

FITNESS CHECK ROADMAP

Roadmaps aim to inform citizens and stakeholders about the Commission's work to allow them to provide feedback and to participate effectively in future consultation activities. Citizens and stakeholders are in particular invited to provide views on the Commission's understanding of the problem and possible solutions and to share any relevant information that they may have.

TITLE	Fitness check on market access in Inland waterway transport
LEAD DG – RESPONSIBLE UNIT	DG MOVE – Unit “Ports and inland navigation”
INDICATIVE PLANNING (PLANNED START DATE AND COMPLETION DATE)	Q1 2019 - Q4 2020
ADDITIONAL INFORMATION	https://ec.europa.eu/transport/modes/inland_en

A. Context, purpose and scope of the fitness check

Context

The inland waterway transport sector

6% of all goods in Europe are transported on inland waterways. Despite its small relative size, it makes a considerable contribution of 145 billion tonne kilometres¹ per year to the EU transport system. A very large proportion (86%) of European inland waterway transport takes place on the river basins of the Danube, the Rhine and the large network of waterways in the Netherlands, Belgium and North of France (North-South axis). A large majority (75 %) of inland navigation in the EU crosses borders.

Around 10 000 companies operate in the sector, with an overall workforce of about 44 000. 60% of companies are active in goods transport and 40% in passenger transport. A very high percentage of companies (80%) is operated by their owners.

Historical background – the EU inland waterway transport market

Before the creation of the European Communities, international treaties established international organisations, especially [the Central Commission for the Navigation of the Rhine](#) and the [Danube Commission](#), to ensure the freedom of navigation and address common issues on the rivers. These organisations adopt respectively regulations and recommendations on the safety of navigation.

EU legislation on access and organisation of the EU inland waterways market was adopted between the 1960s and 1990s. It progressively built up a common market in the sector. Most of this legislation has not been revised since its adoption. In the meantime, four waves of EU enlargement have taken place, various new contractual arrangements have appeared and competition among operators has increased.

There is therefore a need to evaluate the current legislation to determine what works and what does not and identify any barriers and shortcomings in pursuit of a smooth and fair internal market in this sector.

Recent related policy developments and current challenges

In recent years, the Commission prioritised strengthening the internal market through harmonisation of safety requirements along the different river basins². This was achieved through a directive on technical standards for vessels³ and a new legal framework on professional qualifications⁴.

The Connecting Europe Facility programme contributed to the upgrading of the infrastructure and a reduction of bottlenecks and missing links on the TEN-T waterways. In addition, Horizon 2020 work programme 2018-2020 on smart, green and integrated transport aimed at creating new opportunities for sustainable transport.

Current challenges for the inland waterway transport sector include the ‘greening’ of the fleet, challenges linked to innovation, the attractiveness of the sector and how best to bring digitalisation to the sector.

¹ A tonne kilometre is a measure of freight transport which represents the transport of one tonne of goods (including packaging and tare weights of intermodal transport units) by a given transport mode over a distance of one kilometre.

² while providing some flexibility, especially on non-connected inland waterways.

³ [Directive \(EU\) 2016/1629](#).

⁴ [Directive \(EU\) 2017/2397](#)

The Purpose and scope

Purpose

The general aim of the fitness check is to assess to which extent the legislation of the inland waterway transport market is fit-for-purpose and helps to ensure a smooth and fair internal market. The findings will provide the evidence base for any possible revision of the legal framework regulating the inland waterways transport market.

In line with the [Better Regulation guidelines](#), the fitness check covers the overall effectiveness, relevance, efficiency, EU added value and coherence of the legislation. The latter is assessed at two levels: i) coherence with other EU legislation (such as in multimodal transport policy and social policy) and ii) coherence within and between the pieces of legislation covering inland waterways transport themselves. The fitness check looks into potential overlaps, gaps and missing links between the pieces of legislation.

