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Recreational navigation:

National legal acts governing navigation of recreational craft

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Note by the secretariat

I. Mandate

1. This document is submitted in line with cluster 5: Inland Waterway Transport, paragraph 5.1 of the programme of work 2014–2015 (ECE/TRANS/2014/23) adopted by the Inland Transport Committee on 27 February 2014 (ECE/TRANS/240).
2. At its thirty-seventh session, the Working Party on the Standardization of Technical and Safety Requirements in Inland Navigation (SC.3/WP.3) asked the secretariat to collect information on the national rules governing access to inland waterways by recreational craft and where these acts could be found (ECE/TRANS/SC.3/WP.3/74, para. 11). Following a request circulated to member Governments, the secretariat issued a list of legal acts governing navigation of recreational craft in the UNECE region¹ (ECE/TRANS/SC.3/WP.3/2011/17, paras. 5–19).
3. The secretariat reproduces below consolidated and updated information on national rules governing access to inland waterways by recreational craft in the UNECE region.

¹ Documents ECE/TRANS/SC.3/2012/13 and Add.1, ECE/TRANS/SC.3/2013/10 and Corr. 1, ECE/TRANS/SC.3/2014/13.

4. The Working Party may wish to consider this information and invite Governments which have not yet done so² to submit this information to the secretariat.

II. National legal acts governing navigation of recreational craft on national waterways of the UNECE member States

A. Belarus

5. Recreational navigation on inland waterways of the Republic of Belarus is regulated by the following legal acts:

(a) Rules of the Road on Inland Waterways of the Republic of Belarus (Decree No. 60 of 25 October 2005 of the Ministry of Transport and Communications of the Republic of Belarus, National Register of Regulations of the Republic of Belarus No. 61, 8/14238 of 7 April 2006);

(b) Rules on the Use of Small-Sized Craft, Water Bikes and Vessels Fitted with Outboard Engines, and their Berthing Areas (Decision No. 812 of the Council of Ministers of the Republic of Belarus on 20 June 2007, National Register of Regulations of the Republic of Belarus No. 157, 5/25408 of 22 June 2007).

6. These documents can be found in the National Register of Regulations of the Republic of Belarus, Belarus State Inspection for Inland Navigation, State Inspectorate for Small Craft. They may be downloaded in Russian from:

(a) www.pravo.by/pdf/2006-61/2006-61%28017-079%29.pdf;

(b) www.pravo.by/pdf/2007-157/2007-157%28043-088%29.pdf.

B. Belgium

7. Since 1 May 2014, there are some changes concerning the registration of recreational craft:

- Registration remains mandatory for small pleasure craft (length < 20 m);
- Registration is mandatory after a transitional period of two years for small craft other than recreational craft;
- The license plate is replaced by a registration document;
- Vessels in possession of a license plate remain in conformity with the rules as long as their proprietary does not change.

C. Bulgaria

8. In Bulgaria, certificates for recreational navigation are regulated by Ordinance No. 6 on Seafarers' Competence in the Republic of Bulgaria of the Minister of Transport, issued in SG No. 101 of 4 December 2007.

² The Governments concerned are Austria, Bosnia and Herzegovina, Croatia, France, Italy, Luxembourg, Republic of Moldova, Romania, Switzerland and Ukraine.

9. The text of the ordinance is available in Bulgarian and English at: www.marad.bg. Annex 24 to the ordinance contains a model of the international certificate for operators of pleasure craft in accordance with Resolution No. 40.

D. Czech Republic

10. The Czech Act No. 114/1995 Coll., “On Inland Navigation” and Decree No. 224/1995 Coll. “On Operators' Qualification” may be downloaded in Czech from: www.mdcz.cz/cs/Legislativa/Legislativa/Legislativa+CR+-+vodni/.

11. The amendment to the National Act No. 114/1995 Coll. has been approved. The amendments to the related codes of practice are prepared. Entry into force was expected on 1 January 2015.

