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Working Party on Inland Water Transport

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Item 5 of the provisional agenda

Follow-up to the UNECE White Paper on Efficient and Sustainable Inland Water Transport in Europe:

A new strategy and the Terms of Reference of SC.3

Comments for a new strategy proposal for the Working Party on Inland Water Transport

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 2016–2017 (ECE/TRANS/2016/28/Add.1) adopted by the Inland Transport Committee at its seventy-eighth session on 26 February 2016.
2. The Working Party on the Standardization of Technical and Safety Requirements in Inland Navigation (SC.3/WP.3) at its forty-ninth session continued the discussion of a draft new strategy for the Working Party on Inland Water Transport (SC.3) as set out in ECE/TRANS/SC.3/WP.3/2016/10 and asked the participants to submit their comments to the secretariat by 31 July 2016 (ECE/TRANS/SC.3/WP.3/98, para. 20).
3. This document reproduces general comments of France,¹ Germany,² Ukraine,³ the Central Commission for the Navigation on the Rhine (CCNR)⁴ and the Eurasian Economic Commission (EAEU)⁵ for the draft new strategy of SC.3 and its Terms of

¹ Communication of 31 July 2016.

² Communication of 28 July 2016.

³ Communication of 30 June 2016.

⁴ Communication of 13 June 2016 (submitted in English and French).

⁵ Ref. No. 20-130 of 21 July 2016.

Reference and comments for particular paragraphs of document ECE/TRANS/SC.3/2016/10.⁶

II. General comments

A. The Central Commission for the Navigation on the Rhine

4. The CCNR supports the review of the Terms of Reference of SC.3 of the United Nations Economic Commission for Europe (UNECE) Inland Transport Committee and the preparation of a proposed strategy.

5. The environment of inland navigation has changed considerably in the past years and in particular, its institutional set up in Europe. The CCNR is of the opinion that rationalising the activities of the UNECE at an international level in order to concentrate on those tasks that create significant added value for member States and stakeholders is especially welcome.

6. The CCNR's observations focus on the following three aspects:

- (a) the pan-European dimension of the activities of the UNECE;
- (b) the UNECE's mission in respect of the harmonization of the regulatory framework;
- (c) the attention the UNECE might give to the worldwide dimension of inland water transport (IWT).

For each of these aspects, the CCNR aims to highlight the value that it considers the UNECE's work could add.

7. Important development has taken place regarding these aspects since the beginning of this century. The enlargement of the European Union (EU), the liberalisation of the IWT-markets in Europe, as well as the connection of the Rhine and the Danube river basins have considerably contributed to a recognition of this mode of transport on a European level. This recognition is reflected by the role IWT plays in the setting up of a European transport system, aiming at the integration of regional and national economies in Europe. Hence, much more attention from a political level is given to this mode of transport. As a consequence, compared to last century, a rather increased activity may be observed on European level in the areas of research and development and of integration of new technologies.

8. At the same time, governments are keen to support these developments to the best of their abilities at national, European and international level. Working methods have been rationalized, including at international level.

1. Pan-European dimension

9. In the general context of stepping up activities at an international, namely European, level, it would appear that the pan-European dimension underlying the UNECE's activities is not sufficiently visible to put in place the appropriate activities. Indeed, each time the conferences (2001 in Rotterdam and 2006 in Bucharest) have touched on the pan-European

⁶ Comments received by the secretariat for the forty-eighth and forty-ninth sessions of SC.3/WP.3 are reproduced in ECE/TRANS/SC.3/WP.3/2016/2, Informal documents of SC.3/WP.3 Nos. 9 and 31 (2016).

dimension, the follow-up action to the conclusions drawn at these conferences has been unable to identify in a sufficiently tangible way the strategic underpinning for the expectations and goals to be achieved. In this respect, the CCNR considers that it could be beneficial for the UNECE to conduct additional analyses taking account of the aforementioned developments. This would probably enable appropriate guidance to be given for a more determined approach at pan-European level.

2. Harmonization of the regulatory framework: New governance

Uniform standards developed and adopted by the CESNI

10. A comprehensive consideration of the pan-European dimension could also make it possible to issue guidance so as to align regulatory activities. Where the UNECE document highlights regulatory activity, or the support given to it, it could refer more explicitly to the existing frameworks and structural developments seen at the European level. In this context we would point to CESNI, the European committee for drawing up common standards in the field of inland navigation, and to its already adopted standards or to come. CESNI's work has yielded an initial tangible outcome, the European standard laying down technical requirements for inland navigation vessels (ES-TRIN).

