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Working Party on Inland Water Transport

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

Forty-fifth session

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Item 4 (b) of the provisional agenda

European Code for Inland Waterways (CEVNI) (Resolution No. 24, revised)
Amendments proposals from the fourth to the fifth revised edition of CEVNI

Input from the European Boating Association on the development of the fifth revised edition of CEVNI

Transmitted by the European Boating Association (EBA)

The comments from EBA on the development of the fifth revised edition of CEVNI are presented below.



Input from the European Boating Association (EBA) on the development of the fifth revised edition of CEVNI

The EBA submitted comments through the Secretariat to the 24th session of the CEVNI Experts Group (see documents CEVNI EG/2014/8 and CEVNI EG/2014/11).

The EBA thanks the CEVNI Experts Group for considering its comments and for the clarification provided in the minutes of its meeting. Having reviewed the minutes the EBA would like make further comments as follows:

Article 1.01 d) 10. Reduced visibility

As previously raised in document CEVNI EG/2014/11 item 4, the EBA remains concerned with the definition of reduced visibility.

“The term “reduced visibility” means conditions in which visibility is reduced owing to e.g. fog, haze, snow or rain.”

The extent to which visibility is reduced is not indicated by the definition therefore the moment it starts to rain or snow or it becomes a little hazy, all of which would lead to a reduction in visibility, ‘small craft’, if not fitted with radar, are required in to proceed to the nearest safe berthing or anchoring area (as confirmed by the CEVNI EG/2014/14).

The EBA acknowledges the remarks of the CEVNI EG (CEVNI EG/2014/14 paragraph 14) regarding the term ‘reduced visibility’ and agrees that not only the weather but also the fairway, the type and size of the vessel and the number of other vessels navigating will dictate the extent to which a reduction in visibility is tolerable before radar becomes an essential aid to navigation and vessels without radar must proceed to the nearest safe berthing or anchoring area.

However, the EBA does not believe that it is intended that the regulations mean that vessels without radar must proceed to the nearest safe berthing or anchoring area as soon as it starts to rain. We therefore propose the following changes which resolve the EBA concerns (on behalf of small sports or pleasure craft) without specifying the extent to which visibility must be reduced or altering the definition.

The wording of Article 6.30 is revised as follows:

“General rules for navigation in reduced visibility; navigation by radar

“1. In reduced visibility, all **large** vessels shall navigate by radar.

“2. Vessels under way in reduced visibility shall proceed at a safe speed as required by the reduced

visibility and the presence and movements of other vessels and local circumstances. They shall use the radiotelephone to give other vessels the necessary information for safety of navigation. ~~Small craft under way in reduced visibility may navigate only if they are also on listening watch on the ship to ship channel or the on any other channel prescribed by the competent authorities.~~

“3. When stopping because of reduced visibility, vessels shall, as far as, possible keep clear of the fairway.

“4. Vessels proceeding on their course shall, when meeting another vessel, keep to the right as far as is necessary to allow passing port to port. The provisions of articles 6.04, paragraphs 4, 5 and 6 and of article 6.05 shall generally not apply in reduced visibility. However, passing starboard to starboard can also be allowed by the competent authorities when navigational conditions of particular waterways so require.

“5. Towed convoys shall immediately proceed to the nearest safe berthing or anchoring areas, if a communication with visual sign, between the towed vessel and the motorized vessel, is not possible. For towed convoys proceeding downstream, navigation by radar is prohibited except for reaching the nearest safe berthing or anchoring areas. For such towed convoys provisions of the Article 6.33 are applicable.

“6. Small craft under way in reduced visibility must:

- a) be equipped with VHF and must maintain a listening watch on the ship to ship channel and / or any other channel prescribed by the competent authority;**
- b) navigate using radar and/or AIS if fitted.**

If, taking into consideration the nature and size of the fairway and the traffic density, safe navigation is impeded by the reduced visibility, small craft that do not comply with a and b above must proceed to the nearest safe berthing or anchoring area. The vessel should conduct itself in accordance with the requirements for large vessels detailed in Article 6.33 1(a)-1(d).”

Article 6.33 should be changed to read 1. “In reduced visibility, **large** vessels and convoys...” as article 6.30 paragraph 6 requires that small craft comply with the relevant sections.

Definition “shipping”

The EBA has noted and supports the proposal made by the CEVNI Expert Group transmitted to WP.3 in ECE/TRANS/SC.3/WP.3/2014/16 to change the word “shipping” wherever it is used in CEVNI to “navigation” with one exception.

Article 6.17

In paragraph 1 changing shipping to navigation as proposed in ECE/TRANS/SC.3/WP.3/2014/16 does not make sense in English. It would be clearer to say “other vessels”.

