

THE AUTUMN PLENARY SESSION OF CENTRAL COMMISSION FOR THE NAVIGATION OF THE RHINE

The Central Commission for the Navigation of the Rhine (hereinafter referred to as “CCNR”) was established by the Final act of the Congress of Vienna held in 1815, in order to monitor the implementation of common rules and to achieve closer cooperation between states from the Rhine basin. The first meeting of CCNR was held on 15 August 1816 in Mainz, and the Mainz Convention was adopted in 1831, which contained the first unified rules for navigation on the Rhine. After 30 years of application of these rules the Mannheim Convention was adopted in 1868 promoting the rules contained in the Mainz Convention, but regulating also many other issues such as maintenance and improvement of navigation conditions, the release of ships from paying taxes and fees for navigation, the issue of ability of ships for the safe navigation, professional competence of crew members and so on. The Member States of Mannheim Convention of 1868 were France, the Netherlands, Prussia, Bavaria, the Grand Duchy of Baden and the Grand Duchy of Hesse. Today, the member states of the same Convention are France, the Netherlands, Germany, Belgium and Switzerland.

One of the most important subsequent amendments made in 1979 with the adoption of Protocol No. 2 to the Mannheim Convention, which stipulates that the transport between the loading and unloading points on waterways of the countries from the Rhine basin is free only for vessels belonging to the Rhine fleet, while other vessels may carry out such transport only under conditions prescribed by CCNR. Namely, Article 4 of the Convention provides that vessels of countries with which a bilateral agreement is not concluded may carry out transport between ports on the Rhine and Danube, with the prior consultation with CCNR under conditions specified by CCNR, which are primarily related to the technical seaworthiness of vessels. In this regard, the Council Regulation 2919/85/EEC on conditions for conclusion of agreements in accordance with the amended Mannheim Convention was adopted, introducing a requirement that the conclusion of a bilateral agreement with CCNR must be notified to the European Commission as well.

The main tasks of CCNR are reflected in the implementation of the provisions of Mannheim Convention with the aim to raise the level of safety of navigation, to contribute as far as possible through the adoption of harmonized rules in different areas of inland navigation to the unification of legal systems of CCNR member states, to promote all economic benefits of inland navigation and thus to contribute to the development of fleet capacity and to the approximation of water transport to younger population, to examine complaints of the first-instance decisions, to appoint members of Central Commission’s Chamber of Appeals etc.

The headquarters of CCNR since 1920 has been in Strasbourg. Delegations of each Member State have four representatives and two deputies, while the president of the Commission, whose mandate is two years, is elected by rotation in alphabetical order of member states. The CCNR official languages are: French, German and Dutch. The bodies within the Central Commission are the Secretariat, and the Chamber of Appeals. The Central Commission itself has a number of committees that have a large number of working parties dealing with specific issues of relevance to inland waterway transport.

MAIN ISSUES DISCUSSED DURING THE SASSION

The autumn plenary session of the Central Commission for the navigation of the Rhine (CCNR), was held on 1 December 2011 in the headquarters of this organization in Strasbourg. The session was chaired by Mr Van Keer of Belgium

The session discussed the following agenda items:

1. Opening of the session – adoption of the Agenda
2. General legal rules
 - 2.1 Granting the status of observer to the Republic of Serbia
 - 2.2 A rough assessment of the period 2010-2011
 - 2.3 Preparing activities for the period 2012-2013
 - 2.4 Safety and reliability of the Rhine waterway
 - 2.5 Climate changes and the navigation on the Rhine

- 2.6 Sustainability of navigation on the Rhine and navigation on inland waterways
- 2.7 International cooperation of CCNR (with EU and international organizations)
- 2.8 Preparing of diplomatic conference on a revision of Convention on limitation of liability in inland navigation
- 2.9 Examination of a complaint filed with CCNR
- 2.10 Status of ratification of conventions and protocols related to CCNR
- 3. Economic aspects, economic situation in the Rhine navigation sector
- 4. Certificates for boatmasters and crew members
- 4.1 Recognition of Bulgarian boatmaster's certificates
- 4.2 Administrative agreement to be concluded with the Republic of Bulgaria
- 4.3 Establishing of Working party for mutual recognition and modernisation of professional competence in inland navigation sector
- 5. Traffic rules
- 6. Technical requirements for vessels
- 7. Transport of dangerous goods on inland waterways
- 8. Questions related to the Rhine as a waterway
- 9. Data concerning implementation in member states of decisions of committees and working parties and data concerning procedures for non- prolongation of temporary requirements
- 10. Budget and administrative issues
- 11. Miscellaneous

