

9th IVR Colloquium, Belgrade (5 September 2019)

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Budapest

President Grulois,
Minister Kovacević,
Secretary General Hacksteiner,

Ladies and gentlemen,

I will begin by thanking you for inviting again the Danube Commission to your important Colloquium. It has been a pleasure and an honour for all of us at the Secretariat of the Danube Commission to be able to participate in the previous colloquia or to read (online) the presentations which were delivered.

The Secretariat of the Commission considers the Colloquium a landmark event not only because IVR is a close partner of the Commission, but also because this colloquium as well as the ones before it, have allowed experts to work towards the legal harmonisation of European inland navigation rules. President Grulois has just mentioned that legal harmonisation is one of the aims and responsibilities of the IVR and of its Legal Commission.

Legal harmonisation is also one of the main tasks of the Danube Commission. The Belgrade Convention whose anniversary we celebrated last year here in Belgrade with the gracious support of our Serbian hosts, including of Minister Kovacević, provides clearly that the Commission should establish a uniform system of standards on the whole navigable section of the Danube. During its 70 years history, the Commission has worked towards this purpose, generally through the recommendations it addresses regularly to its member states.

However, experience has shown that sometimes the soft law of the Commission's recommendations needs to be supported or further developed by conventional provisions, such as the 2001 CMNI and the 2012 CLNI. A current proof of this approach can be seen in the approach taken by the Commission as regards the topic of ship waste - the improvement of the existing recommendations on this matter is currently analyzed together with the opportunity of joining the Strasbourg Convention on the collection, deposit and reception of waste generated during navigation on the Rhine and other inland waterways – the CDNI.

In this context I would like to recall what the previous Director General of the Secretariat, Mr. Petar Margić, mentioned during the March 2016 IVR Colloquium in Bonn. The Commission, he stressed, sees CLNI as beneficial for ship owners and operators and as a measure in the interest of European inland navigation, therefore this Convention is supported by the Danube Commission.

Since I was mentioning the Commission's approach to its tasks of legal harmonisation, I would like to inform the participants on how the support I mentioned has taken shape until now and what the perspectives are in respect of CLNI 2012.

In 2010, the Danube Commission, at its 75th session, unanimously decided to endorse two important strategic documents prepared by the Secretariat - The main strategic directions in the field of Danube nautical policy, and its accompanying Action plan. The second main action listed in this plan refers to the establishment of a unitary legal basis for ensuring the safety of Danube navigation - legal harmonisation. The Commission was specifically tasked to justify the opportunity of Danube Commission member states joining the main European treaties on inland navigation. Naturally, CLNI, together with CMNI and CDNI, had their place in the treaty list included in the Action plan.

In order to assist the Commission in discharging this duty, the Secretariat prepared several information documents, presenting the status of ratification, resuming the legal arguments put forward by the CCNR in support of the CLNI, and noting that economic considerations form an important part of the decision-making process regarding the accession to the CLNI. It can be acknowledged that the approach of the Secretariat has been rather cautious, in the absence of clear instructions from the Member States concerning the accession.

In order to follow the implementation of the Action plan adopted in 2010, the Commission established a dedicated expert group which also dealt with the treaties I've just referred to. This expert group recommended the Danube Commission to encourage its member states to assess, at a national level, the possibility to join the CMNI and CLNI. During the May 2013 meeting of the expert group, the Slovakian expert suggested a questionnaire to be sent to the Commission's member states in order to get an overview of their accession intentions. Regrettably, this suggestion has not been followed up.

Following the March 2016 Colloquium, the Secretariat of the Danube Commission organized a workshop together with IVR on the margins of the Commission's autumn technical working group meeting. The delegations of the member states had the pleasure to hear Secretary-General Hacksteiner presenting the provisions of the Convention and discussing its possible ratification. It was stressed on that occasion that the ratification of the 2012 CLNI would not only be in the interest of the inland navigation and insurance industry but also in line with the earlier ratification of the 2001 CMNI and contributing to the further legal harmonization, unification and certainty in the field.

The Secretariat of the Danube Commission has tried, to the best of its abilities, to provide as much information as possible to the member states regarding the CLNI, without expressing a view on the very decision on accession. Naturally, this kind of decision is closely related to the sovereignty of the Commission's member states. At the same time, it should be based on the best available information and expertise.

When inquiring into the reasons why CLNI has not yet gained wider ratification, several possible answers can be explored. Multilateral law-making treaties are complex undertakings and they require an impressive investment of time and effort. Multilateral treaty fatigue, discussed in a wider international context, can also be taken into account.

Furthermore, there might be also the economic reasons that are alluded in earlier information documents prepared by the Secretariat of the Danube Commission.

Nevertheless, I believe that there are reasons to be optimistic, and one such reason is the very purpose of the Convention. CLNI was designed to regulate and improve European inland navigation. Therefore, the Secretariat of the Danube Commission, will continue to seek the views of the industry in order to provide further arguments, information and expertise to the Commission's member states in respect of CLNI accession. The questionnaire initiative will be resumed and, hopefully, we will be able to better understand the reason for the delay in accession decisions by member states. Evidently, this concerns other conventions pertaining to inland navigation as well.

I will conclude here, thanking you once more for the kind invitation and, of course, looking forward to hearing your substantial interventions and discussions.