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NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee
No. Cion doc.:	6008/24
Subject:	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Directive 2005/44/EC on harmonised river information services (RIS) on inland waterways in the Community – General approach

I. INTRODUCTION

1. On 31 January 2024, the Commission sent the above proposal to the European Parliament and to the Council.

2. The proposal concerns a modification of 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 [1].

[1] OJ L 255, 30.9.2005, p. 152.

3. Directive 2005/44/EC lays down a framework for the deployment and use of harmonised, interoperable, and open river information services[1] with the objective to increase the safety, efficiency, and environmental friendliness of inland waterway transport (IWT). It sets out the general requirements for how RIS should be set up by the Member States, the areas in which standards need to be developed and the principles to be followed.

4. The Commission carried out an ex-post evaluation[2] of the directive in 2021. It concluded that the deployment of RIS is still slow and fragmented, which hampers the competitiveness and safety of the sector, and holds back its contribution to the objectives of the European Green Deal.

5. The revision of the Directive aims to address the problems identified. It has three main objectives:

   – to ensure RIS data availability and harmonised standards;

   – to facilitate the integration of IWT into the multimodal chain;

   – to ensure greater uptake and interoperability of digital solutions, and address data-protection concerns.

6. The Commission adopted the proposal in the context of its Regulatory Fitness and Performance Programme (REFIT). The proposal is based on the results of an impact assessment[3] which was informed by an external support study.

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1 River information services (RIS) are advanced services and functionalities which refer primarily to either traffic related or transport-related aspects of inland navigation. Traffic-related services are Fairway Information Service, Traffic Information, Traffic Management, and Traffic Monitoring and Calamity Abatement; transport-related services are voyage planning, port and terminal management, cargo and fleet management, statistics, and inland waterways infrastructure charges.

2 SWD(2021)0050 final.

3 6008/24 ADD 4 + ADD 5

II. EXAMINATION BY THE OTHER INSTITUTIONS

7. On 17 April 2024, the European Parliament's Committee on Transport and Tourism (TRAN) appointed Mr Tom Berendsen (EPP, Netherlands) as rapporteur.

8. On 24 April 2024, the European Economic and Social Committee adopted its opinion on the proposal[1]. On 9 February 2024, the European Committee of the Regions decided not to give an opinion.

III. STATE OF PLAY IN THE COUNCIL

9. The Working Party on Shipping discussed the proposal at six meetings, starting in February 2024. All delegations expressed their general support for the objectives of the Commission proposal, with a view to improving the safety, efficiency, and environmental friendliness of inland waterway transport (IWT). The Working Party examined the proposal in detail and discussed several compromise proposals put forward by the Presidency.

10. A number of changes to the Commission proposal have been made. Many of these changes are aimed at ensuring clarity on the processing of personal data and technical coherence. There are also other changes of substance to be noted, as follows.

11. The Commission proposed to extend the scope of the Directive to all inland waterways which are part of the trans-European transport network TEN-T. Consequently, the directive would become applicable to several Member States that have not implemented RIS until now, because they are not directly connected with inland waterways from other Member States. In their particular situation, the inland waterway operations are essentially national operations and do not have a cross border element. These Member States called into question the added value of implementing RIS; according to their assessment, this would bring significant costs and administrative burdens, without any benefits for the internal market or the overall functioning of the transport system. Often, the inland waterway operations are already covered by maritime systems in these countries. Moreover, it should be noted that the impact assessment carried out by the Commission did not consider the financial and administrative consequences of this scope extension.

[1] 10350/24

12. For this reasons, the wording of Article 2 was revised: the directive would continue to apply on inland waterways and inland ports which are part of the trans-European transport network and which are *directly connected* to inland waterways and inland ports of another Member State (and which are also part of the the TEN-T Network). The existing provision in Article 2 paragraph (2), allowing Member States to apply the directive on a voluntary basis on inland waterways which are outside its scope, remains unchanged.

13. The complaint handling mechanism proposed by the Commission (Article 8a), this was considered by most Member States as being too prescriptive. Such mechanisms already exist at national level and many delegations expressed concerns over the increased administrative burden that such a provision would bring; several Member States even considered that the proposed text would infringe on the application of the principles of subsidiarity and proportionality. The article was therefore deleted.

14. Member States did not support the Commission proposal to allow for Annex I to be updated through a delegated act. This annex sets out the list of relevant data that must be supplied to RIS users, and any changes to this list could have significant financial consequences. Secondly, the need for such a simplified procedure is not really justified, since in the last 19 years from the adoption of the initial directive there has been no need to update that list.

15. Lastly, the deadline for transposition proposed by the Commission (one year after entry into force of the amending Directive) would be extended to 3 years.

