2024/2687

14.10.2024

COUNCIL DECISION (EU) 2024/2687

of 8 October 2024

on the position to be taken on behalf of the European Union within the European Committee for drawing up standards in the field of inland navigation and within the Central Commission for the Navigation of the Rhine with regard to the adoption of technical standards in inland navigation

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 91(1), in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

(1) The revised Convention for Rhine Navigation of 17 October 1868, as amended by the Convention amending the Revised Convention for the Navigation of the Rhine, signed in Strasbourg on 20 November 1963 (the'Convention'), entered into force on 14 April 1967. The Convention maintains the Central Commission for the Navigation of the Rhine ('CCNR') and the regime for inland navigation of the Rhine established in 1815. In the framework of the CCNR, the European Committee for drawing up standards in the field of inland navigation ('CESNI') was created on 3 June 2015 in order to develop technical standards for inland waterways in various fields, in particular as regards vessels, information technology and crew.

(2) Directive (EU) 2016/1629 of the European Parliament and of the Council [1] refers to the latest CESNI standards laying down technical requirements for inland waterway vessels, namely European Standard laying down Technical Requirements for Inland Navigation vessels ('ES-TRIN'). The CCNR also refers to the latest standards in its Rhine Regulations. Pursuant to Articles 22 and 23 of the Convention, the CCNR may adopt binding resolutions establishing technical requirements for inland waterway vessels in inland navigation of the Rhine. The technical standards to be adopted by CESNI will therefore be binding once the relevant binding resolutions of the CCNR make a reference to those technical standards.

(3) Under the Convention, the CCNR may modify its regulatory framework related to river information services ('RIS') by referring to the technical standards adopted by the CESNI and making those technical standards mandatory in the framework of the application of the Convention.

(4) The CESNI is to adopt an updated European Standard laying down Technical requirements for Inland Navigation vessels 2025/1 ('ES-TRIN 2025/1') and the European Standard for River Information Services 2025/1 ('ES-RIS 2025/1') during its session on 17 October 2024. Following the adoption of those standards, the CCNR intends to adopt a resolution amending the Rhine Regulations to refer to ES-TRIN 2025/1 and ES-RIS 2025/1 during its plenary session on 5 December 2024. ES-TRIN 2025/1 and ES-RIS 2025/1 replace ES-TRIN 2023/1 and ES-RIS 2023/1 accordingly.

(5) ES-TRIN 2025/1 lays down uniform technical requirements necessary to ensure the safety of inland waterway vessels. It includes provisions regarding shipbuilding, fitting out and equipment for inland waterway vessels, special provisions regarding specific categories of vessels such as passenger vessels, pushed convoys and container vessels, provisions regarding automatic identification system equipment, provisions regarding vessel identification, a model of certificates and register, transitional provisions, as well as instructions for the application of the technical standard.

[1] 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).

(6) It is appropriate to establish the position to be taken on the Union's behalf within the CESNI and within the CCNR, as ES-TRIN 2025/1 will be capable of decisively influencing the content of Union law. Articles 31 and 32 of Directive (EU) 2016/1629 require the Commission to adopt delegated acts which refer to the latest version of the ES-TRIN standard and to set the date of its application, provided that Union interests are not compromised by changes in the decision-making process of CESNI.

(7) ES-RIS 2025/1 lays down uniform technical specifications and standards in order to support RIS and ensure their interoperability. The technical specifications and standards laid down in ES-RIS 2025/1 correspond to the technical specifications and standards for which adoption is required by Directive 2005/44/EC of the European Parliament and of the Council ([2]), in particular in the following areas: electronic chart display and information system for inland navigation, electronic ship reporting, notices to skippers, vessel tracking and tracing systems and compatibility of the equipment necessary for the use of RIS.

(8) Technical specifications for RIS are based on the technical principles set out in Annex II to Directive 2005/44/EC, and take account of work carried out in this field by relevant international organisations.

(9) It is therefore appropriate to establish the position to be taken on the Union's behalf within the CESNI, as ES-RIS 2025/1 will be capable of decisively influencing the content of Union law, namely the binding technical specifications adopted within the framework of Directive 2005/44/EC.

(10) The CCNR, during its upcoming plenary session, is expected to adopt resolutions that will amend its Rhine Regulations to include references to ES-TRIN 2025/1 and ES-RIS 2025/1. Such amendment will be binding under international law in accordance with Articles 1 and 22 of the Convention. Therefore, it is also appropriate to establish the position to be taken on the Union's behalf within the CCNR.

(11) To facilitate the highest level of safety in inland navigation, to follow the technical evolution in that sector, and to ensure compatibility of requirements for vessels and compatibility of river information services in Europe it is important that the technical requirements for vessels and river information services be as harmonised as possible under the various legal regimes in Europe. In particular, Member States that are also members of the CCNR should be authorised to support decisions harmonising the CCNR rules with the rules applied in the Union.

(12) The Union is neither a member of the CCNR nor of the CESNI. The Union's position should therefore be expressed by the Member States that are members of those bodies, acting jointly in the interests of the Union,

HAS ADOPTED THIS DECISION:

Article 1

1. The position to be taken on the Union's behalf within the European Committee for drawing up standards in the field of inland navigation ('CESNI') with regard to the adoption of ES-TRIN 2025/1 and ES-RIS 2025/1 shall be to agree to their adoption.

2. The position to be taken on the Union's behalf within the Central Commission for the Navigation of the Rhine ('CCNR') shall be to support all proposals aligning the CCNR Rhine Regulations with ES-TRIN 2025/1 and ES-RIS 2025/1.

Article 2

1. The position set out in Article 1(1) shall be expressed by the Member States that are members of the CESNI, acting jointly in the interests of the Union.

2. The position set out in Article 1(2) shall be expressed by the Member States that are members of the CCNR, acting jointly in the interests of the Union.

Article 3

Minor technical changes to the positions set out in Article 1 may be agreed upon without further decision of the Council.

([2]) Directive 2005/44/EC of the European Parliament and of the Council of 7 September 2005 on harmonised river information services (RIS) on inland waterways in the Community (OJ L 255, 30.9.2005, p. 152).

Article 4

This Decision shall enter into force on the date of its adoption.

Done at Luxembourg, 8 October 2024.

For the Council
The President
VARGA M.