11. The EU and the CCNR will refer in their regulations to the common standards developed and adopted by CESNI. Other States and international organizations, in particular the UNECE (see the NAIADES II communication) are invited to do likewise, whereas CESNI, to which both EU and CCNR member states belong, is open to participation by all countries and international organizations with a close interest in European inland navigation.

12. The relevant regulatory frameworks at EU and CCNR level will be in force in the near future and will be the starting point for this innovative legislative and governance initiative.

13. This process, which is still ongoing, envisages more robust governance of inland navigation in Europe, and seems to be consistent to some extent with the views expressed in the 2005 EFIN⁷ report.

14. In common with the CCNR and its member States, the UNECE is doubtless keen to identify the most efficient and effective working practices, so as to avoid duplication and to increase the advantages inherent in the harmonized standards drawn up and adopted by CESNI. The UNECE could therefore consider abandoning the SC.3 work in the areas in which CESNI is involved, in particular as relates to the technical requirements applicable to inland navigation vessels and navigation personnel. If needed, the UNECE may consider referring to the harmonized standards adopted by CESNI.

15. It is to be noted that ES-TRIN constitutes also an important tool for the "greening of the fleet", for example, by establishing the legal basis for the use of Liquefied Natural Gas (LNG). CCNR and EU are pursuing jointly or separately other important activities supporting sustainable inland navigation. Joining forces by cooperating with the UNECE to avoid duplication and to take advantage of a common dynamic would certainly be beneficial to the sector.

⁷ Report of the European Framework for Inland Navigation (EFIN Group).

3. European inland navigation vessel database

16. Regarding the European Hull Database (EHDB), it is emphasized that the EHDB is a mandatory tool developed and operated on the basis of Directive 2006/87/EC and the Rhine Vessel Inspection Regulation (RVIR). According to Article 2.18 of annex II of the directive, EHDB data may be used by competent authorities of EU member States and the Contracting States of the Mannheim Convention, for the sole purpose of performing administrative measures for maintaining safety and ease of navigation. It is furthermore observed that the ES-TRIN defines the data, which is to be stored in the EHDB. In this respect, it would appear that the current legal situation does not permit a pan-European implementation of this database.

4. Recreational navigation

17. A number of aspects of inland navigation are currently not specifically addressed by any of the institutions in Europe. SC3 might perhaps consider reflecting on those, such as recreational navigation. The importance of recreational navigation is increasing and certification of pleasure craft skippers in particular, if need be, might be addressed on an international or more precisely, Pan-European level.

5. River information services

18. River Information Services (RIS) are of great strategic value to the development of inland navigation. The work is primarily technology-led and is widely supported by European programmes for developing tools and instruments. The pioneering authorities and specialist organizations and industries play an important role in this arena. Indeed, adequate frameworks should enable measures to be consolidated and implemented at different levels (industry, organizations and authorities).

19. The CCNR considers that the best approach to developing such frameworks would be focused on corridors and based on harmonized RIS standards. Be that as it may, duplication of effort needs to be avoided. To this end, one could consider concentrating activities within those organizations which, on the one hand, have the regulatory power and uncontested status and which, on the other hand, possess the necessary competencies.

6. Police requirements

20. Regarding the European Code for Inland Waterways (CEVNI) and the Signs and Signals for Inland Waterways (SIGNI), the CCNR, although considering the reached harmonization of the Rhine Vessel Police Regulations and CEVNI satisfactory, has doubts regarding the cost-effectiveness of further steps in this area and fully supports therefore the decision of the UNECE not to establish a dedicated working or expert group.

21. A German version of the CEVNI revision 5 may be useful, but only if it will be possible to keep it up to date in line with the other language versions.

22. The benefit of the proposed video of a general nature on the work of CEVNI is not obvious. However, governments and stakeholders will surely welcome a video or other information material supporting safety of recreational navigation, taking into account the interaction with the industrial navigational activity.

7. Transport law

23. Regarding the inland navigation fleet, the UNECE might furthermore consider focussing on the application of the Convention on the Measurement of Inland Navigation Vessels, as well as the Convention on the Registration of Inland Navigation Vessels, where added value can be expected. Since their creation in the fifties of last century, important development has taken place, whereas enforcement and update of these instruments did not keep pace. In particular, the role of the owner of the vessel in respect of the operation of it has evolved considerably, as in other sectors.

