



# Economic and Social Council

Distr.: General  
5 April 2011

Original: English

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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-ninth session

Geneva, 15–17 June 2011

Item 2 (a) of the provisional agenda

###### European Code for Inland Waterways (CEVNI)

### Draft roadmap for future work on CEVNI

#### Note by the secretariat

## I. Mandate

1. At its thirty-eighth session, the Working Party on the Standardization of Technical and Safety Requirements in Inland Navigation (SC.3/WP.3) endorsed the presentation on the work on the fourth revised edition of the European Code for Inland Waterways (CEVNI). The presentation was prepared by the secretariat, in cooperation with the CEVNI Expert Group. SC.3/WP.3 asked the secretariat to prepare a draft note, based on this presentation, to be submitted to the fifty-fifth session of the Working Party on Inland Water Transport (SC.3) (ECE/TRANS/SC.3/WP.3/76, para. 28).

2. The draft note highlights the recent significant changes in CEVNI, introduced by the revision four, clarifies mechanisms for facilitating and monitoring the implementation of CEVNI and determines the scope of its further revision.

3. SC.3/WP.3 may wish to consider and bring corrections, if any, to the draft note and transmit the document to the fifty-fifth session of SC.3 for consideration and approval.

## II. Draft roadmap for future work on the European Code for Inland Waterways (CEVNI)

4. In accordance with the instructions of the Working Party, the secretariat describes below the recent and planned work on CEVNI with the aim of establishing a roadmap for the future CEVNI revision. The following elements are presented:

- A. Traditional scope and general principles of CEVNI
- B. Main changes to CEVNI introduced by the revision four
- C. Implementation of CEVNI, revision four
- D. Scope and the roadmap for the next revision of CEVNI.
- E. Draft policy recommendations for the next revision of CEVNI.

## **A. Traditional scope and general principles of CEVNI**

5. CEVNI is annexed to Resolution No. 24 adopted by SC.3 on 15 November 1985. Resolution No. 24 replaces Resolution No. 4 of the UNECE Sub-Committee on Inland Water Transport, adopted on 14 December 1962.

6. The annex to Resolution No. 24 (TRANS/SC.3/115), amended by several subsequent SC.3 Resolutions (Nos. 26, 27, 37, 39, 43–47, 54, 62 and 66), remains valid to this day. The Resolution calls on Governments and River Commissions to undertake the revision of their relevant regulations based on the following recommendations:

- (a) Recommendation 1: National regulations should consist of two parts:
  - (i) Part I should embody the provisions contained in CEVNI.
  - (ii) Part II includes specific provisions necessary in view of local conditions, provided that
    - 1. These specific provisions are not at variance with the provisions of CEVNI, including any which may not have been reproduced in the first part.
    - 2. With regard to matters to which the provisions of CEVNI apply, and particularly, to the marking of vessels, Governments do not, in the absence of very special local conditions, impose any obligations which are not contained in CEVNI itself.

(b) Recommendation 2: In every country, Part I of the regulations should, if possible, be the same for all the inland waterways, unless the special characteristics of the various inland waterway networks in the country concerned are excessively different.

7. Over time the provisions of CEVNI have accumulated seventy eight footnotes, most of which allowed deviations from its provisions, with no mechanism to monitor those deviations in national and regional rules of navigation. Reducing the number of possible deviations and establishing a mechanism for monitoring the implementation of CEVNI were two of the main goals of the most recent revision of CEVNI, completed in 2009.

## **B. Main changes to CEVNI introduced by revision four**

8. The last major revision of CEVNI was carried out in 2008 and 2009 and resulted in the adoption of the fourth revised edition of the code (ECE/TRANS/SC.3/115/Rev.4). This revision had three main goals:

- (a) To consolidate in CEVNI the core rules for inland navigation so as to provide a common basis for all the European traffic regulations;
- (b) To ensure a harmonized application of the code by reducing as much as possible possibilities to deviate from CEVNI provisions and by creating a mechanism for monitoring these deviations in national and regional rules;
- (c) To simplify and clarify the text of CEVNI making it more user-friendly.

9. Amendments to CEVNI were prepared by an informal working group on CEVNI, composed of representatives of the River Commissions and interested Governments. The amendments were finalized at the thirty-fifth session of SC.3/WP.3. (ECE/TRANS/SC.3/WP.3/70, paras. 6–19) and adopted by SC.3 at its fifty-third session as Resolution No. 66 of 6 November 2009 (ECE/TRANS/SC.3/115/Rev.3/Amend.1).

