



Brussels, 21 September 2020
REV1 – replaces the notice dated
7 March 2018

NOTICE TO STAKEHOLDERS

WITHDRAWAL OF THE UNITED KINGDOM AND EU RULES IN THE FIELD OF INLAND WATERWAYS

Since 1 February 2020, the United Kingdom has withdrawn from the European Union and has become a “third country”.¹ The Withdrawal Agreement² provides for a transition period ending on 31 December 2020. Until that date, EU law in its entirety applies to and in the United Kingdom.³

During the transition period, the EU and the United Kingdom will negotiate an agreement on a new partnership, providing notably for a free trade area. However, it is not certain whether such an agreement will be concluded and will enter into force at the end of the transition period. In any event, such an agreement would create a relationship which in terms of market access conditions will be very different from the United Kingdom’s participation in the internal market,⁴ in the EU Customs Union, and in the VAT and excise duty area.

Therefore, all interested parties, and especially economic operators, are reminded of the legal situation applicable after the end of the transition period.

Advice to stakeholders:

To address the consequences set out in this notice, operators engaged in inland waterway transport are in particular advised to:

- adapt schedules where necessary; and

¹ A third country is a country not member of the EU.

² Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community, OJ L 29, 31.1.2020, p. 7 (“Withdrawal Agreement”).

³ Subject to certain exceptions provided for in Article 127 of the Withdrawal Agreement, none of which is relevant in the context of this notice.

⁴ In particular, a free trade agreement does not provide for internal market concepts (in the area of goods and services) such as mutual recognition, the “country of origin principle”, and harmonisation. Nor does a free trade agreement remove customs formalities and controls, including those concerning the origin of goods and their input, as well as prohibitions and restrictions for imports and exports.

- ensure that boatmasters hold certificates issued by EU Member States.

Please note:

This notice does not address EU rules on

- technical requirements for inland waterway vessels,
- transport of dangerous goods, and
- passenger rights.

For these aspects, other notices are in preparation or have been published.⁵

After the end of the transition period, EU rules in the field of inland waterway transport no longer apply to the United Kingdom. This has in particular the following consequences:⁶

1. INTERNATIONAL TRANSPORT

According to Article 2 of Council Regulation (EC) No 1356/96,⁷ operators carrying out **international transport of goods or passengers by inland waterway** in the Union must be established in an EU Member State. Vessels used for such transport operations must also be registered in an EU Member State. From the end of the transition period, operators that have their establishment in the United Kingdom and/or vessels registered in the United Kingdom will no longer fulfil these requirements and will therefore no longer have access to the internal inland waterway transport market of the EU.

2. CABOTAGE

According to Article 1 of Council Regulation (EEC) No 3921/91,⁸ carriers of goods or passengers by inland waterway established in an EU Member State are entitled to carry out **cabotage** activities in another Member State. For these activities, owners

⁵ https://ec.europa.eu/info/european-union-and-united-kingdom-forging-new-partnership/future-partnership/preparing-end-transition-period_en

⁶ Regarding these rules, the United Kingdom has authorised a derogation in accordance with Article 7(1) of Directive 2006/87/EC of the European Parliament and of the Council of 12 December 2006 laying down technical requirements for inland waterway vessels (OJ L 389, 30.12.2006, p. 1). A similar possibility for derogation is contained in Article 24(1) of Directive 2016/1629 (OJ L 252, 16.9.2016, p. 118), repealing Directive 2006/87/EC with effect from 7 October 2018.

⁷ 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, OJ L 175, 13.7.1996, p. 7.

⁸ 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, OJ L 373, 31.12.1991, p. 1.

of vessels must be EU Member States nationals and domiciled in an EU Member State. Owners who are legal persons must have their registered place of business in an EU Member State and be majority owned by EU Member State nationals. From the end of the transition period, carriers established in the United Kingdom and vessels' owners who are United Kingdom nationals or legal persons that have their registered place of business in the United Kingdom will no longer fulfil these requirements and will therefore no longer be entitled to carry out cabotage activities within the EU.

3. BOATMASTERS' CERTIFICATES

According to Article 1(4) of Council Directive 96/50,⁹ **boatmasters' certificates** issued by EU Member States in conformity with that Directive are valid for all waterways of the respective group in the Union. Boatmasters' certificates issued by the UK in conformity with Directive 96/50 will no longer be valid for any waterway within the EU from the end of the transition period.

The website of the Commission on inland waterway transport (https://ec.europa.eu/transport/modes/inland_en) provides general information. These pages will be updated with further information, where necessary.

European Commission
Directorate-General for Mobility and Transport

⁹ Council Directive 96/50/EC of 23 July 1996 on the harmonization of the conditions for obtaining national boatmasters' certificates for the carriage of goods and passengers by inland waterway in the Community, OJ L 235, 17.9.1996, p. 31.