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## Economic Commission for Europe

### Inland Transport Committee

#### Working Party on Inland Water Transport

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

###### Forty-ninth session

Geneva, 22–24 June 2016

Item 4(a) of the provisional agenda

##### **Harmonization of the pan-European legal framework for inland navigation: the International Convention on Registration of Inland Navigation Vessels**

## **Possible modification of the International Convention on Registration of Inland Navigation Vessels**

### Note by the secretariat

#### **I. Mandate**

1. This document is submitted in line with Cluster 5: Inland Waterway Transport, paragraph 5.1 of the programme of work 2016–2017 (ECE/TRANS/2016/28/Add.1) adopted by the Inland Transport Committee at its seventy-eighth session on 26 February 2016.
2. It is recalled that the Working Party on Inland Water Transport (SC.3) at its fifty-ninth session, following the request of Croatia on possible modification of Article 3 of the International Convention on Registration of Inland Navigation Vessels, asked the secretariat to consult with Contracting Parties to this Convention (ECE/TRANS/SC.3/201, paras. 59 and 62).
3. The Working Party on the Standardization of Technical and Safety Requirements in Inland Navigation at its forty-eighth session took note of the answers received thus far, from Contracting Parties – Belarus, Luxembourg, The Netherlands and Switzerland – and River Commissions – the Danube Commission and The International Sava River Basin Commission (ECE/TRANS/SC.3/WP.3/96, paras. 48 and 49) that were reproduced in ECE/TRANS/SC.3/WP.3/2016/7 and Informal documents SC.3/WP.3 Nos. 7, 8, 10, 18 (2016). SC.3/WP.3 decided to come back to this agenda item at its next session and to take the decision on the basis of answers from all the Contracting Parties and other stakeholders.

4. The secretariat presents in this document the key points of the responses received by 12 April 2016 which support the current text of the Convention. These responses are also reproduced in their entirety and their original language in Informal document SC.3/WP.3 No. 22 (2016).

## **II. Key points of the responses received by the secretariat**

### **A. Austria<sup>1</sup>**

5. The Convention on Registration of inland vessels introduced a general obligation to register inland navigation vessels in order to prevent duplication of entries (and “nationalities”). The aim is to simplify the application of the administrative rules in the field of inland waterway transport and at the same time to give a better basis for granting loans. Protocol No. 1 to the Convention regulates rights in rem for inland navigation vessels and Protocol No. 2 relates to the attachment and forced sale of inland navigation vessels. The ratification of the Convention led to a revision of the regulation on vessel registration and the implementing regulation on registered ships and ships under construction (Federal Law Bulletin No. 279/1982).

6. As already explained in the notes to this amendment, the clauses of the Convention largely correspond to the already applicable legislation in Austria or are “self-executing”.

7. In the past 20 years, no legal requests for revision of the register of inland navigation vessels were submitted to the Federal Ministry of Justice; as far as the Federal Ministry for Justice can judge, no such demands were submitted to the Supreme Court either during the same period.

8. Given the above, a revision of the Convention on the Registration of Inland Navigation Vessels does, in the view of the Federal Ministry of Justice is, at present, not seem warranted.

### **B. France**

9. Concerning the conditions of vessels registration, the French Code of Transport (in particular Articles L. 4111-1, 3, 4, 7, 10) includes the provisions of the Convention on Registration of Inland Navigation Vessels. It follows also Article 11 of the Convention in the case of the registration of a foreign vessel already registered in its own country.

10. It also adds some details about the type of vessels which can be registered, regarding the vessel weight and draught (for cargo vessels), power and length (for pleasure crafts).

11. Directive 2006/87/EC and the Decree of 21 December 2007 provide the provisions regarding the European Vessel Identification Number (ENI). But the mandatory vessel registration according to the Convention on Registration of Inland Navigation Vessels is also in force. The ENI number and the registration number are therefore two independent systems that run in parallel. The convergence between these two systems is desired, but remains to be considered, particularly with regard to its impact on national regulations. A merger with the other member States, in the framework of the European working group on the European Hull Database (EHDB), is planned.

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<sup>1</sup> Translated from the German language by the secretariat.

**C. European Commission**

12. The European Commission considers that the text of Article 3 as it stands now is sound and should be fully adhered to up by as many parties as possible and in particular by those Contracting Parties to the Convention who are also member States. In terms of the European Union legislation, the establishment and functioning of the internal market involve the respect of the principles of transparency, uniformity, non-discrimination and elimination of technical barriers in registration practices while ensuring a high level of ship safety and environmental protection, in compliance with international conventions.

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