REPORT


Committee on Transport and Tourism

Rapporteur: Corien Wortmann-Kool
Symbols for procedures

* Consultation procedure  
*** Consent procedure  
***I Ordinary legislative procedure (first reading)  
***II Ordinary legislative procedure (second reading)  
***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

Amendments by Parliament set out in two columns

Deletions are indicated in **bold italics** in the left-hand column. Replacements are indicated in **bold italics** in both columns. New text is indicated in **bold italics** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

Amendments by Parliament in the form of a consolidated text

New text is highlighted in **bold italics**. Deletions are indicated using either the ↓ symbol or strikeout. Replacements are indicated by highlighting the new text in **bold italics** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.
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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION


(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2013)0622),

- having regard to Article 294(2) and Article 91(1) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0266/2013),

- having regard to Article 294(3) of the Treaty on the Functioning of the European Union,

- having regard to the opinion of the European Economic and Social Committee of 21 January 2014¹,

- having regard to the opinion of the Committee of the Regions of 31 January 2014²,

- having regard to Rule 55 of its Rules of Procedure,

- having regard to the report of the Committee on Transport and Tourism (A7-0145/2014),

1. Adopts its position at first reading hereinafter set out;

2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;

3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

¹ Not yet published in the Official Journal.
² Not yet published in the Official Journal.
Amendment 1
Proposal for a directive
Recital 4

Text proposed by the Commission

(4) Maintaining two different set of rules, those for certificates issued pursuant to Article 22 of the Revised Convention on the Navigation on the Rhine and for the Union inland navigation certificate, does not ensure legal certainty and safety.

Amendment

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

Amendment 2
Proposal for a directive
Recital 6

Text proposed by the Commission

(6) Since the CCNR has built up significant expertise in updating technical requirements for inland navigation vessels, this expertise should be fully used for the inland waterways in the Union.

Amendment

(6) Since the CCNR has built up significant expertise in developing and updating technical requirements for inland navigation vessels, that expertise should be fully used for the inland waterways in the Union. The Commission's services and the CCNR signed an Administrative Arrangement in 2013 to reinforce their cooperation, particularly as regards the development of technical requirements concerning inland waterway vessels. Within that framework, it has been agreed that a Committee (the Committee for the Elaboration of European Technical Standards (CESTE)) is to be established to draw up technical standards in the field of inland navigation to which reference
Amendment 3
Proposal for a directive
Recital 15

Text proposed by the Commission

(15) The Union inland navigation certificate should be issued to a craft that passes a technical inspection carried out prior to the craft being put into service. This technical inspection should be used to check whether the craft complies with the technical requirements set out in this Directive. The competent authorities of the Member States should be entitled to carry out additional inspections at any time to verify that the craft's physical state matches the Union inland navigation certificates.

Amendment

(15) The Union inland navigation certificate should be issued to a craft that passes a technical inspection carried out prior to the craft being put into service. This technical inspection should be used to check whether the craft complies with the technical requirements set out in this Directive. The competent authorities of the Member States will be entitled to carry out additional inspections at any time to verify that the craft's physical state matches the Union inland navigation certificates.

Amendment 4
Proposal for a directive
Recital 21

Text proposed by the Commission

(21) Changes in technical requirements need to be taken into account for reasons of safety of inland navigation and equivalence of certificates. In order to do so, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission to adapt the annexes to this Directive in line with scientific and technical progress or with developments in this area arising from the work of other international organisations, in particular the CCNR. It is particularly important that the Commission carries out appropriate consultations during its

Amendment

(21) In order to ensure a high level of safety and efficiency for inland navigation and to maintain the equivalence of the inland navigation certificates, the technical requirements laid down in the annexes to this Directive should be kept up to date in order to take into account scientific and technical progress, and technical standards in the field of inland navigation. In order to do so, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of the adaptation of the annexes to this Directive to scientific
preparatory work, including at expert level. The Commission, when preparing and drawing-up delegated acts, should ensure simultaneous, timely and appropriate submission of the relevant documents to the European Parliament and to the Council.

Amendment 5
Proposal for a directive
Recital 21 a (new)

Text proposed by the Commission

(21a) The Commission should carry out, in an open and transparent manner, appropriate consultations with all relevant stakeholders during its preparatory work, including at expert level. The Commission, when preparing and drawing-up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.

