

Mandatory Introduction of Electronic Reporting for Inland Navigation on the Rhine - Information Document for the Shipping Industry -

Pursuant to CCNR Resolution 2007-II-20, as of April 1st, 2008 the reports required under the Rhine Police Regulation (*Rheinschiffahrtspolizeiverordnung*) for vessels or convoys carrying at least one container of hazardous cargo or 20 normal containers must be sent electronically. This requirement is fully explained in the new No. 3 of Para 12.01 of the Rhine Police Regulation:

3. In the following instances reporting according to number 1, barring the information under Letters c, f, g, h, i, j and n, must be performed electronically in line with the Standard for Electronic Reporting for Inland Navigation Edition 1.2:
 - Vessels and convoys with more than 20 containers on board,
 - Vessels and convoys with containers on board, the transport of which is subject to the ADNR, regardless of the number of containers.

In the light of technical glitches and other problems in electronic reporting, the obligation to report electronically was temporarily suspended under Resolution 2008-I-22. The CCNR has now decided to reinstate the provisions for electronic reporting from January 1st, 2010 under Resolution 2009-I-17.

The goal of this information document is to answer key questions raised by the shipping industry and other stakeholders on the mandatory introduction of electronic reporting for inland navigation on the Rhine, in a bid to ensure that the transition runs as smoothly as possible.

1. Is the reporting obligation being extended?

The reporting obligation is being extended as follows:

- Pursuant to Paragraph 12.01 of the Rhine Police Regulation, as of April 1st 2008 vessels and convoys are obliged to report electronically as per the Standard for Electronic Reporting for Inland Navigation Edition 1.2 if they have more than **20 containers** on board.
- Since April 1st, 2008 a vessel or convey with at least **one container of hazardous cargo** according to the ADNR on board must transmit data electronically pursuant to Para 12.01 of the Rhine Police Regulation in line with the Standard for Electronic Reporting for Inland Navigation Edition 1.2 .
- All vessels and convoys liable to report (as per Para 12.01 No. 1 Rhine Police Regulation) must provide the **total number of containers on board**. For instance, a vessel or convey with 18 containers and no hazardous cargo on board has to report the number of containers, but this does not necessarily need to be done electronically in line with the Standard for Electronic Reporting for Inland Navigation.

The effects of an accident involving a container vessel can be effectively limited only if the competent authorities have comprehensive and exact information on the container and its cargo prior to the incident. It is therefore desirable to also convey exhaustive information on containers which do not hold hazardous cargo as defined by the ADNR, or at least the number and total weight of each container as well as its stowage position on the vessel. This is already provided for in the Standard for Electronic Reporting for Inland Navigation, but has yet to be incorporated into the Rhine Police Regulation. Work is however foreseen to amend the Rhine Police Regulation to reflect this. See also No. 12 and 13.

2. How is the term “container” in Para 12.01 of the Rhine Police Regulation to be read?

This term covers ISO containers and the mobile containers usually employed in road and rail transport, regardless of their size or design.

3. Under Para 12.01 of the Rhine Police Regulation what data has to be transmitted electronically and what additional information needs to be provided by other means?

Para 12.01 No. 2 of the Rhine Police Regulation explains that when an electronic report is lodged from a location other than the vessel in question, specific data not covered by electronic reporting may be conveyed verbally via inland navigation radio. This means that vessels which lack the necessary equipment on board can take part in electronic reporting through recourse to equipment elsewhere or via parties onshore such as the fleet managers. The supplementary information provided by the skipper via inland navigation radio may comprise the following data required under Para 12.01 No. 1:

- c) location, course;*
- f) length and beam of the vessel;*
- g) type, length and beam of the convey;*
- h) draught (only if specially requested);*
- i) route;*
- j) port of loading;*
- n) number of persons on board.*

4. Must electronic reporting still take place if the skipper himself has not been provided with the necessary data in electronic format?

Yes, electronic reporting remains compulsory even if the skipper himself has not been provided with the required data in electronic format.