16. The proposal was accompanied by an impact assessment[1]. That impact assessment was presented and thoroughly examined at one working party meeting. The comments made related mostly to the implications of the proposed extension of the scope of the directive.

17. At this stage of the procedure, the Commission maintains a procedural reservation on all amendments to its proposal.

[1] 6008/24 ADD 4 + ADD 5.

IV. CONCLUSIONS

18. In light of the above, the Permanent Representatives Committee is invited to:

- examine and approve the text set out in the annex to this report, with a view to a *general approach*;
- recommend that the Council reach a *general approach* at the TTE (Transport) Council meeting on 18 June 2024 on the proposal for a Directive of the European Parliament and of the Council amending Directive 2005/44/EC on harmonised river information services (RIS) on inland waterways in the Community.

ANNEX

2024/0011 (COD)

Proposal for a

DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

amending Directive 2005/44/EC on harmonised river information services (RIS) on inland waterways in the Community

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee[1],

After consulting the Committee of the Regions,

Acting in accordance with the ordinary legislative procedure,

Whereas:

(1) Directive 2005/44/EC of the European Parliament and of the Council[2] establishes a framework for the deployment and use of harmonised river information services ('RIS') in the Union. The deployment of RIS on inland waterways supports the safety and efficiency of transport by inland waterways, and ultimately its sustainability, by increasing the efficiency of inland waterways operations.

(2) Since the entry into force of Directive 2005/44/EC, the inland waterway sector has benefited from the provision of harmonised RIS. However, the level of harmonisation between Member States varies, while the process of introducing the necessary specifications has proved to be lengthy. At the same time, the European Green Deal[3] calls for the further development of an automated and connected multimodal mobility, and RIS should be adapted to address those new challenges. Furthermore, the Sustainable and Smart Mobility

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1 OJ C , , p. .

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, ELI: http://data.europa.eu/eli/dir/2005/44/oj).

3 COM/2019/640 final.

Strategy[4] proposes the revision of Directive 2005/44/EC among its measures to achieve the objective of promoting the creation of a truly smart transport system, efficient capacity allocation and traffic management. The NAIADES III action plan[5] indicates that to support the objective of inland waterways being part of a seamless system of harmonised RIS by 2030, revisions of the legal framework on RIS would aim to help close existing harmonisation and interoperability gaps with other transport modes, and contribute to improved data availability, reuse and interoperability of digital systems, in line with the European Data Strategy[6]. Those changes and developments as well as the experience gained in the implementation of Directive 2005/44/EC should be taken into account when adapting RIS.

(3) In the interest of adopting a coherent approach to interoperability in the public service sector, when implementing the European RIS Environment and other solutions in scope of this act, the principles laid down by the latest European Interoperability Framework (EIF)[7], as mandated by Article 6 of the proposal for a Regulation of the European Parliament and of the Council laying down measures for a high level of public sector interoperability across the Union (Interoperable Europe Act)[8], should be followed.

(4) Regulation (EU) 1315/2013[9] sets up requirements for the development of the trans-European transport network ('TEN-T')[10] to achieve the smooth functioning of the internal market, and it aims to ensure that the same high-quality services are available and compatible with the systems of other transport modes along this network.

(5) Given that the majority of journeys of inland vessels are of international nature, RIS should be focused on those inland waterways being a part of the TEN-T and directly connected to another Member State's inland waterways being part of the TEN-T, and thus of high importance for the Union. Member States should be able to continue extending, on a voluntary basis, the RIS requirements to parts of their inland waterways network other than those included in the TEN-T to account for national specificities. Member States should also be able to provide RIS services in a cross-border context by either of the two Member States concerned. The competent Member States' authorities shall cooperate for the purpose of the provision of these RIS services on cross-border inland waterways.

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4 COM/2020/789 final.
5 COM/2021/324 final.
6 COM/2020/66 final.
7 COM/2017/134 final.
8 COM/2022/720 final.
9 Regulation (EU) No 1315/2013 of the European Parliament and of the Council of 11 December 2013 on Union guidelines for the development of the trans-European transport network and repealing Decision No 661/2010/EU (OJ L 348, 20.12.2013, p. 1, ELI: http://data.europa.eu/eli/reg/2013/1315/oj).
10 The EU's trans-European transport network policy, the TEN-T policy, is a key instrument for the development of coherent, efficient, multimodal, and high-quality transport infrastructure across the EU. It comprises railways, inland waterways, short sea shipping routes and roads linking urban nodes, maritime and inland ports, airports and terminals.

(5a) Because of Russia's war of aggression against Ukraine, cooperation between the Union and Russia in the field of RIS is neither appropriate nor in the interest of the Union. As a consequence, cross-border cooperation on RIS with Russia is no longer a priority on the territory of the Member States.

