

**Preamble**

**Draft bill  
of the Federal Ministry of Digital Affairs and Transport  
for a**

**Second Regulation  
amending the Inland Waterways Order  
and other provisions of maritime law**

**A. Problem and objective**

The Danube is the second longest river in Europe with a length of around 2,850 km. It flows through a total of ten neighbouring states. About 2,400 km of the river are navigable for large freight vessels. The navigable German part of the Danube extends as a federal waterway from Kelheim to the German-Austrian border (approximately 213 km).

On the basis of the Convention regarding the Regime of Navigation on the Danube, the so-called 'Belgrad Act', of 8 August 1948, navigation on the Danube is regulated by an international river commission, the Danube Commission. The maritime police regulations for the Danube derive from the 'Basic Provisions Relating to the Navigation on the Danube' (Dispositions fondamentales relatives à la navigation sur la Danube (DFND)), adopted by this river commission, which has so far been implemented in Germany by the Danube Navigation Police Regulation. It is one of the four inland navigation police regulations applicable to German federal waterways (Inland Waterways Order, Rhine Navigation Police Regulation, Moselle Shipping Police Regulation, Danube Shipping Police Regulation).

In June 2018, the Danube Commission adopted a new DFND, which should be applied on the Danube from 1 July 2019. At its plenary session in 2023, it has already adopted another revised police regulation, the DFND 2023, which is to apply from 1.1.2024. The implementation of a DFND recommended by the Danube Commission on the German Danube in its own Danube Navigation Police Regulation was unproblematic as long as the Danube was not yet connected to the rest of the German waterway network via the Main-Danube Canal. However, since the opening of the Main-Danube Canal in 1992, the implementation of the DFND in a separate regulation has led to a change of law on the Main-Danube waterway between the Inland Waterways Order applied on the Main and the Main-Danube Canal and the Danube Navigation Police Regulation in force on the Danube. This state would be reinforced with every new version of the DFND to be put into effect on the German Danube.

Rather, it is more relevant to harmonise the legal framework and thus harmonise the rules on the Inland Waterways Order and the DFND. Such alignment is legally possible, as the Danube Commission only makes a recommendation with the DFND from which the individual Member States may deviate. In addition, the DFND continues to approach the Inland Waterways Order with each change. In order to make the implementation of the DFND into German law transparent, including national deviations, and at the same time to create only a set of rules for the entire Main-Danube waterway, an implementation of the DFND in the Inland Waterways Order and the inclusion of a special chapter on the Danube is appropriate.

In addition, the Regulation incorporates existing temporary regulations for the Main and the Main Danube Canal into permanent law and, it repeals the references in other inland waterways

regulations to the previous Danube Navigation Police Regulation.

## **B. Solution, benefits**

Amendment of the Regulation on the introduction of the Inland Waterways Order, the Inland Waterways Order and other provisions on maritime law. The entry into force of the Inland Waterways Order on the German Danube will create a uniform set of rules for the entire Main-Danube waterway, which will facilitate the 'shipping' standard addressee and improve the comprehensibility of the rules.

## **C. Alternatives**

The amendments are appropriate in the interest of legal clarity and for ensuring safety and efficiency of shipping. Alternatives could be considered:

- the takeover of the DFND 2023 in its version adopted by the Danube Commission without further regulations tailored to the German Danube, with only special waterway-specific additions (in particular to the dimensions of the vehicles, driving bans, etc.) in an additional part. However, since the DFND is only a 'recommendation', many member states of the Danube Commission are already deviating from the DFND on their waters. The scope and the representation of the deviations are very inhomogeneous. Therefore the extent to which the DFND is applied in the various Danube countries is not immediately apparent to the legal user. The introduction of the DFND 'in pure form' would thus not be an advantage compensating the legal fragmentation within Germany (four regulatory zones: Rhine, Moselle, scope of the Inland Waterways Order, Danube);
- the takeover of the DFND 2023 with national deviations to the greatest extent possible in order to further approach the DFND towards the Inland Waterways Order. As a result, the rules of the Inland Waterways Order would only apply to the German Danube under a different heading. The effort to do so in the context of the revision of the DFND as well as the Inland Waterways Order would be great. This would make it considerably more difficult to understand the legal requirements for the standard addressees;
- the takeover of the DFND 2023 with isolated, specially identified national deviations and thereby maintaining an additional legal zone. The resulting advantage of a transitional zone on the German Danube from the scope of the Inland Waterways Order to the scope of the DFND (from the German-Austrian border) would actually be a disadvantage because the existing additional legal zone 'Danube' would exist;
- the adoption of the DFND 2023 with isolated, non-reported national deviations in order to facilitate the readability of the rules. The advantage of a transitional zone on the German Danube from the scope of the Inland Waterways Order to the scope of the DFND (from the German-Austrian border) would in reality be a disadvantage because an additional legal zone would be maintained again. However, it could not even immediately be recorded whether and to what extent a legislation differs from the DFND or the Inland Waterways Order. In addition, there would be a high workload in the future revision of the rules.

For the reasons mentioned above, the proposed alternatives would be the less appropriate means of updating the shipping police regulations applicable to the German Danube, in the interest of the most consistent, catchy and clearly assigned regulations on the entire Main-Danube waterway for the standard addressee.

## **D. Budgetary expenditure exclusive of compliance costs**

None.

## **E. Compliance costs**

### **E.1 Compliance costs for citizens**

For citizens, the extension of the obligation to carry documents on sport vehicles and the corresponding extension of the obligation to submit checks by the competent authorities as a result of the entry into force of the Inland Waterways Order on the German Danube will result in additional one-off compliance costs of 94 hours and additional annual compliance costs of 15 hours.

Furthermore, there are no additional compliance costs for citizens.

### **E.2 Compliance costs for the economy; of which administrative costs arising from obligations to provide information**

For the German economy, the obligation in the Inland Waterways Order to equip the vehicles with two radio-telephone systems results in a one-off conversion cost of EUR 54,000. In addition, the extension of the obligation to carry documents and other documents on the German Danube with the entry into force of the Inland Waterways Order on the German Danube results in an additional annual compliance cost of EUR 2,880, of which EUR 180 are additional bureaucracy costs from information obligations for inspections by the competent authorities.

This additional annual compliance cost represents an additional cost ('in') for the German economy within the meaning of the 'one in, one out' rule introduced as a correct bureaucracy and is derived from the reduced effort ('out') for the German economy from the 'Regulation amending the recreational boat driver's licence Regulation and the Inland Waterway Personnel Regulation of 1 December 2022 (BGBl. I, p. 2211)'.

Furthermore, there are no additional compliance costs for the German economy or additional bureaucracy costs arising from information obligations.

### **E.3 Compliance costs for the authorities**

The entry into force of the Inland Waterways Order on the German Danube does not create any additional personnel costs for the Federal Administration. In so far as new fines are added to the Regulation on the introduction of the Inland Waterways Order due to the entry into force of the Regulation on the German Danube and existing fine reinforcements are extended or adapted, the new administrative offences based thereon will be handled by the Directorate-General for Waterways and Shipping with the existing staff. Any additional material and human resources required by the Directorate-General for Waterways and Shipping will be compensated for in Section 12. Furthermore, there is no additional fulfilment effort for the federal government.

For the Free State of Bavaria, an additional annual staff cost of EUR 2,089.40 will be incurred as a result of the entry into force of the Inland Waterways Order on the German Danube. Furthermore, there is no additional compliance effort for the Free State of Bavaria or the other Länder and municipalities.

