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INLAND TRANSPORT COMMITTEE

Working Party on Inland Water Transport

Working Party on the Standardization of Technical
and Safety Requirements in Inland Navigation
(Twenty-sixth session, 3-5 June 2003,
agenda item 3)

UPDATING THE EUROPEAN CODE FOR INLAND WATERWAYS (CEVNI)

**Transmitted by the Governments of Belarus and Bulgaria
and by the Danube Commission**

Note: The secretariat reproduces below the proposals of the above delegations for possible amendments to CEVNI as set out in document TRANS/SC.3/115/Rev.2, along with the draft of the provisionally corrected CEVNI articles, the texts of which are contained in documents TRANS/SC.3/WP.3/2002/21 and Add.1.

BELARUS

Article 1.01 (t.1)

1. Concerning the term “rapid scintillating light”¹ proposed by the Netherlands in TRANS/SC.3/WP.3/2001/14, we think this term must be clarified with a single interpretation in respect of the frequency of flashes, taking into account the fact that the term “scintillating light” appears in CEVNI article 1.01 (t).

2. Article 1.01 should be amended to include a definition of “flashing light”, as follows: **“flashing light” means a rhythmic light flashing 25-30 times per minute.**

3. In connection with the above, we should like to point out that navigation by high-speed vessels is permitted on Belarusian waterways only in daylight.

Article 1.02 (7)

4. Amend article 1.02 (7), as set out in TRANS/SC.3/WP.3/2002/21, to read as follows:

“7. In the case of a moored vessel or assembly of floating material having no boatmaster, the person responsible for ensuring compliance with the provisions of these regulations shall be:

(a) The operator or owner of such vessel or assembly;

(b) The person responsible for keeping watch and surveillance under article 7.08.”

Article 1.07 (2)

5. Given the complexity involved in setting up and using periscopes with flat reflectors for looking to stern, and also the fact that, with modern radar equipment, the necessary observations can be made from the wheelhouse, we propose that the second sentence of article 1.07 (2) as set out in TRANS/SC.3/WP.3/2002/21/Add.1 should be amended to read, after the words “visibility abaft is restricted during the voyage”, as follows: **“..., this lack of visibility may be compensated for by the use of radar apparatus”.**

¹ Note from the secretariat: It would appear that the proposal of the Netherlands contained in document TRANS/SC.3/WP.3/2001/14 was mistranslated. Taking into consideration the definitions in Annex 8, the term “**feu scintillant rapide**” probably should have been translated into English as “**quick scintillating light**” and into Russian as “**очень частый проблесковый огонь**”.

Because of the need correctly to render the term “**scintillating light**”, defined in article 1.01 (t), into Russian in the CEVNI text, the secretariat proposes that the term “**проблесковый огонь**” mistakenly used in CEVNI articles 3.27 and 3.28 and in Annex 3, paragraph 1.5 (c), should be corrected to read “**частый проблесковый огонь**”.

Article 1.09

6. The proposals made by the Russian Federation in respect of article 1.09 (1-3), as set out in TRANS/SC.3/WP.3/2002/16, are acceptable.

7. The word “**certificate**” in the proposed text of 1.09 (4) in TRANS/SC.3/WP.3/2002/21/Add.1, which is used with a cross-reference to article 4.05 (1) (b), should be replaced with “**certificate of aptitude**”, as this is the term used in that article.

Article 3.32 (1) (b)

8. The text of the second paragraph of article 3.32 (1) (b) in TRANS/SC.3/WP.3/2002/21 should read as follows:

“circular white boards bordered with red, with a picture of a cigarette emitting smoke, struck through by a red diagonal”.

Article 6.28 (11)

9. The new paragraph 11 of article 6.28 in TRANS/SC.3/WP.3/2002/21/Add.1 should read as follows:

“11. On approaching the lock basin, during locking and on leaving a lock, high-speed vessels shall move at a speed that will preclude any damage to the locks, to vessels or to floating equipment and that will not cause any danger for the persons on board.”

Article 6.33 (1)

10. Article 6.33 (1) in TRANS/SC.3/WP.3/2002/21/Add.1 should read as follows:

“1. In reduced visibility, vessels and convoys unable to use radar shall immediately move to the nearest safe berth. While moving to this berth they must take the special precautions set out in these regulations.”

