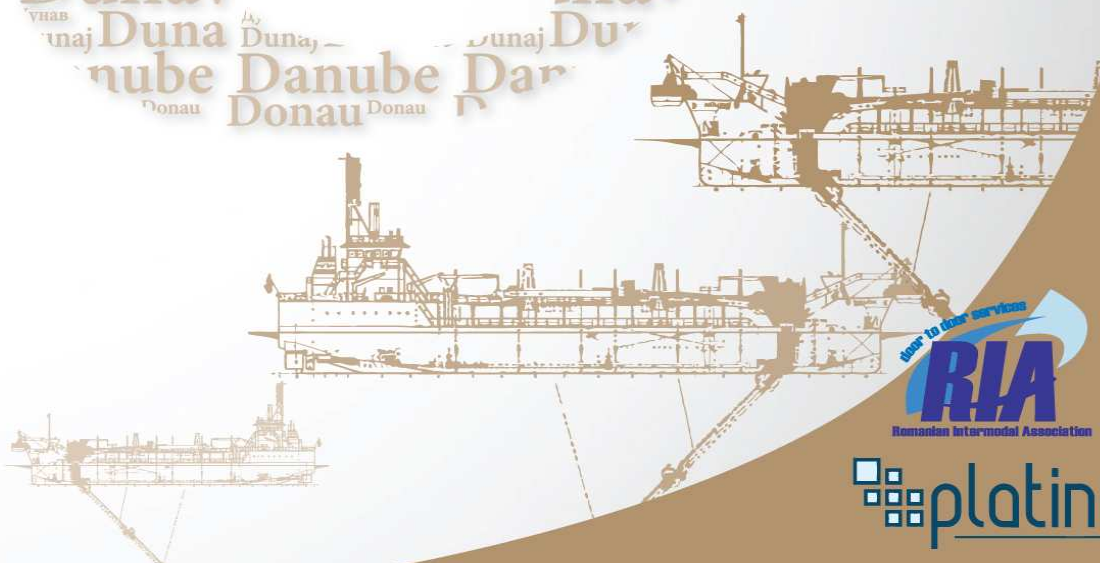


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DANUBE guide
ROMANIA

Legislation



EUROPEAN LEGISLATION on INLAND WATERWAY TRANSPORT

Inland waterway transport plays an important role for the transport of goods in Europe. More than 37 000 kilometres of waterways connect hundreds of cities and industrial regions. Some 20 out of 27 Member States have inland waterways, 12 of which have an interconnected waterway networks. The potential for increasing the modal share of inland waterway transport is, however, significant. Compared to other modes of transport which are often confronted with congestion and capacity problems, inland waterway transport is characterized by its reliability, its low environmental impact and its major capacity for increased exploitation.

Inland waterway transport is a competitive alternative to road and rail transport. In particular; it offers an environment friendly alternative in terms of both energy consumption and noise and gas emissions. Its energy consumption per km/ton of transported goods is approximately 17% of that of road transport and 50% of rail transport. Its noise and gaseous emissions are modest. In addition, inland waterway transport ensures a high degree of safety, in particular when it comes to the transportation of dangerous goods. Finally it contributes to the decongestion of the overloaded road network in densely populated regions.

According to recent studies, the total external costs of inland navigation (in terms of accidents, congestion, noise emissions, air pollution and other environmental impacts) are seven times lower than those of road transport.