5. Are the requirements for electronic reporting fulfilled if in the software only those fields, which are necessary to comply with the reporting obligation under Para 12.01 of the Rhine Police Regulation, are filled in?

Yes.

6. To what extent is the skipper responsible for the accuracy of the data transmitted?

For containers subject to the ADNR, the responsibility of the skipper (the transport operator) for the accuracy of the data transmitted and the limitations of this responsibility are laid down in Paragraph 1.4.2.2 of the ADNR. Here the skipper can, however, trust the information provided to him by other parties (ADNR 1.4.2.2.2). This likewise applies to the transport of containers not subject to the ADNR.

In practice the skipper receives a host of data from third parties. He must be able to trust this information unless it is blatantly erroneous. The skipper is not in a position to check the data he is provided with, including the data on the contents of the individual containers.

Owing to the volume of information, reporting may only occur electronically in line with the Standard for Electronic Reporting for Inland Navigation Edition 1.2. The skipper should receive a loading list of the containers from the terminal with all relevant data electronically.

With regard to the responsibility of a skipper on board a vessel or convey with container cargo, the upshot is as follows:

- 1. The skipper generally bears responsibility for the cargo loaded when it comes to volume and stowage. This also applies to any short-term change immediately before the journey commences;*
- 2. During the journey the skipper is in any case responsible for reporting the load and any changes in it to the competent authorities;*
- 3. The skipper must check the data and correct any blatant anomalies if other parties or bodies have reported this cargo information to the competent authorities;*
- 4. Partial reports from the place of loading to the competent authorities may lead to inaccurate information, if the skipper is unaware of this information or neglects to check it;*
- 5. Erroneous or incomplete reports to the competent authorities can be virtually ruled out by reporting the entire load electronically before the journey commences;*
- 6. The skipper must, in principle, be able to trust the data provided by the loading points as to the number, contents, and weight of the individual containers;*
- 7. If necessary the skipper should carry out a plausibility check on the cargo weight on the basis of the average static draught and the data in the tonnage certificate;*
- 8. Any partial loading or unloading during the journey must be reported to the competent authorities before the journey begins.*

7. Is the obligation for electronic reporting complied with if the report was lodged, but cannot be transmitted to the traffic centres for reasons beyond the control of the skipper?

In principle, whenever the skipper realises he is unable to transmit an electronic report or fails to receive a confirmation of its receipt, he must report to the traffic centre by inland navigation radio or by other means.

If the failure to transmit the report is attributable to defects in onboard equipment, the skipper must remedy the fault and successfully lodge the electronic report before starting or proceeding with the journey.

If the transmission failure is due to a fault at the traffic centre or another shore-based facility or to a temporary lack of radio coverage or a complete network blackout, the skipper must contact the traffic centre before starting or proceeding with the journey and agree on how to subsequently transmit the information required.

8. May a vessel leave a container terminal if it has not yet been able to transmit the required cargo data since this information is not (yet) available to the skipper?

A vessel wishing to leave a container terminal and directly enter a stretch of waterway subject to the reporting obligation may not do so if it has not yet been able to transmit the required load data, even if this information is not (yet) available to the skipper. The vessel may only leave the terminal once the data is available and has been reported electronically.

9. What must a skipper do if the necessary report cannot be lodged electronically, as
- a) the onboard system is malfunctioning,
 - b) the onshore infrastructure (system of the waterway authority, mobile radio network) is not operative or
 - c) the consignor has not provided him with the required data?

On Question

- a) *see Answer to Question 7;*
- b) *see Answer to Question 7;*
- c) *see Answer to Question 8.*

10. How can reports be lodged if the vessel is on the periphery of the area covered by the mobile radio network?

Depending on the topography and the prevailing reception levels, data transmission on the Rhine is particularly susceptible to interruptions between Basel and Karlsruhe. This can happen if a mobile radio or other transmitting device switches network providers whilst data is being sent, which can lead to considerable problems with data transmission.