Definition of seagoing vessel

The EBA remains concerned that the term ‘seagoing vessel’ is used several times in CEVNI (including in Articles 1.01 2.01, 2.05, 2.04, 3.09, 4.07, 9.04, 8.02, 3.09 and Annex 3) but is not defined within CEVNI. Article 9.04 paragraph 6 refers to ‘seagoing vessels operating only temporarily in inland navigation areas’ and 3.09 ‘seagoing vessels coming directly from or leaving for the sea’.

The CEVNI Experts Group (document CEVNI EG 2014/14) considers the term 'seagoing vessel' to be clear for the purposes of CEVNI, but it is the view of the EBA that from the sports or pleasure craft user's perspective this is not the case. It is distinctly possible that without a definition a vessel's owner might think their boat is a 'seagoing vessel' but find that the competent authorities think otherwise.

The EBA is therefore seeking further clarification on the definition of 'seagoing' for the purposes of CEVNI, in particular whether it relates to the design of the vessel, the use the vessel has been equipped for or the location the vessel is normally used in and how, if asked, a sports or pleasure craft owner might demonstrate that the vessel is 'seagoing'.

If it is not possible for a definition to be included in CEVNI 5, the EBA requests that explanation in respect of 'seagoing sports or pleasure craft' is provided and minuted, so that this can be used to provide guidance to owners of such vessels (particularly those outside the definition of small craft) to allow them to understand the rules that apply.

Article 2.02

The CEVNI Experts Group provided clarification on the identification marks required on small craft. CEVNI EG/2014/14 confirms that the name and domicile of the owner need only be displayed by small craft if required by Article 2.02 paragraph 1. The EBA would like this to be made clearer in the regulations and therefore proposes an amendment to Article 2.02 paragraph 3 as follows:

3. The name and domicile of the owner **if required under paragraph 1** shall be

Article 6.02 "General Rules"

In document ECE/TRANS/SC.3/WP.3/2014/3 it was proposed:

A. Chapter 1

5. Article 1.01

- (a) *Add a new definition a) 2 bis reading³*

The term "large vessel" means any vessel other than a small craft.

and amend all the articles currently including exceptions for small craft, accordingly.

This was approved by WP.3 according to document ECE/TRANS/SC.3/WP.3/88.

Although the amendment was approved and the new definition has been added in the marked up copy of CEVNI Informal document SC.3/WP.3 No14. (2014), the articles including exceptions for small craft do not seem to have been amended in Informal document SC.3/WP.3 No14. (2014).

The EBA is keen to see these amendments applied throughout the document as it is likely that this will make it much clearer which regulations are applicable to small craft.

Further comments identified through reviewing Informal document SC.3/WP.3 No 14 (2014)

Article 1.02 Boatmaster

Few if any skippers of sports or pleasure craft will have a Boatmaster's Certificate. The EBA therefore proposes an addition to Article 1.02 paragraph 1 to clarify this as follows, "...This person is hereinafter referred to as the boatmaster. Boatmasters are considered to possess the necessary qualifications if they hold a valid boatmaster's certificate. **In the case of a sports or pleasure craft, boatmasters are considered to possess the necessary qualifications if they hold the appropriate certificate prescribed by the flag state of the vessel or an International Certificate for Operator of Pleasurecraft (ICC) issued in accordance with Resolution 40.**"

Article 1.08 Construction, rigging and crews of vessels

It is not clear to the EBA how this article applies in the case of small sports or pleasure craft which are exempted from the requirement to have a ship's certificate by Resolution 61. We request that this is clarified by an additional paragraph within this article.

Article 1.09 Steering

New paragraph 2 - Motive power means "that which drives machinery etc." if this simply means it does not apply in the case of small craft having no engine then the text could be simplified. If it is meant to include small craft with other means of propulsion rather than just motorized small craft then further clarification is required, we therefore suggest re-wording this paragraph using language consistent with that used later in the document such as 'motorized small craft'. For example: **"The age requirement shall not apply in the case of small craft, except motorized small craft."**

Article 1.10 Vessel's papers and other documents

The EBA requests that for clarity paragraph 2 is amended with the following addition:

"2. ... and that referred to in subparagraph (a) may be replaced by a national navigation permit or a certificate of the country of which it carries the flag (e.g. registration document)."

Article 2.04:

Paragraph 1 states "...In the case of seagoing vessels, the summer fresh-water line shall serve in places of draft marks." Pleasure yachts not engaged in trade are not required to have draft marks under the International Load Line Convention 1966/1988. We therefore propose that this article (Paragraphs 1 and 2) are amended to clarify the requirements (or to exempt) seagoing vessels that are not required to have draft marks under the International Load Line Convention 1966/1988.

Article 4.05

Article 4.05 Paragraph 2 states:

"The radiotelephone installation shall ensure that two of these networks are monitored simultaneously.

