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**ECONOMIC COMMISSION FOR EUROPE**

INLAND TRANSPORT COMMITTEE

Diplomatic Conference for the Adoption  
of a European Agreement concerning the  
International Carriage of Dangerous  
Goods by Inland Waterway (ADN)  
(Geneva, 22-26 May 2000)\*

**REPORT OF THE DIPLOMATIC CONFERENCE \*\***

(Geneva, 22-26 May 2000)

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\* Organized jointly by the Economic Commission for Europe and the Central Commission for the Navigation of the Rhine (CCNR).

\*\* Distributed by CCNR under the symbol CCNR/MD/ADN/CONF/15.

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## ATTENDANCE

1. The Diplomatic Conference for the Adoption of a European Agreement concerning the International Carriage of Dangerous Goods by Inland Waterway (ADN), organized jointly by the United Nations Economic Commission for Europe (ECE) and the Central Commission for the Navigation of the Rhine (CCNR), was held at the Palais des Nations, Geneva, from 22 to 26 May 2000.
2. Representatives of the following countries took part in its work: Austria; Belgium; Bulgaria; Croatia; Czech Republic; France; Germany; Hungary; Italy; Netherlands; Poland; Republic of Moldova; Romania; Russian Federation; Slovakia; Switzerland; Ukraine.
3. Representatives of Turkey took part as observers.
4. The European Commission was also represented.
5. The following intergovernmental organization was also represented: Danube Commission.
6. Representatives of the following non-governmental organizations took part in the Conference: European Petroleum Industry Association (EUROPIA); International Association of Classification Societies (IACS); International Consortium of Rhine Inland Navigation (IAR); International Union for Inland Navigation (UINF).
7. The secretariat of the Conference was ensured jointly by the secretariats of ECE and CCNR.

## OPENING OF THE CONFERENCE

8. Following an address by the Director of the Transport Division of ECE (Mr. J. Capel Ferrer) on behalf of the Executive Secretary (Mr. Y. Berthelot), and by the Secretary-General of CCNR (Mr. J.-M. Woehrling), the Conference was officially opened by Mr. Capel Ferrer on Monday 22 May 2000 at 10.30 a.m.

## ELECTION OF THE PRESIDENT

9. On the proposal of the representative of Austria, the Conference decided to appoint Mr. R.J. van Dijk (Netherlands) President of the Conference, without a vote.

## ADOPTION OF THE AGENDA

Documents: ECE/TRANS/ADN/CONF/1-CCNR/MD/ADN/CONF/1 and Add.1

10. The Conference adopted the provisional agenda as contained in the above-mentioned documents.

## ADOPTION OF THE RULES OF PROCEDURE

Document: ECE/TRANS/ADN/CONF/2-CCNR/MD/ADN/CONF/2

11. The Conference adopted its rules of procedure on the basis of the draft contained in the above-mentioned document with an amendment to rule 7 where the words “or alternate representatives” were inserted after “representatives”.

## ELECTION OF THE VICE-PRESIDENTS

12. On the proposal of the representative of France, the Conference appointed Mr. M. Rak (Czech Republic) Vice-President of the Conference without a vote.

13. The representative of the Czech Republic having proposed the nomination of Mr. Kafka (Austria) as second Vice-President of the Conference, the Conference decided to elect him by secret ballot (nine votes in favour, with six abstentions) in accordance with rule 38 of the rules of procedure.

## ORGANIZATION OF WORK

14. The Conference noted that in order to have a final version of the Agreement available for signature on 26 May it would have to have completed its work on the Agreement overall by 24 May, in view of the secretariat’s constraints as regards translation, printing of the text and checking the conformity of the four language versions.

## REPORT ON CREDENTIALS

15. In accordance with rule 5 of the rules of procedure, the secretariat examined the credentials and reported to the Conference.

16. Formal credentials were received from the following States:

Austria; Bulgaria; Croatia; Czech Republic; France; Germany; Hungary; Italy; Netherlands; Poland; Romania; Russian Federation; Slovakia; Switzerland.