(6) The experience gained from the application of Directive 2005/44/EC showed that it is important to strengthen the technical specifications concerning the provision of data on navigation and voyage planning, in order to improve the quality and timeliness of information provided to RIS users. The European Reference Data Management System ('ERDMS') contains reference data and codes lists necessary for the proper functioning of RIS and is set up and currently operated by the Commission. The operation of the ERDMS could be transferred to a third party in the future.

(7) The availability to RIS users, during navigation, of up-to-date and accurate information regarding the condition of the fairway and specific points like bridges, locks and inland ports, should improve the overall efficiency of the inland waterway sector. RIS should therefore include up-to-date exchanges of data with semi and fully automated management of infrastructure systems of locks and movable bridges as well as with port community systems of inland ports.

(8) In order for RIS to allow for interconnection with the logistics chain, it is important that information is shared not only within the inland waterway transport users (e.g. through port community systems of inland ports and smart inland waterway infrastructure systems), but also with systems and applications of other modes of transport. The Maritime National Single Windows ('MNSW') within the European Maritime Single Window environment ('EMSWe')[11] should enable harmonised ship reporting across the Union in maritime transport. The exchange of traffic related information, such as arrival and departure times, would ensure interoperability, multimodality, and smooth integration of inland waterway transport ('IWT') with the overall logistics chain. The electronic freight transport information ('eFTI') should form the basis for the exchange of cargo information on dangerous goods and waste between RIS users where required. When necessary, RIS should facilitate links with and should make information available to digital systems and platforms of other modes of transport.

(9) The exchange of information between inland waterway vessels and inland ports, for example on availability of port installations, operating times, or vessel and cargo information is not always optimal, which impacts the efficiency of IWT operations. Information on the availability of alternative fuel infrastructure in ports is of particular importance in promoting the environmental performance of the sector. In order to simplify and streamline the exchange of such information and improve the overall efficiency of the sector, it is important that such exchanges become part of RIS and that the necessary technical specifications are developed.

(10) The use of a single digital platform for RIS should streamline the provision of RIS, improve efficiency in IWT operations and reduce burden for RIS providers and users. That platform

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[11] Regulation (EU) 2019/1239 of the European Parliament and of the Council of 20 June 2019 establishing a European Maritime Single Window environment and repealing Directive 2010/65/EU (OJ L 198, 25.7.2019, p. 64, ELI: http://data.europa.eu/eli/reg/2019/1239/oj.

('the European RIS Environment') should support relevant services, be a central point for the exchange of RIS information within the inland waterways sector as well as with other transport modes, and therefore become the main digital backbone for the provision of RIS in the Union. Member States should designate one or more competent authorities responsible for operating the European RIS Environment. These authorities are controllers for purpose of operating the European RIS Environment.

(11) In order to ensure uniform conditions for introduction of the European RIS Environment, implementing powers should be conferred on the Commission to set the framework for the development and the functioning of the platform. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council.[12]

(11a) Cooperation with third countries, in particular neighbouring countries, is relevant in order to ensure connection and interoperability between the European RIS Environment and these third countries' national RIS.

(11b) Member States, if appropriate in cooperation with the Union, should encourage boat masters, operators, agents or owners of vessels navigating on their inland waterways and shippers or owners of goods carried on board such vessels to fully profit from the services which are made available under this Directive.

(12) Member States are encouraged to set up an effective procedure for the handling of complaints. Member States' authorities are encouraged to cooperate when handling complaints involving cross-border elements (for example, incompatible standards in reporting of vessel information), as 75% of inland waterways operations includes international voyages. Any handling of complaints under this directive should be without prejudice of the competence of supervisory authorities under Union and Member States laws, including Regulation (EU) 2016/679[13] and Regulation (EU) 2018/1725[14].

(13) The development of technical specifications should follow a set of principles (in particular, the ones included in Annex II) in order to ensure the proper and harmonised implementation of the provisions of Directive 2005/44/EC. Those principles should outline the main elements that each RIS component should include.

(14) The requirements and technical specifications for the purposes of RIS should ensure in particular that RIS data which constitute personal data under Regulation (EU) 2016/679 of the European Parliament and of the Council can be processed solely in accordance with a comprehensive, rights-based access-control system that provides assigned functionalities, that all competent authorities can have immediate access to that data in accordance with their respective regulatory competences, that appropriate technical and organisational measures are implemented to ensure that the processing by electronic means of personal data can be carried out in accordance with Regulation (EU) 2016/679 of the European Parliament

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12 Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p.13, ELI: http://data.europa.eu/eli/reg/2011/182/oj).

13 OJ L 119, 4.5.2016, p. 1.

14 OJ L 295, 21.11.2018, p. 39.

and of the Council[15] and Regulation (EU) 2018/1725 of the European Parliament and of the Council[16], including to protect against personal data breaches and that the processing of sensitive commercial information can be carried out in a way that respects the confidentiality of that information.

