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Working Party on Inland Water Transport

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

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Item 2 (b) of the provisional agenda

**EUROPEAN CODE FOR INLAND WATERWAYS (CEVNI):
AMENDMENTS TO CHAPTER 1, "GENERAL PROVISIONS"**

Proposal by the Chairman of the informal working group on European Code for Inland
Waterways

Note by the secretariat

It is recalled that the Working Party on Inland Water Transport (SC.3) during its fifty-first session discussed the proposal of the Austrian delegation to upgrade the legal status of CEVNI (ECE/TRANS/SC.3/2007/1). Noting that there was no agreement on changing the legal status, the Working Party approved the proposal by Austria to prepare a document on the differences between the provisions of CEVNI and regional and national rules, and invited the Austrian delegation to present the results of this work to the Working Party on the Standardization of Technical and Safety Requirements in Inland Navigation (SC.3/WP.3) (ECE/TRANS/SC.3/178, para. 24). At its thirty-second session, the SC.3/WP.3 took note of the creation of an informal working group on CEVNI to compare the provisions of CEVNI with i) Police Regulations for the Navigation of the Rhine, ii) Basic Rules of Navigation on the Danube and iii) Rules for the Navigation on Sava river. The Working Party also noted that the group was preparing a proposal

on amendments to CEVNI to facilitate future harmonization of traffic rules on all above-mentioned documents (ECE/TRANS/SC.3/WP.3/64, para. 8).

The current document contains the proposal on the amendments to Chapter 1 of CEVNI, as well as to the original text of resolution No. 24, submitted by the Chairman of the informal working group on CEVNI. SC.3/WP.3 may wish to review the proposed amendments and propose a recommendation to the Working Party on Inland Water Transport on further amendments to CEVNI. In doing so, the Working Party may wish to use document ECE/TRANS/SC.3/WP.3/2008/14, which outlines the differences between CEVNI and Police Regulations for the Navigation of the Rhine (RPNR), Basic Rules of Navigation on the Danube (DFND) and Rules for the Navigation on Sava River (RNSR).

INTRODUCTION

1. The proposed amendments aim to consolidate in CEVNI the core rules for inland navigation in order to provide a common basis for all the European traffic regulations. National and international bodies could maintain their right to amend the CEVNI rules as far as it is necessary to ensure safety on their specific waterways, as long as the original text of CEVNI is part of their regulations and all the amendments and deviations are clearly marked.
2. The current proposal also aims to simplify and to clarify the text of CEVNI in order to provide skippers with easy access to the applicable traffic rules. To this effect, the Working Group suggests reducing, to the largest possible extent, the number of footnotes in the text, as proposed in the text below.

AMENDMENTS TO CHAPTER 1: “GENERAL PROVISIONS” AND TO RESOLUTION NO. 24

I. AMENDMENTS TO THE TEXT OF RESOLUTION NO. 24

1. Amend paragraph 1 a) ii) as follows:

“Governments may omit certain provisions of CEVNI, or may enact additional or different provisions in cases where such additional or different provisions are necessitated by changes in the conditions of navigation (in this case, they should inform the secretariat of the changes they have made).”

II. AMENDMENTS TO CHAPTER 1 “GENERAL PROVISIONS”

2. Amendments to Article 1.01 – Meaning of certain terms

- (i) Delete footnote 1;
- (ii) Add “push barges” at the end of the sentence in paragraph d);
- (iii) Delete footnote 2;
- (iv) Replace the word “fixture” with the word “stationary” in paragraph f);
- (v) Move the text in footnote 3 into the end of paragraph h) with the following modifications:

“Vessels providing such a service which do not move independently shall in any case be classified as ‘ferry-boats’”;

- (vi) Delete footnote 4;
- (vii) Add at the end of paragraph m) the following sentence: “A convoy composed of a pusher and a pushed craft coupled so as to permit guided articulation is also considered as rigid”;
- (viii) Delete footnote 6;
- (ix) Replace words “inspection certificate” with “ship’s certificate” in paragraph (cc);
- (x) Add a new entry (ff) with the following definition of “waterway”:

“The term ‘waterway’ means any water open to public transport with ships.”;

- (xi) Add a new entry (gg) with the following definition of “fairway”:

“The term ‘fairway’ means that part of the waterway that can actually be used by shipping.”;

- (xii) Add a new entry (hh) with the following definition of “left and right banks”:

“The term ‘left and right banks’ means the sides of the fairway seen from the source to the debouchement.”;

- (xiii) Add a new entry (ii) with the following definition of “upstream and downstream”:

“The term ‘upstream’ means the direction of the sources, ‘downstream’ means the other way around.”;

- (xiv) Add a new entry (kk) with the definition of “ADN”:

“The term ‘ADN’ means European Agreement concerning the International Carriage of Dangerous Goods by Inland Waterways (ADN).”