LEGISLATION NAVIGATION OF INLAND WATERWAYS

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EU Legislation	Promotion of inland waterway transport NAIADES
Act	<p>Communication from the Commission of 17 January 2006 on the promotion of inland waterway transport “NAIADES”: “an Integrated European Action Programme for Inland Waterway Transport” [COM(2006) 6 final – not published in the Official Journal].</p> <p>http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2006:0006:FIN:EN:PDF</p>
Summary	<p>This programme is entitled "NAIADES" (Navigation and Inland Waterway Action and Development in Europe), for a global Inland Waterway Transport (IWT) policy. This action programme focuses chiefly on five inter-dependent areas.</p> <ul style="list-style-type: none"> • Markets. Although IWT was developed in Western Europe, the aim is to extend these inland navigation services to new growth markets such as the transport of dangerous goods, vehicles, indivisible loads, or even refuse and recycling. The Commission hopes to encourage new multimodal services, which would require close cooperation with freight forwarders, affected businesses and the ports. However, in this sector so deserving of encouragement, problems related to access to capital are restricting financing capacity. Access to capital can be improved by tax incentives, particularly for the most affected operators, namely SMEs (small and medium-sized enterprises). To promote the prosperity of the IWT sector, efforts must also be made to enhance and simplify the administrative and regulatory frameworks. • Fleet. The advantages of IWT for transport and environment policy should result in investments being channelled into the vital modernisation and development of the sector. Maintaining good performances from an environmental point of view requires the use of new technologies, and in particular research into commercially viable alternative fuels. Safety, already exemplary in IWT, could be improved further. The legal framework should be enhanced so that new technologies can be implemented more quickly. • Jobs and skills. There is a severe shortage of labour in the sector. The Commission hopes to attract labour by offering to improve working and social conditions through a constructive social dialogue at European level. As regards the validity of professional qualifications, the paper proposes the mutual recognition of such qualifications throughout the European Union. It is also necessary to guarantee the existence of educational establishments in the sector by adapting training to current needs. • Image. It would be useful from the Commission’s point of view if general awareness and knowledge of the real potential of the sector in terms of quality and reliability were improved. Promoting the sector would ideally result in the coordination of promotion activities by all the actors concerned. The European IWT promotion and development network is

	<p>already in existence in some Member States. This network provides businesses with up-to-date information. The opening of promotion centres and other national focal points should make it possible to develop the network. The dissemination of such information is essential for businesses, economic and political decision-makers and the authorities in anticipating market trends. National administrations should try to make such statistics available in a more effective manner. The Commission, professional organisations and the Central Commission for navigation on the Rhine are currently drawing up a European system for the observation of the market.</p> <ul style="list-style-type: none"> • Infrastructure. Bottlenecks affect the 36 000 km of inland waterways, restricting their use and reducing their competitiveness. Eliminating these bottlenecks is a priority in the establishment of effective and environmentally-friendly IWT. In the view of the Commission, funding opportunities could emerge in the long term on the basis of a framework for infrastructure charging for all transport modes. The programme places the emphasis on information exchanges relating to traffic management and the monitoring of dangerous goods by the regulatory authorities. River Information Services will enhance the competitiveness and safety of IWT. <p>The programme makes provision for a range of activities that cannot have an effect if they are not implemented in a coherent manner. Unfortunately, the organisational structure of the IWT sector is characterised a fragmentation of resources and legal provisions. The viability of the objectives established by the Commission in this action programme depends on the discussion of different options:</p> <ul style="list-style-type: none"> • the strengthening of cooperation between the international river commissions and the European Commission as established in the area of technical requirements for vessels. However, this perpetuates the fragmentation of rules, as different legal provisions apply in a number of different geographical regions of the EU; • the accession of the European Commission to the Rhine and the Danube Commissions would strengthen the Community's participation beyond its current observer status. No political agreement has been reached on this approach; • the creation of an intergovernmental Pan-European Inland Navigation Organisation, on the basis of a new international convention. This option would raise the political profile of IWT but would also generate an administrative burden with the addition of a new institutional layer and the harmonisation of the entire existing legal framework; <p>the development of IWT within the Community. The Community is in a position to develop this strategic and comprehensive policy for the single market. At the same time, IWT in Europe has connections with third countries (Switzerland, Croatia, Serbia and Montenegro, Romania, Bulgaria, Moldova, Ukraine and Russia), whose interest must be taken into account.</p>
Related acts	Communication from the Commission of 5 December 2007: “First progress report on the implementation of the NAIADES Action Programme for the promotion of inland waterway transport ” [COM(2007) 770 final – Not published in the Official Journal].

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2007:0770:FIN:EN:PDF>

Council Regulation (EC) No 718/1999 of 29 March 1999 on a Community-fleet capacity policy to promote inland waterway transport [Official Journal L 90 of 2.4.1999].

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:1999:090:0001:0005:EN:PDF>

Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions of 1 December 1998 - The common transport policy: "Sustainable mobility: Perspectives for the future" Commission Opinion [COM(1998) 716 final - Not published in the Official Journal].

