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Item 5 (a) of the provisional agenda

Resolution No. 61, “Recommendations on Harmonized Europe-Wide Technical Requirements for Inland Navigation Vessels”: Amendments to Chapter 1–2, “Definitions”

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Note by the secretariat

I. Introduction

1. During its thirty-sixth session, the Working Party conducted a detailed exchange of views on the proposal by Austria, contained in document ECE/TRANS/SC.3/WP.3/2010/3, to amend chapters 1 and 2, “definitions”.
2. As the Working Party was unable to reach a common position on this matter, Governments and river commissions were invited to submit their written observations and views on this matter to the secretariat (ECE/TRANS/SC.3/WP.3/72, paras. 21–25).
3. On the date of issue of this document, the secretariat had received information on the item from Belarus (indicating that it had no comments), the Central Commission for the Navigation of the Rhine (indicating that CCNR would support any amendments to Resolution No. 61 that would bring it closer into line with the Rhine Inspection Rules and European Union Directive No. 2006/87/EC), Bulgaria (indicating that Bulgaria supported the Austrian proposal in document ECE/TRANS/SC.3/WP.3/2010/3), and more detailed proposals from the Russian Federation, reproduced below.
4. Considering the Austrian arguments presented in document ECE/TRANS/SC.3/WP.3/2010/3 on the need to unify vessel-type definitions in the run-up

to the introduction of the Unique European Vessel Identification Number, the secretariat agrees with the Russian Federation about aligning the vessel-type definitions given in Resolution No. 61 and in CCNR and EU documents to the greatest possible extent. But there appears to be no justification for the Austrian proposals to delete from chapters 1 and 2 a great many definitions relating to refuse generated on board, electrical equipment and so forth. Further, the definitions of some new terms proposed in the Austrian document require further clarification. For instance, the definitions of terms 97a and 97b give the impression that navigation lights and something referred to as “light appearances” (“périodes de lumière” in French) are switched on only sporadically in order to identify the craft carrying them and can be left switched off the rest of the time; this is not the case, at least as far as navigation lights are concerned, and may lead to confusion.

5. In the light of these and other comments by the Russian Federation on the text of the proposed amendments, it seems essential to establish feedback between Geneva and Brussels so that the comments made at ECE meetings on the text of the Directive are discussed and evince a reaction from the European Commission. It will not otherwise be possible to arrive at a Europe-wide harmonization of technical requirements.

6. In considering possible amendments to chapters 1 and 2 of the annex to Resolution No. 61, the Working Party may wish to bear in mind that Directive 2009/46/EC incorporates corrections to Directive 2006/87/EC, including some definitions. Some of these corrections are not taken into consideration in document ECE/TRANS/SC.3/WP.3/2010/3, viz.:

(i) Point 52 (item 40 in chapters 1 and 2 of the annex to Resolution No. 61), “Muster areas”, is amended as follows:

52 “Muster areas”: areas of the vessel which are specially protected and in which ~~passengers~~ **persons** muster in the event of danger

(ii) Term 76 (item 44 in chapters 1 and 2 of the annex to Resolution No. 61), “Draught (*T*)”, is amended as follows:

“Draught (*T*)”: the vertical distance in m between the lowest point of the hull ~~or the keel~~ **without taking into account the keel or other fixed attachments** and the ~~plane of~~ **maximum draught line**;

(iii) A new term 76a, “draught overall (*T_{OA}*)”, is added:

76a. “Draught overall (*T_{OA}*)”: the vertical distance in m between the lowest point of the hull including the keel or other fixed attachments and the maximum draught line.

II. Observations and proposals by the Russian Federation relating to the Austrian proposals in document ECE/TRANS/SC.3/WP.3/2010/3

7. The purpose of the Austrian proposals set out in document ECE/TRANS/SC.3/WP.3/2010/3 is to harmonise the provisions in the annex to Resolution No. 61 with European Commission directives in order to simplify the exchange of data. In our view, however, a number of the definitions given in that document are inferior to the existing definitions found not only in Resolution No. 61 but also in the European Code for Inland Waterways (CEVNI). We also think it sensible to add new definitions to those that already exist but not to delete existing definitions that are essential to the understanding of documents. It needs to be recognized that the introduction of new terms necessitates a complete reworking of the annex to Resolution No. 61 and, perhaps, CEVNI. Given the

need to use common terms in the vessel database when vessels are assigned identification numbers, work on the formulation of acceptable definitions will have to continue. Efforts to improve definitions should encompass not only those found in Resolution No. 61 but also those appearing in European Commission directives.

