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INLAND TRANSPORT COMMITTEE

Working Party on Inland Water Transport

Working Party on the Standardization of Technical
and Safety Requirements in Inland Navigation

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Geneva, 3-5 June 2009

Item 2 (a) of the provisional agenda

EUROPEAN CODE FOR INLAND WATERWAYS (CEVNI)

Amendments to Chapter 1, "General Provisions"

Proposal by the Chairman of the informal working group on CEVNI

Note by the secretariat

At its thirty-second session, the Working Party took note of the creation of an informal working group on CEVNI, composed of the representatives of Austria, Central Commission for the Navigation of the Rhine, Danube Commission, International Sava River Basin Commission and the secretariat (ECE/TRANS/SC.3/WP.3/64, para. 8). The aim of the group was to prepare amendment proposals to CEVNI, Police Regulations for the Navigation of the Rhine, Basic Rules of Navigation on the Danube and Rules for the Navigation on Sava River, based on the analysis of the differences between these four documents, prepared by Austria (ECE/TRANS/SC.3/2008/6). The preliminary results of this work were presented at the thirty-third session of the Working Party (ECE/TRANS/SC.3/WP.3/66, paras. 9-10) and the first draft of the amendment proposals to Chapters 1-6 was reviewed by the Working Party at its thirty-fourth session (ECE/TRANS/SC.3/WP.3/66, paras. 8-20).

The present document contains the draft amendments to Chapter 1 entitled “General Provisions”, prepared by the informal working group on CEVNI, based on the decisions of the thirty-fourth session of SC.3/WP.3 (ECE/TRANS/SC.3/WP.3/69, para. 10). The additions to the original text are highlighted in bold and the text to be deleted is highlighted in strike-through.

The Working Party may wish to recommend that the Working Party on Inland Water Transport adopt these amendments at its fifty-third session in October 2009.

INTRODUCTION

1. The proposed amendments aim to consolidate in CEVNI the core rules for inland navigation in order to provide a common basis for all the European traffic regulations. National and international bodies could maintain their right to amend the CEVNI rules as far as it is necessary to ensure safety on their specific waterways, as long as the original text of CEVNI is part of their regulations and all the amendments and deviations are clearly marked.

2. The current proposal also aims to simplify and to clarify the text of CEVNI in order to provide skippers with easy access to the applicable traffic rules. To this effect, the informal working group on CEVNI suggests reducing, to the largest possible extent, the number of footnotes in the text, as proposed in the text below.

AMENDMENTS TO CHAPTER 1, “GENERAL PROVISIONS” AND TO RESOLUTION NO. 24

I. AMENDMENTS TO THE TEXT OF RESOLUTION NO. 24

1. Amend paragraph 1 a) ii) as follows:

Governments may omit, complement or modify certain provisions of Chapters 1-8 of CEVNI, when this is required by the conditions of navigation. The list of such provisions is contained in Chapter 9 on “Regional and National Special Requirements”. In this case, Governments shall report on these differences to the Working Party on Inland Water Transport (SC.3).

II. AMENDMENTS TO CHAPTER 1, “GENERAL PROVISIONS”

2. Amendments to Article 1.01 – Meaning of certain terms

- (a) Delete footnote 1
- (b) At the end of paragraph d) add push barges
- (c) Delete footnote 2
- (d) In paragraph f) replace fixture with stationary
- (e) Move the text of footnote 3 to the end of paragraph h) with the following modifications:
~~The competent authorities shall in any case class as “ferry-boats”~~ All vessels providing such a service which do not move independently **shall in any case be classified as “ferry-boats”**.
- (f) Delete footnote 4