10. In accordance with the above-mentioned goals, Resolution No. 66 introduced the following modifications to CEVNI:

(a) Amendments to its substantive provisions based on a comparison of the third edition of CEVNI (ECE/TRANS/SC.3/115/Rev.3) with the relevant instruments of the River Commissions for the Danube, Mosel, Rhine and Sava (ECE/TRANS/SC.3/2008/6);

(b) Removal of the majority of footnotes, allowing deviations from the provisions of CEVNI: Where deleting the footnotes was not possible, they were moved to a new chapter on special regional and national requirements, which listed all articles to which derogations were permitted (Chapter 9). In addition, the text of Resolution No. 24 was revised to include a recommendation to Governments to report these deviations to SC.3;

(c) Simplification and restructuring of CEVNI provisions: systematization of definitions in Article 1.01, deletion of distinction between Class I and Class II waterways in Chapter 6 on Rules of navigation, linguistic improvements in the English text.

11. In adopting Resolution No. 66, SC.3 emphasized the importance of a proper implementation process for the new text of CEVNI and the need for an appropriate mechanism for dealing with future amendments to CEVNI. SC.3 also acknowledged the need for a proper mechanism to monitor the deviations from CEVNI, established by Governments and River Commissions in accordance with the new Chapter 9 on “Regional and National Special Requirements”. In the light of these considerations, the Working Party decided to maintain the informal working group on CEVNI, renaming it “CEVNI expert group”, and entrusted the group with monitoring the implementation of the new CEVNI by Governments and River Commissions and examining future amendment proposals to CEVNI. In addition, the Working Party agreed that the secretariat would contact the delegations with a questionnaire aimed at collecting the information on the implementation process (ECE/TRANS/SC.3/183, paras. 12–13).

12. The text of CEVNI, revision four, was published by the secretariat as ECE/TRANS/SC.3/115/Rev.4 (and Corr.1).

### **C. Implementation of CEVNI, revision four**

13. Resolution No. 24 as amended by Resolution No. 66, puts forward the following main principles of implementing CEVNI:

(a) Harmonize national and regional prescriptions as much as possible with the provisions of Chapters 1–8 and, if possible, Chapter 10;

(b) Maintain the structure and numbering of CEVNI articles (by using “left void” if not applicable)

(c) In case of a deviation from CEVNI, Chapters 1–8, maintained for safety of navigation:

(i) If the deviation concerns an article already listed in Chapter 9, the Party concerned shall report it to SC.3;

(ii) If the deviation is not foreseen in Chapter 9, the Party concerned may propose to include this article in Chapter 9.

(d) List additional requirements to be compiled in a general database on national and regional requirements.

(e) In the national/regional regulations, Chapter 9 can be left void or used to list all the provisions which deviate from CEVNI.

14. Moreover, new Article 9.01 of CEVNI stipulates that:

The competent authorities may omit, complement or modify the provisions of Chapters 1–8 and, in particular, the provisions listed in this Chapter, when this is required by the conditions of navigation. In this case, they shall report on these differences to the Working Party on Inland Water Transport (SC.3). The competent authorities shall also report to the Working Party on the additional local requirements existing in their region.

15. To facilitate the new reporting requirements under Article 9.01, the secretariat has circulated a questionnaire (ECE/TRANS/SC.3/WP.3/2010/1) enabling Governments and River Commissions to report on:

(a) Their special requirements deviating from CEVNI in accordance with Chapter 9 “Regional and National Special Requirements”;

(b) Information on other deviations from the articles of Chapters 1–8 of CEVNI, if any;

(c) Information on the additional requirements complementing Chapters 1–8 of CEVNI, if any.

16. The collected information based on responses received from the Governments of Belarus, Bulgaria, Czech Republic, Lithuania, the Netherlands, the Russian Federation, Slovakia, Serbia and from the Mosel Commission was submitted for the fifty-fourth session of SC.3 as the 2010 CEVNI status document (ECE/TRANS/SC.3/2010/5 and Add.1). The updated version of the status document, including information from Belgium and Germany, was published as Informal document No. 1 for the thirty-eighth session of SC.3/WP.3.

