeted consultation, also referred to as gap filling survey took place between 15 October and 31 December 2024

[783] Public consultation – Fitness check on market access in inland waterway transport (europa.eu), 17 December 2021 and 11 March 2022

[784] Public consultation – Fitness check on market access in inland waterway transport (europa.eu), 17 December 2021 and 11 March 2022

to increase resilience against economic fallouts (5 think it does, 1 does not know and 2 state the framework is irrelevant for these challenges).

No conclusion can be drawn from the targeted survey[785] to national authorities on whether the need to carry transport documents on board the vessel – made compulsory through **Regulation N° 11/1960** – had strengthened freer markets: between 60% and 80% of the 30 respondents to the questions answered "N/A" or "I don't know, with the rest almost equally divided between "Yes" and "No". When asked whether authorities check vessel transport documents to verify if prices are based on fair competition and non-discrimination, the majority, 21 of 41 surveyed SMEs[786] answered "No", 3 stated "Yes", and 17 answered "Don't Know". 3 of 17 targeted interviewees[787] believe that the reason the water police inspect transport documents is to verify the legality of the vessel's cargo rather than transport documents.

6 of 10 scoping interviewees[788] and 9 of 13 targeted interviewees[789] expressed that **Council Directive 96/75/EC** was effective in eliminating national rules and practices that hindered freedom of chartering and pricing, underlining the abolishing of the fixed freight systems in Germany and the tour-de-role systems in the Netherlands, France, and Belgium. During their targeted interviews[790], the Dutch, German and Swiss delegations to the CCNR stated that EU legislation ending price discrimination and establishing a free market had effectively led to increases in productivity, competitiveness, and efficiency in Rhine navigation.

Only 7 of 15 public consultation[791] respondents claim that **Council Regulation N° 718/1999** has led to structural improvements, modernisation, and improved competitiveness of IWT compared to other transport modes, against 5 respondents claiming the opposite. SME survey[792] results also show contrasting views, with 17 of 40 (responding) disagreeing or strongly disagreeing with the statement that the acts have improved IWT competitiveness compared to other transport modes (against 14 agreeing or strongly agreeing and 9 with no opinion). For the same question, 4 of 9 Danube workshop[793] respondents disagreed or strongly disagreed, 5 neither agreed nor disagreed, and none agreed. The 4 having disagreed with the statement are businesses and justified their answer mentioning government support to railway companies that IWT companies do not receive, unpredictable water levels of IW, lower investments in infrastructure, and less efficient connections with other transport modes. 3 of 10 scoping interviewees[794] expressed that it is difficult to evaluate the effectiveness of **Council Regulation N° 718/1999** in reducing overcapacity, as older IWT vessels are generally replaced by newer ones. At the CCNR workshop[795] an MS explained that overcapacity is being handled by the IWT market itself, 'old-for-new'scrapping

[785] The targeted survey was open for feedback between 18 June and 25 August 2021

[786] 4 February and 11 March 2022
[787] Targeted interviews were organised between March 2021 and March 2022
[788] 11 February and 23 March 2021
[789] Targeted interviews were organised between March 2021 and March 2022
[790] Targeted interviews were organised between March 2021 and March 2022
[791] Public consultation – Fitness check on market access in inland waterway transport (europa.eu), 17 December 2021 and 11 March 2022
[792] 4 February and 11 March 2022
[793] Note that Council Regulation (EC) No 718/1999 contains an exclusion for vessels circulating exclusively on the Danube
[794] 11 February and 23 March 2021
[795] Stakeholder workshops were held 20 January 2021 -13 September 2021

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schemes does not seem to be necessary anymore and suggested that it would be more effective to focus on strengthening the sector, through e.g. the EU IWT Reserve Fund.

In the targeted survey[796], when asked to what extent the IWT Reserve Fund had contributed to achieving sectoral goals, 3 of 4 national authorities claimed that it contributed to creating neither a more sustainable market nor a level playing field between IWT and other transport modes (1 did not know). 2 of 4 national authorities also were of the view that it did not contribute to either a better functioning nor safer IWT market, 1 stated "to some extent" (1 did not know). In a scoping interview[797], the EU IWT Platform stated that the effectiveness of the Reserve Fund is undermined by the complexity of the IWT sector (due to the existence of various regimes) and the low quantity of funds available with respect to the size and needs of the sector. Through the scoping interviews[798] and feedback sent via the public consultation[799], 2 national authorities underscored the effectiveness of **Council Regulation N° 2919/85** in avoiding the risks of unfair competition vis-a-vis third countries. However, these stakeholders find that issues remain, mainly unclear cabotage rules in IWT, claiming that MS are taking advantage of the ambiguity to protect national markets, undermining the legislation's effectiveness in creating a total free market. This point was also brought up by 5 of 10 scoping interviewees[800] and by 2 SMEs in the SME survey[801], asking for clarification in the definitions of the "right of establishment" and "temporary cabotage", as well as on the genuine link between circulating vessels and MS. These points resonate with 3 views expressed at the Danube workshop[802], 2[803] of 4 respondents that provided feedback to the roadmap[804] have deemed that no temporary restriction should remain on cabotage anymore. In contrast, 21 of 41 SMEs from the SME survey[805] claimed that they do not experience time limitations for cabotage (**Council Regulation N° 3921/91**) when providing IWT services on the territory of another MS (3 stated that they do, 16 answered "Don't Know" and 1 did not answer). Those that do, mention problems including locks stoppages preventing connections between canals and difficulties in entering foreign markets.

Concerning **Council Directive 87/540/EEC**, 25 SMEs (of 25 that responded to the question) stated having obtained the certificate of professional competence as freight carriers in IWT: 10 in Germany, 4 in Belgium, 4 in the Netherlands, 2 in Romania, 2 in France, 1 in Bulgaria, 1 in Hungary and 1 in Switzerland. However, there are differences between MS concerning how a certificate is obtained and for which activity: of the 32 SMEs that answered, 10 stated that the process of acquiring a certificate of professional competence applies both to IWT freight and passenger carriers, whilst 4 answered that it applies only to IWT freight carriers. 1 trade union also stated in its feedback that some MS operators in IW passenger transport do not need to prove any professional competence in the EU. In the SME survey[806], 18 SMEs (of 32) stated that an exam is required to obtain the certificate of professional competence, with 6 stating the contrary. Similar findings stem

[796] The targeted survey was open for feedback between 18 June and 25 August 2021

[797] 11 February and 23 March 2021
[798] 11 February and 23 March 2021
[799] Public consultation – Fitness check on market access in inland waterway transport (europa.eu), 17 December 2021 and 11 March 2022
[800] 11 February and 23 March 2021
[801] 4 February and 11 March 2022
[802] Stakeholder workshops were held 20 January 2021 -13 September 2021
[803] EBU and a German trade union
[804] 11 July and 30 August 2019
[805] 4 February and 11 March 2022
[806] 4 February and 11 March 2022

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from the targeted interviews[807], with 2 business associations and 1 trade union deeming the Directive a good starting point despite having been only partly effective in creating uniformity across the EU.

National authorities find it difficult to conclude that Council Directive 87/540/EEC has improved the scheme for freight carriers' professional qualifications; 10 of 15 answered "I don't know", 3 stated "it improved" and 2 noted "no improvement".

Regarding the transparency of the process of obtaining professional certificates, in the targeted survey[808], 10 of 15 national authorities labelled the scheme as sufficiently transparent, 2 as somewhat transparent and 3 did not know. In the SME survey[809], 15 SMEs (of the 30 SMEs having responded) deemed the process of obtaining the certificate of professional competence as sufficiently transparent, and 8 stated that the process is not transparent (for which 6 obtained it in Germany).

3. Efficiency

Overall, stakeholders have underlined their difficulty in assessing benefits versus costs of the internal market legislative framework for IWT. When looking at results from the targeted consultation[810] to MS, 5 of 7 state "cannot say" whether the benefits from the 7 pieces of legislation outweigh the costs, with 1 stating that the benefits are significantly larger than the costs and 1 stating the opposite. At the same time, concerning **Regulation N° 11/1960**, 19 of 41 SME survey[811] respondents stated that they did not experience costs by keeping transport documents available on board, while 11 answered "Yes" and 11 "I don't know". Answers are similar when asked about costs related to inspections to check transport rates and conditions, to which 21 answered "No" against 10 stating "Yes" and 7 "I don't know". The costs related to inspections, and borne by businesses, were also highlighted by a business association in a targeted interview[812] (EBU), expressing that a potential negative consequence of the Act is the fact that vessels are being detained and asked to show transport documents for each container, leading to an increase in the administrative burden for the carrier. Results from the public consultation[813] are not conclusive with regards to costs and benefits, less than 8 out of 20 respondents answered those questions.In the targeted survey[814], when asked about the benefits of making transport documents compulsory for IWT operators, national authorities did not have a uniform opinion. While 6 of 30 respondents claimed as benefit the easier identification of liable parties (for which 5 disagreed and 19 did not know), 6 respondents claimed that it had led to safer waterways (against 6 that disagreed and 18 that did not know). One respondent elaborated that both the digitisation of transport documents and making them official and acceptable towards all authorities, such as dictated by the Electronic Freight Transport Information (eFTI) Regulation, would positively impact the IWT sector by reducing

[807] Targeted interviews were organised between March 2021 and March 2022

[808] The targeted survey was open for feedback between 18 June and 25 August 2021
[809] 4 February and 11 March 2022
[810] A targeted consultation, also referred to as gap filling survey took place between 15 October and 31 December 2024
[811] 4 February and 11 March 2022
[812] Targeted interviews were organised between March 2021 and March 2022
[813] Public consultation – Fitness check on market access in inland waterway transport (europa.eu), 17 December 2021 and 11 March 2022
[814] The targeted survey was open for feedback between 18 June and 25 August 2021

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administrative burden for operators. This was also underlined by EBU in their feedback to the roadmap[815].

Regarding the other pieces of legislation, 5 of 13 public consultation[816] respondents stated that Council Directive 96/75/EC requires low levels of effort to comply with, compared to 2 claiming "medium effort" and 1 that claimed "significant effort".

With regards to the **Council Regulation N° 718/1999**, when asked about the costs related to the establishment, management and use of the Reserve Funds administered by MS, respondents answered "NA" or did not answer. In their scoping interview[817], the Netherlands stated that one of the biggest benefits brought forth by the Council Regulation N° 718/1999 is the removal of more than 2000 older vessels from the market, thus tackling structural overcapacity issues. The same stakeholder however expressed that the direct benefits linked to the structural transformation of the sector – through for instance greening, digitalisation, and innovation – remained limited due to an insufficient availability of funds required for this transition and modernisation.

In the targeted consultation[818] EBU confirmed that there are no costs related to the ongoing efforts to enforce Council Regulation N° 718/1999, only benefits, as the legislation serves as the basis for the potential restructuring of the IWT market in case of market disturbance and the use of the Reserve Fund, which benefit of the entire IWT sector. When asked about the benefits the Regulation (EC) No 718/1999 brings, AT highlighted the qualitative development of shipping, while LU remarked that the old for new rule might no longer be adequate and appropriate in today's IWT landscape. Operators' organisations and MS administrations, who responded to the targeted consultation activities[819], consider the IWT platform useful. Still in the targeted consultation[820] regarding the IWT Platform, 2 out (NL, HR) of 9 MS administrations are of the view that its benefits are significantly larger than the required effort/costs, 2 (AT, DE) are of the view that benefits and effort/costs are of a similar size and the remaining cannot say. On the same question, 3 out of 5 operator organisations (incl. the IWT platform itself) are of the view that benefits/efforts are of similar size, while 2 are of the view that benefits are significantly larger than the required effort/costs. Finally, during the public consultation[821], 8 out of the 13 respondents perceived Council Regulation (EC) 718/1999 as providing overall benefits or benefits of similar size with the effort/costs.

Regarding **Group 2** legislation, in the targeted consultation[822] LU highlighted the simplification potential of Group 2.

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[815] 11 July and 30 August 2019

[816] Public consultation – Fitness check on market access in inland waterway transport (europa.eu), 17 December 2021 and 11 March 2022

[817] 11 February and 23 March 2021

[818] A targeted consultation, also referred to as gap filling survey took place between 15 October and 31 December 2024

[819] A targeted consultation, also referred to as gap filling survey took place between 15 October and 31 December 2024

[820] A targeted consultation, also referred to as gap filling survey took place between 15 October and 31 December 2024

[821] Public consultation – Fitness check on market access in inland waterway transport (europa.eu), 17 December 2021 and 11 March 2022

[822] A targeted consultation, also referred to as gap filling survey took place between 15 October and 31 December 2024

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Concerning vessel registration costs, 21 of 40 SMEs (that responded to the question) find that the vessel registration process is clear and easy, against 13 stating the opposite. 3 respondents brought up the process' lengthiness as an important burden that requires simplification.
4 of 13 public consultation[823] respondents find that compliance with **Council Directive 87/540/EEC** requires significant effort, 4 consider that it requires medium effort, and 2 that it requires low effort.

In addition, MS administrations expressed the view that lack of a harmonised set of requirements for the carriers of passengers across the EU results in less resilience of those carriers (2out of 7), in diverging requirements by MS (3) and in low quality service (1). One MS also mentioned loss of time (possibly related to the application for and granting of the certificate). One MS mentioned, however, that in view of the very few certificates issued, the effects of the rules are negligible.

4. Coherence

There seems to be a consensus among responding stakeholders that **Regulation N° 11/1960** and **Council Directive 96/75/EC** have indeed removed restrictions and discriminations to entering and operating in IWT, therefore aligning with wider EU policies aiming to ensure the free movement of goods and services with the European single market.

Regarding **Council Regulation N° 718/1999**, 3 international organisations and 1 expert (4 of 10 scoping interviews[824]) manifested that the EU IWT Reserve Fund is in line with wider EU policies aimed at greening the transport sector. Albeit, in a targeted interview[825] with the Danube Commission Secretariat expressed that EU requirements, such as those limiting pollutant emissions, are likely to be more stringent than those imposed in Danube and non-Danube third countries, potentially impacting competitiveness. and also brought up the current lack of clarity on how to carry out the transition to green vessels, a point alluded to by a national administration in their scoping interview[826].

Relating to the measures that can be taken in case of a serious market disturbance is declared (Council Regulation N° 718/1999 and Article 7 of Council Directive 96/75), 2 of 4 international organisations consulted through scoping interviews[827] highlighted the lack of clarity on how to use the Reserve Fund to reach greening and innovation sectoral objectives.

On legislation in Group 22 German SMEs expressed that since EU enlargement, there are vessels permanently operating on the Rhine, with operators established in EU MS with little to no IWT activity and that apply lower social and fiscal standards. This point was also brought up at the CCNR workshop[828] and in a scoping interview[829] by 1 national administration and 1 business association. An expert stated that even if undertakings active on the Rhine have a stronger incentive to relocate to lower-cost countries, effective access to the Rhine by the Danube fleet and vice versa remains limited. In the Danube workshop[830], the Danube Commission Secretariat expressed the fear that some companies be tempted to

[823] Public consultation – Fitness check on market access in inland waterway transport (europa.eu), 17 December 2021 and 11 March 2022
[824] 11 February and 23 March 2021
[825] Targeted interviews were organised between March 2021 and March 2022
[826] 11 February and 23 March 2021
[827] 11 February and 23 March 2021
[828] Stakeholder workshops were held 20 January 2021 -13 September 2021
[829] 11 February and 23 March 2021
[830] Stakeholder workshops were held 20 January 2021 -13 September 2021

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relocate to less-demanding Danube third countries to get their vessel certificate (among others), thus gaining a competitive advantage. The same stakeholder however expressed that for the moment, although flags from non-EU countries have been spotted operating in the Danube, the impact on weakening fair competition remains limited.

Concerning the coherence of **Directive 87/540/EC** regulating access to the IWT profession, in written contributions submitted via the public consultation[831], 1 EU citizen and 1 company (of 20 respondents) highlighted that contrary to the transport of goods, proof of professional competence is not needed for passenger transport, thus raising questions about the level playing field within the IWT market. The EU citizen also expressed that since there is no harmonised certificate confirming proof of professional competence nor harmonised legislation on the registration of IW navigation vessels, it is complicated for enforcement authorities to ascertain the compliance of transport operations.

7 of 41 SMEs perceived differences between EU MS in the process of obtaining the certificate of professional competence as a freight carrier (31 did not know, 3 mentioned different levels of exam difficulty depending on the MS delivering the certificate). This mirrors comments made by EBU and ESO in their scoping interview[832], stating that little can be said about a company's quality through the certificates due to varying conditions for recognition of professional competence across MS.

The CCNR Secretariat expressed another concern in the public consultation[833] over inconsistencies between Directive (EU) 2017/2397 – which actively pursues a competence-based system for crew members – and Council Directive 87/540/EEC, which only lists items of knowledge not associated with practical skills

Stakeholders also addressed the **coherence of IWT legislation compared to the legislation of other freight and passenger transport modes**. EBU and ESO stated in their targeted interview[834] that acceptance of electronic documents is less clear for IWT than for road and rail transport, despite the requirements laid down in **Regulation N° 11/1960** applying equally to all transport modes covered in the Act's scope. Both trade associations expressed that since IWT electronic documents are only accepted when MS laws allow it, coherent application across the EU is not ensured. 2 national administrations also expressed in their targeted interviews[835] that despite EU rules on access to a transport market requiring transport undertakings to be established in the country from which it manages and maintains its fleet, such requirements are absent in **Council Regulations N° 3921/91** and **N° 1356/96**.

With regards to the **coherence of EU legislation with the other legislative frameworks in the IWT sector**, some stakeholders underline the need for more clarity and simplification. An EU citizen indicated in the public consultation[836] that the number of legislation relevant to IWT makes it complicated for vessel owners to follow. A similar point was brought up by EBU and ESO in their scoping interview[837], stating that the difference in concept between

[831] Public consultation – Fitness check on market access in inland waterway transport (europa.eu), 17 December 2021 and 11 March 2022

[832] 11 February and 23 March 2021

[833] Public consultation – Fitness check on market access in inland waterway transport (europa.eu), 17 December 2021 and 11 March 2022

[834] Targeted interviews were organised between March 2021 and March 2022

[835] Targeted interviews were organised between March 2021 and March 2022

[836] Public consultation – Fitness check on market access in inland waterway transport (europa.eu), 17 December 2021 and 11 March 2022

[837] 11 February and 23 March 2021

the Rhine regime and the EU system is not clearly considered by the 3 legal acts regulating conditions of access to the IW network. This also echoes a comment from the Secretary General of Romanian Association of Inland Ship Owners and Port Operators in the targeted interview[838], expressing the lack of clarity in the distinction between Council Regulation N° 2919/85 and the cabotage legislation stipulated in Council Regulation N° 3921/91, as well as between the Danube regime and the EU legal acts. In contrast to the Rhine, during their targeted interviews[839] both the French and Luxembourgish delegations to the Mosel Commission stated that there is no incoherence between the provisions of the 1956 Mosel Convention and EU legislation. 5 of 7 MS having responded to the additional targeted consultation[840], agree that there is a potential for simplification of the IWT market access legislative framework.

Concerning Council Regulations N° 2919/85, N° 3921/91, N° 1356/96, stakeholders have expressed several concerns. In the targeted survey[841], 13 of 22 national authorities stated that "temporary" cabotage is not defined in their country, against 5 informing that it is. In the evidence collected from the targeted survey[842] and the NAIADES workshop[843], 4 national authorities (Austria, Slovakia, Hungary, Romania) expressed that in Danube countries conditions to obtain authorisation on access to cabotage varies between countries. In the CCNR workshop[844], the Dutch and German delegations expressed their wish to maintain cabotage being defined at the level of the river, in which no distinction is made between national and international transport operators transporting freight between two points through the Rhine. This is consistent with access to the Rhine being separately regulated through Council Regulation N° 2919/85 to consider the Rhine regime predating the EU.

Differences across MS in vessel registration procedures were also highlighted as an issue impacting the legislative framework's coherence. In the SME survey[845], 10 of 40 SMEs noted differences between EU MS in vessel registration processes, against 5 that stated the opposite (25 did not know). Notable differences include the length of the processing time for vessel registration (5 of 10 having answered "Yes" expressed this) and the possibility of registering ships in digital form in some MS (e.g., the Netherlands, Switzerland) but not in others (e.g., Germany). In the targeted survey[846], despite 16 of 21 national authorities confirming that registration of commercial vessels is mandatory in their MS, the means in which the genuine link is assessed varies: 10 of 21 stated that the link is assessed against the owner of the vessel, 1 answered that it is against the operator of the vessel, 6 expressed that it is against both the vessel's owner and operator, and 4 that the link is assessed against other criteria. Another concern relevant to market access comes from the public consultation[847], where an EU citizen highlighted the needs for a clearer understanding of what operations "third country carriers" are allowed to perform.

