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INLAND TRANSPORT COMMITTEE

Working Party on Inland Water Transport
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**IMPLEMENTATION OF CONVENTIONS AND
APPLICATION OF RESOLUTIONS RELATING TO INLAND NAVIGATION**

Note by the secretariat

The Inland Transport Committee, at its sixty-third session, reiterated its call to all member Governments to become Contracting Parties to the legal instruments developed under its auspices and to take all necessary measures to implement them. It also requested its Subsidiary Bodies to undertake an assessment of the legal instruments in order to consider updating those which have become obsolete (ECE/TRANS/136, para. 21).

The secretariat reproduces below the list of ECE legal instruments on inland navigation questions supplemented with their succinct description and actual status. The Working Party may wish to take note of the status of the instruments and decide on possible ways to proceed with regard to some of them which for some reason so far have not yet entered into force and have few, if any, Contracting States.

PAN-EUROPEAN LEGAL INSTRUMENTS RELATING TO INLAND WATER TRANSPORT

1. The following legal instruments relating to inland water transport have been elaborated within the UNECE with a view to facilitating international transport by inland waterway through the harmonization at a Pan-European level of legal, technical, safety and infrastructure-related requirements concerning this mode of transport.

Convention relating to the Unification of Certain Rules concerning Collision in Inland Navigation, of 1960 (Document E/ECE/388-E/ECE/TRANS/515)

Succinct description

2. This Convention governs the compensation for damage caused by a collision between vessels of inland navigation either to the vessels or to persons or objects on board in the waters of one of the Contracting Parties. It also governs compensation for any damage caused by a vessel of inland navigation in the waters of one of the Contracting Parties, either to other vessels of inland navigation or to persons or objects on board such other vessels, through the carrying out of, or failure to carry out a manoeuvre, or through failure to comply with regulations, even if no collision has taken place.

Actual status

3. The Convention came into force in 1966. It was signed by: Austria, Belgium, France, Germany and Netherlands. The following 10 States are Contracting Parties to it: Austria, France, Germany, Hungary, Netherlands, Poland, Romania, Russian Federation, Switzerland and Yugoslavia.

Possible action by the Working Party SC.3

4. The Working Party could invite Governments which have not yet done so to accede to the Convention.

Convention on the Registration of Inland Navigation Vessels, of 1965 (Document E/ECE/579-E/ECE/TRANS/540)

Succinct description

5. This Convention lays down the conditions for registration of inland navigation vessels, for the transfer of a vessel from the register of one Contracting Party to the register of another Contracting Party and for the cancellation of a registration. Two Protocols are annexed to this Convention: Protocol No.1 concerning the Rights in rem in Inland Navigation Vessels and Protocol No.2 concerning Attachment and Forced Sale of Inland Navigation Vessel.

Actual status

6. The Convention has been in force since 1982. It was signed by: Austria, Belgium, France, Germany, Luxembourg, Netherlands and Switzerland. The following 6 States are Contracting Parties to it: Austria, France, Luxembourg, Netherlands, Switzerland and Yugoslavia.

Possible action by the Working Party SC.3

7. The Working Party might wish to invite Governments which have not yet done so to accede to the Convention. In so doing, the Working Party may wish to note that the two Protocols annexed to the Convention and providing for the liens and mortgages regime in inland navigation as well as for the arrest of vessels, seemingly, have not been acceptable for the majority of the former centrally-planned economies with regard to their State-owned ships. That is possibly why none of them has become a Contracting Party to the Convention. The situation might have changed now with the transition of countries in question to a market economy.

**Convention on the Measurement of Inland Navigation Vessels, of 1966
(Document E/ECE/626-E/ECE/TRANS/546)**Succinct description

8. This Convention provides for a procedure of measurement of inland navigation vessels as well as the modality of certificates to be issued by measurement offices designated in the territory of each Contracting Party. The measurement of a vessel is designed to determine its maximum permissible displacement and, where necessary, its displacements corresponding to given waterlines. The measurement of vessels intended for the carriage of goods may also have the purpose of enabling the weight of the cargo to be determined from the vessel's draught.

Actual status

9. The Convention entered into force in 1975. It was signed by: Belgium, Bulgaria, France, Germany, Luxembourg, Netherlands and Switzerland. The following 13 States are Contracting Parties to it: Belgium, Bulgaria, Czech Republic, France, Germany, Hungary, Luxembourg, Netherlands, Republic of Moldova, Romania, Russian Federation, Slovakia and Switzerland.

