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COMMISSION OF THE EUROPEAN COMMUNITIES

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COM(79) 356 final  
Brussels, 5 July 1979

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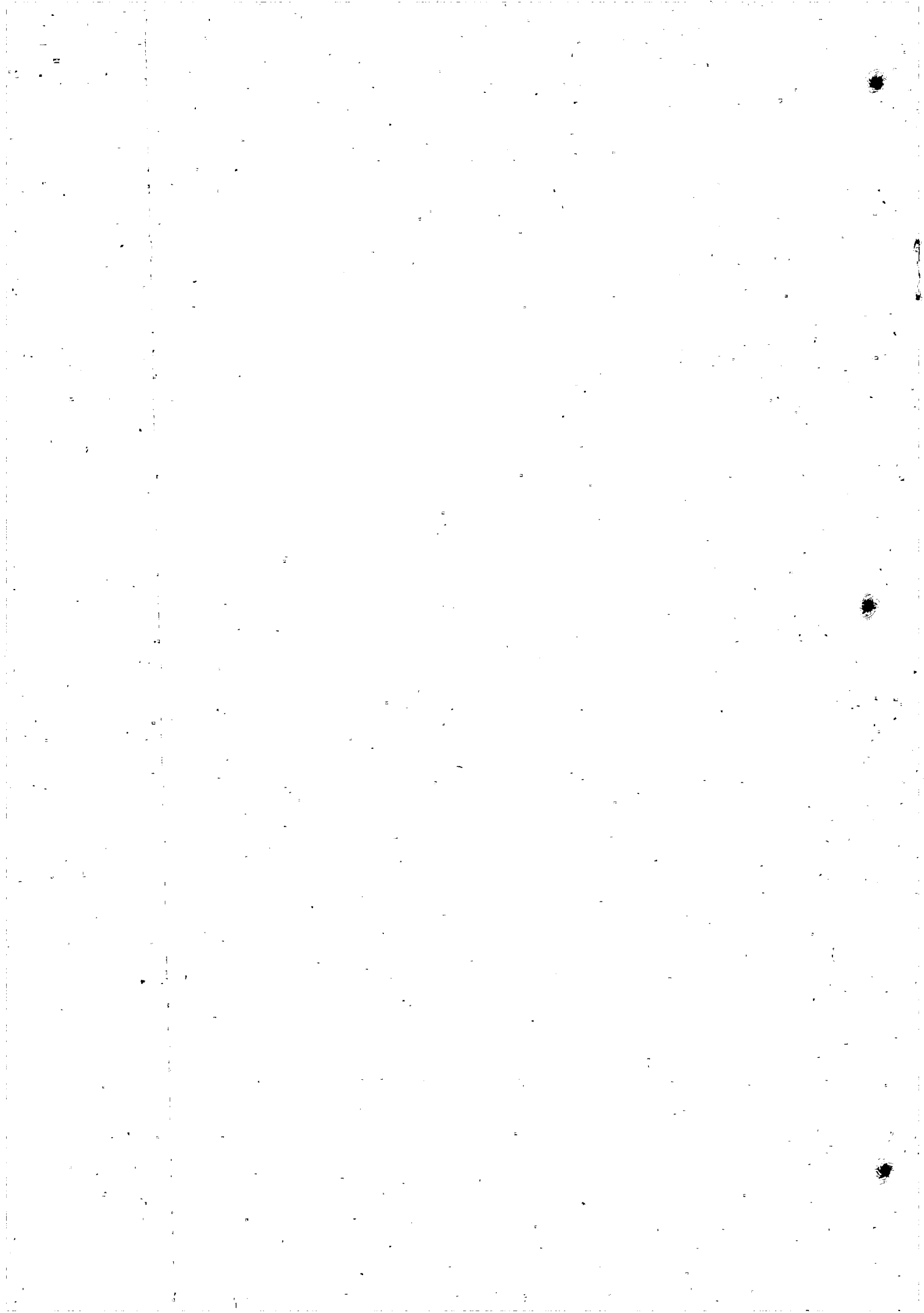
Proposal for a  
COUNCIL DECISION

amending the Decision of 19 December 1978 on the adoption by certain Member States of the European Economic Community of an additional Protocol to the revised Convention for the Navigation of the Rhine of 17 October 1868 in its version of 20 November 1963

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(submitted to the Council by the Commission)

COM(79) 356 final



### Explanatory Note

1. In order to avoid the disturbances to the Rhine transport market which are likely to follow the opening in the near future of the Main-Danube/<sup>canal</sup>, the Central Commission for the Navigation of the Rhine (CCR) has prepared a draft of an Additional Protocol to the revised Convention for the Navigation of the Rhine (Act of Mannheim). The Commission presented to the Council a proposal linking the adoption of this protocol to the accession of the Community to the said Convention (1). On 19 December 1978, the Council approved a decision providing for common action by the Member States to seek approval, within the CCR, of an amended text of the Additional Protocol with a Protocol of Signature. It also instructed COREPER to continue its work on the question of accession.