[838] Targeted interviews were organised between March 2021 and March 2022
[839] Targeted interviews were organised between March 2021 and March 2022

[840] A targeted consultation, also referred to as gap filling survey took place between 15 October and 31 December 2024
[841] The targeted survey was open for feedback between 18 June and 25 August 2021
[842] The targeted survey was open for feedback between 18 June and 25 August 2021
[843] Stakeholder workshops were held 20 January 2021 -13 September 2021
[844] Stakeholder workshops were held 20 January 2021 -13 September 2021
[845] 4 February and 11 March 2022
[846] The targeted survey was open for feedback between 18 June and 25 August 2021
[847] Public consultation – Fitness check on market access in inland waterway transport (europa.eu), 17 December 2021 and 11 March 2022

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5. EU added value

Public consultation[848] results indicate a consensus among stakeholders that the legislative framework at the EU level has led to achievements that could not have been reached at other levels of governance, whether at the international, regional, local or MS level. Regarding **market liberalisation through the removal of restrictions and discriminations to entering and operating in IWT**:

- 12 of 13 respondents claimed that the framework at the EU level has led to the freedom to move goods (5 to a great extent and 7 to a moderate extent) against 1 that did not know.
- 11 of 13 respondents stated that it has contributed to the freedom to provide services as well as the liberalisation of the sector (7 to a great extent and 4 to a moderate extent for both questions).
- 10 of 13 respondents answered that the framework had contributed to modernising the sector (4 to a great extent and 6 to a moderate extent) and to the non-discriminatory access to the market (7 to a great extent and 3 to a moderate extent).
- 9 of 13 respondents claimed that it has led to an increase of IWT competitiveness as compared to other modes of transport (5 to a great extent and 4 to a moderate extent).
- Of the questions having received most "did not contribute" answers, 2 of 13 respondents answered that the framework did not contribute to market liberalisation nor to increasing the sector's competitiveness compared to other transport modes.

These views mirror those obtained in other consultation activities: when asked whether the legislation had led to achievements that could not have materialised at other levels of governance:

- 6 out of 8 respondents of the Danube workshop[849] agreed with the statement, listing as main benefits the harmonisation of practices and of enforcement procedures, the establishment of a free market and increased cooperation between national authorities.
- of the 39 SMEs responding to the statement in the SME survey[850], 18 agreed (of which 7 strongly and 11 agreed), 13 neither agreed nor disagreed, 8 respondents disagreed (of which 5 disagreed and 3 strongly disagreed).
- in their targeted interview[851], the representative of Rhine operators and Germany's representative to the CCNR stated that although the transition to price liberalisation via Council Directive 96/75/EC had led to hardship on the German profession due to increased competition, it had indeed led to a decline in logistics costs and to an increase in the sector's productivity.

Concerning legislation referring to the **structural improvement of the IWT market** through **Council Regulation N° 718/1999** and Article 7 of the **Council Directive 96/75/EC**:

[848] Public consultation – Fitness check on market access in inland waterway transport (europa.eu), 17 December 2021 and 11 March 2022
[849] Stakeholder workshops were held 20 January 2021 -13 September 2021
[850] 4 February and 11 March 2022
[851] Targeted interviews were organised between March 2021 and March 2022

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- The EU IWT Platform stated in the scoping interview[852] that uncoordinated attempts during the 1980s at national level to reduce structural overcapacity in the IWT sector had been unsuccessful due to the international cross border nature of the sector, whereas action at the EU level had led to a common structure capable of dealing with the issue across the board.
- In the targeted survey[853], when asked if the EU or the MS should put in place public intervention measures to respond to external economic shocks, 5 of 13 national authorities answered "Yes, by the EU", 2 responded "Yes, Member States", 5 did not know and 1 answered "No". This position was seconded by EBU, ESO and the German delegation at the CCNR during their scoping interviews[854], with the 3 stakeholders underlining the importance of an existing clear crisis mechanism to be deployed at the EU-level during times of crises.
  In a targeted interview[855], a Rhine IWT expert expressed that a fund to make the fleet climate-neutral would best be carried out at EU level. In the NAIADES workshop[856], 2 of 37 participants (CCNR and Germany) welcomed the Reserve Fund, expressing that the pathway to zero-emission vessels was a considerable challenge that would best be addressed at the EU level. The same expert stated that measures taken at the national level aiming to tackle the supply side of IWT, specifically overcapacity, would not lead to significant results given the number of MS in which vessel operators are established. An academic/research institution agreed with this view, adding that despite the benefits of EU-level legislation to the supply side of IWT, more attention should be paid to the demand side (i.e. transport mode preference by shippers).

Concerning the **conditions of access to the IW network**:

- In its feedback to the roadmap[857], a German trade association underscored the importance of EU-level legislation that keeps market entry hurdles low and enables new participants to enter the market.
- In their scoping interview[858], the EU IWT Platform expressed that the harmonisation of technical and qualification provisions was very strong, adding that before the adoption of legislation at the EU level not much initiative had been taken by the MS to open up the markets.
- In their scoping interview[859], an expert highlighted the importance of Council Regulations N° 3921/91 and N° 1356/96 in opening national markets to foreign (non-resident EU) operators to cabotage trade. The expert added that the legislation had led to lower prices for domestic IWT through increased competition, thus forcing German operators to restructure and become more efficient.

[852] 11 February and 23 March 2021
[853] The targeted survey was open for feedback between 18 June and 25 August 2021
[854] 11 February and 23 March 2021

[855] Targeted interviews were organised between March 2021 and March 2022
[856] Stakeholder workshops were held 20 January 2021 -13 September 2021
[857] 11 July and 30 August 2019
[858] 11 February and 23 March 2021
[859] 11 February and 23 March 2021

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- In their scoping interview[860], the Danube Commission expressed that as a consequence of EU legislation, 3 of 4 non-EU members of the Danube Commission (i.e., Serbia, Ukraine, and Moldova) had started harmonising their legislation with the EU acquis.

Less stakeholder input could be obtained regarding whether the legislation addressing the **access to the profession of the IWT carrier (Directive 87/540/EC)** could have been achieved at the national, regional, or local level:

- In its feedback to the roadmap[861], a German trade association underscored the importance of EU-level legislation that keeps market entry hurdles low and enables new participants to enter the market.
- In their scoping interview[862], the EU IWT platform stated that despite EU-level legislation having led to harmonisation across MS, insight was needed on how they had been transposed.
- In the public consultation[863], a research/academic institution praised the introduction of a common standard of qualification on the European waterways, which contributes to the freedom of movement for professionals and to an increase in operational safety. In a targeted interview[864], Slovakia stated that the lack of an EU scheme for professional competence of IWT freight carriers would be detrimental to the IWT sector.

V. Limitations

Several limitations to the stakeholder consultation process that warrant being mentioned:

- **Results are not representative for all stakeholders and a low number of responses were received**. For example, while 41 SMEs answered the SME survey[865], for the same year (2021) there were 5,070 and 4,204 EU SMEs registered for inland waterway freight and passenger[866] transport, respectively. Therefore, the findings of these stakeholder consultation activities reflect only the respondents' opinion and cannot be generalised to represent views of EU stakeholder groups.
- **Uneven participation of various organisations and countries in the consultation activities**. Since certain organisations and countries participated more than others in the consultation activities, certain stakeholder might have had more opportunities to express their opinion. For instance, views from trade associations and national authorities were well represented while input from SMEs were more difficult to obtain.
- **The long data collection process**. From feedback to the roadmap[867] received in 2019 to results of the targeted consultation[868] received in December 2024, the data collection process spans 5 years. Collected evidence and stakeholder input might differ based on

[860] 11 February and 23 March 2021
[861] 11 July and 30 August 2019

[862] 11 February and 23 March 2021
[863] Public consultation – Fitness check on market access in inland waterway transport (europa.eu), 17 December 2021 and 11 March 2022
[864] Targeted interviews were organised between March 2021 and March 2022
[865] 4 February and 11 March 2022
[866] EUROSTAT. (2021). *Enterprise statistics by size class and NACE Rev.2 activity (from 2021 onwards)* [database]. Retrieved from Statistics | Eurostat (europa.eu)
[867] 11 July and 30 August 2019
[868] A targeted consultation, also referred to as gap filling survey took place between 15 October and 31 December 2024

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the year it was collected, especially since several crises impacting the sector have occurred during that period, including the COVID-19 crisis and Russia's full-scale invasion of Ukraine.

- **Incomplete responses were received in the surveys, public consultation[869] and questionnaires**. It is important to mention that this is due to the highly regionalised nature of the IWT market where some businesses and international organisations are often operating in one area, such as the Danube, Rhine, or Mosel for instance.
- **Due to the long-dating Regulations and Directives**, which span more than 6 decades, it is difficult to find actors that provide a long-term perspective of the legislation's impact on the IWT sector from the 1960's until the 2020s.

[869] Public consultation – Fitness check on market access in inland waterway transport (europa.eu), 17 December 2021 and 11 March 2022

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ANNEX VI. SUMMARY OF LEGISLATION IN SCOPE 'INLAND NAVIGATION: ACCESS TO THE MARKET'

1. Council Regulation No 11/1960

Council Regulation No 11/1960, adopted on 27 June 1960, addresses discrimination in transport rates and conditions within the European Economic Community (EEC). This regulation implements Article 79(3) of the Treaty establishing the EEC and aims to ensure fair competition by prohibition of fixing of rates. The regulation applies to the carriage of goods by rail, road, or inland waterway within the Community, including journeys involving third or associated countries. It covers only parts of journeys within the Community, even if the goods are carried by other modes of transport over other parts of the journey.

Objectives: The objectives of Council Regulation No 11/1960 include: ensuring a level playing field for carriers within the EEC, preventing unfair advantages based on discriminatory pricing and promoting fair competition and market access for all transport operators. Requiring transport documentation increases transparency in transport rates and conditions, helping to detect and address discriminatory practices more effectively. Clear rules against discrimination reduce legal uncertainties for carriers and facilitate smoother cross-border transport operations by harmonizing rules within the Community. Moreover, encouraging efficient transport services by eliminating discriminatory pricing and conditions potentially lowers costs for consignors and consignees thanks to fair competition among carriers.

Key Provisions:

- **Prohibition of Discrimination (Article 4):** Carriers are prohibited from charging different rates or imposing different conditions for the same goods over the same transport links based on the country of origin or destination. Fixing transport rates and conditions that result in discrimination is also prohibited.

- **Transport Document Requirements (Article 6[870]):** A transport document is required for each consignment of goods, detailing the consignor's name and address, nature and weight of the goods, place and date of acceptance, place of delivery. These documents must be made out in duplicate, numbered, and retained for two years.

- **Notification and Information (Article 5[871]):** Member States must notify the Commission of any discriminatory tariffs or agreements before 1 July 1961. Transport undertakings must provide relevant information to their respective governments and notify them of any new discriminatory measures.

- **Inspection and Compliance (Article 14):** Member States are responsible for checking compliance with the regulation. The Commission can send officials for inspections to ensure adherence, with rights to access premises, records, and vehicles of undertakings.

- **Penalties for Non-Compliance (Articles 16, 17 & 18):** After consulting the Commission, Member States can impose penalties for discrimination, with fines up to 20 times the carriage charge obtained or demanded. Further penalties of up to 10,000 units

[870] As amended by Council Regulation 569/2008
[871] Article 5 was removed by Council Regulation 569/2008

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of account can be imposed if discrimination continues despite orders to cease.

Obligations: Regulation No 11/1960 requires carriers to ensure that transport rates and conditions are non-discriminatory. Moreover, they are obliged to maintain accurate transport documents in duplicate for two years and provide necessary information to authorities. The Regulation also includes obligations for the national administrations to carry out checks or controls (Art 14), follow up of infringements and issuing penalties.

Implementation and enforcement: Carriers are responsible for carrying transport documents as per Article 5. Certain low-weight or short-distance transport is exempted under Article 8. Forwarding and other agents must provide relevant information on services and rates as per Article 13, if required by their Governments' or by the Commission. Governments and undertakings must supply additional information if requested by the Commission under Articles 11 and 13. Member States are responsible for checking compliance (with enforcement assisted by the Commission, if needed) as per Article 14 and are also required to establish penalties for non-compliance under Articles 16, 17 and 18.

2. Council Directive 96/75/EC[872]

Council Directive 96/75/EC, adopted on 19 November 1996, aims to liberalise systems of chartering and pricing in national and international inland waterway transport within the European Community. Council Directive 96/75/EC applies to both national and international inland waterway transport within the European Community. It sets a uniform timetable at Community level for the gradual liberalization of the market. By promoting the use of inland waterways, the directive aims to contribute to addressing challenges such as road and rail congestion, transport safety, environmental sustainability, and quality of life.

Objectives: The objectives of the directive include enhancing competitiveness in inland waterway transport by allowing contracts to be freely negotiated and prices set based on market conditions, promoting efficiency and cost-effectiveness.

Key Provisions:

- **Freedom of Contract and Pricing (Article 2):** The directive establishes the principle that contracts in inland waterway transport shall be freely concluded between parties and prices shall be freely negotiated. This provision aims to enhance market efficiency by allowing carriers and shippers to adapt their pricing according to market conditions.

- **Transitional Period and Exceptions (Articles 3, 4 and 5):** While certain cargo (such as dry bulk, liquid bulk, oil and gas) was immediately subject to liberalisation under the Directive, for the remaining cargo types Member States were allowed to maintain systems of minimum compulsory tariffs and chartering by rotation until 1 January 2000, while maximising flexibility in those systems. This transitional phase facilitated a gradual shift towards a liberalised market, allowing carriers to adjust to new market conditions.

- **Contractual Flexibility (Article 6):** Within two years of the directive's entry into force (end of 1998), Member States involved in systems of chartering for rotation were required to enable shippers to choose between different types of contracts (time based,

[872] As amended by Regulation (EC) No 1882/2003

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tonnage contracts and contracts for single or multiple trips). This flexibility aimed at supporting operational efficiency and customer choice in inland waterway transport services.

- **Possible measures in Case of Serious Market Disturbance (Article 7):** The directive empowers the European Commission, at the request of a Member State, to take suitable measures, in particular measures designed to prevent any new increase in the transport capacity, in response to serious market disturbances in the inland waterway transport sector.

Obligations: Implementing Council Directive 96/75/EC imposes several obligations for Member States and stakeholders. Member States were obliged to adapt national legislation and administrative procedures to ensure compliance with the directive by 1 January 1997 (Article 9). Additionally, carriers were required to transition from regulated tariffs to negotiating prices freely in a competitive market (Articles 3, 4 and 5).

Implementation and enforcement:

- **Transposition Deadline:** Member States were required to transpose the directive into national law by 1 January 1997 and to promptly inform the European Commission.

- **Gradual Implementation:** By end of 1998, several Member States had phased out minimum compulsory tariffs and enabled shippers[873] to have free choice of contracts and prices in inland waterway transport. The transitional period, where some carriers under certain conditions were allowed to continue the chartering contracts, elapsed on 1 January 2000.

- **Standby Mechanism:** The European Commission, under Article 7, continues to have a legal basis to take measures - at the request of a Member State - to prevent excessive increase in transport capacity in the event of serious market disturbance.

3. Council Regulation (EC) No 718/1999[874]

Council Regulation (EC) No 718/1999, adopted on 29 March 1999 and active until 29 April 2003, establishes measures concerning the reduction of overcapacity in the Community fleet engaged in inland waterway transport. The regulation builds upon its predecessor (Regulation (EEC) No 1101/89) to address overcapacity issues in the fleets operating on linked inland waterway networks of Member States where overcapacity exists. The regulation aimed to retain and gradually phase out the old-for-new rule mechanism during the four years of its activity. Beyond April 2003 the Regulation continues to offer a standby mechanism where the Commission may temporarily reinstate the 'old-for-new' rule for a limited period - in the event of serious market disturbance, as defined in Article 7 of Directive 96/75/EC.

The regulation applies to commercial vessels and pusher craft[875] engaged in transport operations between two or more points via inland waterways within the Member States. It

[873] Shipper refers to a customer or client.
[874] As amended by Regulation (EU) 546/2014
[875] A vessel specifically designed to push barges or other non-motorised cargo units ahead of it.

excludes vessels operating exclusively on closed national waterways or the Danube up to Kelheim, as well as vessels under 450 deadweight tonnes and specialized vessels.

Objectives: Council Regulation (EC) No 718/1999 enhances market stability by addressing overcapacity. The old-for-new rule assures new vessels are introduced only when a special contribution is paid, or equivalent old vessel tonnage is scrapped. This capacity policy leads to the modernisation and restructuring of fleets, encouraging the adoption of vessels that align with environmental and safety advancements. Lastly, it fosters fair competition among vessel owners and operators across Member States by implementing uniform rules and scrapping premiums.

Key provisions

- **'Old-for-new' Rule (Article 4):** Central to the regulation is the 'old-for-new' rule, requiring owners introducing new vessels into service to either scrap compensatory tonnage or contribute to designated Funds. This rule aims to prevent the influx of new vessels that could lead to overcapacity by introducing a special contribution to be paid at a certain ratio, when a new vessel is brought to the market. This mechanism was active until 29 April 2003 in a differentiated manner (ratio could be set at different levels for dry cargo[876], tanker[877] or pusher craft) and a gradual manner (by the end date the contribution ratio was reduced to zero). Special contributions are uniformly set across Member States to ensure fair competition and market neutrality.

- **Establishment of the Inland Waterways Funds (Article 3):** Each Member State who has linked waterways and a fleet tonnage above 100,000 tonnes must establish an Inland Waterways Fund, financed through industry contributions and surpluses from previous structural improvement schemes[878]. These Funds are segregated into accounts for dry cargo carriers, tanker vessels, and pusher craft to manage capacity reductions and scrapping premiums effectively.

- **Use of the Inland Waterways Funds (Article 3.4 and 3.5):** The regulation provides for the use of Funds either in connection with suitable measures referred to in Article 7 of Directive 96/75/EC or for the measures referred to in Article 8 of Council Regulation (EC) No 718/1999.

- **Standby Mechanism - Measures in the Event of Serious Market Disturbance (Article 6):** Beyond April 2003, and in the event of serious market disturbance – as defined in Article 7 of Directive 96/75/EC, the Commission may temporarily reinstate the 'old-for-new' rule for a limited period. This includes providing scrapping premium and implementing structural improvement measures to avoid aggravation of existing overcapacity or the emergence of further overcapacity the inland waterway transport market.

Obligations: Stakeholders in the inland waterway transport sector have specific obligations under Council Regulation (EC) No 718/1999. Vessel owners are required to ensure adherence to the old-for-new rule, which requires the scrapping of old vessels or payment

[876] Refers to goods that are not liquid or gas, instead transported in a solid, unpackaged form, typically in bulk or containers.
[877] A vessel designed and equipped for the transport of liquid or gaseous cargo in bulk.
[878] Council Regulation (EEC) No 1101/89 of 27 April 1989 on structural improvements in inland waterway transports

of a special contribution under certain conditions before bringing new capacities into service. Furthermore, they are required to provide special financial contributions to the Inland Waterways Funds established by Member States when opting not to scrap equivalent tonnage.

Implementation and enforcement: Council Regulation (EC) No 718/1999 is implemented and enforced through structured mechanisms:

- **National Implementation:** Member States establish Funds and enforce compliance through national legislation, ensuring vessel owners adhere to contribution requirements. This includes maintaining records and verification of compliance. Member States shall communicate to the Commission annually all relevant information on progress with the "old-for-new" scheme and on the financial position of the Funds and of their reserve fund.

- **EU-level Coordination:** The European Commission oversees implementation and sets uniform contribution rates during the period when the mechanism is active, manages Funds disbursements, and intervenes in the event of market disturbance – if such is successfully requested by Member States. Collaboration with Member States and industry stakeholders aims at ensuring consistent application and enforcement across the European Union.

- **Compliance Requirements:** Vessel owners must adhere to the old-for-new mechanism outlined in the regulation. Compliance involves accurately documenting processes related to bringing a new vessel to the market and scrapping old vessels, financial transactions related to Funds contributions, and ensuring vessels meet regulatory standards.

- **Enforcement Measures:** Member States establish penalties for non-compliance with regulation provisions, as stipulated in Article 9.

4. Council Regulation (EEC) No 2919/85

Council Regulation (EEC) No 2919/85, adopted on 17 October 1985, is designed to regulate access conditions to the Rhine for European Economic Community (EEC) vessels. This regulation transposes relevant provisions of the Additional Protocol 2 to the Rhine Convention[879] into EU law, by copying relevant provisions into the Annex Council Regulation (EEC) No 2919/85. This legislation defines criteria and procedures for certifying vessels belonging to the Rhine Navigation, ensuring uniform treatment of vessels. Vessels from non-Rhine Member States are granted equal status with vessels from Rhine Contracting States in terms of access to the Rhine.

The regulation applies to Rhine Navigation only and it sets conditions for their access to the Rhine's transport while not making distinction between cabotage and cross-border transport.

Objectives: The regulation promotes fair competition by establishing uniform rules for access to the Rhine's navigation arrangements for all EEC vessels meeting the ownership conditions, it supports the integration of the common internal transport market, promotes trade and transport efficiency and mitigates discriminatory practices in Rhine navigation.