Possible action by the Working Party SC.3

10. The Working Party might wish to invite Governments which have not yet done so to accede to the Convention.

Convention relating to the Limitation of the Liability of Owners of Inland Navigation Vessels (CLN), of 1973, as amended by the Protocol, of 1978 (documents ECE/TRANS/3 and ECE/TRANS/32)

Succinct description

11. This international instrument is intended to allow the owner of an inland navigation vessel to limit his/her liability in respect of certain claims by constituting, before the competent authority of a Contracting Party, limitation funds of amounts stipulated by the Convention. Three kinds of funds are provided for in the CLN: (a) for damage to goods, (b) for damage to the environment, and (c) for damage to persons.

Actual status

12. The Convention has not entered into force. It was signed by: Germany and Switzerland. The following State has acceded to the Convention: Russian Federation. Protocol to the Convention has only one signatory State: Germany. The CLN Convention having become outdated before entering into force, the UNECE Inland Transport Committee, at its fifty-second session in February 1990, agreed on the need for developing a new legal regime for the limitation of the liability of owners of inland navigation vessels on a Europe-wide basis. Two alternatives for arriving at the new legal regime are currently under consideration: either the accession of States not members of the CCNR to the Convention on the Limitation of Liability of Owners of Inland Navigation Vessels (CLNI) elaborated in the framework of the CCNR or the drawing up of a new Pan-European instrument.

Possible action by the Working Party SC.3

13. The Working Party may wish to continue to follow the developments relating to possible accession of Central and Eastern European countries to CLNI and, at some stage, to decide whether this might lead to the establishment in Europe of a unique regime of the liability of owners of inland navigation vessels before reporting to the Inland Transport Committee on its final conclusions with regard to the need for the elaboration of a new pan-European legal instrument within UNECE.

Convention on the Contract for the International Carriage of Passengers and Luggage by Inland Waterway (CVN), of 1976, as amended by the Protocol of 1978 (documents ECE/TRANS/20 and ECE/TRANS/33)

Succinct description

14. The Convention provides for liability of the carrier for the damage caused to the passenger or his/her luggage and lays down limits to such a liability. It applies to every contract for the carriage of passengers and their luggage by inland waterway when, under the terms of the contract, the carriage is to be effected on the waters of at least two States and when the place of embarkation or the place of disembarkation or both are situated in the territory of a Contracting State. The provisions of the Convention are applied even if the vessel used is not an inland

navigation vessel and regardless of the flag, the registration of the vessel and the place of residence or the nationality of the Parties.

Actual status

15. The Convention has not come into force yet. It was signed by one State: Austria. One State acceded to this Convention: Russian Federation.

Possible action by the Working Party SC.3

16. The Working Party might wish to undertake a study with a view to identifying possible problems which might have made member Governments refrain from becoming Contracting Parties to this Convention and recommending an appropriate action to be taken in this regard by the Inland Transport Committee.

Convention on Civil Liability for Damage caused during Carriage of Dangerous Goods by Road, Rail and Inland Navigation Vessels (CRTD), of 1989 (document ECE/TRANS/79)

Succinct description

17. The Convention provides for liability of the carrier in the case of loss of life or personal injury, loss or damage to property or to the environment caused by the carriage of dangerous goods on board a transport vehicle. It also provides for limitation of the above liability and stipulates that the carrier's liability is to be a subject of a compulsory insurance or other financial security. The Convention is managed by the Inland Transport Committee through the Working Party on the Transport of Dangerous Goods (WP.15).

Actual status

18. The CRTD Convention has not entered into force. It was signed by: Germany and Morocco.

Possible action by the Working Party SC.3

19. The Working Party may wish to note that a study is currently being undertaken by the Working Party WP.15 with a view to identifying possible problems which might have made member Governments refrain from becoming Contracting Parties to this Convention and recommending possible revision or any other appropriate action to be taken in this regard by the Inland Transport Committee.

European Agreement concerning the International Carriage of Dangerous Goods by Inland Waterways (ADN) (document E/ECE/TRANS/150¹)

Succinct description

20. The ADN was adopted at a Diplomatic Conference held in Geneva on 25 May 2000 and organized jointly by UNECE and CCNR. According to its Article 10 the following States may become Contracting Parties to the Agreement: Member States of the UNECE whose territory contains inland waterways, other than those forming a coastal route, which form part of the network of inland waterways of international importance as defined in the European Agreement on Main Inland Waterways of International Importance (AGN), of 1996.

21. The Regulations annexed to this legal instrument contain provisions concerning dangerous substances and articles, provisions concerning their carriage in packages and in bulk on board inland navigation vessels and tank vessels, as well as provisions concerning the construction and operation of such vessels. They also address requirements and procedures for inspections, issue of certificates of approval, recognition of classification societies, monitoring, and training and examination of experts.

22. A resolution for the follow-up to the Conference, which was also adopted, intends to create a mechanism to prepare the entry into force of the Agreement by keeping the annexed Regulations up to date in the light of technical progress and by preparing in advance the procedures for recognition of classification societies. The Agreement is managed by the Inland Transport Committee through the Working Party on the Transport of Dangerous Goods (WP.15).

