



Economic and Social Council

Distr.: General
2 August 2011

Original: English

Economic Commission for Europe

Inland Transport Committee

Working Party on Inland Water Transport

Fifty-fifth session

Geneva, 12–14 October 2011

Item 9 of the provisional agenda

Recreational navigation

Amendments to Resolution No. 40 on “International Certificate for Operators of Pleasure Craft” and other activities related to recreational navigation

Note by the secretariat

I. Mandate

1. At its fifty-fourth session, the Working Party on Inland Water Transport (SC.3) agreed to add to Resolution No. 40 on “International Certificate for Operators of Pleasure Craft” a new annex with information on the competent national bodies delivering international certificates for operators of pleasure craft (ICCs). The Working Party also invited the European Boating Association (EBA) to submit other proposals on how to further promote the use and the safety of recreational boating. (ECE/TRANS/SC.3/187, paras. 41–42).

2. In accordance with these decisions, this document contains:

(a) Proposed amendments to Annex IV of Resolution No. 40 to include information on the acceptance of Resolution No. 40 by new countries;

(b) Proposal on other SC.3 activities aimed at further promoting the use of recreational boating and ensuring its safety.

II. Proposed amendments to Annex IV of Resolution No. 40 on “International Certificate for Operators of Pleasure Craft”

3. In the light of the recent acceptance of the resolution by Norway and South Africa, the secretariat proposes the appropriate modifications to Annex IV of the Resolution. The

secretariat also proposes to correct information on Finland, as this country does not apply Resolution No. 40, and to include missing information on the application of Resolution No. 40 in Croatia. Therefore, the Working Party may wish to approve the following amendments to Annex IV:

(a) Add information on the acceptance of the resolution by Norway as of 1 May 2011, indicating that the Norwegian Maritime Directorate is the competent authority for authorizing and issuing ICC to Norwegian citizens and residents who satisfy the requirements of Annex I to the resolution;

(b) Add information on the acceptance of the resolution by South Africa, indicating that South African Sailing is the competent national authority for authorizing and issuing the ICCs to citizens and residents of South Africa and citizens of countries which are not member of the UNECE, who satisfy the requirements of Annex I to the resolution;

(c) Correct information on the acceptance of Resolution No. 40 by Finland (not applied);

(d) Indicate the approved body(ies) for issuing of ICC's in Croatia (Annex 4, Column 4) as follows:

Croatian port authorities (Lučka Kapetanija Sisak, Lučka Kapetanija Slavonski Brod, Lučka Kapetanija Osijek and Lučka Kapetanija Vukovar)

4. Information on the modalities of the application of Resolution No. 40 by Norway and South Africa is presented in the annex.

III. Proposal on other SC.3 activities aimed at further promoting the use of recreational boating and ensuring its safety

5. At its thirty-seventh session, the Working Party on the Standardization of Technical and Safety Requirements in Inland Navigation (SC.3/WP.3) was presented with the proposal by the EBA to create a portal collecting information on the national rules governing access to inland waterways by recreational craft. The Working Party asked the secretariat to circulate to the Governments a proposal to compile information on the national legal acts which govern the navigation of recreational craft on their waterways and where these acts could be found (ECE/TRANS/SC.3/WP.3/74, para. 11).

6. At its thirty-ninth session, SC.3/WP.3 took note of the information submitted by the countries in response to this request. Information was received from Belarus, Bulgaria, Lithuania, the Netherlands, the Russian Federation, Serbia and United Kingdom of Great Britain and Northern Ireland (ECE/TRANS/SC.3/WP.3/2011/17, paras. 5–19). In this document the secretariat, after consultations with EBA, proposed to publish this information, along with responses to the frequently asked questions about Resolution No. 40, in a separate document, which could serve as guidelines on the resolution (ECE/TRANS/SC.3/WP.3/2011/17, paras. 23–27). The document could include answers to such questions as:

(a) Where can I find the latest text of Resolution No. 40 and information on its acceptance and application by countries?

(b) Is it possible for countries which are not members of UNECE to accept Resolution No. 40?

(c) The navigation authorities in my country do not accept international certificate for operators of pleasure craft (ICC) issued to their residents for navigation on their waterways. Is this consistent with Resolution No. 40?

(d) If Resolution No. 40 has not been accepted by the Government but, in practice, the training and examination by one of the national sailing associations comply with the requirements of the Resolution, can this association issue ICCs?

(e) Can a Government set the time limit (three months) for accepting ICC from its residents?

(f) If two countries are implementing Resolution No. 40, does this imply that the certificate recognition is automatic and mutual or should this recognition be done on a country-by-country basis?

7. SC.3/WP.3 welcomed the proposal, but observed that the questions and answers concerning Resolution No. 40 should be published as supplementary information and not as guidelines to the resolution (ECE/TRANS/SC.3/WP.3/78, para. 40).