[879] Revised Convention for the navigation of the Rhine

Criteria for document issuance aim to facilitate regulatory compliance and reduce uncertainty of access for vessel owners.

Key Provisions:

- **Conditions (Article 2, 3, 4, 5 and 6 of Annex):** In order to obtain a certificate, vessels must be owned by nationals of Member States or legal persons with a registered place of business in a Member State and majority ownership by Member State nationals. The same conditions must be fulfilled by the operator of a vessel.

- **Certificates (Article 2, 3 and 7 of Annex):** Vessels must have certificates issued by their Member State of registration to prove compliance with ownership conditions and to establish that the vessel belongs to Rhine Navigation. The certificate must be kept on board the vessel.

Obligations: The Annex of Regulation No 2919/85 imposes several obligations on Member States, vessel owners, and operators. Member States are obligated to establish procedures for issuing and verifying the document certifying vessel affiliation with Rhine navigation. Vessel owners and operators have the obligation to meet criteria for document issuance, which may involve ensuring compliance with nationality/place of establishment requirements, maintaining documents or certificates, and responding to verification requests from authorities. Vessel owners must obtain and maintain certificates proving their compliance with ownership conditions.

Implementation and enforcement: Member States must adopt national provisions to enforce the regulation's requirements, notifying these provisions to the EC as well as the Central Commission for the Navigation of the Rhine (CCNR) (Article 2). Competent Authorities have the power to withdraw the document certifying vessel affiliation if conditions are no longer met (Article 6 of Annex), ensuring adherence to regulatory standards.

5. Council Regulation (EEC) No 3921/91

Council Regulation (EEC) No 3921/91, adopted on 16 December 1991, sets conditions under which non-resident carriers may transport goods or passengers by inland waterway within a Member State, known as 'cabotage.' The regulation seeks to remove restrictions based on nationality or place of establishment within the EU. While this Regulation applies to entire EU, including the Rhine basin, it does not affect the rights existing under the Mannheim Convention (Article 6).

Objectives: The Regulation facilitates market integration by allowing non-resident carriers to perform cabotage operations within Member States on a temporary basis under harmonized conditions, promoting market integration and enhancing economic efficiency by reducing barriers to entry and operational complexities.

Key Provisions:

- **Conditions for Cabotage Operations (Article 1 and 2):** Article 1 permits carriers from one Member State to conduct national transport (cabotage) of goods or passengers by inland waterway in another Member State, provided they are established in a Member State and authorized to carry out international transport of goods or persons by inland waterway. This provision facilitates temporary cabotage operations without requiring a

physical establishment in the host Member State. Article 2 provides for additional conditions regarding the ownership of vessels used for cabotage and the certificate that needs to be produced to this end. The certificate shall prove that the carrier fulfils the conditions related to vessel ownership. A certificate establishing that a vessel belongs to Rhine Navigation in accordance with Council Regulation (EEC) No 2919/85 is equivalent.

- **Application of National Laws and Regulations (Article 3):** Cabotage operations are subject to the laws, regulations, and administrative provisions of the host Member State, particularly in fields such as transport contract rates, operating procedures, technical vessel specifications, navigation and police regulations, navigation time, rest periods, and VAT on transport services. These provisions ensure compliance with national standards while adhering to Community rules to prevent discrimination.

- **Transitional Provisions (Article 4):** While the Regulation is directly applicable in Member States, i.e. as of 1991, certain Member States negotiated a transitional period of about 4 years during which they restricted cabotage operations (until 1 January 1995): Germany and France restricted cabotage to one or two trips following an international transport operation, respectively. Moreover, transport operations between specific ports in Germany were excluded from this Regulation's scope during the above-mentioned transitional period. These provisions acknowledge national considerations while moving towards harmonisation of transport services across the Community.

- **Standstill Clause (Article 5):** Member States are prohibited from introducing new restrictions on Community carriers' freedom to provide services that existed upon the Regulation's entry into force. This article aims to maintain the achieved level of freedom and prevent additional barriers to market access.

- **Relationship with Existing Conventions (Article 6):** Regulation No 3921/91 does not affect rights established under the Revised Convention for the navigation of the Rhine (Convention of Mannheim). This provision ensures coherence between EU regulations and pre-existing international agreements governing inland waterway transport, notably with the Mannheim Convention.

- **Implementation by Member States (Article 7):** Member States are required to adopt necessary laws, regulations, and administrative provisions to comply with Regulation No 3921/91 and inform the Commission accordingly. This step ensures uniform application and enforcement of the regulation across all Member States.

Obligations: The Annex of Regulation No 3921/91 lists obligations on Member States, vessel owners, and operators. Carriers must obtain certificates from the Member State where their vessels are registered or where they are established (if vessels are not registered) to prove compliance with ownership and establishment conditions.

Implementation and enforcement: Member States are required to harmonise their national laws with EU standards as specified in Regulation No 3921/91. This ensures consistent application of cabotage rules in inland waterways. Competent authorities monitor carriers' compliance with national and EU regulations, particularly concerning technical vessel specifications and operational requirements (Article 3).

6. Council Regulation (EC) No 1356/96

Council Regulation (EC) No 1356/96, adopted on 8 July 1996, establishes common rules applicable to the cross-border transport and transit of goods or passengers by inland waterway between Member States of the European Union (EU). The primary aim is to ensure freedom to provide transport services across Member States, eliminating discrimination based on nationality or place of establishment. The regulation aims to harmonize market access conditions for cross border transport and transit and eliminate distortions of competition that may arise from varying national regulations. Consequently, it ensures a unified approach to market access.

While this Regulation applies to entire EU, including the Rhine and Danube basins, it does not affect the rights of third-country operators under the Mannheim Convention and the Belgrade Convention (Article 3).

Objectives: The objectives of the regulation include non-discriminatory access to the market for operators, allowing them to provide cross-border transport services across Member States without facing barriers based on nationality or establishment location and eliminating discrimination.

Key Provisions:

- **Non-Discrimination and Conditions (Article 2):** Operators must meet specific criteria to qualify for non-discriminatory access, including being established in a Member State, having the right to conduct international inland waterway transport, and using vessels registered in a Member State.

- **Rights of Third-Country Operators (Article 3):** The regulation respects the rights of third-country operators under international conventions such as the Mannheim Convention for the Rhine and the Belgrade Convention for the Danube, ensuring consistency with existing international obligations.

Obligations: Implementing Regulation No 1356/96 imposes several obligations on operators and Member States. Operators must ensure their vessels are registered or have a certificate of membership, and they must adhere to the legal requirements of both the regulation and the establishment rules in their Member States. Ensuring compliance with the regulation may involve additional administrative procedures, such as obtaining necessary certificates and maintaining documents or certificates.

Implementation and enforcement: as the Regulation is directly applicable in all Member States, transposition is not **required**.

7. Council Directive 87/540/EEC

Council Directive 87/540/EEC, adopted on 9 November 1987, aims to harmonize access to the occupation of carrier of goods by waterway in national and international transport within the European Economic Community (EEC). It sets common rules to enhance the level of qualifications among carriers, contributing to the efficiency of transport services and promoting the freedom to provide services and establish businesses across Member States.

The directive applies to natural persons and undertakings engaged in the commercial transport of goods by waterway vessels within the EEC. It defines the occupation of carrier of goods by waterway and excludes certain minor transport activities and ferries. Member States may furthermore – after consulting the EC – grant exemption to carriers operating on navigable waterways exclusively within a Member State's territory not linked to another Member State's network.

Objectives: The Council Directive 87/540/EEC aims at enhancing service quality by improving the quality of waterway transport services through ensuring that carriers meet standardised competence levels across the EU. Additionally, the directive's objective is to facilitate freedom of establishment, enabling carriers to establish operations across Member States more easily by recognising qualifications uniformly. Furthermore, it aims at promoting market efficiency and improving service standards, thereby contributing to increased resilience of carriers, market stability and overall efficiency.

Key Provisions:

- **Access to the Occupation and Proof of Professional Competence (Article 3):** Individuals and undertakings must demonstrate professional competence through specified knowledge or practical experience in subjects outlined for national transport carriers and international transport carriers in the Annex. This competence is certified by competent authorities designated by each Member State.

- **Exemptions and Derogations (Articles 4, 5, and 6):** Member States may exempt certain carriers from these requirements, such as those operating on their own territory's non-linked waterways or those with significant practical experience but lacking formal qualifications.

- **Mutual Recognition of Qualifications (Articles 7, 8, and 9):** The directive promotes mutual recognition of diplomas, certificates, and other evidence of formal qualifications among Member States. It ensures that certificates issued by one Member State are recognized as sufficient proof of competence by another, facilitating freedom of establishment for carriers.

Obligations: The Council Directive 87/540/EEC requires aspirant carriers to obtain or prove professional competence, necessitating course attendance or practical experience, or both. It also obliges aspirant carriers to maintain and present necessary documents and certificates to authorities. Member States need to designate competent authorities, issue certificates, etc.

Implementation and enforcement: The implementation and enforcement of the directive involve several key processes. The certification process, as outlined in Article 3, designates competent authorities in each Member State as responsible for issuing certificates of professional competence based on specified criteria. Exemptions and derogations are detailed in Articles 3, 4, 5, and 6, allowing Member States to adopt national measures to exempt certain carriers or apply temporary provisions, provided they notify the Commission. Mutual recognition, covered in Articles 7, 8, and 9, mandates that Member States recognise qualifications issued by other Member States, ensuring the effective exercise of the right of establishment.

This directive was to be implemented by Member States by 30 June 1988. Member States were also required to inform the Commission of national law provisions by that date. Transitional measures are specified in Article 11, requiring the initial verification of competence standards to be completed by 1 July 1990.

ANNEX VII. SCOPE OF THE FITNESS CHECK - LEGISLATION ON POSTING OF WORKERS AND SOCIAL SECURITY

In addition to the seven pieces of legislation that are in scope of this Fitness Check on market access in inland waterways transport[880], it was initially envisioned to also include in the scope of the Fitness Check the following as indicated in the Roadmap[881]:

- application in IWT of the Posting of Workers Directive 96/71/EC, concerning the posting of workers in the framework of the provision of services, and its Enforcement Directive 2014/67/EU.
- Derogation Agreement for Rhine boatmen concluded on the basis of Article 16(1) of Regulation (EC) 883/2004 on the coordination of the Social Security Systems (specifically the agreement on the determination of legislation applicable to Rhine boatmen, concluded on this basis).

However, following an assessment of the situation, the Commission concluded that a fully-fledged analysis of EU's social legislation would not be part of this Fitness Check. The reasons for this decision are presented below.

Posting of Workers Directive

Firstly, the initial reason to include aspects related to IWT sector of the Posting of Workers Directive 96/71/EC (PWD) in the scope of the IWT Fitness Check is no longer valid. The initial decision to include the PWD in the scope of the Fitness Check was prompted by complaints[882] received by the Commission from the European Barge Union (EBU) and the European Skippers Organisation (ESO). These organisations represent national associations of barge owners and barge operators of the main European inland navigation countries and private inland shipping entrepreneurs. In the meantime, the complaints led to infringement procedures against several Member States, and in response some States adapted their legislation.

The Commission found that EBU and ESO's complaints concerned the implementation of some provisions of Directive 2014/67/EU on the enforcement of the PWD (the Enforcement Directive) by some Member States. The Enforcement Directive, however, allows Member States to impose certain measures[883] - such as the declaration obligation or the need to have a representative - in the host Member State. Commission services therefore concluded that the Member States measures in question were in line with the provisions of the Enforcement Directive.

[880] See the list of legislation in Chapter 1.
[881] A Fitness Check Roadmap on the initiative was published on 11 July 2019, see Fitness check on market access in inland waterway transport (europa.eu)
[882] The initial decision to include the PWD in the scope of the Fitness Check was prompted by complaints received by the Commission from the European Skippers Organisation (ESO) and the European Barge Union (EBU) in 2016 and 2017 respectively.
[883] Such as the declaration obligation or the need to have a representative in the host Member State in its Article 9.

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Moreover, the Enforcement Directive is a horizontal, non-sectoral legislation, going well beyond the IWT sector, and its implementation has already been comprehensively assessed in 2019[884]. In addition, in 2018 the Commission amended[885] the PWD based on an impact assessment accompanying its proposal[886], resulting in the adoption of Directive (EU) 2018/957. Moreover, in line with Article 2 of Directive (EU) 2018/957 (the amending Directive), an implementation report on the application and implementation of the amending Directive was published in April 2024[887].

Therefore, considering the various assessments throughout recent years (the 2019 implementation report of the Enforcement Directive, the 2016 impact assessment accompanying the proposal of the amending Directive (EU) 2018/957, and its implementation report published in 2024), as well as the fact that the initial reason to include such elements in the scope of the Fitness Check is no longer relevant, the Commission concluded that there is no need to include the aspects related to IWT of the PWD in the scope of this Fitness Check.

Coordination of Social Security Systems

Prior to the European Economic Community, in 1949, the Rhine States have established a common instrument for coordinating social security legislation among themselves and in the interest of the Rhine boatmen. This Agreement was adopted by an ILO Conference[888] and is referred to as the "Rhine Agreement"[889]. However, after the Regulation on the Coordination of Social Security Systems (Regulation (EC) No 883/2004) entered into force, the Rhine Agreement no longer applied in Rhine States that were also members of the EU.

Therefore, BE, DE, FR, LU, NL used the opportunity given by Article 16(1) of the Regulation (EC) No 883/2004 that allows two or more Member States by common agreement to provide for exceptions 'in the interest of certain persons or certain categories of persons', in this case the Rhine boatmen. The "Agreement on determination of legislation applicable to Rhine boatmen, concluded on the basis of Article 16(1) of Regulation (EC) 883/2004"[890] (also called Derogation Agreement) was signed and entered into force on 11 February 2011, with retroactive affect as of 1 May 2010. Also, two states that are not part of the EU, namely Switzerland[891] and Lichtenstein[892] decided to become a party to the Derogation Agreement in 2012 and 2018 respectively.

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[884] eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52019DC0426&from=EN

[885] Directive (EU) 2018/957

[886] https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A52016SC0052

[887] eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52024DC0320

[888] ILO Conference Paper, Report of the Director-General. Sixth supplementary report, Convocation of a Special Tripartite Conference of States bordering on the Rhine and of Belgium to prepare International Agreements concerning social security and conditions of work of workers engaged in Rhine navigation: summary, International Labour Organization. Governing Body (108th: 1949: Geneva, Switzerland); International Labour Organization. Governing Body, issuing body, Geneva: ILO; 1949, G.B.108/13/16. https://labordoc.ilo.org/permalink/41ILO_INST/1jaulmn/alma995656197202676

[889] https://ccr-zkr.org/12060300-fr.html

[890] "Agreement on determination of legislation applicable to Rhine boatmen, concluded on the basis of Article 16(1) of Regulation (EC) 883/2004" (Also referred to as "Derogation Agreement")

[891] AvenantAccordDerogatoire_en.pdf

[892] ZKR FRÜHJAHRSSITZUNG 2019 ANGENOMMENE BESCHLÜSSE (2019-I), p.56, https://www.ccr-zkr.org/files/documents/resolutions/ccr2019-Id.pdf?utm_source and Liechtenstein Law Gazette (LGBl.), 2018, No. 205, issued 26 October 2018 (Systematic Register: 0.831.109.105.1)

The initial consideration for including the Derogation Agreement in the scope of the Fitness Check was based on the IWT social partners' suggestions[893] that specific rules on applicable social security legislation set out in the Derogation agreement shall be extended to European inland waterways beyond the Rhine. These arguments were re-confirmed in a joint letter[894] by EBU, ESO and ETF in reaction to the EC's Roadmap on the Fitness Check. In these letters social partners have raised concerns resulting from the coexistence of two sets of social security rules governing inland water transport workers. Until recently, social partners have advocated for a single rule applicable to all workers, favouring the Rhine rule, which designates the law of the country where the vessel operator is established.

However, according to Article 16(1) of the Regulation (EC) No 883/2004 **it is the Member States concerned who are competent to decide** on such a request and to provide - by common agreement - for an exception to the rules on applicable legislation in Articles 11-15 for this specific category of persons. Such a derogation must be in the interest of the persons or category of persons concerned. Concretely, at least two Member States (which are not part of the current Derogation Agreement) might conclude their own agreement, based on Article 16 of Regulation (EC) No 883/2004. Alternatively, Member States might decide to join the existing Derogation Agreement.

Therefore, given that the competence of concluding further Derogation agreements is at the level of Member States, the Commission decided to exclude the Derogation Agreement for Rhine boatmen concluded on the basis of Article 16(1) of Regulation (EC) No 883/2004 from the scope of the Fitness Check on IWT.

It needs to be noted that the Commission has proposed a revision of the Regulation (EC) No 883/2004 and its Implementing Regulation (EC) No 987/2009 in December 2016. Despite the fact that negotiations are still ongoing, Article 16(1) of Regulation (EC) No 883/2004 - that is the legal basis on which the Rhine boatmen Derogation Agreement was concluded and on which any future new agreement could be concluded - was not modified by the Commission Proposal nor by any subsequent amendments of the co-legislators.

Conclusion

To conclude, the Commission's decision to exclude the Posting of Workers Directives and the Derogation Agreement to Rhine boatman concluded on the basis of Article 16(1) of Regulation (EC) No 883/2004 from the scope of the IWT Fitness Check has been based on the following reasons:

- The initial reasons for considering the inclusion of these pieces of legislation in the scope of the Fitness Check are no longer relevant. The Posting of Workers Directives have already been comprehensively evaluated and two implementation reports were also published in 2019[895] and 2024[896]. Regarding the EU legislation on the coordination of Social Security systems, the Commission has already evaluated and proposed a revision in 2016, which did not affect Article 16(1) of Regulation (EC) No 883/2004.
- Both pieces of legislation are horizontal and sector neutral and go well beyond the IWT sector itself in terms of scope.

[893] Letter dd 20/01/2016 signed by EBU, ESO and ETF
[894] Letter dd 2/06/2020 signed by EBU ESO ETF
[895] EUR-Lex - 52019DC0426 - EN - EUR-Lex
[896] eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52024DC0320

The decision to exclude them from the scope of the IWT Fitness Check, and to focus solely on the seven legislations which are specific to the IWT sector, allows for a more targeted and focused analysis and - as demonstrated - does not risk undermining the comprehensiveness of the Fitness Check on the market access in the inland waterways transport.

ANNEX VIII. INTERNATIONAL TREATIES CONTEXT

1. Introduction

Today's European inland navigation is governed by multiple international organisations. These international organisations have partially overlapping memberships, competences and geographic scope. Through the harmonisation of certain requirements for inland waterway transport (IWT), the EU has gradually increased its role in the governance of inland navigation in Europe over time, in the 21st century by introducing common technical requirements for vessels, common rules for qualification for crew and waterway conditions, amongst others. This has helped to establish uniform rules in Europe. However, the EU has limited legal competences (e.g. in the field of traffic rules – so-called police regulations) as well as limited capabilities (it has no technical agency for IWT). Continuous cooperation is needed between pre-existing international organisations, the EU as well as Member State administrations (i.e. the police) in certain cases.

The main governing structures in Europe are the European Union, the Central Commission for the Navigation of the Rhine (CCNR), the Danube Commission (DC), and the United Nations Economic Commission for Europe (UNECE). International river commissions, such as CCNR or the Danube Commission (and to a lesser extent the Sava Commission and the Mosel Commission), have enabled, for more than a hundred years, free navigation on their own respective basins, including with non-EU countries.

This annex provides an overview of the main actors of the complex inland navigation governance setup as well as further explanation on the historical circumstances in which they were established and the specificities of each international organisation. It draws a picture of how the different legal regimes and actors currently coexist, bringing into light some intricacies and recurrent issues for specific policies.

2. Historical background and features of each organisation

From the early stage of the European integration, the transport policy has been of high importance for Community policies. The Rome Treaty (1957) envisioned the establishment of a broad common market for all sectors of the economy. Accordingly, the EEC Common Transport Policy (CTP) was designed to promote market interpenetration in general and to foster integration within the transport sector itself, including inland waterway transport[897].

However, the European Communities were not the first international body regulating inland transport. As rivers often span across multiple countries, inland navigation inherently bears a strong international dimension. The need for coordination among riparian states was always essential to enable a good management of river transport systems. Following the natural conditions created by the European watershed, countries in Europe had set up international organisations to enable cross-border navigation and discussion on matters of common interests. Therefore, the European Communities started regulating the framework for inland navigation operations with the aim to liberalise inland transport market, while there have been pre-existing and well-established international regimes.