(15) In order to ensure the safe and optimal navigation of vessels in inland waterways, Member States should be aware of the location of all inland waterway vessels including through the use of automatic identification systems ('AIS') data. Member States should also exchange RIS related information to increase the efficiency of RIS and reduce reporting requirements. Where transmission and exchange of RIS related information for these purposes entails the processing of personal data, such as the processing of names or the processing of location data when it allows to identify, directly or indirectly a person, Member States should ensure the lawfulness of the processing of those personal data in accordance with Regulation (EU) 2016/679 and Directive 2002/58/EC where applicable.

(16) […]

(17) Where duly justified by an appropriate analysis and in the absence of pertinent and up-to-date international standards to ensure safety of navigation, or where changes in or the outcome of the decision-making process of the European committee for drawing up standards in the field of inland navigation (CESNI) would compromise Union interests, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of the amendment of Annex III to Directive 2005/44/EC in order to provide appropriate technical specifications for RIS, in line with the principles set out in Annex II of Directive 2005/44/EC with the aim of safeguarding Union interests.

(18) The experience gained from the implementation of Directive 2005/44/EC shows that the period to introduce and update the technical specifications has been lengthy, which has impacted the performance of the sector. It is therefore important to change the process by which technical specifications are introduced.

(19) Directive (EU) 2016/1629 of the European Parliament and of the Council[17] introduced such a process based on technical specifications developed by the CESNI. Acting under the auspices of the Central Commission for Navigation on the Rhine ('CCNR') and open to

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15 Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data and repealing Directive 95/46/EC (OJ L 119, 4.5.2016, p. 1, ELI: http://data.europa.eu/eli/reg/2016/679/oj).

16 Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39, ELI: http://data.europa.eu/eli/reg/2018/1725/oj).

17 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, ELI: http://data.europa.eu/eli/dir/2016/1629/oj).

experts from all Member States, CESNI[18] is responsible for drawing up the technical standards in the field of inland waterway transport. Experience has shown that CESNI has developed and updated technical requirements for inland navigation vessels in an organised and timely manner. Taking into account the expertise of CESNI and the experience from implementing Directive (EU) 2016/1629, a similar approach should be applied for Directive 2005/44/EC.

(20) In order to ensure a high level of safety and efficiency in inland navigation, to ensure the provision of RIS and to take into account scientific and technical progress and other developments in the sector, the reference to the applicable technical specifications for river information services, the European Standard for River Information Services (ES-RIS), provided it is in line with the principles of Annex II, should form and integral but not essential part of Directive 2005/44/EC, and be kept up to date. Therefore, the power to adopt acts amending Annex III to Directive 2005/44/EC in view of updating the reference to the most recent version of the ES-RIS standard and setting the date of its application should be delegated to the Commission in accordance with Article 290 TFEU.

(21) When adopting delegated acts, it is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making[19]. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as the experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

(22) The Committee on boatmasters' certificates for the carriage of goods and passengers by inland waterway referred to in Article 11 of Directive 2005/44/EC has been abolished. In its place, the Inland Waterway Transport Committee having expertise in standards and technical specifications in the inland waterway sector is relevant to assist the Commission within the meaning of Regulation (EU) 182/2011 of the European Parliament and of the Council[20] in respect of RIS. Furthermore, this Directive introduces amendments to Article 5 and Article 12 of Directive 2005/44/EC relating to the Committee procedure that need to be reflected in an updated article. Therefore Article 11 of Directive 2005/44/EC should be amended to reflect these changes.

(23) For the purposes of better regulation and simplification, it should be possible for Directive 2005/44/EC to make reference to international standards without duplicating them in the Union legal framework.

(24) RIS has been established in the Union since 2005 and considerable experience in its development and implementation has been gathered by the Member States. Furthermore, the

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18 CESNI is established under CCNR resolution 2015-i-3.

19 OJ L 123, 12.5.2016, p. 1, ELI: http://data.europa.eu/eli/agree_interinstit/2016/512/oj.

20 Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13, ELI: http://data.europa.eu/eli/reg/2011/182/oj).

technical specifications necessary for the functioning of RIS are included in Annex III of Directive 2005/44/EC. In this regard, Article 12(2) of Directive 2005/44/EC should be deleted. In addition, by amending the scope of Directive 2005/44/EC to focus on the TEN-T the requirement to implement RIS is applicable on the most important waterways, creating a reliable transport network. As such, Article 12(3) of Directive 2005/44/EC should be deleted.

