Commission Delegated Regulation (EU) 2020/474 of 20 January 2020 on the European Hull Data Base

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on the European Hull Data Base

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Directive (EU) 2016/1629 of the European Parliament and of the Council of 14 September 2016 laying down technical requirements for inland waterway vessels, amending Directive 2009/100/EC and repealing Directive 2006/87/EC[(1)], and in particular Article 19(7) thereof,

Whereas:

(1) In order to ensure the smooth application of Directive (EU) 2016/1629 full access should be granted to the competent authorities of the Member States, the Contracting parties to the Revised Convention for Rhine Navigation and third countries entrusted with the tasks related to the application of Directive (EU) 2016/1629 and Directiv 2005/44/EC of the European Parliament and of the Council[(2)].

(2) Full access allows Member States to cooperate among themselves, as well as with third countries, and to coordinate their work with respect to the processing of data regarding the crafts entered in the EHDB.

(3) Read only access to the EHDB should be provided to other authorities in order to perform administrative measures for ensuring waterway traffic and infrastructure management, maintaining or enforcing safety of navigation and collecting statistical data.

(4) To ensure the smooth operation of the EHDB and to facilitate the verification of the access requests to the EHDB, Member States, contracting parties to the Revised Convention for Rhine Navigation and relevant third countries should designate a single contact point.

(5) It is appropriate to set out the steps Member States should follow when providing the read-only access to the EHDB in order to ensure security of data and the smooth operation of the EHDB.

(6) High-quality, comparable, up-to-date, reliable and harmonised data on inland navigation crafts are needed in order to facilitate the verification of a craft's present and past data and information related to the issued certificates and new applications for certificates. Consequently a detailed list of data related to the craft should be set out.

(7) The specifications should remain technology-neutral and open to innovative Technologies and the once-only and interoperability-by-default principles should apply.

Changes to legislation: *There are currently no known outstanding effects for the Commission Delegated Regulation (EU) 2020/474. (See end of Document for details)*

Due account should be taken of the principles and recommendations set out in the EU eGovernment Action Plan 2016-2020[3] and the European Interoperability Framework[4].

(8) Whenever the measures provided for in this Regulation entail the processing of personal data, it should be carried out in accordance with Union law on the protection of personal data, in particular Regulation (EU) 2018/1725 of the European Parliament and of the Council[5] with regard to the processing by the European Commission and Regulation (EU) 2016/679 of the European Parliament and of the Council[6] with regard to the processing by the Member States competent authorities.

(9) The European Data Protection Supervisor was consulted in accordance with Article 42 of Regulation (EU) 2018/1725,

HAS ADOPTED THIS REGULATION:

Article 1

Subject matter and scope

This Regulation lays down rules on the collection, processing and access of the data kept in the European Hull Data Base (EHDB) referred to in Article 19 of Directive (EU) 2016/1629, as well as the types of access permitted and the instructions regarding the use and operation of the database.

Article 2

Collecting data

Member States shall enter in the EHDB the data for the identification of a craft referred to in Annex 1 to this Regulation.

Article 3

Full access of and processing of the data in the EHDB

1 The data shall be accessed and processed by the competent authorities of the Member States, by the contracting parties to the Revised Convention for Rhine Navigation and by third countries entrusted with the tasks related to the application of Directives (EU) 2016/1629 and 2005/44/EC in order to support the implementation of administrative measures for maintaining safety and ease of navigation and to ensure application of Directive (EU) 2016/1629.

2 Each Member State, contracting party to the Revised Convention for Rhine Navigation and third country referred to in paragraph 1 shall notify the Commission the names and addresses of the competent authorities referred to in paragraph 1.

3 Member States shall ensure consistency between the data kept in registers referred to in Article 17 of Directive (EU) 2016/1629 and data provided in the EHDB.

4 Full access to the EHDB shall be granted in accordance with Annex 3 to this Regulation.

Article 4

Read-only access to the EHDB

1 In order to perform administrative measures for ensuring waterway traffic and infrastructure management, maintaining or enforcing safety of navigation and collecting statistical data, read-only access to the EHDB may be granted to authorities, other than those referred to in Article 3 of Member States, of contracting parties to the Revised Convention for Rhine Navigation and of third countries referred to in Article 3(1) of this Regulation.

2 Each Member State, contracting party to the Revised Convention for Rhine Navigation or third country shall notify the Commission of the names and addresses of the bodies referred to in paragraph 1, indicating their user profiles in accordance with Annex 2 to this Regulation.

3 The read-only access to the EHDB shall be granted in accordance with Annex 4 to this Regulation.

Article 5

Single contact point for the EHDB

1 Each Member State, contracting party to the Revised Convention for Rhine Navigation and third country referred to in Article 3(1) shall designate a single contact point for the Commission and other Member States, in order to facilitate the exchange of information on the validation of the access in accordance with Articles 3 and 4. Notifications in accordance with paragraph (2) of Article 3 and paragraph (2) of Article 4 shall be done by recording the relevant information in the EHDB.

2 The single contact point shall be selected among the competent authorities referred to in Article 3(1) of this Regulation.

3 Each Member State, contracting party to the Revised Convention for Rhine Navigation and third country referred to in Article 3(1) of this Regulation shall notify the Commission the names and contact details of the single contact point for the EHDB.

Article 6

Entry into force

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Changes to legislation: *There are currently no known outstanding effects for the Commission Delegated Regulation (EU) 2020/474. (See end of Document for details)*

Done at Brussels, 20 January 2020.

For the Commission

The President

Ursula VON DER LEYEN

ANNEX 1

The data for the identification of a craft

The list of data for the identification of a vessel as set out in Annex 2 of the applicable European Standard laying down Technical Requirements for Inland Navigation vessels shall be those referred to in Annex II to Directive (EU) 2016/1629.

ANNEX 2

User profiles and access rights

1.1. The Commission shall grant access rights to individual users corresponding to the user profiles laid down in Table 1.

1.2. The Commission may also grant access to the EHDB to international organisations and authorities of a third country, in accordance with Article 19(5) of Directive (EU) 2016/1629 where the requirements set out in Article 46 of Regulation (EU) 2018/1725 are fulfilled. User profiles or their access rights can be limited following the result of the assessment concerning the level of protection of natural persons' personal data.

User profiles	**Definition**	**Access rights**
Technical Certification Authority	Competent authority or inspection body for the issuance of the Union inland navigation certificates in accordance with Article 6 of Directive (EU) 2016/1629 Or Inspection body for the issuance of certificate pursuant to Article 22 of the Revised Convention for Rhine Navigation Or Similar competent authority of third countries that is entrusted with tasks related to the application of Directive (EU) 2016/1629 Or Competent authority for the issuance of the unique European vessel identification number in accordance with Article 18 of Directive (EU) 2016/1629	Full access
RIS Authority	Competent authority for the RIS application and for the international exchange of data in accordance with	Full access (limited to the application of Directive 2005/44/EC)