[897] Ecorys, STC-Nestra and Tournaye Consulting (2023), *Fitness check support study*, Annexes, p.58

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Two main river commissions in Europe were established long before the start of the European integration process: the CCNR[898] in 1815[899] and the DC[900] in 1948[901]. They both rely on their respective international convention to implement their primary mission: to ensure the freedom of navigation and to address matters of common interest on the rivers. On top of these two river commissions regimes, the United Nations also developed a cooperation framework to facilitate international waterway transport (UNECE – IWT transport Committee) and has played an important role in developing inland waterways policy since 1949. The role of each of these organisations are briefly introduced in the coming sections.

1) The CCNR and the Rhine Regime[902]

The Rhine river has been a vital artery for trade and commerce in Northern and Western Europe for centuries, connecting on the one hand key seaports like Rotterdam, Antwerp, and Amsterdam, forming a major economic hub known as the *ARA zone*[903] as well as connecting this area with the Rhine basin. These seaports are among the largest and busiest ports in Europe and in the world[904]. The Rhine basin still represents a large share of inland waterway transport in Europe and ensures that major economic hubs in the hinterland have access to the sea by water.

Given the importance of the Rhine river, its riparian countries created the **Central Commission for Rhine Navigation (CCNR)**, which was established by the **Treaty of Vienna** in 1815. The Central Commission is known as the oldest international organization still operational today[905]. Its primary purpose was to regulate navigation along the **Rhine River**, while it also has a role in dispute resolution as well as to ensure free and secure passage for ships and promoting economic cooperation and stability.

[898] The current members of the CCNR are DE, BE, FR, NL and CH.
[899] Dating back to the Congress of Vienna (1815), the Central Commission for the Navigation of the Rhine is the oldest international organisation in modern history. Its legal foundation is the Revised Convention for Navigation on the Rhine - referred to as the Mannheim Document or Mannheim Convention, dated of 17 October 1868.
[900] The current members of the Danube Commission (DC) are BG, HU, RO, SK, HR, AT and DE, as well as Moldova, Serbia, Ukraine. At the XII-th Extraordinary session of the DC on 17 March 2022 Danube states decided to suspend representatives of the Russian Federation from participation in all meetings of the DC and its working bodies until the restoration of peace, sovereignty and territorial integrity of Ukraine within its internationally recognized borders. Additionally, at the 100th Jubilee Session of the DC on 14 December 2023 the Danube states adopted a decision urging the Russian Federation to draw the consequences of its attacks by withdrawing from the Belgrade Convention until 29 February 2024, or, failing that, as of 1 March 2024, the Danube States will no longer consider themselves bound by the obligations under the Belgrade Convention vis-à-vis the Russian Federation.
https://www.danubecommission.org/uploads/doc/press/2023/en_Press_release_100.pdf
[901] The Danube Commission is an international intergovernmental organization established by the Convention regarding the regime of navigation on the Danube signed in Belgrade on 18 August 1948
[902] In 2023, the Rhine countries represented 80.1% of inland waterway transport in Europe (EU27, Switzerland, Serbia, and Moldova). Source: CCNR (2024), Market observation annual report 2024.
[903] Rotterdam, Antwerp, and Amsterdam
[904] CECILE TOURNAYE Legal Consultant, Ad'Missions (2015), What prospects for the 200 years old Rhine legal regime in the European Context?, The Journal of International Maritime Law, Volume 21, Issue 5.
[905] CCNR: Central Commission for the Navigation of the Rhine - Introduction

The role of the CCNR was later reaffirmed by the Mannheim Act in 1868[906] to extend its competence. The act upheld the principle of free navigation on the Rhine and the possibility for members of the Central Commission to adopt common regulations. Detailed regulations were developed to provide a precise organisation of navigation on the Rhine in various field such as the transport of dangerous goods (1868), police regulations (1869), boatmen's licences (1898), etc. These texts have since been updated regularly.

Under the Mannheim Act, the CCNR developed a strong and complete legislative system. It was given the power to adopt binding regulations on any aspect concerning the safety and prosperity of navigation on the Rhine. On top of that, the Central Commission was also granted with implementing power to investigate complaints of failure to comply with the Rhine regulation and it possesses its own chamber of appeals to deal with appeals against court judgments involving navigation on the Rhine.

Related to the decision-making within the Rhine regime, member states of the CCNR come together for the plenary session twice a year where decisions are reached unanimously. The resolutions of the plenary sessions are prepared beforehand by committees and working parties of the Central Commission in which each member state is represented.

With the gradual empowerment of the European Communities in the fifties and sixties came the question of the interrelation between the CCNR and the ECC. The transport provisions of the Paris and Rome Treaties did not contain any exceptions for Rhine shipping, which was already covered by the Act of Mannheim. The mandate of the European Communities overlapped to a substantial degree with the mandate of the CCNR and tensions arose because of uncertainty regarding the compatibility of proposed or possible Community measures with the Mannheim regime[907].

The EU recognised to some extent the specificity of the Rhine regime, which is often referred to in EU legislation. However, with the growing EU involvement in inland waterways policies and the successive enlargements, the need for harmonisation has been increasing in the European inland waterway sector, increasingly questioning the "distinctiveness of the Rhine regime".

Cooperation with the EU

Lately, both organisations have been working towards greater harmonisation. The foundation of cooperation between the European Commission and the CCNR is an Administrative Agreement established in 2003[908], which facilitates the exchange of information and sets up regular meetings to coordinate activities. Under this agreement, the European Commission holds observer status within the CCNR, while the CCNR is a member European Commission's various expert groups related to IWT. Together, the

[906] The initial signatory states were France, the Netherlands and four German States (Baden, Bavaria, Hesse and Prussia). After the Versailles treaty (1919), Switzerland, Belgium, the UK and Italy became members as well. Italy withdrew in 1937, and the UK in 1993. The USA were also member of the Convention from 1945-1964.

[907] Collinson D.S (1972), The Rhine Regime in Transition-Relations between the European Communities and the Central Commission for Rhine Navigation, Columbia Law Review, Vol. 72, No. 3, (Mar., 1972), pp. 485-516

[908] accord_CCNR-CE_03032003_fr.pdf

CCNR and the European Commission have been developing a market observation program for over a decade, regularly publishing studies on the findings.

In addition, the European Commission and the CCNR signed in 2013 an administrative arrangement[909] to strengthen cooperation between the two institutions. Their common objectives are to ensure the optimal functioning of the market for inland navigation and to remove obstacles that prevent a broader use of this mode of transport.

This administrative arrangement focuses on three key areas of collaboration:

- adaptation of the technical requirements for inland navigation vessels;
- modernisation of professional qualifications for crew members;
- the development of market observation for inland navigation in Europe.

2) The Danube Commission and the Danube Regime[910]

The Danube River is one of the longest and most important rivers in Europe. It crosses several EU Member States and non-Member States. The river has a long history when it comes to international trade.

Similarly to the Rhine development, the Paris Treaty of 1856 enshrined the principle of free navigation on the Danube and created the "European Commission of the Danube" in charge of implementing the freedom of navigation on the lower part of the river[911], other parts of the river being covered by other organizations[912].

However, the 20th century brought significant challenges to trade in the region. The two World Wars, particularly World War II, disrupted economies and international exchanges, hindering freedom of navigation on the river.

After the World War II, a new Danube Commission (DC) was established by the Belgrade Convention (1948) which records the close cooperation and the development of economic and cultural relations of the Member States[913]. The main binding obligation of the Belgrade Convention was to ensure free and costless passage over the Danube River to all operators, no matter their origin. The Danube Commission issues recommendations aimed to ensure safety of navigation and respect of the principles of the convention.

During the Cold War, the division between Eastern and Western Europe resulted in fragmented trade relationships. The Iron Curtain prevented economic interactions by creating a divide between Eastern and Western Europe. Eastern Bloc countries, aligned with the Soviet Union, operated under controlled economic systems, while Western Europe maintained market-based economies. This separation slowed trade and limited economic

[909] Arrangement20130522_en.pdf
[910] In 2023, the Danube countries (without UA) represented 19.6% of inland waterway transport in Europe (EU27, Switzerland, Serbia, and Moldova). Source: CCNR (2024), Market observation annual report 2024.
[911] La coopération internationale dans le domaine de la navigation fluviale européenne : les instances de coopération pour la navigation rhénane et danubienne (Jean-Marie Woehrling), 14_cooperation-rhin-danube.pdf
[912] La coopération internationale dans le domaine de la navigation fluviale européenne : les instances de coopération pour la navigation rhénane et danubienne (Jean-Marie Woehrling), 14_cooperation-rhin-danube.pdf
[913] Source: www.danubecommission.org/dc/en

growth, especially in regions like the Danube, which became a point of geopolitical tension. Austria and Germany[914] although riparian Danube states were excluded from the Danube Commission, contrary to the USSR, who was admitted.

After the fall of the Iron Curtain, the Danube regime encountered further crises. During the Yugoslavian war, NATO bombing on the Novisad bridge (now Serbia) prevented inland navigation for years on the Lower Danube[915]. Additionally, the former communist states went through severe economic crisis linked to the transition of their plan economy to the market-based economic system. This also deeply affected inland transport in the region.

The gradual integration of countries such as Austria, (East) Germany, Hungary, Slovakia, Romania, Bulgaria and Croatia into the European Union has facilitated cross-border exchange, removed tariff barriers and fostered improved transport infrastructures.

Cooperation with the EU

The cooperation and exchange of ideas between the DC and the European Commission is ensured by means of an administrative arrangement. The EU is an observer organisation to the DC[916], and DC cooperates with the EC and other international organisations, like the CCNR or UN-ECE or CESNI[917]. The framework for cooperation of 2015[918] between DC and European Commission encompasses several areas: follow-up of the implementation of the rehabilitation and maintenance of the Danube River Master plan, elaboration of technical standards for navigation, and technical standards for inlands waterway vessels, as well as market observation.

Interaction between the DC and the CCNR

The Rhine and the Danube share common principles and goals (freedom of navigation, management by an international body, conflict resolution). However, as detailed in the previous paragraphs, their geopolitical history turned out to be extremely different and until the late 20th century, the two rivers had no physical connection with each other[919]. Thus, the political and legal realities of the two Commissions strongly diverge.

The CCNR has succeeded to develop harmonised legislations within its basin, based on a strong (obligatory) regulatory competence. Contrastingly, the Danube Commission issues recommendations only, leaving more discretion to its members to implement them. In addition to the lack of regulatory competence for the DC, the Danube River crosses regions

[914] Austria and Germany acceded the DC only after 1990.
[915] La coopération internationale dans le domaine de la navigation fluviale européenne : les instances de coopération pour la navigation rhénane et danubienne (Jean-Marie Woehrling), 14 cooperation-rhin-danube.pdf
[916] Observer organizations and partners of the Danube Commission – Danube Commission – Donaukommission – Commission du Danube – Дунайская Комиссия
[917] European committee for drawing up standards in the field of inland navigation (CESNI) - CESNI - Comité Européen pour l'Élaboration de Standards dans le domaine de la Navigation Intérieure
[918] Administrative Arrangement between the DC Secretariat and DG MOVE – Danube Commission – Donaukommission – Commission du Danube – Дунайская Комиссия
[919] The Danube and the Rhine are today physically connected through the Rhine-Main-Danube Canal since 1992.

with somewhat more diverse geographic and cultural features than the Rhine basin which also makes further integration more difficult.

3) The United Nations Economic Commission for Europe (UNECE)

The United Nations Economic Commission for Europe (UNECE) was established in 1947. Its general aim was to develop economic activity and strengthen economic relations in Europe and the rest of the world. The UNECE enabled the dialogue between East and West during the period of the Cold War. With this vast experience to initiate and keep up the process of dialogue between a wide range of parties[920], the UNECE has been a main driver for international agreements contributing significantly to international inland waterways policy[921].

The UNECE working party on inland water transport[922] has played a major role as inland waterways regulatory body, providing a comprehensive platform for consideration of all aspects of inland transport development and intergovernmental cooperation. The scope of the working party covers a large range of areas from facilitation of international transport to harmonization and improvement of technical and operational regulations, to safety and environmental protection. Within these working parties, experts in inland navigation (UNECE member states, river commissions, non-governmental organisations, industry and science) are brought together. In the past, the UNECE managed to reach various agreements and conventions on different subjects[923].

Although those are legal instruments developed on an international level, they are not binding for all members of the UNECE. The UNECE parties decide whether they ratify the agreements. This leads to the situation that UNECE has the widest geographical extension concerning regulations in inland navigation in Europe but at the same time the lowest level of executive implementation capacities[924].

Due to the enlargement of the EU, more and more UNECE member states are also members of the EU (especially following the enlargements to the Central-Eastern part of Europe). This weakens the role of the UNECE in the EU member states as the EU is of higher political level and provides a binding legal framework. Nevertheless, UNECE legislative activities have heavily influenced EU IWT policy as - in several cases - international agreements and standards developed within those working parties served as basis for EU legislation.

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[920] Nowadays 56 countries from western, central and eastern Europe, central Asia and North America (Economic Commission for Europe (2012): Inventory of main standards and parameters of the e waterway network, "Blue Book").

[921] List of United Nations Transport Legal Instruments | UNECE

[922] UNECE working party on inland water transport - SC.3

[923] To name just two of them: "European Agreement on Main Inland Waterways of International Importance" (AGN) for establishing a coordinated plan for the development and the construction of the pan-European network (E waterways) and the "European Agreement concerning the International Carriage of Dangerous Goods by Inland Waterways" (ADN).

[924] Briefing EU Legislation in Progress February 2018, Recognition of professional qualifications in inland navigation, p.3 : Briefing European Parliamentary Research Service

4) Other river Commissions in Europe

In addition to the organisations presented previously, there are other recently established river Commissions, covering the rivers Mosel[925] and Sava[926]. Their scope is briefly presented the figure below.

However, these Commissions are less determining for the following reasons. Firstly, for historical reasons: both the Mosel Commission and the Sava River Commissions were formed after the Paris Treaty (1952), establishing the European Coal and Steel Community. The Mosel Commission has exclusively EU Member States as its members, so these countries are already subject to EU legislation. Contrastingly, member states of the Sava Commission are four states none of which were EU Member States until 2004. Secondly, Mosel Commission tends to refer to CCNR or EU rules, while the Sava Commission tends to refer to EU or Danube rules. Thirdly, the Mosel Commission and Sava River Commissions have a very limited geographical scope[927] (also in cargo volumes) and therefore smaller 'standalone' impact than the Rhine and Danube rivers.

Therefore, when considering the governance and legal framework, this Staff Working Document focuses on the governance and legal framework of the Danube and Rhine Conventions, and their interplay with the legislative framework of the EU. These conventions are the most pertinent and relevant for the scope of the fitness check.

5) CESNI

In accordance with the administrative agreement of 2013 between the CCNR and the EU, the European committee for drawing up common standards in the field of inland navigation (CESNI) was created in 2015. The Committee works as an independent institution comprising experts from the CCNR, and EU Member States, as well as further representatives of international organisations and stakeholders in the field of inland navigation in Europe[928].

The Committee dedicates its work to:

- adopting technical standards concerning vessels, information technology and crew,
- deliberating on the uniform interpretation and application of said standards,
- deliberating on derogations and equivalences of technical requirements for a specific craft,
- deliberating on priority topics regarding safety of navigation, protection of environment.

The work on these topics is carried out in various working groups of CESNI. As a committee of experts, CESNI develops recommendations for standardisation in the different fields of interest within the regulatory framework of EU and CCNR legislation.

[925] www.moselkommission.org.
[926] www.savacommission.org.
[927] Mosel Commission: DE, FR, LU; Sava Commission: Bosnia and Herzegovina, Serbia (former Federal Republic of Yugoslavia), Croatia and Slovenia.
[928] Source: www.cesni.eu/en/about-cesni

CESNI doesn't have legislative competence, but it provides necessary and qualified input to the EU regulations[929].

The creation of CESNI was in line with the desire of the CCNR and the European Union, to reinforce governance at the European level, particularly in the field of regulations governing inland navigation[930]. It was aimed at replacing various existing groups dealing with these areas, avoiding duplication of work and incoherence.

The cooperation mechanisms put in place have improved legal harmonisation, i.e. certain EU legislation in the IWT area refers now to CESNI standards.

Figure 29: Overview of geographical coverage of IWT regulatory bodies in Europe [931]



Source: International Labour Office (2013), Living and Working Conditions in Inland Navigation in Europe

6) Decision making in river commissions and in CESNI related to matters of EU competence

It needs to be borne in mind that rights and obligations arising from agreements concluded before 1 January 1958 - such as the Mannheim Convention or the Belgrade Convention - are not affected by the provisions of the Treaties. However, Article 351 TFEU also requires Member States to adopt a common approach and to take all appropriate steps to eliminate

[929] Source: www.cesni.eu/en/about-cesni.
[930] Source: www.cesni.eu/en/about-cesni
[931] Source: International Labour Office (2013): Living and Working Conditions in Inland Navigation in Europe, http://www.ilo.org/wcmsp5/groups/public/---ed_dialogue/---sector/documents/publication/wcms_234892. Map with main river systems in EU, showing coverage of different bodies, United Nations Economic Commission for Europe (UNECE), the EU (EC), the Central Commission for the Navigation of the Rhine (CCNR), the Danube Commission (DC) and the International Sava River Basin Commission (ISRBC)

any incompatibilities that may arise. As described above under points 1 and 2, administrative arrangements provide the basis for cooperation and the exchange of ideas between the river commissions and the European Commission.

While the primary law of the EU and the river commissions does not, in itself, create contradictions, there is a possibility that their secondary legislation may conflict. This risk has increased following the adoption of Directive (EU) 2016/1629 and Directive (EU) 2017/2397, which address matters traditionally regulated by the river commissions through their own secondary law. See more under point 3 of Annex VIII below. In this context, CESNI has played an important role in aligning the substantive norms of the CCNR and the EU by establishing common technical standards.

Decision-making in international organisations on matters falling within EU competence - such as the work of the river commissions - is subject to Article 218(9) TFEU. This provision also applies to CESNI standards, as they are referenced by EU and CCNR law. Under Article 218(9) TFEU, a coordinated EU position must be established before EU Member States participate in decision-making (e.g. voting) in such fora. In practice, this means that acts having legal effects may only be voted by EU Member States in accordance with and following the adoption of an EU position. Initially, the need for such coordination raised legal questions, but these issues have now been resolved for the CCNR and are expected to be resolved shortly for the Danube Commission.

Table 13: Overview of inland waterways transport international organisations

Name of the organisation	Legal Basis	Member states	Observer States	Objectives/scope	Legal instruments	Decision-making
Central Commission of the Rhine (CCNR)	Mannheim Convention (1868)	**EU:** BE, DE, FR, NL **Non-EU:** CH	AT, BG, CZ, LU, HU, SK, PL, RO, RS, UA, UK	- Regulating navigation on the Rhine (including safety/technical requirements, access to profession...). - Maintenance of good conditions for navigation on the Rhine - Promotion of ecological inland navigation - Development of law of inland Navigation (CLNI, CMNI, AND, CDNI…) - Coordination of national regulations regarding the social protection of boatsmen	Binding regulations	Unanimity[932]
Danube Commission (DC)	Belgrade Convention (1948)	**EU:** BG, HU, RO, SK, HR, AT, DE **Non-EU:** MD, RS, UA, Russia[933]	BE, CY, CZ, EL, FR, GE, ME, MK, NL, TR	- Providing freedom of navigation on the Danube - Maintenance and improvement of navigation conditions - Promotion of ecological inland navigation	Non-Binding (Recommendations)	Majority of present members[934]

[932] In addition, in case of binding regulations touching upon EU competence, a coordinated EU position needs to be defined prior to decision making (i.e. voting) by EU Member States. Concretely, a binding decision or binding standards may be voted only in line with the EU position encoded in an EU Council Decision as per Article 218 paragraph 9 of the TFEU.

[933] The current members of the DC are BG, HU, RO, SK, HR, AT and DE, as well as Moldova, Serbia, Ukraine. At the XII-th Extraordinary session of the DC on 17 March 2022 Danube states decided to suspend representatives of the Russian Federation from participation in all meetings of the Danube Commission and its working bodies until the restoration of peace, sovereignty and territorial integrity of Ukraine within its internationally recognized borders. Additionally, at the 100th Jubilee Session of the DC on 14 December 2023 the Danube states adopted a decision urging the Russian Federation to draw the consequences of its attacks by withdrawing from the Belgrade Convention until 29 February 2024, or, failing that, as of 1 March 2024, the Danube States will no longer consider themselves bound by the obligations under the Belgrade Convention vis-à-vis the Russian Federation. https://www.danubecommission.org/uploads/doc/press/2023/en_Press_release_100.pdf

[934] In addition, in case of binding regulations touching upon EU competence, a coordinated EU position needs to be defined prior to decision making (i.e. voting) by EU Member States. Concretely, a binding decision or binding standards may be voted only in line with the EU position encoded in an EU Council Decision as per Article 218 paragraph 9 of the TFEU.

