

European Communities

EUROPEAN PARLIAMENT

Working Documents

1979 - 1980

12 October 1979

DOCUMENT 1-380/79

Report

drawn up on behalf of the Committee on Transport

on the proposal from the Commission of the European Communities to the Council (doc. 1-272/79) for a Directive laying down technical requirements for inland waterway vessels

Rapporteur: Mr P. BAUDIS

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By letter of 16 August 1979 the President of the Council of the European Communities requested the European Parliament, pursuant to Article 75 of the EEC Treaty, to deliver an opinion on the proposal from the Commission of the European Communities to the Council for a directive laying down technical requirements for inland waterway vessels.

The President of the European Parliament referred this proposal to the Committee on Transport.

On 24 September 1979 the Committee on Transport appointed Mr Baudis rapporteur.

It considered this proposal at its meeting of 4 October 1979, and unanimously adopted the motion for a resolution and explanatory statement.

Present: Mr SEEFELD, chairman; Mr De KEERSMAEKER and Mr CAROSSINO, vice-chairmen; Mr BAUDIS, rapporteur; Mr ALBERS, Mr BUTTAFUOCO, Mr COTTRELL, Mr GABERT, Mr GENDEBIEN, Mr HELMS (deputizing for Mr HOFFMANN), Mr HUTTON (deputizing for Lord HARMAR-NICHOLLS), Mr KLINKENBORG, Mr LOO, Mr MOORHOUSE and Mr MORELAND.

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The Committee on Transport hereby submits to the European Parliament the following motion for a resolution together with explanatory statement :

MOTION FOR A RESOLUTION

embodying the opinion of the European Parliament on the proposal from the Commission of the European Communities to the Council for a directive laying down technical requirements for inland waterway vessels

The European Parliament,

- having regard to the proposal from the Commission to the Council¹,
 - having been consulted by the Council pursuant to Article 75 of the EEC Treaty (Doc. 1-272/79).
 - having regard to the report of the Committee on Transport (Doc. 1-380/79),
1. Is pleased that the Commission, in an effort to improve the safety of inland waterways in the European Community, has drawn up practical proposals for the harmonization of minimum technical requirements for inland waterway vessels and the introduction of compulsory uniform navigation certificates and uniform inspection procedures;
 2. **Regrets** that similar measures have not been proposed for **passenger vessels and vessels carrying dangerous goods** and **calls upon** the Commission to propose such measures at the earliest opportunity;
 3. Approves the Commission's proposal.

¹ OJ No. C 254, 8.10.1979

EXPLANATORY STATEMENT

1. A satisfactory safety situation on inland waterways presupposes:

- (i) the drawing up of uniform minimum technical requirements to be met by inland waterway vessels;
- (ii) the introduction of compulsory navigability licences;
- (iii) the implementation of uniform inspection procedures;
- (iv) the imposition of uniform sanctions in the event of non-compliance with requirements;
- (v) improved waterways¹.

2. In October 1975, the Commission, acting at the request of the national authorities, took a first step towards improving safety conditions on inland waterways with its proposal for a directive on reciprocal recognition of navigability licences (Doc.355/75). In view of the complexity of the problem and the widely diverging national rules in this area, the Commission rightly decided to proceed by stages.

The abovementioned draft directive, which Parliament approved on the basis of the report drawn up by Mr Gerlach on behalf of the then Committee on Regional Policy and Transport (Doc. 359/75), was adopted by the Council on 20 January 1976.²

3. This directive remained in force until the end of 1978. However, since the Commission found itself unable to submit by that date the proposals which it is now making, it asked at the beginning of last year for an extension of the period of validity of the directive until such time as the Community provisions concerning technical requirements had been adopted by the Council (Doc. 500/77).

In his report on this subject (Doc. 580/77), Mr Albers approved this proposal on behalf of the committee responsible, but nevertheless urged the Commission to speed up its work so that 'a system of uniform technical requirements can be introduced in the Community by 1 January 1980 at the latest' (see page 7, paragraph 5).

¹ This aspect is not covered by the draft directive.

² Directive No.76/135, OJ No.L 21, 29.1.1976, p.10.

4. Article 5 of the November 1978 Council directive amending its 1976 directive requires the Council to adopt, before 1 January 1980, common provisions establishing technical requirements for inland waterway vessels. The present proposal is designed to ensure that this date is respected.

5. To draw up its draft directive, the Commission set up in April 1977 a special working party composed of experts from the Member States, which proceeded on the basis of the preparatory work already undertaken in the United Nations Economic Commission for Europe and the Central Commission for the Navigation of the Rhine (draft ECE recommendation of May 1976 on uniform technical requirements for inland waterway vessels and the CCNR regulation on inspection of shipping and crafts on the Rhine).

