

- With the 2013 Naiades II Action Plan a **new approach to governance** has been put in place to address the overlap of legal frameworks and competencies in the inland waterway sector.
- Under the Directive EU/2016/1629 on **technical requirements for vessels**, adopted in December 2016, we have the **first concrete application** of this new approach - **uniform standards** will step by step replace the different sets of standards maintained under various legal regimes which operate according to their own rules and procedures.
- **Directive 2006/87** – which was repealed with Directive 2016/1629 - recognized both certificates – issued in accordance with EU Law and the Rhine Regulation. However given the different legal frameworks and timeframes for the decision-making procedures, it was very difficult to maintain the equivalence between the Union inland navigation certificates issued pursuant to Directive 2006/87/EC and the certificates issued pursuant to the Revised Convention for Rhine Navigation. This resulted in a lack of legal certainty, with potentially negative impact on navigation safety.
- In order to achieve harmonisation at Union level, and to prevent distortions of competition and varying levels of safety, the same technical requirements should be applied to the whole of the Union's inland waterways and should be updated regularly.
- Directive EU/2016/1629, as adopted by the co-legislators, already makes **reference to ESTRIN 2015 in Annex II**. The co-legislators also asks the Commission to adopt Delegated Acts in order to update Annex II on minimum requirements applicable to craft on inland navigation without undue delay, with the reference to the most recent version of ESTRIN.
- **One step before preparing the Delegated Act under Article 218(9) TFEU** states that “The Council, on a proposal from the Commission (..), shall adopt a decision (...) establishing the positions to be adopted on the Union's behalf in a body set up by an agreement, when that body is called upon to adopt acts having legal effects, *(with the exception of acts supplementing or amending the institutional framework of the agreement).*”
- CESNI is an international body of which EU Member States are members. In matters of EU competence, EU Members States have always to respect EU Law in a coordinated manner. Taking into account that in CESNI there are also non- EU members, the Commission has to ensure that this is always the case. In June 2017 the Commission proposed the Article 218 (9) TFEU Decision in order to ensure that ESTRIN 2017 is fully in line with the requirements of EU Directive. This ensures that EU, CCNR and CESNI regulatory frameworks are fully align. The Council Decision (EU) 2017/1192 was adopted on 26 June 2017

- The Delegated Act updating the reference to ESTRIN in Annex II, and also makes consequential changes in Annex III and V, in order to ensure consistency was adopted on the 18 of April 2018 and will be published in June (upon ending of 2 months scrutiny time for the European Parliament and the Council).
- As there is a legal framework for use of ES-TRIN 2017 the next step is good implementation of it.
- The common understanding of the provisions is crucial for legal certainty and clarity.
- That's why the presence of the most interested parties – inspection bodies – is so important.