Actual status

23. Ten countries (Bulgaria, Croatia, Czech Republic, France, Germany, Italy, Luxembourg, Netherlands, Republic of Moldova and Slovakia) signed the Agreement. It is not yet in force.

Possible action by the Working Party SC.3

24. The Working Party may wish to invite Governments to become Parties to the ADN Agreement.

¹ The text under this symbol is still to be published. The text of the ADN Agreement and Regulations annexed to it may be found in the following documents adopted by the Diplomatic Conference: ECE/TRANS/ADN/CONF/10/Add.1 and TRANS/WP.15/AC.2/5 and Corr.1.

Budapest Convention on the Contract for the Carriage of Goods by Inland Waterway (CMNI), of 2001 (will be published as ECE/TRANS/CMNI/CONF/2)

Succinct description

25. The Convention was adopted at a Diplomatic Conference organized jointly by CCNR, Danube Commission and UNECE (Budapest, 25 September-3 October 2000). The CMNI Convention governs the contractual liability of parties to the contract for the carriage of goods by inland waterway and provides for the limitation of the carrier's liability. The Government of Hungary is a depositary to the CMNI Convention.

Actual status

26. The text of the Convention in five official languages (English, Dutch, French, German and Russian) was open for signature at a ceremony organized by the depositary on 22 June 2001 in Budapest. Eleven States signed the Budapest Convention on that occasion: Belgium, Bulgaria, Croatia, Czech Republic, France, Germany, Hungary, Netherlands, Portugal, Slovakia and Switzerland. The Convention is open for signature until 21 June 2002. It is not yet in force.

Possible action by the Working Party SC.3

27. The Working Party may wish to invite Governments to sign the Convention and become Parties to it.

European Agreement on Main Inland Waterways of International Importance (AGN), of 1996 (document ECE/TRANS/120 and Corr.1)

Succinct description

28. The AGN Agreement establishes the internationally agreed European network of inland waterways and ports as well as the uniform infrastructure and operational parameters to which they should conform. The geographical scope of the network of E waterways consisting of navigable rivers, canals and coastal routes extends from the Atlantic Ocean to the Ural mountains connecting 37 countries and reaching beyond the European region. By acceding to the AGN, Governments commit themselves to the development and construction of their inland waterways and ports of international importance in accordance with the uniform conditions agreed upon and within their relevant investment programmes.

Actual status

29. The AGN Agreement entered into force on 26 July 1999. It was signed by 18 States: Austria, Bulgaria, Croatia, Czech Republic, Denmark, France, Germany, Greece, Hungary, Italy, Lithuania, Luxembourg, Netherlands, Republic of Moldova, Romania, Russian Federation, Slovakia and Switzerland. To date 12 States are Contracting Parties to it: Bulgaria, Croatia, Czech Republic, Hungary, Italy, Lithuania, Luxembourg, Netherlands, Republic of Moldova, Romania, Slovakia and Switzerland.

Possible action by the Working Party SC.3

30. The Working Party may wish to reiterate its call upon Governments which have not yet done so, to take the necessary steps in order for their States to become Parties to the Agreement underlining, *inter alia*, that the task of the States which had already become Contracting Parties to AGN to develop particular E waterways would have been facilitated greatly if undertaken in cooperation with other States whose territory is crossed by these waterways.

Protocol on Combined Transport on Inland Waterways to the European Agreement on Important International Combined Transport Lines and Related Installations (AGTC) (document ECE/TRANS/122 and Corr.1)

Succinct description

31. The Protocol establishes uniform requirements to be met by the infrastructures and services of combined transport using inland waterways. The Protocol is managed by the Inland Transport Committee through the Working Party on Combined Transport (WP.24).

Actual status

32. This Protocol was signed by 15 States: Austria, Bulgaria, Czech Republic, Denmark, France, Germany, Greece, Hungary, Italy, Luxembourg, Netherlands, Portugal, Romania, Slovakia and Switzerland of which 7 have already deposited an instrument of ratification or acceptance: Bulgaria, Czech Republic, Denmark, Luxembourg, Netherlands, Romania, Switzerland. The Protocol is not yet in force. It will come into force upon ratification or acceptance by five States, **three of which are linked in a continuous manner by the waterways identified in the Protocol.**

Possible action by the Working Party SC.3

33. The Working Party may wish to invite Governments which have not yet done so to become Parties to the Protocol.

Consolidated table on status of UNECE legal instruments relating to inland water transport