8. The translation into Russian of the Austrian proposal contains a number of inaccuracies, and this has led to mistakes and divergent readings of the definitions of the terms proposed. Text in italics is used in the remarks below to indicate inaccurate translations.

9. In the search for mutually acceptable wording of the terms and definitions, we invite consideration of the observations and proposals below, following the numbering of document ECE/TRANS/SC.3/WP.3/2010/3.

III. Russian Federation: proposed amendments to the proposals made in document ECE/TRANS/SC.3/WP.3/2010/3

1. Given that, from the sense of the definition, item 23, “craft”, is not a vessel and cannot be used to transport goods or passengers, we suggest using two separate terms:

- (i) “Vessel” as defined in Resolution No. 61; and
- (ii) “Craft”: a floating structure or floating object (see item 23 below).¹

4. “Sea-going ship”: a vessel certified (in Russian, *признанное годным*) for sea-going service.

Explanation: the term “certificated” [*sic*] may denote not only the result of certification and the issue of a certificate, but also approval, acceptance etc., substantiated with documents.

5. “Motor (in Russian, *самоходный*) vessel”: a vessel built to navigate independently (in Russian, *для автономного плавания*) under its own motive power (in Russian, *с использованием собственной движущей силы*).

Explanation: the definition proposed by Austria takes no account of non-cargo-carrying vessels which are also motor-propelled, such as passenger and research vessels.²

6. “Motor (in Russian, *самоходный*) tanker”: a vessel intended for the carriage of goods in fixed tanks and built to navigate independently (in Russian, *для автономного плавания*) under its own motive power (in Russian, *с использованием собственной движущей силы*).

7. “Motor (in Russian, *самоходный*) cargo vessel”: a vessel, other than a motor tanker, intended for the carriage of goods and built to navigate independently (in Russian, *для*

¹ From all appearances, the Russian Federation is still refraining from the use in the annex to Resolution No. 61 of the term defined under item 1 in the Austrian proposal and the EC Directive (“craft” in English, “bâtiment” in French, “Fahrzeug” in German), amalgamating the concepts it encompasses under the single term «судно» as defined in chapters 1 and 2 of the annex to Resolution No. 61.

² It is essential to note the divergent readings of term 5 in the English and French texts of the EC Directive. The French version (borrowed from the Rhine Survey Regulations (RPNR)) says that a self-propelled vessel is a normal self-propelled vessel or a self-propelled tanker; the English, because of a mistranslation, says that a self-propelled vessel is a self-propelled cargo vessel or a self-propelled tanker. A correction to the English text of the Directive is thus called for: a “self-propelled vessel is a normal self-propelled vessel or a self-propelled tanker”.

автономного плавания) under its own motive power (in Russian, *с использованием собственной движущей силы*).

10. “Pusher”: a vessel specially built to propel (in Russian, *для перемещения судов и плавучих средств*) a pushed convoy.³

Explanation: Austria proposes the introduction of terms 11–16 instead of the terms “towed barge” and “pushed barge” used in Resolution No. 61. Instead of “pushed barge”, it proposes the term “lighter” (tank or cargo).⁴ Given that the concept of a “lighter” in the Russian Federation is not synonymous with that of a “pushed barge”, and that lighters are not only set in motion by pushing, it would be sensible to retain the former definitions 5 and 6 and omit definitions 11, 14, 15 and 16.

12. “Tank barge”: a vessel intended for the carriage of goods in fixed (in Russian, *стационарных*) tanks and built to be towed or pushed, either having no motive power of its own or having only sufficient motive power to perform restricted manoeuvres.

13. “Dumb barge”: an unmotorized vessel other than a tank barge, intended for the carriage of goods and built to be towed or pushed, either having no motive power of its own or having only sufficient motive power to perform restricted manoeuvres.

