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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

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Item 3 (c) (i) of the provisional agenda

EUROPEAN CODE FOR INLAND WATERWAYS (CEVNI)

Amendments to CEVNI

General amendments

Proposal submitted by the Chairman of the informal working group on CEVNI

Note by the secretariat

At its thirty-second session, the Working Party took note of the creation of an informal working group on CEVNI, composed of the representatives of Austria, Netherlands, Danube Commission, the International Sava River Basin Commission and the UNECE secretariat (ECE/TRANS/SC.3/WP.3/64, para. 8). The aim of the group was to prepare amendment proposals to CEVNI, Police Regulations for the Navigation of the Rhine, Basic Rules of Navigation on the Danube and Rules for the Navigation on Sava River, based on the analysis of the differences between these four documents, prepared by Austria (ECE/TRANS/SC.3/2008/6). The preliminary results of this work (proposals on Chapters 1-3) were presented at the thirty-third session of the Working Party, where it was decided to consider all the proposals from the group at the thirty-fourth session with a view to preparing a substantive revision of CEVNI (ECE/TRANS/SC.3/WP.3/66, paras. 9-10).

The present document contains the proposals of the informal working group related to the general structure of CEVNI and of some of its articles. The Working Party may wish to decide whether to recommend that the Working Party on Inland Water Transport (SC.3) adopt these proposals at its fifty-third session.

GENERAL AMENDMENTS TO THE EUROPEAN CODE FOR INLAND WATERWAYS (CEVNI)

I. INTRODUCTION

1. In addition to the specific amendments to the CEVNI provisions, listed separately, the informal working group on CEVNI is submitting the following proposals applicable to the entire text of CEVNI (ECE/TRANS/SC.3/115/Rev.3):

- (a) Adding a new Chapter 9 on “Special regional and national requirements” and establishing an annual CEVNI status document;
- (b) Removing the distinction between classes I and II in Article 6.01;
- (c) Rearranging definitions in Article 1.01;
- (d) Replacing the current Annexes 4 and 5 with the reference to Standard EN-14744:2005;
- (e) Clarifying the use of the term “fairway” (applicable to the English text only).

2. The following paragraphs provide an explanation for these five proposals.

II. NEW CHAPTER 9 ON “SPECIAL REGIONAL AND NATIONAL REQUIREMENTS” AND AN ANNUAL CEVNI STATUS DOCUMENT

3. There are currently 78 footnotes to the CEVNI provisions. Some of them bring additional clarification and information on the article in question, but most of them reserve the right of competent authorities to derogate to the provision. No reporting mechanism, except for a special supplement on a few countries, exists at the present time to aggregate the information on the existing derogations to CEVNI in national and regional rules.

4. In order to ensure a harmonized application of the code, the working group proposes to delete, as much as possible, footnotes to the CEVNI provisions. When reserving the right of national and regional authorities to adopt a different rule is considered important, such a possibility will be secured through a special provision in a separate chapter on special regional and national requirements, which will list all articles to which derogations are permitted. It is proposed that this chapter follows the last chapter on purely nautical issues (Chapter 8) and, therefore, becomes a new chapter 9. Draft chapter 9 is enclosed in Annex I.

5. To provide an adequate reporting mechanism, the working group also proposes to establish and maintain on a yearly basis a CEVNI status document with information on the national and regional derogations to the articles listed in the chapter 9. A draft status document is enclosed in Annex II.

6. This will entail moving the current chapter 9 “Prevention of pollution of water and disposal of waste occurring on board” to Chapter 10. The content of the CEVNI supplement on “Specific Requirements in the national regulations of Belarus, Kazakhstan, the Republic of Moldova, the Russian Federation and Ukraine that differ at present from the provisions of CEVNI” will be included in the new chapter 9.

III. REMOVING THE DISTINCTION BETWEEN CLASSES I AND II IN ARTICLE 6.01

7. Article 6.01 establishes a distinction between class I and class II of inland waterways. Different rules of the road are established for the two classes, leading to a complex structure of Chapter 6, but only class I is of importance to international waterways. In this light, the working group recommends that SC.3/WP.3 reassess the need for this distinction in CEVNI.