- (g) At the end of paragraph m) add
A convoy composed of a pusher and a pushed craft coupled so as to permit guided articulation is also considered as rigid.
- (h) Delete footnote 6
- (i) In paragraph (cc) delete when this is stated in its inspection certificate
- (j) Add a new entry with the following definition of “waterway”
The term “waterway” means any inland waterway open to navigation;
- (k) Add a new entry with the following definition of “fairway”
The term “fairway” means that part of the waterway that can actually be used by shipping;
- (l) Add a new entry with the following definition of “left and right banks”
The term “left and right banks” means the sides of the waterway seen from the source to the mouth;
- (m) Add a new entry with the following definition of “upstream and downstream”
The term “upstream” means the direction of the sources, “downstream” means the other way around;
- (n) Add a new entry with the following definition of “ADN”
The term “ADN” means European Agreement concerning the International Carriage of Dangerous Goods by Inland Waterways;
- (o) Add a new entry with the following definition of “Passenger vessels”
The term “passenger vessel” means a day-trip or cabin vessel constructed and equipped to carry more than 12 passengers;
- (p) Add a new entry with the following definition of “Navigation by radar”
The term “Navigation by radar” means navigation, in conditions of reduced visibility, using the radar;
- (q) Restructure Article 1.01 by grouping definitions by theme. (The draft new article 1.01 is contained in the annex)

3. Amendments to Article 1.02 – Boatmaster

- (a) Delete footnote 8
- (b) Move the content of footnote 9 to Chapter 9
- (c) Delete footnote 10
- (d) Delete footnote 11
- (e) Amend paragraph d) as follows
In a pushed convoy propelled by two pushers side-by-side, the boatmaster of ~~the starboard pusher~~ **the pusher providing the main propulsion** shall be the boatmaster of the convoy
- (f) Delete footnote 12
- (g) Delete footnote 13

4. Amendment to Article 1.01 – General obligation to exercise vigilance

- (a) In paragraph 3 replace The above provisions by Paragraph 2

5. Amendments to Article 1.06 – Use of the waterway

- (a) Delete footnote 14

6. Amendments to Article 1.07 – Maximum load and maximum number of passengers
 - (a) Amend the title of article as follows
Maximum load, ~~and~~ maximum number of passengers **and view**
 - (b) In paragraph 2 replace abaft with astern and aside
 - (c) Delete footnote 15
 - (d) Add a new paragraph 3 to read
The load shall not endanger the vessel's stability or strength of the hull
 - (e) Move the current paragraph 3 down as paragraph 5
7. Amendments to Article 1.08 - Construction, rigging and crews of vessels
 - (a) Add a new paragraph 3 to read
These requirements are considered to be complied with when the ship has a ship's certificate, issued in accordance with Resolution No. 61, or other recognized ship's certificate, and when the construction and the equipment of the vessel correspond to the content of the ship's certificate
 - (b) Add a new paragraph 4 to read
Without prejudice to paragraph 3, the life-saving devices suitable for passengers mentioned in the ship's certificate shall be available on board of the vessel. Life-saving devices shall be available for distribution to passengers and will correspond to the number of adults and children.
8. Amendments to Article 1.09 – Steering
 - (a) Move footnote 16 to Chapter 9 with the following modifications
The competent authorities may prescribe other provisions concerning age **for steering small crafts**
 - (b) Delete the last sentence in paragraph 2
 - (c) Amend the first sentence in paragraph 4 as follows
When under way, all high-speed vessels shall be steered by a person not younger than 21 years of age ~~holding a diploma certifying that he~~ **who** has the necessary qualifications referred to in article 1.02, paragraph 1 and the certificate referred to in article 4.05, paragraph 1 (b).
9. Amendments to Article 1.10 – Vessel's papers and other documents
 - (a) Amend paragraph 1 as follows
~~Every vessel shall carry~~ **The following documents shall be available on board:**
 - (a) Ship's certificate;
 - (b) A ~~tonnage~~ **measurement** certificate (~~cargo vessels only~~);
 - (c) Ship's articles or crew list;
 - (d) A ship's log;
 - (e) Boatmaster's licence or licences belonging to boatmasters of the vessel and for other crew members, a service record duly completed;
 - (f) **Certificate on the release of the logbooks;**
 - (g) **Certificate of installation and functioning of tachograph and its records as required;**

