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INLAND TRANSPORT COMMITTEE

Working Party on Inland Water Transport

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

(Twenty-second session, 6-8 June 2001,
agenda item 3)

UPDATING THE EUROPEAN CODE FOR INLAND WATERWAYS (CEVNI)

Addendum 1

Transmitted by the Government of Ukraine

Article 1.02

1. Practice shows that CEVNI should cover the responsibility of an owner and/or operator of a non-self-propelled vessel for compliance with the regulations concerning safe berthing when the vessel is without crew or special protection.
2. In addition, the wording proposed by the Netherlands for a new paragraph 7 in article 1.02 (TRANS/SC.3/WP.3/2000/8) seems too detailed in comparison with other paragraphs and articles of CEVNI. To date this practice has not been followed in the Code.

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3. Accordingly, the following new wording is proposed for article 1.02, paragraph 7, taking into account the terminology used in the Code (article 1.01):

“7. Responsibility under these regulations for the safe berthing of a vessel or assembly of floating material that has no crew lies with the owner or operator of the vessel/assembly of floating material.”

4. At the same time, however, a boatmaster cannot be absolved of responsibility for the safe berthing of non-self-propelled vessels without crew in or outside a convoy in the waters of a port or at anchor until they are transferred to another individual responsible for their security and safe berthing.

Article 3.01

5. In the view of the Ukrainian delegation, the wording of the second part of article 3.01, paragraph 5 (e), in the Russian text of the most recent edition of CEVNI (TRANS/SC.3/115/Rev.1) corresponds most closely to the meaning of the term “height” (“... for vessels without draught marks, above the hull”). Reference to this wording is also contained in the commentary in the annex to resolution 45 (TRANS/SC.3/1999/8).

6. If the intention is to specify a specific height of lights on vessels without draught marks “above the shell of the vessel”, as decided in resolution 45, then it would be technically more accurate to use the following wording:

“(e) The term ‘height of lights’ means the height above the level of the draught marks or, for vessels without draught marks, above the lowest point of the freeboard deck” (or “ ... above the lowest point of the upper continuous deck of the vessel”).

7. On this question, it is proposed that the words “placed at the same height” be deleted from the first sentence of article 3.08, paragraph 1 (b), of the Code, as it is difficult to provide stationary side lights at heights of less than 5 m on river vessels; moreover, their height is already specified in this paragraph in terms of the mast-head light (1 m lower).

Article 6.09

8. With regard to the alternative wording of the sentence relating to small craft in article 6.09, paragraph 2, the following should be noted.

9. In the view of the Ukrainian delegation, in defining the term “small craft”, the phrase “a vessel of another category” should be replaced with the words **“vessels other than small craft”**.

10. However, a close look at article 6.09 suggests that it is not just the last sentence of paragraph 2 but the entire article that needs amending. In paragraph 1 the term “overtaking vessel” may imply more than one following vessel. This applies also to the “vessel being overtaken” in paragraph 2. Accordingly, the following wording, which is more precise, is proposed for article 6.09:

“1. Overtaking is permitted only if an overtaking vessel, whether travelling singly or towing or leading a side-by-side formation, has made certain that it can be accomplished without danger.

2. The vessel being overtaken, whether travelling singly or towing, pushing or leading a side-by-side formation, shall facilitate overtaking insofar as it is necessary and possible. It shall slow down, if necessary and possible, to permit overtaking to be accomplished without danger and quickly enough not to hamper the movements of other overtaking vessels. This provision shall not apply to a small craft or any other fast-moving vessel overtaking any towing, pushing or side-by-side formation or slow-moving single vessel.”

Article 6.21

11. The Ukrainian delegation can accept the new paragraphs 5 and 6 proposed by the Netherlands for article 6.21, although with the following observations.

12. Paragraph 5 is in contradiction with the inland waterway navigation regulations in effect in Ukraine, which stipulate that vessels towed under the sides must be on the starboard side of the towing vessel. For this reason the footnote proposed in comment (iv) on article 6.21, paragraph 5, which is contained in document TRANS/SC.3/WP.3/40, paragraph 13, should be added to article 6.21, paragraph 5.

13. Ukraine does not believe that the term “a barge” should be replaced with the phrase “not more than one barge”, as proposed in comment (i) on article 6.21, paragraph 5, which is contained in paragraph 13 of document TRANS/SC.3/WP.3/40, because such a change complicates the meaning of article 6.21, paragraph 5; the only possible and fully understandable term here is “a barge”.

14. It is proposed that the term “side-by-side formation” in the second sentence of paragraph 5 be rendered in the Russian text as **“v schalennyoy gruppe”** rather than “v schale”.

15. It is also proposed that the following text be added to paragraph 5:

“Side-by-side formations may be used, taking into account sailing conditions, only on those sections of inland waterways for which the side-by-side configuration has been identified by the competent authorities as being acceptable in all cases.”

16. Paragraph 6 is acceptable with the addition of the words “or pushed”, as proposed in document TRANS/SC.3/WP.3/40, paragraph 13, in comment (ii) of the section on article 6.21. However, it would be preferable to revise the wording at the end of paragraph 6, referred to in comment (iii), to read **“except when necessary to move a vessel that has run aground or is damaged”**.

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