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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

Thirty-second session

Geneva, 5-7 March 2008

Item 9 of the provisional agenda

**RESOLUTION NO. 40 ON INTERNATIONAL CERTIFICATE  
FOR OPERATORS OF PLEASURE CRAFT**

Note by the European Boating Association

Note by the secretariat

At its fifty-first session, the Working Party SC.3 agreed with the proposal by the European Boating Association to consider complementing the current text of resolution No. 40 on International Certificate for Operators of Pleasure Craft with concrete information on national authorities, which issued the international certificate (ECE/TRANS/SC.3/178, para. 8). Following these discussions, the secretariat reproduces below a more detailed proposal of a new annex, received from the European Boating Association (Part I), as well as the EBA's proposal to facilitate the obtaining by citizens of non-European states of an International Certificate of Competence in order to navigate legally on European waterways (Part II).

The Working Party may wish to review the EBA proposals and decide whether to start work on amending resolution No.40.

I. PROPOSAL FOR A NEW ANNEX TO RESOLUTION NO. 40 ON INTERNATIONAL CERTIFICATE FOR OPERATORS OF PLEASURE CRAFT

1. During the 51<sup>st</sup> session of the Working Party on Inland Water Transport, the European Boating Association (EBA) pointed out that questions have arisen concerning the details of Governments' acceptance of the International Certificate for operators of pleasure craft (ICC). It is in certain cases difficult to see whether a "competent authority" and/or an "approved body" have been named by a specific government. This was confirmed by the Secretariat, who has received questions from official bodies and even from individuals concerning these matters.

2. During the discussion that followed the EBA intervention, the Working Party considered that it could be possible to clarify the situation by adding an annex to resolution No. 40 based on the information contained in the secretariat's yearly report on the implementation of Conventions and application of resolutions relating to inland navigation (ECE/TRANS/SC.3/2007/11).

3. The objective of this annex is to complete the information provided in the existing table. Since it is important to know which countries have or have not implemented resolution No. 40, it is proposed that this Annex be based on all the countries participating officially and not simply on those that have implemented one or more resolutions, which is the case at present. In this way, it is hoped that certain additional governments might see the necessity to endorse and implement resolution No. 40. The annex might include the following information, with regard to the implementation of resolution No. 40:

- (a) Name of all countries;
- (b) Indication of acceptance yes/no of resolution No. 40;
- (c) Name of competent authority for authorisation of ICC's;
- (d) Name of approved body(ies) for issuing of ICC's (can be same as (c)).

4. Should Governments and River Commission agree with the proposal, the EBA, in cooperation with the Secretariat, will prepare a draft annex to the resolution for the next session of the Working Party SC.3/WP.3 in June 2008.

II. PROPOSAL FOR AMENDMENT TO FACILITATE THE OBTAINING BY CITIZENS OF NON-EUROPEAN STATES OF AN INTERNATIONAL CERTIFICATE OF COMPETENCE (ICC) IN ORDER TO NAVIGATE LEGALLY ON EUROPEAN WATERWAYS

5. It is becoming increasingly frequent for non-European citizens to wish to come to Europe, buy a vessel and either cruise for a certain time before returning to their native land or actually take their retirement in Europe. In either event they have great difficulty in obtaining an ICC in order to navigate legally throughout Europe since they usually have no residential status in any European country and ICC is not available in countries outside Europe.

6. In this regard, the EBA suggests that the important point is not that the holder of an ICC is a citizen or resident of a particular country, but rather that his or her competence is assured as a result of holding the ICC. As recognised when resolution No. 40 was framed and as indicated in

its wording (Annex 1, I.1), this can best be ensured by the holder having been examined to assess his or her competence in a particular country and then receiving the ICC from a body authorised by the Government of the same country, being one that has officially implemented resolution No. 40.

7. In order to overcome this genuine problem, that can potentially lead to illegal issuance of an ICC or illegal navigating on European waters by competent operators of recreational craft, it is proposed that the wording of Resolution 40 be amended as follows:

“1. Recommends the issue, by the competent authority or by bodies approved by the implementing Government, on request and if the requirements set forth in annex 1 are satisfied, of an international certificate concerning the competence of operators of pleasure craft (International Certificate) to holders of their national certificate.”

8. Using this text, aliens from outside Europe will be able to obtain an ICC legally, since citizenship and residence are no longer involved. An additional advantage of this approach is that these non-Europeans will have learned and will be tested on the CEVNI code in the context of European waterways (these rules are not used elsewhere), which will be a safer procedure.

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