- (h) **Radar certificate;**
- (i) **Certificate confirming installation and functioning of radar device and turn-and-bank indicator;**
- (j) **Radiotelephone certificate delivered according to the relevant international and regional agreements;**
- (k) **Certificate on frequency allocation;**
- (l) **Handbook on radiotelephony in inland navigation, (general part and regional part);**
- (m) **A duly completed book of oil control;**
- (n) **Certificate for boilers and auxiliaries for vessels;**
- (o) **Certificate for liquefied gas installations;**
- (p) **Certificate for electrical equipment;**
- (q) **Verification certificate for portable fire extinguishers and fixed fire extinguisher installations;**
- (r) **Verification certificate for cranes;**
- (s) **The certificate referred to in sections 8.1.2.1, 8.1.2.2 and 8.1.2.3 of ADN;**
- (t) **Certificate confirming stability for the transport of containers;**
- (u) **Certificate on duration and local boundary of the construction site, where the worksite craft is allowed to be used;**
- (v) **Copies of certificates for engines, including the type-approval document and the engine parameter protocol;**
- (w) **Certificates for mooring cables;**
- (x) **Certificate confirming installation and functioning of the inland AIS equipment.**
- (b) Delete footnote 17
- (c) Delete paragraph 2
- (d) In the beginning of paragraph 3 add If applicable
- (e) Delete footnote 18
- (f) In the first and last sentences of paragraph 5 replace tonnage certificate with measurement certificate
- (g) Delete footnote 19

10. Amendments to Article 1.11 – Navigation regulations

- (a) Amend the current paragraph of Article 1.11 as follows
1. An updated copy of the navigation regulations applicable to the waterway shall be carried on board of every vessel, except **unmanned** vessels, ~~in a pushed convoy other than the pusher, and on every assembly~~ **open small crafts and assemblies** of floating material.
- (b) Delete footnote 20
- (c) Add a new paragraph 2 to read
An electronic version is acceptable when readable at short notice.

11. Amendments to Article 1. 12 – Dangerous objects on board; loss of objects; obstacles

- (a) Replace paragraph 2 with a new paragraph to read
Anchors shall be in the fully raised position unless they are used.

12. Amendments to Article 1.16 - Salvage and assistance

- (a) In paragraph 1 replace these with persons

13. Amendments to Article 1.20 – Inspection

- (a) Add a new paragraph 2 as follows

2. Authorized officials of the competent authorities may, except in special cases when the provisions of other legislation are applied, by means of a special decision prohibit the navigation of a vessel and especially in the following cases:

- (a) When the vessel does not have a certificate of registry or national navigation permit or these documents have expired;
- (b) When the vessel does not comply with the conditions referred to in Article 1.07;
- (c) When the crew or the vessel does not comply with the conditions referred to in Article 1.08;
- (d) When the capabilities of the boatmaster or on-duty crew members have been diminished due to a state of fatigue or intoxication.

Annex

Draft Article 1.01

Article 1.01 - Meaning of certain terms

In these regulations, the following definitions are used:

A. Types of vessels

- (1) The term “vessel” means any inland waterway craft, including small craft and ferry-boats, as well as floating equipment and seagoing vessels;
- (2) The term “motorized vessel” means any craft using its own mechanical means of propulsion, except craft whose engines are used only to cover short distances (in harbours or at loading and unloading points) or to make them easier to handle while being towed or pushed;
- (3) The term “floating equipment” means floating structures carrying machinery used for work on waterways or in harbours (dredgers, elevators, derricks, cranes, etc.);
- (4) The term “ferry-boat” means any vessel providing a transport service across a waterway, that is classed as a ferry-boat by the competent authorities. Vessels providing such a service which do not move independently shall in any case be classified as “ferry-boats”;
- (5) The term “high-speed vessel” means a motorized vessel, with the exception of small craft, capable of travelling at a speed greater than 40 km/h in relation to still water;
- (6) The term “passenger vessel” means a day-trip or cabin vessel constructed and equipped to carry more than 12 passengers;
- (7) The term “pushed barge” means any vessel designed or specially equipped to be pushed;
- (8) The term “shipborne barge” means a pushed barge designed to be carried on board seagoing vessels and to navigate on inland waterways;
- (9) The term “sailing vessel” means any vessel proceeding under sail only; a vessel proceeding under sail and making use at the same time of its own mechanical means of propulsion shall be considered as a motorized vessel;
- (10) The term “small craft” means any vessel with a hull less than 20 m long, except vessels built or equipped to tow, push or propel in side-by-side formation vessels other than small craft, craft authorized to carry more than 12 passengers, ferry-boats and push barges;
- (11) The term “water bike” means any small craft using its own mechanical means of propulsion, which is able to carry one or more persons and built or designed to be used for skiing over the water or performing figures, for example, waterbobs, waterscooters, jetbikes, jetski and other similar craft.

