



# Economic and Social Council

Distr.: General  
24 August 2016  
English  
Original: French

---

## Economic Commission for Europe

### Inland Transport Committee

#### Working Party on Inland Water Transport

##### Sixtieth session

Geneva, 2-4 November 2016

Item 10 (b) of the provisional agenda

**Harmonization of the pan-European legal framework for inland navigation:  
The International Convention on the Registration of Inland Navigation Vessels**

### **Possible amendment of the International Convention on the Registration of Inland Navigation Vessels**

**Transmitted by the Central Commission for the Navigation of the  
Rhine**

#### **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 (ITC) at its seventy-eighth session, on 26 February 2016.
2. It is recalled that the Working Party on Inland Water Transport (SC.3) at its fifty-ninth session, following the request of Croatia on possible modification of article 3 of the International Convention on Registration of Inland Navigation Vessels, asked the secretariat to consult with Contracting Parties to this Convention (ECE/TRANS/SC.3/201, paras. 59 and 62).
3. At its forty-eighth and forty-ninth sessions, the Working Party on the Standardization of Technical and Safety Requirements in Inland Navigation took note of the answers received thus far from the Contracting Parties, River Commissions, the European Commission and other interested parties.
4. The secretariat presents hereunder the reply from the Central Commission for the Navigation of the Rhine (CCNR) on this subject.

GE.16-14674 (E) 150916 150916



\* 1 6 1 4 6 7 4 \*

Please recycle The recycling symbol, consisting of three chasing arrows forming a triangle.



## II. Reply of the Central Commission for the Navigation of the Rhine

5. In response to the letter of 16 January 2016 from the ECE secretariat requesting information from CCNR about the possible implications of modifying the regulatory framework of the International Convention on the Registration of Inland Navigation Vessels, concluded in Geneva on 25 January 1965, and asking it to send any useful advice relating to a possible revision of other provisions of the Convention, the CCNR secretariat has sent the following observations:

6. The request was handled by the River Law Committee, with the Inspection Regulations Committee being informed. The River Law Committee proceeded with the analysis described below.

7. The right to engage in shipping on the Rhine is reserved for vessels having the right to fly the flag of a member State of CCNR or the European Union and that can substantiate that right with a “certificate of belonging to the navigation of the Rhine”.<sup>1</sup> This requirement was first set out by the provisions of Additional Protocol No. 2, subsequently supplemented by the CCNR application rules adopted in 1984<sup>2</sup> and by Council Regulation (EEC) No. 2919/85.

8. Paragraph 1 of Additional Protocol No. 2 thus establishes that “The document referred to in Article 2, paragraph 3, of the Revised Convention for Rhine Navigation, amended by Additional Protocol No. 2, shall be issued by the competent authorities of the State concerned only for a vessel which has a **genuine link** with that State, the aspects of which shall be determined on the basis of the equality of treatment between Contracting States which shall take the necessary steps to ensure its standard adoption [...]”.

9. The conditions for issuance of the certificate of belonging to the navigation of the Rhine have been set out in detail by the CCNR application rules. Article 2 of the application rules establishes a link between registration and the competent authority, as it is only the authorities of the contracting State in which the vessel is **registered in a public registry** that are competent to issue and withdraw the certificate.

10. In principle, it is only if there is no registration registry, or if a vessel is not registered in a contracting State, that other rules would enter into play for determining the competent authority. It should be emphasized that this relates only to the criteria for determining the competent authority, and not to the conditions to be met by the owner or operator for certificates of belonging to be issued to them. For that, they must meet clearly specific conditions relating to such aspects as their nationality and domicile, among others.

11. The absence of a direct relationship between a vessel’s registration and the existence of a “genuine link” certified by a certificate of belonging obviates the need to compare the conditions a contracting State must meet to accept a vessel’s registration in accordance with article 3 of the Convention (as currently worded, and with the planned amendments) and the conditions to be met by the owner and the operator to obtain the certificate of belonging. Registration can in no case provide a guarantee of a “genuine link”. Indeed, if the certificate

---

<sup>1</sup> See article 2 (3) of the Revised Convention for Rhine Navigation.

<sup>2</sup> Rules for the application of article 2 (3) of the Revised Convention for Rhine Navigation and of numbers 1 and 3 of the protocol of signature of Additional Protocol No. 2 of the Convention of 17 October 1979, hereafter referred to as the “application rules”.

of belonging was made obligatory and its issuance made mandatory, it was precisely owing to a need to establish an instrument requiring that supplementary criteria should be met.<sup>3</sup>

## **Conclusion**

12. The CCNR River Law Committee has thus concluded that the amendment of article 3 of the Convention foreseen by ECE would have no repercussions on the CCNR regulatory framework. That notwithstanding, the River Law Committee considers it essential to maintain the requirement of a genuine link between the vessel and the State of registration. It is thus not in favour of amending article 3 of the Convention. Aside from that, the River Law Committee did not wish to carry out a more general examination of the Convention as a whole.

---

---

<sup>3</sup> See the recommendation to national authorities responsible for issuing the certificate of belonging to the navigation of the Rhine (accessible on the CCNR website).