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Name of the organisation	Legal Basis	Member states	Observer States	Objectives/scope	Legal instruments	Decision-making
Sava Commission	Framework Agreement on the Sava River Basin (2002)	**EU:** SL, HR **Non-EU:** BiH, SRB	MoU with ME	- Establishing an international regime of navigation - Sustainable water management - measures to manage or reduce risks/issues caused by floods, ice, droughts, and incidents involving substances hazardous to water.	Binding regulations on measures aimed to provide conditions for safe navigation. Recommendations regarding other issues.	Consensus/unanimity[935]
Mosel Commission	Convention on the Canalisation of the Mosel (1956)	**EU:** FR, GE, LU	NA	- Freedom of navigation - Safety regulations - Shipping dues - Police regulations	Binding regulations	Unanimity[936]
UN-ECE	Resolution of the fourth session of the UN Economic and Social Council (ECOSOC) (1947)	56 members: see Member States | UNECE (including EU27)	NA	- Transport of dangerous goods - Standardization of Signalling systems (CEVNI) - Safety/ technical requirements. - Pollution prevention - Access to profession - Digitalisation: (Data exchange (ECDIS), RIS, automated and smart shipping)	Non-Binding Agreement through ratification of international convention (see : Texts and Status | UNECE)	
EU	TFEU	EU27	NA	- Market access - Safety/ technical requirements. - Access to profession - Transport of dangerous goods - Digitalisation (RIS, data exchange)	Binding regulations	Ordinary Legislative Procedure

[935] In addition, in case of binding regulations touching upon EU competence, a coordinated EU position needs to be defined prior to decision making (i.e. voting) by EU Member States. Concretely, a binding decision or binding standards may be voted only in line with the EU position encoded in an EU Council Decision as per Article 218 paragraph 9 of the TFEU.
[936] In addition, in case of binding regulations touching upon EU competence, a coordinated EU position needs to be defined prior to decision making (i.e. voting) by EU Member States. Concretely, a binding decision or binding standards may be voted only in line with the EU position encoded in an EU Council Decision as per Article 218 paragraph 9 of the TFEU.

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3. Related policy areas relevant for IWT but out of scope of this Fitness Check

As a result of the historically complex governance setup, under the NAIADES II[937] Communication the EU has sought to simplify the governance scheme and to address the overlap of legal frameworks and competencies in the inland waterway sector. It established institutional and legislative measures taking into account the entry into force of the Lisbon Treaty, which provided new rules on delegated and implementing powers and on the coordination of the Union's position for the adoption of acts with legal effect in international bodies.

This approach was backed up by the administrative arrangement between the Commission and the CCNR Secretariat (2013) which allowed - as described above, a deeper and targeted cooperation aiming at achieving uniformisation for technical requirements for vessels first, then later for professional qualifications for crew and potentially other areas. The creation of CESNI in 2015 reflects progress made towards a greater harmonisation. Nevertheless, and as underlined in the NAIADES III[938] action plan, the governance remains an area where further improvements are needed.

The following description of some specific inland waterways policy areas – out of scope of this Fitness check - will illustrate some of the remaining incoherence, inconsistencies and complexities resulting from the current governance setup.

Recognition of professional qualifications for crew in inland navigation: Directive (EU) 2017/2397[939]

An example that could be used to illustrate these complexities and the lack of level playing field is the Directive on professional qualifications for crew in inland navigation (Directive (EU) 2017/2397). The Directive (EU) 2017/2397 lays down the conditions and procedures for the certification of the qualifications of persons involved in the operation of a craft navigating on Union inland waterways, as well as for the recognition of such qualifications in the Member States.

The Directive highlights that the harmonisation of legislation in the field of professional qualifications in inland navigation in Europe is facilitated by close cooperation with the Central Commission for the Navigation on the Rhine (CCNR) and by the development of standards, by the European committee for drawing up common standards in the field of inland navigation (CESNI). The Directive foresees the Commission to refer to CESNI standards when adopting implementing and delegated acts.

[937] Since 2006 the EC has adopted three successive strategic policy papers for IWT called NAIADES. The NAIADES II Communication aims at creating the conditions for inland navigation transport to become a quality mode of transport. It sets out the programme for policy action in the field of inland waterway transport for the period 2014-2020.

[938] In June 2021 the European Commission published NAIADES III, a 35-point action plan to boost the role of inland waterway transport in our mobility and logistics systems. The core objectives are to shift more cargo over Europe's rivers and canals,and facilitate the transition to zero-emission barges by 2050.

[939] Directive (EU) 2017/ of the European Parliament and of the Council of 12 December 2017 on the recognition of professional qualifications in inland navigation and repealing Council Directives 91/672/EEC and 96/50/EC

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Accordingly, the Delegated Directive (EU) 2020/12, adopted to supplement Directive (EU) 2017/2397, introduced the European Standard for Qualifications in Inland Navigation (ES-QIN), which was adopted by CESNI in 2018, into the EU legal order.

In 2024, CESNI adopted an updated version of ES-QIN (ES-QIN 2024/1) which means that the EU will adopt these standards as EU legislation, by way of a Delegated Directive. Given the legislative process and the time given to the Member States to transpose the new delegated directive, the new delegated directive is expected to be applicable as of 1 January 2026. The CCNR also adopts the ES-QIN 2024/1 standards into its own legal regime[940], however the CCNR's procedure to do so is shorter than that of the EU, meaning that the latest ES-QIN 2024/1 standards are applicable already as of 1 January 2025 according to CCNR rules.

Consequently, there is a temporary difference (i.e. during the year of 2025, when CCNR rules are already updated to the latest standards while the EU legislative basis is not yet updated) in the applicable standards as encoded in the EU law and at the level of the CCNR. The respective legal frameworks of the CCNR and the EU do not apply the standards in a coordinated manner which creates (temporary) incoherence, and (temporary) lack of legal clarity and certainty.

Technical requirements for inland waterways vessels: Directive (EU) 2016/1629

Technical requirements for vessels set out in Directive 2006/87/EC incorporated most of the provisions laid down in the Rhine rules[941] of 2004. However, the conditions and technical requirements for issuing inland navigation certificates for Rhine Navigation were updated regularly to meet technological developments, which was not the case for Directive 2006/87/EC.

Given the different legal frameworks and timeframes for the decision-making procedures, it was difficult to maintain the equivalence between the Union inland navigation certificates issued pursuant to Directive 2006/87/EC and the certificates issued pursuant to Rhine rules. This resulted in a lack of legal certainty, which has a potentially negative impact on navigation safety.

During the preparation of Directive (EU) 2016/1629, repealing Directive 2006/87/EC, the EU and the CCNR set out to harmonise the technical standards and conditions for issuing certificates and to have uniform requirements across all Member States. It was a way to simplify rules, to improve the level of safety, and to contribute directly to a deeper and fairer internal market.

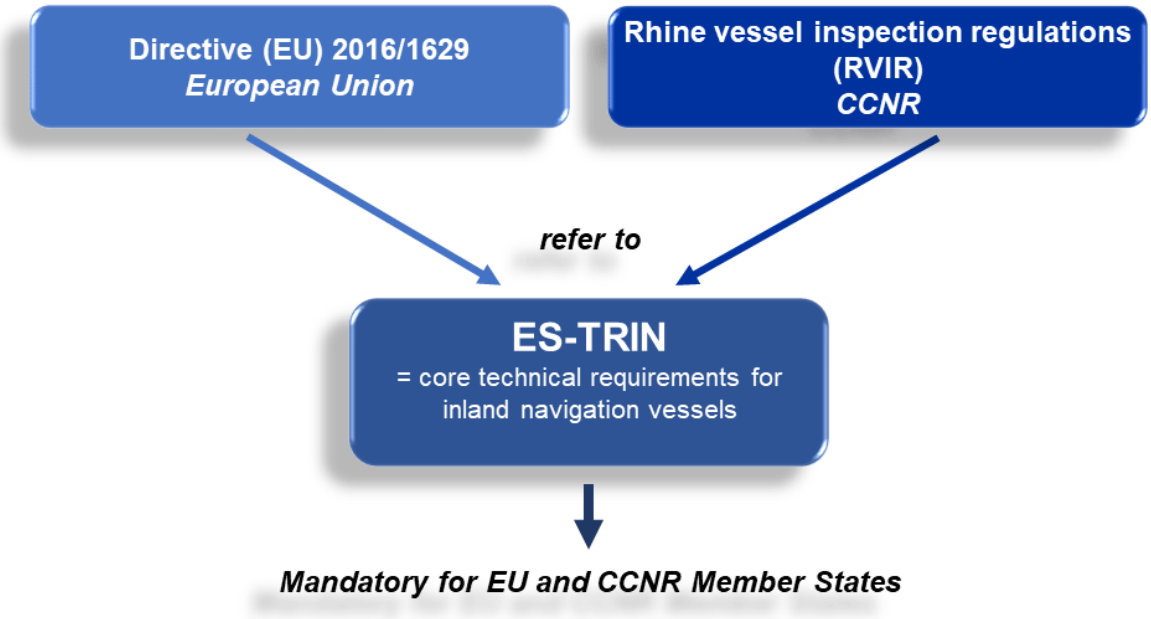
In Directive (EU) 2016/1629 requirements are established by making reference to the European Standards laying down Technical Requirements for Inland Navigation vessels (ES-TRIN standards), drawn up by CESNI. EU legislation refers to this standard and its updates, and so do the CCNR rules.

This approach ensured that Union inland navigation certificates attesting that all types of crafts are fully compliant with the aforementioned revised technical requirements are valid

[940] By amending its Regulations for Rhine navigation personnel (RPN)
[941] Vessel Inspection Regulations

on all EU inland waterways, including on the Rhine, and that Rhine certificates are valid on all EU inland waterways.

Figure 30: Alignment of CCNR and EU requirements with ES-TRIN



Source: Central Commission for the Navigation of the Rhine - Technical requirements for vessels

To regularly update the technical requirements, the EU directive is amended by means of commission delegated regulations to incorporate new standards into EU legal regime. However, due to applicable internal procedures related to delegated regulations, the time to amend those standards in EU legislation is longer than the incorporation of ES TRIN standards into the CCNR rules, as the procedures of CCNR are less constraining.

Another important difference between the EU and CCNR rules is the transitional period for vessels to comply with new technical standards. For instance, the transitional period related to sanitary installations and to other accommodations installations ends in 2035 for the Rhine Regime[942]. The same provisions have transitional period that goes until 2049 in the EU regime[943].

Social security regimes

IWT workers are often employed on vessels that operate on inland waterways across various Member States, making it difficult to establish a clear point of attachment that is stable over time. The CCNR, however, has a long tradition when it comes to social security, it also championed the first Agreement concerning the social security of Rhine boatmen in 1949. This Agreement instituted a system for coordinating social security legislation among the

[942] ES-TRIN 2025: p.233-234 (ES-TRIN 2025/1 - European Standard laying down Technical Requirements for Inland Navigation vessels)
[943] ES-TRIN 2025 : p. 291-292: (ES-TRIN 2025/1 - European Standard laying down Technical Requirements for Inland Navigation vessels). Chapter 15 of ES-TRIN 2025 is referring to standards concerning accommodation . While the transitional period of certain provisions (e.g. art.15.03 on sanitary installations and art.15.07 on other accommodations installations) in chapter 15 ends in 2035 for the Rhine Regime, the same provisions have transitional period that goes until 2049 in the EU regime.

countries concerned in the interests of Rhine boatmen. The Contracting Parties to the Agreement were the member states of the CCNR: Germany, Belgium, France, the Netherlands, Switzerland, as well as Luxembourg. Under this Agreement[944], IWT workers are subject to the state legislation where the company in charge of the vessel is located[945].

With the entry into force of the Regulation (EC) No 883/2004, the Rhine Agreement adopted in 1949 did no longer apply in signatory States that are also members of the European Union (BE, DE, FR, LU, NL). Article 16(1) of Regulation (EC) 883/2004, however, allows two or more EU Member States to conclude common agreement in the interest of certain persons or categories of persons. The CCNR member states[946] have done just that by concluding the "Agreement on determination of legislation applicable to Rhine boatmen"[947] and thus reintroduced the application of the Rhine rule in these countries, as described in Annex VII.

To conclude, the Rhine Agreement benefits crew employed by operators established on the Rhine, while crew employed by operators in EU countries not part of the Rhine Agreement stays in the general regime. Regulation (EU) 883/2004 leaves companies free to establish a subsidiary or a recruitment agency in any Member State of their choice. However, constructs involving letterbox companies, which lack genuine economic activity in the Member State concerned, with the sole aim to benefit from more favourable social security conditions in that Member State, are not allowed.

Conclusion

The current fragmented governance setup for IWT results from particular historical dynamics in Europe. It leads to issues in several areas[948] described above, though these subjects are not in scope of the Market Access Fitness Check. The coexistence between the international conventions and the EU legislative system prevents the market players from benefitting of level playing field in the EU in those specific areas, and it also creates a high level of complexity for the operators and the Member States alike during the implementation of EU law.

Although much effort has been undertaken in the past years to harmonise the legislative framework in these areas (which are out of scope of the Market Access Fitness Check), there is still a certain gap in legal clarity and transparency in these areas. The creation of CESNI and the continuous efforts of the EU through implementing three successive strategic programmes called NAIADES[949] have significantly improved the situation, however the high degree of governance complexity remains.

[944] Accord concernant la sécurité sociale des bateliers rhénans (révisé): Accord
[945] Accord concernant la sécurité sociale des bateliers rhénans (révisé): Accord
[946] As described in Annex VII, two states that are not part of the EU, namely Switzerland and Lichtenstein also decided to become a party to the Agreement in 2012 and 2018 respectively.
[947] Also referred to as 'Derogation Agreement'
[948] Recognition of professional qualifications for crew in inland navigation: Directive (EU) 2017/2397, Technical requirements for inland waterways vessels: Directive (EU) 2016/1629, Social security regimes
[949] NAIADES I, NAIADES II and NAIADES III

ANNEX IX. INVENTORY OF NATIONAL IMPLEMENTATION OF COUNCIL DIRECTIVE 87/540/EEC (GROUP 3)[950]

For the inventory of national implementation of the **Council Directive 87/540/EEC** in **Group 3**, desk research and a targeted survey[951] was carried out in the following Member States: Austria, Belgium, France, Germany, Luxembourg, the Netherlands and Slovakia.

The Council Directive has been implemented in the Member States reviewed, based on similar principles, with local differences. These differences are rooted in the fact that the Directive, by nature, leaves flexibility in transposing legislation at a national level. Differences can be found in exemptions, procedures followed and the coverage (freight or freight and passenger transport), as shown in the following table.

All reviewed Member States require a certificate of professional competence. Some Member States have introduced additional requirements, such as financial standing (Austria) or honourability (Austria, Luxembourg). Based on the following table it can be concluded that requirements to access the occupation in these selected EU Member States have a common basis (certificate of professional competence), with some Member States adding specific requirements.

Table 14: Requirements to access the occupation in selected EU Member States

	Requirements to access the profession	Requirements to obtain certificate of professional competence	Certification authority
AT	Requirement of professional competence; Nationality; Requirement of honourability; Requirement of financial standing; Proof of sufficient equipment for the exploitation of boat.	By an exam, but exemption for certain diplomas whose equivalence is recognised in the regulation.	Exam commission at regional level
BE	Certificate of access to the occupation; Certificate of professional competence.	By an exam, but exemption for (i) a three years of professional experience; (ii) a diploma delivered by a recognised institution; or (iii) presentation of a certificate issued by another Member State.	Private institution or an exam commission
FR	Certificate of professional competence.	By an exam, both multiple-choice and oral exam, but exemption for (i) three-years of professional experience; or (ii) a higher education diploma.	TBD
DE	Certificate of professional competence.	By an exam with a written part and an oral part, but exemption for (i) three-years of professional experience; or (ii) a higher education diploma.	Waterways and Shipping Directorates of the place of establishment or the place of the registered office.
LU	Requirement of honourability; Requirement of financial capacity; Requirement of professional competence.	By an exam, but exemption for three-years of professional experience.	Minister having within its competence the authorisations of establishment.

Ecorys, STC-Nestra and Tournaye Consulting (2023), Fitness check support study

[951] The targeted survey was open for feedback between 18 June and 25 August 2021

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	Requirements to access the profession	Requirements to obtain certificate of professional competence	Certification authority
NL	Certificate of professional competence.	By an exam, and the national legislation lists three diplomas that are equivalent to the certificate of professional competence.	Private institutions issuing the diplomas.
SK	Extract from the criminal record; Proof of the highest level of education attained; Proof of professional competence (in the field of professional management in the operation of inland waterway transport).	By an exam, but exemption for (i) a university degree of at least second level in transport, transport services, business economics and management, international business or sectoral economics and management or a related field of study, (ii) a university degree of at least first level in a subject referred to above and at least two years' work experience; or (iii) a level of upper secondary education in the field of study referred to above and at least three years' professional experience.	Ministry of Transport and Communication

Source: Ecorys et al. (2023), Fitness check support study, based on relevant legislation, survey

According to the evidence collected, a rather harmonised approach across the Member States is observed as means to obtain the certificate of professional competence – as seen in the table above. An exam is needed in all analysed Member States to obtain the certificate of professional competence. People are exempted from taking an exam if certain conditions are met, mainly based on professional experience (often three years) or relevant diplomas. Some differences on this can be noticed in Table 14. In addition, some stakeholders in the SME survey indicated that the level of exams differs per country.

The authority issuing the certificate of competence is in most cases the public administration in the transport domain and in some cases a private institution that carries out the exam, as illustrated in the Table above.

For all 11 reviewed Member States[952], a certificate of professional competence is needed for freight transport, whereas for 4 countries a certificate is needed for both freight and passenger transport, as presented in the Table below.

Table 15: Transport activity for which a certificate of professional competence is needed

Type of transport operations	Austria	Belgium	Bulgaria	Finland	France	Germany	Hungary	Luxembourg	Netherlands	Romania	Slovakia
Freight	x	x	x	x	x	x	x	x	x	x	x
Passenger	x						x			x	x

Source: Ecorys et al. (2023), based on relevant legislation, survey

What relates to the certificate itself, four Member States included in the table provide a single certificate of professional competence, in which the different activities (freight, passenger both) can be specified. In addition, Austria has the option to provide two separate certificates for freight and passenger transport.

[952] In addition to the seven earlier mentioned Member States, four additional member States have responded to the survey, hence bringing the total to 11 Member States.

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ANNEX X. ON COMPETITIVENESS AND THE PREDOMINANCE OF DUTCH OPERATORS

On the impact of the intervention on the competitiveness of the sector

Thanks to the legislation the IWT market is now open, liberalised and harmonised thus facilitating the access to all operators from all Members States to provide IWT services within the EU according to the same rules. It is important to clarify that the legislation in scope does not intend to target new operators specifically: its intention is to accord equal status to all operators (including new and already active operators) by eliminating discrimination and thereby creating a single market accessible to all. The aim of these legislations is partly related to market entry barriers (Group 2), and partly to creating a level playing field on the market (Group 3). Legislation in Group 3 that creates harmonised rules to the access to the profession, focuses on harmonisation across countries (reducing discrimination) and thereby enabling mutual recognition of diplomas and creating a level playing field. In the past cases of enlargements of the EU as well as in any future enlargements, operators from new MS need to be put on an equal footing with those from existing MS, and waterways of new MS need to open for operators from existing MS and vice versa.

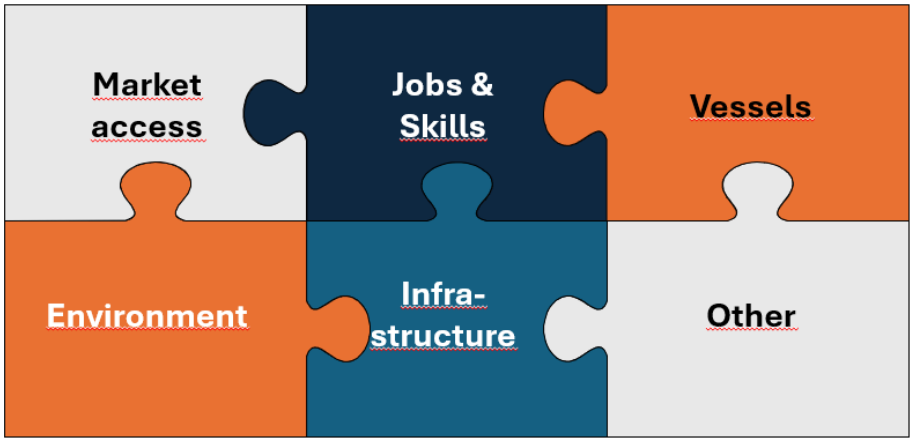
The IWT sector's competitiveness depends on many factors. The NAIADES III Communication[953] in 2021 set out core objectives and a related action plan to achieve more freight transport carried by inland waterways, putting the sector on an irreversible path to zero-emissions, a paradigm shift towards further digitalisation, as well as accompanying measures for the IWT workforce.

