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**Economic Commission for Europe****Inland Transport Committee**

9 January 2020

English

**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)****Thirty-sixth session**

Geneva, 27-31 January 2020

Item 6 of the provisional agenda

**Reports of informal working groups**

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**Report of the informal working group on Degassing/Operation emissions****Transmitted by the government of Belgium***Summary*

- Executive summary:** The document contains the report of the first meeting of the informal working group on Degassing/Operation emissions.
- Action to be taken:** The Safety Committee is invited to discuss this report and take action as it deems appropriate.
- Related documents:** Informal document INF.35 of the thirty-fifth session  
Informal document INF.36 of the thirty-fifth session  
ECE/TRANS/WP.15/AC.2/72 (Paragraphs 11–13)

**Introduction**

1. The Committee may recall that at its 35<sup>th</sup> session an informal working group on degassing of tank vessels was established with the following terms of reference

*“ The informal working group is requested:*

- *To review the benefits and disadvantages of amending the prohibition regarding degassing to the atmosphere in densely populated areas in 7.2.3.7.1.2 and 7.2.3.7.1.3;*
- *To check the historical background of the requirements in the last paragraph of 7.2.3.7.1.2 and 7.2.3.7.1.3;*
- *To check whether regulations on operational emissions during the carriage of dangerous goods on inland waterways exist, both in countries which are Contracting Parties to the CDNI-Convention and other countries which are Contracting Parties to the ADN;*
- *To propose amendments, if reviewing of the requirements in 7.2.3.7.1.2 and 7.2.3.7.1.3 is needed;*
- *To report the results of the informal working group at the 36th session of the ADN Safety Committee in January 2020.”*

2. The group met on 20 and 21 November 2019, in Brussels, The meeting was attended by the chair of the Safety Committee, by delegates of Belgium, Germany, and the Netherlands, by representatives of the European Commission and by representatives of EBU/ESO and CCNR.
3. The meeting started with a short presentation made by Mr. Guido de Wilt from the European Commission, DG Environment on air quality and degassing in Inland Watery Transport. DG Environment is now focusing more and more on inland navigation in order to promote air quality. For vessels there is also a standard with regard to engine emissions. For air quality, a distinction is made between emission ceilings and maximum (local) concentrations of pollutants. The European Commission invited the participants to deliver information that can be added to the programmes that will soon be set out in the next seven-year budget of the EU.

### **Benefits and disadvantages of amending the prohibition regarding degassing to the atmosphere in densely populated areas in 7.2.3.7.1.2 and 7.2.3.7.1.3**

4. The Group comes to the conclusion that emissions can be divided in four types:: (1) accidental emissions, (2) unintentional emissions as a result of a particular operational action, (3) operational emissions that can lead to a safety risk (explosion), and (4) operational emissions that do not lead to a safety risk (other legislation). Since ADN aims to prevent pollution resulting from accidents or incidents during carriage, the first three types of emissions are regulated by ADN. A majority of the group was of the opinion that, the fourth type of emission falls out of the scope of ADN and should therefore be regulated by other legal instruments. Some participants raised the point that “safety” may cover more issues than possible explosions.”.
5. The group concludes that from a safety point of view, both bridges and locks and their outer harbours are logically to be mentioned in ADN because they might be effected and relevant with regard to the third type of emission.
6. The group concludes that the CDNI also uses the term “densely populated areas”. The CDNI prohibits any ventilation into the atmosphere within densely populated areas.
7. German Representative pointed out that it should be decided on a case-by-case approach depending on the local circumstances if a “densely populated area” is affected. The Netherlands indicates that parties involved requested a degree of legal certainty by means of an interpretation of the term “densely populated areas”.

### **Historical background of the requirements in the last paragraph of 7.2.3.7.1.2 and 7.2.3.7.1.3;**

8. Since 1989, the ADNR has regulated the degassing of toxic substances in densely populated areas. The inland navigation industry considers this term to refer to the "urban areas" of the major cities.
9. However, a distinction can be made between the two paragraphs of 7.2.3.7.1.2 and 7.2.3.7.1.3. While the prohibition on degassing toxic substances (7.2.3.7.1.2) has been in the ADN and the ADNR for a very long time, unfortunately, the group could not find in the archives of the CCNR exactly what the reason and motives were for adopting this text. The prohibition on degassing all other substances in densely populated areas was only adopted in ADN since 2019, as proposed by the former Informal Working Group “Degassing”.
10. One can well imagine (and speculate) that in the 1980ies environmental legislation was still in its infancy. Therefore, it is likely that the initial authors of the ADNR included these measures to safeguard the immediate vicinity of the vessel.

## **Regulations on operational emissions during the carriage of dangerous goods on inland waterways, both in countries which are Contracting Parties to the CDNI-Convention and other countries which are Contracting Parties to the ADN**

11. A list of existing regulations on operational emissions during the carriage of dangerous goods on inland waterways, both in countries which are Contracting Parties to the CDNI-Convention and other countries which are Contracting Parties to the AND has been made based on the submissions made by Belgium, German, and EBU/ESO.
12. Because the group decided to not remove but rather rephrase the term 'densely populated areas', it was concluded that it is a good idea to draw up this list as an informal document and to ask the other Member States to contribute to it as an informal information document of added value.

### **Proposed amendments of the requirements in 7.2.3.7.1.2 and 7.2.3.7.1.3.**

13. Some delegates reiterate their concern about the purpose and scope of the ADN. If that is the protection of people, you cannot distinguish between the protection of many or few people. Both the preamble and 7.2.3.7.0 state that other legislation could regulate (prohibit) degassing to the atmosphere. In situations where degassing to the atmosphere is not prohibited by other regulations, the ADN provides conditions under which degassing to the atmosphere may take place with a view to safety in the direct surroundings of the vessel
14. The informal group concluded unanimously that the term 'densely populated areas' in 7.2.3.7.1.3 (non-toxic substances) should be replaced 'residential areas' which is already used in subsections 7.1.5.4 and 7.2.5.4 in the context of mooring since the latter term provides more legal certainty and clarity.
15. no unanimous conclusion could be reached regarding the term 'densely populated areas' in 7.2.3.1.2 (toxic substances). Different views on the scope of the ADN (safety/environmental/health issues) formed the basis for the fact that no unanimous conclusion could be reached. However a majority of the participants concluded that 7.2.3.1.2 should be amended by replacing "densely populated areas" by "residential areas" as well.
16. Some members of the group were of the opinion that it is not possible to reach agreement on amending 7.2.3.1.2 without clear guidance from the ADN Safety Committee on the scope of ADN.

### **Conclusion**

17. The informal working group invites the committee to:
  - assess the scope of ADN i.e. the question which are the objects to be protected by dangerous goods regulations,
  - task the group to develop concrete proposal to amend the ADN based on the outcome of the discussion of this document,
  - include an annex with the list of regulations, other than AND, on operational emissions during the carriage of dangerous goods on inland waterways.