

**Explanatory notes**  
**Draft bill**  
**of the Federal Ministry of Digital Affairs and Transport for a**  
**Second Regulation**  
**amending the Inland Waterways Order and other provisions of maritime law**

**A. General**

This Regulation puts the Inland Waterways Order into force on the German Danube and replaces the Danube Navigation Police Regulation, which is currently in force there.

**I. Main content**

The Danube is the second longest river in Europe with a length of around 2,850 km. It flows through a total of ten neighbouring states (Federal Republic of Germany, Republic of Austria, Slovak Republic, Hungary, Republic of Croatia, Republic of Serbia, Romania, Republic of Bulgaria, Republic of Moldova, Ukraine). About 2,400 km of the river are navigable for large freight vessels. The German part of the Danube, navigable as a federal waterway, extends from Kelheim to the German-Austrian border (approximately 213 km).

The Danube federal waterway is essentially divided into the following sections:

1. a very short section of the Danube upstream of Kelheim (before the mouth of the Main-Danube Canal);
2. the area from the mouth of the Main-Danube Canal near Kelheim to the Regensburg area (canalised);
3. the river system branching into a main arm, several side arms and a canal in the Regensburg area;
4. the further Danube channelled from Regensburg to Straubing;
5. the partly very winding, free-flowing part of the Danube between Straubing downstream to Vilshofen;
6. the area between Vilshofen and Passau;
7. the city area of Passau with the mouth of the Inn and the Ilz and
8. the canalised border line with the Republic of Austria leading from Passau downstream to Jochenstein.

On the basis of the Convention regarding the Regime of Navigation on the Danube, the so-called ‘Belgrad Act’, of 8 August 1948, navigation on the Danube is regulated by an international river commission, the Danube Commission. This is intended to ensure an approximate equal application of the law throughout the Danube. Germany has been a member of the Danube Commission since 1999; until now, Germany took part in the meetings of the Commission as observers.

The maritime police regulations for the Danube derive from the 'Basic Provisions Relating to the Navigation on the Danube' (Dispositions fondamentales relatives à la navigation sur la Danube (DFND)), adopted by the Danube Commission, which has so far been implemented in Germany by the Danube Navigation Police Regulation. It is one of the four inland navigation police regulations applicable to German federal waterways (Inland Waterways Order, Rhine Navigation Police Regulation, Moselle Navigation Police Regulation, Danube Navigation Police Regulation).

In June 2018, the Danube Commission adopted a new DFND, which should be applied on the Danube from 1 July 2019. At its plenary session in 2023, it has already adopted another revised police regulation, the DFND 2023, which is to apply from 1.1.2024.

As part of the further development of the DFND, the Danube Commission is in turn strongly oriented towards the innovations of the European Code for Navigation on Inland Waterways (CEVNI). CEVNI is the recommendations of the United Nations 'Economic Commission for Europe' residing in Geneva. As part of the further development of CEVNI, the following tendencies can be observed in general:

- the effort to incorporate technical innovations into the standard text (e.g. Radar, AIS (Automatic Identification System));
- the pursuit of long-term adoption of rules and terms from the maritime sector;
- measures to increase comprehensibility and improve the applicability of existing standards.

The latter two measures sometimes have counterproductive effects on the understanding and readability of the CEVNI regulations and thus indirectly negatively on the DFND and a police regulation implementing them. For example, the adoption of terms from the maritime sector often leads to considerable misunderstandings in the application of law.

As part of the improvement of the rules, the effect is that some standards have repeatedly been amended and improved, differentiated or generalised again until finally the original state has been reached. This led to the fact that the Appendix A to the Danube Navigation Police Regulation 1993, which has not been adapted for years of legal development, which is currently still in force on the German Danube, is now more up-to-date in passages than the penultimate version of the DFND, the DFND 2010.

The implementation of a DFND recommended by the Danube Commission on the German Danube in its own Danube Navigation Police Regulation was unproblematic as long as the Danube was not yet connected to the rest of the German waterway network via the Main-Danube Canal. Since the opening of the Main-Danube Canal in 1992, the implementation of the DFND in a separate regulation has led to a change of law on the Main-Danube Waterway between the inland waterway order applied on the Main and the Main-Danube Canal and the Danube Navigation Police Regulation. This state would be reinforced with every new version of the DFND to be put into effect on the German Danube.

Rather, it is more relevant to harmonise the legal framework and thus harmonise the rules on the Inland Waterways Order and the DFND. Such alignment is legally possible, as the Danube Commission only makes a recommendation with the DFND from which the individual Member States may deviate. In addition, the DFND continues to approach the Inland Waterways Order with each change.

In order to make the implementation of the DFND transparent into German law, including national deviations, and at the same time to create only a set of rules for the entire Main-Danube waterway, the Federal Ministry of Digital Affairs and Transport, in coordination with the Directorate-General for Waterways and Shipping and the Waterways and Maritime Office Danube MDK, concluded that the DFND would not be taken over in 2018 or 2023 on the German Danube and instead put the inland waterway order into force on the German Danube and to standardise the necessary special provisions for the German Danube in a new special chapter 'Donau' of the Inland Navigation Road Order. This decision is further substantiated by the fact that the DFND 2023 brought the provisions closer to the Inland Waterways Order.

In this context, the conditions on the German-Austrian border line also play an essential role. As part of the approximately 20 km long border line, it should be noted that the northern bank of the Danube belongs to the Free State of Bavaria, and the southern bank to the federal province of Upper Austria of the Republic of Austria. The exact boundary is formed by the original current centre of the Danube, which was not yet channelled at the time. As a result of the accumulation of the Danube after the construction of the Jochenstein lock, however, the maintained state border (as seen from an aerial view) is now comparatively strong between the north and the south bank. This in turn leads to the fact that a vehicle in the area of the border line on the Danube usually crosses the state border several times.

The Republic of Austria has fully implemented the DFND 2018 for the section of the Danube on its territory, including the border line; this is to be expected mutatis mutandis for the DFND 2023. This could be taken into account by adopting another special chapter on the Inland Waterways Order for the German-Austrian border line or to standardise corresponding provisions within the special chapter 'Danube'.

This, in turn, would result in extensive special chapter(s)/special provisions for the common border line with derogations from the general part of the inland waterway order (but also with deviations from the regional Danube chapter of the Inland Waterways Order), which would then only apply on a small section of the route. These rules must then be subject to the application of fines. There would then be a mismatch between a highly complex standard structure and a small scope on the common border line. Therefore, special rules for the German-Austrian border line are waived and accepted as part of the navigation police enforcement to determine on which territory a vehicle is located.

As part of the entry into force of the Inland Waterways Order on the German Danube, existing temporary regulations for the Main and the Main-Danube Canal and the German Danube will also be incorporated into permanent law. The background to the regulations is the registration of vehicles and associations with a length of more than 110.00 m for the voyage above the port of Aschaffenburg and the resulting elimination of necessary individual permits.

In addition to the entry into force of the Inland Waterways Order on the German Danube, the references contained therein to the previous Danube Navigation Police Regulation are repealed in other inland navigation regulations.

