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**Economic Commission for Europe****Inland Transport Committee****30 July 2013****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-third session**

Geneva, 26-30 August 2013

Item 4 (b) of the provisional agenda

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

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## **Periodic inspections**

### **Transmitted by the Government of Austria**

1. The class of a tank vessel shall be continued in accordance with 9.3.x.8.1. The only exception is the transitional provision in 1.6.7.2.2.2 for type N open vessels with flame arresters and type N open vessels.
2. The rules of the classification societies require certain inspections during a class period and 9.3.x.8.2 requires inspections by the classification society during the third year of validity of the certificate of approval.
3. When a classification society observes, in the course of an inspection, that a vessel or its equipment suffers from serious defects it shall immediately notify the competent authority with a view to a decision to withhold the certificate (see 1.16.13.4).
4. The owner of a vessel with serious defects might therefore refuse to show the vessel for the intermediate inspection. The Austrian certification authority has heard that there were some cases where classification certificates have been withdrawn because the owner of the vessel refused to show the vessel for intermediate inspection.
5. ADN does not contain an obligation for the classification societies to inform the competent authority if they withdraw a classification certificate.
6. Even if the competent authority is informed by the classification society ADN does not provide clear regulations whether the certificate of approval has to be withdrawn:
  - 1.16.13.1 states that “the certificate of approval may be withdrawn if the vessel is not properly maintained or if the vessel’s construction or equipment no longer complies with the applicable provisions of these Regulations”. If the class is not continued or if the inspections required in 9.3.x.8.2 are not done, the vessel no longer complies with the applicable provisions and the certificate of approval could be withdrawn therefore.
  - On the other hand 1.16.13.4 describes in detail what defects can be a reason to withdraw a certificate of approval: “When an inspection body or a classification society observes, in the course of an inspection, that a vessel or its equipment suffers from serious defects in relation to dangerous goods which might jeopardize the safety of the persons on board or the safety of shipping, or constitute a hazard for the

environment, it shall immediately notify the competent authority to which it answers with a view to a decision to withhold the certificate.” If the vessel is not presented for an intermediate inspection, the authority does not have any proof that there are real defects which meet the criteria of 1.16.13.4. The authority might therefore come to the conclusion that there is no sufficient legal basis to withdraw the certificate.

7. The competent authority may order an official inspection in accordance with 1.16.12.1 in such a case, but only if the vessel is in its territory. Again, ADN does not contain clear rules about what the competent authority has to do if the vessel is not presented for an official inspection.

8. As there are some doubts as to whether all classification societies and all competent authorities act in the same way in the case of vessels not presented for intermediate inspections, the ADN Safety Committee is invited to answer the following questions:

a) Do all classification societies inform the competent authority which issued the certificate of approval if the class of the vessel is withdrawn or if the vessel is not presented for the required inspections (9.3.x.8.2)?

b) Do Contracting Parties agree that the competent authority should have the right to withdraw the certificate of approval if it is informed that the class has been withdrawn (because the owner refused to present the vessel for the intermediate class inspection) or the owner refuses to present the vessel for the required inspections in accordance with 9.3.x.8.2?

c) Is it necessary to introduce a specific regulation for the withdrawal of the certificate of approval in these cases or does the current text of 1.16.13 provide sufficient legal basis for all Contracting Parties?

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