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Recreational navigation: International Certificate for Operators of Pleasure Craft (Resolution No. 40, fourth revision) and the Guidelines to Resolution No. 40

Revision of the Guidelines on the application of Resolution No. 40, “International Certificate for Operators of Pleasure Craft”

Note of the secretariat

Mandate

1. This document is submitted in line with cluster 5: Inland Waterway Transport, para. 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. It is recalled that, at its forty-fourth session, the Working Party on the Standardization of Technical and Safety Requirements in Inland Navigation (SC.3/WP.3) approved the Guidelines on the application of Resolution No. 40 in order to facilitate the understanding of the resolution by the operators of pleasure craft (ECE/TRANS/SC.3/WP.3/78, para. 40).
3. Following the request of administrations, pleasure craft operators and other parties concerned, SC.3/WP.3 at its fifty-first session approved the proposal for updating the Guidelines to Resolution No. 40 as set out in ECE/TRANS/SC.3/WP.3/2017/21 and asked the secretariat to prepare a consolidated draft of revised guidelines for adoption by the Working Party on Inland Water Transport (SC.3) (ECE/TRANS/SC.3/WP.3/102, para. 82).
4. SC.3 may wish to adopt the revised Guidelines on the application of Resolution No. 40 on the basis of this draft as set out in the Annex to this document.

Annex

Revised Guidelines on the application of Resolution No. 40, “International Certificate for Operators of Pleasure Craft” (draft)

“A. What is the ICC?”

1. An International Certificate for Operators of Pleasure Craft (ICC) provides the holder with evidence of competence for the operation of pleasure craft in an internationally recognisable format which can be presented to officials in foreign countries if required.
2. The United Nations Economic Commission for Europe (UNECE) Working Party on Inland Water Transport originally developed an international certificate for operators of pleasure craft to facilitate pleasure navigation along the lengths of the rivers Rhine and Danube.
3. Each country the rivers pass through had different requirements for evidence of competence and this caused difficulties for boaters wishing to navigate the different sections of the river.
4. The initial agreement, UNECE Resolution No. 14, has been superseded by an enhanced version, Resolution No. 40, which now regulates the International Certificate for Operators of Pleasure Craft (commonly referred to as the International Certificate of Competence – ICC), stipulating who the ICC can be issued to, the syllabus requirements and the layout of the certificate.
5. Use of the ICC has also developed over the years and the certificate now covers coastal waters and the wider inland waterways as well as the rivers it was originally developed for.

B. Does an ICC replace the need to have a national certificate?

6. A vessel must comply with its flag state’s (country of registration) regulations wherever it is in the world. The ICC complements rather than replaces any requirement the flag states may impose.

C. What does the ICC do for me that my national certificate doesn’t?

7. Foreign officials cannot be expected to understand what the certificates issued by each individual country allow the skipper to do or what level of competence the skipper has.
8. The ICC indicates to the authorities in a foreign country that your competence to skipper a pleasure craft has been assessed in accordance with Resolution No. 40 and you have demonstrated the necessary level of competence for the type of boat and area of operation indicated on the certificate.
9. If evidence of competence is required, boat owners visiting another European country will frequently find that the ICC will suffice. Countries which have adopted Resolution No. 40 should automatically accept the ICC but it will also be accepted in many other countries which have not formally stated their intentions through the acceptance of Resolution No. 40.

D. Does my ICC entitle me to charter a boat?

10. No, the ICC can be useful for people wishing to charter, but charter companies are under no obligation to accept the ICC as evidence of competence from people wishing to hire their boats.

E. Do I have to have an ICC?

11. Some countries will insist you have an ICC, whilst in other countries an ICC may not be needed at all. The requirement may also differ between coastal waters and inland waters within a country.

F. Can I use the ICC outside Europe?

12. The ICC is not a global qualification. Even within Europe the ICC's validity is determined by the issuing country and by the country you are visiting. At the discretion of countries elsewhere around the world it may be acceptable evidence of competence.

G. Is it permitted for the authorities in one UNECE member country to issue the ICC to the national of another UNECE member country?

13. In order to issue an ICC, Governments must first implement Resolution No. 40. They may then nominate competent authorities and approved bodies which can issue the certificate on their behalf. Implementing Governments are recommended to issue the certificate to their own nationals or residents or to the nationals of any North American country or any country that is not a member of the UNECE. However, Resolution No. 40 is enabling rather than restricting, so implementing Governments may, if they choose, issue an ICC to a national or resident of a country which has not implemented Resolution No. 40.

