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Working Party on Inland Water Transport

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

Thirty-ninth session

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Item 10 of the provisional agenda

Recreational navigation

Exchange of information on national legal acts governing navigation of recreational craft on national waterways of the UNECE member States and other means to promote recreational navigation

Note by the secretariat

I. Mandate

1. At its thirty-seventh session, the Working Party on the Standardization of Technical and Safety Requirements in Inland Navigation (SC.3/WP.3) held a special discussion on the role and impact of recreational navigation in the ECE region based on the experience in the United Kingdom of Great Britain and Northern Ireland and in the Netherlands (ECE/TRANS/SC.3/WP.3/74, para. 36). At this session, SC.3/WP.3 also took note of the proposal by the European Boating Association (EBA) to create a portal collecting information on the national rules governing access to inland waterways by recreational craft. The Working Party asked the secretariat to circulate to the Governments a proposal to compile information on the national legal acts which govern the navigation of recreational craft on their waterways and where these acts could be found (ECE/TRANS/SC.3/WP.3/74, para. 11).

2. At its thirty-eighth session, SC.3/WP.3 observed that only a few countries had provided references to their legislation and invited the delegations to submit this information in time for its thirty-ninth session (ECE/TRANS/SC.3/WP.3/76, para. 50).

3. Part II presents information on national rules governing access to inland waterways by recreational craft received by the secretariat up to 31 March 2011. The secretariat, in

consultation with EBA, also proposes in Part II two other initiatives through which the Working Party could further facilitate and ensure safety of recreational navigation.

4. The Working Party may wish to consider this information and agree on the appropriate recommendations to make to the fifty-fifth session of the Working Party on Inland Water Transport (SC.3) with respect to the SC.3 work in the area of recreational navigation.

II. National legal acts governing navigation of recreational craft on national waterways of the UNECE member States

A. Belarus

5. Recreational navigation on inland waterways of the Republic of Belarus is regulated by the following legal acts:

(a) Rules of navigation on inland waterways of the Republic of Belarus, Act No. 60 adopted by the Ministry of Transport and Communications of the Republic of Belarus on 25 October 2006 (National registry of legal acts of the Republic of Belarus, Act No. 61, 8/14238, 2006);

(b) Rules on the use of small-size craft, hydro-cycles and vessels fitted with outboard engines, and their berthing arrangements, adopted by Decision No. 812 of the Council of Ministers of the Republic of Belarus on 20 June 2007 (National registry of legal acts of the Republic of Belarus, Act No. 157, 5/25408, 2007).

6. These documents can be found in the National Registry of legal acts of the Republic of Belarus, Belarus State inspection for inland navigation, State Inspection on small-size craft.

B. Bulgaria

7. In Bulgaria, certificates for recreational navigation are regulated by Ordinance No. 6 on Seafarers' Competence in the Republic of Bulgaria of the Minister of Transport, issued in SG No. 101 of 04 December 2007.

8. The text of the ordinance is available in Bulgarian and English at: www.marad.bg. Annex 24 to the ordinance contains a model of the international certificate for operators of pleasure craft in accordance with Resolution No. 40.

C. Lithuania

9. National legal acts which govern the navigation of recreational craft on inland waterways of the Republic of Lithuania are:

(a) Order No. 311 of 3 November 2000 of the Minister of Transport and Communications on the training of recreational craft and other motorized vessel operators;

(b) The Rules on preparing technical survey of small vessels with a length of less than 10 meters, recreational craft and private ships, adopted by Order No. V-72 of 7 June 2010 of the Director of the Lithuanian Maritime Safety Administration;

(c) Order No. D1-187 of 15 April 2004 of the Minister of Environment approving the environmental conditions for vessels navigating on waterways and the list of waterways on which such navigation is prohibited or restricted.

10. These legal acts can be found on the website of the Lithuanian Maritime Safety Administration (www.msa.lt) and Ministry of Environment (www.am.lt).

D. The Netherlands

11. In the Netherlands the applicable legislation depends on the geographical area. The Dutch authorities publish a special leaflet describing the geographical scope of their different regulations.

12. The main regulations for recreational vessels are as follows:

(a) The regulations concerning the recreational vessels that apply in most areas in the Netherlands are included in the Dutch Police regulation, called the “Binnenvaartpolitiereglement” (BPR);

(b) The main regulations are in article 1.09 and chapter 8 of BPR;

(c) Article 8.06 of BPR regulates the navigation by small craft which are capable of travelling at a speed greater than 20 km/hour in relation to water. In general it is prohibited to travel faster than 20 km/h on all fairways except those indicated in a special regulation for fast motor vessels (“Regeling snelle motorboten”).