	Convention relating to the Unification of Certain Rules concerning Collision in Inland Navigation In force	Convention on the Registration of Inland Navigation Vessels/Protocols 1/2 In force	Convention on the Measurement of Inland Navigation Vessels In force	Convention relating to the Limitation of the Liability of Owners of Inland Navigation Vessels (CLN) Not in force	Convention on the Contract for the International Carriage of Passengers and Luggage by Inland Waterway (CVN) Not in force	Convention on Civil Liability for Damage caused during Carriage of Dangerous Goods by Road, Rail and Inland Navigation Vessels (CRTD) Not in force	European Agreement concerning the International Carriage of Dangerous Goods by Inland Waterways (ADN) Not in force	Budapest Convention on the Contract for the Carriage of Goods by Inland Waterway (CMNI) Not in force	European Agreement on Main Inland Waterways of International Importance (AGN) In force	Protocol on Combined Transport on Inland Waterways to the European Agreement on Important International Combined Transport Lines and Related Installations (AGTC) Not in force
Austria	27.9.62 (R)	26.9.77(R/a/a)			2.9.76 (S)				29.9.97 (S)	13.11.97 (S)
Belarus										
Belgium	15.6.60 (S)	31.12.65 (S)	9.3.72 (R)					22.6.01 (S)		
Bulgaria			4.3.80 (R)				13.6.00 (S)	22.6.01 (S)	28.4.99 (a)	20.5.99 (R)
Croatia							14.6.00 (S)	22.6.01 (S)	27.4.99 (A)	
Czech Republic			2.6.93 (d)				26.5.00 (S)	22.6.01 (S)	8.8.97 (AA)	2.9.98 (AA)
Denmark										26.2.98 (A)
Finland									23.6.97 (S)	
France	13.3.62 (R)	13.6.72(R/R/R)	8.6.70 (R)				23.10.00 (S)	22.6.01 (S)	24.9.97 (S)	13.11.97 (S)
Germany	29.5.73 (R)	5.11.65 (S)	19.4.74 (R)	1.3.74 (S)		1.2.90 (S)	26.5.00 (S)	22.6.01 (S)	23.6.97 (S)	13.11.97 (S)
Greece									24.9.97 (S)	13.11.97 (S)
Hungary	24.7.73 (a)		5.1.78 (a)					22.6.01 (S)	22.10.97(R)	13.11.97 (S)
Italy							26.5.00 (S)		4.4.00 (R)	13.11.97 (S)
Kazakhstan										
Lithuania									28.4.00 (R)	
Luxembourg		26.3.82 (R/a/a)	26.3.82(R)				19.1.01 (S)		29.6.99 (R)	7.3.00 (R)
Morocco						28.12.90 (S)				

	Convention relating to the Unification of Certain Rules concerning Collision in Inland Navigation In force	Convention on the Registration of Inland Navigation Vessels/Protocols 1/2 In force	Convention on the Measurement of Inland Navigation Vessels In force	Convention relating to the Limitation of the Liability of Owners of Inland Navigation Vessels (CLN) Not in force	Convention on the Contract for the International Carriage of Passengers and Luggage by Inland Waterway (CVN) Not in force	Convention on Civil Liability for Damage caused during Carriage of Dangerous Goods by Road, Rail and Inland Navigation Vessels (CRTD) Not in force	European Agreement concerning the International Carriage of Dangerous Goods by Inland Waterways (ADN) Not in force	Budapest Convention on the Contract for the Carriage of Goods by Inland Waterway (CMNI) Not in force	European Agreement on Main Inland Waterways of International Importance (AGN) In force	Protocol on Combined Transport on Inland Waterways to the European Agreement on Important International Combined Transport Lines and Related Installations (AGTC) Not in force
Netherlands	15.6.66 (R)	14.11.74(R/R/-)	4.9.78 (R)				20.12.00 (S)	22.6.01 (S)	21.4.98 (R)	2.11.99 (A)
Poland	8.5.72 (a)									13.11.97 (S)
Portugal								22.6.01 (S)		
Republic of Moldova			18.1.00 (a)				26.3.01 (S)		23.3.98 (R)	
Romania	4.8.69 (a)		24.5.76 (a)						24.2.99 (R)	24.2.99 (R)
Russian Federation	26.1.62 (a)		19.2.81 (a)	19.2.81 (a)	19.2.81 (a)				26.9.97 (S)	
Slovakia			28.5.93 (d)				26.5.00 (S)	22.6.01 (S)	2.2.98 (AA)	29.6.98 (S)
Slovenia										
Switzerland	26.4.72 (a)	14.1.76 (R/R/-)	7.2.75 (R)	1.3.74 (S)				22.6.01 (S)	21.8.97 (R)	4.3.98 (R)
Ukraine										
Yugoslavia	12.3.01 (d)	12.3.01 (d/a/a)								

Legend: S signature;
 R ratification;
 a accession;
 A acceptance;
 AA approval;
 d succession.