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Trends in the Development of Inland Navigation Law in the Danube Countries

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Abstract: The purpose of this article is to identify the main directions for the development of inland navigation law in the Danube countries. The importance of the results obtained for practice, law-making and scientific work lies in the fact that they help to mobilise resources. The study is based on an analysis of EU and Danube countries' legislation in the field of navigation, a comparison of the strategies and programmes of these entities, and official statistical and economic information. The study is the first in Europe to be carried out using data from Romania, Germany and Ukraine. The use of comparative and analytical methods, as well as cross-sectoral and interdisciplinary approaches, ensured the reliability of the results. At the global level, the development of law is characterised by its responses to challenges related to climate, digitalisation and security. The English language may influence its development by introducing elements of common law into domestic shipping law. At the regional level, the role of EU law is growing. Germany, Hungary, Romania, Ukraine and other Danube countries are developing domestic shipping law at the national (local) level in accordance with their legal traditions and local conditions, taking into account the mandatory provisions of EU law.

Keywords: Shipping; levels of functioning; development

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1. Introduction

The relevance of identifying trends in the development of inland navigation law is due to the insufficient level of research and the growing importance of forecasting in law-making. The theoretical and practical need to study the evolution of inland navigation law is explained by the need to understand its state and manage it. Previously, research was conducted on the development of shipping on inland waterways or the development of waterways. However, based on materials from Germany, Romania and Ukraine, the issue of trends in the development of domestic shipping law in Europe has not been studied previously.

The Danube River is a recognised source of life and prosperity. It plays an integrative role and is of fundamental importance for European countries (Pusca, Pirju 2013). The European Union Strategy for the Danube Region recognises that transport on the Danube is underdeveloped and needs to be improved (Săgeată, 2012). The strategy identifies ‘Mobility on waterways’ as a priority area for development, with the aim of improving the mobility and multimodality of inland waterways. The priority area includes objectives related to improving the legal framework. It is planned to introduce harmonised river information services on the Danube and its navigable tributaries in accordance with European legal provisions and to ensure international data exchange; harmonise competence standards for professions in the field of navigation on the Danube; establish transparent administrative procedures, in particular border controls, for navigation on the Danube and its navigable tributaries (The EU Strategy for the Danube Region, 2010).

2. Development of the Global Shipping Landscape

Among the factors influencing trends in the development of inland waterway transport law, the acceleration of global change plays an important role. This change is happening much faster than before, driven by climate-related challenges, digitalisation and security issues. Global problems need to be solved with reliable rules that need to be constantly improved to keep up with the times. Within these rules, improving the regulation of inland waterway transport in the EU leads to its increased competitiveness. The shipping industry is getting more opportunities to take advantage of quality standards and become a leader in implementing globally recognised rules. Based on dialogue with EU regulatory authorities, priority areas

for development were identified at the first European Shipping Summit in Brussels in 2023, which also influenced changes in legal regulation. These concerned climate and sustainable development, trade, competitiveness, the internal market, innovation and digitalisation, human resources, safety and taxation (European Shipping Summit, 2023). The second European Shipping Summit in 2025 specified the areas of development in three areas: international competitiveness of European shipping and safety; investment in clean fuels for shipping and new technologies; retraining and upskilling of maritime workers (European Shipping Summit, 2025). With a view to strengthening European open strategic autonomy and in response to the global infrastructure development strategy launched by China in 2013 as the ‘One Belt, One Road’ initiative, the EU is implementing the ‘Global Gateway’ strategy, which aims to strengthen ties in the digital, energy and transport sectors.

3. Regional Aspects of the Development of Inland Waterway Transport Law

Inland waterway transport law is developing under the increasing influence of EU legislation (regional level) and international legal norms, as 70% of its transport is international. The directions for the development of inland waterway transport law in EU countries are also shaped by the official policy of the European Union, as formulated in the NAIAD III action plan (NAIAD III: Boosting future-proof European inland waterway transport, 2021). It provides for the transfer of most freight transport to inland waterways; the transition to zero-emission water transport and smart inland water transport; and the move towards more attractive and sustainable jobs in inland water transport. To provide legal support for the development of these areas, Regulation (EU) 2024/1679 of the European Parliament and of the Council of 13 June 2024 on Union guidelines for the development of the trans-European transport network, Regulation (EU) 2024/1679 of the European Parliament and of the Council of 13 June 2024 on Union guidelines for the development of the trans-European transport network, amending Regulations (EU) 2021/1153 and (EU) No 913/2010 and repealing Regulation (EU) No 1315/2013. A number of other elements of the regulatory framework are planned to be reviewed. This concerns intermodal transport, including the Combined Transport Directive; legislation on access to the inland waterway transport market and Commission Delegated Regulation (EU) 2017/1926 of 31 May 2017 supplementing Directive 2010/40/EU of the European Parliament and of the Council with regard to the

provision of EU-wide multimodal travel information services (Text with EEA relevance), including inland waterway transport; Directive 2005/44/EC of the European Parliament and of the Council of 7 September 2005 on harmonised river information services (RIS) on inland waterways in the Community; an assessment of social legislation in the context of market access fitness checks is planned.

4. National (Local) Level of Development of Inland Waterway Transport Law

Articles 90–100 of the Consolidated Version of the Treaty on the Functioning of the European Union (Treaty on the Functioning of the European Union, 2016) lay down the legal basis for EU policy in the field of inland waterway transport. Key elements are the principles of non-discriminatory practices and provisions prohibiting state aid. The Treaty also addresses how differences in living standards and employment levels in different regions can be taken into account. The maritime transport sector is not covered by this Treaty. It operates in a global context and falls within the competence of the United Nations International Maritime Organisation (IMO), which sets standards for the safety, security and environmental performance of international maritime transport. The provisions of the IMO regulatory framework are implemented in the EU regulatory framework.