#### **E.4 Consideration for the interests of SMEs**

German inland shipping companies are primarily SMEs. Due to the new ongoing bureaucracy costs and compliance costs, companies will be charged around EUR 19.05 per vehicle concerned per year.

#### **F. Other costs**

No additional costs are incurred by German businesses, in particular SMEs, or by individuals as a result of the new rules. The regulation provides further planning certainty and has no impact on individual and consumer prices.

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**Second Regulation  
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**of (date)**

The following is hereby ordered on the basis

- of § 3(1), first sentence, points 1 to 6a and 8 in conjunction with the second sentence and (6) point 1 letter a and b, § 3(1), first sentence, point 1, 2 and 2a in each case also in conjunction with (2) point 1, in each case also in conjunction with § 3e(1) point 2, first and third sentence, and with § 14 of the Inland Navigation Tasks Act as amended by the notice of 20 March 2023 (BGBl. 2023 I No 82), of which § 14 of the Inland Navigation Tasks Act has been amended by Article 14 of the Act of 22 December 2023 (BGBl. 2023 I No 409), by the Federal Ministry of Digital Affairs and Transport,
- of § 3(1), first sentence, points 5 and 8 in conjunction with the second sentence, (5) second sentence and (6) point 1, letters a and b, respectively also in conjunction with § 3e(1) point 2, first and third sentence, and with § 14 of the Inland Navigation Tasks Act as amended by the notice of 20 March 2023 (BGBl. 2023 I No 82), of which § 14 of the Inland Navigation Tasks Act has been amended by Article 14 of the Act of 22 December 2023 (BGBl. 2023 I No 409), by the Federal Ministry of Digital Affairs and Transport in agreement with the Federal Ministry of Labour and Social Affairs,
- of § 3(1), first sentence, points 1, 2 and 2a in conjunction with the second sentence, (2) point 2, (5) first sentence and (6) point 1 letters a and b, § 3(1), first sentence, points 1 and 2, in each case also in conjunction with § 3e(1), first sentence, and in conjunction with § 14 of the Inland Navigation Tasks Act as amended by the notice of 20 March 2023 (BGBl. 2023 I No 82), of which § 14 of the Inland Navigation Tasks Act by Article 14 of the Act of 22 December 2023 (BGBl. 2023 I No 409), by the Federal Ministry of Digital Affairs and Transport and the Federal Ministry of the Environment, Nature Conservation, Nuclear Safety and Consumer Protection jointly,
- of § 27(1) and (2), (1) in conjunction with § 24(1), and § 46 first sentence points 1 and 3 and second sentence of the Federal Waterways Act [WaStrG] in the version promulgated on 23 May 2007 (BGBl. I, p. 962; 2008 I p. 1980), of which § 24(1) has been amended by Article 17 point 6 letter a of the Law of 24 May 2016 (BGBl. I p. 1217), § 27(1) and (2) and § 46 first and second sentence have been amended by Article 5 point 12 of the Act of 22 December 2023 (BGBl. 2023 I No 409), by the Federal Ministry of Digital Affairs and Transport,
- of § 22(4), first sentence, in conjunction with (1), second and third sentence of the Federal Fees Act of 7 August 2013 (BGBl. I p. 3154), by the Federal Ministry of Digital Affairs and Transport:

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<sup>1</sup> Notified in accordance with Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services (OJ L 241, 17.9.2015, p. 1).

**Article 1**  
**Amending the**  
**Regulation implementing the Inland Waterways Order**

The Regulation on the introduction of the Inland Waterways Order of 16 December 2011 (BGBl. 2012 I p. 2, 1717), as last amended by Article 1 of the Regulation of [insert: The date and reference of the First Regulation amending the Inland Waterways Order and other provisions of maritime law] is amended as follows:

1. In § 1(1), the word ‘Danube,’ shall be deleted;
2. § 5 Paragraph 2 is amended as follows:
  - a) Under point 12, the word ‘or’ at the end is replaced by a comma.
  - b) The following point 13 is inserted after point 12:

‘13. operates towed fishing contrary to § 28.22(2), or sets up fishing gear, or’.
  - c) The previous point 13 becomes point 14 and is worded as follows:

‘14. paints or cleans the outer skin of a vehicle contrary to § 29.05.’
3. § 7 shall be amended as follows:
  - a) Paragraph 1 is amended as follows:
    - aa) The following point 3 is inserted after point 2:

‘3. contrary to § 10.29 point 2 letter a double letter bb, § 11.29(2)(a) double letter bb, § 12.29 point 2 letter a double letter bb, § 15.29 point 2 letter (a double letter bb, § 17.29 point 2 letter a double letter bb, § 20.29 point 2 letter a double letter bb, § 21.29 point 2 letter (a double letter bb or cc, § 22.29 point 2 letter (a double letter bb or § 23.29 point 2 letter (a double letter bb does not ensure that the vehicle or convoy they manage does not contain the equipment or prefix indicated therein,’.
    - bb) The previous point 3 becomes point 4 and the words ‘according to § 11.02 point 1’ shall be deleted.
    - cc) The previous point 4 becomes point 5 and the words ‘according to § 12.02 point 1’ and the words ‘according to § 12.02 point 3’ shall be deleted.
    - dd) The previous points 5 to 17 become points 6 to 18.
    - ee) The previous point 18 becomes point 19 and the comma at the end is replaced by the word ‘or’.
    - ff) The previous point 19 becomes point 20 and after the words ‘§ 27.29 point 2 letter a’ the words ‘or § 28.29 point 2 letter a’ are inserted and the words ‘not exceeding according to § 27.02 point 1’ shall be replaced by the words ‘not

exceeding’.

gg) The previous points 20 to 29 are deleted.

b) Paragraph 2 is amended as follows:

aa) In point 2, the words ‘letter a’ and the words ‘whose maximum permitted dimensions referred to in § 10.02 point 1’ are deleted.

bb) In point 3, the words ‘letter a’ and the words ‘whose maximum permitted dimensions referred to in § 11.02 point 1 are exceeded’ are deleted;

cc) In point 4, the words ‘letter a’ and the words ‘whose maximum permitted dimensions referred to in § 12.02 point 1 are exceeded or whose permitted unloading depth in accordance with § 12.02 point 3 is exceeded’ are deleted.

dd) In point 7, the words ‘or double letter bb’ are inserted after ‘double letter aa’.

ee) In point 9, the words ‘letter a’ and the words ‘whose authorised maximum dimensions are exceeded pursuant to § 17.02 point 1 or 2’ shall be deleted;

ff) In point 12, the words ‘or bb’ are inserted after the words ‘double letter aa’ and the words ‘whose maximum permitted dimensions referred to in § 20.02 point 1 sentence 1 are exceeded’ are deleted.

gg) In point 13, the words ‘double letter aa’ and the words ‘whose maximum permitted dimensions or unloading depths referred to in § 21.02 point 1’ are deleted.

hh) In point 14, the words ‘or double letter bb’ are inserted after the indication ‘triple letter aaa’ and the words ‘whose maximum permitted dimensions referred to in § 22.02 point 1 or § 22.22 point 1, first sentence, or point 2, first sentence, letter a, respectively also in conjunction with point 6, or whose permitted unloading depths referred to in § 22.02 points 1.1.3, 1.1.4.2, 1.1.5 to 1.1.10 or 1.2 or § 22.22 point 4, third sentence, first half-sentence, also in conjunction with point 6, is exceeded’, are deleted.

ii) Point 15 is worded as follows:

‘15. contrary to §# 23.29 point 3 letter a double letter aa triple letter aaa or double letter bb, orders or permits the entry into service of a vehicle or convoy’.

jj) In point 19, the comma at the end is replaced by the word ‘or’.

kk) Points 20 to 29 are replaced by the following point 20:

‘20. contrary to § 28.29 point 3, orders or permits the entry into service of a vehicle or convoy.’