3. Amendments to Article 1.02 – Boatmaster

- (i) Delete footnote 8;
- (ii) Delete footnote 9;
- (iii) Delete footnote 10;
- (iv) Delete footnote 11;
- (v) Amend the text of paragraph d) as follows:

“In a pushed convoy propelled by two pushers side-by-side, the boatmaster of ~~the starboard pusher~~ **the pusher providing the main traction** shall be the boatmaster of the convoy”;

- (vi) Delete footnote 12;

- (vii) Delete footnote 13;
 - (viii) Add the word “competent” before “person” in paragraph 5.
4. Amendments to Article 1.06 – Use of the waterway
- Delete footnote 14.
5. Amendments to Article 1.07 – Maximum load and maximum number of passengers
- (i) Amend the title of article as follows: “Maximum load, ~~and~~ maximum number of passengers **and view**”;
 - (ii) Replace the word “abaft” with the word “aside”;
 - (iii) Remove footnote 15 ;
 - (iv) To add a new paragraph as paragraph 3 to be drafted as follows: “The load shall not endanger the vessel’s stability or strength of the hull”;
 - (v) Move the current paragraph 3 down as paragraph 5.
6. Amendments to Article 1.08 – Construction, rigging and crews of vessels
- (i) Add a new paragraph 3 as follows:
“Those provisions apply when the vessel has a ship’s certificate and the construction and the equipment of the vessel correspond with the content of the ship’s certificate”;
 - (ii) Add a new paragraph 4 as follows:
“Without prejudice to paragraph 3, the life-saving devices suitable for passengers mentioned in the ship’s certificate shall be available on board of the vessel. Life-saving devices shall be available for distribution to passengers and will correspond to the number of adults and children. Moreover, for children up to the 30 kg body weight or 6 years of age only fixed block life-saving devices are allowed.”
7. Amendments to Article 1.09 – Steering
- (i) Amend footnote 16 as follows: “The competent authorities may prescribe other provisions concerning age **for small crafts**”;
 - (ii) Delete the last sentence in paragraph 2;
 - (iii) Amend the first sentence in paragraph 4 as follows:
“When under way, all high-speed vessels shall be steered by a person not younger than 21 years of age ~~holding a diploma certifying that he~~ **that** has the necessary qualifications referred to in article 1.02, paragraph 1 and the certificate referred to in article 4.05, paragraph 1 (b).”.

8. Amendments to Article 1.10 - Vessel's papers and other documents

- (i) Amend paragraph 1 as follows:

~~“ Every vessel shall carry~~ **The following documents shall be available on board:**

- (a) Ship's certificate;
 - (b) A ~~tonnage~~ **measurement** certificate (~~cargo vessels only~~);
 - (c) Ship's articles or crew list;
 - (d) A ship's log;
 - (e) Boatmaster's licence or licences belonging to boatmasters of the vessel and for other crew members, a service record duly completed.”
- (ii) Delete footnote 17;
- (iii) Delete paragraph 2;
- (iv) Add words “If applicable” in the beginning of paragraph 3;
- (v) Delete footnote 18;
- (vi) Replace the words “tonnage certificate” by “measurement certificate” in the first and last sentences of paragraph 5;
- (vii) Move the current text of footnote 19 at the end of paragraph 5 with the following modifications:

“The competent authorities may allow photocopies of the **ship's** certificate of registry and the ~~tonnage~~ measurement certificate, certified as true copies by a competent authority, to be carried on board of the pusher”.

9. Amendments to Article 1.11 – Navigation regulations

- (i) Amend the current paragraph of Article 1.11 as follows:

“An updated copy of the navigation regulations applicable to the waterway shall be carried on board of every vessel, except vessels in a pushed convoy other than the pusher, ~~and on every assembly~~ **open small crafts and assemblies** of floating material.”;

- (ii) Delete footnote 20;
- (iii) Add a new paragraph 2 as follows:

“An electronic version is available when readable in the short time”.

10. Amendments to Article 1.12 – Dangerous objects on board; loss of objects; obstacles

- (i) Replace paragraph 2 by a new paragraph as follows:

“Anchors shall be in the fully raised position unless they are used”;

- (ii) Add the following sentence at the end of paragraph 4:

“When the obstacle may cause danger to navigation, if possible, he shall also place a marker on the spot”.

11. Amendments to Article 1.16 – Salvage and assistance

Replace the words “these” by “persons” in paragraph 1.

12. Amendments to Article 1.20 – Inspection

- (i) Add a new paragraph 2 as follows:

“2. Authorized officials of the competent authorities may, except in special cases when the provisions of other legislation is applied, by means of a special decision prohibit the navigation of a vessel and especially in the following cases:

- (a) When the vessel does not have a certificate of registry or national navigation permit or these documents have expired;
- (b) When the vessel does not comply with the conditions referred to in Article 1.07 of this Decision;
- (c) When the crew or the vessel does not comply with the conditions referred to in Article 1.08 of this Decision;
- (d) When the capabilities of the boatmaster or on-duty crew members have been diminished due to a state of fatigue or intoxication.”

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