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**Harmonization of the pan-European legal framework
for inland navigation: Status of international conventions
and agreements affecting inland navigation**

Overview of the Convention on the Registration of Inland Navigation Vessels

Note by the secretariat

I. Mandate

1. This document is submitted in line with the Terms of Reference of the Working Party on Inland Water Transport (SC.3), para. 5 (a) adopted by the Working Party on 14 October 2011 and approved by the Inland Transport Committee on 1 March 2012 (ECE/TRANS/SC.3/191, para. 54; ECE/TRANS/224, para. 91) and the work plan of SC.3 for 2012–2016 (ECE/TRANS/SC.3/2013/12, para. 5.2).

2. The Working Party on the Standardization of Technical and Safety Requirements in Inland Navigation (SC.3/WP.3) at its forty-seventh session recalled that SC.3 had included, into its work plan for 2014–2018, the promotion of implementation of existing UNECE Conventions pertaining to inland navigation and assessment of the legal instruments concerned in order to consider updating those, which have become obsolete (ECE/TRANS/SC.3/195/Add.2, chapter B, section 1 (g)). The Working Party asked the secretariat to prepare an overview of the Convention on the Registration of Inland Navigation Vessels for the fifty-ninth session of SC.3 and to collect information from member States on the procedure of inland vessels registration applied by them.

3. The Working Party may wish to recall provisions of the Convention on the Registration of Inland Navigation Vessels, to consider an overview of the origins, provisions, status and application of the Convention prepared by the secretariat as set out below. The Working Party SC.3 may wish to invite the Contracting Parties to the Convention and other UNECE member States to consider possible updating of the text of

this legal instrument in order to meet the current needs of the sector and to facilitate its efficiency as a working instrument for all UNECE member States. It may wish also to consider the relevance of the Convention to inland water transport in Europe and invite UNECE Governments who have not yet done so to become Contracting Parties to this Convention. This would result in the universal application of the Convention in the UNECE region, thus ensuring further facilitation of international navigation on European inland waterways, with a view to overcoming the existing fragmentation of the institutional landscape in the inland navigation sector and to establishing a harmonized legal environment in Europe.

II. Overview of the origins of the Convention

4. The Convention on the Registration of Inland Navigation Vessels was developed on the basis of the Convention on the Registration of Inland Navigation Vessels, Rights *in rem* over such vessels and other Cognate Questions which was signed, along with two other Conventions – the Convention for the Unification of Certain Rules concerning Collision in Inland Navigation and the Convention on Administrative Measures for attesting the Right of Inland Navigation Vessels to a Flag — at the Conference for the Unification of River Law (Geneva, 17 November — 9 December 1930), aimed at working towards the unification of the river laws in order to promote commercial transportation and international trade. The three Conventions were not ratified and the Inland Transport Committee at its twelfth session (22–26 November 1954, TRANS/145) discussed the possibility of ratifying or, if need be, revising the three Conventions.

5. The Ad Hoc meeting on inland waterway problems convened by the Inland Transport Committee from 31 May to 3 June 1955 for an exchange of views on the inland navigation problems (TRANS/153) expressed the opinion that the 1930 Convention on the Registration of Inland Navigation Vessels, rights *in rem* over such Vessels and Other Cognate Questions should be revised. The Inland Transport Committee at its sixteenth session (11–14 December 1956) decided to set up a subcommittee on inland water transport having the task to considering questions primarily concerning the inland water transport and to set up a working party on the river law to come under this subcommittee, which was responsible for studying legal questions and, in particular, the preparation of the two draft conventions relating, respectively, to the unification of certain rules concerning collision in inland navigation and the registration of inland navigation vessels (E/ECE/TRANS/497) and became today's SC.3. The International Institute for the Unification of Private Law (IIUPL)¹ participated in the revision and prepared a new draft of the Convention.

6. Among technical questions discussed by the Working Party were, in particular, decisions which, to the opinion of the secretariat, could today clarify questions concerning the provisions of the Convention (report of the ninth session of the Working Party on the River Law, 10 November 1961, TRANS/WP33/29):

(i) the nationality and the flag of a vessel to be registered. The Working Party considered that it was unnecessary to define, in the convention on registration or in any other international instrument (convention or resolution) the nationality of inland navigation vessels or even to specify in such an instrument in what manner that nationality is to be determined for such purposes as police regulations, admission of foreign boats in the national inland waterway system and statistics; and that it was unnecessary to regulate by international instrument (convention or even resolution) the right for a boat to fly the

¹ The International Institute for the Unification of Private Law (UNIDROIT) is an independent intergovernmental organization with its seat in the Villa Aldobrandini in Rome (www.unidroit.org).

flag of a country (country of registration or otherwise). In that context, it was recalled that the resolution on identification markings already specified that boats must bear a letter or a group of letters indicating the country of the home port or place of registration;

(ii) Connection between the convention concerning rights *in rem* and the convention on the registration of boats. The Working Party decided to have a convention on registration with the provisions on rights *in rem* attached, any party having the option to make an express declaration if it wished to accede to the provisions on rights *in rem*, on the understanding that the part relating to rights *in rem* would be termed a Protocol and that there might be a second Protocol relating to the attachment and forced sale of boats and that any declaration made by a Party could be withdrawn with due notice.