(25) In accordance with the principle of proportionality, it is necessary and appropriate for the achievement of the basic objective of establishing a framework for the provision of River Information Services (RIS) in the Union to lay down rules on the setting up, operation and technical specifications of RIS. This Directive does not go beyond what is necessary in order to achieve the objectives pursued in accordance with Article 5(4) of the Treaty on European Union.

(26) The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) 2018/1725 of the European Parliament and of the Council and delivered an opinion on 20 March 2024[21].

(27) Directive 2005/44/EC should therefore be amended accordingly,

HAVE ADOPTED THIS DIRECTIVE:

[21] OJ C […], […], p. […].

Article 1

Amendments to Directive 2005/44/EC

Directive 2005/44/EC is amended as follows:

(1) Article 1 is replaced by the following:

'Article 1

Subject matter

1. This Directive establishes a framework for the deployment and use of harmonised river information services (RIS) in the Union in order to support inland waterway transport with a view to enhancing its safety, efficiency and sustainability and to facilitating interfaces with other transport modes.

2. This Directive provides a framework for the establishment and further development of technical requirements, specifications and conditions to ensure harmonised, interoperable and accessible RIS on the Union inland waterways and facilitate standardised interfaces with other modal traffic management services.';

(2) in Article 2, paragraph 1 is replaced by the following:

'1. This Directive applies to the implementation and operation of RIS on all inland waterways and inland ports of the Member States which are part of the trans-European transport network, as specified and listed in Annex I and II to Regulation (EU) No 1315/2013 of the European Parliament and of the Council[22] and which are directly connected to inland waterways and inland ports of another Member State which are part of the trans-European transport network, as specified and listed in Annex I and II to Regulation (EU) No 1315/2013 of the European Parliament and of the Council.';

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[22] Regulation (EU) No 1315/2013 of the European Parliament and of the Council of 11 December 2013 on Union guidelines for the development of the trans-European transport network and repealing Decision No 661/2010/EU (OJ L 348, 20.12.2013, p. 1, ELI: http://data.europa.eu/eli/reg/2013/1315/oj).

(3) in Article 3, the following points are added:

‘(ha) ‘trans-European transport network’ (TEN-T) means inland waterways as defined in Annex I of Regulation (EU) 1315/2013;

(hb) […];

(hc) […];

(hd) […];

(he) ‘European Reference Data Management System’ (ERDMS) means a single point of access repository (library) of reference data and codes lists that are used by IT applications in inland waterway transport. It does not include the network data in accordance with Annex I and Annex III provided by the Member State;

(hf) ‘Port Community System’ means an electronic platform for the exchange of information between public and private stakeholders to ensure smooth port and logistics processes;

(hg) ‘smart inland waterway infrastructure system’ an electronic platform supporting semi and fully automated management of IWT infrastructure in locks and movable bridges in the TEN-T, operated by the public waterway management authorities;

(hh) ‘European RIS Environment’ means an electronic single-point-of-access platform sourced by national RIS information for RIS users and providing links to electronic reporting according to the ‘once-only’ principle;

(hi) ‘Inland ports’ means an inland waterway port of the TEN-T core network or TEN-T comprehensive network, as listed and categorised in Annex II to Regulation (EU) No 1315/2013.’;

(4) Article 4 is replaced by the following:

'Article 4

Setting-up of RIS

1. Member States shall take the necessary measures to implement RIS on inland waterways and inland ports falling within the scope of this Directive.

2. Member States shall develop RIS in such a way that the RIS application is efficient, expandable and interoperable so as to interact with other RIS applications and with systems for other modes of transport, while also providing inter- faces to transport management systems and commercial activities.

3. In order to set up RIS, Member States shall:

   (a) ensure that all relevant data are supplied to RIS users concerning navigation and voyage planning on inland waterways. These network data, as defined in Annex I, shall be up-to-date and provided at least in an accessible common electronic format in accordance with annex III;

   (b) ensure that for all their inland waterways and inland ports of the TEN-T, in addition to the data referred to in point (a), electronic navigational charts suitable for navigational purposes are available to RIS users;

   (c) enable, as far as ship reporting is required by national or international regulations, the competent authorities to receive electronic ship reports of all required data from ships. In cross-border transport, transmission of this data in full between competent authorities of neighbouring States shall be enabled before arrival of the vessels at the border;

   (d) ensure that notices to skippers, including water level (or maximum allowable draught) and ice reports of their inland waterways, are provided as standardised, encoded and downloadable messages. The standardised message shall contain at least the information necessary for safe navigation. The notices to skippers shall be up-to-date and provided at least in an accessible common electronic format;

(e) […];

(ea) ensure that the network data in the European RIS Environment is kept up to date by supplying all the necessary network data defined in Annex I and Annex III without delay;

(f) facilitate that at least traffic related information is made available through interfaces following the technical specifications laid down in accordance with Annex II, §7 where applicable, to electronic information exchange environments established by Union law and used in other transport modes;

(g) […];

(h) ensure that standardised interfaces in accordance with Annex II and Annex III are made available for the port community systems of inland ports, including, among others, availability of alternative fuel infrastructure, and in particular those installations required pursuant to Article 10 of Regulation (EU) 2023/1804 of the European Parliament and of the Council[23];

(i) ensure that standardised interfaces in accordance with Annex II and Annex III are made available to other smart inland waterways infrastructure systems for the purpose of managing of river traffic.