## II. Alternatives

The amendments are appropriate in the interest of legal clarity and for ensuring safety and efficiency of shipping. Alternatives could be considered:

- the takeover of the DFND 2023 in its version adopted by the Danube Commission without

further regulations tailored to the German Danube, with only special waterway-specific additions (in particular to the dimensions of the vehicles, driving bans, etc.) in an additional part. However, since the DFND is only a 'recommendation', many member states of the Danube Commission are already deviating from the DFND on their waters. The scope and the representation of the deviations are very inhomogeneous. Therefore the extent to which the DFND is applied in the various Danube countries is not immediately apparent to the legal user. The introduction of the DFND 'in pure form' would thus not be an advantage compensating the legal fragmentation within Germany (four regulatory zones: Rhine, Moselle, scope of the Inland Waterways Order, Danube);

- the takeover of the DFND 2023 with national deviations to the greatest extent possible in order to further approach the DFND towards the Inland Waterways Order. As a result, the rules of the Inland Waterways Order would only apply to the German Danube under a different heading. The effort to do so in the context of the revision of the DFND as well as the Inland Waterways Order would be great. This would make it considerably more difficult to understand the legal requirements for the standard addressees;
- the takeover of the DFND 2023 with isolated, specially identified national deviations and thereby maintaining an additional legal zone. The resulting advantage of a transitional zone on the German Danube from the scope of the Inland Waterways Order to the scope of the DFND (from the German-Austrian border) would actually be a disadvantage because the existing additional legal zone 'Danube' would exist;
- the adoption of the DFND 2023 with isolated, non-reported national deviations in order to facilitate the readability of the rules. The advantage of a transitional zone on the German Danube from the scope of the Inland Waterways Order to the scope of the DFND (from the German-Austrian border) would in reality be a disadvantage because an additional legal zone would be maintained again. However, it could not even immediately be recorded whether and to what extent a legislation differs from the DFND or the Inland Waterways Order. In addition, there would be a high workload in the future revision of the rules.

For the reasons mentioned above, the proposed alternatives would be the less appropriate means of updating the shipping police regulations applicable to the German Danube, in the interest of the most consistent, catchy and clearly assigned regulations on the entire Main-Danube waterway for the standard addressee.

### III. Regulatory power

The competence of the Federal Ministry of Digital Affairs and Transport, in part with the agreement of the Federal Ministry of Labour and Social Affairs and the co-signature by the Federal Ministry of the Environment, Nature Conservation, Nuclear Safety and Consumer Protection, derives from § 3(1), first sentence points 1 to 6a and 8 in conjunction with the second sentence, paragraph 2, paragraph 5, second sentence, paragraph 6 point 1 letter a and b, § 3e(1), first and third sentences, point 2 and § 14, first sentence Inland Navigation Tasks Act, § 27(1) and (2), paragraph 1 in conjunction with § 24(1), and § 46, first sentence, point 1 and 3, and second sentence of the Federal Waterways Act and § 22(4), first sentence, in conjunction with paragraph 1, second and third sentences of the Federal Fees Act. See in detail the introductory formula of the Regulation.

### IV. Compatibility with European Union law and international treaties

The draft Regulation is compatible with European Union legislation and the treaties under international law concluded by the Federal Republic of Germany. With regard to the technical requirements for vehicles and their equipment, the draft is notified in accordance with Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services (OJ L 241, 17.9.2015, p. 1).

## V. Consequences of the Legislation

### 1. Legal and administrative simplification

The repeal of the Danube Navigation Police Regulation and the entry into force of the Inland Waterways Order on the German Danube contribute to the debureaucracy because this reduces the four navigation police regulations that have hitherto been relevant on the German federal waterways to three.

### 2. Sustainability aspects

The amendments to the Regulation Establishing the Inland Waterways Order and to the Inland Waterways Order are in line with the Federal Government's guiding principles on sustainable development for the purposes of the German Sustainability Strategy. The Regulation contributes to modernising inland waterway transport as a mode of transport, making it future-proof, improving its further development and stabilising and further increasing its share of total freight transport. The improvement of the use of vehicles is in the interest of a future-oriented development of inland waterway transport.

The entry into force of the Inland Waterways Order on the German Danube relieves the burden on German inland waterway transport. A legal framework is now being created for the entire Main-Danube waterway. This has a positive effect on the safety and ease of shipping, because ship management can rely on uniform rules and no longer has to rethink from one to the other.

Equipment regulations are harmonised. This is particularly evident in the disappearance of the so-called 'three-tone sign', which, in contrast to the other federal waterways on the Danube, still had to be given. This, in turn, required additional equipment with a corresponding sound signalling device, which is now omitted.

Up to now, only temporarily permitted vehicle dimensions are permanently integrated on the Danube, the Main and the Main-Danube Canal. As a result, the vehicles can be better utilised and the pass of the vehicles used can be increased. Both contribute to the fact that the vehicles can be used more economically, thereby alleviating the burden on German inland waterway companies. By taking over into permanent law, inland waterway companies can trust that the dimensions will continue to exist in the future.

The Regulation thus complies with the objectives of SDG 8 'Decent work and economic growth' (Indicator area 8.4 'Economic performance: Increase economic performance in an environmentally and socially sustainable manner'; Indicator 'Other relevance': Improved use of inland waterway vessels on federal waterways. Improving planning security for inland waterway companies.) and the principle of sustainable development.

### 3. Impact on medium-sized enterprises (SMEs)

The regulations are aimed at self-employed persons and companies of German inland waterway transport, which are predominantly medium-sized enterprises. These are burdened by the ongoing bureaucracy costs and compliance costs associated with the extension of the obligation to carry certificates and other documents, the obligation to present further certificates and other documents and the obligation to be equipped with a second intercom. According to the above calculations, the running costs affect a total of 151 vehicles. If the total costs (EUR 2 876,32) are transferred to these vehicles, German inland waterway companies will be burdened with around EUR 19.05 per vehicle/year affected by the new ongoing bureaucracy costs and compliance costs.

4. Budgetary expenditure exclusive of compliance costs

None.

5. Compliance costs

With the adoption of the Inland Navigation Road Order to the German Danube, a new Navigation Police Regulation, the essential content of which consists of conduct obligations, is put into force there. This also includes mandatory notifications between vehicles in traffic among each other, for example, in order to arrange safe encounters or driving in invisible weather. In addition, however, the regulation also contains provisions that may result in compliance costs for citizens, the economy and the administration, in particular from conduct requiring authorisation or submission to the competent authorities.

However, the Inland Waterways Order replaces an existing police regulation on the Danube, the Danube Navigation Police Regulation 1993, and a temporary decree, the Seventh Regulation on the temporary derogation from the Danube Shipping Police Regulation. Most of the regulations that can generate compliance costs already exist in the current regulations on the Danube, due to existing navigation police orders or are not to be expected on the basis of existing experience. Additional, i.e., new compliance costs arise from the following requirements and information obligations:

Citizens

- Carrying certificates and other documents on a vehicle (§ 1.10 point 1 in conjunction with points 7 and 8 of the Inland Waterways Order),
- Presentation of certificates and other documents of a vehicle (§ 1.10 point 1 in conjunction with point 9 of the Inland Waterways Order),
- Notification of damage to the waterway (§ 1.14 Inland Waterways Order).

Business

- Loading and clear visibility requirements; Maximum number of passengers (§ 1.07 point 2 Inland Waterways Order),
- Carrying certificates and other documents (§ 1.10 point 1 in conjunction with points 7 and 8 of the Inland Waterways Order),
- Presentation of certificates and other documents (§ 1.10 point 1 in conjunction with point 9 of the Inland Waterways Order),
- Notification of damage to the waterway (§ 1.14 Inland Waterways Order),
- Application for a permit to load, unload, unballast at a point where shipping can be hindered or jeopardised (§ 1.25 point 1 Inland Waterways Order),

- Application for a permit to load, unload, unballast in a shipping or lock canal (§ 1.25 point 2 Inland Waterways Order),
- Special marking of vehicles using liquefied natural gas (LNG) as fuel (§ 2.06 Inland Waterways Order),
- Obligation to be equipped with two safe intercom systems (§ 4.05 point 2 Inland Waterways Order),
- Application for a permit to drift (§ 6.19 point 1 Inland Waterways Order),
- Application for an exemption from the provisions on carrying carrier ship lighters at the head of a pushed convoy (§ 8.04 point 3 Inland Waterways Order),
- Application for a permit to move push lighters (§ 8.05 point 2 Inland Waterways Order),
- Application for a permit to stay in the area of bunkering of liquefied natural gas (LNG) (§ 29.04 point 4 Inland Waterways Order).