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:1998:0716:FIN:FR:PDF>

EU Legislation	Inland navigation – structural improvements
Act	<p>Council Regulation (EEC) No 1101/89 of 27 April 1989 on structural improvements in inland waterway transport [Official Journal L 116 of 116 of 28.04.1989].</p> <p>http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31989R1101:EN:HTML</p>
Summary	<p>This Regulation aims to reduce overcapacity in the inland waterway transport sector.</p> <p>Statement of measures for the structural improvement of inland waterway transport:</p> <ul style="list-style-type: none"> • the scrapping of vessels and the payment of a premium to owners in order to reduce overcapacity in inland waterway transport; • supporting measures to avoid aggravation of existing overcapacity or the emergence of further overcapacity. This measure is known as the "old for new" rule and applies until 28 April 1999. <p>Description of vessels covered by the Regulation and those excluded. Setting-up of a Scrapping Fund in each of the Member States concerned. Payment of an annual contribution into the Funds by vessel owners for repayment of the sums prefinanced for the scrapping scheme by the Member States concerned. Establishment of mutual financial support between the Funds in order to ensure that the time limit for repayment of these loans is the same for all the Funds. Possibility for Member States concerned to take measures to make it easier for inland waterway carriers to obtain a retirement pension or to transfer to another economic activity.</p> <p>Regulation (EEC) No 3572/90 sets out the provisions applicable following German unification. http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31990R3572:EN:HTML</p> <p>Commission Regulation (EC) No 2310/96 in respect of the conditions applying to the placing in service of new pusher-craft capacity on inland waterways. http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31996R2310:EN:HTML</p> <p>Commission Regulation (EC) No 742/98 in respect of the conditions applying to the placing in service of new dry cargo ships on inland waterways. http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:1998:103:0003:0003:EN:PDF</p>
Related acts	<p>On 24 October 1994 the Council adopted a Resolution on structural improvements in inland waterway transport (Official Journal C 309,</p>

05.11.1994).

This resolution calls upon the Commission to adopt measures with a view to improving the effectiveness of the regulations on structural improvements in inland waterway transport and to present, before 1 January 1995, an overall proposal on inland waterway transport, concerning in particular the future organization of the market and scrapping operations.

On 3 November 1997 the Commission presented a report on the overall impact of the measures provided for in Council Regulation (EC) No [844/94](#) of 12 April 1994 extending until 28 April 1999 the 'old for new' arrangements in the context of the measures to promote structural improvements in inland waterway transport introduced under Council Regulation (EEC) No [1101/89](#) of 27 April 1989 [[COM\(97\) 555](#) final].

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EU Legislation	Inland navigation – Community-fleet capacity policy
Act	<p>Council Regulation (EC) No 718/1999 of 29 March 1999 on a Community-fleet capacity policy to promote inland waterway transport http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:1999:090:0001:0005:EN:PDF</p> <p>Regulation (EC) No 411/2003 http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2003:062:0018:0018:EN:PDF</p>
Summary	<p>The object of this Regulation is to develop inland waterway transport so as to provide an alternative to other modes of transport and help achieve sustainable mobility.</p>
Related acts	<p>Commission Regulation (EC) No 181/2008 of 28 February 2008 laying down certain measures for implementing Council Regulation (EC) No 718/1999 on a Community fleet capacity policy to promote inland waterway transport[Official Journal L 56 of 29.2.2008].</p> <p>Pursuant to the "old for new" rule this Regulation establishes the special contribution rates for various types of vessels and lays down the parameters to be used for the calculations concerning the operation of the Community fleet capacity policy (determination of the tonnage of certain vessels, entering in the accounts the resources of the inland waterways fund).</p> <p>http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:056:0008:0012:EN:PDF</p>

EU Legislation	Inland navigation – reciprocal recognition of national boatmasters' certificates for inland waterway navigation
Act	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 http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31991L0672:EN:HTML
Summary	Objective - To institute the reciprocal recognition of national boatmasters' certificates for inland waterway navigation between the Member States.
Related acts	<p>Directive 91/672/EEC http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31991L0672:EN:HTML</p> <p>Regulation (EC) No 1882/2003 http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2003:284:0001:0053:EN:PDF</p> <p>Directive 2006/102/EC http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2006:363:0241:0343:EN:PDF</p> <p>Directive 2006/103/EC http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2006:363:0344:0351:EN:PDF</p>