III. Overview of the provisions of the Convention

7. The Convention on the Registration of Inland Navigation Vessels consists of three parts: the Convention itself, Protocol No. 1 Concerning Rights *in rem* in Inland Navigation Vessels and Protocol No. 2 Concerning Attachment and Forced Sale of Inland Navigation Vessels. Any Contracting Party may declare that it accepts Protocol No. 1, or Protocol No. 2, or both; the aforementioned Protocols shall be deemed to be integral parts of the Convention only for those Contracting Parties which have declared that they accepted them. Acceptance and adherence to one or both Protocols can only be done if a member State is party to the Convention itself.

8. The Convention requires Contracting Parties to keep registers for the registration of inland navigation vessels. Each Contracting Party undertakes to require every vessel for the acceptance of a vessel for registration to be registered in its registers and to take the necessary steps to make it impossible for a vessel to be registered simultaneously in more than one of its registers. No Contracting Party may require registration of a vessel already registered in a country which is not a Contracting Party.

9. A vessel may be registered in a Contracting Party, if:²

(i) the place from which its operation is directed is situated in the territory of the Contracting Party, or

(ii) where the vessel owner is an individual, they must be a national of the Contracting Party or its resident, or

(iii) where the vessel owner is a body corporate or a commercial company, its registered office or principal place of business management must be situated in its territory,

or, for a jointly-owned vessel, vessel owners referred to in subparas. (ii) and (iii), hold not less than a half-share in the ownership of the vessel.

10. The Convention applies to cargo vessels with a deadweight of not less than 20 metric tons or other vessels with a displacement of not less than 10 cubic meters; the Convention does not apply to vessels exclusively employed by the public authorities. However, certain reservations may be made as stipulated by Article 21, in respect of the settlement of disputes in the International Court of Justice, issuing extracts from the entries to applicants, for vessels navigating on lakes and belonging to national railway administrations or those used for non-commercial government service. No other reservations are not allowed.

² This is not the actual text, but a simplified version and does not constitute an interpretation of the text by the secretariat.

11. The Convention describes the procedure of vessel registration, including the process for entering data on a vessel into a register, documents to be submitted, assigning numbers, deletion from the registers, vessel transfer to other Contracting Party, cancellation of the registration as well as the documents to be issued, including the certificate of registration, alterations to it, the certificate of cancellation, duplicates of the certificates and certified extracts from the entries in the register.

12. Pursuant to Article 16 of the Convention, it is open for signature or accession by member States of the Economic Commission for Europe and countries admitted to the Commission in a consultative capacity. Upon the accession to the Convention, the Convention shall be ratified by a Contracting Party.

13. The original of the Convention is deposited by the Secretary-General of the United Nations. It is done in the French and Russian languages; however, the text may be translated into other languages by any country and deposited with the Secretary-General of the United Nations, or a translation which has already been deposited may be chosen. Nevertheless, in the event of a discrepancy between translations and the original copies the latter shall apply.

14. The Convention can be reviewed by the Secretary-General of the United Nations convening a conference pursuant to Article 22, after the Convention has been in force for at least three years and if not less than one-fourth of the total number of the Contracting Parties have requested the convening.

15. Denunciation of the Convention may be effected by any Contracting Party by notifying the Secretary-General of the United Nations and will take effect twelve months after the date of receipt of such notification.

16. Protocol No.1 applies to rights *in rem* in registered inland navigation vessels and provides the registration of ownership, usufruct and mortgage rights, for vessels being subject to registration in accordance with the Convention. It states the order of priority of settlement of the rights *in rem*, the liens of vessels ranking ahead of mortgages in the event of claims, their conditions and extensions.

17. Protocol No. 2 applies to the attachment of registered inland navigation vessels and their forced sale on the territory of Contracting Parties, their conditions and the time of accomplishment.

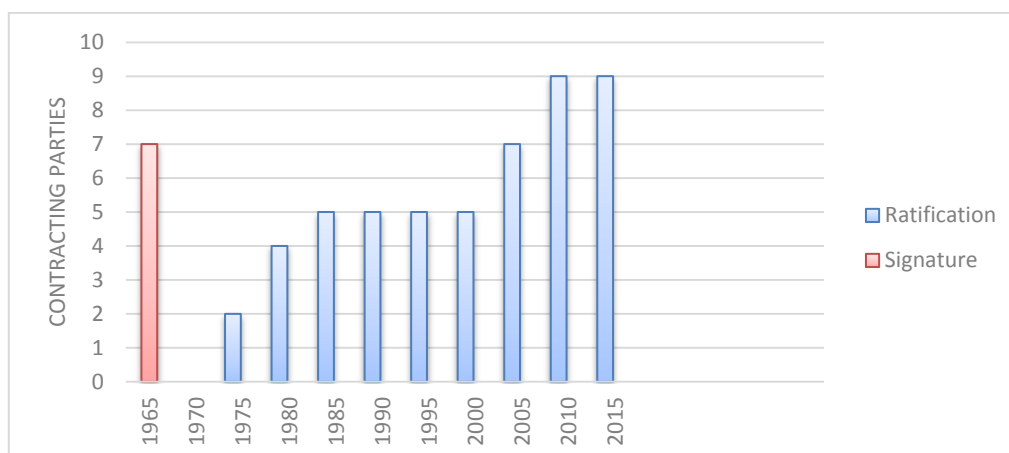
IV. Signature, ratification, acceptance, succession and accession of the Convention