8. At its thirty-ninth session, SC.3/WP.3 also welcomed the proposal by the secretariat to resume the work on the schematic map of recreational inland navigation network until receiving from Governments a complete list of their inland waterways open for recreational navigation (ECE/TRANS/SC.3/WP.3/78, para. 40). The work on this map had been carried out in the context of the adoption of Resolution No. 52 on European Recreational Inland Navigation Network (TRANS/SC.3/164), aimed at extending the classification of inland waterways established by Resolution No. 30 of 12 November 1992 on Classification of European Inland Waterways (TRANS/SC.3/131, pp. 167–172) to the inland waterways used by recreational craft. At its forty-eighth session on 19–21 October 2004, SC.3, however, postponed including in the resolution a schematic map of recreational inland navigation network until receiving from Governments a complete list of their inland waterways open for recreational navigation (TRANS/SC.3/163, paras. 30–31). The first draft of the schematic map is contained in TRANS/SC.3/2003/2 and comments received from the delegations in TRANS/SC.3/2004/12.

9. In the light of these discussions, the Working Party is invited to consider the two proposals of the secretariat and EBA, i.e.:

(a) Preparation of an informative document on Resolution No. 40 and national legislation on national rules governing access to inland waterways by recreational craft;

(b) Preparation of a schematic map of European inland waterways open for recreational navigation.

10. Should these two activities receive the support of the Working Party, the secretariat suggests the following further steps:

(a) Ask SC.3/WP.3 to dedicate part of its forty-first session to these two issues;

(b) Invite the delegations to send to the secretariat by the forty-first session of SC.3/WP.3 (deadline to be communicated by the secretariat):

(i) Information on national rules governing access to inland waterways by recreational craft (if this has not yet been done);

(ii) Examples of questions in applying Resolution No. 40, which they might have or they might have received from their nationals, residents or other relevant persons;

(iii) Comments and suggestions on the schematic map, based on the first draft contained in TRANS/SC.3/2003/2 and comments received from the delegations in TRANS/SC.3/2004/12.

(c) Ask the secretariat in cooperation with EBA and other stakeholders to prepare the draft of an updated map of the recreational network, based on the comments received and other relevant information.

Annex

Modalities of the application of Resolution No. 40 by Norway and South Africa

A. Application of Resolution No. 40 by Norway

1. Legal basis for implementation of Resolution No. 40

1. Norway has decided to accept Resolution No. 40 and its annexes, adopted by the Working Party on Inland Water Transport on 16 October 1998 and later amended, regarding the International Certificate for Operators of Pleasure Craft, as from the 1st of January 2012. In accordance with paragraph 1 of the resolution, Norway notified the Executive Secretary of UNECE of its acceptance of Resolution No. 40 in its letter of 18 March 2011.

2. By Regulation no. 259 (3 March 2009), Norway introduced the requirement of a national Boating Licence (båtførerbevis) for boats with engines with horsepower more than 25 or with hull length (Lh) more than 8 metres (and up to 15 metres). This is a requirement for persons born after the 1st of January 1980 and voluntarily for persons born prior to this date. This licence is issued after successfully completing a written exam. In section 13 of that regulation it is also set forth that holders of the coastal certificate issued in accordance with resolution No. 40, is recognized as equal to the national Boating Licence. The recognition is only valid for pleasure craft with hull length less than 15 metres.

3. The regulation entered into force on the 1st of May 2010.

2. Competent authority and format of certificates

4. The *Norwegian Maritime* Directorate will be the competent authority for authorizing and issuing ICC to Norwegian citizens and residents who satisfy the requirements of Annex I to the resolution.

5. The chosen format of the international certificate is given by ISO/IEC International Standard 7810 (Annex 3 to res. 40).

6. The contact detail of the competent authority is:

The Norwegian Maritime Directorate
PO Box 2222
5509 Haugesund
Norway
Phone + 47 52 74 50 /fax + 47 52 74 51

3. Procedure for issuing ICC

7. The ICC will be issued on the basis of the Deck officer class 5 craft certificate and the national Boating Licence in addition to the practical exam(s), as described below.

8. Norway intends initially to issue ICC for coastal waters for motor- and sailboats to holders of the Deck officer class 5 craft certificate and the national Boating Licence (see appendix for detailed descriptions of the requirements to obtain these licences). The size limit of the craft that can be mastered with the issued ICC will correspond to the limits in the national Boating Licence, which is 15 metre hull length.

9. The bearer of a Boating licence will have to supplement this national licence with a medical certificate, in addition to the practical exam in navigation and boat handling in order to be issued an ICC for coastal waters. The physical requirement will be met by a medical examination conducted by a registered physician. It will include mental health, vision and hearing tests.

10. The practical exam must be conducted by members of a boating organization or maritime school, all approved by the Norwegian Maritime Directorate. The bearer of the Deck officer class 5 craft certificate will have to take a practical exam to satisfy the requirements for the ICC, unless a practical exam was taken when the Deck officer class 5 craft certificate was obtained. The other requirements for the ICC, including health requirements, will have been satisfied by those who have the Deck officer class 5 craft certificate.