Scope of the assessment

The geographic scope of the fitness check covers primarily all EU Member States, taking into account EU enlargement. The fitness check will also cover the impact of the EU legislation on the Rhine and Danube Rivers (including non-EU parts), which are also respectively regulated by the Mannheim Convention and the Belgrade Convention. The following seven pieces of legislation are covered by the assessment, as they constitute the basis for the access and organisation of the inland waterway transport market:

- [Regulation N° 11/1960 concerning the abolition of discrimination in transport rates and conditions](#)
- [Council Directive 87/540/EEC of 9 November 1987 on access to the occupation of carrier of goods by waterway in national and international transport and on the mutual recognition of diplomas, certificates and other evidence of formal qualifications for this occupation](#)
- [Council Regulation \(EEC\) No 2919/85 of 17 October 1985 laying down the conditions for access to the arrangements under the Revised Convention for the navigation of the Rhine relating to vessels belonging to the Rhine Navigation](#)
- [Council Regulation \(EEC\) No 3921/91 of 16 December 1991 laying down the conditions under which non-resident carriers may transport goods or passengers by inland waterway within a Member State](#)
- [Council Regulation \(EC\) No 1356/96 of 8 July 1996 on common rules applicable to the transport of goods or passengers by inland waterway between Member States with a view to establishing freedom to provide such transport services](#)
- [Council Directive 96/75/EC of 19 November 1996 on the systems of chartering and pricing in national and international inland waterway transport](#)
- [Council Regulation \(EC\) No 718/1999 of 29 March on a Community –fleet capacity to promote inland waterway transport](#)

The following derogation agreement (and therefore implementation in the field of inland waterway transport of the article of the legal act it relates to) is also covered by the fitness check. It is relevant due to its impact on the functioning of the inland waterway transport market and the use of key terms as “owners” and “operators” that are also used in a number of the abovementioned pieces of legislation:

- [Derogation Agreement on determination of legislation applicable to Rhine boatmen](#) concluded on the basis of [Article 16\(1\) of Regulation \(EC\) 883/2004](#) on the coordination of the social security systems (Articles other than Article 16(1) of Regulation (EC)883/2004 are out of scope of the assessment).

Finally, considering the free movement of services and of workers and its applicability to inland waterway transport,

- the application of the [Posting of Workers Directive](#) (96/71/EC) and its [enforcement directive](#) (2014/67/UE) in inland waterways transport are also in scope of the assessment.

The assessment will cover the time span from the adoption of the different pieces of legislation up until December 2019.

B. Better regulation

Consultation of citizens and stakeholders

A number of consultation activities will be carried out to gather evidence and the views of relevant stakeholders

on the actual impacts of the legislation.

Consultation activities will target the following non-exhaustive list of **key stakeholder groups**:

- national administrations (in Member States, in EEA countries, in EU candidate countries and in non EU Member States on the Rhine and on the Danube);
- international organisations (including United Nations Economic Commission for Europe and River Commissions);
- barge owners/operators;
- crew members;
- the sectoral social dialogue committee on inland waterways⁵;
- inland port and terminal operators;
- inland waterway and freight European associations;
- the European Strategic Transport Research Innovation Agenda (STRIA)
- Waterborne Technology Platform
- shippers and logistics service providers;
- tour operators;
- public employment services; and
- private recruitment agencies.

Please let us know via the feedback function for this Roadmap if you think we have overlooked any key stakeholder group.

The following activities are planned:

- A **public consultation** will be launched during Q1/2020 for a period of 12 weeks. It will be available in all official EU languages on the Commission's [Have your say](#) webpage. Replies can be submitted in any official EU language.
- **Targeted consultation activities** (including interviews and/or questionnaires as appropriate) will focus on the key stakeholder groups listed above. Member State authorities and Inland Waterways organisations will likely be contacted during the first semester of 2020 with requests for quantitative evidence.
- **Meetings of Commission expert groups** for Inland navigation (Naiades II⁶ implementation) and for social issues in inland navigation will be used for consultation activities.

All information and relevant links on the consultation activities and this fitness check will be published on the DG MOVE [inland waterways website](#). The views and evidence provided by stakeholders will feed into the fitness check analysis.

A 'synopsis report', summarising the results of all consultation activities, will be published as an annex to the Fitness Check.

Data collection and methodology

With regard to existing data, the following sources have been identified :

- The Eurostat database contains statistical information including traffic data.
- Data from the [Market Observation Reports](#) can be used as a valuable source of information for the fitness check for data from 2005.
- The [FP7 Platina 2](#) project - a closed European Coordination Action supporting the implementation of the NAIADES II policy package.

Additional evidence will be collected through the consultation activities, depending on gaps identified as part of the project. The aim is to build a robust evidence base to be able to quantify impacts as far as possible and proportionate. Qualitative indicators will be used where relevant and may be used to cover areas where quantitative evidence is not available.

⁵ <https://ec.europa.eu/social/main.jsp?catId=480&langId=en&intPageId=1840>

⁶ [Naiades II](#) is the package adopted by the European Commission in 2013 "Towards quality inland waterway transport"