



Brussels, 7 March 2018

NOTICE TO STAKEHOLDERS

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

The United Kingdom submitted on 29 March 2017 the notification of its intention to withdraw from the Union pursuant to Article 50 of the Treaty on European Union. This means that, unless a ratified withdrawal agreement¹ establishes another date, all Union primary and secondary law will cease to apply to the United Kingdom from 30 March 2019, 00:00h (CET) ('the withdrawal date').² The United Kingdom will then become a 'third country'.³

Preparing for the withdrawal is not just a matter for EU and national authorities, but also for private parties.

In view of the considerable uncertainties, in particular concerning the content of a possible withdrawal agreement, all inland waterway transport operators are reminded of legal repercussions, which need to be considered when the United Kingdom becomes a third country.

Subject to any transitional arrangement that may be contained in a possible withdrawal agreement, as of the withdrawal date, the EU rules in the field of inland waterway transport no longer apply to the United Kingdom. This has in particular the following consequences:⁴

- According to Article 2 of Council Regulation (EC) No 1356/96,⁵ operators carrying out **international transport of goods or passengers by inland**

¹ Negotiations are ongoing with the United Kingdom with a view to reaching a withdrawal agreement.

² Furthermore, in accordance with Article 50(3) of the Treaty on European Union, the European Council, in agreement with the United Kingdom, may unanimously decide that the Treaties cease to apply at a later date.

³ A third country is a country not member of the EU.

⁴ This notice does not address the issue of technical requirements for inland waterway vessels, under 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). Regarding these rules, the United Kingdom has authorised a derogation in accordance with Article 7(1) of that Directive. 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.

⁵ 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.

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. As of the withdrawal date, 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 Union.

- According to Article 1 of Council Regulation (EEC) No 3921/91,⁶ 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 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. As of the withdrawal date, 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 Union.
- According to Article 1(4) of Council Directive 96/50,⁷ **boatmasters' certificates** issued by EU Member States in conformity with that Directive shall be valid for all waterways of the respective group in the Union. As of the withdrawal date, boatmasters' certificates issued by the UK in conformity with Directive 96/50 will no longer be valid for any waterway within the Union.

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

⁶ 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.

⁷ 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.