

**Economic and Social Council**Distr.: General
30 October 2012

Original: English

Economic Commission for Europe**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)****Twenty-second session**

Geneva, 21–25 January 2013

Item 5 (a) of the provisional agenda

**Proposals for amendments to the regulations annexed to ADN:
Work of the RID/ADR/ADN Joint Meeting****Exemption in accordance with 1.1.3.3 of ADN related to substances used for the propulsion of vessels, vehicles or wagons carried, for the operation of their special equipment, for their upkeep or for their safety****Transmitted by the Government of Germany¹***Summary*

Executive summary:	More precise definition of the exemption in 1.1.3.3 of ADN with regard to dangerous goods for the operation of special equipment in light of the new special provision 363 for machinery and equipment carried.
Action to be taken:	Amendment and editorial revision of 1.1.3.3 of ADN.
Related documents:	Report of the RID/ADR/ADN Joint Meeting in September 2012 (ECE/TRANS/WP.15/AC.1/128), Informal document INF.40 (Germany and Switzerland) September session of the (RID/ADR/ADN Joint Meeting).

¹ Distributed in German by the Central Commission for the Navigation of the Rhine under the symbol CCNR/ZKR/ADN/WP.15/AC.2/2013/1.

Introduction

1. Following the proposal of the Joint Meeting, a new special provision 363 was included in ADN 2013.

2. This special provision supplements the exemption under 1.1.3.3 of ADR/RID regarding the carriage of machinery and equipment, and has been assigned to UN Nos. 1202 DIESEL FUEL, 1203 MOTOR SPIRIT or GASOLINE or PETROL, 1268 PETROLEUM DISTILLATES, N.O.S. or PETROLEUM PRODUCTS N.O.S., 1863 FUEL, AVIATION, TURBINE ENGINE and 3475 ETHANOL AND GASOLINE MIXTURE or ETHANOL AND MOTOR SPIRIT MIXTURE or ETHANOL AND PETROL MIXTURE.

The new special provision 363 further clarifies that the exemption under 1.1.3.1 b) does not apply to fuels in machinery and equipment.

3. The exemption clause in 1.1.3.3 of ADN does not provide any quantity limitation for dangerous goods, which serve the purposes mentioned, or any requirements concerning the means of containment.

4. However, the differentiation between the “special equipment” of vessels or vehicles or wagons carried, which is specified in 1.1.3.3 of ADN, and the “machinery and equipment” as mentioned in special provision 363 is not explicit. Considering the current text of the provisions, no clear differentiation between the exemption clause provided in special provision 363 and that provided in 1.1.3.3 of ADN is ensured.

5. For the purpose of clarification in ADR, the Joint Meeting decided at its session in September 2012 on the following amendment to 1.1.3.3 a) of ADR, which corresponds to 1.1.3.3 of ADN (newly inserted text is underlined):

"The provisions laid down in ADR do not apply to the carriage of:

a) Fuel contained in the tanks of a vehicle performing a transport operation and destined for its propulsion or for the operation of any of its equipment, which is used during carriage or is intended for use during carriage. (...)"

Proposal

6. Modify 1.1.3.3 of ADN as follows (newly inserted text is underlined, text to be omitted is crossed out):

"1.1.3.3 Exemptions related to dangerous goods ~~substances~~ used for the propulsion of vessels, vehicles or wagons carried, for the operation of their special equipment, for their upkeep and for their safety.

The requirements of ADN do not apply to dangerous goods ~~substances~~ used

- for the propulsion of vessels, vehicles or wagons carried,
- for the operation or upkeep of their special equipment, which is used during carriage or is intended for use during carriage, ~~for their upkeep~~ or
- to ensure safety,

which are carried on board in the packaging, receptacle or tanks intended for use for this purpose."

Justification

7. It was found that the texts of the German translation differ from the French and the English version. The German translation is to be adjusted accordingly. Furthermore, the French version only refers to “goods”, not to “dangerous goods”, and the English version refers to “substances” instead of “dangerous goods”. It is proposed to render the texts in both languages more precisely.

8. Using bullets and relocating the word “upkeep” improves the readability and comprehensibility of the single very long sentence below the title.

9. The insertion of “which is used during carriage or is intended for use during carriage explicitly differentiates between the “equipment” of vessels and the “machinery and equipment” mentioned in 1.1.3.1 b) of ADN, which is carried as a load. This refers in particular to so-called “floating equipment”, where machines such as fixed cranes, fixed excavators, pumps or generators are transported on pontoons to a site of operation and are only used there after interruption of the journey, and which are thus not used or put into operation during the journey of the vessel.

Safety

10. The clarification ensures that the safety level intended by special provision 363, e.g. through quantity limitations and requirements concerning the means of containment, is not reduced by any incorrect assignment to the unlimited and unspecific exemption clause under 1.1.3.3 of ADN.

Feasibility

11. Implementation is possible with reasonable efforts. Structural changes to vessels are not required. The costs incurred by the necessary marking according to special provision 363 are within reasonable limits. The exclusion of certain carriage of machinery or equipment, e.g. on floating establishments for water maintenance, is not expected.
