

Code: CEVNI EG/2014/14

Subject: Minutes of the 24th meeting of the CEVNI Expert Group

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Minutes of the twenty-fourth meeting of the CEVNI Expert Group

1. The CEVNI Expert Group held its twenty-fourth meeting on 26 and 27 March 2014 in Geneva.
2. The meeting was attended by Mr. Reinhard Vorderwinkler (Austria), Ms. Natascha Dofferhoff-Heldens (the Netherlands), Mr. Imre Matics (Danube Commission), Mr. Željko Milkovic (International Sava River Basin Commission), Ms. Valérie Blanchard, Ms. Blandine Cupidon and Mr. Martin Dagan (UNECE).
3. The representatives of the Russian Federation, the Central Commission for the Navigation of the Rhine (CCNR) and of the Moselle Commission were not able to attend.
4. The following items were discussed:
 - I. Adoption of the minutes of the twenty-third meeting;
 - II. General exchange of information;
 - III. Completion of the work for harmonizing the European Code for Inland Waterways (CEVNI) with the Police Regulations for the Navigation of the Rhine (RPNR);
 - IV. Provisions on small craft;
 - V. Use of spuds;
 - VI. Finalization of the bunkering safety checklists;
 - VII. Other amendment proposals;
 - VIII. Other business;
 - IX. Next meeting.

I. Adoption of the minutes of the twenty-third meeting

5. The Group adopted the minutes of its twenty-third meeting held on 11 February 2014, as presented in document CEVNI EG/2014/4.¹

II. General exchange of information

6. The Group noted that additions to the recent exchange of information were not necessary.

¹ Also published as annex I to the report of the forty-fourth session of SC.3/WP.3 (ECE/TRANS/SC.3/WP.3/88).

III. Completion of the work for harmonizing the European Code for Inland Waterways (CEVNI) with the Police Regulations for the Navigation of the Rhine (RPNR)

7. The Group considered the clarifications provided by CCNR on issues raised at its twentieth meeting (June 2013), as presented in document CEVNI EG/2014/6, and took the following decisions:

- (a) *Amend article 1.19 as follows*

Article 1.19 – Special instructions

Boatmasters and persons in charge of floating establishments shall comply with any special instructions given to them by officials of the competent authorities in order to ensure safe and orderly navigation. **Subject to compliance with the provisions of relevant international agreements, this shall also apply in the event of a cross-border hot pursuit.**

- (b) *Amend article 2.05, paragraph 1 as follows*

1. The anchors of vessels shall bear identification marks in indelible characters. **These shall include at least either the European Identification Number (ENI) or the name and domicile of the owner of the vessel.**

If an anchor is used on another vessel belonging to the same owner, the original marking may be kept.

- (c) The Group decided to keep the term “board” in articles 3.31 and 3.32, as it believed it was the most appropriate term. The Group recalled that boards could also be used for other purposes than traffic signalization and that the boards referred to in these articles were required to have a diameter of at least 60 cm.

8. The Group considered the proposal by Belgium for adding a new paragraph 2 in article 1.22, as presented in document CEVNI EG/2014/9 and based on an original proposal by CCNR (ECE/TRANS/SC.3/WP.3/2013/10). The Group decided as follows:

Insert a new paragraph 2 in article 1.22 as follows

2. These requirements may be justified by work carried out on the inland waterway, military exercises, public events within the meaning of article 1.23 or conditions of the waterway; they may, in specific sections where particular precautions are necessary and are indicated by buoys, beacons or other signs or by alarms, **restrict or prohibit navigation by night** or the passage of vessels with too large a draught.

9. With these two documents, the Group completed the consideration of proposals aimed at harmonizing the provisions of CEVNI with those of RPNR.

