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Proposal for amendment of article 6.04 with regard to meeting of small craft

1. In the course of transposing CEVNI into national regulations, Austria has been made aware of a significant difference with regard to the rules for meeting and crossing for small craft.

2. While article 6.03 bis takes into account different manoeuvrability of different categories of small craft and consequently requires motorized small craft to give way to small craft under sail there is no equivalent rule with regard to meeting. In case of a motorized small craft meeting a small craft under sail sailing close to the wind with wind from starboard, article 6.04, paragraph 8 would require the small craft under sail to veer to starboard, which would be practically impossible.

3. Austria therefore suggests adding a new paragraph 9 to article 6.04 in order to apply equivalent rules for meeting of small craft as for crossing of small craft. The wording of the new paragraph would be similar as the one in article 6.03 bis, paragraph 3.

“9. Notwithstanding anything to the contrary in paragraph 8 above, when, in the case of small craft of different categories, two small craft are meeting 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 vessel which is on the starboard side of the fairway shall maintain its course.”.

4. The Austrian proposal can be further supported by the respective rules of COLREGS. Rule 14 “Head-on situation” applies to power-driven vessels only while Rule 18 generally requires power-driven vessels to give way to sailing vessels, irrespective of a meeting or a crossing situation:

“COLREGS - International Regulations for Preventing Collisions at Sea - International Regulations for preventing Collisions at Sea, 1972

Rule 14

Head-on situation

(a). When two power-driven vessels are meeting on reciprocal or nearly reciprocal courses so as to involve risk of collision each shall alter her course to starboard so that each shall pass on the port side of the other.

(b). Such a situation shall be deemed to exist when a vessel sees the other ahead or nearly ahead and by night she could see the masthead lights of the other in a line or nearly in a line and/or both sidelights and by day she observes the corresponding aspect of the other vessel.

(c). When a vessel is in any doubt as to whether such a situation exists she shall assume that it does exist and act accordingly.

[...]

Rule 18

Responsibilities between vessels

Except where Rules 9, 10 and 13 otherwise require:

(a). A power-driven vessel underway shall keep out of the way of:

(i). a vessel not under command;

(ii). a vessel restricted in her ability to manoeuvre;

(iii). a vessel engaged in fishing;

(iv). a sailing vessel.

[...]"
