

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

CHAPTER 4

FINAL PROVISIONS

Article 28

Transitional provisions concerning the use of documents

Documents falling within the scope of this Directive and issued by the competent authorities of the Member States under Directive 2006/87/EC before 6 October 2016 shall remain valid until they expire.

Article 29

Craft excluded from the scope of Directive 82/714/EEC

1 The Union inland navigation certificate shall be issued to craft excluded from the scope of Council Directive 82/714/EEC⁽¹⁾, but covered by this Directive in accordance with Article 2(1) of this Directive, following a technical inspection to check whether the craft comply with the technical requirements referred to in Annexes II and V to this Directive. That technical inspection shall be carried out upon the expiry of the craft's current certificate, and in any event no later than 30 December 2018.

2 Any failure to meet the technical requirements referred to in Annexes II and V shall be specified in the Union inland navigation certificate. Provided that the competent authorities consider that these shortcomings do not constitute a manifest danger, the craft referred to in paragraph 1 of this Article may continue to operate until such time as those components or areas of the craft which have been certified as not meeting those requirements are replaced or altered, following which those components or areas shall meet the technical requirements referred to in Annexes II and V.

3 The replacement of existing parts with identical parts or parts of an equivalent technology and design during routine repairs and maintenance shall not be considered to be a replacement or an alteration within the meaning of paragraph 2.

4 Manifest danger within the meaning of paragraph 2 of this Article shall be presumed in particular when requirements concerning the structural soundness, navigation or manoeuvrability or special features of the craft in accordance with the technical requirements referred to in Annexes II and V are affected. Derogations that are provided for in the technical requirements referred to in Annexes II and V shall not be identified as shortcomings which constitute a manifest danger.

Article 30

Transitional provisions concerning temporary requirements pursuant to Directive 2006/87/EC

Temporary requirements adopted in accordance with Article 1.06 of Annex II to Directive 2006/87/EC shall remain valid until they expire.

Article 31

Adaptation of the Annexes

1 The Commission shall adopt delegated acts in accordance with Article 32 to adapt Annex II to update, without undue delay, the reference to the most recent version of the ESTRIN standard and to set the date of its application.

2 By way of derogation from paragraph 1, 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 the decision-making process of CESNI would compromise Union interests, the Commission is empowered to adopt delegated acts in accordance with Article 32 to amend Annex II to provide appropriate technical requirements.

3 The Commission is empowered to adopt delegated acts in accordance with Article 32 concerning the adaptations of Annexes III and IV to scientific and technical progress.

4 The Commission is empowered to adopt delegated acts in accordance with Article 32 concerning the adaptations of Annex V to update and streamline administrative provisions.

5 The Commission is empowered to adopt delegated acts in accordance with Article 32 concerning the adaptations of Annex VI to amend the criteria for the recognition of classification societies to ensure safety of navigation.

6 The Commission is empowered to adopt delegated acts in accordance with Article 32 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.

Article 32

Exercise of the delegation

1 The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2 The power to adopt delegated acts referred to in Articles 4, 19 and 31 shall be conferred on the Commission for a period of five years from 6 October 2016. 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.

3 The delegation of power referred to in Articles 4, 19 and 31 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.

4 Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.

5 As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

6 A delegated act adopted pursuant to Articles 4, 19 and 31 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 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.

Article 33

Committee procedure

1 The Commission shall be assisted by the Committee established by Article 7 of Council Directive 91/672/EEC⁽²⁾ (hereinafter ‘the Committee’). The Committee is a committee within the meaning of Regulation (EU) No 182/2011.

2 Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.

Where the opinion of the committee is to be obtained by written procedure, that procedure shall be terminated without result when, within the time limit for delivery of the opinion, the chair of the committee so decides.

Article 34

Review

The Commission shall submit, before 7 October 2021, 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. The Commission shall submit a similar report following any major developments in inland waterway transport.

Article 35

Penalties

Member States shall lay down the rules on penalties applicable to infringements of the national provisions adopted pursuant to this Directive and shall take the measures

necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive.

Article 36

Amendment to Directive 2009/100/EC

Directive 2009/100/EC is amended as follows:

- (1) Article 1 is replaced by the following:

Article 1

This Directive applies to vessels used for goods transport on inland waterways and having a total dead weight of 20 metric tonnes or more:

- (a) having a length of less than 20 metres; and
- (b) for which the product of length (L), breadth (B) and draught (T) is less than 100 cubic metres.

This Directive is without prejudice to the Rhine Vessel Inspection Regulations and to the European Agreement concerning the International Carriage of Dangerous Goods by Inland Waterways (ADN)..

- (2) Article 3 is amended as follows:

- (a) Paragraph 4 is replaced by the following:

4. Member States may require vessels carrying dangerous goods as defined in the ADN to comply with the requirements laid down in that Agreement. As evidence of this, they may require that the authorisation provided for in that Agreement be produced.;

- (b) the second subparagraph of paragraph 5 is replaced by the following:

Special conditions for the transport of dangerous goods shall be considered fulfilled in all Community waterways if the vessels meet the requirements of the ADN. Evidence of compliance with those requirements may be provided by the authorisation referred to in paragraph 4..

Article 37

Transposition

1 Without prejudice to Article 40, Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive, at the latest by 7 October 2018 and which shall apply from this date. They shall immediately inform the Commission thereof.

When Member States adopt such measures, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.

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

3 Any Member State which, as a result of derogations authorised in accordance with Article 24(1) and (2), has no craft subject to this Directive operating on its waterways shall not be required to transpose Chapter 2, Article 18(3) and Articles 20 and 21.

Article 38

Repeal

Directive 2006/87/EC is repealed with effect from 7 October 2018.

References to the repealed Directive shall be construed as references to this Directive and shall be read in accordance with the correlation table set out in Annex VII.

Article 39

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 40

Addressees

This Directive is addressed to the Member States except Denmark, Estonia, Ireland, Greece, Spain, Cyprus, Latvia, Malta, Portugal, Slovenia and Finland.

Status: This is the original version (as it was originally adopted).

- (1) Council Directive 82/714/EEC of 4 October 1982 laying down technical requirements for inland waterway vessels ([OJ L 301, 28.10.1982, p. 1](#)).
- (2) Council Directive 91/672/EEC of 16 December 1991 on the reciprocal recognition of national boatmasters' certificates for the carriage of goods and passengers by inland waterway ([OJ L 373, 31.12.1991, p. 29](#)).