IV. Provisions on small craft

A. Proposals by Austria

10. The Group considered the proposals by Austria for amending articles 6.03 bis and 6.04 (CEVNI EG/2014/7 and CEVNI EG/2014/12) and decided as follows:

- (a) *Amend article 6.03 bis as follows*

Article 6.03 bis – Crossing

1. When two vessels are crossing in such manner that there is a risk of collision, the vessel which has the other vessel to starboard shall give way to it and, if circumstances permit, avoid crossing ahead of it. ~~However, the vessel which is on the starboard side of a marked fairway, shall maintain its course.~~ This rule shall not apply to small craft in relation to other vessels.

2. The provision in paragraph 1 shall not apply when any one of articles 6.13, 6.14 or 6.16 is applicable.

3. Notwithstanding anything to the contrary in paragraph 1 above, when, in the case of small craft of different categories, two small craft are crossing in such a manner that there is a risk of collision, motorized small craft shall give way to all other small craft and small craft neither motorized nor under sail shall give way to small craft under sail.

~~However, the craft which is on the starboard side of the fairway shall maintain its course.~~

4. Notwithstanding anything to the contrary in paragraph 1 above, when, in the case of vessels under sail, two vessels are crossing in such a manner that there is a risk of collision, one of them shall give way to the other as follows:

(a) When each vessel has the wind on a different side, the vessel with the wind on the port side shall give way to the other;

(b) When both vessels have the wind on the same side, the vessel which is to windward shall give way to the vessel to leeward;

(c) If a vessel which has the wind on the port side sees another vessel to windward and cannot determine with certainty whether the other vessel has the wind on the port or on the starboard side, the first shall give way to the other.

~~However, the vessel which is on the starboard side of the fairway shall maintain its course.~~

This paragraph shall not apply to small craft in relation to other vessels.

5. By derogation from paragraphs 1, 3 and 4 above, the vessel navigating close to the boundary of a marked fairway with the boundary on its starboard side shall continue following the boundary of the fairway; the other vessel shall give way. This paragraph shall not apply to small craft in relation to other vessels.

- (b) *Insert a new paragraph 9 in article 6.04 as follows*

9. Notwithstanding anything to the contrary in paragraph 8 above, when, in the case of small craft of different categories, two small craft are meeting in such a manner that there is a risk of collision, motorized small craft shall give way to all other small craft and small craft neither motorized nor under sail shall give way to small craft under sail. However, the vessel navigating close to the boundary of a marked fairway with the boundary on its starboard side shall continue following the boundary of the fairway; the other vessel shall give way.

B. Comments by the European Boating Association

11. The Group considered the comments submitted by the European Boating Association (EBA) in documents CEVNI EG/2014/8 and CEVNI EG/2014/11 and provided the following clarification (paras. 12 – 16).

12. Requirements for small crafts to have VHF, AIS and radar

The Group confirmed the general rule that small craft were not required to be fitted with radar. The Group also confirmed that in accordance with article 6.30, all vessels, including small craft, should be equipped with radar when navigating in reduced visibility. Consequently, small craft not equipped with radar were required to immediately proceed to the nearest safe berthing or anchoring areas in situations of reduced visibility (in accordance with the article 6.33).

The Group confirmed that small craft, if not fitted with radar, were not required to be equipped with AIS nor VHF. The requirement for AIS and VHF applied only to vessels fitted with radar.

13. Exemptions for small craft and sports or pleasure craft

The Group noted that exemptions for small craft also applied to sports or pleasure craft as long as they met the definition of a small craft, i.e. having a hull less than 20 m long. Large sports or pleasure craft could not be exempted from some provisions of CEVNI as small craft were, because their length could pose a safety issue.

14. Definitions

The Group recalled that, after long discussions at previous meetings, it had finally agreed on the definition of “reduced visibility”. The Group noted that it was not possible to indicate to which extent the visibility should be reduced, as this was not only depended on the weather conditions, but also on the fairway, the type and size of the vessel and the number of other vessels navigating.