17. According to the information submitted to the fifty-fourth session of SC.3 and the thirty-eighth session of SC.3/WP.3 (ECE/TRANS/SC.3/WP.3/76, para. 28), CEVNI, revision four, constituted the basis for the new edition of the Basic Rules of Navigation on the Danube (DFND), for the legally binding rules of the navigation for the Sava River basin, as well as for the revision or planned revision of the national legislation in Austria, the Netherlands, Serbia and Slovakia.

18. The CEVNI Expert Group met four times in 2010 and once in 2011. The Group prepared a list of new amendments and a corrigendum to CEVNI. The first set of the amendments and Corrigendum 1 to CEVNI, revision four, was approved by the fifty-fourth session of SC.3 (ECE/TRANS/SC.3/187, para. 21).

19. In parallel with this work, the UNECE secretariat in close cooperation with CCNR, DC and the Mosel Commission had initiated in January 2010 the work on the German text of CEVNI, revision four, with the goal to make CEVNI more accessible to the shipping industry. The German text of CEVNI is also expected to facilitate the cooperation on CEVNI related issues and incorporating CEVNI provisions into the relevant instruments of River Commissions for the Rhine and Mosel as well as into the national legislation of the German-speaking countries. The completed translation of CEVNI, revision four, is expected to be available after the final editorial meeting organized by CCNR on 22 August 2011. This translation work has also helped to identify possible editorial modifications to the French (and, sometimes English) text during the next revision of CEVNI.

## D. Scope and the roadmap for the next revision of CEVNI

20. With the adoption of revision four, a greater emphasis has been put on promoting and implementing CEVNI by Governments and River Commissions.

21. The UNECE White Paper on Efficient and Sustainable Inland Water Transport in Europe, adopted at the fifty-fourth session of SC.3, proposes to reinforce the role of CEVNI as the Model Regulation for pan-European inland water navigation whose general provisions applicable to all inland waterways are transposed and applied by subregional bodies or River Commissions. In addition, the White Paper suggests putting in place adequate maintenance solutions to provide efficient “bottom-up” mechanisms for amendment proposals (from Governments and River Commissions) as well as adequate “top-down” and monitoring procedures ensuring harmonized implementation at national, subregional and river basin level. The White Paper notes that the necessity to complement CEVNI with specific rules on local navigational conditions gives River Commissions a crucial role in ensuring efficiency and safety in inland navigation (ECE/TRANS/SC.3/189, para. 230).

22. CEVNI, revision four, which established harmonization and monitoring mechanisms (Chapter 9 and CEVNI Status documents) and structured amendment procedure (the CEVNI expert group composed of River Commissions and interested Governments which coordinates the amendment process), contributes significantly to the objectives put forward by the White Paper. The success of this work depends however on the active involvement of all River Commissions, allowing a coordinated development on pan-European (CEVNI), river-specific (River Commissions) and national rules.

23. Building on the results of revision four, the work on CEVNI, currently carried out under the auspices of the Working Party on Inland Water Transport, includes several dimensions:

(a) **Comparison and further harmonization between the national/River Commissions regulations and CEVNI, revision four:** this work is carried out by Governments and River Commissions and is monitored by SC.3.

(b) **Updating Chapter 9:** Using the CEVNI questionnaire, the secretariat is collecting information on whether the deviations from CEVNI, currently allowed by Chapter 9, are used in practice and whether Chapter 9 includes all the articles, from which deviations currently exist in national and regional rule. It is important to emphasize, that to benefit from the harmonization, achieved by revision four, member States and River Commissions are encouraged to fully comply with the CEVNI provisions, thus, making it possible that the list in Chapter 9 will be reduced with the next revision.

(b) **Collection of information on additional national and regional requirements in accordance with Article 9.01:** Information on the national and regional special requirements, which complement CEVNI, Chapters 1–8, is also collected by the secretariat by way of CEVNI questionnaire. The goal is to facilitate the access to this information by all the participants in inland navigations and to boatmasters, in particular. During the next revision, based on the amount and quality of information collected, SC.3 can take a decision on the appropriate format for publishing this information (footnotes in Chapter 9, a supplement to CEVNI, a separate document or an online database).

