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## Economic Commission for Europe

### Inland Transport Committee

#### Working Party on Inland Water Transport

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

###### Fortieth session

Geneva, 15–17 February 2012

Item 6 (b) of the provisional agenda

###### European Code for Inland Waterways (CEVNI)

## Amendments to Chapters 1–8

### Note by the secretariat

#### I. Mandate

1. The Working Party on Inland Water Transport (SC.3), at its fifty-third session, had decided to maintain its informal working group on the European Code for Inland Waterways (CEVNI) and renamed it as the "CEVNI Expert Group", composed of representatives of the River Commissions and interested Governments. It had charged the group with monitoring implementation of the new CEVNI by Governments and River Commissions and examining future amendment proposals to it (ECE/TRANS/SC.3/183, para. 13).

2. The CEVNI Expert Group held its fifteenth meeting on 11 October 2011 to review the amendment proposals from Governments and River Commissions to CEVNI (ECE/TRANS/SC.3/115/Rev.4). The Group also discussed the delegation's comments to the amendments submitted to the thirty-ninth session of the Working Party on the Standardization of Technical and Safety Requirements in Inland Navigation (SC.3/WP.3), which did not meet the approval of SC.3/WP.3 (ECE/TRANS/SC.3/WP.3/78, paras. 8–9).

3. The Working Party may wish to consider the list of the new amendments to CEVNI, presented in the document, and, if appropriate, forward the relevant proposals to the fifty-sixth session of SC.3. The report of the fifteenth meeting of the CEVNI Expert Group is reproduced in the annex.

## II. Amendment proposals to CEVNI

4. Based on the results of its fifteenth meeting on 11 October 2011, the CEVNI Expert Group proposed the following amendments to CEVNI for the consideration of SC.3/WP.3. Initial authors are indicated in the footnotes.

### A. Amendment to article 3.16

5. Amend paragraph 1 as follows to avoid differences in height by night and height by day for ferry-boats of lengths less than 20 meters.<sup>1</sup>

1. Ferry-boats not moving independently shall carry:

By night:

(a) A bright white light visible from all directions, at a height of not less than 5 m; this height may, however, be reduced if the ferry-boat is of a length of less than 20 m;

(b) A bright green light visible from all directions, about 1 m above the light referred to in (a) above;

By day:

A green ball at a height of not less than 5 m. **This height may, however, be reduced if the ferry-boat is of a length of less than 20 m.**

### B. Amendment to article 3.25

6. In article 3.25, paragraph 1, at the end of subsection (a), the words "and as appropriate" should start on the new line to avoid confusion.<sup>2</sup>

### C. Amendment to article 4.07

7. For the current text of the article, substitute the following text:<sup>3</sup>

Article 4.07 – Inland Automatic Identification System

1. Vessels, except sea-going ships, shall not use an automatic identification system (AIS) unless they possess an Inland AIS device in accordance with the International Standard for Tracking and Tracing on Inland Waterways (VTT) (Resolution No. 63 (ECE/TRANS/SC.3/176)). The Inland AIS device must be certified by a certification body that is authorized by the respective country and must comply with the radiotelephone regulations. The device must be in a good working condition. If small craft is using Inland AIS, it must, in addition, be equipped with a radiotelephone installation in proper working order for the ship-ship channel.

2. Vessels are authorized to use AIS only if the parameters entered in the AIS device correspond at all times to the actual parameters of the vessel or convoy.

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<sup>1</sup> Proposal by Slovakia, approved by the fifteenth meeting of the CEVNI Expert Group (annex).

<sup>2</sup> Proposal by Slovakia, approved by the fifteenth meeting of the CEVNI Expert Group (annex).

<sup>3</sup> Proposal by Austria, submitted for further discussion in SC.3/WP.3 in accordance with the decision of the fifteenth meeting of the CEVNI Expert Group (annex).