2.1 Granting the status of observer to the Republic of Serbia

Under agenda item 2 the participants were addressed by the Secretary-General who submitted its verbal report which referred to the Serbia's request to obtain the observer status at the Commission.

After his speech the delegations were addressed by Mr. Mladen Mijović, consul of the Republic of Serbia in Strasbourg, outlining the primary reasons for which Serbia is seeking observer status at this organization

The consul in his address said that, having in mind that the importance and role of CCNR are today beyond the area of the Rhine basin and that CCNR has close technical and other cooperation with the most relevant international organizations and institutions like the European Union (especially the Directorate General for Mobility), the European conference of Ministers of Transport and the United Nations Economic Commission for Europe, the Republic of Serbia, which plays an important role in the inland water transport on the European continent, needs to realize an adequate cooperation with CCNR which will be made possible by achieving the status of observer at CCNR.

After the presentation of the Republic of Serbia accompanied by the speech of Mr Ljubiša Mihajlović, Assistant Director at the Directorate for Inland Waterways (Plovput), the Commission adopted a decision granting to the Republic of Serbia the status of observer.

Thanks to this status, Serbia will be able to directly participate in the various committees of CCNR. Serbian is an important subject in the European inland navigation, which role is becoming more and more important. Serbia's cooperation with CCNR will enable it to complete integration of European legislation into its national legislation and will also strengthen the links between the Central Commission and the Danube Commission which Serbia is a member. Serbia is the eleventh country that enjoys the observer status with CCNR. In addition to it, the same status have Austria, Ukraine, Czech Republic, Slovakia, Bulgaria, Romania, Hungary and Poland, Luxembourg and the United Kingdom.

2.3 Preparing activities for the period 2012-2013

The Central Commission adopted its new organizational program for the period 2012-2013

Pursuant to the rule of rotation, France will assume from 1 January 2012 the presidency of CCNR. Ms Edwige Belliard, State Counselor, head of Legal Affairs Direction of the French Ministry of Foreign Affairs will assume this function.

France as the new presidency presented its guidelines for this period. They included modernization of the personnel qualification system in inland navigation, enhancing the "green" dimension of inland navigation which must continue to emerge as sustainable mode of transport, ensuring safety and reliability of the Rhine waterway. The guidelines also included development of CCNR cooperation with other partners, monitoring of inland navigation, as well as strengthening the efficiency and transparency of inter-institutional cooperation at European level in inland navigation sector.

The table of committee and working parties presidency was adopted. The presidency of the committees was distributed between representatives of CCNR member states.

CCNR adopted work programs of its committees for the period 2012-2013. They specifically define, in addition to other tasks, actions that will mark the activities of the committees in the next two years. Among selected subjects these work programs pay special attention to the implementation of modernization process of rules related to qualification, the implementation of the RIS strategy, the implementation of measures to improve the Rhine waterway, the modernization of rules and mechanisms to ensure the vessels stability, the revision of transitional provisions, the preparation of steps for development of LNG in navigation on the Rhine

2.4 Safety and reliability of the Rhine waterway

The delegations took note of report presented by the CCNR Secretariat which analyzed the issue of safety and reliability of the Rhine waterway. This report follows the incident of the tanker Waldhof, but without stating its opinion on it, aims to develop a comprehensive response on how to reduce to the minimum accidents caused by stability issues and effects of an accident which may block waterways.

Noting that the number of serious accidents on the Rhine remains low, the report examines possible actions to be taken on a technical level, as regards training of personnel, legal framework and measures of rescue and clearing the waterway. These considerations was taken into account during developing the work programs of CCNR for the period 2012-2013.