(c) **Continuation of the work on substantial amendments to CEVNI to reflect the evolution of the rules and practice in inland navigation:** this work is coordinated by the CEVNI expert group, which prepares the relevant submissions to

SC.3/WP.3.<sup>1</sup> The substantive amendments to CEVNI are adopted, in principle, at each SC.3 session, waiting to be included in CEVNI with its next major revision.

(d) **Work on improving CEVNI terminology and consistency between the different linguistic versions:** as noted above, the preparation of the German text of CEVNI is accompanied by proposals on further improvement of the text of CEVNI in English, French and Russian and on ensuring the consistency between the existing linguistic versions. This work is carried out by the secretariat in close cooperation with the River Commissions, which use the French and Russian text of CEVNI.

(e) **Preparation of CEVNI in German:** as indicated above, this work is carried out by the secretariat in cooperation with the River Commissions and expected to be finished in 2011.

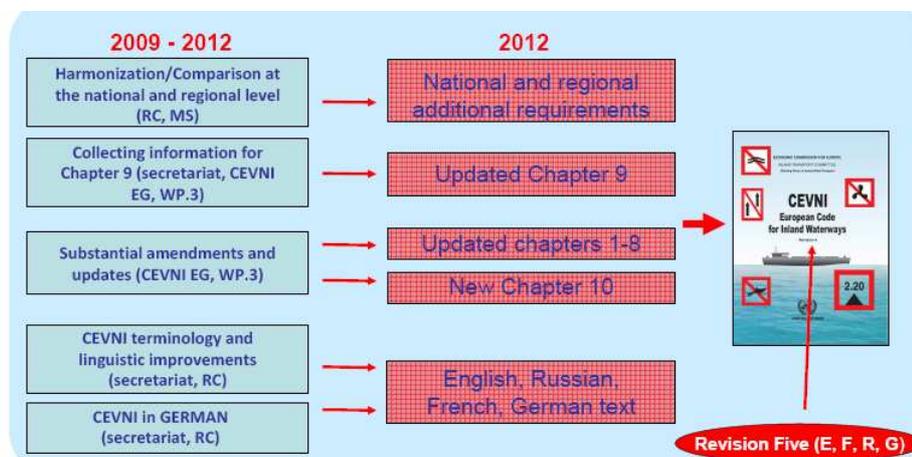
24. The preliminary scope of the next CEVNI revision, therefore, includes the following components:

- (a) Updated Chapters 1–8 and 10;
- (b) Updated Chapter 9 on national and regional requirements;
- (c) Improvements of the different linguistic versions of CEVNI;
- (d) Publication of the information on the national and regional special requirements;
- (e) Preparation of the German version.

25. In the light of these considerations, the draft roadmap towards the next revision of CEVNI can be presented as follows:

Figure 1

#### Roadmap to the next Revision of CEVNI



26. Tentatively, the next revision can be scheduled for fifty-sixth session of SC.3 in October 2012, at the earliest.

<sup>1</sup> For instance, following the recommendations by the CEVNI expert group, SC.3/WP.3 is currently discussing new provisions on the use of Inland Automatic Identification System and is planning to discuss amendments to Chapter 10 on "Prevention of pollution of water and disposal of waste occurring on board of vessels" based on the 1996 Convention on Collection, Retention and Disposal of Waste Generated during Navigation on the Rhine and Other Inland Waterways.

**E. Draft policy recommendations for the next revision of CEVNI**

27. Building on the experience of CEVNI, revision four, and taking into account the ongoing work related to CEVNI, as described above, SC.3 may wish to consider putting forward the following policy recommendations, aimed to ensure a success in the implementation of CEVNI and preparation of its next revision:

(a) Member States and River Commissions should strive to harmonize as much as possible their regulations with the content of CEVNI, revision four. When this is not possible, they should report to SC.3 on the reasons for such a situation, which could result, if appropriate, in an amendment to CEVNI provision;

(b) Member States and River Commissions should take an active part in the work of the CEVNI Expert Group and/or SC.3/WP.3 in order to prepare future amendments to CEVNI and to coordinate this work with the work carried out by the River Commissions. River Commissions, especially, should all be duly represented in the CEVNI Expert Group and, to that effect, proper support from their member States to their respective secretariat should be provided;

(c) Member States and River Commissions should provide, to the extent possible, information on special national and regional requirements using the CEVNI questionnaire.

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