3. All vessels other than sea-going ships equipped with AIS of class A according to IMO standard shall be equipped with Inland AIS device.
4. The following vessels are excluded from the requirement referred to in paragraph 3:
  - (a) Vessels in convoys except the vessel that provides the main traction;
  - (b) Ferry-boats not moving independently;
  - (c) Small craft.
5. The vessels referred to in paragraph 4 (a) shall deactivate any Inland AIS transponder that is on these vessels as long as they are part of the convoy.
6. At least the following data have to be transmitted when a vessel is under way in a section where, in accordance with paragraph 3, the competent authorities request equipping the vessel with Inland AIS devices:
  - (a) user identifier (Maritime Mobile Service Identity, MMSI);
  - (b) name of vessel;
  - (c) type of vessel;
  - (d) unique European vessel identification number (ENI) or IMO number;
  - (e) length overall of the vessel respectively the convoy (decimetre accuracy);
  - (f) breadth overall of the vessel respectively the convoy (decimetre accuracy);
  - (g) type of convoy (only for convoys) other than seagoing vessels equipped with AIS of Class A according to IMO standard;
  - (h) position (WGS 84);
  - (i) speed over ground (SOG);
  - (j) course over ground (COG);
  - (k) position accuracy (GNSS/DGNSS);
  - (l) time of electronic position fixing device (date and time);
  - (m) navigational status;
  - (n) position of the GNSS antenna (m accuracy).
7. The boatmaster shall update the following data immediately, if it has changed when under way:
  - (a) length overall;
  - (b) breadth overall;
  - (c) type of convoy;
  - (d) navigational status;
  - (e) position of the GNSS antenna (m accuracy).
8. The requirement of paragraph 6 does not apply to stationary vessels:
  - (a) within the area of marked berthing places, or
  - (b) in harbours.
9. The rules of radio discipline apply to the sending of messages via Inland AIS.

#### D. Amendment to article 6.10

8. Amend the last sentence of paragraph 6 in Russian, as follows, to bring the Russian text in line with the English text:<sup>4</sup>

*For* малое судно *substitute* малое парусное судно

#### E. Amendment to article 7.08

9. Amend paragraph 2 as follows:<sup>5</sup>

An efficient watch shall be kept continuously on board stationary vessels carrying the markings provided for in article 3.14 or vessels which, having carried substances referred to in paragraphs 1, 2 and 3 of article 3.14, are not free of dangerous gases. ~~However, the competent authorities may exempt vessels berthed in harbour basins from this requirement.~~ **However, vessels berthed in harbour basins or in berths where constant supervision, is guaranteed, are exempt from this requirement.**

#### F. Amendment to article 8.02

10. Amend paragraph 6 as follows:<sup>6</sup>

The competent authority shall not transmit these data to third parties **with the exception of the neighbouring competent authorities along the route of the vessel.** However, in the event of an accident, the competent authority is allowed to communicate data essential for emergency rescue operations to the emergency services.

#### G. Amendments to Annex 3

11. It is proposed to bring the following corrections to the sketches in the annex in order to bring them in line with the relevant articles in Chapter 3:<sup>7</sup>

- (a) Delete sketch No. 41, given that paragraph 4 in article 3.16 was deleted during the last revision;
- (b) For the text under sketch No. 45, substitute "Article 3.20: Stationary vessels";
- (c) In sketch No. 46, delete the sketch for night marking and in the text under the sketch for "paragraph 2", substitute "paragraph 1";
- (d) In the text under sketch No. 47, substitute "paragraph 2" for "paragraph 3";
- (e) In the text under sketch No. 48, substitute "paragraph 3" for "paragraph 4";
- (f) Given that sketches Nos. 50 and 51 are the same, it is proposed to replace one of them by the missing representation of the vessels navigating independently.

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<sup>4</sup> Proposal by Slovakia, approved by the fifteenth meeting of the CEVNI Expert Group (annex).

<sup>5</sup> Proposal by Austria, approved by the fifteenth meeting of the CEVNI Expert Group (annex).

<sup>6</sup> Proposal by Austria, approved by the fifteenth meeting of the CEVNI Expert Group (annex).

<sup>7</sup> Proposal by Slovakia, approved by the fifteenth meeting of the CEVNI Expert Group (annex).

## H. Amendments to Annex 6

12. It is proposed to add in the annex 6 after F (b), the following visual representation of the fog signal for ferry-boats not navigating by radar, referred to in the article 6.33, para. 2:<sup>8</sup>



(ii) Ferry boats not navigating by radar

One long blast followed by four short blasts; repeated at intervals of not more than one minute. Article 6.33, paragraph 2.

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<sup>8</sup> Proposal by Slovakia, approved by the fifteenth meeting of the CEVNI Expert Group (annex). The Working Party may wish to note that this representation existed in the third edition of CEVNI (ECE/TRANS/SC.3/115/Rev.3), but only for waterways of Class II. It was deleted with the removal of the distinction between Class I and Class II in the last revision.