IV. REARRANGING DEFINITIONS IN ARTICLE 1.01

8. Currently, the article 1.01 contains 32 definitions used in CEVNI. These definitions are to some extent but not sufficiently grouped by theme (different types of vessels, different types of lights, etc). In this light, the working group proposes to rearrange the definitions in article 1.01 by classifying them by theme, as this is done in Resolution No. 61 with “Recommendations on Harmonized Europe-Wide Technical Requirements for Inland Navigation Vessels” (ECE/TRANS/SC.3/162). A draft proposal on the new structure of the article is enclosed in Annex III.

V. REPLACING THE CURRENT ANNEXES 4 AND 5 WITH THE REFERENCE TO STANDARDS EN-14744:2005

9. At its fifty-first session, the Working Party on Inland Water Transport approved amendment to CEVNI article 1.01 and Annex 5 “Intensity and range of signal lights on vessels”, which aimed at bringing CEVNI in line with the newly adopted standard EN 14744:2005 on navigation lights for inland navigation and sea-going vessels (ECE/TRANS/SC.3/178, para. 21). However, not such work has been done for the Annex 4 “Lights and the colour of signal lights on vessels”. Moreover, currently River Commissions refer the relevant provisions of their regulations directly to standard EN-14744:2005. In this light, the working group proposes to include a reference to the standard in article 1.01 (r) and (s) and remove Annexes 4 and 5. The full text of the standard is available in document ECE/TRANS/SC.3/WP.3/2007/9.

VI. CLARIFYING THE USE OF THE TERM “FAIRWAY” (APPLICABLE TO THE ENGLISH TEXT ONLY)

10. At the present time the CEVNI provisions use terms “fairway” and “channel” as interchangeable. For the sake of clarity, it is proposed to replace term “channel” by “fairway” throughout all CEVNI provisions (only applicable to the English text of CEVNI).

Annex I

Draft Chapter 9

“REGIONAL AND NATIONAL SPECIAL REQUIREMENTS”

Article 9.01 - Regional and national special requirements

The competent authorities may adopt different provisions for the articles listed in this Chapter. In this case, they shall report on these differences to the Working Party on Inland Water Transport (SC.3).

Article 9.02 - Chapter 1 “GENERAL PROVISIONS”

1. With respect to Article 1.01 (d), the competent authorities may use the term “small size craft” as a subcategory of “small craft” as defined in CEVNI article 1.01 (d);¹
2. With respect to Article 1.01 (bb), the competent authorities may use a different definition of “water bike”;²
3. With respect to Article 1.01 (cc), the competent authorities may state in the ship’s certificate that the vessel is a high-speed vessel;
4. With respect to Article 1.09, the competent authorities may prescribe other provisions concerning age for small craft;³
5. With respect to Article 1.10 para. 1, the competent authorities may require additional documents to be on board of the vessel.

Article 9.03 - Chapter 2 “MARKS AND DRAUGHT SCALES ON VESSELS; TONNAGE MEASUREMENT”

(left void)

Article 9.04 - Chapter 3 “VISUAL SIGNALS (MARKING) ON VESSELS”

1. With respect to section II of Chapter 3, the competent authorities may decide not to require vessels under way to carry day markings;⁴
2. With respect to Article 3.08 para. 1, the competent authorities may prescribe other stern lights;⁵

¹ Former footnote 2.

² Former footnote 5.

³ Former footnote 16.

⁴ Former footnote 23.

⁵ Former footnote 25.

3. With respect to Article 3.10 para. 1, the competent authorities may:
 - (a) Prescribe the use of bright lights on narrow waterways;⁶
 - (b) Authorize the pusher to carry the mast-head lights and the side lights;⁷
4. With respect to Article 3.14 para. 1,
 - (a) In the case of seagoing vessels operating only temporarily in inland navigation areas, the competent authorities may authorize the use of the day and night signals prescribed in the Recommendations on the Safe Transport of Dangerous Cargoes and Related Activities in Port Areas adopted by the Maritime Safety Committee of the International Maritime Organization (by night an all-round fixed red light and by day flag “B” of the International Code of Signals), instead of the signals prescribed in paragraphs 1, 2 and 3 of this article;⁸
 - (b) The competent authorities may prescribe red lights instead of blue lights.⁹
5. With respect to Article 3.16, the competent authorities may prescribe another marking;¹⁰
6. With respect to Article 3.27, the competent authorities may prescribe a yellow scintillating light instead of the blue for fire-fighting and rescue vessels.