4. § 11 Paragraph 3(2) is worded as follows:





- b) In point 4, the words ‘the provision concerning the composition of convoys pursuant to § 12.03 point 1, first sentence’ are replaced by the words ‘a provision referred to therein’.
- c) In point 18, the word ‘or’ is deleted at the end.
- d) In point 19, the full stop at the end is replaced by a comma and the word ‘or’.
- e) The following point 20 is added:
  - ‘20. contrary to Article 28.29 point 2 letter b, double letter aa does not comply with a provision referred to therein or does not ensure that it is complied with’.

10. § 23 Paragraph 2 is amended as follows:

- a) In point 3, the words ‘double letter cc of the provision on being on berth pursuant to § 12.10 point 1’ are replaced by the words ‘double letter bb or cc a provision referred to therein’.
- b) In point 5, the words ‘double letter cc the provision on being on berth pursuant to § 20.10’ are replaced by the words ‘double letter bb or cc a provision referred to therein’.
- c) In point 6, the words ‘double letter cc the provisions on being on berth pursuant to § 21.10 point 1, 2, first sentence, or point 3, first sentence’ are replaced by the words ‘double letter bb or cc a provision referred to therein’;
- d) In point 9, the word ‘or’ is added.
- e) Points 10 to 12 are replaced by the following point 10:
  - ‘10. contrary to § 28.29 points 2 letter b, double letter bb does not comply with a provision referred to therein or does not ensure that it is complied with’.

11. § 26 shall be amended as follows:

- a) In point 11, the word ‘or’ is deleted at the end.
- b) In point 12, the full stop at the end is replaced by a comma and the word ‘or’.
- c) The following point 13 is added:
  - ‘13. contrary to § 28.29 point 1 letter b, does not comply with a provision referred to therein or does not ensure that it is complied with.’

12. § 29 Paragraph 1 is amended as follows:

- a) In point 2, the word ‘or’ is deleted at the end.
- b) In point 3, the full stop at the end is replaced by a comma and the word ‘or’.
- c) The following point 4 is added:

‘4. contrary to the second sentence of § 28.19 point 3, also in conjunction with point 4, does not comply with a rule referred to therein.’

13. In § 31 point 1, the words ‘letter c, the prohibition to sail according to the first sentence of § 12.20’ are replaced by the words ‘letter d a prohibition referred to therein’.

14. In § 32 point 1, the words ‘§ 21.29 point 2 letter d does not comply with the traffic regulations referred to in § 21.22 point 1, 2 or 3, first half-sentence or does not ensure that they are complied with’ are replaced by the words ‘§ 11.29 point 2 letter c, § 12.29 point 2 letter c or § 21.29 point 2 letter d does not comply with a provision referred to therein or does not ensure that it is complied with’.

15. § 34 shall be amended as follows:

a) In point 2, the words ‘the prohibition provided for in the first sentence of § 11.27 point 2 to use the inland waterway indicated therein’ are replaced by the words ‘a prohibition referred to therein’.

b) In point 3, the words ‘does not comply with the prohibition provided for in § 12.25 point 1, 2, first sentence or point 3, first sentence in each case not to use the inland waterway indicated therein or does not ensure that the relevant prohibition is complied with’ are replaced by the words ‘does not comply with a prohibition referred to therein or does not ensure that it is complied with’.

c) In point 11, the word ‘or’ is deleted at the end.

d) In point 12, the full stop at the end is replaced by a comma and the word ‘or’.

e) The following point 13 is added:

‘13. contrary to § 28.29 point 2 letter c, does not comply with a prohibition referred to therein or does not ensure that it is complied with.’

16. In § 35 point 1, the words ‘the traffic restriction referred to in the first sentence of § 11.27 point 1’ are replaced by the words ‘a traffic restriction referred to therein’.

17. § 36 is amended as follows:

a) Paragraph 1 is amended as follows:

aa) In point 2, the words ‘§ 28.02’ are replaced by ‘§ 29.02’.

bb) In points 3 to 7, the indication ‘§ 28.03’ shall be replaced by the indication ‘29.03’.

cc) Point 8 is worded as follows:

‘8. contrary to § 29.03 point 3, begins with the bunkering process.’

b) In paragraph 2, the indication ‘§ 28.04’ is replaced by ‘§ 29.04’.

**Article 2**  
**Amending the**  
**Inland Waterways Order**

The Inland Waterways Order (Appendix to § 1(1) of the Regulation on the introduction of the Inland Waterways Order of 16 December 2011) (BGBl. 2012 I, p. 2, 1666), as last amended by Article 2 of the Regulation of [insert: Date and reference of the First Regulation amending the Inland Waterways Order and other provisions of maritime law] as amended, is amended as follows:

1. The table of contents is amended as follows:

- a) The following information on Chapter 28 is inserted after the information on Chapter 27:

**‘Chapter 28**

**Danube**

- § 28.01 Scope of application
- § 28.02 Dimensions of vehicles and convoys, depth of the navigable channel
- § 28.03 Compilation of convoys
- § 28.04 Travelling speed
- § 28.05 Ascent
- § 28.06 Encounter
- § 28.06a Crossing
- § 28.07 Overtaking
- § 28.08 Turning
- § 28.09 Anchoring
- § 28.10 Being at berth
- § 28.11 Shipping during floods
- § 28.12 Shipping during ice
- § 28.13 Night shipping
- § 28.14 Use of ship-borne lighters
- § 28.15 Notification obligation
- § 28.16 Height of bridges and overhead lines
- § 28.17 Marking of bridges and diversion dams
- § 28.18 Crossing the bridges, barriers, diversion dams, locks and individual current lines
- § 28.19 Use of locks, boat locks and boat transfer systems
- § 28.20 Sailing
- § 28.21 Description of vehicles
- § 28.22 Rules on transport
- § 28.23 Rules on radiotelephony
- § 28.24 Special provisions for small vehicles
- § 28.25 Accessing the backwaters, canals and individual waterways
- § 28.26 Protection of canals and installations
- § 28.27 Traffic restrictions on shipping
- § 28.28 Use of the waterway
- § 28.29 Conduct obligations of the shipmaster, crew on board, owner and equipment supplier

§ 28.30 Transitional provisions

- b) The previous information on Chapter 28 will be the information on Chapter 29 and the previous information on §§ 28.01 to 28.05 will be the information on §§ 29.01 to 29.05.
2. § 1.01 is amended as follows:
    - a) The following point 18 is inserted after point 17:

‘18. ‘Cabin ship’  
means a passenger ship with cabins for the overnight stay of passengers;’.
    - b) The previous points 18 to 60 become points 19 to 61.
  3. In § 3.08, point 3 is replaced by the following points 3 to 5:
    - ‘3. The engine-powered vehicle shall carry the lights referred to in points 1 and 2 even if it is temporarily preceded by a tugboat on a short distance at night; the tugboat must bear the lights in accordance with § 3.09 point 1 letter a first sentence.
    4. The machine-powered vehicle must bear the designation in accordance with § 3.09 point 3, first sentence, letter b if it is temporarily preceded by a tugboat on a short distance during the day; the tugboat must bear the name in accordance with § 3.09 point 1 letter b, first sentence.
    5. Points 1 to 4 shall not apply to a small vehicle or to a ferry; § 3.13 applies to a small vehicle and § 3.16 for a ferry.’
  4. § 3.09 is amended as follows:
    - a) Point 1 is amended as follows:
      - aa) The second sentence of letter a is worded as follows:

‘The vehicle shall carry these lights even if it is temporarily preceded by a tugboat on a short distance; the tugboat shall bear the lights which the towed vehicle must bear.’
      - bb) The second sentence of letter b is worded as follows:

‘The vehicle shall continue to bear the cylinder even if it is temporarily preceded by a tugboat over a short distance; the tugboat must also bear the cylinder.’
    - b) In point 3, first sentence, letter a, the words ‘this must be reversed and may be dimmed to the sides by a sheet of matte glass;’;
  5. In § 3.11, point 2 is replaced by the following points 2 to 4:
    - ‘2. The coupled vehicles shall carry the lights referred to in point 1 even if they are temporarily preceded by a tugboat on a short distance; the tugboat must bear the lights

in accordance with § 3.09 point 1 letter a first sentence.

3. Each coupled vehicle shall bear the designation referred to in § 3.09 point 3, first sentence, letter b if it is temporarily preceded by a tugboat on a short distance during the day; the tugboat must bear the name in accordance with § 3.09 point 1 letter b, first sentence.
4. Point 1, also in conjunction with point 2, and point 3 shall not apply to a small vehicle which only carries small vehicles longitudinally coupled, and not to a longitudinally coupled small vehicle. § 3.13 points 2 and 3 shall apply to a small vehicle referred to in the first sentence.'
6. In § 3.24 point 2 letter b the words 'or yellow flags' shall be inserted after the word 'header'.
7. § 3.34 Point 2 is worded as follows:
  - '2. The shipmaster and the person responsible for course and speed in accordance with § 1.03 point 3 shall ensure that the description prescribed in § 3.08 point 1, also in conjunction with points 2 and 3, and point 4 and § 3.28a point 1, § 3.11 point 1, also in conjunction with point 2, and point 3, § 3.12 point 1, § 3.15 first sentence, § 3.17, § 3.18 point 1, first sentence and § 3.19 respectively, are kept on the vehicle, the convoy, the tugboat, the floating installation or the floating system.'
8. § 4.06 is amended as follows:
  - a) In point 1, the following sentence is added:

'If a target tracking is carried out simultaneously with radar and AIS, the radar information of the navigation shall be based on the relevant information.'
  - b) Point 3 is worded as follows:

'3. The shipmaster and the person responsible for course and speed in accordance with § 1.03 point 3 shall ensure that radar is used on the vehicle only in accordance with the requirements set out in the first sentence of point 1, also in conjunction with the second and fourth sentence.'
9. § 6.17 Point 1 is worded as follows:

'1. Vehicles shall not be allowed to drive at the same height unless the available space permits to do so without disruption or danger to navigation.'
10. § 6.26 Point 2, second sentence shall be worded as follows:

'If it requires the opening of the bridge, there must be 'two long tones' or this must be communicated to the bridge supervision over radio.'
11. § 9.04 Point 1 letter c is worded as follows:

'c) the pier is sufficiently illuminated in the dark from land or from the passenger ship.'

12. § 11.02 is worded as follows:

„§ 11.02

**Dimensions of vehicles and convoys, through depth and width**

1. A vehicle or convoy shall not exceed the following dimensions:

Inland waterway	Length m	Width m
1.1 km 0.00 (Main mouth) to km 387.40 (below railway bridge near Hallstadt) Vehicle/Convoy  unless otherwise specified below	67.00	8.20
1.2 km 0.00 (Main mouth) to km 1.12 a) Vehicle b) Convoy	135.00 190.00	25.00 25.00
1.3 km 1.12 to km 37.20 (Eastern Port Frankfurt) a) Vehicle b) Convoy	135.00 190.00	14.20 14.20
1.4 km 37.20 to km 52.00 (tailwater lock Mühlheim) a) Vehicle b) Convoy	135.00 190.00	12.20 12.20
1.5 km 52.00 to km 84.00 (port Aschaffenburg) a) Vehicle b) Convoy	135.00 190.00	11.45 11.45
1.6 km 84.00 to km 387.07 (Main-Danube Canal junction) a) Vehicle/Convoy	90.00	11.45.

In the case of the first sentence, point 1.6, the permissible length of a vehicle may be increased to up to 135.00 m and, in the case of a convoy, up to 190.00 m if the vehicle and the convoy are equipped with an active bow rudder in the case of a convoy at the head of the convoy and a voice connection between the steering position and the tip of the vehicle or convoy. The active bow rudder referred to in the second sentence shall provide at least 27 kN pile pulling force in the case of a vehicle and a convoy of a length exceeding 110.00 m up to a length of 135.00 m and shall provide at least 36 kN pile pulling force in the case of a convoy of a length of more than 135.00 m. The equipment referred to in the second sentence is not required provided that a vehicle or a pushed convoy of a length of up to 110.00 m is equipped with two main drive motors each with 350 kW propulsion power and two main propellers. Furthermore, the equipment referred to in the second sentence is not required provided that a vehicle or a

pushed convoy of a length exceeding 110 m up to a length of 120.00 m is equipped with two main propulsion motors each with 400 kW propulsion power and two main propellers.

2. Only a pushed convoy and coupled vehicles shall be considered as a convoy according to point 1.

3. The trough depth

a) corresponds to the trough depth of the adjacent Rhine line from the mouth of the Main to the lock group Kostheim,

b) is

aa) from the lock group Kostheim to the lock Lengfurt  
at least 2.90 m,

bb) from the lock Lengfurt to the lock Limbach 2.50 m,

cc) from the lock Limbach to the junction of the Main-  
Danube Canal 2.90 m.

4. The trough width is

a) from the Main mouth to the port of Aschaffenburg 50.00 m,

b) from the port of Aschaffenburg to the lock Lengfurt 40.00 m,

c) from the lock Lengfurt to the lock Limbach 36.00 m,

d) from the lock Limbach to the junction of the Main-  
Danube Canal 40.00 m.'

13. § 11.03 is amended as follows:

a) The following point 2 is inserted after point 1:

'2. The draught of a push tanker, as defined in point 1.6. of Article 1.01 ES-TRIN or of a pushing freight motor vessel as defined in point 1.7 of Article 1.01 ES-TRIN, shall not be less than the draught of the pushed vehicle.'

b) The previous point 2 becomes point 3.

14. § 11.19 is worded as follows:

„§ 11.19

**Use of locks, boat locks and boat transfer systems**

1. A small vehicle must not use the boat locks and boat transfer systems at night.

2. A small vehicle may use the boat locks

- a) from Kostheim to below Kleinostheim only at a water level of less than 230 cm at the reference stream gauge Frankfurt-Osthafen,
  - b) from Kleinostheim to below Steinbach only at a water level of less than 230 cm at the reference stream gauge Steinbach and
  - c) from Steinbach to Limbach only at a water level of less than 230 cm at the reference stream gauge Trunstadt.
3. At a lock which is divided by a central head into a larger chamber lying downstream and a smaller chamber lying upstream, is indicated by the following signal lights, which subchamber is provided for the lock:
- a) two green lights next to each other and two white lights next to each other over the green lights:  
  
Entrance free for the large subchamber lying downstream;
  - b) two green lights side by side and one white light above the left green light:  
  
Entrance free for the small subchamber lying upstream.

If both subchambers are released for lockage, two green lights will be shown side by side.'