24. The existing conventions in the area of transport law seem to fulfil the need of legal harmonisation. The Budapest Convention on the Contract for the Carriage of Goods by Inland Waterway (CMNI) of 2000 (“Convention of Budapest”) shows a large, Europe-wide implementation, and it is expected that the Strasbourg Convention on Limitation of Liability in Inland Navigation (CLNI) Convention of 2012 will also get the necessary recognition by European States in view of an effective implementation. The CCNR is not aware of any other needs in this area of transport law and initiatives therefore seem superfluous, in particular with regard to the non-ratified conventions from the past.

8. Worldwide dimension of IWT

25. The CCNR very much welcomes taking a broader view to encompass the major IWT systems of the world. Indeed, the development in the various IWT regions, or at least the political awareness of the potential of this mode of transport, might well justify a dedicated initiative with a view to greater visibility at a world level. The modest attempt of the CCNR, launched in the framework of the World Water Forum in Marseille, 2012, culminating in “WWINN”, should be understood in this respect as well. The UNECE is predestined to take the lead here, given that it is the only international organization with a global remit in the transport arena. Possible further steps regarding a UNECE-initiative for a global conference in 2016 or 2017 on IWT are awaited with much interest.

26. In this context, it is to be observed that the centre of gravity of inland navigation in terms of size of fleet, throughput and dimension of waterway network, undoubtedly has moved to Asia, and more particular to China. Involving China and other Asian regions, but also North and South American countries in the reflexions on global level would very much contribute to necessary awareness and interest when considering UN-engagement in this respect.

B. Ukraine

27. Ukraine in general supports the draft set out in ECE/TRANS/SC.3/WP.3/2016/10. Some minor observations are given in the table below.

28. Ukraine has the opinion that activities of SC.3 addressing technical standards for inland navigation vessels should not be frozen, as this will have implications for the development and harmonization of the legal base, in particular, in non-EU countries.

C. Eurasian Economic Commission

29. Transport and Infrastructure Department of EAEU expresses its support for the draft strategy of inland water transport for 2016–2021 prepared and submitted by the UNECE secretariat for the forty-ninth session of SC.3/WP.3, taking into account the need for preparation of a longer-range strategy in the future.

D. France

30. The strategy proposed by UNECE may result in its duplicating work done by the European Committee for Drawing up Common Standards in the Field of Inland Navigation (CESNI). Specifically, this is true for the following:

- Technical requirements for vessels;
- Crew member qualifications;
- Use of liquefied natural gas (LNG) for propulsion.

31. Such duplication must be avoided, for the following reasons:

(a) For these very technical subjects, member States have limited numbers of experts and means to contribute to the work. Thus, some thought must be given to making optimal use of available resources.

(b) Regarding the technical requirements, UNECE plans to continue updating Resolution No. 61, while a technical standard (called ES-TRIN) adopted in the framework of CESNI exists and is due to serve as a legal reference for the European Union and CCNR beginning in 2018. Resolution No. 61 is therefore of interest only to States that are not members of the European Union and CCNR. It would be advisable to take a close look at the limited list of UNECE member States that make use of this resolution. In this regard, discussions are currently under way within the Danube Commission with a view to recommending the use of the ES-TRIN standard. Furthermore, Serbia already applies the European Union acquis on its inland waterways and therefore may in the future choose to apply the ES-TRIN standard. The ES-TRIN standard would then apply to all European interconnected waterways, thus helping to harmonize the rules in force. The added value of Resolution No. 61 is therefore extremely marginal for the European waterways network. The Resolution may be of interest to the countries of Central Asia or North America, but it is highly unlikely that the vessels of those States will sail on the European network.

32. We therefore believe it is preferable to concentrate the efforts of UNECE in other areas. To ensure good governance, France calls on UNECE to avoid any duplication of work with CESNI, by removing or reducing to a bare minimum the coverage of questions related to technical requirements and professional qualifications in its strategy. Moreover, France invites UNECE to refer to the standards developed within CESNI and to actively participate in the work done by CESNI.

33. The European Union and CCNR legal frameworks also set standards for River Information Services (RIS) that are mandatory for their member States. Regarding RIS, as several projects have demonstrated, an approach by corridor is appropriate because of differences in local contexts. France therefore calls on UNECE to continue to promote RIS-related technologies, including those for recreational inland navigation, but to limit its work on the drafting or publishing of RIS standards.

34. In respect of radio communications, the International Telecommunication Union is the United Nations specialized agency for information and communications technology. Its Radio Regulations are applied by the 193 member States and include regional variations. It would be inappropriate for UNECE to carry out specific work in this area.

35. On the other hand, it is essential that UNECE launch or continue strategic and operational cooperation work with other continents, in particular Asia, to benefit from their countries' feedback on the above questions.

36. Lastly, recreational navigation has been a dynamic sector in inland waterway navigation. Yet there are a number of aspects which have not yet been specifically addressed by any European institution. SC.3 may wish to reflect on such aspects, for example for the certification of recreational boatmasters or boat safety equipment.

F. Switzerland

37. The strategy proposed by UNECE may result in its duplicating work done by the European Committee for Drawing up Common Standards in the Field of Inland Navigation (CESNI). Specifically, this is true for technical requirements for vessels and crew member qualifications. Such duplication must be avoided, for the following reasons:

(a) For these very technical subjects, member States have an extremely small number of experts and limited means to contribute to the work. Optimal use must be made of available resources.

(b) Regarding the technical requirements, UNECE plans to continue updating Resolution No. 61, while a technical standard (called ES-TRIN) adopted in the framework of CESNI exists and is due to serve as a legal reference for the European Union and CCNR beginning in 2018. Thus, Resolution No. 61 is above all of interest to States that are not members of the European Union and CCNR. It would be advisable to take a careful look at the limited list of UNECE member States that make use of this resolution and that are willing to invest in such work. ES-TRIN may in future apply as a mandatory standard or in the form of a recommendation to all European interconnected waterways, thus helping to harmonize the regulations. The added value of Resolution No. 61 is therefore extremely marginal for the European waterways network.

38. To ensure good governance, Switzerland calls on UNECE to concentrate its efforts in other fields and to avoid any duplication of work by removing or reducing to a bare minimum the coverage of questions related to technical requirements and professional qualifications in its strategy. Moreover, Switzerland invites UNECE to refer to the standards developed within CESNI and to actively participate in the work done by CESNI.

39. The CCNR legal framework also sets river information system (RIS) standards that are mandatory for the Swiss part of the Rhine. Regarding RIS, given the differences in local contexts, as several projects have demonstrated, an approach by corridor is appropriate. Switzerland therefore calls on UNECE to continue to promote RIS technologies, including those for recreational navigation, but to refrain from investing in the drafting or publishing of RIS standards.

40. In respect of radio communications, the International Telecommunication Union is the United Nations specialized agency for information and communications technology. Its Radio Regulations are applied by the 193 member States and include regional variations. It would be inappropriate for UNECE to carry out specific work in this area.

41. On the other hand, Switzerland is in favour of UNECE launching or continuing strategic and operational cooperation work with other continents, in particular Asia, to benefit from their countries' feedback on their experience.

42. Lastly, recreational navigation has been a dynamic sector in navigation. Yet there are a number of aspects which have not yet been specifically addressed by any European or pan-European institutions. SC.3 may wish to reflect on recreational navigation, for example for the certification of recreational boatmasters.

II. Comments on particular paragraphs of the draft new strategy of SC.3 and its Terms of Reference

<i>ECE/TRANS/SC.3/ WP.3/2016/10</i>	<i>Author</i>	<i>Amendment proposal</i>	<i>Comment of the author</i>
Paragraph 6	Germany	Delete the first and the fifth bullets	How the SDGs will be implemented at the regional level is still open and has to be considered after New York and EXCOM take a decision.
Paragraph 7 (proposed actions)			
Action 3	Germany	Delete	
Action 4	Germany	The first bullet: add in the end: taking into consideration the work of other international bodies like CESNI	
	France	The first bullet: add in the end: based on the work of other international structures, in particular, the European committee for drawing up common standards in the field of inland navigation (CESNI)	
	Germany	The third bullet: delete	To address security issues a two-step approach is required: At a first step, you need to know if and to what extend there is a security problem. Only then you could consider in a 2nd step on any necessary actions. We are in general very cautious to include this topic
Action 6	Germany	Delete	
Action 7	Germany		In order to avoid duplication of work please keep also actions at the EU level in mind such as the Trecvet project: https://www.trecvet.eu/ . This EU-funded project shall enable the comparison of different sports boat licenses from different states, which are promoted in the area of "small commercial vessels".
Action 8	Germany	The first bullet	Full support The objective and main theme of the conference should be defined at an early stage to attract high level representation
	EEC	The second bullet: add "the Eurasian Economic Union (EAEU)" after "River Commissions"	
	Germany	The third bullet	
Paragraph 10	Germany, France	Modify the first sentence: SC.3 recommended that the following could be considered in the new strategy and ToR	
	Germany	Delete subparagraph (c)	