### Administration

- Inspection of the carrying of certificates and other documents (§ 1.10 point 1 in conjunction with point 9 Inland Waterways Order),
- Receipt of notification of damage to the waterway (§ 1.14 Inland Waterways Order),
- Granting permission to load, unload, unballast at a point where shipping can be hindered or jeopardised (§ 1.25 point 1 of the Inland Waterways Order),
- Granting a permit to load, unload, unballast in a shipping or lock canal (§ 1.25 point 2 Inland Waterways Order),
- Granting a permit to drift (§ 6.19 point 1 Inland Waterways Order),
- To allow an exemption from the provisions on carrying carrier vessel lighters at the head of a pushed convoy (§ 8.04 point 3 Inland Waterways Order),
- Granting of a permit to move push lighters (§ 8.05 point 2 Inland Waterways Order),
- Authorisation to stay in the area of liquefied natural gas bunkering (LNG) (§ 29.04 point 4 Inland Waterways Order).

### 5.1 Compliance costs for citizens

The compliance costs for citizens results from the use of sports vehicles on the Danube, which are generally small vehicles.

#### ***Information obligation 1***

*Carrying certificates and other documents on a vehicle (§ 1.10 point 1 in conjunction with points 7 and 8 of the Inland Waterways Order)*

In comparison to the regulations currently in force on the German Danube, vehicles, and thus also sports vehicles that sail the German Danube, will have to carry additional certificates on board in the future. Sports vehicles are usually small vehicles, so that they must carry only part of the certificates and other documents specified for the other vehicles.

In so far as the certificate concerning the small vehicle registration is concerned, the obligation to carry already results from the existing Inland Navigation Marking Regulation, which also applies on the German Danube, and from a temporary provision on § 1.10 of Appendix A to the Danube Navigation Police Regulation 1993 currently in force on the Danube. The corresponding certificate of competency to drive the vehicle must already be carried in accordance with the Sport Boat Licence Regulation. Therefore, the entry into force of the obligation to carry certificates and other documents on the Danube, which has already been standardised in the inland waterway order, does not result in additional compliance costs for citizens with regard to

these two documents.

In addition, the obligation to carry is partly also only if appropriate devices are available on board (radio communication, liquefied petroleum gas systems). Insofar as the radio communication is affected, it can be assumed that only closed sports vehicles are equipped with a radio intercom device. With regard to the use of liquefied petroleum gas plants, no case figures can be reported or estimated. For the further calculation, the additional obligation to carry is therefore related to two certificates, the radio communication certificate and the certificate of frequency allocation/allocation certificate associated with the equipment with an intercom radio system. The compliance costs include the compilation and transfer of the certificates on board the sports vehicles. The transfer of the documents on board the vehicles should not be detached from boarding on a specific other occasion; therefore, the compilation and removal of the documents is summarised. According to the Transport Report 2017 of the Directorate-General for Waterways and Shipping (the Directorate-General's Transport Reports 2018, 2019, 2020, 2021 and 2022 contain no information), a total of around 3,920 sports vehicles have passed through the locks Kelheim, Regensburg and Jochenstein. No information is available as to the proportion of German small vehicles in the total number. However, it can be assumed that the vast majority of sports vehicles were German vehicles and small vehicles. Therefore, the further calculations are based on 3,400 vehicles.

There is also no information on how many of these sports vehicles were closed and how many of them were open. Assuming a half distribution (1,700 closed and 1,700 open sports vehicles) and the further assumption that two thirds of closed sports vehicles are equipped with radio communication, a total of 1,133 sports vehicles (rounded) is assumed. This results in the following additional one-off compliance cost arising from this information obligation:

Activity	Time input - Minutes	Number of cases
Compiling and placing the certificates on board the sports vehicle	5	
Total time expended per case	5	1,133 Vehicles
Compliance costs for carrying certificates and documents on a small (sport) vehicle		94 Hours (rounded)

### **Information obligation 2**

*Presentation of certificates and other documents of a vehicle (§ 1.10 point 1 in conjunction with point 9 of the Inland Waterways Regulation)*

The certificates and other documents to be carried by a sports vehicle (see Information obligation 1) must be submitted to the competent authorities for inspection upon request. As far as the certificate concerning the small vehicle registration is concerned, the obligation to hand over already results from the existing Inland Navigation Marking Regulation. The corresponding certificate of competency to drive the vehicles must already be handed over to the persons authorised to carry out the inspection in accordance with the Sport Boat Licence Regulation. Therefore, the correspondingly standardised requirement for submission in the Inland Waterways Order does not result in any additional compliance costs for citizens with regard to these two documents.



The additional requirement for submission therefore concerns only the radio communication certificate and the certificate of frequency allocation/allocation certificate. Therefore, 1,133 German sports vehicles (see Information obligation 1) used on the German Danube are to be taken as a basis. The inspections are carried out by the Water Protection Police. Since they are free in their decision as to when and how often it carries out checks, it is difficult to determine a number of cases in advance. Based on the assumption that 40 percent of German sports vehicles operating on the German Danube are inspected per year, the result is (rounded) a case number of about 453 inspections.

The additional compliance costs include the handing over of the documents to the Water Protection Police. A time requirement of 2 minutes can be assumed for this. This results in the following additional annual compliance costs arising from this obligation to provide information:

Activity	Time input - Minutes	Number of cases
Handing over certificates	2	
Total time expended per case	2	453
Compliance costs for handing over certificates and other documents on a small (sports) vehicle		15 Hours (rounded)

### **Information obligation 3**

#### *Notification of damage to the waterway (§ 1.14 Inland Waterways Order)*

The shipmaster of a sports vehicle shall report damage to the waterway to the competent authority. It is not possible to make a concrete calculation of the compliance costs. There is no reliable data on the number of cases of corresponding damage and, where appropriate, detected by shipmasters of sports vehicles. According to the Federal Waterways and Shipping Administration, such a case occurs at most once a year. The additional compliance costs for citizens resulting from the regulation can therefore be neglected.

The entry into force of the Inland Waterways Order on the German Danube thus creates a one-off additional compliance cost for citizens due to information obligations of around 94 hours and an additional annual compliance cost of around 15 hours.

#### 5.2 Compliance costs for the economy of which administrative costs arising from obligations to provide information

### **Requirement 1**

#### *Maximum allowable loading; Maximum number of passengers; View (§ 1.07 point 2 Inland Waterways Order)*

The rules of the inland waterway order provide that the unobstructed view by the load or the attitude of the vehicle may not be restricted more than 250 m before the bow. Compliance with the regulation can be achieved by transporting only cargo that does not restrict the blind area. However, the owner of a vehicle may also choose to adapt the steering house accordingly in order to be able to transport larger cargo parts without the requirement specifically requiring this. Nevertheless, a possible additional compliance cost is considered.

The inland fleet on the German Danube already has about 80 to 90 % of the steering house lifting devices, which allow compliance with the maximum blind area of 250 m in front of the bow even for high construction parts. It should be borne in mind that the vast majority of this inland fleet on the Danube also travels the Rhine stream area with the Main and the Main-Danube Canal, where the requirement already applies, and already fulfils the requirements. In particular, vehicles that have been built or modernised over the last 20 years have steering house lifts that regularly meet the requirements for maximum blind area. The newer vehicles are registered for either three-layer or four-layer container traffic and can therefore transport cargo that is either 7.50 m or 10 m high. In the case of the modernised vehicles, during the construction of a new steering house, care was taken to be suitable for container traffic or structural part transport.

The owners of vehicles that do not yet have the technical equipment such as lifts or lifts usually have no economic interest in these transports. The construction parts, which are particularly high, are usually either particularly wide (round = boiler) or heavy (square = heavy load parts). This basically excludes older vehicles or narrower vehicles because the cargo space width is too narrow or the shipbuilding design makes it impossible to safely transport heavy loads. In some cases, an amortisation of the costs of remodeling a steering house due to the age of the vehicles would no longer be expected.

It can therefore be assumed that adjustments to wheelhouses are still being made today only in individual cases due to the rules for free vision. The resulting costs cannot therefore be estimated.

### **Information obligation 1**

*Carrying certificates and other documents (§ 1.10 point 1 in conjunction with numbers 7 and 8 of the Inland Waterways Order)*

In comparison to the regulations currently in force on the German Danube, commercial inland waterway vessels, including passenger shipping crossing the German Danube, will in future have to carry additional certificates and other documents on board. This applies not only to 'large vehicles', but also to small commercial inland waterway vessels. Although small vehicles must carry only part of the certificates and other documents provided for the other vehicles, the obligation to carry them is considered continual.