15. § 11.22 is worded as follows:

„§ 11.22

**Rules on transport**

If, on a cabin vessel of more than 110.00 m in length, during the voyage on the Main above the port of Aschaffenburg, rows of windows are partially or entirely ballasted under the water level during the voyage, they shall be secured by externally mounted, suitable front panes against breakage by external force.

16. § 11.29 is amended as follows:

- a) Point 2 is amended as follows:

- aa) Letter a is amended as follows:

- aaa) In double letter aa, the words '§ 11.02 point 1' shall be replaced by the words '§ 11.02 point 1 first sentence'.

- bbb) Double letter bb is worded as follows:

- ‘BB) on the vehicle or convoy led by them has the equipment specified in each case, in accordance with § 11.02 point 1, second sentence in conjunction with the third sentence, also in conjunction with the fourth and fifth sentence.’

- bb) Letter b double letter aa is worded as follows:



‘aa) the compilation of the convoys pursuant to § 11.03 point 1, first sentence and point 2 and’.

cc) The following letter c is inserted after letter b:

‘c) to comply with the rules on traffic referred to in § 11.22 or to ensure that it they are complied with’.

dd) The previous letters c and d will become the letters d and e.

b) Point 3 is amended as follows:

aa) In letter a, the words ‘§ 11.02 point 1’ are replaced by the words ‘§ 11.02 point 1, first sentence’.

bb) Letter b shall be worded as follows:

‘b) the equipment specified pursuant to § 11.02 point 1, second sentence in conjunction with the third sentence, also in conjunction with sentences 4 and 5, is available.’.

17. § 12.02 is amended as follows:

a) Point 1 is worded as follows:

1. A vehicle or convoy shall not exceed a length of 90.00 m and a width of 11.45 m on the Main-Danube Canal. The permissible length may be increased to up to 135.00 m in the case of a vehicle and up to 190.00 m in the case of a convoy if the vehicle or convoy is equipped with an active bow rudder – in the case of a convoy at the head of the convoy – and a communication link between the steering position and the tip of the vehicle or convoy. The equipment referred to in the second sentence is not required provided that a vehicle or a pushed convoy of a length of up to 110.00 m is equipped with two main drive motors each with 350 kW propulsion power and two main propellers. Furthermore, the equipment referred to in the second sentence is not required provided that a vehicle or a pushed convoy of a length exceeding 110.00 m up to a length of 120.00 m is equipped with two main propulsion motors each with 400 kW propulsion power and two main propellers.

b) In point 2, the words ‘2.70 m’ are replaced by ‘2.90 m’.

18. § 12.03 is amended as follows:

a) The following point 2 is inserted after point 1:

‘2. The draught of a push tanker, as defined in point 1.6. of Article 1.01 ES-TRIN or of a pushing freight motor vessel as defined in point 1.7 of Article 1.01 ES-TRIN, shall not be less than the draught of the pushed vehicle.’

b) The previous point 2 becomes point 3.

19. § 12.22 is worded as follows:

‘§ 12.22  
**Rules on transport**

Where, on a cabin vessel of more than 110.00 m in length, rows of windows are partially or entirely ballasted under the water level during the voyage, they shall be secured by externally mounted, suitable front-mounted panes against breakage by external force.

20. § 12.29 is amended as follows:

a) Point 2 is amended as follows:

aa) Letter a is amended as follows:

aaa) Double letter aa is worded as follows:

‘aa) the vehicle or the convoy led by them meets the maximum permitted dimensions in accordance with the first sentence of § 12.02 point 1

and 2, the second sentence also in conjunction with the third and fourth sentence, and the permitted unloading depth pursuant to § 12.02 point 3 is not exceeded.’

bbb) Double letter bb is worded as follows:

‘bb) on the vehicle or convoy led by them in the cases referred to in § 12.02 point 1, second to fourth sentence, the equipment specified therein is available and.’;

bb) Letter b double letter aa is worded as follows:

‘aa) the compilation of the convoys pursuant to § 12.03 point 1, first sentence and point 2.’.

cc) The following letter c is inserted after letter b:

‘c) to comply with the rules on traffic referred to in § 12.22 or to ensure that they are complied with’.

dd) The previous letters c and d become the letters d and e.

b) Point 3 is worded as follows:

‘3. The owner and the supplier may only order or authorise the entry into service of a vehicle or convoy if:

a) the vehicle or the convoy does not exceed the maximum permitted dimensions according to § 12.02 point 1, first and second sentence, the second sentence also in conjunction with the third and fourth sentence, and the permitted

unloading depth pursuant to § 12.02 point 3 is not exceeded, and

- b) on the vehicle or convoy in the cases referred to in the second to fourth sentences of § 12.02 point 1, the equipment specified therein is available.’

21. The following Chapter 28 is inserted after Chapter 27:

## ‘Chapter 28 Danube

### § 28.01

#### Scope of application

The provisions of this Chapter shall apply to the **Danube** between Kelheim (Danube km 2414.72) and Jochenstein (Danube km 2201.75).

### § 28.02

#### Dimensions of vehicles and convoys, depth of the navigable channel

1. A vehicle shall not exceed the following dimensions on the following line sections:

Line section	Length m	Width m
1.1 km 2414.72 (Kelheim) to km 2411.60 (confluence of the Main-Danube Canal)	55.00	11.45
1.2 km 2411.60 (confluence of the Main-Danube Canal) to km 2249.85 (basin Vilshofen)	135.00	11.45
1.3 km 2249.85 (basin Vilshofen) to km 2223.30 (railway bridge Kräutelstein)	135.00	22.90

2. A pushed convoy shall not exceed the following dimensions on the following line sections:

Line section	Length m	Width m
2.1 <b>Ascent</b>		
2.1.1 km 2223.30 (railway bridge Kräutelstein) to km 2249.85 (basin Vilshofen)	190.00	22.90
2.1.2 km 2249.85 (basin Vilshofen) to km 2330.20 (headwater lock Straubing)	135.00 190.00	22.90 11.45.

Line section	Length m	Width m
A pushed convoy of a length of more than 135.00 m and a width of more than 11.45 m and not more than 22.90 m may drive if the water level at the Hofkirchen stream gauge is at least 350 cm.		
2.1.3 km 2330.20 (headwater lock Straubing) to km 2376.80 (Regensburg railway bridge Schwabelweis)	190.00	22.90
2.1.4.1 km 2376.80 (Regensburg railway bridge Schwabelweis) to km 2411.60 (confluence into the Main-Danube Canal)/Danube southern arm, km 2378.45 S (Regensburg Nibelungen Bridge)	190.00	11.45
2.1.4.2 km 2376.80 (Regensburg railway bridge Schwabelweis) to Danube southern arm, km 2378.45 S (Regensburg Nibelungen Bridge)/km 2379.50 (tailwater lock Regensburg)	135.00	22.90
2.1.5 km 2411.60 (confluence of Main-Danube Canal) to km 2414.72 (Kelheim)	55.00	11.45
2.2 <b>Descent</b>		
2.2.1 km 2414.72 (Kelheim) to km 2411.60 (confluence of the Main-Danube Canal)	55.00	11.45
2.2.2 km 2411.60 (confluence of the Main-Danube Canal) to km 2376.80 (Regensburg railway bridge Schwabelweis)	190.00	11.45
2.2.3 km 2379.50 (tailwater lock Regensburg)/Danube southern arm, km 2378.45 S (Regensburg Nibelungen Bridge) to km 2376.80 (Regensburg railway bridge Schwabelweis)	135.00	22.90
2.2.4 km 2376.80 (Regensburg railway bridge Schwabelweis) to km 2355.00 (headwater lock Geisling)	190.00	22.90
2.2.5.1 km 2355.00 (headwater lock Geisling) to km 2330.20 (headwater lock Straubing)	135.00	22.90
2.2.5.2 km 2355.00 (headwater lock Geisling) to km 2320.90 (coupling point in the tailwater lock Straubing)	190.00	11.45