11. For applicants wishing to travel on the inland waterways, Norway intends to make available a supplementary exam with CEVNI, for traffic and other regulations relevant for safe passage there. However, this is not likely to be made available in the immediate future. The Norwegian Maritime Directorate will check the relevant information of the applicants and produce and issue the ICC cards according to ISO 7810.

12. Norway will accept all ICC issued to visiting operators of pleasure craft given that they are issued to operators using craft with hull length less than 15 metres.

B. Application of Resolution No. 40 by South Africa

1. Background information

13. The South African Maritime Safety Authority (SAMSA) is a statutory body which was brought into being by the South African Maritime Safety Act 5 of 1998 (previously operating as the Marine Division of the Department of Transport). The objectives of SAMSA as stated in the Act are:

- (a) To ensure safety of life and property at sea;
- (b) To prevent and combat pollution of the marine environment by ships; and
- (c) To promote the Republic's maritime interests.

14. SAMSA is charged with administering the maritime legislation listed in the above mentioned Act and all matters pertaining to that legislation and subject matter.

15. In this context, SAMSA is the competent authority directly responsible for determining, as well as dictating, the level of competency required to be held by South Africans operating national vessels anywhere as well as those visitors operating in our waters, unless they are transiting.

2. Legal basis for implementation of Resolution No. 40

16. By its letter of 31 May 2011, SAMSA informed the Executive Secretary of UNECE of its acceptance on behalf of South Africa of Resolution No. 40 and its annexes, adopted by the Working Party on Inland Water Transport (SC.3) on 16 October 1998. This acceptance refers to the first revised edition of Resolution No. 40 as set out in ECE/TRANS/SC.3/147/Rev.1.

17. The relevant national legislation for delivering ICC is the Merchant Shipping (National Small Vessel Safety) Regulations of 2007. These regulations were issued in terms of section 356 of the Merchant Shipping Act of 1951. The National Small Vessel Skipper Certification regime is administered by SAMSA, who also appoints Certifying Authorities

to issue certificates of competence. Aside from SAMSA itself, who issue all types of certification, only SA Sailing has been appointed to issue sailing certificates to non-commercial (recreational) skippers.

3. Competent authority and format of certificates

18. South African Sailing will therefore be the Certifying Authority for authorizing and issuing the ICC to citizens and residents of South Africa and citizens of countries which are not a member of the UNECE who satisfy the requirements of Annex I to the resolution. The contact detail of the Certifying Authority is:

12 Melrose Close
Claremont 7708
CapeTown
South Africa
Postal address
P.O. Box 519
Paarden Island 7420
CapeTown
South Africa
Telephone +27 21 671 8669
Fax +27216746343
Email mail@sailing.org.za

19. The format of the international certificate will be the format defined in Annex 2 of Resolution No. 40.

4. Procedure for issuing ICC

20. At this stage the demand for the ICC is for chartering yachts in the Mediterranean. SAMSA is not aware of a demand for inland waters and will not at this stage be issuing the ICC for inland waters and will only issue the ICC for coastal waters.

21. The procedure for the issue of the International Certificates will be as follows:

(a) The ICC will only be issued to South African citizens or South African residents or citizens of a country which is not a member of the UNECE.

(b) The ICC will only be issued to persons who are in possession of a South African Sailing Day Skipper certificate or higher.

(c) Applicants for the ICC will have to provide;

(i) A signed application form;

(ii) Proof of nationality or South African residence;

(iii) Proof of identity -a South African id document or a passport;

(iv) A copy of their South African Sailing certificate of competence.

(e) The limits of recognition of the International Certificate in South Africa.

22. The recognition of the ICC is subject to the condition that the ICC will only be recognised when held by foreign nationals visiting South Africa, and will only be recognised for a period of three months. The purpose of this limitation is to ensure that South African residents and South African nationals do not use the ICC to bypass the more demanding local qualifications on a permanent basis. The motivation for this limitation has been discussed by the thirty-eighth session of SC.3/WP.3 (ECE/TRANS/SC.3/WP.3/76, para. 52).

5. Additional information

23. Requirements for a South African Sailing Day Skipper Certificate of Competence are as follows:

- (a) Minimum age 16 years;
- (b) A visual acuity test;
- (c) A VHF radio operators licence;
- (d) 200 nautical miles at sea as skipper or active crew of a sailing vessel;
- (e) 2 hours on watch at night.

24. The examination is as follows:

- (a) A two and three-quarter hour Chartwork paper (pass mark 75 per cent);
- (b) A half-hour written paper covering COLREG and IALA buoyage (pass mark 75 per cent);
- (c) A two hour oral and practical exam at sea.

25. Further details could be supplied on request including:

- (a) A detailed syllabus;
 - (b) Chartwork examination papers;
 - (c) COLREG examination papers;
 - (d) The examination report form for the practical and oral examination;
 - (e) Sample oral examination questions.
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