17. Information concerning the designation of the representatives of the following States to the Conference and their credentials was faxed to the secretariat of the Conference by the Head of State, the Head of Government or the Minister of Foreign Affairs or was communicated by letter or note verbale from the Permanent Mission of the country concerned to the United Nations Office at Geneva:

Belgium; Republic of Moldova; Ukraine.

18. The delegation of Turkey did not present credentials and informed the secretariat that it would like to participate in the Conference as an observer.

19. On the proposal of the Chairman, the Conference accepted the credentials of the representatives of the States referred to in paragraphs 16 and 17 above, on the understanding that the formal credentials for the representation of the States referred to in paragraph 17 above would be transmitted to the Executive Secretary or to the Director of the Transport Division of ECE as soon as possible.

20. The Conference also agreed to the participation of Turkey as an observer.

#### CONSIDERATION OF THE DRAFT EUROPEAN AGREEMENT CONCERNING THE INTERNATIONAL CARRIAGE OF DANGEROUS GOODS BY INLAND WATERWAY (ADN)

##### Draft Agreement proper

Document: ECE/TRANS/ADN/CONF/3-CCNR/MD/ADN/CONF/3

21. The representative of France suggested that Article 2, paragraph 2 should be amended to reflect the headings of Annexes A, B.1 and B.2.

22. It was recalled that the ad hoc working group for the elaboration of the draft Agreement had considered this question in detail and had reached the opposite conclusion, namely, that this paragraph (a) should remain as general as possible in order to reflect the overall content of Annexes A, B.1 and B.2 which would be restructured in the near future. The Conference therefore agreed that this paragraph should not be amended, and confirmed that the notion of provisions concerning the international carriage of dangerous goods by inland waterway encompassed the requirements of classification, packing and labelling of goods.

##### Article 5

23. On the proposal of the representative of the Netherlands, the Conference agreed to the amendment of the first sentence of Article 5 (see annex 1).

##### Article 7

24. The representative of Switzerland pointed out that Article 7, paragraph 1, made provision for a limited period for derogations which should be established in the annexed Regulations, but that the draft annexed Regulations contained no such provision. He proposed that a three-year limit, in accordance with current practice on the Rhine, should be established in the Agreement proper.

25. The Conference noted that the period established in the Annexes of the European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR) was five years, and that in the case of Annex A at least, which dealt with questions of the classification of dangerous goods, it would be advisable for ADN to be in keeping with ADR. In order to be able to respond more effectively to the evolution of transport technologies, it would be more practical to establish limits of validity in the annexed Regulations, which would be easier to amend than the Agreement itself.

26. It was therefore agreed that the text should not be amended and to come back to this question when the annexed Regulations were considered.

#### Article 8 (Transitional provisions)

27. Some delegations would have liked to keep paragraphs 3 and 4, but since the majority were in favour of deleting them, the Conference agreed that they should be deleted.

28. Paragraph 5 was kept (and renumbered as 3).

29. The representative of the Netherlands said that his delegation took it that Article 8, paragraph 1, meant that certificates of approval remained valid until their date of expiry but for not more than five years after the date of application of the annexed Regulations and that certificates of approval whose date of expiry was the year following the date of application of the annexed Regulations still remained valid for a year after the date of application of the annexed Regulations.

#### Article 10

30. The representative of Croatia asked that the footnote to Article 10, paragraph 1, listing States members of ECE which might become Contracting Parties to the Agreement, should be accompanied by a note specifying that "Yugoslavia" applied only to the former Socialist Federal Republic of Yugoslavia, in accordance with the letter of 17 April 1998 from the Executive Secretary of ECE to his country's representative to the United Nations Office at Geneva. This letter specified that, pursuant to United Nations General Assembly resolutions 47/1 and 47/229, the Federal Republic of Yugoslavia could not claim automatically to replace the Socialist Federal Republic of Yugoslavia and could not therefore be considered to be a member of the United Nations or of ECE. It also specified that any reference to Yugoslavia as a member State of ECE in ECE publications should be accompanied by a notice to this effect.

31. Several delegations considered that the footnote in question was merely indicative and could not be considered an integral part of the text of the Agreement. The reference to certain States in this footnote did, in fact, reflect a situation existing at the time of the adoption of the Agreement and liable to evolve subsequently.

32. A member of the secretariat specified that this footnote had been inserted in order to facilitate the task of the future depositary who might have difficulty in interpreting, from a technical point of view, which States were referred to in paragraph 1.

33. The Conference noted that the aim of Article 10, paragraph 1, was to establish two conditions essential in enabling a State to become a Contracting Party, namely:

(a) it must be a member of ECE;

(b) its territory must contain inland waterways, other than those forming a coastal route, which formed part of the network of inland waterways of international importance, as defined in the European Agreement on Main Inland Waterways of International Importance (AGN).

34. Since the Economic Commission for Europe was a subsidiary body of the United Nations Economic and Social Council, and since AGN was an international agreement with the Secretary-General of the United Nations as its depositary, administered by ECE, the Conference considered that it devolved on the competent bodies of the United Nations, including the Secretariat, to determine what was meant by a State member of ECE and which countries were referred to under the AGN criterion. It therefore decided that the footnote should be deleted.

35. Following this decision, the Conference was informed that the Treaty Section of the United Nations Office of Legal Affairs strongly recommended that this footnote should be kept so that the depositary would be in a position to assess independently entities which could become Contracting Parties, on the sole basis of the treaty.

36. The Conference reiterated the opinion expressed in paragraph 34 that the criteria of Article 10, paragraph 1, were sufficiently precise to enable the secretariat to determine which countries could become Contracting Parties. It therefore maintained its decision to delete the footnote; although it was accurate in substance at the time of the adoption of the Agreement it only had an indicative value since the network of inland waterways covered by the European Agreement on Main Inland Waterways of International Importance (AGN) might undergo modifications in the future.

#### Article 11, paragraph 2

Document: ECE/TRANS/ADN/CONF/2000/CRP.6 (Netherlands)

37. An amendment to Article 11, paragraph 2, was adopted on the basis of the proposal by the Netherlands.

#### Article 14

Documents: ECE/TRANS/ADN/CONF/7-CCNR/MD/ADN/CONF/7 (France)  
ECE/TRANS/ADN/CONF/2000/CRP.3-CCNR/MD/ADN/CONF/3 (France and Germany)

38. The representative of France explained that the member States of CCNR were bound by the Revised Convention for Rhine Navigation which provided that the competencies of States Parties to this Convention were exercised jointly in the context of CCNR, and that according to the Convention the provisions of ADN, including the annexed Regulations, must be incorporated into the Rhine regulations in order to be applicable on the Rhine. She therefore proposed that a new paragraph should be added to Article 14 to enable these procedural obligations to be taken into account.

39. Other representatives of member States of CCNR added that, according to the Convention, decisions relating to navigation on the Rhine must be made jointly, and that as a result the ratification of ADN by these States could only take place when they were all ready to ratify it. National legal procedures could prove very lengthy for some of them and this would

prevent other member States of CCNR from ratifying the Agreement in spite of the fact that they wished to implement it on the Rhine as rapidly as possible, as well as on other inland waterways on which they were not bound by a convention of this type.

40. The proposal by Germany and France therefore meant that they would only be able, by means of a declaration and contrary to what Article 14, paragraph 3, provided, to apply ADN on certain inland waterways already subject to a regime under international law concerning the carriage of dangerous goods, like the Rhine, once the procedures stipulated by that regime had been applied. In other words, these States could become Contracting Parties without being required to apply ADN on the Rhine immediately.

41. Several representatives of member States said specifically that they were intending to use their influence in CCNR to ensure that the procedures enabling them to apply ADN on the Rhine were implemented as rapidly as possible.

42. The representative of Romania stressed that the main interest of the Agreement for his country was navigation between the Rhine and the Danube, and that he would have some difficulty convincing his Parliament of the importance of ADN if Romanian vessels were required to carry two certificates of approval, one for ADN and the other for ADNR. The present situation might indeed be considered preferable and less costly, particularly for navigation on the Danube.

43. The representative of Hungary was not in favour of the proposal either; he stressed that the Danube countries had made very substantial efforts in recent years to bring their regulations into line with ADNR. It would be difficult to explain that, after all these efforts to achieve harmonization and the conclusion of an ADN Agreement, navigation on the Rhine still remained subject to a special regime.

44. After lengthy discussion on the subject, the Conference agreed that there was no way round the legal obstacle of regimes of international law already applicable, and that the main interest of all countries concerned by the Agreement was that it should enter into force as rapidly as possible so that procedural obstacles to its implementation on the Rhine could also be removed as rapidly as possible. It therefore agreed to the introduction of a paragraph 3 (b) in Article 14 in the spirit of the proposal by France and Germany (see annex 1).

45. The representative of Austria was of the opinion that the declarations which would be made by the States to which this paragraph 3 (b) of Article 14 referred should contain a temporary validity clause, so that the procedures mentioned in these declarations could be carried out as quickly as possible.

46. The representative of Germany then made the declaration contained in annex 2 to this report, in which he was joined by the representatives of France and the Netherlands.

#### Articles 16 and 17

47. Drafting amendments were made to these articles (see annex 1).



48. The Secretary-General of CCNR said that his organization agreed to make available its experience and services to the Administrative Committee, in particular secretariat services to enable it to work in German. The square brackets in Article 17, paragraph 3, were accordingly removed.

#### Article 18

49. Several delegations said that they opposed the establishment of a Safety Committee, since competent bodies in this respect could already be found in ECE.

50. The Conference noted, however, that the Safety Committee would be required to replace the Meeting of Experts on ADN of the ECE Inland Transport Committee Working Party on the Transport of Dangerous Goods (known as the WP.15/AC.2 Meeting of Experts) which would be cooperating with the CCNR groups of experts, in a form similar to that of the Joint Meeting established by ECE and the Intergovernmental Organization for International Carriage by Rail (OTIF), to harmonize the regulations for the carriage of dangerous goods by road and rail.

51. The Safety Committee should therefore work in the context of the activities and mandates of ECE and CCNR, which would make it a forum open to all ECE member States. Any formal decision to amend the Regulations annexed to the Agreement which might be taken on the basis of the work of the Safety Committee would come within the competence of the Administrative Committee (see also the draft resolution contained in document ECE/TRANS/ADN/CONF/6-CCNR/MD/ADN/CONF/6).

52. The representative of Bulgaria said that the Danube Commission also had groups of experts in this area and that it would be useful to associate them with the work of the Safety Committee.

53. The representative of the Danube Commission said that his organization had agreed to establish machinery which would enable the implementation of the Agreement in the Danube Basin to be followed, and at its next annual session would study how it could contribute to the operation of the Safety Committee.

54. In view of the statements made by the representatives of Bulgaria and the Danube Commission, the Conference decided that a reference to the Danube Commission should be included in article 18; this decision was adopted on the understanding that the Commission would commit itself to cooperation, in budgetary matters also, in the activities of the Safety Committee in accordance with details to be agreed with ECE and CCNR.

#### Article 19

55. Several delegations considered that the periods scheduled in article 19, paragraph 3, were too short, either for successfully concluding the necessary consultations at the national level during the period when objection was possible, or for incorporating an amendment into national legislation once it was deemed to have been accepted. The period during which objection was

possible had been increased to 24 months instead of 12, and the period preceding entry into force once the amendment was deemed to have been accepted had been increased to six months instead of three.

Article 20

Document: ECE/TRANS/ADN/CONF/2000/CRP.1 (Belgium)

56. The Government of Belgium proposed that it should be specified in article 20 that the annexed Regulations at the time of the adoption of the Agreement, which corresponded to the Regulations for the Carriage of Dangerous Goods on the Rhine (ADNR) at the date of the adoption of the Agreement, should be automatically replaced, on the date of the entry into force of the Agreement, by the ADNR Regulations in force at that time, so as to ensure that the level of safety then required for navigation on the Rhine would also be ensured by ADN.

57. Several delegations said that this proposal was not acceptable since it would take away all legal value from the annexed Regulations and would be tantamount to delegating to member States of CCNR the right of updating these Regulations without consulting the other States which had negotiated the Agreement. It would also have the effect of slowing down the process of ratification, since many States could not commit themselves to ratifying the Agreement without knowing what it actually contained.

58. A member of the secretariat reminded the Conference that the Ad Hoc Working Group for the Elaboration of a draft Agreement had asked the secretariat to consult the United Nations Office of Legal Affairs about the possibility of not annexing the Regulations to the Agreement at the time of adoption because the Regulations would have to be updated as soon as the Agreement entered into force. The reply (in a letter of 31 August 1999 from the Chief of the Treaty Section of the United Nations Office of Legal Affairs to the Director of the Transport Division of ECE) had been that the text of the Agreement and the Annexes which were an integral part of it must be complete and final at the time of adoption; that this requirement did not allow the inclusion of a reference to possible subsequent updating of the annexed Regulations by the Working Party on the Transport of Dangerous Goods; that the annexed Regulations could only be amended after the adoption and before the entry into force of the Agreement by a decision on the part of all the States which had negotiated and adopted the Agreement and its Annexes; and that amendments made after the entry into force of the Agreement must conform to the amendments procedure for which the Agreement provided.

59. Several delegations said that they understood and supported the objectives of the Government of Belgium, namely, to ensure that the annexed Regulations would, when the Agreement came into force, reflect the safety requirements which would of a necessity have evolved during the period required for ratifications. With the exception of Switzerland, they considered, however, that it would be preferable to include these objectives in a resolution.

60. The proposal by the Government of Belgium was not adopted.

61. The representative of Belgium said that he regretted that it had not been possible to take his proposal into account and that Belgium's accession to the Agreement would depend on whether safety levels in ADN and ADNR were equivalent at the time of accession. Since he had expressed a wish for his statement to be attached to the Final Act of the Conference, he was asked to transmit to the secretariat an official statement in writing on behalf of his Government.\*

62. The representative of the Netherlands considered that the three-month period scheduled for objections to amendments in article 20, paragraph 5, was too short. Since the European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR) made provision for the same period, however, and in view of the fact that the procedure for the amendment of the Annexes of ADR was satisfactory to the Contracting Parties in that respect and that it was desirable to keep some degree of parallelism since the Annexes of ADR and the annexed Regulations of ADN shared some common or mutually dependent provisions, the Conference decided that the text should not be amended.

Document: ECE/TRANS/ADN/CONF/8 (Russian Federation)-CCNR/MD/ADN/CONF/8

63. The representative of the Russian Federation withdrew the proposals contained in paragraphs 1 and 2 of his proposal since the articles in question of the Agreement had already been adopted by the Conference.

64. The representative of the Russian Federation noted that the problem of signals for vessels carrying dangerous goods had already been discussed by the ADN Meeting of Experts of the ECE Inland Transport Committee's Working Party on the Transport of Dangerous Goods and that a compromise had been found in the form of an amendment to marginals 10 500 and 210 500 in document TRANS/WP.15/AC.2/5/Corr.1. He hoped, however, that the principle of the mutual recognition of signals would be reconsidered in the future.