Article 9.05 - Chapter 4 “SOUND SIGNALS ON VESSELS - RADIOTELEPHONY”¹¹

(left void)

Article 9.06 - Chapter 5 “WATERWAY SIGNS AND MARKING”

(left void)

Article 9.07 - Chapter 6 “RULES OF THE ROAD”

1. With respect to Article 6.32, the competent authorities may waive the provision on giving the three-tone signal or apply it only on certain waterways;¹²
2. With respect to Article 6.33, the competent authorities may prescribe that a vessel carrying the boatmaster of a convoy shall sound two long blasts.¹³

⁶ Former footnote 28.

⁷ Former footnote 30.

⁸ Former footnote 36.

⁹ Former footnote 37.

¹⁰ Former footnote 39.

¹¹ It is currently proposed that the title of Chapter 4 be amended to “SOUND SIGNALS ON VESSELS; RADIOTELEPHONY; NAVIGATION DEVICES”.

¹² Former footnote 70.

Article 9.08 - Chapter 7 “BERTHING RULES”

(left void)

Article 9.09 - Chapter 8 “TRANSPORT OF DANGEROUS GOODS”¹⁴

(left void)

Article 9.10 - Chapter 10 “PREVENTION OF POLLUTION OF WATER AND DISPOSAL OF WASTE OCCURRING ON BOARD VESSELS”

1. With respect to Article 9.04, the competent authorities may, under certain conditions, permit exceptions to the prohibition on burning waste on their national waterways;¹⁵
2. With respect to Article 9.05, the competent authorities may require other vessels, assemblies of floating material and floating equipment on their national waterways to carry a pollution prevention register.¹⁶

¹³ Former footnote 71.

¹⁴ It is currently proposed that the title of Chapter 8 be amended to “SIGNALLING AND REPORTING REQUIREMENT”.

¹⁵ Former footnote 77.

¹⁶ Former footnote 78.

Annex II

DRAFT CEVNI STATUS DOCUMENT

Note: The current document will contain a table with information on the modalities of the application of the CEVNI provisions, as stipulated in Chapter 9 of CEVNI on “National and Regional Special Requirements”.

CEVNI provisions	Regional and National Special Requirements
Article 1.01 (d)	In accordance with the CEVNI article 9.02 para. 1, the following countries use the subcategory “small size craft” to designate all vessels with a hull less than 7 m long, including rowing boats of any length: <ul style="list-style-type: none"> (a) Belarus; (b) Kazakhstan; (c) Republic of Moldova; (d) Russian Federation; and (e) Ukraine.
Article 1.01 (dd)	In accordance with Article 9.02 para. 2, the following countries use a different definition of “water bike”: <ul style="list-style-type: none"> (a) Austria: the term water bike is used to designate an assembly of floating material instead of a small craft.
Article 1.01 (cc)	In accordance with Article 9.02 para. 3, the following countries include the mention “high-speed vessel” in the ship’s certificates: <ul style="list-style-type: none"> (a)
Article 1.09	In accordance with Article 9.02 para. 4, the following countries prescribe different age for small craft: <ul style="list-style-type: none"> (a)
Article 1.11 para. 1	In accordance with Article 9.02 para. 5, the following countries require additional documents to be on board of the vessel: <ul style="list-style-type: none"> (a)

Annex III

Draft new Article 1.01 - Meaning of certain terms

In these regulations, the following definitions are used:

