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Inland Transport Committee

Working Party on the Transport of Dangerous Goods

Joint Meeting of Experts on the Regulations annexed to the European Agreement concerning the International Carriage of Dangerous Goods by Inland Waterways (ADN) (ADN Safety Committee)

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Item 4 (b) of the provisional agenda

**Proposals for amendments to the Regulations annexed to ADN:
Other proposals**

Proposal to amend 1.16.3

Transmitted by the Government of France^{1,2}

Summary

Executive summary:	France wishes to know the practices of other States regarding the inspection report prior to the issuance of the certificate of approval, and proposes an amendment to 1.16.3 in this regard.
Action to be taken:	See paragraphs 3 to 8, and paragraphs 9 and 10 (proposal).
Related documents:	Regulations annexed to ADN – section 1.16.3.

¹ In accordance with the programme of work of the Inland Transport Committee for 2012-2016 (ECE/TRANS/224, para 94, ECE/TRANS/2012/12, programme activity 02.7, (A1b)).

² Distributed in German by the Central Commission for the Navigation of the Rhine under the symbol CCNR/ZKR/ADN/WP.15/AC.2/2014/43.

Introduction

1. The current text of section 1.16.3 of the annexed Regulations, related to the "Inspection procedure", is as follows:

"1.16.3 Inspection procedure

1.16.3.1 The competent authority of the Contracting Party shall supervise the inspection of the vessel. Under this procedure, the inspection may be performed by an inspection body designated by the Contracting Party or by a recognized classification society. The inspection body or the recognized classification society shall issue an inspection report certifying that the vessel conforms partially or completely to the provisions of these Regulations.

1.16.3.2 This inspection report shall be drawn up in a language accepted by the competent authority and shall contain all the necessary information to enable the certificate to be drawn up."

2. France has some questions related to the scope and the arrangements for the inspection as specified in 1.16.3, and wishes to know what are the practices of other States in this area. These questions and the French position are laid out in the "Analysis" below.

Analysis

3. What are the categories of inspections covered by the procedure in 1.16.3?

4. France thinks that the inspection and its corresponding report are key elements in order to issue, re-issue or renew the certificate of approval. Subsequently, the procedure in 1.16.4 should apply to the first inspection (1.16.8), to the special inspection (1.16.9) and to the periodic inspection (1.16.10).

5. 1.16.3.1 foresees that the inspection report certifies that the vessel conforms partially or completely to the provisions of the Regulations annexed to ADN. What is the position to be adopted when the report only certifies partial conformity?

6. France considers that the authority which issues (re-issues, or renews) the certificate of approval must have comprehensive information related to the conformity of the vessel with the provisions of the Regulations, and that, in case of partial conformity, the inspection report has to indicate the non-conformities or deviations from the Regulations.

7. In the specific situation of a tank vessel with an inspection carried out by the recognized classification society which classified the vessel, what is the risk of confusion between the inspection report and the certificate certifying that the vessel is in conformity with the rules of section 9.3.X, as required by the third paragraph of 9.3.X.8.1?

8. France thinks that it should be authorised for the inspection certificate required according to 1.16.3 to encompass the certificate of conformity required by the third paragraph of 9.3.X.8.1, provided that:

- The inspection report in 1.16.3.1 clearly and unambiguously indicates conformity with the rules of Section 9.3.X; and
- All the certificates required in 8.1.2.3 which are to be issued by the classification society are present on board.

Proposal

9. Taking in account the above-mentioned paragraphs 4, 6 and 8, it is proposed to amend 1.16.3 as follows (**additions** in bold underlined):

"1.16.3 Inspection procedure

1.16.3.1 The competent authority of the Contracting Party shall supervise the inspection of the vessel. Under this procedure, the inspection may be performed by an inspection body designated by the Contracting Party or by a recognized classification society. The inspection body or the recognized classification society shall issue an inspection report certifying that the vessel conforms partially or completely to the provisions of these Regulations.

1.16.3.2 This inspection report shall be drawn up in a language accepted by the competent authority and shall contain all the necessary information to enable the certificate to be drawn up.

1.16.3.3 The provisions of 1.16.3.1 and 1.16.3.2 apply to the first inspection referred to in 1.16.8, to the special inspection referred to in 1.16.9 and to the periodic inspection referred to in 1.16.10.

1.16.3.4 When the inspection report in 1.16.3.1 only certifies partial conformity of the vessel, this report shall indicate all the items checked as well as the items not checked, and also any non-conformities and deviations from the Regulations applicable to the vessel.

1.16.3.5 For a tank vessel, and when the inspection report is issued by the classification society which classified the vessel, the inspection report may include the certificate attesting that the vessel is in conformity with the rules of section 9.3.X, as required by the third paragraph of 9.3.X.8.1, provided that the inspection report indicates clearly and unambiguously conformity with the rules of section 9.3.X.

The presence on board of the certificates as required by 8.1.2.3 and issued by the classification society for the purposes of section 9.3.X remains mandatory."

Follow-up

10. The Safety Committee is invited to consider the analysis in the above-mentioned paragraphs 3 to 8, and the proposal in paragraph 9, and to take action as it deems appropriate, taking into account the practices of other States, as suggested by paragraph 2 of this document.