

Comments on proposed amendments of Article 4.07 of CEVNI

Transmitted by Austria

I. Introduction

Article 4.07 defines which vessels have to be equipped with Inland AIS. According to CEVNI Rev. 4, small craft do not need a transponder. The CEVNI EG has discussed to align Article 4.07 with the Rhine Police Regulations.

According to the Rhine Police Regulations, the following types of small craft have to be equipped with Inland AIS:

- Police vessels equipped with radar devices; and
- Vessels holding an inspection certificate in conformity with the Rhine Vessels Inspection Regulations or a certificate deemed to be equivalent in accordance with those Regulations.

The CEVNI EG decided at its twenty-ninth meeting to copy the first indent and considered a more general wording without reference to the Rhine Regulations for the second indent.

II. Considerations

According to CEVNI, the term “small craft” means any vessel with a hull less than 20 m long without rudder or bowsprit, except vessels built or equipped to tow, push or propel vessels other than small craft in side-by-side formation and except craft authorized to carry more than 12 passengers, ferry-boats and pushed barges.

The Rhine Vessel Inspection Regulations, Directive 2016/1629 EC and Resolution No. 61 are applicable for

- (a) vessels having a length (L) of 20 metres or more;
- (b) vessels for which the product of length (L), breadth (B) and draught (T) is a volume of 100 cubic metres or more;
- (c) tugs and pushers intended for towing or pushing either craft referred to in points (a) and (b) or floating equipment, or intended for moving such craft or floating equipment along-side;
- (d) passenger vessels;
- (e) floating equipment.

Vessels with a length below 20 m are small craft according to CEVNI, but they need a vessel certificate in accordance with the above-mentioned regulations. According to the Rhine Police Regulations, they shall be equipped with Inland AIS, because they have a certificate. In addition, it is possible to apply for such a vessel certificate for vessels that are outside of the scope of these regulations. E.g. a 12 m long pleasure craft, for which the owner has voluntarily applied for a vessel certificate in accordance with these regulations, has to be equipped with Inland AIS according to the Rhine Regulations.

The carriage requirement for Inland AIS has been introduced to ensure that a boatmaster will always be able to see all other vessels that are important for his nautical decisions. According to Article 6.02 of CEVNI small craft in relation to vessels other than small craft shall leave them enough room to hold their course and to manoeuvre. They may not require that such vessels give them way. Chapters 3 and 4 of CEVNI are therefore containing exemptions for

small craft regarding marking, sound signals and radio communication equipment. These exemptions are also existing in the Rhine Police Regulations.

The CEVNI EG is therefore invited to consider why small craft with a certificate according to the above-mentioned regulations should be equipped with Inland AIS. The fact that a small craft has such a certificate does not have any influence on the applicable rights and obligations according to the traffic rules.

From the Austrian point of view, it is important for the boatmaster to see all oncoming vessels behind a bend in the river that are not small craft because he has to plan the passage. This is ensured by the carriage requirement. Small craft are not obliged to use Inland AIS because they are obliged to leave room for the other vessels. We do not see any reason why the boatmaster must see small craft via Inland AIS if they hold a vessel certificate. It should be taken into account that those small craft are still allowed to show the lights and signals of small craft, to use the sound signals of small craft and that they are not obliged to be equipped with radio communication.

III. Amendment proposals

A. Proposal 1

Austria proposes to skip the second indent.

B. Proposal 2

If proposal 1 is not supported and the second indent would only refer to vessels holding a certificate, there would be a risk that it would also apply to small craft holding a certificate in accordance with Resolution No. 13. Almost all small craft would have to be equipped with Inland AIS in that case. To prevent this Austria would propose the following wording of the second indent if proposal 1 is rejected:

“- Vessels holding an inspection certificate in conformity with the “Recommendations on Harmonized Europe-Wide Technical Requirements for Inland Navigation Vessels” (Resolution No. 61), directive (EU) 2016/1629 laying down technical requirements for inland waterway vessels, the Rhine Vessels Inspection Regulations or a certificate deemed to be equivalent in accordance with those Regulations.”