E. Germany

12. Under German law, navigation of recreational craft is governed by the following legal acts:

- Regulation on the aptitude and qualification for the operation of recreational craft on maritime waterways (Sportbootführerscheinverordnung-See)
- Regulation on the operation of recreational craft on inland waterways (Sportbootführerscheinverordnung-Binnen)
- Regulation of the Ministry of Transport and Infrastructure introducing the Lake Constance Shipping Regulations (Verordnung des Ministeriums für Verkehr und Infrastruktur zur Einführung der Bodensee-Schiffahrts-Ordnung – legislative act of the German state of Baden-Württemberg)
- Regulation on the acquisition of maritime skipper certificates and on the manning of traditional ships (Sportseeschifferscheinverordnung)
- Tenth Regulation on the Product Safety Act/Ordinance on the provision of recreational craft and on recreational craft traffic (Zehnte Verordnung zum Produktsicherheitsgesetz / Verordnung über die Bereitstellung von Sportbooten und den Verkehr mit Sportbooten – transposition of Directive 94/25/EC, since replaced by Directive 2013/53/EU, competence of the Federal Ministry for Economic Affairs and Energy)
- Regulation on the marking of small craft operating on inland waterways (Verordnung über die Kennzeichnung von auf Binnenschiffahrtsstraßen verkehrenden Kleinfahrzeugen – applicable to German small craft)
- Regulation on the placing in service of recreational boats and water motor bikes as well as their rental and their use for commercial purposes in the coastal area (Seesportbootverordnung)
- Regulation on the commercial rental of recreational craft as well as their use on inland waterways (Binnenschiffahrt-Sportbootvermietungsverordnung)

F. Hungary

13. Three regulations are in effect in Hungary on recreational watercraft and their use:
- (a) decree 2/2000. (VII. 26.) KoViM on the design, construction and certification of recreational watercraft;
 - (b) decree 15/2001. (IV. 27.) KoViM on navigation qualifications;
 - (c) decree 57/2011. (XI. 22.) NFM on the rules of transport by water.

G. Lithuania

14. The navigation of recreational craft on the inland waterways of Lithuania is governed by the following legal acts:
- (a) Order No. 3-327 of 10 September 2008 of the Minister of Transport of Lithuania “Rules of the Road of the State Maritime Port of Klaipeda”;
 - (b) Order No. V-72 of 7 June 2010 of the Director of the Administration for the Safety of Navigation of Lithuania;
 - (c) Order No. 3-13 of 18 January 2006 of the Minister of Transport of Lithuania “Regulations on the Registration of Inland Water Transport Vessels”;
 - (d) Order No. 3-335 of 1 July 2002 of the Minister of Transport of Lithuania “Regulations on the Investigation of Incidents involving Inland Water Transport Vessels”.
15. These legal acts may be downloaded in Lithuanian from:
www3.lrs.lt/pls/inter3/dokpaieska.forma_1.

H. Netherlands

16. In the Netherlands the applicable legislation is based on the geographical area. The Dutch authorities publish a special leaflet describing the geographical scope of their different regulations.
17. The main regulations for recreational craft are as follows:
- (a) Regulations concerning recreational craft that apply in most areas in the Netherlands are included in the Dutch Police Regulation (Binnenvaartpolitiereglement (BPR));
 - (b) The main provisions are contained in article 1.09 and chapter 8 of BPR;
 - (c) Article 8.06 of BPR regulates the navigation by small craft capable of travelling at a speed greater than 20 km/h in relation to water. In general it is prohibited to travel faster than 20 km/h on all fairways except those indicated in a special regulation for high-speed vessels (“Regeling snelle motorboten”).
18. These regulations may be found at: www.wetten.nl.

I. Poland

19. Recreational navigation on Polish inland waterways is regulated by the following legal acts:
- Relevant rules are set out in Act of Inland Navigation Law on 20 December 2001.

According to article 37a, paragraph 6, a national of another country who has obtained in his country the qualifications for the navigation of recreational craft can navigate on Polish waterways in the limits of his qualifications mentioned in the relevant document.

The detailed regulations are as follows:

- Order of the Minister of Transport, Construction and Maritime Economy on 21 June 2013 on registration of recreational craft;
- Order of the Minister of Transport, Construction and Maritime Economy on 8 November 2013 on safety of recreational navigation;
- Order of the Minister of Transport, Construction and Maritime Economy on 10 May 2013 on training of safety on waters;
- Order of the Minister of Sport and Tourism on 9 April 2013 on navigation of recreational craft.

