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## **Working Party on Inland Water Transport**

### **Fifty-eighth session**

Geneva, 12–14 November 2014

Item 10 (b) of the provisional agenda

### **Recreational navigation:**

### **International Certificate for Operators of**

### **Pleasure Craft (Resolution No. 40, third revision)**

## **Draft Guidelines to Resolution No. 40**

### **Note from the secretariat**

This document reproduces the Guidelines to Resolution No. 40 approved by the Working Party on the Standardization of Technical and Safety Requirements in Inland Navigation at its forty-fourth session (ECE/TRANS/SC.3/WP.3/88, para. 72). It includes the modifications made by the European Boating Association following the comments made by Switzerland.

## **Revised proposal of guidelines on the application of Resolution No. 40**

### **A. What is the ICC?**

1. An ICC provides the holder with evidence of competence in an internationally recognisable format which can be presented to officials in foreign countries if required.
2. The United Nations Economic Commission for Europe (UNECE) Working Party on Inland Water Transport originally developed an international certificate for operators of pleasure craft to facilitate pleasure navigation along the lengths of the rivers Rhine and Danube.
3. Each country the rivers pass through had different requirements for evidence of competence and this caused difficulties for boaters wishing to navigate the different sections of the river.
4. The initial agreement, Resolution No. 14 of the UNECE, has been superseded by an enhanced version, Resolution No. 40, which now regulates the International Certificate for Operators of Pleasure Craft (commonly referred to as the International Certificate of Competence – ICC), stipulating who the ICC can be issued to, the syllabus requirements and the layout of the certificate.

5. Use of the ICC has also developed over the years and the certificate now covers coastal waters and the wider inland waterways as well as the rivers it was originally developed for.

**B. Does an ICC replace the need to have a national certificate?**

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

**C. What does the ICC do for me that my national certificate doesn't?**

7. Foreign officials cannot be expected to understand what the certificates issued by each individual country allow the skipper to do or what level of competence the skipper has.

8. The ICC indicates to the authorities in a foreign country that your competence to skipper a pleasure craft has been assessed in accordance with Resolution No. 40 and you have demonstrated the necessary level of competence for the type of boat and area of operation indicated on the certificate.

9. If evidence of competence is required, boat owners visiting another European country will frequently find that the ICC will suffice. Countries which have adopted Resolution No. 40 should automatically accept the ICC but it will also be accepted in many other countries which have not formally stated their intentions through the acceptance of Resolution No. 40.

**D. Does my ICC entitle me to charter a boat?**

10. No, the ICC can be useful for people wishing to charter, but charter companies are under no obligation to accept the ICC as evidence of competence from people wishing to hire their boats.

**E. Do I have to have an ICC?**

11. Some countries will insist you have an ICC whilst in other countries an ICC may not be needed at all. The requirement may also differ between coastal waters and inland waters within a country.

**F. Can I use the ICC outside Europe?**

12. The ICC is not a global qualification. Even within Europe the ICC's validity 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.

**G. Is it permitted for the authorities in one UNECE country to issue the ICC to the national of another UNECE country?**

13. In order to issue an 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 may however only 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 member of the UNECE. The ICC may only be issued to the national of another UNECE country if they can prove they are resident in the issuing country.

14. Applicants must be holders of the implementing Government's national certificate or have passed an examination by that Government in accordance with the requirements detailed in annex 1 of the Resolution No. 40. Governments are not required to accept a national certificate issued by the Government of a different country as the basis of an ICC.

#### **H. Why is the ICC important?**

15. It is widely recognised that the standards set out in Resolution No. 40 provide a reasonable and appropriate level of competence for day sailing in recreational craft with due regard to the safety of navigation and crew and the protection of the environment. Even countries that have not yet adopted Resolution No. 40 will readily accept and sometimes demand an ICC from visiting yachtsmen as evidence of competence.

16. All States, members of UNECE are, therefore, encouraged to adopt Resolution No. 40.

#### **I. Can any country apply Resolution No. 40?**

17. Yes. Resolution No. 40 is of global scope and is therefore open for application by all United Nations Member States. For example, South Africa has accepted and started applying Resolution No. 40.

18. To become a State applying Resolution No. 40, it needs to notify the UNECE Executive Secretary that it accepts Resolution No. 40, provide information on the designated authorities responsible for the ICC, indicate where legislation governing recreational navigation may be downloaded, and indicate which model of the ICC is issued.

#### **J. Where can I find the information on which countries are implementing Resolution No. 40 and other practical information on its application?**

19. Since 2010, the information on the countries which have accepted Resolution No. 40 as well as the list of the competent authority for authorization of ICCs and approved bodies for issuing of ICCs are included in Annex IV to Resolution No. 40. This information is updated regularly by the UNECE Working Party on Inland Water Transport. The latest edition of the resolution is available at: [www.unece.org/trans/main/sc3/sc3res.html](http://www.unece.org/trans/main/sc3/sc3res.html).