Commission Implementing Decision (EU) 2020/980 of 6 July 2020 authorising Germany to derogate from technical requirements of Annexes II and V to Directive (EU) 2016/1629 of the European Parliament and of the Council for passenger vessels Innogy and Alsterwasser (notified under document C(2020) 4435) (Only the German text is authentic)

COMMISSION IMPLEMENTING DECISION (EU) 2020/980

of 6 July 2020

authorising Germany to derogate from technical requirements of Annexes II and V to Directive (EU) 2016/1629 of the European Parliament and of the Council for passenger vessels Innogy and Alsterwasser

(notified under document C(2020) 4435)

(Only the German text is authentic)

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 25(1) (b) thereof,

After consulting the Committee established pursuant to Article 7 of Council Directive 91/672/EEC of 16 December 1991 on the reciprocal recognition of national boatmasters' certificates for the carriage of goods and passengers by inland waterway[(2)],

Whereas:

(1) Germany notified the Commission of its intention to derogate from certain technical requirements of Annexes II and V to Directive (EU) 2016/1629 for passenger vessels Innogy and Alsterwasser.

(2) The proposed derogation concerns the use of the fuel cell technology with methanol as fuel for passenger vessels ‘Innogy’ and ‘Alsterwasser’.

(3) Fuel cells are a promising technology in the context of clean power sustainability and alternative fuels for vessels.

(4) Different specific developments on fuel cells are available today in maritime transport thanks to research and pilot projects under evaluation that have revealed strong potential for further scaled up implementation (FCShip, Felicitas, METHAPU and MC-WAP).

(5) The proposed derogation encourages innovation and the use of new technology in inland navigation through the pilot implementation of fuel cell technology in inland waterway vessels.

(6) Such tests are part of the technology deployment, which is the only way to initiate the possible production phase.

(7) Technical specifications for inland navigation vessels are provided in the European Standard laying down Technical Requirements for Inland Navigation vessels (ES-TRIN standard)[3] set up by the CESNI. The currently applicable ES-TRIN standard 2017/1 contains no rules for the use of methanol as fuel for inland waterway vessels.

(8) In the absence of regulatory provisions for the use of methanol as fuel for inland waterway vessels, it is necessary to ensure an adequate level of safety of the proposed use of methanol as fuel.

(9) The German authorities explained that an adequate level of safety can be achieved by the means defined in the Annex to this Decision.

(10) These means were developed taking into account the current provisions of Chapter 30 of ES-TRIN (Special provisions applicable to craft equipped with propulsion or auxiliary systems operating on fuels with a flashpoint equal to or lower than 55 °C) and Annex 8 to ES-TRIN (supplementary provisions applicable to craft equipped with propulsion or auxiliary systems operating on fuels with a flashpoint equal to or lower than 55 °C).

(11) The Commission assessed the use of the fuel cell technology with methanol as fuel for the passenger vessels and an adequate level of safety of the proposed derogation, based on/on the basis of the technical examination carried out by the Working group on technical requirements of the European Committee for drawing up Standards in Inland Navigation (CESNI). The results of that technical examination are set out in the draft recommendations No 3/2017 and No 4/2017 of 28 September 2019 of CESNI.

(12) The risk assessment annexed to the draft recommendations identifies and assesses possible hazards as a result of using methanol as fuel and operating a fuel cell system aboard the passenger vessel having regard to existing protection measures. The conclusion of the risk assessment is that the operation, bunkering and maintenance of the system can be safely undertaken having regard to the planned measures and procedures defined in the draft recommendations.

(13) On the basis of the results of the technical examination carried out by the Working group on technical requirements of CESNI, the Commission is satisfied that an adequate level of safety is ensured, provided that the conditions set out in the draft recommendations of the Working group on technical requirements of CESNI are met. For the sake of clarity and legal certainty those conditions should be set out in the Annex to this Decision.

(14) The derogation concerns issuance of a Union inland navigation certificate for trial purposes incorporating new technical specifications that derogate from the provisions of Annex 8 to the ES-TRIN standard 2017/1, and it is granted for a limited period until 1 October 2022,

HAS ADOPTED THIS DECISION: