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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)

Eighteenth session
Geneva, 24–27 January 2011

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

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I. Attendance

1. The 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) held its eighteenth session in Geneva from 24 to 27 January 2011. Representatives of the following countries took part in the work of the session: Austria, Belgium, Croatia, France, Germany, Netherlands, Romania, Russian Federation, Slovakia, Switzerland, Ukraine and United States of America. A representative of the European Union also participated. The following intergovernmental organizations were represented: Central Commission for the Navigation of the Rhine (CCNR) and Danube Commission (DC). The following non-governmental organizations were also represented: European Barge Union (EBU), European Chemical Industry Council (CEFIC), International Association of Classification Societies (IACS) and International Committee for the Prevention of Work Accidents in Inland Navigation (CIPA).

II. Adoption of the agenda (agenda item 1)

Document: ECE/TRANS/WP.15/AC.2/37 and Add.1

Informal document: INF.14 (Secretariat)

2. The Safety Committee adopted the agenda prepared by the secretariat as amended by informal document INF.14 to take account of informal documents INF.1 to INF.15.

III. Election of officers (agenda item 2)

3. On the proposal of the representative of the Netherlands, Mr. H. Rein (Germany) and Mr. B. Birkhuber (Austria) were respectively elected Chairman and Vice-Chairman for the 2011 sessions.

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

4. The Safety Committee noted that since the last session, Serbia had acceded to ADN, thus bringing to 15 the number of Contracting Parties (Austria, Bulgaria, Croatia, France, Germany, Hungary, Luxembourg, Poland, Netherlands, Slovakia, Republic of Moldova, Romania, Russian Federation, Serbia and Ukraine).

5. The Safety Committee also noted that an instrument of accession would shortly be submitted by Switzerland.

6. The Safety Committee noted with satisfaction that the amendments to the annexed Regulations adopted at the last session (ECE/TRANS/WP.15/AC.2/36, annex I) had entered into force on 1 January 2011 and that the corrections adopted at that session (ECE/TRANS/WP.15/AC.2/36, annex II) had been deemed to be accepted since 28 December 2010 (depository notifications C.N.853.2010.TREATIES-11 and C.N.851.2010.TREATIES-10).

V. Proposals for amendments to the Regulations annexed to ADN (agenda item 4)

A. Transitional period under 1.6.7.2.2.3.1

Document: ECE/TRANS/WP.15/AC.2/2011/1 (Netherlands)

7. The proposal to set a time limit for the application of 1.6.7.2.2.3.1 was adopted (see annex).

B. Model for certificates of approval (8.1.8.3 and 8.1.9.2)

Document: ECE/TRANS/WP.15/AC.2/2011/19 (Germany)

8. In principle, the Safety Committee was in favour of the proposals to amend 8.1.8.3 and 8.1.9.2. It would, however, be necessary to consider whether the translations into English, French and German of certain remarks under the various points of the certificate were absolutely necessary, for example if a derogation or an equivalence could be identified by a specific number. It would also be useful to identify each of the certificate's sub-entries by number.

9. The representative of Germany would present an official proposal at the next session.

10. Provision should be made as well for transitional measures, including for the issuance of new certificates, as it would take time to draw up new forms.

11. On that point, the EBU representative asked what would happen with the ADNR certificates, as ADNR had been revoked since 1 January 2011, replaced by ADN. It was pointed out that the validity of ADNR certificates was governed by Article 8, paragraph 1, of ADN. If States that were not Contracting Parties to ADN continued to issue ADNR certificates since 1 January 2011, their validity should be the subject of a discussion in CCNR for navigation of the Rhine, or possibly of bilateral discussions with other States for navigation in other river basins.

C. Provisions RA02, RA03 and HA03 to HA06

Informal document: INF.1 (Germany)

12. The proposal to eliminate provisions RA03 and HA04 to HA06 by merging their contents respectively into provisions RA02 and HA03 was adopted in principle, but should be the subject of a formal proposal.

D. Amendments to Tables A and C

1. Amendments to Table A

Informal document: INF.2 (Germany)

13. The proposed amendments were adopted in principle, but some errors were detected in the table. An official proposal would be presented at the next session.

2. Amendments to Table C

Informal document: INF.3 (Germany)

14. The proposals stemmed from the work of the informal working group on substances, and for the most part resulted from the new classification of environmental or CMR hazards. They were adopted in principle, but would have to be presented in an official document reproducing Table C of ADN 2011 so as to ensure that no errors would appear in the boxes not amended.

15. It was noted that the amendments in question would also involve amending the tables of transitional measures in 1.6.7.4.2, as long as they did not affect vessel construction. Consequently, in the tables, columns (1) to (5), (11) and (12) and (18) and (19) should be amended accordingly. Columns (6) to (9) and (13) should remain unchanged. Columns (10) and (14) to (17) would remain unchanged, unless the amendment would lead to less stringent provisions than those currently in force. Effects on column (20) should be reviewed on a case by case basis.

16. For the transitional measures resulting from amendments possibly affecting construction, it was recalled that the list of substances that could be transported was specified in the certificate of approval, and that the list remained valid as long as the Regulations annexed to the ADN remained unchanged.

17. For the classification of the flowchart following Table C, it was considered useful to divide section 3.2.3 into three parts: 3.2.3.1 for explanatory notes; 3.2.3.2 for the table; and 3.2.3.3 for the flowcharts.

3. Carriage in tank vessels of ethanol and gasoline mixture or ethanol and motor spirit mixture or ethanol and petrol mixture (UN No. 3475)

Informal document: INF.5 (Netherlands)

18. The Safety Committee requested the informal working group on substances to draft an entry to Table C to authorize carriage of these mixtures in tank vessels.

E. Obligations of recommended classification societies

Informal document: INF.8 (Germany and Switzerland)

19. The Safety Committee approved, in principle, a strengthening of measures in 1.15.4 to ensure that classification societies met their obligations.

20. However, in 1.15.4.1, it seemed sufficient to include a provision to the effect that classification societies should meet once a year and submit a report on their meeting to the Safety Committee. The modalities for organizing such meetings would be the responsibility of the classification societies concerned, who could agree among themselves, or of the secretariats of Association of Classification Societies (IACS), ECE, the Danube Commission (DC) or the Central Commission for the Navigation of the Rhine (CCNR). Requirements should not, however, be imposed on those secretariats in the annexed Regulations.

21. Nor was it considered necessary to insert a sentence in 1.15.4.2 to the effect that classification societies should allow the monitoring of the re-certification of their quality management systems by the competent authorities. Specific procedures already existed, and the proposed wording could give rise to different interpretations.

22. A revised proposal should be submitted at the next session.

F. Amendments to 9.3. x .40 and 7.2.4.40

Informal document: INF.9 (EBU)

23. The EBU would submit a new proposal taking into account the comments made.

G. Translation of documentation (8.1.2.1 and 7.2.2.5)

Informal document: INF.10 (EBU)

24. The Safety Committee noted that the requirement to have documents available in English, French or German when the original documentation was drafted in another language could pose problems for the industry. But before that matter was addressed, lists should be drawn up of documents primarily intended for the use of the crew and of those that the inspection authorities must be able to understand.

H. Heavy fuel oils

Informal document: INF.11 (Germany)

25. The Safety Committee noted that heavy fuel oils were currently assigned to UN Nos. 9005 and 9006 in view of their aquatic toxicity. However, the transitional periods in 1.6.7.4.2 exempted them from compliance with provisions relating to carriage in tank vessels until 31 December 2012.

26. The Safety Committee also noted that new information made available as part of the European Union's REACH regulation process would lead to reassignment of heavy fuel oils to UN Nos. 3077 or 3082 of Class 9, for which no transitional measures were set out in 1.6.7.4.2. The Safety Committee considered that in accordance with the spirit of ADN, heavy fuel oils should continue until 31 December 2012 to be exempt from the provisions relating to carriage in tank vessels. If the Contracting Parties found it necessary to reflect both the letter and spirit of ADN, the best solution would be to conclude a multilateral agreement under section 1.5.1.

27. Furthermore, reclassification in the aquatic toxicity category from "Chronic 3" to "Chronic 1" meant that vessels must be of Type C rather than of Type N open, with cargo tank walls distinct from the hull. However, the current capacity of the Type C vessel fleet was inadequate to cope with the significant quantities of that substance to be transported. It was thus agreed that a special entry should be included in Table C, applicable from 1 January 2013, possibly authorizing the carriage of heavy fuel oils in double-hull tank vessels of Type N.

28. The Chairman said that the issue also affected road and rail transport in tanks since those oils, transported in significant quantities, would suddenly become subject to RID and ADR. That issue should thus be considered at the RID/ADR/ADN Joint Meeting, as well as the more general issue of the consequences of reclassifying substances in accordance with new criteria governing their carriage.

I. Questions regarding tests of experts after the refresher course

Informal documents: INF.4 (Informal working group on the catalogue of questions)
INF.7 (Germany)

29. The Safety Committee agreed that the informal working group on the catalogue of questions should meet to study in greater detail the questions contained in these documents,

in particular to clarify the procedures for checking candidates' knowledge after the refresher course and to consider the possibility of harmonizing the structure of Chapter 8.2 with that of Chapter 8.2 of ADR. It would be desirable to have more active participation by the Contracting Parties, in particular those that were not members of CCNR.

VI. Catalogue of questions (agenda item 5)

Document: ECE/TRANS/WP.15/AC.2/2011/2 to 18 (CCNR)

Informal document: INF.6 (CCNR)

30. The Safety Committee welcomed the work done by the informal working group on the catalogue of questions.

31. The Chairman noted that documents ECE/TRANS/WP.15/AC.2/2011/4 to 17 were confidential, as they contained the substantive questions for the experts' examination and their answers. As agreed at the preceding session, those documents should be distributed only to the competent authorities for ADN. On the other hand, documents ECE/TRANS/WP.15/AC.2/2011/3 and 18, which contained explanatory notes on how to use the catalogue of questions and examples of substantive questions that also appeared in INF.6, could be made public.

32. The Safety Committee adopted the introduction to the catalogue of questions presented in document ECE/TRANS/WP.15/AC.2/2011/2, with some modifications.

33. The Committee then studied informal document INF.6 in detail, and at the end of its consideration requested the informal working group on the catalogue of questions to prepare a revised version. The working group should in particular consider the following points:

(a) In document ECE/TRANS/WP.15/AC.2/2011/3, each objective should be numbered so as to facilitate parallel reading with the questions in the catalogue;

(b) In the description of the objective "General: Construction and equipment", provision should be made for questions relating to construction;

(c) In the description of the objective "General: Measurement techniques", questions relating to the measurement of toxicity should be included;

(d) Under the objective "Dry cargo vessels: Treatment of holds and adjacent spaces", questions relating to maintenance should be included;

(e) Under the objective "Tank-vessels: Loading, unloading and transport", consideration should be given to moving the questions relating to the operating principles of the equipment to the objective "Construction and equipment" instead.

34. Returning to the question of the distribution of confidential documents, the Safety Committee decided that these documents may be distributed on request:

(a) To heads of delegation of the Safety Committee and the Administrative Committee of countries which are ADN Contracting Parties and to their competent authorities;

(b) To heads of delegation of the Safety Committee of countries that are not ADN Contracting Parties, on condition that they have made a request to the Safety Committee (for the moment Belgium and Switzerland).

35. The recipients of the documents must ensure that they are not sent to any organization likely to make them available publicly or to candidates, it being understood

that they are to be sent confidentially by competent authorities to the testing bodies they have approved.

36. Comments on the documents are to be sent to the secretariat; editorial comments will be taken into account by the secretariat and substantive comments will be transmitted to the Safety Committee by the secretariat.

VII. Matters relating to the recognition of classification societies (agenda item 6)

37. A lunchtime working group examined the documentation submitted by the Shipping Register of Ukraine in response to the request by the Government of Ukraine that it be recommended as an approved classification society.

38. Following this review of the documentation, the Safety Committee decided that:

(a) The documentation showed that most of the requirements had been met;

(b) The English version of the Rules was transmitted relatively late and seemed to be missing Part II; the Shipping Register of Ukraine should make it available as rapidly as possible and if the experts did not report any omission in it before 25 March 2011, the Rules would be considered to be in conformity;

(c) Doubts remained about the certificate of accreditation of conformity with the standard EN ISO/IEC 17020 presented in connection with paragraph 1.15.3.8 of the Regulations annexed to the ADN because the additional documents verifying that the System of International Certification (SIC) is a body officially recognised by the Ukrainian administration had not been submitted. The Shipping Register of Ukraine should, therefore, submit such additional documents or a new certificate issued by an independent body of auditors recognised in Ukraine or by such a body recognised by the administration of a State in which it is located.

39. The request of the Government of Ukraine will have to be considered again at the next session.

VIII. Special authorizations, derogations and equivalents (agenda item 7)

40. The Safety Committee noted that a multilateral agreement M001 had been initiated by Germany to allow the use of Dutch in documentation while waiting for the question to be resolved in a more general way (see also paragraph 24). To date it had been signed by Germany and the Netherlands.

41. The Safety Committee also took note of the draft multilateral agreement (Informal document INF.13) which Austria plans to initiate for the carriage of residual fuel oils, and noted that following the discussion on heavy fuel oils (see paragraphs 25 to 28), the case of residual fuel oils and heavy fuel oils should be regulated in the same way.

IX. Programme of work and calendar of meetings (agenda item 8)

42. The next session is scheduled to be held from 22 August 2011 (afternoon) to 25 August (morning). It will be followed by a session of the ADN Administrative Committee on 25 August (afternoon).

43. The Secretariat was requested to bring to the attention of the Safety Committee the modifications to the list of dangerous goods in the United Nations Model Regulations for the Transport of Dangerous Goods which could necessitate changes to columns (9) to (13) of Table A of ADN and to Table C.

44. The representative of CEFIC was asked to check whether carriage in tank vessels should be envisaged for the new entries (UN Nos. 3496 to 3506).

45. The remaining harmonization issues with the UN Model Regulations would only be dealt with at the January 2012 session on the basis of the conclusions of the RID/ADR/ADN Joint Meeting.

46. In light of the busy programme for the January 2012 session, delegations wishing to propose specific changes to ADN for entry into force on 1 January 2013 were requested to submit those proposals, to the extent possible, to the session in August 2011.

X. Any other business (agenda item 9)

A. Informal working group on the evacuation of vessels in the case of emergency

Informal document: INF.12 (Netherlands)

47. The Safety Committee took note of the results of the meeting held in Utrecht from 15 to 17 December 2010. A new meeting is planned there from 9 to 11 March 2011.

B. Capsizing of the tank vessel "Waldhof" on the Rhine at kilometre 555 on 13 January 2011

Informal document: INF.15 (Germany)

48. The representative of Germany informed the Safety Committee about the latest developments regarding the capsizing of the tank vessel "Waldhof" carrying sulphuric acid, which had led to the disappearance of two of the four crew members and a significant disruption to traffic, as well as about measures underway to refloat the vessel and recuperate the cargo.

49. He said he would inform the Safety Committee if the investigations revealed any gaps in the existing legislation, for example regarding stability of tank vessels.

XI. Adoption of the report (agenda item 10)

50. The Safety Committee adopted the report of its eighteenth session and its annex based on a draft prepared by the secretariat.

Annex

Proposed amendments to the Regulations annexed to ADN for entry into force on 1 January 2013

Part 1

Chapter 1.6

1.6.7.2.2.3.1 Add a sentence at the end to read as follows: "This transitional provision is valid until 31 December 2018."

(Reference document: ECE/TRANS/WP.15/AC.2/2011/1)

Part 8

Chapter 8.1

8.1.8.3 Replace "It shall conform to the model in 8.6.1.1 or 8.6.1.3" by "The certificate of approval shall conform to the model in 8.6.1.1 or 8.6.1.3 with regard to content, form and layout. Its dimensions are 210 mm x 297 mm (A4). Front and back pages may be used."

8.1.9.2 Insert "with regard to content, form and layout" after "these Regulations".

(Reference document: ECE/TRANS/WP.15/AC.2/2011/19)