Given that there was no definition of “shipping” in CEVNI, and that it could lead to a misunderstanding because the term could be used in other regulations with the meaning of sending goods, the Group decided to replace it by the term “navigation”, as follows:

- (a) In the English version, *amend* article 1.01 d), definition 13 *as follows*
The term “fairway” means that part of the waterway that can actually be used ~~by shipping~~ **for navigation**
- (b) In the English version, *amend* article 1.04, paragraph 2 (c) *as follows*
 - (c) Causing obstructions to ~~shipping~~ **navigation**; and
- (c) In the English version, *amend* article 6.17, paragraph 1 *as follows*
 - 1. Vessels may sail abreast only if there is enough room to do so without inconvenience or danger to ~~shipping~~ **navigation**.
- (d) In the English version, *amend* article 6.25, paragraphs 1 and 2 *as follows*

1. When certain openings of fixed bridges are marked by:
one or more red lights or red-white-red boards (sign A.1, annex 7), such openings are prohibited to ~~shipping~~ **for navigation**.
2. When certain openings of fixed bridges are marked by:
 - (a) The sign D.1 (a) (annex 7), or
 - (b) The sign D.1 (b) (annex 7),
 placed above the opening, it is recommended that these openings should be given preference.

If the fairway is marked with the sign referred to in (a) above, it is open to ~~shipping~~ **navigation** in either direction.

If it is marked with the sign referred to in (b) above, it is closed to ~~shipping~~ **navigation** coming from the other direction. In this case, the entrance of the other side is marked with the sign A.1 (Annex 7).

- (e) In the English version, *amend* article 6.26, paragraph 4 *as follows*
 - (d) Two red lights one above the other mean:
The opening of the bridge for ~~shipping~~ **navigation** is suspended;
- (f) In the English version, *amend* article 7.01, paragraphs 1 and 2 *as follows*
 1. Without prejudice to the other provisions of these regulations, vessels and assemblies of floating material shall choose their berths as near the bank as their draught and local conditions permit and, in any case, so as not to obstruct ~~shipping~~ **navigation**.
 2. Except under special conditions laid down by the competent authorities, floating establishments shall be so placed as to leave the fairway clear for ~~shipping~~ **navigation**.

The Group saw no need to include a definition for “seagoing vessel”, as it considered this term clear for the purposes of CEVNI.

The Group considered the term “swinging” clear for the purposes of CEVNI, as provisions in article 3.18, paragraph 1 were illustrated by the explicit sketch 43a in annex 3. Moreover, the term “swing” could be found in a standard dictionary with the meaning of “move or cause to move back and forth or from side to side while suspended or on an axis.”.

The Group noted that the definition of sports or pleasure craft included water bikes (article 1.01 a) 11.) but recalled that according to article 9.02, paragraph 3, the competent authorities could use a different definition for water bikes.

15. Identification marks on small craft

The Group confirmed that article 2.02 “Identification marks on small craft” also applied on seagoing recreational craft if they met the definition of small craft. It recalled that a vessel was not required to bear the name and domicile of the owner, if it bore official registration marks (article 2.02, paragraph 1). Therefore, owners were strongly encouraged to register their vessels.

16. Article 6.02 “General rules”

As regards article 6.02 “General rules”, the Group was not in favour of indicating which of the following articles in chapter 6 applied or not to small craft, as it believed that users of small craft were required to read and know all the rules of navigation. In addition, the Group noted that most provisions of CEVNI applied to small craft and that there were not many exemptions.

V. Use of spuds

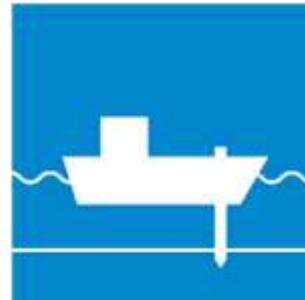
17. The Group examined the proposal by the Netherlands for inserting new provisions on the use of spuds (CEVNI EG/2014/9) and decided as follows:

(a) *Insert a new paragraph 4 in article 7.03 as follows*

4. In case this article is extended to the use of spuds, in sections where anchoring is prohibited under the provisions of paragraph 1 (a) and (b) above, vessels, assemblies of floating material and floating establishments may use spuds only in sectors marked by the sign E.6.1 (annex 7) and only on the side of the waterway on which the sign is placed.