The vehicles in question mainly use the entire Main-Danube waterway, including the Rhine, so that the obligation to carry these vehicles already arises from the Inland Waterways Order. Only for German vehicles operating on the Danube there is therefore an additional burden of performance from this obligation to provide information. However, the Transport Report 2022 of the Directorate-General for Waterways and Shipping does not show to what extent the commercial inland waterway vessels that have crossed the Kelheim and Jochenstein locks were exclusively on the German Danube. It is therefore assumed that the vehicles of the German inland fleet have their hometown on the German Danube.

According to the Central Inland Waterway Stock File as of 31.12.2021, these are 160 vehicles. The documents (certificate of driving suitability, calibration certificate) applicable to push lighters and other vehicles without a propulsion engine which do not have living rooms, steering houses or lounges need not be carried on them, provided that they use a metal board on which the single European ship number, the number of the ship's certificate/navigability licence and, where applicable, the minimum crew are attached. In principle, this is assumed below, so that the further consideration contains only 108 vehicles (160 vehicles./. push lighters and barges). The

additional compliance costs include the one-off compilation of the required certificates and other documents and their moving on board the vehicles. For this purpose, a time requirement of 20 minutes can be set, as the transfer of the certificates and other documents on board the vehicles should not be detached from boarding for a specific other occasion. A low level of skills is required for the activity, so that according to the labour cost table for the economy – transport and storage – a cost rate of EUR 23.20/hour<sup>1</sup> is to be assumed. This results in the following one-off bureaucracy costs arising from information obligations for the German economy:

108 Vehicles (cases) x 20 minutes = 2,160 minutes = 36 hours x EUR 23.20 = EUR 835.20.

The certificates and other documents to be placed on board have in part a limited period of validity, which varies greatly in their duration. After expiry of the validity, the certificates or other documents must be exchanged. In some cases, an exchange must only take place if certain equipment or crew is replaced. In any case, these are individual certificates or documents which are to be relocated on board in these cases. It is difficult to estimate the associated additional compliance costs for the following years. Based on 10 % of the one-off bureaucracy costs, further additional bureaucracy costs of EUR 83.52 can be assumed for the following years resulting from this information obligation.

### **Information obligation 2**

*Presentation of certificates and other documents (§ 1.10 point 1 in conjunction with point 9 of the Inland Waterways Order)*

Certificates and other documents to be carried by commercial inland waterway vessels, including small vessels and passenger ships, shall be submitted to the staff of the competent authorities upon request. This is usually done in the context of inspections by the Water Protection Police. This affects all vehicles that move on the German Danube. Since the vast majority of these vehicles travel the entire Main-Danube waterway, including the Rhine, and already carry the required documents on board, it can be assumed that the Water Protection Police is already inspecting the certificates and other documents on these vehicles on board, even if the current regulations do not require the carrying along and therefore the inspection of these certificates and other documents on the Danube. Therefore, the additional effort will also extend to the 108 German vehicles operating exclusively on the German Danube (see Information obligation 1). Since the Water Protection Police is free in its decision on when and how often it carries out inspections, it is difficult to determine a number of cases in advance. Based on the assumption that a maximum of 40 percent of vehicles operating exclusively on the German Danube are inspected per year, there is a case number of (rounded) 43 inspections.

The additional compliance costs include handing over the certificates and other documents to the Water Protection Police. A time requirement of 5 minutes can be assumed for this. A low level of skills is required for the activity, so that according to the labour cost table for the economy – transport and storage – a cost rate of EUR 23.20/hour<sup>4</sup> is to be assumed. This results in the following additional annual bureaucracy costs arising from information obligations for the German economy:

43 Vehicles (cases) x 5 minutes = 215 minutes = (rounded) 4 hours x EUR 23.20 = EUR 92.80.

### **Information obligation 3**

*Notification of damage to the waterway (§ 1.14 Inland Waterways Order)*

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<sup>1</sup> Annex 7 Wage Cost Table Economy of the Compliance Costs Guide as of September 2022

According to the regulation, the shipmaster of a commercial inland waterway vessel, including small craft and passenger ships, is required to report damage to the waterway to the competent authority. It is not possible to make a concrete calculation of the compliance costs. There is no reliable data on the number of cases of corresponding damage and, where appropriate, identified by shipmasters of commercial inland waterway vessels. According to the Federal Waterways and Shipping Administration, such a case occurs on the German Danube at most once a year, regardless of the flag state of the vehicle. The additional compliance costs for the German economy resulting from the provision can therefore be neglected.

**Information obligation 4**

*Application for a permit to load, unload, unballast at a point where shipping can be hindered or jeopardised (§ 1.25 point 1 Inland Waterways Order)*

The provision requires a permit from the competent authority if loading, unloading or unballasting is to take place at a point where navigation can be hindered or jeopardised. On the basis of practical experience, however, the Federal Waterways and Shipping Administration does not expect any corresponding applications for the German Danube. Therefore, this obligation to provide information does not entail any additional compliance costs for the German economy.

**Information obligation 5**

*Application for a permit to load, unload, unballast in a lock canal (§ 1.25 point 2 Inland Waterways Order)*

The provision requires permission from the competent authority when loading, unloading or unballasting in a shipping or lock canal is to be carried out. On the basis of practical experience, however, the Federal Waterways and Shipping Administration does not expect any corresponding applications for the German Danube. Therefore, this obligation to provide information does not entail any additional compliance costs for the German economy.

**Requirement 2**

*Special marking of vehicles using liquefied natural gas (LNG) as fuel (§ 2.06 Inland Waterways Order)*

Vehicles operated with liquefied natural gas (LNG) shall be specially marked with a corresponding plate mark. Currently, only individual commercial inland waterway vessels on the Rhine and the Moselle, all of which are not operated by German owners, have LNG propulsion. As a result, a compliance cost for the German economy due to the special labelling of vehicles that use LNG as fuel and travel the German Danube does not arise at this time. The extent to which German commercial inland waterway vessels will be LNG-operated in the future and will be used on the German Danube cannot be estimated at this time.

**Requirement 3**

*Obligation to be equipped with two safe intercom systems (§ 4.05 point 2 Inland Waterways Order)*

The regulations currently in force on the German Danube do not expressly regulate an obligation to equip vehicles with an intercom radio system. However, this is implicitly assumed. However, for commercial inland waterway transport, including passenger shipping, the current Annex A to the Danube Navigation Police Regulation requires, in principle, only one intercom radio system. In addition, every vehicle entering the German Danube must already report via voice radio as part of the 'Lock management' pilot project introduced on the Danube.

However, the Inland Waterways Order provides that a vehicle must be equipped not only with an operationally safe intercom system, but with two safe intercom systems; in the event of a system failure, this ensures that the vehicle is still able to participate in radio communications. The vehicles, which mainly use the entire Main-Danube waterway, should already be equipped with two intercom radio systems, because these are already prescribed according to the Inland Waterways Order applicable on the Main and the Main-Danube Canal. Therefore, the obligation to be equipped can only relate to the German vehicles operating exclusively on the Danube. This affects (rounded) 108 vehicles (see Information obligation 1).

The price range for an approved intercom radio station is relatively high. An average of EUR 500/piece can be assumed. On the basis of 108 cases, there is therefore a one-time charge of EUR 54,000.00 in the first year due to the equipment with a further intercom radio system.

Intercom radio systems are subject to normal wear and tear. Taking into account an additional replacement of the equipment due to premature technical defects or technical innovations, it is assumed that in subsequent years approximately 5 % of the equipment will be replaced per year. This leads to a further additional annual compliance expense of EUR 2,700.00 in the following years.