"The ship station used in the radio telephone service for inland waterways may consist of either

separate equipment of each of the service categories or equipment for combinations of several of those". This requires clarification as the Regional Arrangement on the Radiocommunication Service for Inland Waterways (RAINWAT) Bucharest Agreement Revised 03.04.2013 states in Annex 3 paragraph 1e) "Dual watch is not allowed", but "The radiotelephone installation shall ensure that two of these networks are monitored simultaneously " and "equipment for combinations of several of those" suggest that dual watch is allowed. As CEVNI has wider used that those countries that are signatories to the RAINWAT Agreement we request that for sports or recreational craft of any size, dual watch is permitted under CEVNI, but would suggest a note highlighting that dual watch is not permitted under RAINWAT is inserted.

Article 6.01 bis and 6.02

Article 6.01 bis requires that high speed vessels must give way to all other vessels and Article 6.02 paragraph 2 requires that small craft allow vessels other than small craft to hold their course and manoeuvre. Small craft are therefore giving way to high speed craft and high speed craft are giving way to small craft. This could cause a collision and we believe the rules should indicate that one or other must give way.

Article 6.02

The revised wording of paragraph 2 is difficult to understand and the original wording is much better English. The EBA proposes that the wording of this paragraph reverts to the original text.

Article 6.03 bis

The EBA is content with the proposed changes to the wording of Article 6.03 bis, with the exception of paragraph 5. It is the EBA's opinion that the derogation from paragraph 4 permitted by paragraph 5 is not practical and should be omitted from the regulations. The paragraph also needs to indicate on which side of the boundary of the fairway the vessel is navigating otherwise it could be misinterpreted.

The EBA requests that the proposed amendment to paragraph 5 is altered to say, "By derogation from paragraphs **1 and 3** above, the vessel navigating **in a marked fairway**, close to the boundary of a marked fairway with the boundary on its starboard side shall continue following the boundary of the fairway; the other vessel shall give way. This paragraph shall not apply to small craft in relation to other vessels".

Article 8.02

Paragraph 2 applies to seagoing recreational craft, but such craft will not have an ENI number or an IMO number. The regulation should indicate what is required from them – for example Flag State registration number.

Suggested corrections to the language used

Article 3.32 & Article 8.01

Article 3.32 has been altered to say naked light – in English we have a naked flame (e.g. a candle or a match), but not a naked light. This might be better worded as:

Article 3.32 - Prohibition of smoking, fires and unprotected flames.

1. Where (other) regulations prohibit
 - (a) Smoking;
 - (b) fires and / or naked flames on board,....

Article 8.01 paragraph 4 also refers to 'naked lights' this should be changed to 'naked flames' if it is intended to indicate matches and candles.

Article 3.34

In English the phrase 'restricted in ability to manoeuvre' is commonly used to describe vessels whose ability to manoeuvre is restricted. We therefore suggest that the title of article 3.34 is changed to, "Article 3.34 - Additional marking for **vessels restricted in ability to manoeuvre**".

Article 5.01

In Paragraph 2 the word "boatmen" is used. This is inconsistent with the language in the remainder of the regulations which refer to boatmasters and crew.

Article 6.07

In paragraph 1 we recommend changing the word order from 'not unquestionably' to "...where the fairway is **unquestionably not** wide enough..."

Article 6.04

Article 6.04 refers to a 'scintillating white light'. The EBA is unclear what is meant by a 'scintillating white light' from the dictionary definition of 'scintillating' the closest type of light that might offer an alternative term is 'white strobe light'.

Article 6.10

We recommend that the word order is changed from "... is allowed to pass also on starboard..." to "... is **also** allowed to pass on **the** starboard side..." and insert 'the' as indicated.

Article 6.13

For consistency we recommend the wording is changed from "... For small craft among themselves..." to "...For small craft **in relation to other small craft**..."

Article 8.02

Paragraph 5 has a missing 's'. It should say 'changes' not change

Article 9.04

Paragraph 8 requires a grammatical correction: "...does not need..." should read "...**do** not need..."

Positioning of lights

Document ECE/TRANS/SC.3/WP.3/2014/3 alters the wording in a number of paragraphs as follows: "~~one~~ about 1m **one** above the other". In our opinion the English is worse in this revised version than the original. Assuming the paragraph is indicating that the lights should be one above the other with 1m spacing between the two lights we would suggest inserting the word 'apart' as follows: "These markings shall be placed one above the other, about 1m **apart** ...". This applies to Article 3.14 paragraph 2, Article 3.18 paragraph 1 and Article 3.26 paragraph 1. Paragraph 3.29 would be better phrased as: "...the upper light red and the lower light white, one above the other, about 1m apart ..." which would be consistent with similar phrasing in Article 3.35.