

UNITED NATIONS
ECONOMIC COMMISSION FOR EUROPE

Guidelines to resolution No. 40
“International Certificate for Operators
of Pleasure Craft”
Frequently Asked Questions



New York and Geneva, 2018

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UNITED NATIONS ECONOMIC COMMISSION FOR EUROPE

The United Nations Economic Commission for Europe (UNECE) is one of the five United Nations regional commissions, administered by the Economic and Social Council (ECOSOC). It was established in 1947 with the mandate to help rebuild post-war Europe, develop economic activity and strengthen economic relations among European countries, and between Europe and the rest of the world. During the Cold War, UNECE served as a unique forum for economic dialogue and cooperation between East and West. Despite the complexity of this period, significant achievements were made, with consensus reached on numerous harmonization and standardization agreements.

In the post-Cold War era, UNECE acquired not only many new member States, but also new functions. Since the early 1990s the organization has focused on analyses of the transition process, using its harmonization experience to facilitate the integration of Central and Eastern European countries into the global markets.

UNECE is the forum where the countries of western, central and eastern Europe, central Asia and North America — 56 countries in all — come together to forge the tools of their economic cooperation. That cooperation concerns economics, statistics, environment, transport, trade, sustainable energy, timber and habitat. The Commission offers a regional framework for the elaboration and harmonization of conventions, norms and standards. The Commission's experts provide technical assistance to the countries of South-East Europe and the Commonwealth of Independent States. This assistance takes the form of advisory services, training seminars and workshops where countries can share their experiences and best practices.

TRANSPORT IN UNECE

The UNECE Sustainable Transport Division is the secretariat of the Inland Transport Committee (ITC) and the ECOSOC Committee of Experts on the Transport of Dangerous Goods and on the Globally Harmonized System of Classification and Labelling of Chemicals. The ITC and its 17 working parties, as well as the ECOSOC Committee and its sub-committees are intergovernmental decision-making bodies that work to improve the daily lives of people and businesses around the world, in measurable ways and with concrete actions, to enhance traffic safety, environmental performance, energy efficiency and the competitiveness of the transport sector.

The ECOSOC Committee was set up in 1953 by the Secretary-General of the United Nations at the request of the Economic and Social Council to elaborate recommendations on the transport of dangerous goods. Its mandate was extended to the global (multi-sectoral) harmonization of systems of classification and labelling of chemicals in 1999. It is composed of experts from countries which possess the relevant expertise and experience in the international trade and transport of dangerous goods and chemicals. Its membership is restricted in order to reflect a proper geographical balance between all regions of the world and to ensure adequate participation of developing countries. Although the Committee is a subsidiary body of ECOSOC, the Secretary-General decided in 1963 that the secretariat services would be provided by the UNECE Transport Division.

ITC is a unique intergovernmental forum that was set up in 1947 to support the reconstruction of transport connections in post-war Europe. Over the years, it has specialized in facilitating the harmonized and sustainable development of inland modes of transport. The main results of this persevering and ongoing work are reflected, among other things, (i) in 58 United Nations conventions and many more technical regulations, which are updated on a regular basis and provide an international legal framework for the sustainable development of national and international road, rail, inland water and intermodal transport,

including the transport of dangerous goods, as well as the construction and inspection of road motor vehicles; (ii) in the Trans-European North-south Motorway, Trans-European Railway and the Euro-Asia Transport Links projects, that facilitate multi-country coordination of transport infrastructure investment programmes; (iii) in the TIR system, which is a global customs transit facilitation solution; (iv) in the tool called For Future Inland Transport Systems (ForFITS), which can assist national and local governments to monitor carbon dioxide (CO₂) emissions coming from inland transport modes and to select and design climate change mitigation policies, based on their impact and adapted to local conditions; (v) in transport statistics — methods and data — that are internationally agreed on; (vi) in studies and reports that help transport policy development by addressing timely issues, based on cutting-edge research and analysis.

ITC also devotes special attention to Intelligent Transport Services (ITS), sustainable urban mobility and city logistics, as well as to increasing the resilience of transport networks and services in response to climate change adaptation and security challenges.

In addition, the UNECE Sustainable Transport and Environment Divisions, together with the World Health Organization (WHO) — Europe, co-service the Transport Health and Environment Pan-European Programme (THE PEP).

As of 2015, the UNECE Sustainable Transport Division provides the secretariat services for the Secretary-General's Special Envoy for Road Safety, Mr. Jean Todt.

Inland Transport Committee (ITC)
Centre of United Nations Transport Conventions

BACKGROUND

The activities of the Working Party on Inland Water Transport (SC.3) of the ITC focus on developing a pan-European network of inland waterways of a sustainable and resilient infrastructure and services, as an integral part of inland transport networks and markets. Tasks of SC.3 include promoting recreational navigation and water tourism by developing and maintaining UNECE resolutions that establish models of internationally recognized certificates for operators of pleasure craft, the European Recreational Inland Navigation Network (AGNP), the database of certificate models issued by member States and collecting information about national legal acts that regulate recreational navigation.