#### **Information obligation 6**

*Application for a permit to drift (§ 6.19 point 1 Inland Waterways Order)*

According to the regulation, the driving of a vehicle, other than a small vehicle, is permitted only with the approval of the competent authority. Drifting is not a common mode of locomotion, but takes place in absolutely exceptional circumstances. Reliable case numbers, how often the drifting of commercial inland waterway transport will be applied for, cannot be determined because Annex A to the Danube Navigation Police Regulation 1993, which is currently still in force, basically prohibits drifting. According to the Federal Waterways and Shipping Administration, no applications are expected. It can therefore be assumed that this does not result in additional compliance costs for the German economy.

#### **Information obligation 7**

*Application for an exemption from the provisions on carrying carrier ship lighters at the head of a pushed convoy (§ 8.04 point 3 Inland Waterways Order)*

The provision provides that the competent authority may grant exemptions from the provisions on carrying carrier ship lighters at the head of a pushed convoy. Carrying carrier ship lighters at the head of a pushed convoy is rare. The rule is new for the German Danube. It is therefore not possible to estimate in how many cases corresponding applications will be filed in the future. The resulting additional compliance costs for the German economy for the application process cannot be assessed at this stage.

#### **Information obligation 8**

*Application for a permit to move push lighters (§ 8.05 point 2 Inland Waterways Order)*

A push lighter must in principle not be moved outside of a pushed convoy.

§ 8.05 The Inland Waterway Order contain exceptions to this. One exception is the movement with the permission of the competent authority. On the basis of practical experience, however,

the Federal Waterways and Shipping Administration does not calculate applications for the German Danube to adjust a push lighter that goes beyond the specific, generally applicable exceptions. Therefore, no additional compliance costs for the German economy can be expected from this obligation to provide information.

### **Information obligation 9**

*Application for a permit to stay in the area of bunkering of liquefied natural gas (LNG) (§ 29.04 point 4 Inland Waterways Order)*

Since no German vehicles are currently operating on the German Danube (see Specification 2), which are operated with liquefied natural gas (LNG), no corresponding applications are to be expected. Therefore, this obligation to provide information for the German economy does not entail any additional compliance costs.

As a result of the entry into force of the Inland Waterways Order on the German Danube, the following compliance cost for the German economy results from the entry into force of the Inland Waterways Order on the German Danube:

<b>Stipulation/ Information obligation (IO)</b>		<b>One-off reorganisation costs – Euro –</b>	<b>Annual compliance costs – Euro –</b>
Requirement 1	Maximum allowable loading; Maximum number of passengers; View (§ 1.07 point 2 Inland Waterways Order)	-	-
IP 1	Carrying certificates and other documents (§ 1.10 point 1 in conjunction with numbers 7 and 8 of the Inland Waterways Order)	835.20	83.52
IP 2	Presentation of certificates and other documents (§ 1.10 point 1 in conjunction with point 9 of the Inland Waterways Order)	-	92.80
IP 3	Notification of damage to the waterway (§ 1.14 Inland Waterways Order)	-	-
IP 4	Application for a permit to load, unload, unballast at a point where shipping can be hindered or jeopardised (§ 1.25 point 1 Inland Waterways Order)	-	-
IP 5	Application for a permit to load, unload, unballast in a lock canal (§ 1.25 point 2 Inland Waterways Order)	-	-

<b>Stipulation/ Information obligation (IO)</b>		<b>One-off reorganisation costs – Euro –</b>	<b>Annual compliance costs – Euro –</b>
Requirement 2	Special marking of vehicles using liquefied natural gas (LNG) as fuel (§ 2.06 Inland Waterways Order)	-	-
Requirement 3	Obligation to be equipped with two safe intercom systems (§ 4.05 point 2 Inland Waterways Order)	54,000	2,700
IP 6	Application for a permit to drift (§ 6.19 point 1 Inland Waterways Order)	-	-
IP 7	Application for an exemption from the provisions on carrying carrier ship lighters at the head of a pushed convoy (§ 8.04 point 3 Inland Waterways Order)	-	-
IP 8	Application for a permit to move push lighters (§ 8.05 point 2 Inland Waterways Order)	-	-
IP 9	Application for a permit to stay in the area of bunkering of liquefied natural gas (LNG) (§ 29.04 point 4 Inland Waterways Order)	-	-
<b>Total</b>		<b>54,835.20</b>	<b>2,876.32</b>
<b>Total bureaucracy costs from information obligations</b>		<b>835.20</b>	<b>176.32</b>

This additional compliance cost represents an additional cost ('in') for the German economy in the amount of EUR 2,876.32 within the meaning of the 'one in, one out' rule introduced as a correct bureaucracy and is derived from the reduced effort ('out') for the German economy from the 'Regulation amending the recreational boat driver's licence Regulation and the Inland Waterway Personnel Regulation of 1 December 2022 (BGBl. I, p. 2211)'.

Furthermore, there are no additional compliance costs for the German economy or additional bureaucracy costs arising from information obligations.

### 5.3 Compliance costs for the authorities

#### **Requirement 1**

*Inspection of the carrying of certificates and other documents (§ 1.10 point 1 in conjunction with point 9 Inland Waterways Order)*

In comparison to the regulations currently in force on the German Danube, commercial inland

waterway vessels, including passenger shipping crossing the German Danube, will in future have to carry additional certificates and other documents on board. The certificates and other documents to be carried shall be submitted upon request to the staff of the competent authorities. Both of these also concern small commercial inland waterway vessels. Although small vehicles must carry and present only part of the certificates and other documents provided for the other vehicles, the obligation to submit is considered continual.

The submission is usually carried out in the context of inspections by the Water Protection Police of the Free State of Bavaria and affects all vehicles regardless of their flag state. Since the vast majority of these vehicles travel the entire Main-Danube waterway, including the Rhine, and already carry the required documents on board, it can be assumed that the Water Protection Police is already inspecting the additional certificates and other documents on these vehicles, even if the current regulations do not require the carrying along and therefore the inspection of these certificates and other documents on the Danube. Therefore, the additional costs are related to the 108 vehicles that operate exclusively on the German Danube (see Compliance costs for the economy – Information obligation 1). Since the Water Protection Police is free in its decision on when and how often it carries out inspections, it is difficult to determine a number of cases in advance. Based on the assumption that 40 percent of vehicles operating exclusively on the German Danube are inspected per year, there is a case number of (rounded) 43 inspections.

The requirement includes the receipt of the certificates and other documents and their review. Since this also includes the inspection of the partially complex entries in the board or logbook and the crew's service records, 25 minutes can be assumed for each case.

In relation to the number of 43 checks, the following annual personnel costs are:

<b>Time expended in minutes</b>	<b>Hourly labour costs (in EUR)</b>	<b>Calculation</b>
43 x 25 = 1,075 minutes = (rounded) 18 hours	33,70 <sup>2</sup> (mid-level service Laender)	18.00 x 33.70 = EUR 606.60

The personnel costs are incurred by the Free State of Bavaria because the Water Protection Police are Laender authorities. As the inspections are carried out within the framework of the normal control activity of the Bavarian Water Protection Police, there is no additional material burden.

In addition to commercial inland waterway transport vehicles, the presentation obligation also applies to sports vehicles operating on the German Danube. In the future, they will also have to carry additional certificates and other documents on board (see Compliance costs for citizens – Information obligation 1). The inspections are also carried out by the Water Protection Police of the Free State of Bavaria and affect all sports vehicles regardless of their flag state.

The extension of the obligation to carry on is affected by the radio-telephony certificate and the certificate of frequency allocation/assignment (see compliance costs for citizens – Information obligation 1). Insofar as the radio communication is affected, it can be assumed that only closed sports vehicles have a radio intercom device.

According to the Transport Report 2017 of the Directorate-General for Waterways and Shipping (the Directorate-General's Transport Reports 2018, 2019, 2020, 2021 and 2022 contain no

<sup>2</sup> Annex 9 Wage Cost Table Management of the Compliance Costs Guide as of September 2022



information), a total of around 3,920 sports vehicles have passed through the locks Kelheim, Regensburg and Jochenstein. There is no information on how many of these sports vehicles were closed and how many of them were open. When assuming a half distribution (1,960 closed and 1,960 open sports vehicles) and the further assumption that two thirds of closed sports vehicles are equipped with radio communication, 1,307 sports vehicles (rounded) are taken into account in the further calculation.