## Annex

### **Decisions of the CEVNI Expert Group taken on 11 October 2011**

1. The CEVNI Expert Group held its fifteenth meeting on 11 October 2011 back-to-back with the fifty-fifth session of the Working Party on Inland Water Transport (SC.3) (12–14 October 2011).
2. The meeting was attended by Mr. R. Vorderwinkler (Austria), Mr. Peter Čáky (Slovakia), Mr. Vladimír Hanusek (Slovakia), Mr. Petr Pavlasek (Slovakia), Mr. K. Anda (Danube Commission), Mr. Ž. Milkovic (International Sava River Basin Commission) and Ms. A. Jaimurzina (UNECE).
3. Ms. N. Dofferhoff (the Netherlands), Ms. Virginie Tusseau (Moselle Commission) and Mr. G. Pauli (Central Commission for the Navigation of the Rhine) were not able to attend the meeting.
4. The following items were discussed:
  - I. Adoption of the minutes of the last meeting.
  - II. Implementation of fourth revised edition of CEVNI in Slovakia and related issues.
  - III. Results of consultations on the revision of Chapter 10.
  - IV. Other amendment proposals to CEVNI.
  - V. German text of CEVNI.
  - VI. Other business.
  - VII. Next meeting.

#### **I. Adoption of the minutes of the fourteenth meeting**

5. The CEVNI Expert Group adopted the minutes of its fourteenth meeting on 16 June 2011, as contained in document CEVNI EG/2011/8.

#### **II. Implementation of fourth revised edition of CEVNI in Slovakia and related issues**

6. Mr. Čáky reported that the fourth revised edition of CEVNI had been transposed into the Slovak national legislation through the direct reference to the last edition of CEVNI and that these provisions would enter into force on 1 January 2012. He noted that, with this development, there would remain no or very few deviations from CEVNI, as opposed to the previous situation described in the last status report on CEVNI (ECE/TRANS/SC.3/2011/7). He indicated that updated information on this issue would be communicated to the secretariat.
7. The CEVNI Expert Group welcomed the implementation of CEVNI by Slovakia and, in response to the questions from the Slovak delegation, clarified several provisions of CEVNI, which raised questions during their implementation in Slovakia. The group also

discussed and approved the following amendment proposals to CEVNI, submitted by Slovakia:

(a) Article 1.10, para. 5: it could be specified in the last sentence that the ship's certificate and measurement certificate could also be kept by the operator of the barge. The Expert Group agreed with the proposal and decided to present this proposal to the forthcoming session of SC.3, where another amendment proposal to article 1.10, para. 5, would be considered;

(b) Article 1.15, para. 2: The prohibition to throw, pour and discharge into waterways could be expanded to other products than the petroleum waste and its mixture with waters. The group noted that the general prohibition was contained in paragraph 1 of the article, but agreed that paragraph 2 could be further discussed in connection with the forthcoming revision of Chapter 10, "Prevention of Pollution of Water and Disposal of Waste Occurring on Board Vessels";

(c) Article 3.14, para. 5: instead of indicating that the marking should be carried by the starboard pusher, it could be simply stated that the marking should be visible from all sides. The group retained this proposal for further discussions, in particular, with the CCNR, as paragraph 5 is identical to the provision on the Rhine Police Regulations;

(d) Article 3.16, para. 1: it could be clarified in the sentence on the marking by day, that the height may be reduced if the ferry-boat is of the length less than 20 meters, to avoid differences in height by night and height by day for such ferry-boats;

(e) Article 3.16 and annex 3: given that paragraph 4 in article 3.16 was deleted during the last revision, sketch 41 in the annex should be deleted;

(f) Article 3.25, para. 1, subsection (a): at the end of subsection (a) the words "and as appropriate" should start on the new line to avoid confusion;

(g) Article 6.10, para. 6: In the last sentence of the Russian text for "малое судно" substitute "малое парусное судно" to bring the Russian text in line with the English text;

(h) Article 6.33, para. 2: to add in the annex 6 (under F (b)) the visual representation of the fog signal for ferry-boats not navigating by radar, referred to in the article;

(i) Annex 3, section 3:

1. For the text under sketch No. 45, substitute "Article 3.20: Stationary vessels";

2. In sketch No. 46, delete the sketch for night marking and in the text under the sketch substitute "paragraph 1" for "paragraph 2";

3. In the text under sketch No. 47, substitute "paragraph 2" for "paragraph 3";

4. In the text under sketch No. 48 substitute "paragraph 3" for "paragraph 4";

5. Sketches Nos. 50 and 51 are the same. One of them should be replaced by the missing representation of the vessels navigating independently.

8. The Expert Group decided to forward the proposals in paragraph 8 (d)-(i) to the next session of SC.3/WP.3. The group also decided to add the proposals in paragraph 8, (a)-(c) to the list of amendments currently under consideration by the CEVNI Expert Group. The group thanked Slovakia for its contribution to the work on CEVNI and invited Slovak delegates to take an active part in the meetings of the group.