UNECE resolutions of relevance to recreational navigation are:

- resolution No. 13, International Certificate (international card) for Pleasure Craft (TRANS/SC.3/118);
- resolution No. 14, International Certificate (international card) concerning the Competence of Pleasure-Craft Operators (TRANS/SC.3/96);
- resolution No. 40, International Certificate for Operators of Pleasure Craft (ECE/TRANS/SC.3/147/Rev.4 and Amend.1);
- resolution No. 41, Small Craft Used Exclusively for Pleasure Navigation (TRANS/SC.3/148); and
- resolution No. 52, European Recreational Inland Navigation Network (ECE/TRANS/SC.3/164/Rev.1).

The International Certificate for Operators of Pleasure Craft (ICC) which is issued in accordance with resolution No. 40, is recognized by more than 25 United Nations Member States in the ECE region and beyond. In 2017, an informal working group on recreational navigation was established to respond to the increasing inquiries about ICCs, resolution No. 40 and related issues.

The UNECE secretariat and the European Boating Association (EBA) prepared the 'Guidelines to resolution No. 40' from the frequently asked questions of administrations and recreational boaters. The Working Party on the Standardization of Technical and Safety Requirements in Inland Navigation (SC.3/WP.3) approved the guidelines at its forty-fourth session in 2011 in order to facilitate an understanding of the resolution by operators of pleasure craft. SC.3 revised and adopted the guidelines at its sixty-first session in 2017.

Further information can be obtained from SC.3@unece.org, SC.3@un.org.



Acronyms

AGNP	European Recreational Inland Navigation Network
CEVNI	European Code for Inland Waterways
EBA	European Boating Association
ECOSOC	Economic and Social Council
ICC	International Certificate for Operators of Pleasure Craft (commonly referred to as the International Certificate of Competence)
ITC	Inland Transport Committee
SC.3	Working Party on Inland Water Transport
SC.3/WP.3	Working Party on the Standardization of Technical and Safety Requirements in Inland Navigation
UNECE	United Nations Economic Commission for Europe



Useful links

SC.3 web page

www.unece.org/trans/main/sc3/sc3.html

UNECE resolutions

www.unece.org/trans/main/sc3/sc3res.html

CEVNI 5, online version

<https://wiki.unece.org/display/TransportSustainableCEVNIv5>

Web page of the Informal Working Group on Recreational Navigation

www.unece.org/trans/main/sc3/sc3_ig/group_recreational_navigation.html

ICC database

www.unece.org/trans/main/sc3/icc_resolution_40.html

EBA website

<http://www.eba.eu.com/>



A. What is ICC?

1. An International Certificate for Operators of Pleasure Craft, issued in accordance with resolution No. 40, provides the holder with evidence of competence for the operation of pleasure craft, in an internationally recognizable format, which can be presented to officials in foreign countries upon request.
2. SC.3 originally developed an international certificate for operators of pleasure craft to facilitate pleasure navigation on the Rhine and Danube rivers.
3. Each country that the rivers pass through required different evidence of competence, and this caused difficulties for boaters crossing borders when navigating on the rivers.
4. The initial agreement, resolution No. 14, was superseded by an enhanced version, resolution No. 40, which now regulates ICC and stipulates who ICC can be issued to, the syllabus requirements and the layout of the certificate.
5. The use of ICC has developed over the years to include coastal waters and inland waterways generally, in addition to the rivers it was originally developed for.



B. Why is ICC important?

6. The standards set out in resolution No. 40 are widely recognized as providing a reasonable and appropriate level of competence for day sailing in recreational craft, with due regard for navigational and crew safety and protection of the environment. Some countries that have not yet adopted resolution No. 40 will nonetheless readily accept and sometimes demand an ICC from visiting boaters as evidence of competence.
7. All UNECE member States are, for this reason, encouraged to adopt resolution No. 40.

C. Does ICC replace the need to have a national certificate?

8. A vessel must comply with the regulations of its flag state (country of registration), wherever it is in the world. ICC complements rather than replaces any requirement the flag state may impose.



D. What does ICC do for me that my national certificate doesn't?

9. Foreign officials cannot be expected to understand what the certificates issued by each individual country allow the boater to do, or not do, and the level of competence the boater has.
10. ICC indicates to the authorities of a foreign country that the competence of the holder was assessed in accordance with resolution No. 40 and that the holder has demonstrated the necessary level of competence for the type of boat and the area of operation indicated on the ICC.



11. If evidence of competence is required, boaters visiting another European country will frequently find that an ICC will suffice. Countries which have adopted resolution No. 40 should automatically accept ICC; furthermore, ICC are also likely to be accepted in many other countries which have not formally accepted resolution No. 40.