Based on the assumption that 40 percent of vehicles operating on the German Danube are inspected per year, there is a case number of (rounded) 523 inspections. The requirement includes the receipt of the certificates and documents and their review.

As far as the sports vehicles are concerned, the inspection extends to 2 additional certificates. The inspection itself includes the examination of the validity of the certificates, so that a maximum of 5 minutes of time can be assumed.

In relation to the number of cases of 523 inspections, the following annual personnel costs are:

Time expended in minutes	Hourly labour costs (in EUR)	Calculation
523 x 5 = 2,615 minutes = (rounded) 44.00 hours	33.70 <sup>5</sup> (mid-level service Laender)	44.00 x 33.70 = EUR 1,482.80.

The personnel costs are incurred by the Free State of Bavaria because the Water Protection Police are Laender authorities. As the inspections are carried out within the framework of the normal control activity of the Bavarian Water Protection Police, there is no additional material burden.

Overall, the administration, in this case the Free State of Bavaria, results from the requirement an additional compliance cost in the form of an additional personnel cost of EUR 2,089.40.

### **Requirement 2**

*Receipt of notification of damage to the waterway (§ 1.14 Inland Waterways Order)*

According to the regulation, the shipmaster of a vehicle is required to report damage to the waterway to the competent authority. It is not possible to make a concrete calculation of the compliance costs. There is no reliable data on the number of cases of corresponding damage and, where appropriate, detected by shipmasters of vehicles. According to the Federal Waterways and Shipping Administration, a notification is made by shipmasters of commercial inland waterway vessels no more than once a year. The additional compliance cost for the administration resulting from the provision can therefore be neglected.

### **Requirement 3**

*Granting permission to load, unload, unballast at a point where shipping can be hindered or jeopardised (§ 1.25 point 1 of the Inland Waterways Order)*

The provision requires a permit from the competent authority if loading, unloading or unballasting is to take place at a point where navigation can be hindered or jeopardised. On the basis of practical experience, however, the Federal Waterways and Shipping Administration does not expect any corresponding applications for the German Danube. Therefore, this obligation to provide information does not entail any additional compliance costs for the administration.

#### **Requirement 4**

*Granting a permit to load, unload, unballast in a shipping or lock canal (§ 1.25 point 2 Inland Waterways Order),*

The provision requires permission from the competent authority when loading, unloading or unballasting in a shipping or lock canal is to be carried out. On the basis of practical experience, however, the Federal Waterways and Shipping Administration does not expect any corresponding applications for the German Danube. Therefore, this obligation to provide information does not entail any additional compliance costs for the administration.

#### **Requirement 5**

*Granting a permit to drift (§ 6.19 point 1 Inland Waterways Order)*

According to the regulation, the driving of a vehicle (other than a small vehicle), is permitted only with the approval of the competent authority. Drifting of vehicles is not a common mode of locomotion, but takes place in absolutely exceptional circumstances. Reliable case numbers, how often the drifting will be applied for, cannot be determined because Appendix A to the Danube Navigation Police Regulation 1993, which is currently still in force, basically prohibits drifting. According to the Federal Waterways and Shipping Administration, no applications can be expected. It can therefore be assumed that there will be no additional compliance costs for the administration.

#### **Requirement 6**

*To allow an exemption from the provisions on carrying carrier vessel lighters at the head of a pushed convoy (§ 8.04 point 3 Inland Waterways Order)*

The provision provides that the competent authority may grant exemptions from the provisions on carrying carrier ship lighters at the head of a pushed convoy. Carrying carrier ship lighters at the head of a pushed convoy is rare. The rule is new for the German Danube. It is therefore not possible to estimate in how many cases corresponding applications will be filed in the future. The resulting compliance costs for the administration's processing of these applications cannot therefore be calculated.

#### **Requirement 7**

*Granting of a permit to move push lighters (§ 8.05 point 2 Inland Waterways Order)*

A push lighter must in principle not be moved outside of a pushed convoy.

§ 8.05 The Inland Waterway Order contain exceptions to this. One exception is the movement with the permission of the competent authority. On the basis of practical experience, however, the Federal Waterways and Shipping Administration does not calculate applications for the German Danube to adjust a push lighter that goes beyond the specific, generally applicable exceptions. Therefore, no additional compliance costs for the administration can be expected from this obligation to provide information.

#### **Requirement 8**

*Authorisation to stay in the area of liquefied natural gas bunkering (LNG) (§ 29.04 point 4 Inland Waterways Order)*

Since there are no vehicles running on the German Danube with liquefied natural gas (LNG) so far (see compliance costs for the economy – Specification 2), no corresponding applications are

to be expected. Therefore, this obligation to provide information for the administration does not entail any additional compliance cost.

The following personnel costs for the administration result from the entry into force of the Inland Waterways Order on the German Danube:

	<b>Requirement</b>	<b>Annual personnel expenses – Euro –</b>	<b>Annual material cost – Euro –</b>
Requirement 1	Inspection of the carrying of certificates and other documents (§ 1.10 point 1 in conjunction with point 9 Inland Waterways Order)	2,089.40	-
Requirement 2	Receipt of notification of damage to the waterway (§ 1.14 Inland Waterways Order)	-	-
Requirement 3	Granting permission to load, unload, unballast at a point where shipping can be hindered or jeopardised (§ 1.25 point 1 of the Inland Waterways Order)	-	-
Requirement 4	Granting a permit to load, unload, unballast in a shipping or lock canal (§ 1.25 point 2 Inland Waterways Order)	-	-
Requirement 5	Granting a permit to drift (§ 6.19 point 1 Inland Waterways Order)	-	-
Requirement 6	To allow an exemption from the provisions on carrying carrier vessel lighters at the head of a pushed convoy (§ 8.04 point 3 Inland Waterways Order)	-	-
Requirement 7	Granting of a permit to move push lighters (§ 8.05 point 2 Inland Waterways Order)	-	-
Requirement 8	Authorisation to stay in the area of liquefied natural gas bunkering (LNG) (§ 29.04 point 4 Inland Waterways Order)	-	-
<b>Total</b>		<b>2,089.40</b>	<b>-</b>
<b>Share of the Free State of Bavaria</b>		<b>2,089.40</b>	<b>-</b>

The additional personnel costs for the Free State of Bavaria (Water Protection Police) amount to EUR 2,089.40.

The Regulation introducing the Inland Waterways Order following the entry into force of this Regulation on the German Danube introduces, extends and adapts fine reinforcements. However, this does not entail any new tasks for the public administration and therefore no new compliance costs for the administration. The new administrative offences based on this will be handled by the Directorate-General for Waterways and Shipping with the existing staff, especially as the fines in the current Danube Shipping Police Regulation 1993 are omitted. Any additional material and human resources required by the Directorate-General for Waterways and Shipping will be compensated for in Section 12.

Furthermore, there is no additional compliance cost for the administration.

## 6. Other consequences of the legislation

No impact on the social security systems is anticipated. No additional costs are incurred by German businesses, in particular inland shipping SMEs, or by individuals. There is no impact on individual and consumer prices.

## B. Specific Part

### Article 1

Article 1 amends the Regulation Establishing the Inland Waterways Code.

Point 1 puts the inland waterway order into force on the German Danube.