14. “Lighter”: a tank lighter, cargo lighter or ship-borne lighter.

Explanation: the Russian Federation agrees to the replacement of term 7, “ship-borne barge”, with “ship-borne lighter”.

19. “~~Passenger~~ sailing vessel”: a ~~passenger~~ vessel built and fitted out with a view to propulsion under sail (in Russian, *для использования паруса в качестве движителя*).

Explanation: we see no need to introduce the definition of a passenger sailing vessel. The concept muddles two separate approaches to vessel classification – by source of motive power and by intended purpose. A definition of a sailing vessel is quite sufficient.

22. “High-speed vessel”: we propose not to change the definition of this term given in the annex to Resolution No. 61.

Explanation: the Working Party spent a long time discussing the term “high-speed vessel” and arrived at an intelligent, generally acceptable solution which has also found its way into CEVNI. The wording proposed is, to our minds, significantly poorer than the existing one.

23. “Craft”: a “floating structure” or “floating object”.

Explanation: by analogy with the rules adopted by the International Maritime Organization, we propose to assign floating cranes, dredgers, piledrivers and the like to the category of vessels.

³ Secretariat comment not relevant to the English text.

⁴ Here again, it appears that the compilers of the EC Directive have fallen foul of a poor translation from French into English: in the French text of the Directive and, accordingly, in RPNR, items 14, 15, 16 and 17 are not concerned with lighters but with barges. The translator had a problem, having already used the English “barge” to translate the French term “chalande” in items 11 to 13, and was thus forced to look in the dictionary for a substitute for “barge” in items 14 to 17. This issue was discussed in detail in the group of volunteers, then in Working Parties WP.3 and SC.3, and it was decided not to use the term “lighter” in items 14 to 17. The term «толкаемая баржа» (“barge de poussage” in French and “pushed barge” in English) has, incidentally, come into international currency and has long been used in CEVNI.

24. “Worksite (in Russian, *технического флота*) craft”: a vessel, appropriately built and equipped for use at worksites, such as a reclamation barge,⁵ hopper or pontoon barge, pontoon or stone-dumping vessel.

25. “Recreational craft”: a vessel other than a passenger vessel, intended for sport or pleasure (in Russian, *отдыха*).

27. “Floating establishment” (in Russian, *Плавучее сооружение*): any floating installation (in Russian, *конструкция*) not normally intended to be moved, such as a swimming bath, dock, jetty or boathouse.

Explanation: [not relevant to English text].

28. “Floating object”: a raft or other structure, object or assembly capable of navigation, not being a vessel or floating establishment (in Russian, *плавучим сооружением*).

Explanation: we propose to retain terms 15 and 16 from the current annex to Resolution No. 61.

32. “Pushed convoy”: a rigid assembly of vessels or craft of which at least one is positioned in front of the **vessel** providing (in Russian, *обеспечивающего* or *обеспечивающих*) the power for propelling the convoy, known as the “pusher(s)” (in Russian, *именуемого «толкачом» (именуемых толкачами)*); a convoy composed of a pusher and a pushed **vessel or craft** coupled so as to permit guided articulation is also considered as rigid.

Explanation: here it is indeed a vessel, not a craft, that is being used as a pusher.

33. “Side-by-side formation”: an assembly of **vessels and craft** coupled rigidly side by side, none of which is positioned in front of the **vessel** propelling the assembly.

34. “Towed convoy”: an assembly of one or more **vessels and craft or assemblies of floating material** towed by one or more self-propelled **vessels** forming part of the convoy.

Explanation: we consider it essential to retain terms 22, 26 and 27 from the current annex to Resolution No. 61, while accepting that the wording proposed by Austria for the definition of an enclosed superstructure in term 26 can be used with the following emendations.

35. “Main engine room”: space where the ~~main main machinery is~~ **propulsion engines are** installed.

Explanation: retention of items 42 and 43 from the current annex to Resolution No. 61.

38. “Enclosed superstructure”: a watertight, rigid, continuous structure with rigid walls joined to the deck **or sides** in a permanent and watertight manner (in Russian, *соединение которой с палубой или бортами является постоянным и водонепроницаемым*).