Line section	Length m	Width m
2.2.6 km 2330.20 (headwater lock Straubing)/km 2320.90 (coupling point in the tailwater lock Straubing) to km 2249.85 (basin Vilshofen)	135.00	22.90
2.2.7 km 2249.85 (basin Vilshofen) to km 2223.30 (railway bridge Kräutelstein)	190.00	22.90

3. Coupled vehicles on the following line sections shall not exceed the following dimensions:

Line section	Length m	Width m
3.1 km 2414.72 (Kelheim) to km 2411.60 (confluence of Main-Danube Canal)	55.00	11.45
3.2.1 km 2411.60 (confluence of the Main-Danube Canal) to km 2376.80 (Regensburg railway bridge Schwabelweis)	135.00	11.45
3.2.2 Donau southern arm, km 2378.45 S (Regensburg Nibelungen Bridge)/km 2379.50 (underwater lock Regensburg) to km 2376.80 (Regensburg railway bridge Schwabelweis)	135.00	22.90
3.3 km 2376.80 (Regensburg railway bridge Schwabelweis) to km 2355.00 (headwater lock Geisling)	135.00	34.35
3.4 km 2355.00 (headwater lock Geisling) to km 2249.85 (basin Vilshofen)	135.00	22.90
3.5 km 2249.85 (basin Vilshofen) to km 2223.30 (railway bridge Kräutelstein)	135.00	34.35.

4. The following dimensions of a vehicle or convoy shall not be exceeded in the locks:
- a) A vehicle or convoy shall not exceed the following dimensions:

	Lock	Length m	Width m
aa)	Bad Abbach and Regensburg		
	a) Vehicle	135.00	11.45
	b) Convoy	190.00	11.45
bb)	Geisling and Straubing		
	a) Vehicle	135.00	11.45
	b) Convoy	190.00	22.90
cc)	Kachlet and Jochenstein		
	a) Vehicle	135.00	22.90
	b) Convoy	190.00	22.90

b) In the lock chambers of the Geisling and Straubing locks as well as in the lock chambers of the Kachlet and Jochenstein locks, the width of individual vehicles or convoys adjacent to each other shall not exceed 22.90 m.

5. The trough depth on the following sections of the route at the specified water levels of the respective stream gauge is:

Line section	Water level at the stream gauge in cm	Trough depth in m	
5.1	km 2414.72 (Kelheim) to km 2411.60 (confluence of the Main-Danube Canal)	250 at the Kelheim stream gauge	1.20
5.2	5.2.1 km 2411.60 (confluence of the Main-Danube Canal) to km 2379.70 (lock Regensburg)	170 at the Oberndorf stream gauge	2.90
	5.2.2 km 2379.70 (lock Regensburg) to km 2355.00 (headwater lock Geisling)	292 at the Schwabelweis stream gauge	
	5.2.3 km 2355.00 (headwater lock Geisling) to km 2330.20 (headwater lock Straubing)	310 at the Pfatter stream gauge	
5.3	km 2330.20 (headwater lock Straubing) to km 2311.90 (below the port of Straubing-Sand)	290 at the Pfelling stream gauge	2.65
5.4	5.4.1 km 2311.90 (below the port of	290	2.00

Line section	Water level at the stream gauge in cm	Trough depth in m
5.4.2	at the Pfelling stream gauge	
Straubing-Sand) to km 2285.89 (railway bridge Deggendorf)	210 at the Deggendorf stream gauge	
km 2285.89 (railway bridge Deggendorf) to km 2283.00 (Wallnergelände Deggendorf)	207 at the Hofkirchen stream gauge	
5.4.3		
km 2283.00 (Wallnergelände Deggendorf) to km 2249.90 (Vilshofen)	207 at the Hofkirchen stream gauge	
5.5		
5.5.1		2.70
km 2249.90 (Vilshofen) to km 2230.60 (lock Kachlet)	415 at the Passau-Danube stream gauge	
5.5.2		
km 2230.60 (lock Kachlet) to km 2223.30 (railway bridge Kräutelstein)	415 at the Passau-Danube stream gauge	
5.6		2.80
km 2223.30 (railway bridge Kräutelstein) to km 2201.75 (Jochenstein)	415 at the Passau-Danube stream gauge	

§ 28.03

**Compilation of convoys**

1. A towing convoy shall not exceed the following dimensions and groupings on the following line sections:

Line section	Number of vehicles connected along the longitudinal side of the towing vehicle	Number of rows of vehicles towed	Width m
1.1	<b>Ascent</b>		
1.1.1			
km 2223.30 (railway bridge Kräutelstein) to km 2249.85 (basin	1	4	22.90

Line section	Number of vehicles connected along the longitudinal side of the towing vehicle	Number of rows of vehicles towed	Width m
1.1.2	Vilshofen) km 2249.85 (basin Vilshofen) to km 2355.00 (headwater lock Geisling)	- 1 -	5 1 2 11.45 22.90 22.90
1.1.3	km 2355.00 (headwater lock Geisling) to km 2376.80 (Regensburg railway bridge Schwabelweis)	1	4 22.90
1.1.4	km 2376.80 (Regensburg railway bridge Schwabelweis) to km 2411.60 (confluence of the Main-Danube Canal)	1	2 11.45
1.1.5	km 2411.60 (confluence of the Main-Danube Canal) to km 2414.72 (Kelheim)	-	1 11.45
1.2	<b>Descent</b>		
1.2.1	km 2414.72 (Kelheim) to km 2376.80 (Regensburg railway bridge Schwabelweis)	-	1 11.45



Line section	Number of vehicles connected along the longitudinal side of the towing vehicle	Number of rows of vehicles towed	Width m
1.2.2	km 2376.80 (Regensburg railway bridge Schwabelweis) to km 2321.45 (tailwater lock Straubing)	1 1	30.00 22.90
1.2.3	km 2321.45 (tailwater lock Straubing) to km 2223.30 (railway bridge Kräutelstein)	1	30.00
1.2.4	km 2249.85 (basin Vilshofen) to km 2230.30 (tailwater lock Kachlet)	1	22.90

The competent authority may allow exceptions to the dimensions and groupings referred to in the first sentence, provided that this does not jeopardise the safety and ease of shipping.

2. A machine-propelled vehicle which tows, pushes or coupled another vehicle shall not leave it during mooring or anchoring until the waters have been cleared and the guide of the convoy has ensured that it is in safety.

#### § 28.04

#### **Travelling speed**

(no special provisions)

#### § 28.05

#### **Ascent**

(no special provisions)

§ 28.06  
**Encounter**

1. For encounters on the routes
  - a. between the mouth of the Main-Danube Canal (km 2411.60) and the headwater of the Straubing lock (km 2330.50),
  - b. between Vilshofen (km 2249.00) and Schalding (km 2234.50) and
  - c. between Schildorf (km 2220.00) and Grünau (2205.56), the rules of points 2 and 3 apply.
2. By way of derogation from § 6.04, the ascending and descending vehicles must direct their course to starboard so far that the passing by can take place port side to port side without any danger.
3. The ascending vehicle may require that the passing by takes place starboard to starboard in accordance with the rules of § 6.04 if it:
  - a) travels to a side waterway, port, loading station, unloading station, berth or basin or a landing stage on the right bank,
  - b) departs from a loading station, unloading station, berth or basin on the right bank or a landing stage; or
  - c) wants to leave a side waterway or port.

