



# Economic and Social Council

Distr.: general  
23 February 2010

Original: English

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## Economic Commission for Europe

Inland Transport Committee

Working Party on the Transport of Dangerous Goods

Administrative Committee of the European Agreement  
concerning the International Carriage of Dangerous  
Goods by Inland Waterways (ADN)

Fourth session

Geneva, 28-29 January 2010

### **Report of the Administrative Committee of the European Agreement concerning the International Carriage of Dangerous Goods by Inland Waterways on its fourth session\***

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\* Distributed in German by the Central Commission for the Navigation of the Rhine under the symbol CCNR/ZKR/ADN/4.

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## I. Attendance

1. The Administrative Committee of the European Agreement concerning the International Carriage of Dangerous Goods by Inland Waterways (ADN) held its fourth session in Geneva from 28-29 January 2010. Representatives of the following Contracting Parties took part in the work of the session: Austria, Croatia, France, Germany, Hungary, Netherlands, Romania, Russian Federation and Ukraine.

2. The Administrative Committee noted that the credentials of delegations attending the session were in order.

3. In accordance with article 17, paragraph 2 of ADN, and following a decision by the Committee (ECE/ADN/2, para. 8), representatives of:

- (a) Switzerland;
- (b) The Central Commission for the Navigation of the Rhine (CCNR);
- (c) The Danube Commission;
- (d) The European Chemical Industry Council (CEFIC); and
- (e) The International Committee for the Prevention of Work Accidents in Inland Navigation (CIPA);

also took part in the session as observers.

## II. Adoption of the agenda (agenda item 1)

*Documents:* ECE/ADN/7 and Add.1

4. The Administrative Committee adopted the agenda prepared by the secretariat.

## III. Election of officers (agenda item 2)

5. On the proposal of the representative of Austria, Mr. H. Rein (Germany) was elected Chairman for 2010. On the proposal of the representative of Germany, Mr. B. Birkhüber (Austria) was elected Vice-Chairman for 2010.

## IV. Status of the European Agreement concerning the International Carriage of Dangerous Goods by Inland Waterways (ADN) (agenda item 3)

6. The Administrative Committee noted with great satisfaction that Ukraine had deposited an instrument of accession to ADN just before the opening of the session.

7. A question arose in respect of the interpretation of the term "Contracting Party" in relation to article 17, whereby the Contracting Parties are members of the Administrative Committee, and article 11 (2) whereby, for a State which has deposited an instrument of accession, the Agreement enters into force one month after the date of deposit. According to the definitions contained in the Vienna Convention on the Law of Treaties, Ukraine was to be considered as a Contracting State but would be considered as a "Party" to ADN only once the Agreement had entered into force for the State, i.e. on 28 February 2010. As a result, it was not clear whether Ukraine could already be considered as a Contracting Party

with the right to participate as a full member in the session of the Administrative Committee.

8. The Treaty Section of the United Nations Office of Legal Affairs had been consulted in this respect, and the secretariat had been informed that the Secretary-General, as depositary of the ADN, was not aware of the intents of the negotiating States. Neither the Vienna Convention nor the ADN contained a definition of the term "Contracting Party" and this appeared to be a matter for the Parties to ADN to decide. It was noted, however, that the Vienna Convention states in its article 40 that unless the treaty otherwise provides, any proposal to amend a multilateral treaty must be notified to all Contracting States, and each one of them shall have the right to take part in (a) the decision as to the action to be taken in regard to such a proposal; and (b) the negotiation and conclusion of any agreement for the amendment of the treaty.

9. The Chairman said that, in his view, article 11 (2) of ADN had been included by the negotiating States in order to allow the Contracting States to take the necessary steps for implementation of the Agreement during a period of one month before it came into force for that State. It was not intended to prevent new Contracting States from participating in the work of the Administrative Committee during the interim period, and the term "Contracting Party" in Article 17 would cover Contracting States. Article 11 (2) related only to the effective application of the annexed Regulations and relations between Contracting States in this respect during that period.