Complementing the strategic objectives as in the NAIADES III Communication, the EU also disposes of various regulatory areas for the inland waterway transport market, as illustrated in the following Figure: the Market access legislation, as explained above, is mainly focused on clarifying and harmonising access rules for all operators, and is only partly indirectly geared towards improving competitiveness. Only one of the 7 legislations in scope of this Fitness Check has improving competitiveness specifically mentioned as an objective.

[953] COM(2021) 324 final, eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52021DC0324

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Figure 31: Overview of EU regulatory areas for the inland waterway transport market[954]



Source: European Commission

[954] List of legislation for EU regulatory areas (extract):

Market Access:

Council Regulation (EC) No 1356/96 of 8 July 1996 on common rules applicable to the transport of goods or passengers by inland waterway between Member States with a view to establishing freedom to provide such transport services (OJ L 175, 13.7.1996, p. 7).

Council Regulation (EEC) No 3921/91 of 16 December 1991 laying down the conditions under which non-resident carriers may transport goods or passengers by inland waterway within a Member State (OJ L 373, 31.12.1991, p. 1).

Council Regulation (EC) No 718/1999 of 29 March 1999 on a Community fleet capacity policy to promote inland waterway transport (OJ L 90, 2.4.1999, p. 1).

Council Directive 96/75/EC of 19 November 1996 on the systems of chartering and pricing in national and international inland waterway transport in the Community (OJ L 304, 27.11.1996, p. 12).

Council Regulation (EEC) No 2919/85 of 17 October 1985 laying down the conditions for access to the arrangements under the Revised Convention for the navigation of the Rhine relating to vessels belonging to the Rhine Navigation (OJ L 280, 22.10.1985, p. 4).

Council Directive No 87/540/EEC of 9 November 1987 on access to the occupation of carrier of goods by waterway in national and international transport and on the mutual recognition of diplomas, certificates and other evidence of formal qualifications for this occupation (OJ L 322, 12.11.1987, p. 20).

Jobs and skills:

Directive (EU) 2017/2397 of the European Parliament and of the Council of 12 December 2017 on the recognition of professional qualifications in inland navigation and repealing Council Directives 91/672/EEC and 96/50/EC (OJ L 345, 27.12.2017, p. 53).

Directive (EU) 2021/1233 of the European Parliament and of the Council of 14 July 2021 amending Directive (EU) 2017/2397 as regards the transitional measures for the recognition of third-country certificates (OJ L 274, 30.7.2021, p. 52-54).

Commission Delegated Regulation (EU) 2022/184 of 22 November 2021 amending Annex IV to Directive (EU) 2017/2397 of the European Parliament and of the Council (OJ L 30, 11.2.2022, p. 3--4).

Commission Delegated Directive (EU) 2020/12 of 2 August 2019 supplementing Directive (EU) 2017/2397 of the European Parliament and of the Council as regards the standards for competences and corresponding knowledge and skills, for the practical examinations, for the approval of simulators and for medical fitness (OJ L 6, I 0.1.2020, p.15).

Commission Delegated Regulation (EU) 2020/473 of 20 January 2020 supplementing Directive (EU) 2017/2397 of the European Parliament and of the Council with regard to the standards for databases for the Union certificates of qualification, service record books and logbooks (OJ L I 00, 1.4.2020, p. I).

However, the Market access legislation influences competitiveness. An overview of the impacts of the intervention on the competitiveness and on the barriers to entry of the inland waterway transport market is shown in the following table.

Commission Implementing Regulation (EU) 2020/ l 82 of 14 January 2020 on models in the field of professional qualifications in inland navigation (OJ L 38, 11.2.2020, p. l).

Vessels:

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

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).

Commission Delegated Regulation (EU) 2021/1308 of28 April 2021 amending Annexes I and II to Directive (EU) 2016/1629 of the European Parliament and of the Council as regards modifying the list of Union inland waterways and the minimum technical requirements applicable to craft C/2021/2853 (OJ L 284, 9.8.2021, p. 1-13).

Commission Delegated Directive (EU) 2018/970 of 18 April 2018 amending Annexes II, III and V to Directive (EU) 2016/1629 of the European Parliament and of the Council laying down technical requirements for inland waterway vessels (OJ L 174, I 0.7.2018, p. 15).

Commission Delegated Regulation (EU) 2020/474 of 20 January 2020 on the European Hull Data Base (OJ L I 00, 1.4.2020, p. 12).

Commission Implementing Decision (EU) 2020/1122 of 28 July 2020 on the recognition of DNV GLAS as a classification society for inland waterway vessels in accordance with Directive (EU) 20 l 6/1629 of the European Parliament and of the Council (OJ L 245, 30.7.2020, p. 15).

Directive 20 I 0/35/EU of the European Parliament and of the Council of 16 June 2010 on transportable pressure equipment and repealing Council Directives 76/767/EEC, 84/525/EEC, 84/526/EEC, 84/527/EEC and 1999/36/EC (OJ L 165, 30.6.2010, p. I).

Etc.

Table 16: Overview of the impacts the intervention had on competitiveness and on barriers to entry of the inland waterway transport market

Legislation	Initial market failures impairing the smooth and fair functioning of the market	Outcome and → causal impact on competitiveness
Group 1 legislation – removal of restrictions and discrimination	Following market failures impairing the smooth and fair functioning of the market in the area of distortive pricing practices were addressed: - discrimination in rates and conditions on grounds of the country of origin or destination of the cargo; - price fixing, including national or regional price fixing schemes, - other commercially restrictive practices ('tour-de-role') were abolished.	Contracts are freely concluded and prices are freely negotiated. ➔ Operators of all MS can compete on level playing-field, without price discrimination
Group 4 legislation – structural improvement of the IWT market	Following market failures impairing the smooth and fair functioning of the market were addressed: - overcapacity on the Rhine caused by several factors including the artificially high prices due to the 'tour-de-role' and Festfrachten systems[955]. National scrapping schemes[956] to reduce overcapacity were not effective enough. - Replacement of outdated vessels difficult due to long lifespan of vessels and important capital expenditure	Until April 2003, a coordinated approach of the capacity management mechanism at European level. ➔ Thanks to vessel scrapping schemes and the 'old-for-new' rule[957] the fleet was modernised and vessels were replaced with larger, more modern ones as a result of the intervention. o Introduction of larger barges has implied significant gains in labour productivity, while the safety of transport of hazardous goods has been increased

[955] On the Danube and other waterways, overcapacity has not been an issue
[956] Implemented in BE, DE, NL, FR
[957] Vessel scrapping schemes under predecessor Regulation (EEC) no 1101/89 and the 'old-for-new' rule under Council Regulation (EC) No 718/1999

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Legislation	Initial market failures impairing the smooth and fair functioning of the market	Outcome and → causal impact on competitiveness
		thanks to double-skinned hulls and vessel stability technologies.[958] o On the market of flammable liquids and compressed or liquified gases[959] the competitive position for IWT improved compared to other modes, thanks to higher safety on vessels. Beyond April 2003, a mechanism available for EU Member States to request recognition of a serious market disturbance related to overcapacity. Legal basis available for suitable measures in the event of a serious disturbance of the market can be taken. ➔ In case of need, legal basis is available for the sector (operators of all MS) to benefit from harmonised rules and suitable measures in case serious market disturbance related to overcapacity, therefore they can compete on level playing-field, without discrimination

[958] Crompton, G (The Journal of Transport History - 25/2): 'The tortoise and the economy": Inland waterway navigation in international economic history (2004)
[959] Crompton, G (The Journal of Transport History - 25/2): 'The tortoise and the economy": Inland waterway navigation in international economic history (2004)

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Legislation	Initial market failures impairing the smooth and fair functioning of the market	Outcome and → causal impact on competitiveness
		Inland Waterway Funds had been set up in relevant MS and these can be used for the benefit of the sector for specific measures[960]. ➔ From the Inland Waterway Funds the IWT Platform has been set up, which supports the IWT sector across the EU.
Group 2 legislation – access to the inland waterway network	Following market access restrictions were removed as a result of the intervention: the extent of access and services allowed varied based on the state affiliation of the operator (or vessel): - only operators of Rhine contracting states were allowed to provide cabotage and international transport on the Rhine[961]. - no common rules on cabotage, except on the intermediate waterways between the Netherlands and Belgium (i.e. for those two countries) and on the Rhine for the Rhine countries. Cabotage ass subject to diverse national implementation and/or bilateral (national) agreements. On the Danube[962] decision on cabotage conferred the decision on the right to cabotage to Danube States - no level playing field for cross-border transport of EU operators on waterways other than the Danube	Same rules for operators/vessels of all MS: - all vessels of EU countries, allowed to access the Rhine, under the same conditions - common rules on cabotage for all EU operators - common rules on cross-border transport for all EU operators ➔ Operators of all MS can access EU waterways under the same condition, resulting in level playing-field, without discrimination

[960] Art 8, Council Regulation (EC) 718/1999
[961] Mannheim Convention
[962] Belgrade Convention

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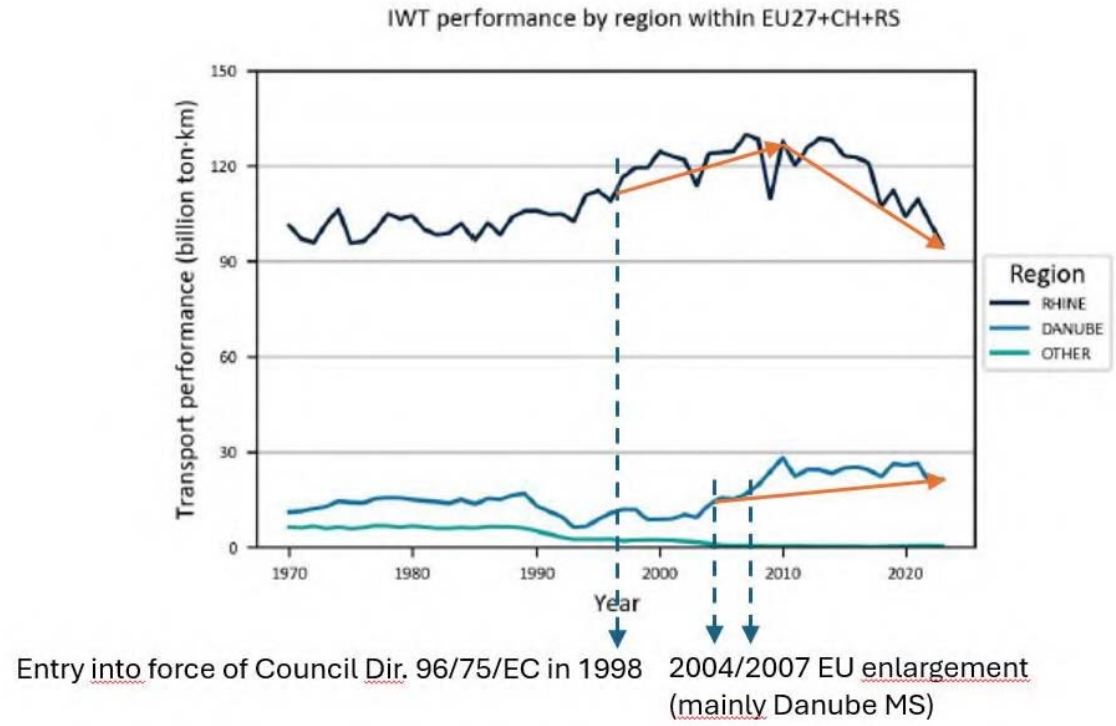
Legislation	Initial market failures impairing the smooth and fair functioning of the market	Outcome and → causal impact on competitiveness
Group 3 legislation – access to the profession of IWT carrier	Following market failures impairing the smooth and fair functioning of the market were addressed: No harmonised provisions on mutual recognition of diplomas, certificates and other evidence of formal qualifications by EU Member States for the carriers of goods causing administrative burden, costs and uncertainty when operator intended to establish itself in another Member State. There were also diverging requirements across the EU for enabling operators to prove sufficient commercial and technical knowledge before being authorised to exercise as an IWT carrier.	Harmonised requirements across the EU for operators to prove sufficient commercial and technical knowledge before being authorised to exercise as an IWT carrier. ➔ Common rules for the mutual recognition of diplomas, certificates and other evidence of formal qualifications by EU Member States for the carriers of goods EU wide, harmonised common standards for accessing the profession of IWT carrier resulting in a level EU playing field. Level of qualifications improved, businesses are sounder, quality of service improved. This in turn benefits users, carriers and the economy as a whole[963]. ➔ less administrative burden and lower costs for operators and national administrations when operator intends to establish itself in another Member State.

[963] Preamble of Council Directive 87/540/EEC

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To see whether improved competitiveness translated into higher IWT transport performance, we have turned to long-term cargo volume time series[964] as shown on following Figure. On the Rhine we can observe a temporary increase of volume transported after 1998 which may be causally linked to the entry into force of Council Directive 96/75/EC. However, this trend was not sustained. Moreover, on the Danube we can observe a general increase of volume transported after 2004/2007, which may be causally linked to Danube states joining the EU and therefore having improved access to the entire IWT market. (Note, however, that the Belgrade Convention (1948) allowed free access to the Danube for internation transport prior to EU accession already, as explained in Annex VIII International treaties context, though the division between Eastern and Western Europe resulted in fragmented trade relationships.) Due to the many other factors influencing competitiveness, including the cost structure (see Figure 38), the possible events in the sectoral environment (see Figure 36) and lack related data, the causal link cannot be further substantiated and underpinned with evidence.

Figure 32: IWT transport performance by region (Rhine, Danube, Other EU27)



Source: Bureau Voorlichting Binnenvaart, EICB, Koninklijke Binnenvaart Nederland: Transport Performance and Market Shares of Inland Navigation on the Rhine, Danube, and in the European Union, 2025, EC

[964] Transport Performance and Market Shares of Inland Navigation, June 2025 by EICB, Bureau Voorlichting Binnenvaart, Koninklijke Binnenvaart Nederland

A negative impact of the Combined Transport Directive (which is not in scope for the Market access legislation) on competitiveness of IWT vis-à-vis rail was remarked:

The Combined Transport Directive (EEC) 92/106 (CT Directive) builds on Council Regulation (EEC) No 11/1960. Council Regulation (EEC) No 11/1960 is applicable to the carriage of goods by any of the three inland transport modes: rail, road and inland waterway, while the CT Directive is focused on road transport in combination with rail or IWT journey. Therefore, both legal acts have a cross-modal aspect.

The CT Directive requires the abolition of any system of authorisation or quotas in combined transport[965], to liberalize operations[966], similarly to the uni-modal abolition for road, rail and inland navigation by Council Regulation (EEC) No 11/1960. Moreover, it fully recognises the transport document[967] as a basis of eligibility under CT Directive.

The fact that the CT Directive recognises road transport as a starting or final leg for a transport operation including an IWT journey, can be considered a potential synergetic effect resulting in additional transport volumes in IWT. However, there are several limiting factors. Firstly, according to Article 6 of the CT Directive, Member States may grant reductions or reimbursements on the basis of rail journeys but not journeys by IWT. This is a relative disadvantage of IWT as opposed to rail and it was also remarked by EBU-ESO[968]. Secondly, the CT Directive's application is precisely described: it applies to lorry, trailer, semi-trailer, with or without tractor unit, swap body or container of 20 feet or more - consequently it does not apply to the most frequently carried cargo by IWT, which are bulk, break bulk or liquid, i.e. roughly 90% of transported goods.

On the reasons for the predominance of Dutch operators in the sector and the economic consequences

The EU's market access regulations ensure non-discriminatory access for all operators by establishing common conditions throughout the EU. The predominance of certain nationalities among operators cannot be attributed to these regulations. Instead, the utilization of inland waterway transport by logistics operators is influenced by various factors.

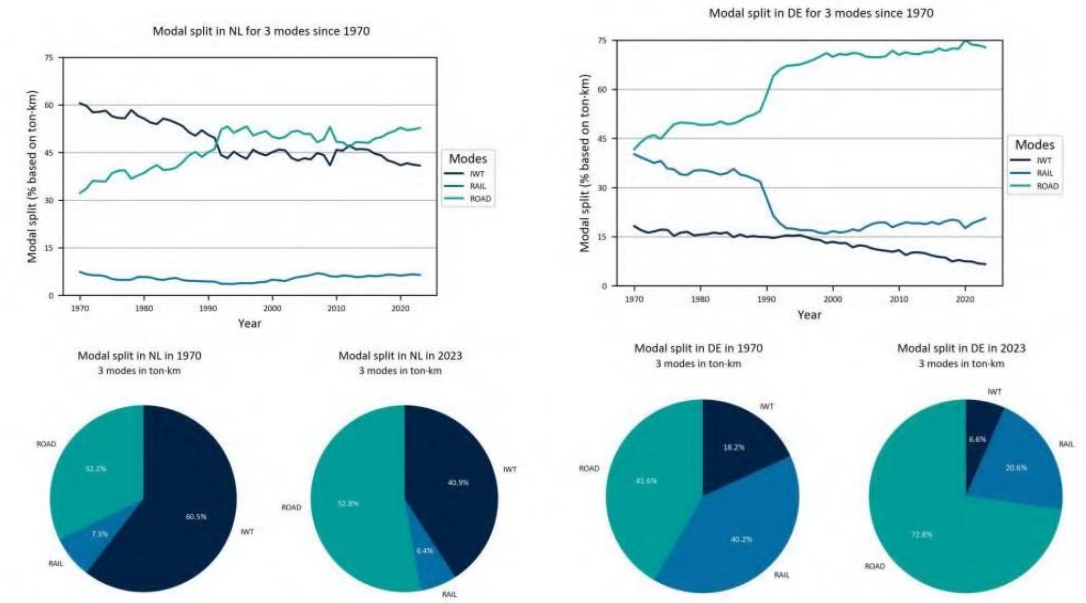
Infrastructure is a key determinant in the attractiveness of IWT. A well-maintained inland waterway infrastructure is essential to ensure navigability, requiring proper maintenance, dredging, functional locks, and efficient transshipment terminals. The extent to which Member States invest in public infrastructure for inland navigation significantly impacts its development. Additionally, the volume and market for inland navigation are highly dependent on access to ports, hinterland connections, and integration into comprehensive door-to-door multimodal logistics chains.

[965] Combined transport refers to the transport of goods between Member States where road is used on the initial or final leg of the journey and, on the other leg, rail or inland waterway or maritime services are used for more than 100 km (see detailed provisions in Article 1 of Combined Transport Directive 92/106/EEC).
[966] Article 2 of the Combined Transport Directive 92/106/EEC
[967] Article 3 of the Combined Transport Directive 92/106/EEC
[968] Ecorys et al. (2023), Fitness check support study, p 85

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Trade and transportation are closely interconnected. The Dutch dominance in inland navigation, for example, can be also ascribed to its economic strength and geographically favourable position (including the proximity and connectivity to key seaports), as illustrated by the following figure, where it is compared to that of Germany.

Figure 33: Modal split in the Netherlands and Germany since 1970



Source: Bureau Voorlichting Binnenvaart, EICB, Koninklijke Binnenvaart Nederland: Transport Performance and Market Shares of Inland Navigation on the Rhine, Danube, and in the European Union, 2025

Trade is a cornerstone of the Dutch economy, with a substantial share of goods (around 40%) transported via waterways. This focus has driven the development and optimization of the inland shipping sector. Dutch operators have led innovations in ship design and logistics technology, enhancing efficiency and reducing costs to maintain a competitive edge. For instance, a Dutch shipbuilding innovation in the 16th century[969] (using windmills to cut timber instead of manual sawing) improved efficiency and output of shipyards in the Netherlands. By the 17th century, the Dutch have a fleet of over 2500 ships, twice the size of the English fleet.[970]

The Netherlands benefits from an extensive network of waterways and its strategic location at the mouth of the Rhine, where Europe's largest port, Rotterdam, is situated. This port links key industrial areas, cities, and international ports via the Rhine. (Similarly, Romania's location at the mouth of the Danube results in a somewhat larger fleet compared to other Danube-region states.)

[969] Source: Maritime Museum, Rotterdam, October 2025
[970] Source: Maritime Museum, Rotterdam, October 2025

In 2023 the modal share[971] of IWT in the Netherlands is the highest in Europe with 40,9% Belgium follows in Western Europe with a 9.3% IWT modal share while in the Danube region Romania and Bulgaria have shares of 22.3% and 17.9%, respectively. The inter-maritime port traffic between Rotterdam, Antwerp, Amsterdam, and North Sea ports connects vital petroleum and chemical industrial hubs, as well as numerous container terminals. Inter-port traffic between cities like Rotterdam, Antwerp, Amsterdam, Flushing, and Gent is also significant, linking key industrial clusters and container hubs.

The above mentioned geographical and infrastructural advantages contribute to the significant volumes transported by IWT in these countries, but do not directly correlate with the number of operators. In the Netherlands, operators are typically family-owned businesses with smaller vessels. In contrast, Romanian and German operators tend to use larger ships with higher capacities, leading to fewer operators in these countries. For example, in 2021 the Netherlands hosted 4,364 freight and passenger transport companies with 12,226 employees. In Romania, there are 2,227 employees spread across just 347 companies, while in Germany 10,123 employees work for 901 operators[972].