13. All national legislation can be found at: www.wetten.nl.

E. Russian Federation

14. Recreational navigation on inland waterways of the Russian Federation is regulated by the following main legal acts:

(a) Inland Water Transport Code of the Russian Federation (No. 24 – Φ3) of 07 March 2001, which defines the organs responsible for registering and carrying out technical inspections on pleasure vessels;

(b) Act No. 349 on “Approval of provisions regarding the certification of crew members of inland navigation vessels” of 31 May 2005, which defines the rules for the issuance of certificates to boatmasters of pleasure vessels;

(c) Order No. 129 of 14 October 2002 on “Approval of Rules of Navigation on the Inland Waterways of the Russian Federation”;

15. These documents are available at: www.consultant.ru.

16. The Russian River Register also publishes instructions on “Technical prescriptions for classification, construction and certification of pleasure craft”.

D. Republic of Serbia

17. The Law on Navigation and Ports on Inland Waters (“Official Gazette RS”, No. 73/10) gives the legal basis for regulating navigation of recreational craft on the inland waterways of the Republic of Serbia. The Law stipulates that the Ministry in charge of transport issues will adopt a by-law which will promulgate provisions of the UNECE Resolution 40 into the national legislation. The time limit stipulated by the Law for adoption of the above mentioned by-law is first half of 2012.

E. United Kingdom of Great Britain and Northern Ireland

18. Information on the Regulations Applicable to Pleasure Vessels is published by the Maritime and Coastguard Agency (MCA) at the following address: www.dft.gov.uk/mca/mcga07-home/shipsandcargoes/mcga-shiptype/mcga-pleasurecraftandsmallships/pleasurevessel.htm.

19. Craft which come under the European Union (EU) Directive 94/25/EC on the approximation of the laws, regulations and administrative provisions of the member States relating to recreational craft (as amended by Directive 2003/44/EC) are subject to the Recreational Craft Regulations 2004. These regulations are not within the MCA's, or Department for Transport's responsibility. The text of the regulations is available at: www.legislation.gov.uk/ukxi/2004/1464/contents/made.

III. Other initiatives which could further facilitate recreational navigation and ensure its safety

20. In consultation with EBA, the secretariat proposes two other initiatives through which the Working Party could further facilitate and ensure safety of recreational navigation.

(a) Supplement Resolution No. 52 on European Recreational Inland Navigation Network with a map of the waterways used for recreational navigation.

21. On 21 October 2004, SC.3 adopted Resolution No. 52 on European Recreational Inland Navigation Network (TRANS/SC.3/164), aimed at extending the classification of inland waterways established by Resolution No. 30 of 12 November 1992 on Classification of European Inland Waterways (TRANS/SC.3/131, pp. 167–172) to the inland waterways used by recreational craft. SC.3, however, postponed including in the resolution a schematic map of recreational inland navigation network until receiving from Governments a complete list of their inland waterways open for recreational navigation (TRANS/SC.3/163, paras. 30–31).

22. The secretariat proposes that this issue be reexamined by SC.3/WP.3, based on the updated schematic map, presented in Informal Document No. 11. Establishing and maintaining a map of the pan-European recreational navigation network, especially with explicit agreement by member Governments, would contribute to the development and safety of this type of navigation in the ECE region. It would also help local authorities and communities to take advantage of the economic benefits of their recreational waterways and would keep yachtsmen aware of possibilities offered by this network.

(b) Supplementing Resolution No. 40 on International Certificate for Operators of Pleasure Craft (ECE/TRANS/SC.3/147/Rev.1) with guidelines on the use of the resolution.

23. Resolution No. 40 is a unique international instrument facilitating the recognition of competence of pleasure craft operators. It has been accepted by sixteen UNECE member States and its application is currently discussed in non-UNECE countries, such as South Africa.

24. Each year the secretariat receives numerous requests for information both from the Government authorities and the pleasure craft operators themselves. Some examples of these requests include:

(d) Where can I find the latest text of Resolution No. 40 and information on its acceptance and application by countries?

(e) Is it possible for countries which are not members of UNECE to accept Resolution No. 40?

(f) The navigation authorities in my country do not accept international certificate for operators of pleasure craft (ICC) issued to their residents for navigation on their waterways. Is this consistent with Resolution No. 40?

(g) If Resolution No. 40 has not been accepted by the Government but, in practice, the training and examination by one of the national sailing associations comply with the requirements of the Resolution, can this association issue ICCs?

(h) Can a Government set the time limit in (three months) for accepting ICC from its residents?

(i) If two countries are implementing Resolution No. 40, does this imply that the certificate recognition is automatic and mutual or should this recognition be done on a country-by-country basis?

25. In the opinion of the secretariat, these and other queries related to the Resolution could be answered in a separate document to be called "Guidelines on the application of Resolution No. 41" and to be published on the UNECE website in the three working languages.

26. Governments, EBA and other competent international and national organizations could contribute to the content of such guidelines by sending examples of the questions they receive on Resolution No. 40 to the secretariat. The content of the guidelines should be considered and approved by SC.3 or delegated by SC.3 to SC.3/WP.3.

27. The guidelines could also contain a link to national legislations governing navigation of recreational craft on national waterways of the UNECE member States, presented in Part II, and, possibly, their national associations of pleasure navigation.