Justification

Neither the current directive nor the Commission’s proposal defines specific technical requirements for vessels powered by liquefied natural gas (LNG). Navigation certificates for such types of vessels are issued on a case-by-case basis through derogations or recognition of technical requirements equivalence. As the Commission proposal for a Directive on the deployment of alternative fuels infrastructure (COM(2013)0018) aims to develop the use of LNG in inland navigation, and requires Member States to provide LNG refuelling points in inland ports of the TEN-T Core Network, it is of utmost importance that coherence between legislations is ensured and that navigation certificates are issued on a routine basis on the basis of technical specifications agreed at Union level.

Amendment 6
Proposal for a directive
Recital 22 a (new)
(22a) In order to ensure an appropriate framework for coordination and cooperation with international organisations competent for inland waterway navigation, in particular the CCNR, and the development of uniform technical standards for inland navigation to which the Union and international organisations could refer, this Directive should be subject to review, particularly as regards the effectiveness of the measures introduced by this Directive, as well as the mechanisms for cooperation with international organisations competent for inland navigation, with a view to achieving a single, uniform set of technical standards.

Amendment 7

Proposal for a directive
Article 8 – paragraph 1

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

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

Amendment 8

Proposal for a directive
Article 9 – paragraph 6

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

Amendment
6. The Commission shall publish for the first time by ... +, and keep updated, a list of the classification societies approved in accordance with the present Article.
Amendment 9

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

Text proposed by the Commission

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

Amendment

OJ: please insert the date: one year after the date of entry into force of this Directive.

Amendment 10

Proposal for a directive
Article 24 – paragraph 2

Text proposed by the Commission

2. The delegation of power referred to in Articles 3, 4, 8, 10, 22 and 23 is conferred on the Commission for an indeterminate period of time from [date of entry into force of the Directive].

Amendment

2. The power to adopt delegated acts referred to in Articles 3, 4, 8, 10, 22 and 23 shall be conferred on the Commission for a period of five years from ... *. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

* OJ: please insert the date of entry into force of this Directive.
Amendment 11
Proposal for a directive
Article 24 – paragraph 3

Text proposed by the Commission

3. The European Parliament or the Council may revoke the delegation of power referred to in Articles 3, 4, 8, 10, 22 and 23 at any time. A revocation decision shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified in the decision. It shall not affect the validity of any delegated acts already in force.

Amendment

3. The delegation of power referred to in Articles 3, 4, 8, 10, 22 and 23 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

Amendment 12
Proposal for a directive
Article 24 – paragraph 5

Text proposed by the Commission

5. A delegated act adopted under Articles 3, 4, 8, 10, 22 and 23 shall enter into force only if neither the European Parliament nor the Council objects within 2 months of the Commission notifying them of the act. The European Parliament or the Council may extend this period by 2 months.

Amendment

5. A delegated act adopted pursuant to Articles 3, 4, 8, 10, 22 and 23 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Amendment 13
Proposal for a directive
Article 26a (new)

Text proposed by the Commission

Amendment

Article 26a

Review

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

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

Amendment 14

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

Text proposed by the Commission

Amendment

CHAPTER 19ba

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

Background

Directive 2006/87/EC lays down conditions and technical requirements for issuing navigation certificates for inland waterway vessels valid on all Community inland waterways, including the Rhine. The Directive also ensures that certificates issued under Article 22 of the Revised Convention for the Rhine Navigation and the Union inland navigation certificates are issued on the basis of technical requirements, which should guarantee an equivalent level of safety.

However, due to the two different legal frameworks – each of which operating with different rules and procedures – the equivalence of the two certificates is difficult to maintain. The aim of the revision of this Directive is to enable progress towards a single uniform set of technical standards. This would provide more legal certainty and ensure that technical adaptations to technical progress can be introduced within a reasonable time so as to ensure that high safety standards on all EU waterways are maintained and that innovation in the sector is not hampered.

The Commission’s proposal intends to pave the way towards the setting up of a dedicated committee consisting of experts representing EU and CCNR Member States, and other interested international organisations and stakeholders from the inland navigation sector. An administrative arrangement has been signed between the Commission’s services and the Secretariat of the Central Commission for the Navigation on the Rhine (CCNR) to establish the CESTE Committee, i.e. the European Committee for the Creation of Technical Standards in the field of inland navigation. This Committee should develop and update technical standards to which both the EU and the CCNR could refer in their respective regulations. It is the intention of the Commission to use these standards when revising the current technical annexes.

The Commission’s proposal does not modify the technical content of the current Directive but clearly specifies, in the main body of the text, the decision-making procedures, while leaving the technical specifications and administrative procedures in the annexes to the Directive. The Commission proposes that these annexes should be revised by delegated acts.