E. Does my ICC entitle me to charter a boat?

12. No, ICC can be useful when chartering a boat, but charter companies are not obliged to accept ICC as evidence of competence from people wishing to hire their boats.

F. Must I have an ICC?

13. Some countries insist that you have an ICC, while in other countries your ICC may not be needed at all. The requirement may also differ between coastal waters and inland waters within a country.

G. Can I use my ICC outside Europe?

14. ICC is not a global qualification. Even in Europe, the validity of your ICC is determined by the issuing country and by the country you are visiting. At the discretion of countries elsewhere in the world, it may be acceptable evidence of competence.



H. What is the definition of coastal waters in resolution No. 40?

15. Resolution No. 40 does not define coastal waters. It refers to coastal waters and inland waters which are intended to be mutually exclusive.
16. ICC was never intended to replace national certificates and was not intended for use within the territorial and internal waters of the vessel's flag state. The ICC is intended to facilitate the movement of recreational craft through the internal and territorial waters of countries other than the vessel's flag state. Outside internal and territorial waters (at the most 12 nautical miles from the baseline of the coastal state), the flag state has jurisdiction in accordance with the United Nations Convention on the Law of the Sea, 1982.



I. Can any country apply resolution No. 40?

17. Notwithstanding paragraph 14 above, the answer is 'Yes'. Resolution No. 40 is global and is, therefore, open for application by all United Nations Member States. For example, South Africa accepted and applies resolution No. 40.

18. To apply resolution No. 40, a State must notify the Executive Secretary of UNECE that it accepts resolution No. 40, provide information on the designated authorities responsible for ICC, indicate where the legislation on recreational navigation may be downloaded, indicate which model of ICC is issued and provide a sample certificate.



J. Where can I find the information on which countries implement resolution No. 40 and other practical information about its application?

19. Since 2010, the information on the countries which have accepted resolution No. 40, the list of competent authorities for authorization of ICC and approved issuing bodies for issuing ICC are included in Annex IV to resolution No. 40. This information is regularly updated by SC.3. The latest edition of the resolution is available at: www.unece.org/trans/main/sc3/sc3res.html.

K. Can the authorities in one UNECE member country issue ICC to a national of another UNECE member country?

20. To issue ICC, governments must first implement resolution No. 40. They may then nominate competent authorities and approved bodies which can issue the certificate on their behalf. Implementing governments are recommended to issue the certificate to their own nationals or residents or to the nationals of any North American country or any country that is not a UNECE member. However, resolution No. 40 enables rather than restricts, so implementing governments may, if they choose, issue ICC to a national or resident of a country which has not implemented resolution No. 40.



21. Applicants must hold the implementing government's national certificate or must have passed an examination by that government in accordance with the requirements detailed in Annex I to resolution No. 40. Governments are not required to accept a national certificate issued by the government of another country as the basis for an ICC.

L. Can a citizen of a country that has not accepted resolution No. 40, obtain an ICC?

22. Nationals and residents of:

- any North American country; or
- any country that is not a UNECE member State; or
- any country that has not implemented resolution No. 40,

can obtain an ICC from a government which has implemented resolution No. 40 (see paragraph 20 above), or an approved body appointed by that implementing government, provided that the implementing government is willing to issue an ICC to such individuals, or that the approved body is authorised by its implementing government to do so (as appropriate).



23. In order to obtain an ICC, such individuals should (as applicable):
- obtain the national qualification of the implementing government, then present the qualification to the implementing government or an approved body appointed by it in order to obtain an ICC (resolution No. 40, Annex I, part I, paragraph 1); or
 - undertake an examination specified by the implementing government or an approved body appointed by it (resolution No. 40, Annex I, part I, paragraph 2).

The applicant must follow the procedures and meet the issuance criteria of the implementing government, its competent authority and the approved body.

M. Can a citizen of a country that has not accepted resolution No. 40, transfer their national certificate to an ICC?

24. A national certificate of a country, which has not accepted resolution No. 40, cannot be transferred to an ICC.



N. Can a country issue ICC for inland waterways, if it does not apply the European Code for Inland Waterways (CEVNI) and has no CEVNI test?

25. In accordance with paragraph 3.1 of resolution No. 40, to obtain ICC for inland waterways, an applicant has to demonstrate sufficient knowledge of CEVNI. The resolution does not stipulate how a government assesses sufficient knowledge. A country that has no national certificate which demonstrates that the holder has knowledge of CEVNI, can still issue ICC for inland waterways as long as it establishes that the applicant has sufficient knowledge of CEVNI. This could be achieved using one of the following options:
- develop a CEVNI test specifically for issuing ICC;
 - recognize the outcome of the CEVNI test adopted in another country.
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Notes