Explanation: the latter part of the definition is taken from the existing wording, allowance being made for the fact that the superstructure may be permanently joined not to the deck but to the sides of the vessel (as for example in hydroplanes and air-cushion craft).

49. “Working station”: an area (in Russian, *место*) where members of the crew carry out their duties (in Russian, *исполняют свои функции*), including gangway, derrick (in Russian, *сходни, грузовое устройство*) and ship’s boat.

Explanation: we consider it essential to retain terms 42, 43, 56 and 70–76 of the current annex to Resolution No. 61.

⁵ The secretariat suggests that “reclamation barge” in English and “refouleur” in French should be rendered as *«рефулер»* or *«землесосный снаряд»* in Russian.

54. “Plane of maximum draught”: the water plane corresponding to the maximum draught at which the ~~vessel~~ **craft** is authorized to navigate.

Explanation: we propose leaving term 57 as currently worded or, if the Working Party should choose to adopt the Austrian proposal, making the following emendations (text from item 4-4.1.1).

57. “Freeboard (F)”: ~~is the vertical distance measured amidships between the upper edge of the deck line as defined in paragraph 4-4.1.1 and the maximum draught level the distance between the plane of maximum draught and a parallel plane passing through the lowest point of the gunwale or, in the absence of a gunwale, the lowest point of the upper edge of the ship’s side~~ **where the outward projection of the upper surface of the freeboard deck intersects the external surface of the gunwale at the midsection.**

70. “Length overall (L_{OA})”: the maximum length of the craft in m, including all fixed (in Russian, *стационарные*) installations such as parts (in Russian, *элементы*) of the steering system or power plant, mechanical or similar devices (in Russian, *устройства*).

79. “Steering gear ~~system~~”: all the equipment necessary for steering the vessel, such as to ensure the manoeuvrability laid down in chapter 5.

84. “Steering control”: the component parts of and circuitry for the operation of a power-driven steering control (in Russian, *рулевого управления с механическим приводом*).

85. “Steering apparatus **drive** (in Russian, *рулевого привода*) unit”: the control for the steering apparatus **and its drive unit** ~~and its power source~~.

Explanation: this change is proposed in the light of the existing definition of term 80: “Drive unit”: the steering-apparatus drive, between the power source and the steering apparatus.

89. “Wheelhouse designed for radar navigation by one person”: a wheelhouse arranged in such a way that, during radar navigation, the vessel can be manoeuvred by one person (in Russian, *«Рулевая рубка, специально оборудованная для управления судном одним человеком с помощью радиолокационной установки» – рулевая рубка, оборудованная таким образом, что при управлении судном с помощью радиолокационной установки судно способно управляться одним человеком*).

Explanation: we propose to make use of the Russian text from the annex to Resolution No. 61.

97. We consider it advisable to leave the definition of an approved classification society as currently worded, since the approval procedure laid down in ADN has been worked out in detail and fully corresponds, from our viewpoint, to the objectives of Resolution No. 61.

97a. “~~Navigation~~ Signal and distinguishing lights”: ~~light appearances of navigation lights signal and distinguishing lamps switched on to identify for the identification of craft.~~

Explanation: the term “navigation lights” means not only navigation but also mooring lights.

97b. “Light signals”: ~~lights appearances to accompany~~ switched on to supplement visual or sound signals.

Explanation: it is unclear from either the present English or the Russian wording what is being referred to: navigation lights or the light signals emitted by the fire alarm system.

105. “Ship’s certificate”: a certificate ~~in accordance with~~ **corresponding to** the model **given in** appendix 2 ~~signifying the compliance of the~~ issued by the competent authority to a vessel **complying** with the technical provisions of ~~these Recommendations a certificate~~

~~issued to an inland waterway vessel by the competent authority, signifying compliance with the technical requirements of this Resolution.~~

Explanation: as the terms in items 109 to 123 appear in the annex to Resolution No. 61 and are essential there, we consider it sensible to retain them. It is not clear from the Austrian proposal whether terms 124 and 125 are to be deleted or not; we propose to retain them, appropriately renumbered.