Because of certain differences between the two texts, it was decided that the working party, operating in cooperation with these two organizations, should draw up Community standards based on a harmonized version of the two texts.

6. The following paragraphs give an outline of the main provisions of the draft directive.

7. (i) Laying down minimum technical requirements

The minimum technical requirements with which all inland waterway vessels must comply are listed in Annex II. They include provisions relating to shipbuilding requirements (hull, heating installations, engine rooms.....), the steering gear and wheelhouse, electrical installations, equipment, health and safety in the crew's accommodation and work stations. etc.

8. (ii) Inspection procedures

Article 4 lays down inspection procedures for checking whether inland waterways vessels comply with the minimum requirements listed in annex II.

It stipulates that vessels laid down more than two years after the date of notification of the directive must be inspected prior to being put into service: all other vessels are to be inspected before 1 January 1990. In addition, provision is made for regular inspections to check that vessels are being maintained in accordance with the prescribed requirements. Vessels which have received a navigability certificate issued by an approved classification society may be exempted either wholly or in part from this inspection.

9. (iii) Community certificate

Articles 5 to 9 of the draft directive concern the issue, renewal or extension, withdrawal, refusal or alteration of a Community certificate.

If the inspection referred to above confirms that a vessel satisfies the minimum safety requirements, the competent authority issues a certificate authorizing the vessel to operate on the waterways validated by the certificate. The period of validity of the certificate is determined individually in each case, but may not exceed ten years. The same conditions apply for renewal of the Community certificate following expiry of the period of validity.

Any decision to refuse to issue a Community certificate must indicate the reasons therefore and the person concerned must be informed of the appeal procedures open to him.

The competent authority which issued or renewed a certificate may withdraw it if the vessel no longer satisfies the prescribed safety requirements. Reasons must also be given for any such decision. In the event of major alterations or repairs, the vessel must undergo a fresh inspection and the Community certificate be altered accordingly.

10. (iv) Checks and sanctions

The competent authorities may at any time check the certificate and the vessel's compliance with the requirements set out in it. If the certificate is invalid or the vessel does not comply with the relevant requirements, without, however, constituting a potential danger, the owner will be required to remedy the situation. If a valid Community certificate is not being carried or the vessel constitutes a potential danger because it does not comply with the safety requirements, it may be prevented from proceeding. Here again, reasons must be given for such a decision.

11. (v) Committee for the adaptation of the directive to technical progress

Article 13 establishes a committee responsible for the adaptation of the technical provisions to technical progress. It is composed of national experts and chaired by a Commission representative. Article 14 lays down the operational and decision-making procedures of the committee.

12. (vi) Other provisions

In view of the considerable differences between waterways in the

Community as regards geography, dimensions and volume of traffic, the Commission proposes that they be divided into three classes, with specific provisions for each category. Annex I to the proposal contains a list of inland waterways in the various Member States broken down into the three classes.

13. Special provisions may be laid down for vessels which operate exclusively on the waterways of a single Member State or make limited journeys of local interest or in harbour areas.

14. Member States are required to take all the necessary measures to comply with the requirements set out in the directive within one year following notification of the directive. The competent authorities of the Member States are furthermore required to cooperate closely with respect to the implementation and enforcement of the directive.

15. Although your rapporteur can understand that the Commission has so far not been able to formulate similar measures for passenger vessels and vessels carrying dangerous goods, he is of the opinion that suitable proposals should be submitted as soon as possible in respect of these categories.

16. Although the draft directive does not deal with the infra-structural aspects of navigational safety on inland waterways, your rapporteur wishes to point out that the situation could be improved if the smaller Community waterways in particular were adapted to current traffic requirements and modern inland navigation techniques. Not long ago, the European Parliament, on the basis of the own-initiative report drawn up by Mr Fuchs on possible measures to improve the situation in the inland waterway sector (Doc.146/79), called for a Community contribution towards the construction, modernization and financing of waterways. More detailed information can be found in this report, in particular paragraphs 52 to 60 of the explanatory statement.

17. Since the measures proposed will undoubtedly contribute to greater navigational safety on the inland waterways of the Community, and since they meet the wishes repeatedly expressed by the European Parliament in this area¹, the Committee on Transport approves the draft directive which it urges the Council to adopt before the end of the year.

¹ See inter alia the previously mentioned reports by Mr Gerlach, Mr Albers and Mr Fuchs.