In the Danube countries of Germany, Austria, Slovakia, Hungary and Romania, local (special) rules governing navigation on their respective sections of the Danube (*Die Lokale Schifffahrtsregeln auf der Donau*, 2005) have been established and are being improved. Moldova, Ukraine, Bulgaria and Serbia do not have their own special regulations governing navigation on the Danube in their respective sections. In Germany, in addition to EU regulations and international treaties, there are specific navigation rules developed for each large river, as well as navigation rules for other inland waterways. The German police regulations for navigation on the Rhine (*RheinSchPV*) apply uniformly on the Rhine in all riparian states, as these rules have been developed at international level by the *Central Commission for the Navigation of the Rhine* since 1868. Violations are punished by each country in accordance with its domestic law (*ELVIS*). The police regulations for navigation on the Moselle (*MoselSchPV*) have been in force since 1962. They were issued by the Moselle Commission as the body of the three riparian states. The police regulations for

navigation on the Danube (DonauSchPV) ceased to be valid on 31 August 2024. The rules for navigation on the Danube, which came into force on 1 September 2024, were incorporated into the Regulations for Navigation on Inland Waterways (Binnenschiffverkehrsstraßen-Ordnung, 2011). On the remaining inland waterways within federal waterways, the Rules for Navigation on Inland Waterways apply. They apply to all vessels operating on these waterways. Recreational craft with a total length of less than 20.00 metres are considered small craft and must give way to commercial vessels. The first part, among other things, establishes traffic rules, equipment requirements and day and night signals for vessels and waterways. The second part contains special rules for 19 regional areas, which, for example, specifically limit the size of vessels and their draught or set maximum speeds. The third part contains rules on the protection of water bodies and waste disposal.

An analysis by Professor Ch. Armbruster of English-language transport contracts and transport insurance under German contract law shows the increasing use of English. It is replacing German, which was the *lingua franca* (central language) of European inland waterway transport just two decades ago, and is beginning to shape the freight transport and insurance contracts used in practice (Armbruster, 2023). By introducing elements of common law, this process influences the direction of the development of inland waterway transport law.

The study shows that the Hungarian Government generally supports the development of inland waterway transport law in line with the EU, but expresses reservations. In connection with the development of waterways in the Hungarian section of the Danube, the Government considers it necessary to monitor current and future domestic and international demand for inland waterway transport. When planning and developing waterways, all social, economic and technical interests can only be achieved if environmental values are preserved in accordance with the principle of sustainable development. In this context, it is particularly important to comply with the requirements of the Natura 2000 network, based on the Birds Directive and the Habitats Directive, as well as the Water Framework Directive (Hungarian position on the development of inland navigation in the Danube River Basin, 2007).

5. Development of Inland Waterway Transport Law in Romania and Ukraine

According to Romania's Water Transport Development Strategy (2023), inland waterway transport law is being developed and improved in relation to (Strategia de Dezvoltare a Transporturilor Navale, 2023) the navigation regime on the Danube, divided into a river sector (from the port of Braila upstream) and a maritime sector (from the port of Braila downstream to the Black Sea); registration and operation of the fleet.

Romanian legislation has been developed in laws (on Ports, Law No. 235), on Competition (21/1996), on Free zones (84/1992); in government ordinances (Ordinances 42/1997 on maritime and river transport; 22/1999 on ports and inland waterways); in government emergency decrees (39/2018 on public-private partnerships); government decisions (517/1998 on the establishment of ACN (Hotărâre nr. 517 din 24 august 1998), nr. 518/1998 on the establishment of APMC (Hotărâre nr. 518 din 24 august 1998); in ministerial orders (Order of the Minister of Transport No. 548/2014 on the authorisation and licensing of economic operators by the National Regulatory Authority), etc.; in instructions and regulations issued by ministries and national authorities. A list of the main regulatory acts of Romania in the field of inland water transport is available on the website of the Union of Forwarding Companies of Romania (Uniunea Societăților de Expediții din România). The policy and development of transport law in Romania are determined by the current EU legal framework.

In Ukraine, the development of inland navigation law has long lagged behind that of neighbouring Danube countries. Only in 2020-2025 were acts adopted that had long existed in Romania, Austria and Germany. The creation of a legal framework for inland waterway transport in Ukraine is primarily aimed at eliminating regulatory gaps. This was the main reason for the adoption during this period of the Law on Inland Water Transport (2020) and the Resolution of the Cabinet of Ministers of Ukraine 'On the Approval of the List of Internal Sea Waters and Internal Waterways Classified as Navigable' (2022) and some other acts. These acts are currently being improved, including under the influence of EU requirements for Ukraine as a candidate country.

Conclusions and Future Perspectives

Inland navigation law is influenced by global, regional and national (local) processes that can determine its direction of development. At the global level, this development is characterised by a response to challenges related to climate, digitalisation and security. The expansion of the English language contributes to the introduction of elements of common law into inland waterway transport law. At the regional level, EU law is increasingly dominant. The Danube countries are developing inland navigation law at the national (local) level in accordance with their legal traditions and local conditions, taking into account the mandatory provisions of EU law.

This allows us to formulate proposals for improving inland navigation law and further research. The digitisation of transport, overcoming the negative effects of natural disasters and ensuring safety must be carried out on the basis of EU legislation in order to consolidate the efforts of different countries. The improvement of national legal systems in the field of shipping should take greater account of the experience of Germany and the Netherlands, where developed legislation on inland navigation has a long history of use. It is desirable to conduct regular research into the development of this law in order to identify the dynamics of its changes and prevent negative consequences.

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