10. The Administrative Committee unanimously agreed that a new Contracting State should be considered as a Contracting Party to ADN in respect of the application of Article 17 and was therefore to be allowed to participate in the Administrative Committee as a full member during this one month interim period.

11. The Administrative Committee noted that, following the accession by Slovakia and Ukraine, the number of Contracting Parties to ADN had reached 13: Austria, Bulgaria, Croatia, France, Germany, Hungary, Luxembourg, Republic of Moldova, Netherlands, Romania, Russian Federation, Slovakia and Ukraine.

## **V. Matters relating to the implementation of ADN (agenda item 4)**

### **A. Recognition of classification societies**

12. The Committee noted that, since its last session, Hungary had recognized Bureau Veritas.

13. The Committee noted that Ukraine intended to propose that the Shipping Register of Ukraine be recommended as a recognized classification society. Since ADN would enter into force for Ukraine on 28 February 2010, the request according to paragraph 1.15.2.1 of the annexed Regulations should be made not earlier than that date. Nevertheless, in anticipation of this request, the Committee agreed that, pursuant to paragraph 1.15.2.2, a Committee of experts could be convened before the next session in accordance with the guidelines decided before the entry in the force of ADN, as laid down in document TRANS/WP.15/AC.2/2002/2 and TRANS/WP.15/AC.2/2002/11, paras. 50 to 66 when still relevant.

14. The Committee of experts would meet near Frankfurt from 28-29 June 2010 at the invitation of the Government of Germany to consider the request of Ukraine, and all Parties to the ADN should be invited to nominate an expert to participate in that meeting.

## **B. Special authorizations, derogations and equivalents**

15. The Committee endorsed the conclusions of the Safety Committee on those questions (ECE/TRANS/WP.15/AC.2/32, paras. 58 to 64 and ECE/TRANS/WP.15/AC.2/34, paras. 52 to 56).

## **C. Miscellaneous notifications**

16. The Committee reiterated its request to Contracting Parties which had not yet done so to transmit to the secretariat the information requested in the annexed Regulations, notably as regards the competent authorities (para. 1.8.4 of the annexed Regulations), recognized classification societies (para. 1.15.2.4 of the annexed Regulations), and, where appropriate, the information listed in the annex to ECE/ADN/4.

## **VI. Work of the Safety Committee (agenda item 5)**

17. The Committee took note of the report of the Safety Committee on its fifteenth and sixteenth sessions (ECE/TRANS/WP.15/AC.2/32 and Add.1, and ECE/TRANS/WP.15/AC.2/34) and adopted:

(a) All corrections to the Regulations annexed to ADN, as listed in annex II to the reports of the Safety Committee; the secretariat was requested to transmit these corrections, as soon as possible, to Contracting Parties for acceptance in accordance with the usual procedure for corrections;

(b) All proposed amendments, as listed in annex I to the reports, which should be incorporated at a later stage in the set of amendments to be communicated to Contracting Parties in accordance with article 20, paragraphs 4 and 5 of ADN, for acceptance and entry into force on 1 January 2011.

## **VII. Programme of work and calendar of meetings (agenda item 6)**

18. The Committee noted that its next session should take place in the afternoon of 26 August 2010 and the morning of 27 August 2010.

## **VIII. Any other business (agenda item 7)**

19. The Committee requested the secretariat to issue as a separate document a consolidated list of amendments to the annexed Regulations adopted by the Safety Committee and endorsed by the Administrative Committee at its second, third and fourth sessions for entry into force on 1 January 2011 for circulation to Contracting Parties and acceptance in accordance with article 20 (4) of ADN.

20. The Committee requested the secretariat to publish a new consolidated edition of ADN incorporating all agreed corrections and amendments that should enter into force on 1 January 2011.

## **IX. Adoption of the report (agenda item 8)**

21. The Administrative Committee adopted the report on its fourth session on the basis of a draft prepared by the secretariat.