Annex 3

11. In document TRANS/SC.3/WP.3/2002/21, in the drawing of the smoking cigarette in sketch 66, the cigarette should be struck out by the diagonal red stripe, and should therefore not appear above the stripe.

BULGARIA

Article 1.01

12. With respect to the term “rapid scintillating light” proposed by the Netherlands in TRANS/SC.3/WP.3/2001/14, we believe it imperative that such signals should be used on high-speed vessels under way.

13. In the Russian text, the term “мерцающий” should be replaced by “**проблесковый**”², which corresponds more closely to these signals. Since these signals must be visible from as far as possible, the light should be “**bright**”.

14. In setting the flash frequency, due account should be taken of the views of experts; as it would apparently be impossible to distinguish between 100-120 flashes per minute and a constant yellow light. The competent bodies in Bulgaria consider that the number of flashes per minute should be reduced.

15. The Bulgarian competent bodies believe that, when considering the issue of light signals on high-speed vessels, the Working Party should also give its attention to the question of the movement of such vessels in reduced visibility and at night.

16. The mandatory use of radar by high-speed vessels under way (see draft article 4.05 (3) in TRANS/SC.3/WP.3/2002/21/Add.1) and the lack of a ban on navigation in reduced visibility raises the question of whether there should be a provision for high-speed vessels to give the necessary notification of their movements. In reduced visibility, light signals are useless at the distances required for appropriate safety measures to be taken. Radar information on the movement of high-speed vessels could therefore be complemented with radiotelephone communications giving their movement details.

Article 1.08 (2)

17. The Bulgarian competent bodies support the proposal of the Danube Commission concerning the introduction of amendments to article 1.08 (2) (see TRANS/SC.3/WP.3/2002/15). It follows from the text of article 1.02 concerning the responsibility of the boatmaster of the convoy that it is the duty of the boatmaster who is also boatmaster of the convoy to provide a sufficiently large crew for the entire convoy.

Article 1.09

18. The Bulgarian competent bodies do not support the proposal of the Russian Federation that changes the entire approach to CEVNI article 1.09 (see TRANS/SC.3/WP.3/2002/16). While the proposal clearly has certain merits relating to improved vessel safety, it does not help clarify the already contentious terms and definitions in articles 1.02 and 1.09.

² Note from the secretariat: In article 1.01 (t) of the current version of CEVNI, the word “мерцающий” has already been replaced with “**частый проблесковый**”.

19. The current wording of article 1.09, including the new paragraph 4 concerning navigation by high-speed vessels, is more in keeping with the other CEVNI provisions relating to the responsibility and duties of the boatmaster.

20. Clearly, in Bulgarian as in Russian, the proposed wording to describe the persons involved in steering the vessel is not highly conducive to the formulation of clear definitions.

21. On the one hand, steering is performed by a person who according to CEVNI article 1.02 has **the necessary qualifications**, and according to paragraph 4 of the same article **“is responsible for compliance with these regulations on his vessel”**. In Bulgarian terminology this person is called **“водител”**; in Russian, **“судоводитель”**; in French, **“conducteur”**; and in English **“boatmaster”**.

22. On the other hand, the physical steering of the vessel using the wheel or another steering device is performed by someone who may be either a **boatmaster** or another person **with the appropriate qualification**. This person, who goes by the general description of **“рулевой”** in Russian, **“l’homme de barre”** in French and **“helmsman”** in English, if not a **“boatmaster”**, bears **no responsibility** for the execution of and compliance with the requirements of the regulations, but only for his own specific duties. In this case, the helmsman carries out the instructions of the responsible person on watch, i.e. the boatmaster. To ensure that the steering operations are properly conducted, while the vessel is under way, the **“boatmaster”**, in the sense given in article 1.02, may not leave the wheelhouse and hand over responsibility for the watch to another person. Such an absence cannot be justified by the need to rest or to carry out other activities incompatible with steering responsibilities.

23. In a similar vein, CEVNI article 6.32 (2) requires the permanent presence in the wheelhouse of a person fully conversant with radar navigation methods, as well as a second person sufficiently conversant with these methods. It is not, however, clear what functions these people have in respect of the physical steering of the vessel and what responsibility they have for meeting and complying with the requirements of the regulations. It is logical to assume that, in general, the more qualified person bears responsibility for steering during navigation in the conditions listed in article 6.32, as it will be for him to take decisions and assume responsibility for them.