### III. Results of consultations on the revision of Chapter 10

9. The representatives of Austria, the Danube Commission and the Sava Commission reported that their preliminary assessment of the CCNR proposal on draft revised Chapter 10 (CEVNI EG/2011/7) showed that more time was needed for finalizing the proposal on this chapter. First, given that the CCNR Waste Convention had entered into force only recently, it would be appropriate to wait for more information on the practical application of the provisions of the Convention and related implementation issues, if any. Second, the revised Chapter 10 needed to reflect the experience on other river basins and, in particular, of the results of "Waste Management for Inland Navigation on the Danube" (WANDA) project, which was currently in its final stage. In the light of these considerations, the group decided that the proposal by the CCNR could be submitted for preliminary discussion at the next SC.3/WP.3 session for comments and additional information from all UNECE member States, so that the group could continue its work on the proposal in 2012.

### IV. Other amendment proposals to CEVNI

10. The group reviewed the list of pending amendment proposals to CEVNI, presented in document CEVNI EG/2011/3/Rev.2, and decided as follows:

A. Use of the phrase "The competent authorities may" and amendment to article 8.02

11. At its meeting on 16 June 2011 the CEVNI Expert Group discussed the use of the words "competent authorities may/shall" in CEVNI, following the comment by the CCNR secretariat stating that, in their view, the model regulations should not contain indications for competent authorities or any statement of informative character. Following the decision of the group, the secretariat prepared the list of articles where this phrase was used (CEVNI EG/2011/9). The list showed that the phrase was very rarely used (eight articles, in total) and in most of the cases it contained additional information for boatmasters, informing them of the possible courses of action by the competent authorities. Moreover, the use of this phrase, so far, had not raised any issues in Austria or other countries, who had implemented CEVNI. Therefore, the group decided to leave the provisions identified in CEVNI EG/2011/9 as they are, unless a concrete proposal on a specific article was submitted by CCNR or another party.

12. In the light of this decision, the Group confirmed that its amendment proposal to first sentence of article 8.02 should be re-submitted to SC.3/WP.3 as follows:

The competent authority shall not transmit these data to third parties **with the exception of the neighbouring competent authorities along the route of the vessel.**

B. Amendment to article 1.08

13. Regarding its original proposal to supplement the article with a paragraph on life-saving devices for children, the CEVNI Expert Group agreed with the proposal of the Group of Volunteer Experts on Resolution No. 61 to include this provision in Resolution No. 61 and not in CEVNI.

C. Revised article 4.07 on Inland AIS

14. The group noted that no information had been communicated by the CCNR on the results of the discussion on the draft revised article 4.07 by the competent CCNR committee. However, as some UNECE member States were in the process of introducing inland AIS on their territories, it was necessary to update and expand the CEVNI provisions in this respect. The group, therefore, asked the secretariat to re-submit this proposal to the

next session of SC.3/WP.3, replacing the word "ship" with "vessel" in paragraph 6 (b) of the draft article, so that further discussions on this proposal could be held.

D. Other pending amendments

15. The group noted that the following preliminary amendments, submitted by the CCNR, would be discussed as soon as a concrete proposal was received from the CCNR:

(a) Improving the French text of CEVNI: the proposal is to be finalized by the CCNR and the Moselle Commission);

(b) Clarifying the use of the terms "Floating materials" in Chapter 6: the CCNR secretariat pointed out that floating materials were quoted only marginally in Chapter 6 and that perhaps, separate article on them could be envisaged;

(c) Clarifying the use of the terms "pushed convoys and side-by-side formations" in Chapter 7: the CCNR secretariat pointed out that Chapter 7 often used the term "vessels and floating material" without mentioning pushed convoys and side-by-side formations.

## V. German text of CEVNI

16. The CEVNI Expert Group was informed that the work on the German text of CEVNI was close to the end and that the CCNR secretariat was finalizing the draft, that is to be submitted to UNECE.

## VI. Other business

17. The CEVNI Expert Group agreed that in the light of the ongoing work on implementing the fourth revised edition of CEVNI by member States and River Commissions, as well as the discussions on the new amendment proposals, such as the revision of Chapter 10, the next revision of the code should be planned for 2013, at the earliest.

## VII. Next meeting

18. The CEVNI Expert Group agreed on the following preliminary dates for the meetings of the group:

14 February 2012	sixteenth meeting of the CEVNI Expert Group
19 June 2012	seventeenth meeting of the CEVNI Expert Group
9 October 2012	eighteenth meeting of the CEVNI Expert Group

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