**Enabling provisions:** § 3 Paragraph 1, first sentence, points 1 to 6a and 8 in conjunction with Second sentence and paragraph 6 point 1 letter a and b, § 3 paragraph 1, first sentence, point 1, 2 and 2a, in each case also in conjunction with paragraph 2 point 1, in each case also in conjunction with § 3e point 1, first and third sentence, point 2 and § 14, first sentence of the Inland Navigation Tasks Act;

§ 3 Paragraph 1, first sentence point 5 and 8 in conjunction with the second sentence, paragraph 5, second sentence and paragraph 6 point 1 letter a and b, in each case also in conjunction with § 3e paragraph 1, first and third sentence, point 2 and § 14, first sentence Inland Navigation Tasks Act;

§ 3 Paragraph 1, first sentence, point 1, 2 and 2a in conjunction with the second sentence, paragraph 2 point 2, paragraph 5, first sentence and paragraph 6 point 1 letter a and b, § 3 paragraph 1, first sentence, points 1 and 2 in each case also in conjunction with § 3e paragraph 1, first sentence, and in each case also in conjunction with § 14, first sentence Inland Navigation Tasks Act;

§ 27 Paragraphs 1 and 2, paragraph 1 in conjunction with § 24 paragraph 1, and § 46, first sentence, points 1 and 3, and second sentence of the Federal Waterways Act.

Points 2 to 17 complement, extend and adapt fines due to the amendment and addition of the administrative provisions of the Inland Waterways Order.

**Enabling provisions:** § 3 Paragraph 1, first sentence, points 1 to 6a and 8 in conjunction with Second sentence, paragraph 6 point 1 letters a and b, and § 14, first sentence Inland Navigation Tasks Act.

## Article 2

Article 2 amends the Inland Waterways Order.

Point 1 supplements the table of contents with the information on the new special chapter for the Danube and contains a consequential change that becomes necessary.

**Enabling provisions:** § 3 Paragraph 1, first sentence point 1 in conjunction with the second sentence and § 14, first sentence Inland Navigation Tasks Act.

Point 2 letter a inserts in the provision on definitions the definition of ‘cabin vessel’ as a delimitation to the day-trip vessel.

**Enabling provisions:** § 3 Paragraph 1, first sentence, 2 and 2a in conjunction with the second sentence, each in conjunction with § 14, first sentence Inland Navigation Tasks Act.

Point 2 letter b contains a subsequent amendment due to the insertion of a definition of the cabin vessel.

**Enabling provisions:** § 3 Paragraph 1, first sentence points 1 to 6a and 8 in conjunction with the second sentence, each in conjunction with § 14, first sentence Inland Navigation Tasks Act.

Point 3 adopts a designation regulation, which hitherto only applies to towing groups preceded by a tugboat, also for individually moving vehicles, because it is not excluded that they also have to resort to the help of a tugboat. In such cases, it would remain unclear which vehicle has to carry which designation.

**Enabling provisions:** § 3 Paragraph 1, first sentence point 1 in conjunction with the second sentence and § 14, first sentence Inland Navigation Tasks Act.

Point 4 letter a specifies designation requirements for tow convoys.

**Enabling provisions:** § 3 Paragraph 1, first sentence point 1 in conjunction with the second sentence and § 14, first sentence Inland Navigation Tasks Act.

Point 4 letter b removes the requirement of a matte window for the light visible from all sides on a towed vehicle, visible from all sides, since this is unnecessary, especially since it is not required in the other police regulations.

**Enabling provisions:** § 3 Paragraph 1, first sentence point 1 in conjunction with the second sentence and § 14, first sentence Inland Navigation Tasks Act.

Point 5 adopts a designation regulation, which hitherto only applies to towing groups preceded by a tugboat, also for coupled vehicles, because it is not excluded that they also have to resort to the help of a tugboat. In such cases, it would remain unclear which vehicle has to carry which designation.

**Enabling provisions:** § 3 Paragraph 1, first sentence point 1 in conjunction with the second sentence and § 14, first sentence Inland Navigation Tasks Act.

Point 6 supplements the designation obligation of fishing vessels' nets or booms with the possibility to do so by means of yellow flags.

**Enabling provisions:** § 3 Paragraph 1, first sentence point 1 in conjunction with the second sentence and § 14, first sentence Inland Navigation Tasks Act.

Point 7 shall adapt the obligations of the shipmaster and the person responsible for the course and speed of the vessel to comply with amended administrative rules.

**Enabling provisions:** § 3 Paragraph 1, first sentence point 1 in conjunction with the second sentence and § 14, first sentence Inland Navigation Tasks Act.

Point 8 clarifies that when both radar and domestic AIS in conjunction with domestic ECDIS are used, the actual radar image is decisive for the nautical decisions of the shipmaster and the person responsible for the course and speed of the vehicle.

**Enabling provisions:** § 3 Paragraph 1, first sentence points 1 and 4 in conjunction with the second sentence, each in conjunction with § 14, first sentence Inland Navigation Tasks Act.

With point 9, the movement at the same height for all vehicles is accepted, after only small vehicles were allowed to do so until now. However, there are no nautical reasons that oppose this if the available space allows to do so safely. In addition, the regulations are aligned with the Rhine Navigation Police Regulation and the Moselle Navigation Police Regulation applicable on the Moselle.

**Enabling provisions:** § 3 Paragraph 1, first sentence point 1 in conjunction with the second sentence and § 14, first sentence Inland Navigation Tasks Act.

Point 10 changes the announcement of passing through a movable bridge. In the future, this should also be possible via radio.

**Enabling provisions:** § 3 Paragraph 1, first sentence point 1 in conjunction with the second sentence and § 14, first sentence Inland Navigation Tasks Act.

Point 11 extends the requirement that a pier of a passenger ship must be sufficiently illuminated in the dark by the possibility that this can also be done by the passenger ship itself being on berth there.

**Enabling provisions:** § 3 Paragraph 1, first sentence point 1 in conjunction with the second sentence and § 14, first sentence Inland Navigation Tasks Act.

Points 12 to 15 incorporate existing temporary arrangements for the Main into permanent law. The background to the regulations is the registration of vehicles and associations with a length of more than 110.00 m, in particular in relation to cabin vessels, for sailing above the port of Aschaffenburg. So far, it has been possible, under certain conditions, to increase the generally permissible length from 90.00 metres to a maximum of 110.00 m, which did not do justice to shipping on the Main.

The registration of vehicles and associations of more than 110.00 m is particularly affected by the requirements on the dimensions of vehicles and convoys. Here, longer lengths for the voyage above the port of Aschaffenburg are linked to certain equipment. The requirements for the use of locks and traffic regulations are also affected.

**Enabling provisions:** § 3 Paragraph 1, first sentence points 1 and 2 in conjunction with the second sentence, each in conjunction with § 14, first sentence Inland Navigation Tasks Act.

Paragraph 16 shall adapt the duties of the shipmaster, the person responsible for the course and speed, the owner and the equipment supplier to the amended administrative regulations.

**Enabling provisions:** § 3 Paragraph 1, first sentence points 1 and 2 in conjunction with the second sentence, each in conjunction with § 14, first sentence Inland Navigation Tasks Act.

Under points 17 to 19, existing temporary arrangements for the Main-Danube Canal are incorporated into permanent law. The background to the regulations is the registration of vehicles and associations with a length of more than 110.00 m, in particular in relation to cabin vessels. So far, it has been possible, under certain conditions, to increase the generally permissible length from 90.00 metres to a maximum of 110.00 m, which did not do justice to shipping on the Main.

The registration of vehicles and associations of more than 110.00 m is particularly affected by the requirements on the dimensions of vehicles and convoys. Here, longer lengths for the voyage above the port of Aschaffenburg are linked to certain equipment. The requirements for the use of locks and traffic regulations are also affected.

**Enabling provisions:** § 3 Paragraph 1, first sentence points 1 and 2 in conjunction with the second sentence, each in conjunction with § 14, first sentence Inland Navigation Tasks Act.

Paragraph 20 shall adapt the duties of the shipmaster, the person responsible for the course and speed, the owner and the equipment supplier to the amended administrative regulations.

**Enabling provisions:** § 3 Paragraph 1, first sentence points 1 and 2 in conjunction with the second sentence, each in conjunction with § 14, first sentence Inland Navigation Tasks Act.

Point 21 introduces a new special chapter for the German Danube. The structure of the chapter corresponds to that of the special chapters for further inland waterways within the scope of the Inland Waterways Order. For the most part, the provisions contained therein already exist as temporary arrangements for Appendix A to the Danube Navigation Police Regulation 1993, which previously applied on the German Danube Danube. Some of the current temporary arrangements were not adopted because they proved to be unnecessary or because they were special provisions for the German-Austrian border line of the Danube that were abandoned.

