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Working Party on Inland Water Transport

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

(Twentieth session, 7-9 June 2000,
agenda item 3 (c))

UPDATING THE EUROPEAN CODE FOR INLAND WATERWAYS (CEVNI)

Transmitted by the Government of Ukraine

Note: Reproduced below are suggestions by the Government of Ukraine regarding further amendments to CEVNI (TRANS/SC.3/115/Rev.1 and Amend. 1).

1. In accordance with the decision of Working Party SC.3/WP.3 at its eighteenth session, the Government of Ukraine is submitting suggested amendments to CEVNI and comments on the amendments suggested by other countries. At the same time, the Government of Ukraine feels obliged to comment on certain provisions of already adopted resolutions relating to CEVNI and suggests that the established practice for amending CEVNI should be improved.

2. We agree with the suggestion by Germany (TRANS/SC.3/WP.3/1991/11) to replace the term “boatmaster” in paragraph 3 of article 1.09 of CEVNI by the term “helmsman”. The other points in the submission are not relevant to the Russian text of CEVNI and we therefore have no comments.

3. The Government of Ukraine is currently reviewing the country’s inland navigation rules with a view to harmonizing them with CEVNI. We must therefore point out that, in time, when this work has been completed, there will no longer be any need to mention Ukraine in footnotes as a State whose rules differ from those of the rest of Europe - as, for example, in paragraph 3.08 of CEVNI, in accordance with the text of resolution 45 (TRANS/SC.3/1999/8), and in other articles.

4. On the text of resolution 43 (TRANS/SC.3/1999/9), the following comments should be borne in mind, with the adoption by established practice of a corrigendum 1 to the resolution (provided, that is, these comments are not occasioned by an infelicitous translation of the document into Russian):

(a) The wording of the second sentences of paragraphs 2 and 3 of article 4.04 must be uniform (instead of the current different “when under way” and “when sailing”);

(b) It would make sense to reflect the content of the last sentence of paragraph 3 in the second sentence of that paragraph, as follows: “During operation of the vessel (when under way and when stationary), the radiotelephone installation ...” (continue with original text). This provision is in line with the practice for the use of radiotelephone installations on vessels in Ukraine.

5. In addition, following the adoption of resolution 43, a correction must be made to paragraph 1 of article 6.30 of CEVNI, which repeats the provision requiring vessels to be equipped with radiotelephone installations in good working order.

6. In accordance with the decision of Working Party SC.3/WP.3 at its eighteenth session, the secretariat, together with the delegation of the Russian Federation, must prepare for the twentieth session of the Working Party the text of an appendix to CEVNI, reflecting those national rules of the Russian Federation which are not in line with CEVNI (TRANS/SC.3/WP.3/36, para. 11).

7. A similar discrepancy can be found in the inland navigation rules of Ukraine, although these rules are currently being brought into line with European rules and will, in due course, conform with CEVNI.

8. In the view of the Government of Ukraine, it is essential to publish the national rules of the Russian Federation and of other countries which deviate from CEVNI, although it doubts whether this needs to take the form of appendices to CEVNI.

9. A more acceptable procedure would be to incorporate in CEVNI information on any national rules of specific countries which deviate from European rules, while the competent authorities of the countries themselves should be responsible for publishing these deviating rules for the information of foreign vessel-owners. It is planned to raise this issue for discussion at the twentieth session of Working Party SC.3/WP.3.

10. Paragraph 1 of article 6.01 of CEVNI subdivides the waterways mentioned in chapter 6 into two categories, whereby “Class I normally comprises rivers, and Class II canals, lakes and broad waterways”. If “broad waterways” is understood to mean reservoirs, assigning canals, as well as lakes and reservoirs to one and the same category appears wrong from the point of view of navigation rules.

11. It is suggested that, at its twentieth session, Working Party SC.3/WP.3 discuss the question of reviewing the wording of paragraph 1 of article 6.01 of CEVNI and of supplementing chapter 6 with a section on rules of navigation for lakes and reservoirs. This section should, in particular, contain regulations on:

- The need for a vessel to carry navigation permits from the competent authorities for the corresponding reservoirs and lakes;
- The need to obtain the consent of the competent authorities to the entry into a lake or reservoir of navigation zone 1 (by wave height) for vessels performing side-by-side towing operations, towing large objects, etc.

12. At the eighteenth session of Working Party SC.3/WP.3, Germany’s suggestion concerning the marking of effluent or diffluent channels, contained in document TRANS/SC.3/WP.3/1998/14/Add.1, was rejected. The Government of Ukraine is not so categorical in its assessment of Germany’s suggestions and proposes that, when improving CEVNI, we should revisit this issue.

13. Footnote 1 to annex 7 of CEVNI (“Waterway signs and marking”) provides the reservation that waterway signs and marking in Ukraine correspond to national rules. When harmonizing the country’s national navigation rules with European rules, Ukraine will also move over to the waterway signs adopted in CEVNI to regulate navigation, a process which will take not less than 10 years, during which time signs and marking conforming both to European and to Ukrainian rules can be used. Having had practical experience of the absence in CEVNI of standards for the sizes of waterway signs, the Government of Ukraine suggests that the question of introducing such standards should be considered by Working Party SC.3/WP.3 at its twentieth session.

14. In the view of the Government of Ukraine, the established practice amending CEVNI should be improved.

15. At certain periods, the secretariat receives an inordinate number of suggestions from countries. In addition, these suggestions relate to a range of different issues regulated by CEVNI and, with the limited time for its sessions, Working Party SC.3/WP.3 is not able to consider them or to make the necessary corrections to other provisions of CEVNI related to the decisions being adopted. Such a situation arose, for example, at the Working Party's eighteenth session, as reflected in paragraph 4 of its report (document TRANS/SC.3/WP.3/36).

16. In addition, in the opinion of the Ukrainian Government, the structure of CEVNI as a whole and of certain sections of the document need to be substantially improved. In particular, at the eighteenth session of the Working Party, Ukraine already made specific comments on chapter 1 of CEVNI.

17. In this connection, we suggest that, at its twentieth session, Working Party SC.3/WP.3 consider the possibility of changing the established practice for amending CEVNI. In particular, we suggest:

(a) Preparing an improved structure for CEVNI, retaining, as far as possible, the existing system of headings in the document. (If other countries agree, Ukraine is ready to undertake this task);

(b) Considering the possibility of making corrections to the chapters (sections) of the document in sequence, which would not, however, rule out the possibility of making corrections at the same time to other sections, if they were of a fundamental and pressing nature;

(c) Enhancing the role of the "small" (unofficial) working groups in the preparation of suggestions to correct various sections of CEVNI.

18. We believe that, if organized in this way, the work of Working Party SC.3/WP.3 will be much more productive and the secretariat will, to some extent, be freed from the drudgery of repeatedly preparing the same materials on CEVNI for the group's sessions.