(b) *Insert a new sign E.6.1 in annex 7 as follows*

E.6.1 Use of spuds permitted (see article 7.03)



VI. Finalization of the bunkering safety checklists

18. The Group decided to insert in CEVNI a new annex 11 “Safety checklist for bunkering fuel” as presented in annex II of document ECE/TRANS/SC.3/WP.3/2014/4. According to the representative of Austria, experience with this short list in his country showed that it was both easy to implement and efficient in reducing spillage of fuel.

19. Consequently, the Group decided not to insert the long list “Bunkering Safety Check-List for Bunker Delivery to Maritime Ships available from the International Safety Guide for Inland Navigation Tank-Barges and Terminals (ISGINTT)” as a supplement of annex 11 (ECE/TRANS/SC.3/WP.3/2014/4, annex III).

20. The group decided to:

Amend article 10.07, paragraph 3 as follows

3. In addition, the boatmaster shall ensure that, before starting the filling operation, the bunker station, bunker boat or tank truck supervising person and vessel crew member responsible for the filling operation have filled in and signed ~~the~~ a checklist (in two copies) ~~in accordance with annex 11~~ and agreed on the following:

Add in article 10.07, end of paragraph 3, a new sentence as follows

An example of the checklist is included in annex 11.

VII. Other amendment proposals

20. As requested by the SC.3/WP.3 at its forty-fourth session, the Group reviewed the amendment proposal to article 6.04, paragraph 4 presented in document ECE/TRANS/SC.3/WP.3/2014/3 and discussed if waving a light blue flag or board still should be allowed in specific situations (ECE/TRANS/SC.3/WP.3/88, para. 36 (b)).

21. The Group noted that CEVNI could not foresee all emergency or failure situations and that in case of failure of the lighting equipment, a battery could be used for the functioning of lights.

22. In addition, the Group recalled that the deletion of the phrase on light blue flag or board was aimed at encouraging the use of a bright scintillating white light.

23. Therefore, the Group decided to

Amend article 6.04, paragraph 4 as follows

4. Vessels proceeding upstream which leave the course of those proceeding downstream on their starboard side shall in good time and to starboard:

(a) By night:

Display a bright scintillating white light in conjunction, if desired, with a light blue board.

(b) By day:

- Display a strong scintillating white light ~~or wave a light blue flag or board~~; or
- Display a light blue board in conjunction with a bright scintillating white light;

These signals shall be visible from ahead and from astern and be displayed until passing is completed. Their continued display after passing is completed is prohibited unless it is desired to indicate an intention to continue allowing vessels proceeding downstream to pass to starboard. The light blue board shall have a white border not less than 5 cm wide; the frame and lath structure and the lantern of the scintillating light shall be dark in colour.

VIII. Other business

24. The representative of the Netherlands observed that some articles of CEVNI referred to void annexes and proposed to improve the formulation in those articles. Consequently, the Group decided to make the following amendments:

(a) *Amend article 1.01 c), definitions 1 and 2 as follows*

1. The terms “white light”, “red light”, “green light”, “yellow light” and “blue light” mean lights of colours ~~conforming~~ **according** to the provisions ~~of~~ **referred to in** Annex 4 to these regulations;

2. The terms “strong light”, “bright light” and “ordinary light” mean lights of intensities ~~conforming~~ **according** to the provisions ~~of~~ **referred to in** Annex 5 to these regulations;

(b) Amend article 4.06, paragraph 1 (a) as indicated in ECE/TRANS/SC.3/WP.3/2014/1, para. 24.

IX. Next meeting

25. Noting that the next revised edition of the CEVNI (CEVNI 5) would be published in early 2015, the Group decided to postpone a decision on the date of its next meeting, and requested the secretariat to list this item for discussion at the forty-sixth session of SC.3/WP.3 in February 2015.