2.5 Climate changes and the navigation on the Rhine

The delegates noted the report prepared by the Committee for climate change and the Onland Navigation Committee. This report analyzes possible effects of climate changes on the Rhine waterway. According to available data, it will result in increasing periods of extremely high and extremely low waters. These phenomena have always existed and will increase until the middle of this century. No abrupt and significant change of the nature that could affect the navigation of the Rhine is to be expected in the next years. However, actions to reduce the effects of high and low waters, both in terms of infrastructure, and in terms of technical characteristics of ships and logistics, will be usefully taken because they can improve conditions of the current navigation while preparing the future

CCNR published a comprehensive report "Climate change and navigation on the Rhine"

Having considered this comprehensive report, developed by its competent committees, the Central Commission for the Navigation on the Rhine (CCNR) found that:

- inland waterways has the potential to significantly reduce the emissions of greenhouse gas emissions, which involves increase of transport services, and assume the responsibility for the protection of climate,
- according to the newest findings, the Rhine waterway in the near future (by the middle of this century) will suffer no significant changes compared to the current situation,
- effects of climate change on infrastructure functioning and the Rhine navigability are likely to be recorded in the middle of this century,

- although during the first half of this century the impact of climate changes is very limited, it should be given particular attention to the changes in waters which likely to happen later, in order to mitigate in good time any negative effects on reliability of inland navigation.

Aware of its responsibility for a sustainable and reliable navigation on the Rhine, the CCNR has invited its committees to continue work in achieving this aim. Its Inspection Regulations Committee will submit at the plenary session of spring 2012 a comprehensive status report and will propose, on the basis of a strategic approach the additional necessary activities. Its standing Technical Committee will ensure the continuous update of its reports based on a new knowledge acquired in time. The Economic Committee very diligently and in close cooperation with the relevant stakeholders will examine the economic aspect of reliability of navigation on the Rhine. Its work will particularly focus on promotion of an appropriate integration of inland navigation in supply chains.

2.8 Preparing of diplomatic conference on a revision of Convention on limitation of liability in inland navigation

The report was submitted by Ms Turney, legal adviser to the Central Commission

The Strasbourg Convention on Limitation of Liability in Inland Navigation ("CLNI") was signed in Strasbourg on 4 November 1988 by six states from the Rhine and Moselle basin (Switzerland, France, Germany, Luxembourg, Belgium, the Netherlands) and came into force on 1 September 1997.

Modeled on the Convention on Limitation of Liability for Maritime Claims ("LLMC", signed on 19 November 1976), it established a system of flat-rate limit of liability of owners of ships and their assistants in case of damage occurred during navigation. In order to claim, the owner must establish a fund with a court or a competent national authority, which amount is determined in accordance with CLNI.

CLNI was originally concluded as an instrument related only to the Rhine and Moselle but provided that the states with a navigable link with these waterways could be invited to accede to the Convention.

In 2007, the signatories to CLNI decided to launch the process of revision of this Convention, with the aim to allow access to all interested states and to update the limitation of liability amounts agreed twenty years ago.

A group of governmental experts met for this purpose in 2007 and has finalized a draft revised Convention in the fall of 2011.

Noting the conclusion of the Governmental Experts Group's work on the revision of the Convention on Limitation of Liability in Inland Navigation, the Central Commission decided to submit the revised draft convention prepared by the expert group for adoption by the Conference in which Member States and other interested States are invited to take part.

The diplomatic conference should be held in Strasbourg, in the second half of 2012.

2.9 Examination of a complaint filed with CCNR

The Mannheim Convention grants to any person a right to complain of failure to comply with it in Member States. This right to claim primarily concerns the measures taken by a Member State which compliance with the Mannheim Convention would be challenged.

Such a complaint was filed on 5 May 2011 by the company River Services GmbH alleging violation of Article 3 of Mannheim Act in Germany, by the institution of a "culture tax" by the City of Cologne on any cruise ship mooring overnight on his territory. According to the Regulation on the right to complain, within three months of receipt of the complaint the representative of Germany presented its written comments and decided to reject such complaint. Acting under Article 6 of the Regulation, the Central Commission decided to appoint a reporter to examine this complaint.