EU Legislation	Inland navigation – non-resident carriers
Act	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 [Official Journal L 373 of 31.12.1991] http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31991R3921:EN:HTML
Summary	The purpose of this regulation is to lay down the conditions under which non-resident carriers may have freedom to operate inland waterway transport services in a Member State.
Related acts	-

EU Legislation	Inland navigation – harmonisation of conditions for obtaining national boatmasters' certificates
Act	Council Directive 96/50/EC of 23 July 1996 on harmonizing the conditions for obtaining national boatmasters' certificates for the carriage of goods and passengers by inland waterway within the Community [Official Journal L 235 of 17.9.96] http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:1996:235:0031:0038:EN:PDF
Summary	The aim of this Directive is to harmonise the conditions for obtaining national boat masters' certificates for inland waterway navigation between the Member States in order to combat distortions of competition between carriers and to increase the safety of inland waterway navigation.
Related acts	-

EU Legislation	Inland navigation – transport of goods or passengers by inland waterway between Member States
Act	<p>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. Official Journal L 175 of 13.7.96].</p> <p>http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:1996:175:0007:0008:EN:PDF</p>
Summary	<p>Scope of the Regulation. The latter is applicable to the transport of goods or passengers by inland waterway for journeys between Member States and in transit through them.</p>
Related acts	-

EU Legislation	Inland navigation – conditions attached to chartering and pricing
Act	<p>Council Directive 96/75/EC of 19 November 1996 on the systems of chartering and pricing in national and international inland waterway transport in the Community [Official Journal L 304 of 27.11.96]</p> <p>http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:1996:304:0012:0014:EN:PDF</p>
Summary	<p>This Directive aims to adapt the organisation of the turn-by-turnabout chartering systems to greater commercial flexibility in order to achieve a system of free transactions on 1 January 2000.</p> <p>The Directive states the principle whereby, in the national and international carriage of goods by inland waterway within the Community, contracts must be freely concluded between the parties concerned, and the prices negotiated freely, where appropriate within charter clearing houses.</p> <p>However, it provides for a transitional period during which the scope of the turn-by-turnabout system will be gradually restricted, before the final emergence of a free transport chartering and pricing system. It thus stipulates, in particular, that, during the transitional period, the States must, inter alia, provide scope for shippers to enter into multiple-trip contracts. This means a series of successive trips carried out by one and the same vessel, or providing that single or multiple trips offered consecutively in multiples of two on the turn-and-turnabout basis without having found any taker leave the turn-and-turnabout system and are freely negotiated.</p> <p>It also stipulates that, within the period of two years starting from the date of entry into force of the Directive, Member States shall take the measures needed to</p>

	<p>provide shippers with a free choice between three types of contract:</p> <ul style="list-style-type: none"> • time-based contracts; • tonnage-based contracts; • contracts for single or multiple trips. <p>It will also, under an committee, confer powers upon the Commission to take appropriate measures if there is any serious disruption of the inland waterway transport market.</p>
Related acts	-

EU Legislation	Inland waterways – River Information services
Act	<p>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 [Official Journal L 255, 30.9.2005].</p> <p>http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2005:255:0152:0159:EN:PDF http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2005:344:0052:0052:EN:PDF</p>
Summary	<p>Europe has over 30 000 km of canals and rivers that link together hundreds of key towns and areas of industrial concentration. In this context, the European Commission recognises the great potential of inland navigation as an alternative transport mode for freight transport. The purpose of this Directive is to make inland navigation more attractive thanks to technological progress.</p> <p>The River Information Services (RIS) concept, which represents the most substantial change in the sector to date, is aimed at the implementation of information services in order to support the planning and management of traffic and transport operations.</p> <p>The RIS promise to transform inland waterway transport into a transparent, reliable, flexible and easy-to-access transport mode. Together with cost-effective and environmentally friendly logistics operations, the development of RIS makes inland waterway transport more attractive.</p> <p>The Directive aims at a Europe-wide framework for the implementation of the RIS concept in order to ensure compatibility and interoperability between current and new RIS systems at European level and to achieve effective interaction between different information services on waterways. The Directive will apply to all waterways of class IV or higher across the European Union.</p>
Related acts	-