The first sentence shall only apply if the ascending vehicle has previously verified that their wish can be met without danger.

4. Encountering between a vehicle or convoy and a vehicle or convoy with a total width of more than 11.45 m is prohibited between the lower forebay of the lock Regensburg (km 2379.20) and the Lazarettspitze (km 2377.80). The shipmaster of a vehicle or convoy pursuant to the first sentence shall announce himself by radio (channel 10) before entering the area referred to in the first sentence. § 6.07 shall apply mutatis mutandis. The first and third sentence do not apply to a small vehicle.

§ 28.07  
**Overtaking**

(no special provisions)

§ 28.08  
**Turning**

(no special provisions)

§ 28.09  
**Anchoring**

(no special provisions)

§ 28.10  
**Being at berth**

At the Heining basin (km 2232.36 to km 2231.62), the following special rules for being on berth apply:

1. A vehicle carrying certain flammable goods in accordance with the Road, Rail and Inland Waterways Regulation, as amended by the notice of 11 March 2019 (BGBl. I p. 258), in the version in force in conjunction with § 7.1.5 or 7.2.5 ADN and must bear the designation in accordance with § 3.14 point 1, may only be on berth if it expects locking.
2. A vehicle without a machine propulsion must be moored ashore even when it is anchored. The first sentence shall not apply to a vehicle belonging to a convoy.
3. A vehicle shall keep a distance of at least 10.00 m from the shore.
4. A small vehicle must not be on berth.

§ 28.11  
**Shipping during floods**

1. If the water level has reached or exceeded the Highest Navigation Water Level (HSW), shipping, including transmission traffic, shall be discontinued. The maximum marine water levels and the sections to which they apply are listed below:

Stream gauge	Water level in cm	Section
Oberndorf	480	Kelheim to Regensburg lock
Regensburg-Schwabelweis	520	Regensburg lock to Geisling lock
Pfatter	600	Geisling lock to Straubing lock
Pfelling	620	Straubing to Deggendorf
Hofkirchen	480	Deggendorf to Schalding
Passau-Danube	780	Schalding to Jochenstein.

2. The competent authority may allow derogations from the first sentence of point 1 if

this does not jeopardise the safety and ease of shipping.

§ 28.12

**Shipping during ice**

(no special provisions)

§ 28.13

**Night shipping**

(no special provisions)

§ 28.14

**Use of ship-borne lighters**

(no special provisions)

§ 28.15

**Notification obligation**

(no special provisions)

§ 28.16

**Height of bridges, other fixed superstructures and overhead lines**

The permissible passage heights and widths under fixed bridges and the relevant conditions shall be made known by the competent authority by means of a notice to the navigation police.

§ 28.17

**Marking of bridges and diversion dams**

(no special provisions)

§ 28.18

**Crossing the bridges, barriers,  
diversion dams, locks and individual current lines**

A convoy shall regroup its accompanying units in good time for the lock to the extent necessary for proper locking. A trailing convoy may only be put together in the lower forebay after the lock; for this purpose, he may berth on both shore walls of the lower lock forebay. An ascending convoy may only be reassembled after the locking exit from the upper lock forebay. The competent authority may allow derogations from sentences 1 to 3 provided that this does not jeopardise the safety and ease of navigation.

§ 28.19

**Use of locks, boat locks and boat transfer systems**

1. By way of derogation from § 6.28 point 1, first sentence, in the case of the Kachlet and Jochenstein locks, in addition to the lock, the distance between the lock and the pre-signalling systems belong to the lock area.
2. In the Kachlet and Jochenstein locks, by way of derogation from § 6.29 point 1, first sentence, the locking will take place in the order of arrival at the pre-signalling systems.
3. In the lock areas Kachlet and Jochenstein, the entry into the lock in addition to the visual signs referred to in § 6.28a point 2 is also regulated by signal lights of the pre- and retrieving signalling systems. The shipmaster and the person responsible for course and speed in accordance with § 1.03 point 3 must comply with the following rules:

a) Descent (pre-signal or retrieval signal):

The instructions for the use of the lock chamber are given by directional indicators consisting of two white signal lights next to each other, which have the following meaning:

aa) left solid light, right common mode light:

use right lock;

bb) right solid light, left common mode light:

use left lock;

cc) solid light left and right:

wait until admission;

dd) common mode light left and right:

both locks can be used.

b) Ascent (pre-signal):

The instructions for the use of the lock chamber are given by directional indicators consisting of a signal light having the following meaning:

aa) one solid light:

wait until admission,

bb) one common mode light:

Free entry into the lock.

4. By way of derogation from the second sentence of point 3, the master and the shipmaster responsible for the course and speed of a small vehicle according to 1.03 point 3 shall only observe the visual signs in accordance with § 6.28a point 2, first to fifth sentence.

§ 28.20

**Sailing**

(no special provisions)

§ 28.21

**Description of vehicles**

(no special provisions)

§ 28.22

**Rules on transport**

1. The shipmaster of a descending vessel and the shipmaster of a descending convoy, who intend to interrupt their journey on the route between the Jochenstein and Ashach dams, shall report this to the lock supervisor during the locking operation in Jochenstein. The first sentence shall not apply to a small vehicle.
2. The following rules shall apply to fishing:
  - a) Tow fishing with several vessels next to each other is prohibited.
  - b) The placing of fishing gear in the channel, in its vicinity or on designated berths is prohibited.

§ 28.23

**Rules on radiotelephony**

(no special provisions)

§ 28.24

**Special provisions for small vehicles**

(no special provisions)

§ 28.25

**Accessing the backwaters, canals and individual waterways**

A small vehicle equipped with a propulsion machine shall not drive the waste water, in

particular water surfaces behind longitudinal dikes or jetties. The first sentence shall not apply to

1. a vessel used to exercise a professional fishing or hunting right;
2. Arrivals and departures of berths approved by the competent authority.

§ 28.26

**Protection of canals and installations**

(no special provisions)

§ 28.27

**Traffic restrictions on shipping**

The use of the fish rest areas designated between Friesheim (km 2363.25) and Kiefenholz (km 2359.05) is prohibited.

§ 28.28

**Use of waterways**

(no special provisions)

§ 28.29

**Conduct obligations of the shipmaster,  
the crew on board, the owner and the equipment supplier**

1. The shipmaster and the person responsible for course and speed in accordance with § 1.03 point 3 shall each have to comply with the provisions concerning:
  - a) the conduct during encounter pursuant to § 28.06 point 1 in conjunction with point 2 and 3, first sentence, this in conjunction with the second sentence, and point 4, first and third sentence; and
  - b) navigation in the event of floods pursuant to § 28.11 point 1, first sentence and to ensure that these are complied with;
2. The shipmaster shall
  - a) and to ensure that the vehicle or the convoy they lead does not exceed the maximum permitted dimensions referred to in § 28.02 point 1 to 4; and
  - b) to comply with the provisions on:
    - aa) the compilation of the convoys pursuant to § 28.03 point 1, first sentence, and point 2,

bb) the being on berth in accordance with § 28.10 point 1, 2, first sentence, also in conjunction with the second sentence, point 3 and 5; and

cc) the regrouping and compilation of a convoy during locking pursuant to § 28.18, first sentence, second sentence, second half-sentence and third sentence

or to ensure that they are complied with,

c) to comply with the prohibition, laid down in the first sentence of § 28.25, on the use of the backwaters, and the prohibition laid down in § 28.27 on the use of the designated fish rest areas, or to ensure that these prohibitions are complied with.