Working on an IWT vessel is considered to be hard due to varied and challenging conditions, including unpredictable weather, equipment malfunctions, and demanding physical labour, requiring quick problem-solving and strong communication skills, as well as constant vigilance to ensure safety and navigate safely through rough waters. Workers face long hours[973], away from home while they must possess a broad skillset for maintaining their vessels and managing cargo or passengers, making the job inherently demanding and requiring significant adaptability and resilience. Consequently, this profession brings about a particular lifestyle which many associate with having to make difficult choices when aligning it private /family life as it requires being constantly away. In the BE[974] or the NL for instance, due to the larger size of the sector this particular lifestyle is more known and therefore socially accepted, in which is less the case in smaller IWT countries.

In conclusion, the high number of operators in the Netherlands is primarily a result of historical, geographical, and general policy factors on national level that have facilitated business development in the Netherlands. These factors have contributed to a concentration of companies, making it easier for new businesses to adopt and replicate proven business models. Furthermore, the fact that 40% of transport is conducted through this mode enhances the sector's political leverage and access to investments (excellent training facilities and training ships).

[971] Source: Bureau Voorlichting Binnenvaart, EICB, Koninklijke Binnenvaart Nederland: Transport Performance and Market Shares of Inland Navigation on the Rhine, Danube, and in the European Union, 2025

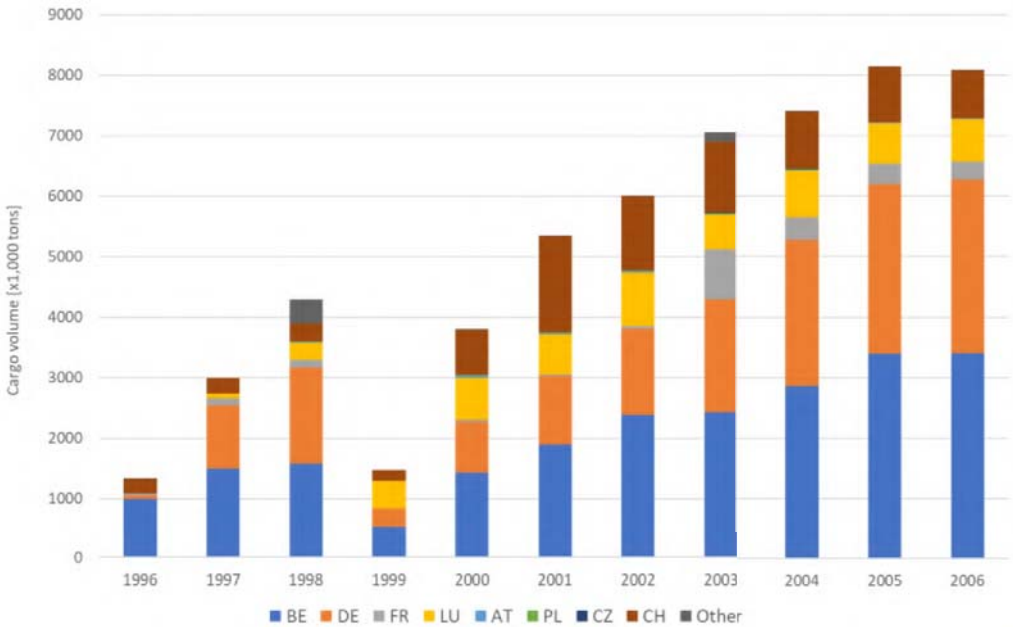
[972]Source: *EU transport in figures.* Statistical pocketbook 2024 (europa.eu) Based on the figures cited above, NL operators have 2,8 employees on average, while RO and DE operators have 6,4 and 11,2 employees respectively.

[973] BRUZZ, 15/10/2025 'In een huis voel ik me opgesloten'

[974] BRUZZ, 15/10/2025 'In een huis voel ik me opgesloten'

The EU market access framework[975] does not influence the number of operators (in a certain Member State), as it does not favour any specific type of operator or operational model. On the contrary, it aims to ensure equal access to transport on EU waterways. As shown in the following figure[976], operators of various nations are active on NL waterways indicating the absence of access barriers to the NL market for operators from MS other than NL.

Figure 34: IWT cabotage in the Netherlands



Source: Ecorys et al. (2023), Fitness check support study, based on CBS, the Netherlands.

[975] With the exception of Council Regulation (EC) No 718/1999

[976] The figure shows the volume transported by foreign flagged vessels on the waterway network in the Netherlands between Dutch (inland) ports

ANNEX XI. ON OVERCAPACITY AND GROUP 4 LEGISLATION

Overcapacity in the inland navigation sector had been a long-standing concern, dating back to the 1930s for the Rhine.[977] IWT did not operate based on a market economy with open competition but was governed by fixed prices[978] and first-come first-served[979] spot cargo contracts, which resulted in structural overcapacity in a market run by mainly owner-operated enterprises using small, older vessels.

Prior to 1989 Belgium, Germany, the Netherlands and France implemented national scrapping schemes without lasting success to overcome overcapacity and ultimately requested the introduction of a coordinated approach at European level. Council Regulation (EEC) No 1101/89 introduced a vessel-scrapping system and an old-for-new scheme for a period of 5 years that was later prolonged to 10 years in total, expiring in 1999.

With Council Regulation No. 718/1999 part of the scheme (the old-for-new scheme) was prolonged once again for four years this time, until 2003 and – together with the Council Directive 96/75/EC[980] - a mechanism for future activation in case of serious market disturbance related to capacity of the IWT market was introduced. Council Regulation No. 718/1999 aimed to avoid aggravation of existing overcapacity or the emergence of further overcapacity, and to improve its competitiveness at the same time.

Central to the regulation is the 'old-for-new' rule, requiring owners introducing new vessels into service to either scrap compensatory tonnage or contribute to designated Funds. This rule aims to prevent the influx of new vessels that could lead to overcapacity by introducing a special contribution to be paid at a certain ratio[981], when a new vessel is brought to the market. This mechanism was active until 29 April 2003 in a differentiated manner (ratio could be set at different levels for dry cargo[982], tanker[983] or pusher craft) and a gradual manner (by the end date the contribution ratio was reduced to zero). Special contributions are uniformly set across Member States to ensure fair competition and market neutrality.

Council Regulation No. 718/1999 did not aim to restrict or regulate supply. It was a time-limited umbrella to avoid aggravation of existing overcapacity. Stakeholders who have responded to the gap filling survey[984] largely agreed that the legislative framework had increased the competitiveness of the sector, but without being able to provide further substantive quantitative evidence.

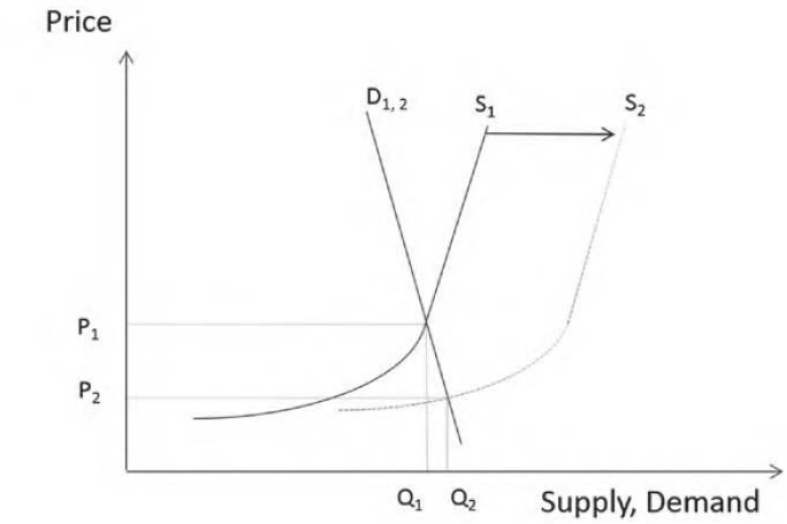
[977] Source: Van Hassel E., Vanelslander T. and Sys C. (2016), 'Managing capacity in the inland waterway sector - To intervene or not to intervene?', Inland Waterway Transport, Routledge
[978] Festvrachten
[979] 'Tour-de-role' = 'chartering by rotation' system, see in Art. 1.a of Council Directive 96/75/EC
[980] Art 7 of Council Directive 96/75/EC and Art 6 of Council Regulation 718/1999
[981] Article 4 of Council Regulation 718/1999
[982] Refers to goods that are not liquid or gas, instead transported in a solid, unpackaged form, typically in bulk or containers.
[983] A vessel designed and equipped for the transport of liquid or gaseous cargo in bulk.
[984] Additional targeted consultation (gap filling survey) between 15 October and 31 December 2024; see also Annex V of draft fitness check

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The link between freight rates and structural overcapacity

According to supply and demand, freight prices increase in times of high demand. In a perfectly competitive market, an increase in freight rates attracts more IWT barge operators bringing more IWT vessels into the market. Moreover, if a further growth in demand is expected, more vessels will be ordered and built. Because there is a large time lag between ordering and delivering new vessels (around 1.5 years), the barge operator risks overshooting the demand for IWT shipping capacity. On the supply side, due to the long lifetime of a vessel (minimum 30 years or more) the IWT market is unable to flexibly decrease capacity. So, excess supply results in overcapacity.

Figure 35: Impact of increase in supply on the freight price



Source: Van Hassel E., Vanelslander T. and Sys C. (2016), 'Managing capacity in the inland waterway sector - To intervene or not to intervene?', Inland Waterway Transport, Routledge

The supply function is not only influenced by the number and size of vessels active in the sector, but also by the sailing speed, the type of operation (round-the-clock or semi-continuous) and bridge height and varying water level. This last element in particular can influence the actual load capacity of larger vessels.

On the demand side, transport demand per cargo segment[985] appears as an important influencing factor.

To preserve a significant reserve capacity to balance fluctuations in supply, which are a result of, for instance, low water levels and seasonal peaks, is typical in this sector. Structural overcapacity, however, keeps freight tariffs permanently low[986]. In such case the freight prices can thus get lower than the average cost, so that ship owners cannot, in the long run, fulfil their repayment of the loans to the bank and will default. When this

[985] Note that different cargo segments require different vessel type (eg. Tanker used for liquid cargo cannot be used for carrying containers)

[986] Beelen, M., 2011, *Structuring and modelling decision making in the inland navigation sector*, Antwerp: University of Antwerp.

situation occurs and is recorded by a large majority of vessel owners, then the sector experiences structural overcapacity. To effectively address overcapacity, the sector may choose to reduce capacity and/or wait until demand increases while capacity remains constant, so that supply and demand will be more in balance. The main problem of the IWT sector is that when there is excess capacity, it can hardly be reduced in the short-term; both in terms of number of vessels, as well as the capacity in certain segments (like container vessel, tankers, etc.).[987]

Transport rates are commercially sensitive information, therefore are not collected in monitoring activities. Transport rates are dependent on many factors, including market structure, water levels and operating costs (such as fuel/energy or staff costs – see Figure 36 in the section 'On the impact of the intervention on cost structure'), type of vessel, quality of vessel, special vessel requirements, origin and destination of the voyage, duration of the voyage and waiting times (for instance in ports during loading and unloading processes), type of cargo, value of the cargo and quantity, expected empty sailing time, and rate of inflation, were also pointed out (non-exhaustive list) as important factors[988]. External factors such as water levels economic and geopolitical conditions (i.e. Russian war of aggression against Ukraine) also impact the freight rates, as well as regulatory factors[989]. The following figure shows an example how the freight rates for tanker barges are influenced by external factors.

Structural overcapacity, however, keeps freight tariffs permanently low, the freight prices can become lower than the average cost, so that ship owners cannot, in the long run, fulfil their repayment of the loans to the bank and will default. When this situation occurs for a large majority of the vessel owners, then the sector experiences structural overcapacity[990].

[987] Source: Van Hassel E., Vanelslander T. and Sys C. (2016), 'Managing capacity in the inland waterway sector - To intervene or not to intervene?', Inland Waterway Transport, Routledge
[988] CCNR Price formation workshop report, 2023
[989] CCNR Price formation workshop report, 2023
[990] Van Hassel E., Vanelslander T. and Sys C. (2016), 'Managing capacity in the inland waterway sector - To intervene or not to intervene?', Inland Waterway Transport, Routledge, available at: Managing capacity in the inland waterway sector

Figure 36: Tanker barge freight rates vs main influencing factors



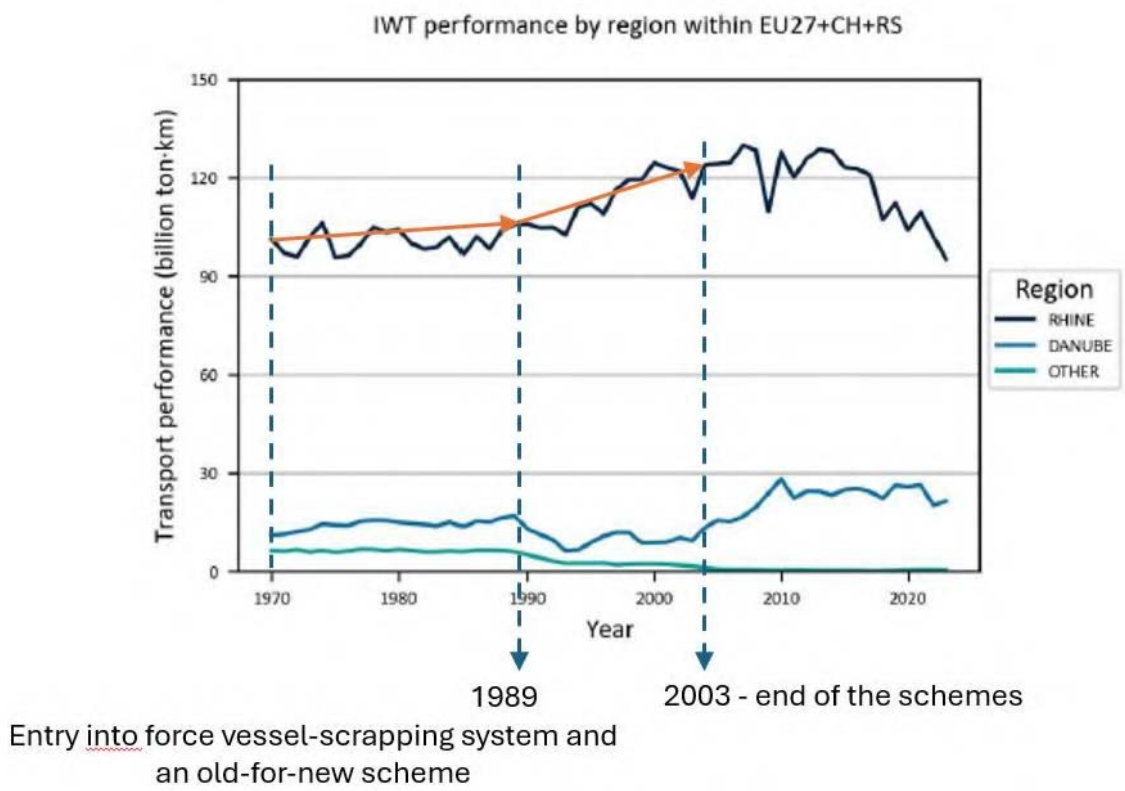
Source: CCNR Price formation workshop report, 2023, based on Insights Global

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On the impact of the intervention on cargo volumes carried

Looking at the long-term cargo volume time series on the Rhine between 1970-1989 in the following Figure, a general increase of volume transported can be observed. However, during the active years of the legislations tackling overcapacity[991], between 1989 and 2003, the trend in the increase of volume transported continues. However, it is not possible to attribute a causal link to the legislation as this is one factor of many influencing cargo volumes.

Figure 37: Transport performance in the period before and during the measures aiming to reduce overcapacity



Source: Bureau Voorlichting Binnenvaart, EICB, Koninklijke Binnenvaart Nederland: Transport Performance and Market Shares of Inland Navigation on the Rhine, Danube, and in the European Union, 2025, EC

On the impact of the intervention on cost structure

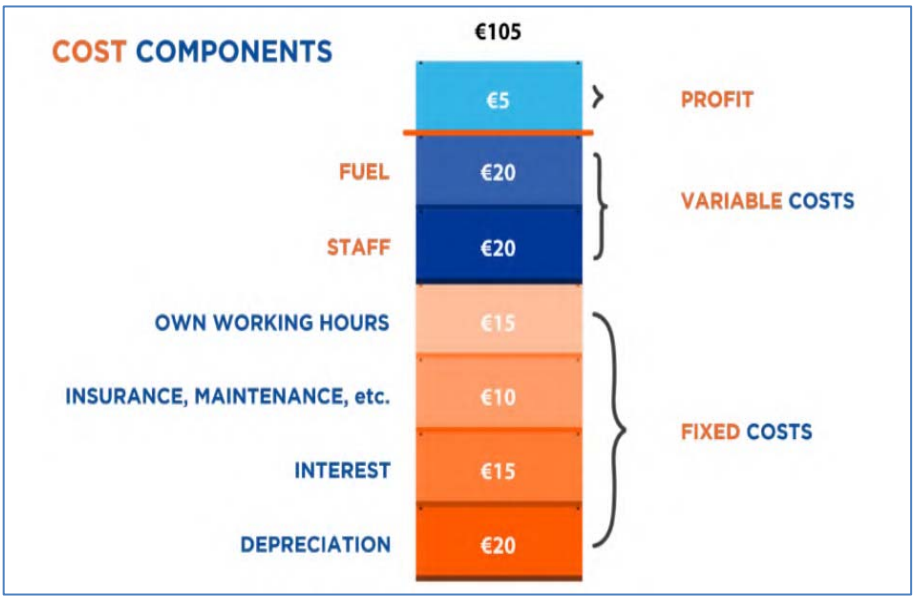
The inland navigation sector is a capital-intensive market. Within the sector, vessels have different cost structures, cost prices and revenues, depending on a series of factors such as

[991] Council Regulation (EEC) No 1101/89 introduced a vessel-scrapping system and an old-for-new scheme for a period of 5 years that was later prolonged to 10 years in total, expiring in 1999. Council Regulation No. 718/1999 part of the scheme (the old-for-new scheme) was prolonged once again for four years this time, until 2003.

the method of financing, sailing area, fluctuations in water levels and global trade. The general cost structure comprises both fixed and variable costs. Under the variable costs, expenses for staff and fuel are important components, whereas for fixed costs, the depreciation of the vessel, interest rates for loans and insurance and maintenance represent a significant part of the operational costs structure. Navigation costs like costs for lock, navigation rights etc. should be added to these cost components[992].

As can be seen in the following Figure, the cost of investment ('depreciation') in vessel taken together with the financing costs equals about 35%[993] representing an important proportion of the cost base.

Figure 38: General cost components



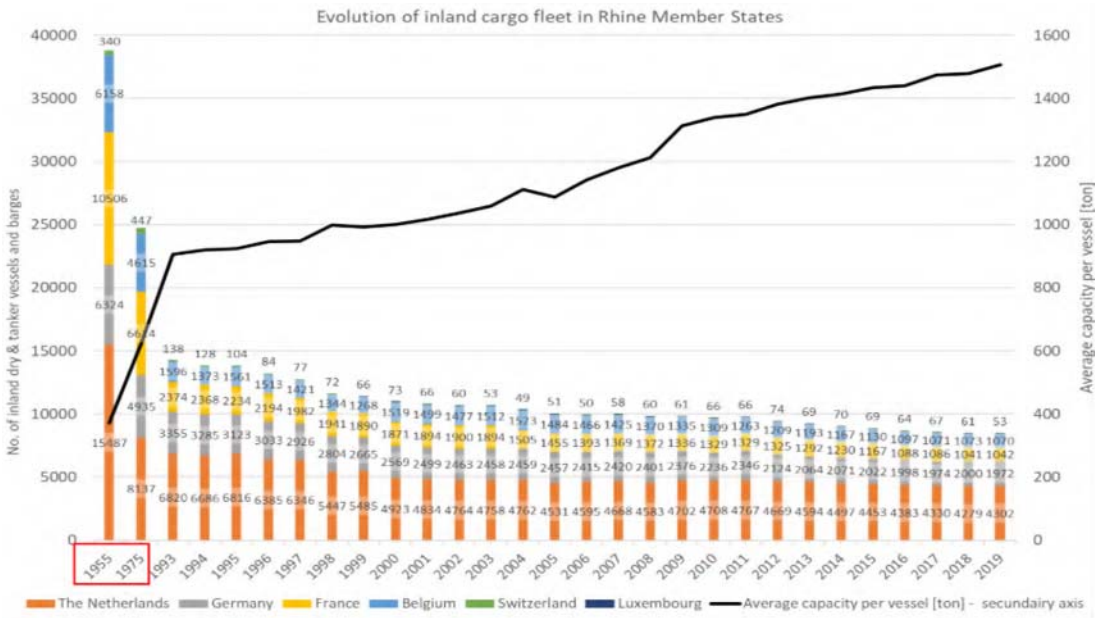
Source: CCNR Price formation workshop report, 2023, based on NPRC

On the outcome of Group 4 legislation and its current status

As shown in the Figure below, the schemes overall resulted in a 50% reduction of the number of vessels between 1975 and 2000, while the average capacity per vessel increased by 60% during the same period as mainly small and medium size vessels were taken out of operation. [994]

[992] CCNR Price formation workshop report, 2023
[993] CCNR Price formation workshop report, 2023
[994] Crompton, G (The Journal of Transport History - 25/2): 'The tortoise and the economy": Inland waterway navigation in international economic history (2004)

Figure 39: Evolution of the inland cargo fleet in Rhine Member States



Source: CCNR Market reports and ECE

The next Table shows the effects of the scrapping scheme between 1990-1996 by indicating the reduction of number of vessels, decrease in total tonnage of the fleet and decrease of tonnage per vessel.