J. Russian Federation

20. Recreational navigation on inland waterways of the Russian Federation is regulated by the following main legal acts:

(a) Inland Water Transport Code of the Russian Federation (No. 24 – Φ3) of 7 March 2001, including amendments introduced by the Federal Law No. 36 – Φ3 of 23 April 2012 and Federal Law No. 131 – Φ3 of 28 July 2012, introducing a definition of pleasure craft, i.e. a vessel, in which the total number of people must not exceed 18, with no more than 12 passengers, and which is used for non-commercial purposes and is intended for recreation on bodies of water; the procedure and authorities responsible for the registration of pleasure craft are defined;

(b) Act No. 349 on “Approval of provisions regarding the certification of crew members of inland navigation vessels” of 31 May 2005, which defines the rules for the issuance of certificates to boatmasters of pleasure craft;

(c) Order No. 129 of 14 October 2002 of the Minister of Transport of the Russian Federation on “Approval of Rules of Navigation on the Inland Waterways of the Russian Federation”.

21. Navigation of pleasure craft under flags of foreign States is regulated by the following legal acts:

(a) Rules of Navigation on Inland Waterways of the Russian Federation for Sport Sail Vessels and Pleasure Craft under Flags of Foreign States, adopted by the Governmental Decree of the Russian Federation No. 472 on 12 May 2012;

(b) The list of ports open for calling of vessels under flags of foreign States and the list of inland waterways of the Russian Federation on which navigation of vessels under flags of foreign States is admitted, adopted by Governmental Decree of the Russian Federation No. 734-p on 5 May 2012.

22. Furthermore, the following legal acts apply to pleasure craft navigating on the territory of the Russian Federation:

(a) Technical Regulations concerning the “Safety of Inland Water Transport Objects” adopted by the Governmental Decree of the Russian Federation No. 633 of 12 August 2010, establishing requirements for vessels of projects which have been

approved and construction contracts concluded from 23 February 2012, as well as materials and equipment for vessels, manufactured since 23 February 2012.

(b) Technical Regulations of the Customs Union concerning “The Safety of Small Craft” (TP TC 026/2012) adopted by the decision No. 33 of the Council of the Eurasian Economic Commission on 15 June 2012, which entered into force on 1 February 2014.

23. These documents are available at: www.consultant.ru.

24. The Russian River Register also publishes instructions on “Technical prescriptions for classification, construction and certification of pleasure craft”.

K. Serbia

25. The navigation of recreational craft on the inland waterways of Serbia is governed by the following legal acts:

(a) Rulebook on determination of seaworthiness of boats and floating establishments (“Official Gazette” No. 28/96);

(b) Rulebook on the programme and training method of examining operators of pleasure craft (“Official Gazette” No. 18/97);

(c) Rulebook on manning for vessels other than inland navigation ships of the merchant marine (“Official Gazette” No. 49/06);

(d) Rulebook on register and licence for boats and floating establishments (“Official Gazette” No. 111/07);

(e) Rulebook on specific medical conditions to be met by persons authorized to perform work on vessels of the merchant marine (“Official Gazette” No. 23/83 and No. 27/83).

L. Slovakia

26. The navigation of recreational craft on the inland waterways of Serbia is governed by the following legal act:

Decree No. 12/2005 Coll. of the Ministry of Transport on qualification requirements, verification of proficiency of vessel crew members and small craft operators and specimens of certificates of competence of vessel crew members, as amended (hereafter the Decree). The Decree implements Act No. 338/2000 Coll. on regulations for inland waterways and amendments to certain laws, as amended.

M. United Kingdom of Great Britain and Northern Ireland

27. Information on the Regulations Applicable to Pleasure Vessels is published by the Maritime and Coastguard Agency (MCA) is available at the following address: www.dft.gov.uk/mca/mcga07-home/shipsandcargoes/mcga-shiptype/mcga-pleasurecraftand-small-ships/pleasurevessel.htm.

28. Craft which come under the European Union (EU) Directive 94/25/EC on the approximation of the laws, regulations and administrative provisions of the member States relating to recreational craft (as amended by Directive 2003/44/EC) are subject to the Recreational Craft Regulations 2004. These regulations are not within the responsibility of

MCA for the Department for Transport. The text of the regulations is available at: www.legislation.gov.uk/uksi/2004/1464/contents/made.

N. Turkey

29. The navigation of recreational craft on the inland waterways of Turkey is governed by the following legal acts:

- (a) Regulation on Recreational Craft (Order No. 26390 of 28 December 2006);
- (b) Regulation on Water Vehicles and Vessels of Navigation on the Inland Waterways (Order No. 27745 of 31 October 2010).

30. These legal acts can be found on the website of the Republic of Turkey Ministry of Transport, Maritime and Communications (<https://atlantis.denizcilik.gov.tr/mevzuat/>) and Official Gazette (www.resmigazete.gov.tr/default.aspx).