The special chapter for the German Danube has been supplemented by a number of further regulations. In particular the regulations for the continued application of current requirements for lights and signalling lamps on the Danube are to be mentioned.

Re § 28.01

§ 28.01 defines the scope of the special chapter for the German Danube. It extends from the mouth of the Main-Danube Canal to the German-Austrian border.

The kilometre marking of the waterways is very different. For the Danube, the kilometre

marking begins at its natural mouth in the Danube Delta into the Black Sea (Donau km '0') and then rises (without interruption at the national borders) upstream towards the source.

Due to the view of the entire Main-Danube waterway, starting from the Main, the scope of application is determined not to ascent (upstream), but to descent (downstream).

Within Regensburg, the Danube branches several times. While continuous large-scale shipping typically travels the north arm, the south arm can only be used by smaller vessels. The splitting into different river arms in the Regensburg area also has an impact on the dimensions of the vehicles regulated in § 28.02, because the southern arm in Regensburg is often additionally designated.

Re § 28.02

Unlike in other special chapters of the Inland Waterways Order, no dimensions are determined for the Danube, which apply throughout the waterway. This is done against the background that due to the strong inflows downstream between Kelheim and Jochenstein, the Danube is steadily increasing in size and therefore becomes usable for ever-larger vehicles and associations at Tal (direction of the German Austrian border).

In the upper river of the waterway near Kelheim, the permitted dimensions are particularly small. In the case of generally applicable dimensions, the dimensions permitted there would have to be the basic standard.

However, the Danube Navigation Police Regulation 1993 did not contain any dimensions for the area of the common border line with the Republic of Austria. These therefore end at the Kräutelsstein railway bridge. Here begins the common border line (south bank: Republic of Austria – north bank: Federal Republic of Germany), which then ends downstream in Jochenstein. From that point, the north bank also belongs to the Republic of Austria.

In theory, vehicles of any size could travel here. In practice, however, the dimensions are limited solely by the size of the lock chambers on the border line. If there were now a catch-all event with a general dimension, the latter would then also apply for the border line, i.e. prescribe the lowest dimensions here, without larger ones being allowed under the Regulation. But this would not be plausible. Therefore, in the special chapter of the Inland Waterways Order for the German Danube, there are no dimensions specified on the entire waterway de jure.

Re § 28.03

§ 28.03 lays down the dimensions and groupings of the tow convoys on the German Danube and regulates the behaviour of the vehicle moving the convoy when mooring or anchoring.

Re § 28.04 and § 28.05

There are no special regulations on the permissible speed and ascent on the German Danube.

Re § 28.06

§ 28.06 defines the areas in which a regulated encounter takes place (point 1). This is not intended on the free-flowing Danube section between Straubing and Vilshofen. The general principle of professional practice applies here.



Re § 28.07 to § 28.09

There are no special regulations on the German Danube for overtaking, turning and anchoring.

Re § 28.10

That provision lays down special rules on being on berth on the specifically designated Heining basin.

Re § 28.11

This provision includes the cessation of shipping when the maximum water level is reached or exceeded. This is based on different stream gauges along the German Danube.

Re § 28.12 to § 28.15

There are no special provisions on the German Danube for shipping on ice, night shipping, the use of carrier ship lighters and the notification obligation.

Re § 28.16

In some special chapters on waterways within the scope of the Inland Waterways Order, specific bridge heights are laid down in the relevant regulation. This can be seen for the German Danube due to the large number of bridges, including in secondary arms, and the diverse boundary conditions on which the passage heights do not depend in this special chapter. The provision therefore merely contains a reference to the notice of bridge passage heights by the navigating police notice of the competent authority.

Re § 28.17

There are no special regulations on the German Danube for the marking of bridge and lock passages.

Re § 28.18

The provision contains special rules of conduct for the compilation and regrouping of a convoy during locking.

Re § 28.19

The regulation specifies specific features for the Kachlet and Jochenstein locks. At these locks, in addition to the actual lock signals, there are also pre-signalling systems. Therefore, the lock area is also extended to the distance between these and the lock. In addition, it is regulated that a vehicle must also observe the corresponding instructions of the pre-signalling systems. This does not apply to small vehicles.

Re § 28.20 and § 28.21

There are no special provisions on the German Danube for sailing and the designation of the vehicles.

Re § 28.22

The special rules here relate to the conduct when driving the route between the Jochenstein and Ashach dams and to prohibitions in the exercise of fishing.

Re § 28.23 and § 28.24

On the German Danube, there are no special regulations for radio communication or small vehicles.

Re § 28.25

The regulation contains a ban on driving due to existing risk of accidents and corresponding exceptions.

Re § 28.26

There are no special regulations on the German Danube for the protection of canals and installations.

Re § 28.27

The regulation contains a ban on the use of designated fish resting zones. Re § 28.28

There are no special provisions on the German Danube with regard to the use of waterways.

Re § 28.29

The provision lays down the obligations of the shipmaster, the person responsible for course and speed, the owner and the equipment supplier in order to be able to standardise the application of fines.

Re § 28.30

The requirements for lights, draught marks, draught scales, signalling lamps and radar devices are generally laid down in § 1.01 points 30 and 31, § 2.04, § 3.02 point 2 and § 4.06 point 1, first sentence letter a in the general part of the Inland Waterways Order. With the regulation of § 28.30, however, the lights, signal lights and radar devices that can be used on the basis of the previous Danube Navigation Police Regulation 1993 may continue to be used in the future as well as further affixed draught marks and draught scales.

In this context, it must be borne in mind that the Danube Navigation Police Regulation 1993 was not updated in its general part to this day, but still refers to the DFND 1993. An additional dynamic reference to the requirements of the current DFND with regard to the above requirements is omitted because they have not been put into effect on the German Danube.

From a legal point of view, however, there are no concerns if generally valid lights, draught marks, draught scales, signalling lamps and radar devices on the Danube are considered to continue to be usable until they have to be replaced. Since such a wording includes both the requirements of the obsolete Danube Navigation Police Regulation 1993 and those according to the meanwhile renewed DFND, ultimately the wording in § 28.30 was chosen.

**Enabling provisions:** § 3 Paragraph 1, first sentence, points 1 to 6a and 8 in conjunction with the second sentence and § 14, first sentence, Inland Navigation Tasks Act.

Point 22 contains a subsequent amendment following the insertion of the new special chapter for the German Danube as Chapter 28.

**Enabling provisions:** § 3 Paragraph 1, first sentence points 1 and 2 in conjunction with the second sentence, each in conjunction with § 14, first sentence Inland Navigation Tasks Act; § 3 Paragraph 1, first sentence point 1 and 2 in conjunction with the second sentence, paragraph 2 point 2, paragraph 5, first sentence and paragraph 6 point 1 letter a and b, respectively in conjunction with § 14, first sentence Inland Navigation Tasks Act.

### Articles 3 to 6

Articles 3 to 6 contain follow-up changes due to the amendment of the Inland Waterways Order and the thus omitted previous Danube Navigation Police Regulation. The amendments consist of the deletion of the references to the previous Danube Navigation Police Regulation in the respective mentioned provisions.

**Enabling provisions:** § 3 Paragraph 1, first sentence point 1 in conjunction with the second sentence and § 14 Sentence 1 Inland Navigation Tasks Act.

### Article 7

Article 7 repeals the previous Danube Navigation Police Regulation and two temporary regulations on the Inland Waterways Order and the Danube Navigation Police Regulation.

**Enabling provisions:** § 3 Paragraph 1 point 1, 2, 4 and 5 in conjunction with the second sentence, each in conjunction with § 14, first sentence Inland Navigation Tasks Act.

### Article 8

Article 8 governs the entry into force of the new rules.

#### VI. Time limit; evaluation

A time limit cannot be considered because the provisions of the Inland Waterways Order have proven to be effective and the provisions of the Danube-specific regulations have been in place for a long time as temporary arrangements. For these reasons, there is no need for an evaluation.