3. The owner and the equipment supplier may in each case order or authorise the entry into service of a vehicle or convoy only if it does not exceed the maximum permitted dimensions referred to in § 28.02 point 1 to 3 and point 5 letter a and b.

### § 28.30

#### **Transitional provisions**

Without prejudice to § 1.01 point 30 and 31, § 3.02 point 2 and § 4.06 point 1, first sentence, letter a, lights, signal lamps and radar devices which comply with the requirements set out in the recommendations adopted before [insert: The date of the day before the entry into force of this amending regulation] by the Danube Commission for the Danube, may be used pending their replacement. The first sentence shall apply without prejudice to § 2.04 appropriately to the draught marks and draught scales attached to the vehicles.'

22. The previous Chapter 28 becomes Chapter 29 and the former §§ 28.01 to 28.05 become §§ 29.01 to 29.05.

### **Article 3**

#### **Amendment of the BMDV Waterways and Shipping Special Fees Regulation**

The BMDV Waterways and Shipping Special Fees Regulation of 28 October 2021 (BGBl. I p. 4744), as last amended by Article 5 of the Regulation of 22 November 2023 (BGBl. 2023 II No 321), is amended as follows:

1. § 1 shall be amended as follows:

a) Point 19 is deleted.

b) The previous points 20 to 31 become points 19 to 30.

c) The previous point 31a becomes point 31.

2. Section 2 of the Annex to § 2 is amended as follows:

a) In Section 2 of the Table, in point 2138 in the column 'Abbreviated legal basis', the



words '§ 1.10 point 5 of Appendix A to the DonauSchPV' are deleted.

b) Section 5 of the Table is amended as follows:

aa) In point 501, in the column 'Abbreviated legal basis', the information is worded as follows:

'§ 1.06 Point 2, § 28.02 point 5 BinSchStrO  
§ 9.06 Point 3 letter a, §§ 11.01, 11.02 RheinSchPV  
§ 8.01 MoselSchPV'.

bb) In point 502, in the column 'Abbreviated legal basis', the words '§ 1.21 point 2, Appendix A to the Danube Navigation Police Regulation' are deleted.

cc) In point 503, in the column 'Abbreviated legal basis', the words '§ 1.23 Appendix A to the Danube Navigation Police Regulation' are deleted.

dd) In point 5051, in the column 'Abbreviated legal basis', the words '§ 8.10. Appendix A to the Danube Navigation Police Regulation' are deleted.

ee) In point 5053, in the column 'Abbreviated legal basis', the words '§ 3.27 point 3, § 3.41 point 5 Danube Shipping Police Regulation' are deleted.

ff) In point 5054, in the column 'Abbreviated legal basis', the indication '§ 8.14 Danube Navigation Police Regulation' is deleted.

gg) In point 506, in the column 'Abbreviated legal basis', the words '§ 1.21 point 2, Appendix A to the Danube Navigation Police Regulation' are deleted.

hh) In point 507, in the column 'Abbreviated legal basis', the words '§ 3.48 Point 2 letter b Danube Navigation Police Regulation' is deleted.

ii) In point 509, in the column 'Abbreviated legal basis', the words '§ 6.29 Sentence 1 letter b Appendix A to the Danube Navigation Police Regulation' is deleted.

jj) In point 5111, in the column 'Abbreviated legal basis', the words '§ 7.07 Point 3 of the Danube Navigation Police Regulation' is deleted.

kk) In point 5112, in the column 'Abbreviated legal basis', the information is worded as follows:

'§ 8.04, § 10.14, § 11.03 Point 3, § 12.03 point 3, § 13.03 point 2, § 14.03 point 1, § 16.03, first sentence, § 18.03 point 2, § 19.03 point 2, § 20.14, second sentence, § 21.03 point 4, § 22.03 point 3, § 23.03 point 4, § 24.03 point 3, § 25.03 point 3, § 28.03 point 1, second sentence BinSchStrO § 8.03 RheinSchPV point 3 § 8.04 MoselSchPV, second sentence'.

kk) In point 5113, in the column 'Abbreviated legal basis', the information is worded as follows:

‘§ 10.11 Point 3, § 11.11 point 6, § 12.11 point 3, § 13.11 point 1, second sentence, § 16.11 point 3, § 20.11 point 3, § 28.11 point 2 BinSchStrO § 10.01 point 5, second sentence RheinSchPV  
§ 10.02 point 1 letter a, second sentence MoselSchPV’.

#### **Article 4** **Amendment of the** **Inland Waterway Inspection Order**

§ 2 Paragraph 1 point 5 of the Inland Waterway Inspection Order of 21 September 2018 (BGBl. I p. 1398, 2032), as last amended by Article 6 of the Regulation of 5 April 2023 (BGBl. 2023 II No 105), is amended as follows:

1. Letter b is repealed.
2. The previous letters c to f become the letters b to e.

#### **Article 5** **Amendment of the** **Inland Waterway Personnel Regulation**

The Inland Waterway Personnel Regulation of 26 November 2021 (BGBl. I, p. 4982), as last amended by Article 4 of the Regulation of [insert: The date and reference of the First Regulation amending the Inland Waterways Order and other provisions of maritime law] is amended as follows:

1. § 16 Paragraph 1 point 1 is worded as follows:

‘1. a special authorisation for radar if, according to the Inland Waterways Order, the Rhine Navigation Police Regulation or the Moselle Navigation Police Regulation, may only be operated using the radar;’

2. § 91 Paragraph 1 second sentence shall read as follows:

‘This is necessary in particular where the shipmaster has repeatedly or significantly infringed the provisions of the Inland Waterways Order, the Maritime Road Order, the Rhine Navigation Police Regulation or the Moselle Navigation Police Regulation, in particular § 1.02 point 7 of the Inland Waterways Order or § 3 points 3 and 4 of the Maritime Waterways Order.’

#### **Article 6** **Amending the** **Regulation on jet skis**

§ 1 Point 2 of the Watercraft Regulation of 31 May 1995 (BGBl. I p. 769), as last amended by Article 3 of the Regulation of 31 October 2019 (BGBl. I p. 1518), is amended as follows:

1. In letter c, the comma is replaced by a full stop at the end.
2. Letter d is repealed.

### **Article 7 Repealed legislation**

At the end of the [Insert: Date of the day before the entry into force of this Amending Regulation] the following shall be repealed:

1. The Danube Navigation Police Regulation of 27 May 1993 (BGBl. I, p. 741; 1994 I p. 523; 1995 I p. 95), last amended by Article 3 of the Regulation of 8 September 2022 (Federal Law Gazette I, p. 1499),
2. the Fourth Regulation on the Temporary Deviation from the Inland Waterways Order of 24 April 2020 (VkBl. p. 295), last amended by Article 1 of the Regulation of 28 April 2023 (BGBl. 2023 I No 118).
3. the Twenty-seventh Regulation on the temporary derogation from the Danube Navigation Police Regulation of 24 April 2020 (VkBl. p. 303), last amended by Article 2 of the Regulation of 28 April 2023 (BGBl. 2023 I No 118).

### **Article 8 Entry into force**

This Regulation shall enter into force on 1 September 2024.

Berlin, DD.MM.YYYY

Federal Minister  
for Digital Affairs and Transportation

Federal Minister  
for the Environment, Nature Conservation, Nuclear Safety and Consumer Protection