This decision illustrates an important aspect of the Mannheim Convention, which by its procedure, ensures an examination of disputes over its application

3. Economic aspects, economic situation in the Rhine navigation sector

During the first half of 2011, the volume of transport on the Rhine has decreased by over 3% compared to the first half of 2010. Moreover, during January and February 2011, blocking of the Middle Rhine due to the ship Waldhof, accident resulted in stopping of navigation for 30 days on this stretch. More precisely, the volume of transported dry cargo decreased by 2% and the volume of transport by tankers by 7.6%.

In this context, the situation of shipping companies in the dry cargo transport sector remains of concern, since the transport volume is even lower than before the crisis (2008) and is still insufficient for the satisfactory operation of the fleet.

As regards the tanker transport, the capacity excess is evident, as an obstacle to the fast recovery of economic situation in companies. In the context of a slight decline in demand and a fleet capacity that has significantly increased by addition of new double hulled ships, the conditions in companies will be improved only when the single-hulled ships will leave the market. In this context, the prospects for improving the economic situation on the market of the Rhine in 2012 seem to be reduced.

4 Certificates for boatmasters and crew members

In order to facilitate access to the Rhine market for the boatmasters profession, the Central Commission has decided to recognize on the Rhine the validity of boatmaster's certificates issued by the Bulgarian Authority under Regulation No. 6 on the competencies of seafarers in the Republic of Bulgaria, with a number of additional conditions, related to the acquisition of knowledge in specific sectors on the Rhine and the presentation of certificates of physical and mental fitness for holders aged over fifty years. This decision will take effect on 1 July 2012.

An administrative agreement setting out arrangements for cooperation between CCNR and the Ministry of Transportation, Maritime Administration of the Republic of Bulgaria will be signed soon between the Secretary-General of CCNR and the Director-General of the Bulgarian Maritime Administration.

4.3 Establishing of Working party for mutual recognition and modernisation of professional competence in inland navigation sector

Eager to meet staff shortages hitting the navigation on the Rhine, CCNR has decided to encourage the creation of a joint working party for the mutual recognition and modernization of professional skills in inland navigation. This party will include national experts from member states and third countries which boatmaster's certificates and/or service booklets were recognized as valid on the Rhine. The European Commission and other international organizations dealing with the inland navigation as well as the state observers are invited to take part in the work of this party.

The mission of the joint working party will be to consider the further process of mutual recognition of qualifications, to propose measures for professional carrier development and for modernization of ways of access to this profession, to make it more attractive. This work is part of a broader general goal of modernizing the boatmaster profession.

By Resolution, CCNR directed the Committee on Social Issues, Employment and Professional Training, and the CCNR Secretariat to conduct preparatory work necessary for the establishment of a joint working party in consultation with all competent authorities and international organizations concerned.

The first meeting of the group is scheduled for 2012.

The invitation sent in June 2010 on the occasion of the presentation of the **International Safety Guide for Inland Navigation Tank-barges and Terminals** with the aim to obtain financial support has been successful. To date, nine relevant international organizations have contributed financially to carry out translations of this Guide which enabled the French translation to be finished in autumn 2011 as well the translation work into German and Dutch to start. First information from industry on the implementation of Safety Guide demonstrate that this tool meets the needs of navigation. The steering group for this Guide expressed support for a permanent updating of the Guide in line with the technical developments.

Additional information on International Security Guide are published on the website www.isgintt.org.

11 Miscellaneous

Delegations adopted a joint press release.

Delegations agreed to conduct the next plenary session on 31 May 2012.

Participation of representatives of the Authority for determination of seaworthiness in the work of the Joint group of experts (JWG) of European Union and CCNR Member States on the technical prescriptions for inland navigation vessels, and in the plenary sessions is useful because it gives an opportunity to gain new knowledge about developments in water transport sector, to follow the development of regulations in this area and technical requirements for ships and it is also an opportunity for the Authority to contribute to the development of rules and promotion of European shipping and thus to strengthen the status of Serbia as an active participant in inland navigation of Europe.