

**Amendments to Article 1.08 of CEVNI (proposal for a new paragraph 6, see CEVNI EG/2019/2, part B)**

**Transmitted by European Boating Association**

1. At the last meeting of the CEVNI EG a proposal to add an additional paragraph to Article 1.08 of CEVNI was discussed.<sup>1</sup> This was part of the ongoing work to more closely align CEVNI with the Rhine Regulations.

Originally the following addition to Article 1.08 of CEVNI was proposed:

“6. The members of the crew and other persons on board shall wear the life jackets specified in [article 13.08 (2) of ES-TRIN]

(a) during embarkation and disembarkation, if there is no risk of falling into the water;

(b) when staying in the ship’s boat,

(c) during outboard operations, or

(d) when being present or during operations on the deck and the gunwale, if the bulwarks have the height less than 90 cm or the guard rails referred to in paragraph 5, are not installed from one extremity to another.

Outboard operations may be conducted only when the vessels are berthed and when the surrounding traffic is not likely to cause any danger.”

2. The Austrian delegation made a written submission<sup>2</sup> in response to this proposal in advance of the meeting as follows:

The proposal is supported in principle by Austria, but the reference to ES-TRIN in square brackets should be deleted, because of the transitional provision in article 33.02 ES-TRIN for article 13.08 (2) of ES-TRIN.

In (a) “no risk” has to be replaced by “a risk”.

In addition, Austria would like to draw the attention to the fact that sun bathing on the deck of most pleasure craft would no longer be allowed (respectively would only be allowed with life jackets) according to this paragraph because most pleasure craft do not have guard rails with a height of 950 mm on the deck. We propose to add to (d):

“On pleasure craft this is only applicable during operations”.

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<sup>1</sup> See CEVNI EG/2019/12, para. 7 (b).

<sup>2</sup> See CEVNI EG/2019/5, part IV.

3. The proposed additional paragraph would then have read:

“6. The members of the crew and other persons on board shall wear the life jackets specified in [article 13.08 (2) of ES-TRIN]

- (a) during embarkation and disembarkation, if there is a risk of falling into the water;
- (b) when staying in the ship’s boat,
- (c) during outboard operations, or
- (d) when being present or during operations on the deck and the gunwale, if the bulwarks have the height less than 90 cm or the guard rails referred to in paragraph 5, are not installed from one extremity to another. On pleasure craft this is only applicable during operations.

Outboard operations may be conducted only when the vessels are berthed and when the surrounding traffic is not likely to cause any danger.”

After much discussion, the CEVNI EG agreed to postpone a decision on this new paragraph to its next meeting to allow the EBA time to discuss the new paragraph at its General Assembly in October 2019. The result of that discussion is as follows:

4. The EBA has a long standing position statement on personal flotation devices (including lifejackets) on its website at <http://eba.eu.com/site-documents/eba-position-statements/eba-position-pfd.pdf>.

The Executive Summary of the Position Statement is as follows:

*The European Boating Association (EBA) recommends that, as a minimum, everyone on board a recreational craft has an appropriate Personal Flotation Device (PFD). Anyone on board a recreational craft should wear an appropriate PFD if they:*

- *are told to by the person in charge; or*
- *want to wear one.*

*Person in charge and/or PFD owners are recommended to familiarise themselves with the information supplied by the manufacturer, particularly instructions on how to check the lifejacket before each use.*

*The EBA believes that selection of the appropriate PFD when Recreational Boating is critical.*

*If it is to perform as intended, a PFD needs to be suitable for the activity.*

*The advice of national boating bodies should be sought by regulatory authorities before legislating to ensure that any regulation concerning the mandatory use of PFDs is proportionate, pragmatic and effective.*

5. Having discussed the proposed addition to CEVNI the EBA General Assembly concluded that although it may be necessary for the wearing of lifejackets to be mandated in the circumstances detailed for vessels operating on the Rhine. To mandate the wearing of lifejackets on many other smaller waterways (with less traffic and little or no stream) would be neither proportionate nor effective. For some vessels the life jackets specified in article 13.08 (2) of ES-TRIN would be unsuitable equipment.

For these reasons the EBA’s preferred solution would be to exclude pleasure craft from the scope of the proposed new paragraph completely.

6. If the CEVNI EG believes that mandating the wearing of lifejackets on pleasure craft is proportionate and justifiable, then the EBA would suggest that the paragraph (as amended after the submission from Austria) should as a minimum be amended as follows:

“6. The members of the crew and other persons on board shall wear the life jackets specified in [article 13.08 (2) of ES-TRIN]

(a) during embarkation and disembarkation, if there is a risk of falling into the water;

(b) when ~~staying~~ in the ship’s boat,

(c) during ~~outboard~~ **overside** operations, or

(d) when being present or during operations on the deck and the gunwale, if the bulwarks have the height less than 90 cm or the guard rails referred to in paragraph 5, are not installed from one extremity to another. ~~On pleasure craft this is only applicable during operations.~~

~~Outboard~~ **Overside** operations may be conducted only when the vessels are berthed and when the surrounding traffic is not likely to cause any danger.

**The above requirements only apply to pleasure craft during operations and only then if the pleasure craft is not fitted with guard rails or guard lines as defined in ISO 15085.”**