EU Legislation	Technical requirements for inland waterway vessels
Act	<p>Directive 2006/87/EC of the European Parliament and of the Council of 12 December 2006 laying down technical requirements for inland waterway vessels and repealing Council Directive 82/714/EEC.</p> <p>Directive 2006/87/EC http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2006:389:0001:0260:EN:PDF Council Directive 82/714/EEC http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31982L0714:EN:HTML</p>
Summary	<p>This Directive is intended to promote European river transport by improving the technical harmonisation of vessels. It is designed to lay down a high level of safety equivalent to that for shipping on the Rhine. To achieve this, it provides for the introduction of a Community certificate for inland waterway vessels in each Member State, to be issued by the competent authorities, authorising them to operate on Community waterways including the Rhine.</p> <p>The coexistence of various technical regulations on navigable waterways in the Community has long obstructed the free movement of vessels. This Directive is designed to strengthen the harmonisation of the requirements for issuing navigation certificates by the Member States.</p> <p>Scope of application</p> <p>The Directive applies to vessels of a length of 20 metres or more and a volume of at least 100 m³. It also applies to floating equipment, tugs and pushers, and vessels intended for passenger transport carrying more than 12 passengers in addition to the crew. Ferries, naval vessels and warships are excluded from its scope of application</p>
Related acts	<p>Complete set of acts can be found at : http://europa.eu/legislation_summaries/transport/waterborne_transport/124473_en.htm</p>

EU Legislation	Inland transport of dangerous goods
Act	<p>Directive 2008/68/EC of the European Parliament and of the Council of 24 September 2008 on the inland transport of dangerous goods.</p> <p>http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:260:0013:0059:EN:PDF</p> <p>http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:2008L0068:20100923:EN:PDF</p>
Summary	<p>This directive establishes a common regime for all aspects of the inland transport of dangerous goods, by road, rail and inland waterways within the European Union (EU).</p> <p>This directive applies to the transport of dangerous goods by road, rail or inland waterway within European Union (EU) countries or between several EU countries.</p> <p>The directive shall not apply to the transport of dangerous goods:</p> <ul style="list-style-type: none"> • by vehicles, wagons or vessels belonging to or under the responsibility of the armed forces; • by seagoing vessels on maritime waterways forming part of inland waterways; • by ferries only crossing an inland waterway or harbour; • wholly performed within the perimeter of an enclosed area. <p>EU countries have the right to regulate or prohibit, strictly for reasons other than safety during transport, the transport of dangerous goods within their own territory. They may also set down specific safety requirements for the national and international transport of dangerous goods within their own territory with regards to:</p> <ul style="list-style-type: none"> • the transport of dangerous goods by vehicles, wagons or inland waterway vessels not covered by this directive; • the use of prescribed routes, where justified, including the use of prescribed modes of transport; • special rules for the transport of dangerous goods in passenger trains. <p>The international transport of dangerous goods is regulated by international agreements: the ADR <u>*</u>, RID <u>*</u> and ADN <u>*</u>. Such rules should also be extended to national transport in order to harmonise across the EU the conditions under which dangerous goods are transported and to ensure the proper functioning of the common transport market. The annexes of the directive refer to the texts of these agreements.</p> <p>The ADR, RID and ADN have drawn up a list of dangerous goods, indicating whether their transport is prohibited or not and defining the requirements for their</p>

	transport if it is authorised. EU countries may request temporary derogations under certain conditions.
Related acts	-

NATIONAL LEGISLATION

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This guide is provided by RIA, member of the PLATINA project.



about PLATINA

The NAIADES action plan is a Commission initiative to enhance the use of inland navigation as part of intermodal freight solutions, in order to create a sustainable, competitive and environmentally friendly European wide transport network.

This objective was embraced by the inland navigation sector, who, together with the Commission have created PLATINA, an FP7 project consisting of 23 partners from nine different countries, in order to accelerate the achievement of the NAIADES aims. This multi-disciplinary knowledge network will allow PLATINA to create the momentum necessary to achieve the NAIADES objectives. - For more info –www.naiades.info/platina

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