A. Types of vessels

- (1) The term “vessel” means any inland waterway craft, including small craft and ferry-boats, as well as floating equipment and seagoing vessels;
- (2) The term “motorized vessel” means any craft using its own mechanical means of propulsion, except craft whose engines are used only to cover short distances (in harbours or at loading and unloading points) or to make them easier to handle while being towed or pushed;
- (3) The term “small craft” means any vessel with a hull less than 20 m long, except vessels built or equipped to tow, push or propel in side-by-side formation vessels other than small craft, craft authorized to carry more than 12 passengers and ferry-boats;
- (4) The term “floating equipment” means floating structures carrying machinery used for work on waterways or in harbours (dredgers, elevators, derricks, cranes, etc.);
- (5) The term “ferry-boat” means any vessel providing a transport service across a waterway, that is classed as a ferry-boat by the competent authorities;
- (6) The term “high-speed vessel” means a motorized vessel, with the exception of small craft, capable of travelling at a speed greater than 40 km/h in relation to still water, when this is stated in its inspection certificate;
- (7) The term “pushed barge” means any vessel designed or specially equipped to be pushed;
- (8) The term “shipborne barge” means a pushed barge designed to be carried on board seagoing vessels and to navigate on inland waterways;
- (9) The term “sailing vessel” means any vessel proceeding under sail only; a vessel proceeding under sail and making use at the same time of its own mechanical means of propulsion shall be considered as a motorized vessel;
- (10) The term “water bike” means any small craft using its own mechanical means of propulsion, which is able to carry one or more persons and built or designed to be used for skiing over the water or performing figures, for example, waterbobs, waterscooters, jetbikes, jetski and other similar craft;

B. Convoys

- (1) The term “convoy” means a towed convoy, a pushed convoy or a side-by-side formation;
- (2) The term “towed convoy” means any group consisting of one or more vessels, floating establishments or assemblies of floating material towed by one or more motorized vessels, the later forming part of the convoy and being known as tugs;
- (3) The term “pushed convoy” means a rigid group of vessels, one at least of which is placed in front of the motorized vessel propelling the convoy and is known as a pusher;

- (4) The term “side-by-side formation” means a group consisting of vessels coupled side-by-side, none of which is placed in front of the motorized vessel propelling the formation;

C. Light and sound signals

- (1) The terms “white light”, “red light”, “green light”, “yellow light” and “blue light” mean lights of colours conforming to the provisions of Annex 4 to these regulations;
- (2) The terms “strong light”, “bright light” and “ordinary light” mean lights of intensities conforming to the provisions of Annex 5 to these regulations;
- (3) The terms “scintillating light” and “quick scintillating light” mean rhythmic lights flashing 50-60 times per minute and 100-120 times per minute;
- (4) The term “short blast” means a blast lasting approximately one second, and the term “long blast” means a blast lasting approximately four seconds, the interval between two consecutive blasts being about one second;
- (5) The term “series of very short blasts” means a series of at least six blasts lasting approximately $\frac{1}{4}$ second each, separated by intervals of approximately $\frac{1}{4}$ second;
- (6) The term “three-tone signal” means a signal repeated three times, of three blasts of different pitch with no interval between them lasting about two seconds in all. The frequency of the blasts shall be within the range 165 to 297 Hertz and the difference between the highest and the lowest blasts shall be at least two full notes. Each series of three blasts shall begin with the lowest and end with the highest note;

D. Other terms

- (1) The term “floating establishment” means any floating installation that is normally a fixture, e.g. swimming baths, docks, wharves or boat-sheds;
- (2) The term “assembly of floating material” means a raft or any construction, assembly or object capable of navigation, other than a vessel or floating establishment;
- (3) A vessel, an assembly of floating material or a floating establishment is “stationary” when it is, directly or indirectly, anchored or made fast to the shore;
- (4) A vessel, an assembly of floating material or a floating establishment is “under way” or “proceeding” when it is neither directly nor indirectly at anchor, made fast to the shore or grounded. For such vessels, floating equipment or floating establishments under way, the term “stop” applies with respect to the land;
- (5) The term “vessel engaged in fishing” means any vessel fishing with nets, lines, trawls or other fishing apparatus that restrict manoeuvrability, but does not apply to a vessel fishing with trolling lines or other fishing apparatus that does not restrict manoeuvrability; (x) The term “night” means the period between sunset and sunrise;
- (6) The term “day” means the period between sunrise and sunset;
- (7) The term “state of fatigue” means a state occurring as the result of insufficient rest or of sickness, and expressed in deviations from the norm in behaviour and reaction speed;

- (8) The term “state of intoxication” means a state occurring as a result of the use of alcohol, narcotics, medicines or other similar substances and determined from the results of laboratory examination or from clinical symptoms in accordance with national legislation and practice;
- (9) The term “reduced visibility” means conditions in which visibility is reduced owing to fog, haze, snow, rain or other reasons.
- (10) The term “safe speed” means a speed at which a vessel or a convoy can navigate safely, undertake manoeuvres and stop within the distance required by the prevailing circumstances and conditions.