14. Applicants must be holders of the implementing Government's national certificate or have passed an examination by that Government in accordance with the requirements detailed in Annex 1 of Resolution No. 40. Governments are not required to accept a national certificate issued by the Government of a different country as the basis of an ICC.

H. Why is the ICC important?

15. It is widely recognised that the standards set out in Resolution No. 40 provide a reasonable and appropriate level of competence for day sailing in recreational craft with due regard to the safety of navigation and crew and the protection of the environment. Even countries that have not yet adopted Resolution No. 40 will readily accept and sometimes demand an ICC from visiting yachtsmen as evidence of competence.

16. All States, members of UNECE are, therefore, encouraged to adopt Resolution No. 40.

I. Can any country apply Resolution No. 40?

17. Notwithstanding what is included in paragraph 12 above, the answer is Yes. Resolution No. 40 is of global scope and is therefore open for application by all United Nations member States. For example, South Africa has accepted and started applying Resolution No. 40.

18. To become a State applying Resolution No. 40, it needs to notify the UNECE Executive Secretary that it accepts Resolution No. 40, provide information on the designated authorities responsible for the ICC, indicate where legislation governing recreational navigation may be downloaded, and indicate which model of the ICC is issued and provide a sample certificate.

J. Where can I find the information on which countries are implementing Resolution No. 40 and other practical information on its application?

19. Since 2010, the information on the countries which have accepted Resolution No. 40 as well as the list of the competent authority for authorization of ICCs and approved bodies for issuing of ICCs are included in Annex IV to Resolution No. 40. This information is updated regularly by the UNECE Working Party on Inland Water Transport. The latest edition of the resolution is available at: www.unece.org/fileadmin/DAM/trans/doc/2015/sc3wp3/ECE-TRANS-SC3-147r4e.pdf.¹

K. Can a country issue the ICC for inland waterways, if it does not apply the European Code for Inland Waterways (CEVNI) and has no CEVNI test?

20. In accordance with paragraph 3.1 of Resolution No. 40, to obtain the ICC for inland waterways an applicant has to demonstrate sufficient knowledge of CEVNI. The Resolution does not stipulate how the Government must assess the sufficiency of this knowledge. A country that has no national certificate which demonstrates knowledge of CEVNI, can still issue the ICC for inland waterways as long as it establishes that the applicant has sufficient knowledge of CEVNI. This could be achieved using one of the following options:

- develop a CEVNI test for the purpose of issuing the ICC;
- recognize the outcome of the CEVNI test adopted in another country.

L. Can a citizen of a country that has not accepted Resolution No. 40, obtain the ICC?

21. Residents or nationals of any North American country or any country that is not a UNECE member State and has not adopted Resolution No. 40, can obtain the ICC provided they are holders of the implementing Government's national certificate. In order to obtain the ICC, they should:

- take the examination in accordance with Annex 1 to Resolution No. 40 of a country that has adopted Resolution No. 40, or
- take the national qualification of a country that has adopted Resolution No. 40 and then obtain the ICC following Article 1 of Resolution No.40.

22. Residents or nationals of a UNECE member State that has not accepted Resolution No. 40, can obtain the ICC of an implementing Government that has decided to do so, as mentioned in paragraph 13 above, provided that they have passed an examination in accordance with Annex 1, Part I, paragraph 2, of Resolution No. 40.

¹ To be updated after the adoption of amendments to Annex IV by the Working Party on Inland Water Transport.

M. Can a citizen of a country that has not accepted Resolution No. 40, transfer his national certificate to the ICC?

23. A national certificate of a country that has not accepted Resolution No. 40 cannot be transferred to an ICC.

N. What is the definition of coastal waters in Resolution No. 40?

24. Resolution No. 40 does not define coastal waters. It refers to coastal waters and inland waters which are intended to be mutually exclusive.

25. The ICC was never intended to replace national certificates and was not intended for use within the territorial and internal waters of the vessel's flag state. The ICC is intended to facilitate the movement of recreational craft through the internal and territorial waters of countries other than the vessel's flag state. Outside internal and territorial waters (at the most 12 nautical miles from the baseline of the coastal state), the jurisdiction is that of the flag state in accordance with the 1982 United Nations Convention on the Law of the Sea."