<i>ECE/TRANS/SC.3/ WP.3/2016/10</i>	<i>Author</i>	<i>Amendment proposal</i>	<i>Comment of the author</i>
Paragraph 13	Germany	Add in the end: However, especially ES-TRIN could be a good starting point for further discussions keeping in mind that EU/CCNR-member States are bound by CESNI-standards if transferred into EU/CCNR-law.	
	France	In the last sentence delete “reconsidered and/or”	
Paragraph 14	France	Add in the end: In this respect, France proposes that the harmonized standards adopted by CESNI are used as the basis for the activities of SC.3.	
Paragraph 15	Germany	The fourth sentence	Full support
Paragraph 19	Germany	Modify the first sentence: UNECE activities relating to the promotion of RIS complete the work ... Modify the last sentence: An appropriate exchange among the key players in this area including the RIS Expert Groups, EU and CCNR would be appreciated.	
	France	Modify: UNECE activities relating to the promotion of RIS complete the work on technical requirements for inland navigation. France and CCNR consider that an approach focused on transport corridors and based on harmonized RIS standards could be the best one. In any case, a duplication of activities should be avoided. For this purpose, it could be considered to concentrate/focus the activities in organizations that, on one side, have a regulatory power and uncontested status and, on the other side, have necessary skills. An appropriate exchange among the key players in this area including the RIS Expert Groups, EU and CCNR would be appreciated.	

<i>ECE/TRANS/SC.3/ WP.3/2016/10</i>	<i>Author</i>	<i>Amendment proposal</i>	<i>Comment of the author</i>
Paragraph 21, the table, and Annex 1 (Terms of Reference)			
Add a new paragraph 5 in Part II	Germany	The secretariat shall, at least six (6) weeks before the commencement of a session, distribute a notice of the opening date of said session, together with a copy of the provisional agenda. The basic documents relating to each item appearing on the provisional agenda of a session shall be available on the SC.3 website of the Internet not less than six (6) weeks before the opening of the session. Participants (Member states) may distribute informal documents, after the authorization by the Chairperson in consultation with the secretariat, prior to or during a session. Such informal documents shall relate to items on the adopted agenda of the respective meeting. Where possible, the Secretariat shall make the informal documents available on the SC. 3 website of the Internet.	
Activity 1 (c)	France	Modify the beginning of the first sentence: Regularly publish updates of the strategy and policy papers...	
Activity 1 (d)	Germany	Delete	
	France	Delete	This issue is within the jurisdiction of countries
	Ukraine	Needs clarification	It seems to be not clear enough in terms of coordination of measures to promote the development of inland water transport and focusing on statistics
Action 2 (c)	Ukraine	Replace action plans on eliminating concrete bottlenecks and completing missing links by the list of bottlenecks and missing links	Preparation of concrete action plans on eliminating concrete bottlenecks and completing missing links is the responsibility of Governments, intergovernmental commissions and similar bodies
Activity 3	France	Replace "requirements" by "rules"	
Activity 3 (a)	Germany	Reject the proposed amendment or delete "and security"	
Activity 3 (b)	France	Add in the end: on the basis of standards adopted by CESNI	
Activity 3 (c)	France	Add "and bring the added value" after "navigation safety"; delete "and the reciprocal recognition on this basis of ship's certificates"	Reciprocal recognition of ship's certificates is already dealt with by international regulations, in particular, the European directive on technical prescriptions for vessels

<i>ECE/TRANS/SC.3/ WP.3/2016/10</i>	<i>Author</i>	<i>Amendment proposal</i>	<i>Comment of the author</i>
Activity 3 (f)	Germany	Modify: Promote the use of River Information Services and provide a forum for information exchange on developments and best practices in RIS implementation (bringing together countries of Eastern and Western Europe)	The meaning of the term “harmonization of radio-communication services” remains unclear. “Radiocommunication service” is already defined in international law (Radio Regulations/ITU; Art. 1.19). At least the harmonization for the voice communications on inland waterways is established by the RAINWAT Committee/ITU
	France	Add “using the corridor approach” after “communication technologies”; delete : the harmonization of radiocommunication services for E Waterway Network	RAINWAT exists already and ITU has published the Radio Regulations applicable in its 178 member States
Activities 5, 5 (a)	Germany	Add in the end: taking into consideration the work of other international bodies like CESNI	
Activity 5 (a)	France	Add in the end: on the basis of standards adopted by CESNI	
Activity 5 (b)	Germany, France	Delete	
Activity 6	France	Replace “harmonize” by “contribute to the harmonization”	
Activity 7 (c)	Germany	Delete “at a global level”	
	France	Delete “at a global level”, “stimulate joint efforts when addressing global challenges and encourage wider harmonization”	