B. Convoys

- (1) The term “convoy” means a towed convoy, a pushed convoy or a side-by-side formation;
- (2) The term “towed convoy” means any group consisting of one or more vessels, floating establishments or assemblies of floating material towed by one or more motorized vessels, the later forming part of the convoy and being known as tugs;
- (3) The term “pushed convoy” means a rigid group of vessels, one at least of which is placed in front of the motorized vessel propelling the convoy and is known as a pusher. A convoy

composed of a pusher and a pushed craft so as to permit guided articulation is also considered as rigid;

- (4) The term “side-by-side formation” means a group consisting of vessels coupled side-by-side, none of which is placed in front of the motorized vessel propelling the formation.

C. Light and sound signals

- (1) The terms “white light”, “red light”, “green light”, “yellow light” and “blue light” mean lights of colours conforming to the provisions of Annex 4 to these regulations;
- (2) The terms “strong light”, “bright light” and “ordinary light” mean lights of intensities conforming to the provisions of Annex 5 to these regulations;
- (3) The terms “scintillating light” and “quick scintillating light” mean rhythmic lights flashing 50-60 times per minute and 100-120 times per minute;
- (4) The term “short blast” means a blast lasting approximately one second, and the term “long blast” means a blast lasting approximately four seconds, the interval between two consecutive blasts being about one second;
- (5) The term “series of very short blasts” means a series of at least six blasts lasting approximately ¼ second each, separated by intervals of approximately ¼ second;
- (6) The term “three-tone signal” means a signal repeated three times, of three blasts of different pitch with no interval between them lasting about two seconds in all. The frequency of the blasts shall be within the range 165 to 297 Hertz and the difference between the highest and the lowest blasts shall be at least two full notes. Each series of three blasts shall begin with the lowest and end with the highest note.

D. Other terms

- (1) The term “floating establishment” means any floating installation that is normally a stationary, e.g. swimming baths, docks, wharves or boat-sheds;
- (2) The term “assembly of floating material” means a raft or any construction, assembly or object capable of navigation, other than a vessel or floating establishment;
- (3) A vessel, an assembly of floating material or a floating establishment is “stationary” when it is, directly or indirectly, anchored or made fast to the shore;
- (4) A vessel, an assembly of floating material or a floating establishment is “under way” or “proceeding” when it is neither directly nor indirectly at anchor, made fast to the shore or grounded. For such vessels, floating equipment or floating establishments under way, the term “stop” applies with respect to the land;
- (5) The term “vessel engaged in fishing” means any vessel fishing with nets, lines, trawls or other fishing apparatus that restrict manoeuvrability, but does not apply to a vessel fishing with trolling lines or other fishing apparatus that does not restrict manoeuvrability;
- (6) The term “night” means the period between sunset and sunrise;
- (7) The term “day” means the period between sunrise and sunset;
- (8) The term “state of fatigue” means a state occurring as the result of insufficient rest or of sickness, and expressed in deviations from the norm in behaviour and reaction speed;
- (9) The term “state of intoxication” means a state occurring as a result of the use of alcohol, narcotics, medicines or other similar substances and determined from the results of laboratory examination or from clinical symptoms in accordance with national legislation and practice;

- (10) The term “reduced visibility” means conditions in which visibility is reduced owing to fog, haze, snow, rain or other reasons;
- (11) The term “safe speed” means a speed at which a vessel or a convoy can navigate safely, undertake manoeuvres and stop within the distance required by the prevailing circumstances and conditions;
- (12) The term “waterway” means any inland water open to navigation;
- (13) The term “fairway” means that part of the waterway that can actually be used by shipping;
- (14) The term “left and right banks” means the sides of the waterway seen from the source to the mouth;
- (15) The term “upstream” means the direction of the sources, “downstream” means the other way around;
- (16) The term “ADN” means European Agreement concerning the International Carriage of Dangerous Goods by inland Waterways;
- (17) The term “Navigation by radar” means navigation, in conditions of reduced visibility, using the radar.

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