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REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL

on the exercise of the delegation conferred on the Commission pursuant 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/EC

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1. INTRODUCTION

Directive (EU) 2016/1629 establishes a new system of technical requirements for inland waterway vessels, lays down an inspection regime, the classification of the inland waterways and sets out provisions on derogations for some types of vessels.
Directive (EU) 2016/1629 introduces harmonised conditions for issuing inland navigation certificates for inland waterway vessels in all Member States. As a result, the technical requirements for inland waterway vessels are uniform across all Member States. This ensures simplification of rules, leading to high levels of safety, and contributes directly to creating a deeper and fairer internal market.
The requirements are established by making reference to the European Standards laying down Technical Requirements for Inland Navigation vessels (ES-TRIN standards), drawn up by the European Committee for drawing up Standards in Inland Navigation (CESNI), which is an international body created in the framework of the Central Commission for the Navigation of the Rhine (CCNR).
Not only does EU legislation refer to this standard and its updates, but so does the legislative framework adopted within the Central Commission for the Navigation of the Rhine (CCNR).
This approach ensures that Union inland navigation certificates attesting that all types of crafts are fully compliant with the aforementioned revised technical requirements are valid on all EU inland waterways, including on the Rhine, and that Rhine certificates are valid on all EU inland waterways.
The availability of information on vessels and certificates is ensured via a dedicated database (European Hull Database - EHDB), which ensures that Member State authorities can effectively implement the safety requirements for vessels.

Directive (EU) 2016/1629 was adopted on 14 September 2016 and entered into force on 6 October 2016 with the date of transposition and application of 7 October 2018.

According to Article 4(2) of Directive (EU) 2016/1629 "*the Commission is empowered to adopt delegated acts concerning amendments to Annex I so as to modify the classification of a waterway, including the addition and deletion of waterways"*.
Article 19(7) of Directive (EU) 2016/1629 empowers the Commission to adopt delegated acts specifying provisions for the European Hull Databse (EHDB) in areas of:

(a) the data to be entered in the database by Member States;

(b) the types of access permitted, taking into account the categories of the recipients of data and the purposes for which such data are processed;
(c) the instructions regarding the use and operation of the database, in particular with respect to data security measures, encoding and processing of data and interconnection of the database with the registers referred to in Article 17.

Article 31 empowers the Commission to adopt delegated acts to amend Annexes II - VI to Directive (EU) 2016/1629.
In accordance with Article 31(1) "*the Commission shall adopt delegated acts to adapt Annex II to update, without undue delay, the reference to the most recent version of the ES-TRIN standard and to set the date of its application*".
Art. 31(3) gives power to the Commission "*to adopt delegated acts concerning the adaptations of Annexes III and IV to scientific and technical progress*".
Art. 31(4) empowers the Commission "*to adopt delegated acts concerning the adaptations of Annex V to update and streamline administrative provisions*".
In line with Art. 31(5) "*the Commission is empowered to adopt delegated acts concerning the adaptations of Annex VI to amend the criteria for the recognition of classification societies to ensure safety of navigation*".
Article 31(6) further states that "*the Commission is empowered to adopt delegated acts in order to update the references in this Directive to certain provisions of Annexes II and V in order to take into account the amendments brought to these Annexes*.".

2. LEGAL BASIS

The present Report is required by Article 32(2) of Directive (EU) 2016/1629. Pursuant to this provision, the delegation is conferred on the Commission for a period of five years from 6 October 2016 and the Commission is required to make a report in respect of the delegated powers not later than nine months before the end of the five-year period. The same Article states that the delegation of power shall be tacitly extended for periods of identical duration, unless the European Parliament or the Council opposes such extension no later than three months before the end of each period.

3. EXERCISE OF THE DELEGATION

Since the entry into force of Directive (EU) 2016/1629, up to the date of the adoption of the present report, the Commission adopted the following delegated acts:

1) Commission Delegated Directive (EU) 2018/970 of 18 April 2018 amending Annexes II, III and V to Directive (EU) 2016/1629 – based on Article 31(1), (3) and (4). Provisions of this delegated act amended Annex II to the most current version of ES-TRIN 2017. In Annex III, Paragraph 2 has been updated in order to ensure improve consistency with the provisions of the ES-TRIN standard. The said paragraph 2 covers the provisions on "Strength" as well as "Stability", by analogy with Article 3.02 of ES-TRIN.

The ES-TRIN standard 2017/1 includes special provisions for the traditional craft. To keep the consistency between requirements of Directive (EU) 2016/1629 and the ES-TRIN standard, as well as to streamline the procedural provisions, it was necessary to amend Annex V to the Directive regarding detailed procedural provisions. The delegated act was published on 10.7.2018 and entered into force on 30.07.2018 (with the date of transposition and application of 7.10.2018).

2) Commission Delegated Regulation (EU) 2019/1668 of 26 June 2019 amending Directive (EU) 2016/1629 (Annex II) – based on its Article 31(1), (3) and (4). Provisions of this delegated act amended Annex II in order to adapt it to the most current version of ES-TRIN 2019.

   The delegated act was published on 7.10.2019 and entered into force on 27.10.2019 (with the date of application of 1.1.2020).

3) Commission Delegated Regulation (EU) 2020/474 of 20 January 2020 on the European Hull Data Base – based on Article 19(7) of Directive (EU) 2016/1629. The delegated act notably sets out the data to be entered in the database by Member States, the types of access permitted, taking into account the categories of the recipients of data and the purposes for which such data are processed, the instructions regarding the use and operation of the database. The provisions of the delegated act also provide for limited access to the EHDB (read-only access) for the national authorities responsible for inland waterway traffic and infrastructure management, maintaining or enforcing safety of navigation and collecting statistical data.

All adopted delegated acts were transmitted to the European Parliament and the Council. There were no extension to the objection periods or objections during the provided objection periods.

4. EXTENSION OF THE PERIOD FOR THE DELEGATION OF POWERS

The Commission has over the past 4 years exercised the delegated powers conferred to it under Directive (EU) 2016/1629.

The exercise of the delegated powers enabled the Commission to adapt the relevant provisions of Directive (EU) 2016/1629 to technical progress and scientific developments in order to maintain the high level of safety in inland navigation and to follow the technical evolution. The Commission considers that the delegation of power should be tacitly extended.

5. CONCLUSION

With this report the Commission complies with the reporting requirement under Article 32(2) of Directive (EU) 2016/1629 and invites the European Parliament and the Council to take note of this report.