Rapporteur's views

Your Rapporteur welcomes the Commission’s aim to further harmonise the technical requirements for inland waterway vessels and to intensify the cooperation between the River Commissions, the United Nations Economic Commission for Europe and the Commission in order to increase efficiency and much needed legal clarity for the inland navigation sector, which mainly consists of SME’s.

She clearly supports the efforts undertaken by the Commission to use the technical expertise of the CCNR, which has developed technical requirements and ensured technical inspections of inland vessels since the beginning of the twentieth century; the first Rhine Vessel Inspection Regulations (RVIR) dating back to 1905. She is in favour of an efficient and
rational approach for the development of harmonised standards based on recognised expertise and avoiding unnecessary administrative burden and duplication of efforts.

Your Rapporteur has, however, doubts as to whether the current proposal is fully adapted to the new framework for cooperation between the Commission’s services and the CCNR in the field of technical standards. As it stands, the proposal does not refer to the Committee to be established under the auspices of the CCNR and to the procedures necessary to develop unified standards and consult experts.

Your Rapporteur would like to stress that she did not amend the technical annexes as the aim of the proposal is to create a framework that will allow the development of a unified set of standards that can be used by the EU as well as by the CCNR, and at a later stage by other international organisations. She believes that amending the technical requirements -which are currently broadly in line with those developed by the CCNR- would create further confusion and legal uncertainty and be counter-productive as to the proposal’s aim. Furthermore, she is of the opinion that the development or the revision of technical requirements for the inland vessels requires technical expertise and extensive coordination between CCNR, EU Member States and third countries.

Your rapporteur welcomes the alignment of the powers which may be conferred upon the Commission according to the new rules of the Treaty on the Functioning of the European Union (TFEU). She generally agrees with the proposed powers to adopt delegated and implementing acts. The proposed powers conferred upon the Commission will make it easier and more efficient to supplement or adapt technical requirements in the future and to allow derogations or recognise equivalence of technical requirements.

Your Rapporteur is aware that the inland waterway fleet is very sustainable thanks to its long lifetime, but that additional environmental benefits would be gained in terms of air pollutants if the propulsion of the fleet is progressively renewed or retrofitted with state-of-the-art technologies. Currently, inland waterway vessels’ engines have to comply with the exhaust gas emission limit values set out in Directive 97/68/EC\(^1\) (NRMM Directive), unless derogations have been granted. This Directive is, however, currently under revision by the Commission. Once this revised NRMM Directive provides a clear framework on new emission values for inland waterway engines, the Directive will provide the possibility of adapting emission values for existing inland waterway engines in accordance with the defined procedures in the Directive.

Finally, your Rapporteur believes that a well-structured policy with achievable short- and mid-term goals would be an asset to a sector with high potential. Certainty concerning the legal framework is with no doubt a pre-condition to attract or stimulate investments in the sector thereby ensuring the sustainable development of the inland waterway market. She therefore calls on the Commission to put flesh on the bones of NAIADES II and provide as soon as possible concrete actions that takes into account the specificities of the sector largely based on SMEs.

\(^1\) on the approximation of the laws of the Member States relating to measures against the emission of gaseous and particulate pollutants from internal combustion engines to be installed in non-road mobile machinery.
### PROCEDURE

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<td>10.9.2013</td>
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<td>Rapporteur(s) Date appointed</td>
<td>Corien Wortmann-Kool 22.10.2013</td>
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<td>Date adopted</td>
<td>20.2.2014</td>
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| Result of final vote | +: 32  
--: 1  
0: 0 |
| Members present for the final vote | Inés Ayala Sender, Georges Bach, Izaskun Bilbao Barandica, Michael Cramer, Joseph Cuschieri, Philippe De Backer, Luis de Grandes Pascual, Saïd El Khadraoui, Ismail Ertug, Jacqueline Foster, Franco Frigo, Mathieu Grosch, Jim Higgins, Dieter-Lebrecht Koch, Georgios Koumoutsakos, Eva Lichtenberger, Marian-Jean Marinescu, Gesine Meissner, Dominique Riquet, Brian Simpson, Giommaria Uggias, Peter van Dalen, Patricia van der Kammen, Artur Zasada |
| Substitute(s) present for the final vote | Spyros Danellis, Isabelle Durant, Eider Gardiazábal Rubial, Alfreds Rubiks, Bernadette Vergnaud, Corien Wortmann-Kool, Janusz Włodyslaw Zemke |
| Substitute(s) under Rule 187(2) present for the final vote | Birgit Sippel, Robert Sturdy |
| Date tabled | 27.2.2014 |