

Distr.: Restricted
3 February 2016
English
English and Russian only

Working Party on Inland Water Transport

Working Party on the Standardization of Technical and Safety Requirements in Inland Navigation

Forty-eighth session

Geneva, 17–19 February 2016

Item 5 of the provisional agenda

Follow-up to the UNECE White Paper on efficient and sustainable inland water transport in Europe: Discussion of a new strategy proposal

Feedback for the discussion paper on a new strategy of the Working Party on Inland Water Transport and the review of its Terms of Reference¹

Transmitted by the Central Commission for the Navigation on the Rhine, the Government of Germany and the European Boating Association²

I. The Central Commission for the Navigation on the Rhine

Member States and Secretariat of the CCNR have studied the document with great interest. They have come to a number of observations, which they would like to share with you.

The CCNR supports the review of the Terms of Reference of the Working Party on Inland Water Transport of the UNECE Inland Transport Committee and the preparation of a proposed strategy for the Working Party (SC.3). The environment of inland navigation has changed considerably in the past years and in particular, its institutional set up in Europe. At the same time, governments have fewer human resources available for supporting the work of international organisations. In so far, an evaluation of the work of SC.3 and considerations in view of a concentration on those activities, where it does create significant added value for Member States and stakeholders, can only be welcomed.

Two aspects in particular gave way to our observations: the Pan-European dimension of the activities of the UNECE and the mission to harmonise the regulatory framework.

¹ Note of the secretariat; a discussion paper, the first draft for consultations, was prepared by the secretariat and distributed to the participants of the fifty-ninth session of SC.3.

² The responses have not been reproduced in their entirety, but the main content and themes are provided in the text of this document.

Important development has taken place on these two levels since the nineties of last century. In this respect, it is felt that the Pan-European dimension, as far as it should serve as reference or even as basis for IWT-related strategy of the UNECE, might be clarified by means of analyses and objectives to be reached.

In the same way, proposed regulatory activity or support thereto, might more clearly refer to an analysis of the existing frameworks and structural developments to be observed. In fact, the document only refers in an indirect way to the latter issue. However, the setting up of CESNI, the European Committee for Drawing up Common Standards in the Field of Inland Navigation, and its first tangible product, the European Standard laying down Technical Requirements for Inland Navigation vessels (ES-TRIN), should not be ignored when it comes to a reinforcement of the IWT-governance in Europe, as the paper rightly points out with reference to the EFIN³ report of 2005. Indeed, the corresponding regulatory frameworks on EU and on CCNR level are not in force yet,

To avoid duplication of work and to increase the benefit of the harmonized standards developed and adopted by CESNI, the UNECE might perhaps consider discontinuing the work of SC.3 in which CESNI is active, in particular in the field of technical requirements for inland navigation vessels and of navigation personnel. If needed, the UNECE may consider referring to the harmonized standards adopted by CESNI.

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. Therefore, there does seem only very limited room for work of the UNECE in this field, which would not constitute a duplication.

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 conclusion, the current legal situation does not seem to support a pan-European implementation of the EHDB and to our knowledge the UNECE currently is not involved in the steering process of the further development and implementation of the EHDB.

A number of aspects of inland navigation are not specifically addressed by the CCNR or the EU. 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.

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

³ Note of the secretariat: EFIN Group (European framework for inland navigation) – a group of independent European experts mandated by the Netherlands, Germany, Belgium, France and Switzerland to analyse the present situation of the institutional framework of inland navigation in Europe and to make recommendations for further actions to strengthen the place of this mode of transport in the European transport system. The Group issued the report "A new institutional framework for the European inland navigation" in October 2004.

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.

The existing conventions in the area of transport law seem to fulfil the need of legal harmonisation. The CMNI Convention of 2000 ('Convention of Budapest'), shows a large, Europe-wide implementation, and it is expected that the CLNI Convention of 2012 will also get the necessary recognition by European States in view of an effective implementation. No other needs in this area of transport law are known to us and respective initiatives therefor seem superfluous, in particular with regard to the non-ratified conventions from the past.

Regarding CEVNI and SIGN!, 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.

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

I have furthermore noted with great satisfaction, that the document widens the view to the major IWT systems of the world. Indeed, the development in the respective regions of IWT, or at least the political awareness of the potential of this mode of transport, might well justify a dedicated initiative in view of more visibility. The modest attempt of the CCNR in the framework of the World Water Forum in Marseille, 2012, giving way to "WWINN"⁴, should be understood in this respect and we are looking forward to further steps regarding the UNECE-initiative for a global conference in 2016 on IWT.

