



Brussels, 26.6.2019
C(2019) 4548 final

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

of 26.6.2019

**amending Directive (EU) 2016/1629 of the European Parliament and of the Council
laying down technical requirements for inland waterway vessels**

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE DELEGATED ACT

1.1 European Committee for drawing up Standards in Inland Navigation (CESNI)

The Central Commission for Navigation on the Rhine (CCNR) is an international organisation with regulatory competences for inland navigation transport matters in the Rhine. Four Member States (Belgium, France, Germany and the Netherlands) and Switzerland are parties to the CCNR.

In 2015, the CCNR approved the creation and functioning of the European Committee for drawing up Standards in Inland Navigation (CESNI). Its mission includes the adoption of technical standards in inland navigation in various fields, in particular as regards vessels, information technology and crew, the uniform interpretation of these standards and of the corresponding procedures as well as deliberations on safety of navigation, protection of environment or other areas of navigation.

CESNI is composed of experts representing Member States of the CCNR and of the EU which have voting rights on the basis of one vote per State.

The EU is not a party to the CCNR or to CESNI. However, it may participate in the work of CESNI, along with international organisations whose mission covers the areas concerned by CESNI, without voting rights.

CESNI adopts standards by unanimity of the CCNR and EU Member States present. In the absence of a consensus regarding the decision to put the adoption of standards on the agenda, CESNI decides by two-thirds majority of the votes of those Members present at the meeting. In a second step, the CESNI adopts standards by unanimity of the votes of the CCNR and EU Member States present. Once decided, standards are given a unique reference number and are published.

The CCNR has built up significant experience in establishing technical requirements for inland waterway vessels. Established in the framework of the CCNR and with the participation of all EU Member States, CESNI therefore possesses the necessary expertise and geographical representativeness to draw up standards common to the entire network of inland waterways in the European Union.

1.2 The European standard laying down technical requirements for inland navigation vessels (ES-TRIN)

One of the standards established by CESNI is the European standard laying down technical requirements for inland navigation vessels (the ES-TRIN standard). This standard lays down the uniform technical requirements necessary to ensure the safety of inland waterway vessels. It includes provisions regarding shipbuilding, fitting out and equipment for inland navigation vessels, special provisions regarding specific categories of vessels such as passenger vessels, pushed convoys and container vessels, provisions regarding the automatic identification system equipment, provisions regarding vessels identification, a model of certificates and register, transitional provisions as well as instructions for the application of the technical standard.

The first version of the ES-TRIN standard (ES-TRIN standard 2015/1) was adopted at the CESNI meeting on 26 November 2015.

The ES-TRIN standard was amended in 2017¹ for the first time and the reference to this version has been made in EU and CCNR legislation.

The ES-TRIN standard is regularly updated taking account of the work of the CESNI working groups.

Regular up-date of the ES-TRIN standard is necessary to:

- maintain the high level of safety in inland navigation,
- follow the technical evolution,
- ensure compatibility with EU legal framework.

CESNI adopted the updated version of the ES-TRIN standard (ES-TRIN standard 2019/1) at the meeting on 8 November 2018. This edition incorporates various amendments in particular concerning the following areas:

- automated external defibrillators;
- fire-fighting systems - K₂CO₃;
- special provisions for electrical propulsion systems (Chapter 11);
- transitional provisions for:
 - maximum noise level,
 - engines,
 - electrical equipment and installations,
 - ship's boats,
 - escape routes on passenger vessels,
 - propulsion system of passenger vessels and
 - safety equipment aft of the aft-peak bulkhead.

1.3 Consistency of the legal regimes for technical requirements

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, includes a direct reference to the ES-TRIN standard.

In order to ensure consistency of two existing legal regimes for technical requirements for inland navigation vessels (Rhine and UE) it is necessary to provide the same date for applicability of the ES-TRIN standard 2019/01. Both EU law and CCNR Regulations will be referring to standard delivered by CESNI – to the ES-TRIN standard 2019/01 from 1 January 2020.

2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT

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

¹ 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, 10.7.2018, p. 15–19).

technical requirements for inland waterway vessels. Experts gave support to the draft delegated act prepared by the European Commission.

3. LEGAL ELEMENTS OF THE DELEGATED ACT

Annex II to Directive (EU) 2016/1629 directly refers to the ES-TRIN standard 2017/1 for technical requirements applicable for craft. In accordance with Article 31 (1) of this Directive, the Commission is empowered to update that reference to the most recent version of the ES-TRIN standard and to set the date of its application. Considering the publication of the ES-TRIN standard 2019/1, as most recent version of the ES-TRIN, the draft delegated act ensures the relevant updates. The date of application is 1 January 2020.

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THE EUROPEAN COMMISSION,

Having regard to Directive (EU) 2016/1629 of the European Parliament and of the Council of 14 September 2016 laying down technical requirements for inland waterway vessels, amending Directive 2009/100/EC and repealing Directive 2006/87/EC², and in particular Article 31(1), (3) and (4) thereof,

Whereas:

- (1) Directive (EU) 2016/1629 introduced a harmonised system for issuing technical certificates for inland waterway vessels complied with unified technical requirements.
- (2) Annex II to Directive (EU) 2016/1629 sets out that the technical requirements applicable to crafts are those set out in ES-TRIN standard 2017/1.
- (3) Union action in the sector of inland navigation should aim to ensure uniformity in the development of technical requirements for inland waterway vessels to be applied in the Union.
- (4) The European Committee for drawing up standards in the field of inland navigation ('CESNI') was set up on 3 June 2015 in the framework of the Central Commission for the Navigation on the Rhine ('CCNR') in order to develop technical standards for inland waterways in various fields, in particular as regards vessels, information technology and crew.
- (5) At its meeting on 8 November 2018 CESNI adopted a new European Standard laying down Technical Requirements for Inland Navigations vessels, the ES-TRIN standard 2019/1³.
- (6) ES-TRIN standard lays down the uniform technical requirements necessary to ensure the safety of inland navigation vessels. It includes provisions regarding shipbuilding, fitting out and equipment for inland navigation vessels, special provisions regarding specific categories of vessels such as passenger vessels, pushed convoys and container vessels, provisions regarding the automatic identification system equipment, provisions regarding vessels identification, a model of certificates and register, transitional provisions as well as instructions for the application of the technical standard.
- (7) The CCNR is to amend its legislative framework, the Rhine Vessel Inspection Regulations, to refer to the new standard and make that new standard mandatory in the framework of the application of the Revised Convention for Rhine Navigation.
- (8) Directive (EU) 2016/1629 should therefore be amended accordingly,

² OJ L 252, 16.9.2016, p. 118.

³ Resolution CESNI 2018-II-1

HAS ADOPTED THIS REGULATION:

Article 1

Annex II of Directive (EU) 2016/1629 is replaced by the text in the Annex to this Regulation.

Article 2

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

It shall apply from 1 January 2020.

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

Done at Brussels, 26.6.2019

For the Commission
The President
Jean-Claude JUNCKER