The obligations referred to in this paragraph shall be fulfilled in compliance with the requirements and principles set out in Annexes I and II.

4. The competent authorities of the Member States shall establish RIS centres according to regional needs.

5. Member States shall jointly create, govern, operate, use and maintain a European RIS Environment which provides fairway-, infrastructure-, traffic-, and transport related services and provide the necessary data. The European RIS Environment shall be accessible for all RIS users and shall be the main platform for the exchange of RIS

[23] Regulation (EU) 2023/1804 of the European Parliament and of the Council of 13 September 2023 on the deployment of alternative fuels infrastructure and repealing Directive 2014/94/EU (OJ L 234, 22.9.2023, p. 1, ELI: http://data.europa.eu/eli/reg/2023/1804/oj).

related information. It shall contain interfaces for connections with systems of other transport modes and inland ports. Member States shall designate one or more competent authorities responsible for the European RIS Environment.

6. The Commission shall adopt implementing acts laying down the operational characteristics, roles and procedures for the European RIS Environment and identifying its operating entity, based on the principles for RIS technical specifications set out in point 7 of Annex II, to ensure their uniform implementation throughout the Union. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 11(2).

7. For the use of the automatic identification systems ('AIS'), the Regional Arrangement on the Radiocommunication Service for Inland Waterways (RAINWAT) concluded in Bucharest on 12 April 2012 in the framework of the radio regulations of the International Telecommunication Union (ITU) shall apply.

8. […].

9. The Commission shall take appropriate measures to verify the interoperability, reliability, availability and safety of RIS.';

(5) Article 5 is replaced by the following:

'Article 5

Technical specifications

1. In order to support RIS and to ensure the interoperability of those services as required by Article 4(2), the technical specifications as referred to in Annex III in line with the principles set out in Annex II shall apply and shall cover in particular the following areas:

   (a) electronic chart display and information system for inland navigation (inland ECDIS);

   (b) electronic ship reporting;

   (c) notices to skippers;

(d) vessel tracking and tracing systems;

(e) compatibility of the equipment necessary for the use of RIS;

(f) technical specifications for operation of the European RIS Environment;

(g) interconnection and exchange of information with Union data bases (ERDMS);

(h) standardised interface for IT platforms of other transport modes;

(i) standardised interface for port community systems and with smart inland waterway infrastructure systems;

(j) data for navigation, and voyage planning.';

(5a) Article 6 is replaced by the following:

'Article 6

Satellite positioning

For the purpose of RIS, for which exact positioning is required, the use of satellite positioning and navigation systems is recommended, such as navigation services provided by Galileo, including the High Accuracy Service and Open Service Navigation Message Authentication and the European Geostationary Navigation Overlay Service (EGNOS). For the purpose of applications and services relying on Earth observation data, the use of Copernicus data, information or services is recommended.'

(6) Article 8 is replaced by the following:

'Article 8

Competent authorities

Member States shall designate competent authorities for the RIS application, for the international exchange of data, for the operation of the European RIS Environment and for the handling of complaints by RIS users. These authorities shall be notified to the Commission by … [two year after the date of transposition of this Directive].';

(7) […]:

(8) Article 9 is replaced by the following:

'Article 9

Rules on privacy, security of information and processing of personal data

1. Member States shall take appropriate technical and organisational measures in accordance with the applicable Union and national law to protect RIS information and records against untoward events or misuse, including improper access, alteration or loss and to ensure the confidentiality of commercial and other sensitive information exchanged pursuant to this Directive.

2. Data that constitute personal data as defined in Article 4, point (1), of Regulation (EU) 2016/679 of the European Parliament and of the Council may be processed on the basis of this Directive only insofar as such processing is necessary for the performance of RIS applications, with a view to ensure harmonised, interoperable and accessible RIS on the Union inland waterways and to facilitate standardised interfaces with other modal traffic management services.'

(9) Article 10 is replaced by the following:

'Article 10

Amendment procedure

1. […]

2. The Commission shall be empowered to adopt delegated acts in accordance with Article 10a to amend Annex III by updating, if appropriate in view of the criteria defined in paragraph 3, and in line with the principles of Annex II the reference to the most recent version of the ES-RIS and to set the date of its application.