The paper however does not touch the question, neither of the centre of gravity of inland navigation on a global scale, nor of possible interests of common approaches of the respective river basin networks. The centre of gravity of inland navigation has undoubtedly moved to Asia, and more particular to China. The document would clearly benefit from taking account of this development and drawing necessary conclusions. 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.

II. Germany

Germany would like to thank for the informative analysis of the past and present activities of SC.3 and the outlook to its future fields of work. Due to its geographical position Germany is a member of three river commissions and of the EU. This results in a great burden as regards staff and time resources, and this was the reason why in the past the cooperation in SC.3 and WP.3 was only possible in a limited way. With the establishment of the European Committee for drawing up Standards in Inland Navigation (CESNI) another important European body was created. It will in the future develop standards for inland navigation in the field of the technical regulations and the modernisation of the qualification system, which will then be included in the regulations of the EU and the CCNR. For these reasons it is, in the opinion of Germany, urgently necessary to prioritise

⁴ Worldwide inland navigation network <http://www.wwinn.org>

in order to decide in what body it is possible to cooperate actively. As an EU Member Germany is bound by the EU Regulations. The same applies to the decisions of the CCNR and Moselle Commission which have to be made binding by transposition into German Law. Since in the future the regulations of the EU and the CCNR will essentially be preordained by CESNI, Germany also considers the activities there to have priority.

Germany expressly supports the statement of the Secretariat that the existence of several inland navigation bodies leads to duplication of work which has to be avoided. The greater the number of organisations which deal with the same issues, the greater is the risk of divergent results of the work. This complicates the common aim of finding homogeneous regulations or even makes it impossible to achieve it.

As rightly stated in the strategy paper, most of the European UNECE Member States have in the meantime acceded to the EU. For this reason it is suggested that SC.3 in future should primarily deal with the tasks which are not covered by EU Regulations that are binding for its Member States. This avoids unnecessary duplication of work and prevents the consolidation of heterogeneous regulations. SC.3 could therefore focus in the future, for example, on the task of developing uniform criteria for recreational shipping. Germany would welcome the further development of UNECE Res. No. 40. Before further activities in the field of infrastructure are initiated the added value of the aspired objectives should be proven.

The objection that, if the functional competence of SC.3 is reduced, UNECE states from Northern America, Israel or the UNECE Member States from Central Asia do not have a body which is comparable to the present Working Group SC.3 can be dispelled. States which are interested in inland navigation can actively cooperate in CESNI as observers or be represented in CESNI via the river commissions. The results achieved there could be adopted in UNECE resolutions. This would promote the uniformity of a pan-European regulation.

III. European Boating Association

Firstly we can confirm that the EBA would be supportive of work to upgrade Resolution 40 to a binding instrument. Resolution 40 is an important agreement for both inland and coastal boating. The EBA has been recommending to the European Commission that it uses Resolution 40 as the basis for skipper licencing for EU countries and would like to see the European Commission encourage EU Members States to formally adopt Resolution 40. Upgrading Resolution 40 to a binding instrument would support the EBA's work in this regard .

The EBA supports the UNECE Secretariat in its view that greater strategic cooperation is needed with the European Commission. UNECE Resolutions have been developed with input (or consensus) from a significant proportion of the EU Members States and all of the EU Member States have the opportunity to participate in the discussions at UNECE; it is not necessary for the European Commission to develop stand-alone Directives and Regulations that duplicate or overlap with UNECE instruments.

The EBA Secretariat is willing to support the UNECE Secretariat in its work relating to Resolution 40 and the International Certificate for Operators of Pleasure Craft (ICC) including updating the Guidelines / FAQs as necessary. We are strongly in favour of and will support any move to encourage Governments to move forward from Resolution 14 and adopt only Resolution 40.

We would however oppose the use of Resolution 52 as a basis for updating the ICC with new types of craft. Resolution 52 defines waterways by the maximum size of boat they can

accommodate. It does not deal with craft over 15m in length and there are many boats used for recreation which exceed this dimension.

The EBA has a number of Position Statements which are published at <http://www.eba.eu.com/positions>. This includes position on Boat Registration, Skipper Licensing, the ICC and AIS Virtual Aids to Navigation, which I mentioned during the SC.3 meeting.