To alleviate these problems the following are recommended:

- Adjust the settings on the mobile radio or other transmitting device from “automatic network selection” to “manual network selection”. This is a simple way of avoiding a raft of data transmission problems.
- Select a reliable network provider for the entire journey.

Furthermore an external aerial (e.g. on the roof of the wheelhouse) can go a long way to ensuring more reliable data transmission. In general, the external aerial should be configured vertically to make it as effective as possible.

If even this does not ensure smooth transmission, it is recommended to wait a while and then try once again to lodge the report.

11. Is information reported electronically conveyed accurately and completely to the traffic centres further down the line?

The data is relayed automatically but only for those vessels falling under the reporting obligation. In Germany draught data is excluded.

12. Is information reported on a voluntary basis relayed to the traffic centres further down the line?

Yes, this applies to both vessels and to conveys subject to the reporting obligation for non-mandatory data components under ERINOT Standard 1.2 such as the container number or type, stowage position and cargo weights. At present, data reported by vessels not falling under the reporting obligation cannot be relayed.

13. Can container numbers and stowage positions be electronically reported on a voluntary basis?

Yes, this is to be encouraged. See also No. 12.

14. Should an electronic report be lodged if only one container is being transported without any hazardous cargo?

In this case it is not compulsory to report electronically. It is however desirable, to send an electronic report if there is only one container on the vessel even if the material in it is not hazardous.

15. Are all barge operators in a position to provide all the required data electronically?

On the basis of the information in the hands of the competent authorities it would appear that at least all the key barge operators will be able to furnish the necessary data electronically.

16. Can barge operators be legally compelled to provide the required data electronically?

No, establishing such a statutory obligation exceeds the legal powers of the CCNR.

17. Are the contents and procedures of the reporting obligation the same along the entire Rhine?

Yes, the contents and procedures of the reporting obligation are very much the same along the Rhine. In Germany, however, draught data is only gathered on special request. Therefore no electronic draught data is gathered and relayed to the next regional traffic centre unless the centres request this information separately.

18. Where are the contents and procedures described in a way accessible to the navigation industry?

The reporting obligation is set out in Para 12.01 of the Rhine Police Regulation. In addition comprehensive information is being provided on the practical usage of the BICS software for electronic reporting. A manual for inland navigation operators was prepared. This is being published by the Member States and will be sent out to inland navigation operators and consignors. The CCNR will upload the manual for inland navigation operators onto its website.

19. Will the reporting procedures issued by the waterway authorities and the ports be harmonised?

The CCNR deems it necessary to harmonise the reporting procedures generally used on the Rhine before any further extension of mandatory electronic reporting. Technically this is set to be attained by the addition of the upcoming specification on electronic reporting to the Directive 2005/44/EC on Harmonised River Information Services (RIS) on the Inland Waterways of the Community.

20. Will mandatory electronic reporting also be introduced on other German waterways and will the contents and procedures be the same as for the Rhine?

The German competent authorities are currently gauging whether the reporting obligation could be extended to waterways other than the Rhine. It is still too early to predict whether the reporting obligation will be extended and, if so, to what waterways.

On 1st January 2010, mandatory electronic reporting has been introduced in the Netherlands on waterways outside the Rhine.

21. Does the data protection level of the ERINOT server comply with the demands of the Rhine States and can the shipping industry be assured that its information will not be disclosed?

Yes, the data protection level of the ERINOT server does comply with the demands of the Rhine States and the shipping industry can be assured that its information will not be disclosed. The competent authorities will not pass on data in their possession to third parties unless national data protection provisions so permit, for example, if a criminal offence has been committed.

22. Will the consultations between the authorities responsible for electronic reporting on the Rhine continue in a structured fashion?

Yes, an expert group has been set up.

Prior to any extension of mandatory electronic reporting, the CCNR intends to hold a workshop similar to those organised in November 2007 and May 2009 to share and elucidate practical experiences, whilst addressing specific aspects such as the harmonisation of reporting procedures.

Further information on electronic reporting is available from the sources listed on the CCNR website at www.ccr-zkr.org.