2. The proposed texts encountered objections from the representatives of Switzerland at the CCR and it appeared necessary to re-examine them. In multilateral meetings, both outside and within the CCR, in which the Commission's departments participated, a solution has been found which recognizes both the preoccupations of the Community and those of Switzerland, in the form of a new draft Protocol of Signature which defines and completes the Additional Protocol approved by the Council on 19 December 1978.

3. The present draft decision is intended to solidify this solution by modifying the aforementioned Council decision of 19 December 1978, in particular by replacing the text of the Protocol of Signature by a new text without touching the text of the Additional Protocol to the revised Convention for the Navigation of the Rhine approved on that date.

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(1) Doc. COM(77)518 final of 21.10.1977

PROPOSAL FOR A  
COUNCIL DECISION AMENDING THE DECISION OF 19 DECEMBER 1978  
ON THE ADOPTION BY CERTAIN MEMBER STATES OF THE EUROPEAN ECONOMIC  
COMMUNITY OF AN ADDITIONAL PROTOCOL TO THE REVISED CONVENTION FOR  
THE NAVIGATION OF THE RHINE OF 17 OCTOBER 1868 IN ITS VERSION OF  
20 NOVEMBER 1963

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THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic  
Community,

Having regard to the proposal from the Commission,

whereas, following the Council Decision of 19 December 1978, the texts  
of the draft Additional Protocol to the revised Convention for the  
Navigation of the Rhine and of a draft Protocol of Signature, approved  
by the Council, did not receive the essential agreement of Switzerland;

whereas it is appropriate in these circumstances to amend the text of  
the Protocol of Signature and accordingly to amend the aforementioned  
Decision;

whereas the procedure provided for in Article 2 of the said  
Decision is applicable in particular to any decisions taken  
by virtue of the second sentence of paragraph 3 of the new draft  
Protocol of Signature,

HAS DECIDED AS FOLLOWS :

Sole Article

The Council Decision of 19 December 1978 on  
the adoption by certain Member States of the European Economic  
Community of an Additional Protocol to the revised Convention  
for the Navigation of the Rhine of 17 October 1868 in its version

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of 20 November 1963 is amended as follows:

1. Annex II is replaced by the text annexed to this Decision.

2. The following is added to Article 2:

"This procedure shall apply in particular to the decisions referred to in the second sentence of paragraph 3 of the Protocol of Signature."

Done at

For the Council

The President

DRAFT PROTOCOL OF SIGNATURE

The Plenipotentiaries

of ..... (List of the Contracting Parties), meeting in Strasbourg for the purpose of signing the Additional Protocol to the Revised Convention for the Navigation of the Rhine, agreed at the time of signing this Protocol to the following provisions which shall form an integral part of the said Additional Protocol:

1. The document referred to in Article 2(3) of the revised Convention for the Navigation of the Rhine, as amended by the Additional Protocol, shall be issued by the competent authority of the State concerned only for vessels which have a genuine link with that State in a manner to be determined on the basis of equal treatment between Contracting States; these States will take the measures necessary to ensure its uniform adoption. If the conditions for the issue of this document cease to be fulfilled, it shall lapse and must accordingly be withdrawn by the issuing authority.
2. In the interests of developing the common transport policy and the Rhine regime, the Contracting States are prepared to take the measures necessary to permit the negotiation of such amendments to the Revised Convention for the Navigation of the Rhine as may prove to be required with a view to possible accession by the EEC to the international Rhine regime.
3. With a view to this possible accession, the treatment accorded to vessels which belong to the Rhine Navigation shall be accorded, as from the entry into force of the present Protocol, to vessels which have the right to fly the flag of a Member State of the EEC. The same treatment may be accorded by means of a decision taken in accordance with the procedure laid down in the 2nd sentence of Article II(1) of the Additional Protocol, to vessels which fly the flag of another State.

Draft Statements by the Council and the Commission, to be entered in the minutes of the Council meeting at which the Decision is adopted

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1. The Council and the Commission, with reference to paragraph 1 of the Protocol of Signature, state that the conditions for the issue of the document referred to in paragraph 1 of that Protocol will, as regards the Community, be determined by the Council in accordance with the procedure laid down in Article 75 of the Treaty.
  2. The Council instructs the Permanent Representatives Committee to press on with implementation of the brief handed down by the Council on 23 November 1978.
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