3. In the absence of pertinent and up-to-date technical specifications, or when technical specifications developed by CESNI do not comply with any applicable requirements set out in the Annex II or where changes in the decision-making process of CESNI or in other elements of the standard would compromise Union interests and where duly

justified by an appropriate analysis, the Commission shall be empowered to adopt delegated acts in accordance with Article 10a to amend Annex III to provide appropriate technical specifications based on the principles set out in Annex II.';

(10) In Article 10a, paragraph 2 is replaced by the following:

'2. The power to adopt delegated acts referred to in Article 10 shall be conferred on the Commission for a period of five years from [the date of entry into force]. 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.'

(11) In Article 10a, paragraph 6 is replaced by the following:

'6. A delegated act adopted pursuant to this Article shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament.';

(12) Article 11 is replaced by the following:

'Article 11

Committee procedure

1. The Commission shall be assisted by the Inland Waterway Transport Committee. That Committee shall be a committee within the meaning of Regulation (EU) No 182/2011 of the European Parliament and of the Council[24].

2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply. Where the committee delivers no opinion, the Commission shall not

[24] Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13, ELI: http://data.europa.eu/eli/reg/2011/182/oj).

adopt the draft implementing act and the third subparagraph of Article 5(4) of Regulation (EU) No 182/2011 shall apply.';

(13) in Article 12, paragraphs 2 and 3 are deleted.

(14) The following Article is inserted:

'Article 12a

Monitoring

The Commission shall monitor the setting up of RIS in the Union and shall report to the European Parliament and to the Council by … [5 years after the date of entry into force].';

(15) Annex I to Directive 2005/44/EC is replaced by the text set out in Annex I to this Directive;

(16) Annex II to Directive 2005/44/EC is replaced by the text set out in Annex II to this Directive;

(17) The text set out in Annex III to this Directive is added as Annex III.

Article 2

Transposition

1. Member States falling within the scope of this Directive shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by … [three years after the entry into force] at the latest. They shall immediately inform the Commission thereof.

2. When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

3. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 3

Entry into force

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

Article 4

Addressees

This Directive is addressed to the Member States which have inland waterways falling within the scope of Article 2 of Directive 2005/44/EC.

Done at Brussels,

For the European Parliament	*For the Council*
The President	*The President*

ANNEX I

MINIMUM DATA REQUIREMENTS

As referred to in Article 4(3), point (a), in particular the following data shall be supplied:

- waterway axis with kilometre indication;
- restrictions for vessels or convoys in terms of length, width, draught and air draught;
- operation times of restricting structures, in particular locks and bridges;
- predicted waiting times at bridges, locks and inland ports;
- location of ports and transhipment sites;
- reference data for water level gauges relevant to navigation;
- location of alternative fuels infrastructure.

The information provided shall be up-to-date.

ANNEX II

PRINCIPLES FOR RIS TECHNICAL SPECIFICATIONS

1. Overall principles

The RIS technical specifications shall respect the following overall principles:

(a) the indication of technical requirements for the planning, implementing and operational use of services and related systems;

(b) the RIS architecture and organisation;

(c) recommendations for vessels to participate in RIS, for individual services and for the stepwise development of RIS.

2. Inland ECDIS

The technical specifications to be established in accordance with Article 5 for an electronic chart display and information system (inland ECDIS) shall respect the following principles:

(a) compatibility with the maritime ECDIS in order to facilitate traffic of inland vessels in mixed traffic zones of the estuaries and sea-river traffic;

(b) the definition of minimum requirements for inland ECDIS equipment as well as the minimum content of electronic navigational charts with a view to the safety of navigation, in particular:

  (a) a high level of reliability and availability of the inland ECDIS equipment used;

  (b) the robustness of the inland ECDIS equipment in order to withstand the environmental conditions typically prevailing on board a vessel without any degradation in quality or reliability;

  (c) the inclusion in the electronic navigational chart of all kinds of geographical objects (e.g. boundaries of the fairway, shoreline constructions, beacons) that are needed for safe navigation;

  (d) the monitoring of the electronic chart with overlaid radar image when used for conning the vessel;

(c) the integration of up-to-date depth information on the fairway in the electronic navigational chart and display to a predefined or the actual water level;

(d) the integration of additional information (e.g. of other parties than the competent authorities) in the electronic navigational chart and display in the inland ECDIS without affecting the information that is needed for safe navigation;

(e) the availability of electronic navigational charts to RIS users;

(f) the availability of the data for electronic navigational charts to all manufacturers of applications, when appropriate against a reasonable cost-related charge;

(g) the integration of up-to-date information on the waiting times at locks, bridges and inland ports and display in the inland ECDIS without affecting the information that is needed for safe navigation.

3. Electronic ship reporting

The technical specifications for electronic ship reporting in inland navigation in accordance with Article 5 shall respect the following principles:

(a) the facilitation of the electronic data exchange between the competent authorities of the Member States, between participants in inland as well as maritime navigation and in multi-modal transport where inland navigation is involved;

(b) the use of a standardised transport notification message for ship-to-authority, authority-to-ship and authority-to-authority messaging in order to obtain compatibility with maritime navigation;

(c) the use of internationally accepted code lists and classifications, possibly complemented for additional inland navigation needs;

(d) the use of a unique European vessel identification number.

4. Notices to skippers

The technical specifications for notices to skippers in accordance with Article 5, in particular regarding fairway information, traffic information and management as well as voyage planning, shall respect the following principles:

(a) a standardised data structure using predefined text modules and encoded to a high extent in order to enable automatic translation of the most important content into other languages and to facilitate the integration of notices to skippers into voyage planning systems;

(b) the compatibility of the standardised data structure with the data structure of inland ECDIS to facilitate integration of notices to skippers in inland ECDIS;

(c) an alignment with technical specifications for navigation and voyage planning to ensure coherence of provided information.

5. Vessel tracking and tracing systems

The technical specifications for vessel tracking and tracing systems in accordance with Article 5 shall respect the following principles:

(a) the definition of the requirements concerning systems and of standard messages as well as procedures so that they can be provided in an automated way;

(b) the differentiation between systems suited to requirements of tactical traffic information and systems suited to requirements of strategic traffic information, both with regard to positioning accuracy and required update rate;

(c) the description of the relevant technical systems for vessel tracking and tracing such as Inland AIS (inland automatic identification system);

(d) compatibility of data formats with the maritime AIS system.

6. Principles of the European RIS Environment

The technical specifications the European RIS Environment in accordance with Article 5 shall respect the following principles:

(a) acting as a single digital window for inland navigation;

(b) a harmonised, single point of access for up-to-date, if possible real-time, information on fairway conditions for safe and sustainable navigation, planning and port operations along the TEN-T;

(c) enabling multi-modality transport chains while providing an adequate level of data protection;

(d) high level of data accuracy for seamless data exchange among relevant RIS users along the TEN-T (within and outside the Union);

(e) user-friendly interface with serviceable, useful and practical functionalities like the ability to save and store profiles;

(f) harmonised, single point of reporting in accordance with the 'once-only' principle, also for international voyages;

(g) link with other systems using information, communication, navigation or positioning/localisation technologies in order to manage infrastructure, mobility and traffic on the TEN-T effectively and to provide value-added services to citizens and operators, including systems for safe, secure, environmentally sound and capacity-efficient use of the network;

(h) collect and report anonymised and aggregate usage data that can be used for the monitoring of the implementation of RIS, including at least the number of RIS users, data availability in European RIS Environment, connection and the number of exchanges with other digital systems or platforms;

(i) ensure cybersecurity.

7. Availability of data for other digital systems or platforms

The technical specifications for exchange of data with other digital systems or platforms, in accordance with Article 5, shall respect the following principles:

(a) build on the functionalities provided by the European RIS Environment;

(b) the facilitation of the electronic data exchange between RIS technologies and the databases and systems in use by other modes of transport, through appropriate data links and interfaces;

(c) the definition of the requirements concerning systems as well as procedures for automated data exchange;

(d) the real-time exchange of information in particular for time-critical data;

(e) ensuring the secure exchange of information in accordance with a comprehensive rights-based access-control system;

(f) anticipate a system exchange framework that will allow for future developments and links with additional systems as required, including exchanges with the future European Mobility Data Space and any other system that is designed to promote innovations in multimodality transport.

8. […]

[…]

(a) […]

(b) […]

(c) […]

(d) […]

(e) […]

(f) […]

9. Data for navigation and voyage planning

The technical specifications for data for navigation and voyage planning in accordance with Article 5 shall respect the following principles:

(a) provision of up-to-date information at regular intervals and at least when significant changes in the fairway situation take place that can impact the navigation;

(b) cover at least the following information:

  (a) predicted waiting times at locks, (movable) bridges, inland ports;

  (a1) data on the European waterway network required for navigation and voyage planning and covering at least the minimum requirements contained in Annex I;

  (b) water level, the least sounded depth, the vertical clearance, the barrage status if blocking navigation, the regime, the forecast water level, the least sounded predicted depth;

  (c) ice situation and the related navigability;

  (d) operating hours of locks, (moveable) bridges, inland ports.

  (e) […]

(c) provision of information through Inland ECDIS, Notices to Skippers and the European RIS Environment as appropriate.

ANNEX III

TECHNICAL SPECIFICATIONS FOR RIS

The technical specifications applicable to RIS shall be those set out in [ES-RIS 2023/1].