

COMMISSION DECISION (EU) 2023/1555**of 25 July 2023****on providing access to the European Crew Database and to the European Hull Database to the authorities of Switzerland**

THE EUROPEAN COMMISSION,

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

Having regard to Directive (EU) 2017/2397 of the European Parliament and of the Council of 12 December 2017 on the recognition of professional qualifications in inland navigation and repealing Council Directives 91/672/EEC and 96/50/EC ⁽¹⁾, and in particular Article 25(4) thereof,

Whereas:

- (1) Pursuant to Article 25(2) of Directive (EU) 2017/2397, Member States are to reliably record without delay certificates of qualification, service record books and logbooks in the Commission's databases for the purpose of implementing, enforcing and evaluating Directive (EU) 2017/2397 and for maintaining safety, for ease of navigation, as well as for statistical purposes, and in order to facilitate the exchange of information between the authorities that implement that Directive. To this end, the Commission established the European Crew Database ('ECDB') for certificates of qualifications and service record books and the European Hull Database ('EHDB') for logbooks by adopting Commission Delegated Regulation (EU) 2020/473 ⁽²⁾.
- (2) Article 25(2) of Directive (EU) 2017/2397 and Article 1 of Delegated Regulation (EU) 2020/473 further provide for the inclusion of information concerning certificates of qualification, service record books and logbooks recognised pursuant to Article 10(2) of Directive (EU) 2017/2397 in the Commission's databases. Article 10(2) of Directive (EU) 2017/2397 refers to certificates of qualification, service record books or logbooks issued in accordance with the Regulations on Rhine Navigation Personnel ⁽³⁾, which are valid on Union inland waterways if the requirements of those Regulations are identical to those of Directive (EU) 2017/2397 and if the issuing third country recognises, within its jurisdiction, Union documents pursuant to Directive (EU) 2017/2397.
- (3) Switzerland issues certificates of qualification, service record books or logbooks on the basis of the Regulations on Rhine Navigation Personnel under requirements identical to those of Directive (EU) 2017/2397 and accepts corresponding Union documents in its jurisdiction, so that Swiss certificates of qualification are valid on Union inland waterways pursuant to Article 10(2) of Directive (EU) 2017/2397.
- (4) Pursuant to Article 2.01 of the Regulations on Rhine Navigation Personnel, which was adopted in accordance with Council Decision (EU) 2022/1912 ⁽⁴⁾, Switzerland is also obliged to include each certificate of qualification, service record book and logbook issued by a competent authority, and the data contained therein, in the national register to be kept as required by Article 25 of Directive (EU) 2017/2397 and to link its national registers with the register kept by the Commission in accordance with the requirements of Delegated Regulation (EU) 2020/473.

⁽¹⁾ OJ L 345, 27.12.2017, p. 53.

⁽²⁾ Commission Delegated Regulation (EU) 2020/473 of 20 January 2020 supplementing Directive (EU) 2017/2397 of the European Parliament and of the Council with regard to the standards for databases for the Union certificates of qualification, service record books and logbooks (OJ L 100, 1.4.2020, p. 1).

⁽³⁾ Annex 2022-II-9 to CC/R 2022 II, V.

⁽⁴⁾ Council Decision (EU) 2022/1912 of 29 September 2022 on the position to be taken on behalf of the European Union within the Central Commission for the Navigation of the Rhine on the adoption of the revised Regulations for Rhine Navigation Personnel (OJ L 261, 7.10.2022, p. 48).

- (5) On 20 October 2021, Switzerland has submitted to the Commission a request to receive access to the databases of the Commission.
- (6) In accordance with Article 25(4) of Directive (EU) 2017/2397, authorities in third countries that issue certificates of qualification, service record books or logbooks on the basis of the Regulations on Rhine Navigation Personnel may be granted access to the database in so far this is necessary for the purposes referred to in Article 25(2) of Directive (EU) 2017/2397 provided that the requirements on data protection of Article 9 of Regulation (EC) No 45/2001 of the European Parliament and the Council ⁽⁵⁾ are fulfilled, the third country does not limit access by Member States or by the Commission to its corresponding database and if the Commission ensures that the third country does not transfer the data to another third country or international organisation without the Commission's express written authorisation and under the conditions specified by the Commission.
- (7) The Commission has recognised Switzerland as providing adequate level of data protection ⁽⁶⁾. Furthermore, Switzerland has assured by official letter that it will grant access to its corresponding databases and that it will not transfer any data to another third country or international organisation without the Commission's express written authorisation and under the conditions specified by the Commission.
- (8) The access to the Commissions' databases needs finally to be necessary for the purposes stated in Article 25(2) of Directive (EU) 2017/2397 of implementing, enforcing and evaluating the Directive, for maintaining safety, for ease of navigation, as well as for statistical purposes, and in order to facilitate exchange of information between relevant authorities.
- (9) Taking into account that crew members with Swiss qualifications regularly operate in Union inland waterways and that the certificates of qualification, service record books or logbooks issued by Switzerland must fulfil requirements identical to those required by Directive (EU) 2017/2397, an exchange of relevant information between Member States and Switzerland is needed for implementing, enforcing and evaluating Directive (EU) 2017/2397 while ensuring uninterrupted navigation in a safe and rightful manner in Union inland waterways. Furthermore, granting access to the ECDB and EHDB to Switzerland will allow the Commission to keep a complete register of relevant crew data and help statistical purposes. Therefore, it is necessary for the purposes stated in Article 25(2) of Directive (EU) 2017/2397 to grant access to the ECDB and EHDB to the competent authorities of Switzerland.
- (10) The Commission, after assessing the request of Switzerland, considers that it is appropriate to grant access to the ECDB and EHDB to the authorities of Switzerland,

HAS ADOPTED THIS DECISION:

Article 1

Access to the European Crew Database and the European Hull Database shall be provided to the authorities of Switzerland.

Article 2

This Decision shall enter into force on the on the day of its publication in the *Official Journal of the European Union*.

⁽⁵⁾ Regulation (EC) No 45/2001 of the European Parliament and the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (OJ L 8, 12.1.2001, p. 1).

⁽⁶⁾ see <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32000D0518&from=EN>.

Done at Brussels, 25 July 2023.

For the Commission
The President
Ursula VON DER LEYEN
