

**WORKING PARTY ON INLAND WATER TRANSPORT (SC.3)
SC.3 CEVNI Expert Group**

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Proposal for amendment of article 6.03 bis with regard to crossing

1. In the course of transposing CEVNI into national regulations, Austria has been made aware of uncertainties of interpretation with regard to craft following the boundary of a fairway.
2. This rule has the intention of giving a vessel following the boundary of a fairway the right of way due to a restricted manoeuvrability beyond the markings. However, the current wording is open to certain misunderstandings:
 - There is no such thing as a “starboard side of a marked fairway”, CEVNI designates only the “right” or “left” side of a fairway. The meaning behind the rule is “the vessel with the boundary of the fairway to its starboard side”;
 - The order to “maintain its course” appears to be operable only when the fairway runs exactly straight. However, the idea behind the rule seems to be that the vessels should not “maintain its course”, but should keep following the boundary of the fairway;
 - A corresponding rule for the second vessel is missing; it has to be stated clearly that the second vessel shall give way to the vessel following the boundary of the fairway.
3. As the same deviation is replicated three times in one article, Austria proposes to combine them in an additional paragraph 5.

Proposal

Amend article 6.03 bis as follows:

“Article 6.03 bis – Crossing

1. When two vessels are crossing in such manner that there is a risk of collision, the vessel which has the other vessel to starboard shall give way to it and, if circumstances permit, avoid crossing ahead of it. ~~However, the vessel which is on the starboard side of a marked fairway, shall maintain its course.~~ This rule shall not apply to small craft in relation to other vessels.

2. The provision in paragraph 1 shall not apply when any one of articles 6.13, 6.14 or 6.16 is applicable.

3. Notwithstanding anything to the contrary in paragraph 1 above, when, in the case of small craft of different categories, two small craft are crossing in such a manner that there is a risk of collision, motorized small craft shall give way to all other small craft and small craft neither motorized nor under sail shall give way to small craft under sail.

~~However, the craft which is on the starboard side of the fairway shall maintain its course.~~

4. Notwithstanding anything to the contrary in paragraph 1 above, when, in the case of vessels under sail, two vessels are crossing in such a manner that there is a risk of collision, one of them shall give way to the other as follows:

- (a) When each vessel has the wind on a different side, the vessel with the wind on the port side shall give way to the other;
- (b) When both vessels have the wind on the same side, the vessel which is to windward shall give way to the vessel to leeward;
- (c) If a vessel which has the wind on the port side sees another vessel to windward and cannot determine with certainty whether the other vessel has the wind on the port or on the starboard side, the first shall give way to the other.

~~However, the vessel which is on the starboard side of the fairway shall maintain its course.~~

This paragraph shall not apply to small craft in relation to other vessels.

5. Deviating from paragraphs 1, 3 and 4 the vessel navigating close to the boundary of a marked fairway with the boundary on its starboard side shall continue following the boundary of the fairway; the other vessel shall give way. This paragraph shall not apply to small craft in relation to other vessels.”