Further work for the updating of CEVNI

24. The Bulgarian competent authorities consider that future work to update CEVNI in line with the proposals by Ukraine set out in documents TRANS/SC.3/WP.3/2001/18 and TRANS/SC.3/WP.3/2000/15 must take into consideration the opinions of the other countries.

25. Bulgaria would have no objection to including in CEVNI provisions for general navigation regulations for lakes and reservoirs. We believe that a precise understanding is needed of the terms “broad waterways”, “lakes” and “reservoirs”, and on the basis of these definitions an attempt can then be made to formulate specific regulations.

DANUBE COMMISSION

Article 1.01

26. A meeting of experts of the Danube Commission on technical questions was held from 2 to 6 December 2002. During the discussion of the provisions relating to high-speed vessels, the following request was made of the secretariat: "Taking into account the results achieved in Geneva, and in cooperation with the Central Commission for the Navigation of the Rhine (CCNR), the secretariat is requested to prepare a draft set of common rules for high-speed vessels on the Danube, and to circulate it to the member States for their views and proposals."

27. This item was included in the plan of work of the Danube Commission for 2003 and 2004, which is being submitted for adoption by the Commission at its forthcoming sixty-first session. The secretariat of the Danube Commission is planning to propose to its CCNR counterpart that they should together prepare a draft of such rules for the Danube. We consider cooperation between our Commissions to be of the utmost importance in this field, and hope that the decisions taken at the twenty-sixth session of the SC.3/WP.3 Working Party will make it possible to move ahead in drafting common rules for our Commissions.

28. From an exchange of views, it appears that the main sticking point is the definition of signals for high-speed vessels, in particular flash frequencies and light intensities. No specific proposals have been made in this field by the member States of the Danube Commission. The experts are hoping to be able to solve the problem at the twenty-sixth session of the Working Party. For this, it may be necessary to provide a more accurate definition of signal B-10 (in CEVNI Annex 7). We would also like to renew our submission of all the proposals previously made by the secretariat of the Danube Commission on this subject.

Article 1.08 (2)

29. At the meeting of experts on navigation issues (February 2002), a decision was taken to improve the wording of article 1.08 (2) of the Basic Provisions relating to Navigation on the Danube (DFND). Taking into consideration the specific characteristics and navigating conditions on the Danube, the experts considered that the existing wording was not sufficiently precise, as it applied more to towed and pushed convoys than to the side-by-side formations that are common on the Danube. For the wording of this item, a new version was accepted and adopted, which we also proposed for consideration by the Working Party in TRANS/SC.3/WP.3/2002/15, namely:

"All vessels, except vessels in a pushed convoy other than the pusher, shall have a crew sufficient in number and sufficiently skilled to ensure the safety of those on board and safe navigation. However, non-motorized vessels in a side-by-side formation and some of the towed vessels in a rigid group are not required to have a crew **if the vessel propelling the side-by-side formation or rigid group, or keeping it safely stopped,** has a crew sufficiently large and skilled to ensure the safety of those on board and safe navigation."

30. We support the view expressed in paragraph 10 of document TRANS/SC.3/WP.3/2002/15 concerning the possible amendment of article 1.09. Discussion of the draft of paragraph 4 is needed anyway, as it is necessary to discuss the proposals and opinions of such countries as the Russian Federation (TRANS/SC.3/WP.3/2002/16, para. 19) and Ukraine, which have many years' experience in the use of high-speed vessels on the Danube and on their domestic inland waterways. It is important to make use of the experience of countries such as Slovakia, Hungary and Bulgaria, which also have had success in using these vessels.

31. The proposal of Ukraine that was submitted during the meeting of experts on technical questions of the Danube Commission should be discussed. The competent bodies of Ukraine consider that high-speed vessels should use radar only in reduced visibility. In good visibility, this allows the boatmaster to leave the radar off or on "standby", thereby reducing the harmful effects of radar radiation on the crew.

Further work for the updating of CEVNI

32. The secretariat of the Danube Commission supports the position of the Working Party as reflected in the report on its twenty-fourth session (TRANS/SC.3/WP.3/48, para. 26).