Table 17: Overview of all scrapping scheme measures between 1.1.1990 and 31.12.1996

	Number	Tonnage kW		Average tonnage /kW	
Dry cargo carriers	2 406	1 498 769		623	
Tanker vessels	471	442 091		939	
Pusher crafts	97		72 404		746
Total	2 974	1 940 860	72 404	675	

Source: Report by the Commission on the overall impact of the measures provided for in Council Regulation (EC) No 844/94 of 12 April 1994 extending until 28 April 1999 the Old for New arrangements in the context of the measures to promote structural improvements in inland waterway transport introduced under Council Regulation (EEC) No 1101/89 of 27 April 1989

The Table below shows that the reduction in capacity (in number of vessels, in total tonnage of fleet, in average tonnage per vessel) had been accompanied by an increase in the average capacity of the fleet, and hence an improvement in productivity, especially regarding tanker capacity.

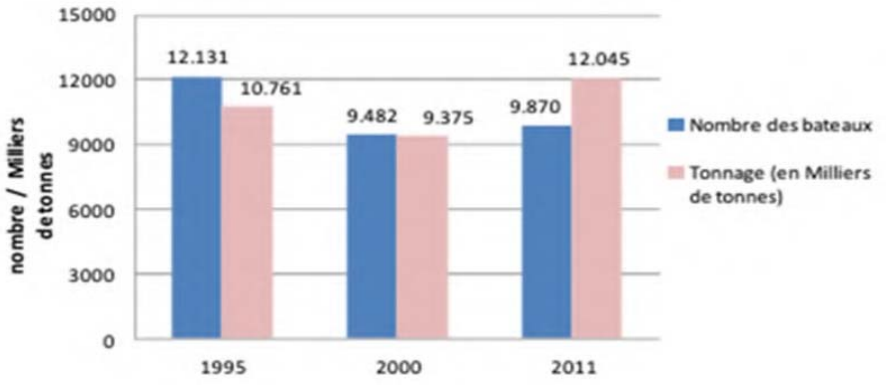
Table 18: Comparative position of the fleet 1990 and 1997

	Number		Tonnage		kW		Av. tonnage		Av. /kwH	
	1990	1997	1990	1997	1990	1997	1990	1997	1990	1997
Dry cargo carriers	12 421	10 109	10 429 792	9 518 446			839	941		
Tanker vessels	1 881	1 366	2 046 965	1 775 421			1 088	1 300		
Pusher crafts	507	455			384 183	354 476			757	779
Total	14 555	11 930	12 476 694	11 293 867	384 183	354 476	872	947		

Source: Report by the Commission on the overall impact of the measures provided for in Council Regulation (EC) No 844/94 of 12 April 1994 extending until 28 April 1999 the Old for New arrangements in the context of the measures to promote structural improvements in inland waterway transport introduced under Council Regulation (EEC) No 1101/89 of 27 April 1989

From 2000 onwards, further liberalisation of the inland navigation market came into effect, abandoning the fixed price regimes[995]. In 2003, the old-for-new rules were abandoned (by setting the corresponding rate to zero)[996]. Since then, demolitions or introduction of new vessels have been dealt with by market actors themselves, without coordinated interventions. Market forces have for example resulted in a 28% increase of dry cargo transport capacity while the overall number of vessels only increased by 4%. This coincided with increased numbers of demolitions of older and smaller vessel (after 2008 – economic crisis) in the market, without EU intervention[997].

Figure 40: Evolution of inland waterways total capacity in Western Europe

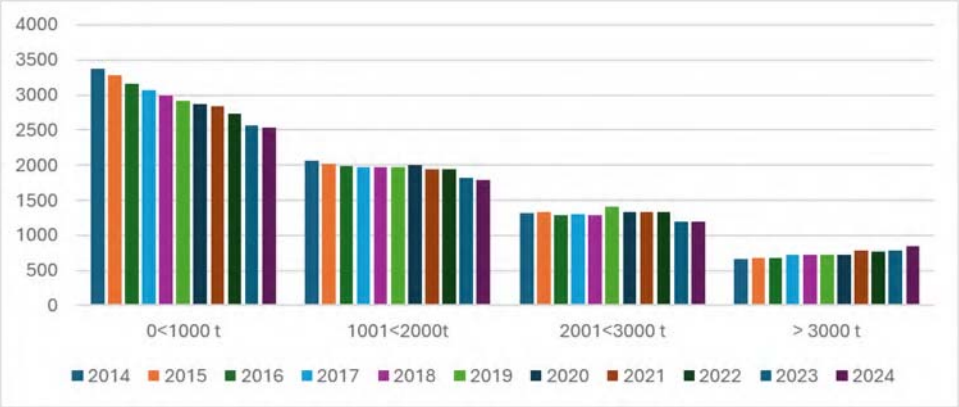


Source: CCNR; Note: Western Europe stands for BE, DE, FR, NL and CH

The Figure below shows that the market trend to take smaller vessels out of operation and introduce (fewer) large vessels continues also in recent years.

[995] Council Directive 96/75/EC
[996] Council Regulation (EC) No 718/1999
[997] Edwin van Hassel: Managing capacity in the inland waterway sector: To intervene or not to intervene? (2016; Inland Waterway Transport; ISBN: 9781138826717)

Figure 41: Evolution of the vessels fleet by size



Source: CCNR

On the continued relevance of the mechanism

As described above, the regulation aimed to retain and gradually phase out the old-for-new rule mechanism during the four years of its activity. As of April 2003, the Regulation is not applied actively. Therefore, the Regulation continues to offer a standby mechanism where the Commission may temporarily reinstate the 'old-for-new' rule for a limited period - in the event of serious market disturbance, as defined in Article 7 of Directive 96/75/EC.

This mechanism has not been activated but is considered still relevant especially in view of possible fundamental challenges for the sector that may emerge due to climate change effects (navigability of rivers changing, possibly requiring general adaptation of the fleet). During the public consultation, majority of respondents[998] (10 out of 14 respondents) viewed Council Regulation (EC) No 718/1999 very or somewhat relevant, while 9 of 14 respondents viewed Directive 96/75/EC very or somewhat relevant.

On the impact of the intervention on competitiveness

Finally, regarding the impact of Community-fleet capacity policy on the competitiveness of the sector, IWT was and still is seen as a mode which combined high mass transport capacity with low operating costs, average predictability and good traffic safety. The introduction of larger barges, a major trend of the last few decades (enabled in part by the introduction of the ‘old-for-new' rule), has usually implied significant gains in labour productivity. The generally high level of safety was another traditional advantage of the mode. This consideration became more relevant to both shippers and policy makers as IWT demonstrated its suitability for carrying hazardous products, especially chemicals.

[998] During the public consultation, 6 of 14 respondents were of the view that the Council Regulation (EC) No 718/1999 is very relevant, 4 respondents replied that it is somewhat relevant, while 3 respondents were of the view that the Directive is no longer relevant, 1 respondent did not know. In the same public consultation, 6 of 14 respondents were of the view that the Directive 96/75/EC is very relevant, 3 respondents replied that it is somewhat relevant, while 4 respondents were of the view that the Directive is no longer relevant. 1 respondent did not know.

Flammable liquids and compressed or liquified gases have provided a growth market for IWT. Dangerous goods of all categories now account for almost a quarter of waterway freight in Germany. The use of double-skinned hulls has virtually eliminated the risk of pollution[999].

To conclude, the 'old-for-new' rule in Group 4 legislation enabled the modernisation of the fleet and the replacement of vessels with larger ones.

[999] 'The tortoise and the economy', Gerald Crompton (University of Kent)

ANNEX XII. ON DATA NEEDS

At the time of the adoption of the legal acts, there were no reporting and monitoring requirements foreseen, except for Council Regulation (EC) No 718/1999 (Group 4). As a result, data is not systemically and consistently collected and reported for the pieces of legislation in scope.

It was hard to find information related to historical cargo volumes as of 1960s, when the first legislation in scope of the fitness check (Group 1) entered into force.[1000] A recently published report[1001], however, for the first time, features long time series as of 1970 for IW transport, which are now included in Annexes X, XI and XII.

The legislation of Groups 2 and 3 do not require the establishment of national registries or databases and from the scarce data obtained from repeated consultations of public authorities during this fitness check we conclude that data is not systematically collected at national level.

Annex V synopsis report contains an overview of various stakeholder consultation activities carried out for this Fitness Check, its Section II specifies the consultation activities carried out between 2019 and 2024 in further detail, including data gathering activities to fill data gaps.

The Table below lists the data needs (data currently available is marked with the √ sign), and possible avenues towards filling data gaps specific to the groups of legislation in scope.

Overall, for streamlining regulatory reporting[1002], horizontal digital approaches and tools can be considered like 'one-stop shops', the 'once only' principle / 'report once' principle, 'digital by default'[1003] while for holding of certificates the use[1004] of EU digital identity wallet[1005] and the forthcoming business wallet[1006].

[1000] Transport Performance and Market Shares of Inland Navigation, June 2025 by EICB, Bureau Voorlichting Binnenvaart, Koninklijke Binnenvaart Nederland

[1001] Transport Performance and Market Shares of Inland Navigation, June 2025 by EICB, Bureau Voorlichting Binnenvaart, Koninklijke Binnenvaart Nederland

[1002] Streamlining regulatory reporting | Interoperable Europe Portal

[1003] To lighten reporting burdens and compliance costs, we will further embed the 'digital by default' and 'once-only' principles in partnership with national, regional and local authorities and the relevant EU agencies. (A simpler and faster Europe: Communication on implementation and simplification, COM(2025) 47 final)

[1004] For smaller firms, it would be particularly welcome if there were a single digital platform, a 'one-stop shop', where they could … manage reporting ... With regard to reporting, it must be sufficient for a firm to submit information only once. Similarly, both the e-wallet for businesses and e-ID for citizens should now be implemented quickly in all Member States. (EP Own-initiative procedure: 2025/2009(INI))

[1005] European Digital Identity - European Commission

[1006] Carriages preview | Legislative Train Schedule

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Table 19: Data needs and mapping of possibilities of addressing data gaps

Legislation	Data needs (data currently available is marked with the √ sign)	Possibilities to fill the data gap
Group 1 legislation – removal of restrictions and discrimination	Number of transport documents, compliance checks and infringements Related efforts and costs	For Group 1 legislation, concerning the transport document and its compliance checks[1007], starting from July 2027 the eFTI Regulation[1008] will gather data for monitoring purposes. Member States are required to record statistics and report to the Commission on the number of checks they perform electronically of information required in accordance with the EU and national law provisions that fall under the scope of the eFTI Regulation[1009]. These provisions include, among others, information requirements as in the transport document[1010]. Information on infringements count as information that can optionally be added by MS also as from July 2027[1011]. The collection of the statistical information by the Member States will be done automatically, by means of mandatory logs[1012]. Member States shall report to the Commission every five years, with information provided on yearly basis. However, statistics generated by eFTI will provide only a partial view because operators are not obliged to submit the information (contained in the transport document) electronically; they still retain the

[1007] Council Regulation (EEC) No 11/1960
[1008] Article 17 of Regulation (EU) 2020/1056 on electronic freight transport information
[1009] As referred to in Article 3
[1010] Referred to in Article 6(1) of EEC Council Regulation No 11
[1011] In case of infringements, competent authorities may also lodge electronically so-called "follow-up communications", by means of which the competent authority may notify the operator that an infringement had been recorded (pursuant Article 8 of the eFTI Regulation, and corresponding specifications in Commission Implementing Regulation 2024/1942). However, lodging follow-up communications is not mandatory for the authorities, since national legislation covering how Member States deal with infringements does not fall under the scope of the eFTI regulation.
[1012] These logs will keep record of the date and time of the checks performed electronically by the competent authorities' officers in each Member State, and of the date and time of the follow-up communications, when made. The collection of this information will start as of 9 July 2027, the date of full application of the eFTI Regulation

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Legislation	Data needs (data currently available is marked with the √ sign)	Possibilities to fill the data gap
		option to provide the information by means of paper documents. It is only when operators provide the information electronically that the authorities have the obligation to perform the checks on that basis and, correspondingly, record the number of checks. Further synergies will be sought with future monitoring and reporting systems, in particular for the certificates required by Groups 2 and 3 legislation and the existing IWT databases kept by the Commission, namely the ECDB[1013] EHDB[1014] and ERDMS[1015] as well as the future EU RIS Platform, while aiming to limit the administrative burden on public authorities and operators.
Group 4 legislation – structural improvement of the IWT market	√ Progress with the "old-for-new" scheme[1016]	For Group 4 legislation, as mentioned above, yearly reporting requirements are currently already included in Council Regulation (EC) No 718/1999[1020].

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[1013] ECDB – European Crew database – a database established based on Dir (EU) 2017/2397 on professional qualification in IWT – Database collects main data of crew members working on inland waterways vessels. The statistics provide information on the number of crew members, their nationality, number of qualification documents issued by Member States (divided into the categories).

[1014] EHDB – European Hull DataBase – established based on Directive (EU) 2016/1629 on technical requirements for inland waterway vessels. This is a database where basic data for vessels is entered (ca. 20 data – dimensions/ owner/operator/certificates). It is also foreseen to collect data related to the propulsion of vessels which may help in assessing of the environmental performance of the EU fleet

[1015] ERDMS – the European Reference Data Management System; database (library) supporting implementation of RIS Directive. Important elements of this database is collection of infrastructure data - localization of infrastructure (ports, bridges, etc.).

[1016] Council Regulation (EC) No 718/1999 Art 9.2 'Member States shall communicate to the Commission annually all relevant information on progress with the "old-for-new" scheme and on the financial position of the Funds and of their reserve fund'.

[1020] Article 9.2

Legislation	Data needs (data currently available is marked with the √ sign)	Possibilities to fill the data gap
	√ Financial position of the Funds and of the reserve fund[1017] √ Annual report and audited statement of accounts of the IWT Fund[1018] √ Long-term evolution of cargo transport carried by IWT[1019]	
Group 2 legislation – access to the inland waterway network	Number of certificates of belonging to the Rhine navigation[1021]	There are upcoming potential synergies on monitoring. Firstly, the revised River Information Service Directive[1022] will set up an EU RIS Platform which will be the entry point for users to feedback any problems of traffic on EU waterways. Here operators will be able to report issues, including those regarding access to waterways (Group 2 legislation).

[1017] Council Regulation (EC) No 718/1999 Art 9.2 'Member States shall communicate to the Commission annually all relevant information on progress with the "old-for-new" scheme and on the financial position of the Funds and of their reserve fund'.

[1018] Commission Decision C(2017) 6663 final of 5.10.2017 authorizing the use of the Inland Waterways Fund, Art 4.2 'The European IWT platform shall submit to the Member States concerned and to the Commission Annual Reports accompanied by an audited statement of accounts'.

[1019] Source: Bureau Voorlichting Binnenvaart, EICB, Koninklijke Binnenvaart Nederland: Transport Performance and Market Shares of Inland Navigation on the Rhine, Danube, and in the European Union, 2025

[1021] Council Regulation (EEC) 2919/85

[1022] Co-legislators agree on upgrading river information services - Consilium, trilogue concluded 26 June 2025

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Legislation	Data needs (data currently available is marked with the √ sign)	Possibilities to fill the data gap
	Number of compliance checks and infringements for Rhine access and cabotage and related efforts and costs Extent to which operators of non-Rhine MS are active on the Rhine Extent to which non-resident operators are	It is furthermore recommended to look into opportunities for synergies between future monitoring and reporting systems, in particular for the certificates required and the existing IWT databases kept by the Commission, namely the ECDB[1023], EHDB[1024] and ERDMS[1025] as well as the future EU RIS Platform and the IWT eTools[1026], while aiming to limit the administrative burden on public authorities and operators. In addition, the IWT Market observation reports[1027] can also possibly take up some additional statistics, notably regarding the certificates of belonging to the Rhine navigation [1028]. . Data on transport performance (tkm) for IWT freight transport are being gathered by EUROSTAT and river commissions alike. However, volumes by origin/destination combined with state of establishment of operator, to determine share of cabotage transport or market interpenetration (activity of non-Rhine operators on the Rhine or vice versa, for instance) are not consistently available.

[1023] ECDB – European Crew database – a database established based on Dir (EU) 2017/2397 on professional qualification in IWT – Database collects main data of crew members working on inland waterways vessels. The statistics provide information on the number of crew members, their nationality, number of qualification documents issued by Member States (divided into the categories).

[1024] EHDB – European Hull DataBase – established based on Directive (EU) 2016/1629 on technical requirements for inland waterway vessels. This is a database where basic data for vessels is entered (ca. 20 data – dimensions/ owner/operator/certificates). It is also foreseen to collect data related to the propulsion of vessels which may help in assessing of the environmental performance of the EU fleet

[1025] ERDMS – the European Reference Data Management System; database (library) supporting implementation of RIS Directive. Important elements of this database is collection of infrastructure data - localization of infrastructure (ports, bridges, etc.).

[1026] NAIADES III - Flagship 7: Smart and flexible EU crewing rules - The Commission will assess the need for legislative initiatives for on-board digital tools for recording and exchanging information on crews and vessels, as well as on crewing requirements for better harmonisation at EU level.

[1027] Other reports - CCNR - Observation Du Marché

[1028] Council Regulation (EEC) 2919/85

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Legislation	Data needs (data currently available is marked with the √ sign)	Possibilities to fill the data gap
	transporting goods or passengers within a MS (cabotage)	EUROSTAT and EU MS agreed to start data collection on a voluntary basis for IWT passenger transport as from 2026 (reference year 2025)[1029].
Group 3 legislation – access to the profession of IWT carrier	Number of certificates to the access the profession[1030] - national - international - cargo - passenger Number of compliance checks and infringements, as	For Group 3 legislation, the draft fitness check report contains a recommendation to explore synergies between the certificate of carrier of cargo and the database for Union certificates of qualifications (ECDB[1031]).[1032] It is furthermore recommended to look into opportunities for synergies between future monitoring and reporting systems, in particular for the certificates required and the existing IWT databases kept by the

[1029] Meeting of the WG on IWW Transport Statistics, 30 September 2025

[1030] Council Directive 87/540/EEC

[1031] ECDB – European Crew database – a database established based on Dir (EU) 2017/2397 on professional qualification in IWT – DB collects main data of crew members working on inland waterways vessels. The statistics provide information on the number of crew members, their nationality, number of qualification documents issued by Member States (divided into the categories).

[1032] Regulation (EU) 2020/182 of 14 January 2020 on models in the field of professional qualifications in inland navigation you will find models of certificates with data which should be kept in the ECDB:
https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32020R0182&qid=1752662962169

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Legislation	Data needs (data currently available is marked with the √ sign)	Possibilities to fill the data gap
	well as related efforts and costs	Commission, namely the ECDB[1033], EHDB[1034] and ERDMS[1035] as well as the future EU RIS Platform and the IWT eTools[1036], while aiming to limit the administrative burden on public authorities and operators. In addition, the IWT Market observation reports[1037] can also possibly take up some additional statistics.

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[1033] ECDB – European Crew database – a database established based on Dir (EU) 2017/2397 on professional qualification in IWT – Database collects main data of crew members working on inland waterways vessels. The statistics provide information on the number of crew members, their nationality, number of qualification documents issued by Member States (divided into the categories).

[1034] EHDB – European Hull DataBase – established based on Directive (EU) 2016/1629 on technical requirements for inland waterway vessels. This is a database where basic data for vessels is entered (ca. 20 data – dimensions/ owner/operator/certificates). It is also foreseen to collect data related to the propulsion of vessels which may help in assessing of the environmental performance of the EU fleet

[1035] ERDMS – the European Reference Data Management System; database (library) supporting implementation of RIS Directive. Important elements of this database is collection of infrastructure data - localization of infrastructure (ports, bridges, etc.).

[1036] NAIADES III - Flagship 7: Smart and flexible EU crewing rules - The Commission will assess the need for legislative initiatives for on-board digital tools for recording and exchanging information on crews and vessels, as well as on crewing requirements for better harmonisation at EU level.

[1037] Other reports - CCNR - Observation Du Marché