



Brussels, 10 February 2026
(OR. en)

6086/26
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COVER NOTE

From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
date of receipt:	29 January 2026
To:	Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union
No. Cion doc.:	SEC(2026) 50 final
Subject:	Fitness Check on market access in Inland Waterway Transports - Annex 2 - RSB opinion IWT FC

Delegations will find attached document SEC(2026) 50 final.

Encl.: SEC(2026) 50 final



EUROPEAN COMMISSION

Brussels, 29.01.2026
SEC(2026) 50 final

REGULATORY SCRUTINY BOARD OPINION

Fitness Check on market access in Inland Waterway Transports

{ SWD(2026) 27 final }

{ SWD(2026) 28 final }



EUROPEAN COMMISSION
Regulatory Scrutiny Board

Brussels,
R.SB

Opinion

Title: Fitness Check on market access in Inland Waterway Transport

Overall opinion: POSITIVE WITH RESERVATIONS

(A) Policy context

The EU legislation on organising the inland waterway market dates to the 1960s-1990s period. For this fitness check the legal framework is grouped around two pillars: pricing liberalisation (Regulation 11/1960 concerning the abolition of discrimination in transport rates and conditions; Council Directive 96/75/EC on the systems of chartering and pricing in national and international inland waterway transport in the Community; Council Regulation 718/1999 on a Community-fleet capacity policy to promote inland waterway transport) and access liberalisation (Council Regulation 2919/85 on access to the Rhine navigation; Council Regulation 3921/91 on conditions for transport of goods or passengers by inland waterway; Council Regulation 1356/96 on common rules for transport of goods or passengers by inland waterway and Council Directive 87/540/EEC on the access to the occupation of carrier of goods by waterway).

Some of the above legislation has not been revised since adoption. The fitness check (FC) therefore responds to stakeholder demand for assessing whether the framework is still fit for purpose and identifying any shortcomings in pursuit of an internal market in the inland waterway sector.

(B) Key issues

The Board notes the additional information provided in advance of the meeting and commitments to make changes to the report.

However, the report still contains significant shortcomings. The Board gives a positive opinion with reservations because it expects the lead Service to rectify the following aspects:

- (1) The impact of the intervention on the competitiveness of the sector is not analysed.**
- (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.**

This opinion concerns a draft fitness check which may differ from the final version.

Commission européenne, B-1049 Bruxelles - Belgium. Office: BERL08010. E-mail: regulatory-scrutiny-board@ec.europa.eu

- (3) The causal link between the intervention and observed impacts should be better substantiated.**
- (4) The reasons for the predominance of Dutch operators in the sector are not explained as well as the economic consequences.**

(C) What to improve

- (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.
- (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.
- (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.
- (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.
- (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, 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.

(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.

Some more technical comments have been sent directly to the lead DG.

(D) Conclusion

The lead Service should revise the report before launching the interservice consultation.

Full title	Fitness Check on market access in Inland waterway transport
Reference number	PLAN/2019/5558
Submitted to RSB on	4 June 2025
Date of RSB meeting	2 July 2025