18. The Convention was open for signing from the 25 January 1965, the first day of the twenty-fourth session of the Committee (25–28 January 1965) to the 31 December 1965. It was signed by seven Contracting Parties: Austria (18 June), Belgium (31 December), France (31 December), Germany (5 November), Luxembourg (14 December), Netherlands (30 December) and Switzerland (28 December).

19. The Convention was ratified by Austria, France, Luxembourg, the Netherlands and Switzerland. The Convention entered into force on 24 June 1982 in accordance with article 17 (1). It was succeeded by Serbia on 12 March 2001, Croatia on 31 July 2002 and Montenegro on 23 October 2006 and acceded by Belarus on 30 August 2006. At present, there are nine Contracting Parties: Austria, Belarus, Croatia, France, Luxembourg,

Montenegro, Netherlands, Serbia and Switzerland.³ Status of the Convention is shown on the chart below.

Status of the Convention on the Registration of Inland Navigation Vessels



20. The Working Party on Inland Water Transport at its fifty-fifth session (12–14 October 2011, ECE/TRANS/SC.3/191/Add.1, Section IV B, para. 1 (g) (ii)) decided to include the item on revision and updating of the 1965 Convention on the Registration of Inland Navigation Vessels to the Working Plan for 2012–2016.

V. Relevance of the Convention for the development of inland water transport

21. There are certain aspects relating to the relevance of this Convention, the basic principles that testify to the Convention's importance include:

- a common legal basis for inland navigation vessels' registration and recording;
- establishing transparency and uniformity of the registration of inland navigation vessels;
- prevention of multiple registration of a vessel in several states;
- prevention of preferable registration conditions for vessels in order to avoid so-to-say flags of convenience.

It provides the registration authorities with an effective mechanism for monitoring of vessel owners, thus giving the possibility to take actions in the event of a violation of the relevant legal instruments by vessel owners or operators. Furthermore, registration of a vessel on the basis of the Convention gives implied monitoring of the technical condition of a vessel.

A particular matter is two Protocols to the Convention which can give advantages for vessels' insurance, cross-border enforcement, security rights over vessels and vessel mortgages, recognition and enforcement of foreign judgments and issues of international jurisdiction.

22. Currently, in some of the member States, matters of vessels' registration are regulated by national law. In these cases, provisions of the Convention are incorporated into

³ The recent information concerning the status of international conventions and agreements affecting inland navigation is published in ECE/TRANS/SC.3/2015/13.

the national legislation of some Contracting Parties. Other principles relating to inland vessels' registration may exist alongside those of the Convention in Europe. For example, those within the registration of inland navigation vessels by IVR – the International Association the Rhine Ships Register which registers the inland fleet of Belgium, Czech Republic, France, Germany, Luxembourg, Netherlands, Romania, Slovakia and Switzerland.

23. Implementation of provisions of the Convention could give a ready-to-use, uniform and effective means of vessel registration in connection with the introduction of European Vessel Identification Numbers in CEVNI and Resolution No. 61 and the European Hull Database, as was mentioned in ECE/TRANS/SC.3/WP.3/2011/12, para. 18. Conclusions of the Working Party were transmitted to the Working Party on Inland Water Transport for consideration (ECE/TRANS/SC.3/WP.3/78, para. 21).

24. It should be noted, that this Convention is connected with other Conventions in inland navigation; for example, the Tonnage Certificate is one of the documents required for registration. However, the Convention does not require the Tonnage Certificate according to the Convention on Measurement of Inland Navigation Vessels,⁴ if the latter is not available.

VI. Next steps

25. Application of this Convention in member States is still unclear. As such it is important to undertake a detailed analysis and collection of data of vessels registration in member States as well as consultations with the European Commission, River Commissions, European institutions engaged in vessels registration and legal matters in order to understand the workings of the Convention and to identify where, if any, improvements could be made to it. Member States are invited to consider whether this would be an appropriate approach to proceed and how this should be implemented.

26. Following a more detailed intelligence gathering exercise where information would be provided to the Working Party, the Contracting Parties to the Convention are invited to consider whether an update of the Convention is required. A revision process could be started by the submission of comments and amendment proposals by any Contracting Party to the secretariat.

⁴ Detailed analysis of the Convention of Measurement of Inland Navigation Vessels is published in ECE/TRANS/SC.3/WP.3/2013/13.