## ANNEXED REGULATIONS

### Annexes A, B.1 and B.2

Documents: TRANS/WP.15/AC.2/5 and Corr.1-CCNR/MD/ADN/CONF/A, B.1, B.2

65. The Conference adopted Annexes A, B.1 and B.2 without discussion.

### Annex C

Document: ECE/TRANS/ADN/CONF/4-CCNR/MD/ADN/CONF/4

66. The Conference adopted the proposed text of Annex C with some amendments (see annex 1).

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\* Note by the secretariat: This statement was withdrawn by note verbale No. 1718 of 5 June 2000, transmitted to the secretariat by the Permanent Mission of Belgium to the United Nations Office and other international organizations at Geneva.

67. The Conference decided that a Chapter 7 should be added concerning the special bilateral or multilateral agreements for which Article 7, paragraph 1 of the Agreement provided. For the time being, this chapter would specify only that the period of validity of these special agreements was limited to five years, but it would be advisable, once the Agreement was in force, to define administrative procedures for concluding special agreements, and possibly to give a more detailed interpretation of certain terms used in Article 7, paragraph 1, such as, for example, the interpretation of “provided safety is not impaired”.

68. The text of Chapter 7, proposed by the representative of the Netherlands in document ECE/TRANS/ADN/CONF/2000/CRP.7, was adopted (see annex 1).

69. The Conference also noted that the Administrative Committee would have to define the criteria applicable to the issue of special authorizations in accordance with paragraph 4.2.2, once the Agreement came into force.

70. In paragraph 5.2.1, the term “master” in English and the equivalent in the Russian text did not correspond to the term used in the latest version of the European Code for Inland Waterways (CEVNI) (paragraph 1.02). A correction should be envisaged in the future, as necessary, in Annexes A, B.1 and B.2.

#### Annex D.1

71. On the proposal of the representative of France, the Conference agreed that Annex D.1 should begin with the definitions, which would constitute paragraph 1; it would be specified in the definition of “vessel in service” that it meant a vessel according to Article 8, paragraph 2 of the Agreement (see annex 1).

72. With reference to the present beginning, which would become paragraph 2, the representative of Hungary proposed that a clause should be added to the effect that the requirements of the marginals mentioned in the table should be met within the period referred to in that table. This proposal was accepted (see annex 1).

73. The representative of Germany proposed that in the new paragraph 2 the period of a maximum of one year for the marginals not mentioned in the table should be deleted, but that Article 8, paragraph 1 should provide that the certificate of approval of vessels in service should remain valid for at least a year, even were it to expire before this. This clause would make it possible to guarantee the acquired rights of vessels in service. The proposal was accepted (see annex 1).

#### Annex D.2

74. The amendments made to Annex D.1 would also apply to Annex D.2. For the definition of the vessel in service, however, reference should be made to Article 8, paragraph 3 (see annex 1).

Article 8, paragraph 1 and Annexes D.1 and D.2

Document: ECE/TRANS/ADN/CONF/2000/CRP.8 (Secretariat)

75. Following the discussion concerning Annexes D.1 and D.2, the Conference adopted amendments to Article 8, paragraph 1 and to Annexes D.1 and D.2 on the basis of the proposal by the secretariat; the proposed text for Article 8, paragraph 1, was, however, reworded (see annex 1).

ADOPTION OF THE FINAL ACT, THE AGREEMENT AND RESOLUTIONS RESULTING FROM THE WORK OF THE CONFERENCE

Resolution

Documents: ECE/TRANS/ADN/CONF/6-CCNR/MD/ADN/CONF/6  
ECE/TRANS/ADN/CONF/2000/CRP.5  
ECE/TRANS/ADN/CONF/2000/CRP.12

76. The Conference adopted a resolution on the basis of the draft prepared by the secretariat with some amendments (see document ECE/TRANS/ADN/CONF/2000/CRP.5/Add.2). The final text was reproduced during the session in document ECE/TRANS/ADN/CONF/2000/CRP.12 and can be found in addendum 1 to this report.

Agreement

77. The Conference adopted the European Agreement concerning the International Carriage of Dangerous Goods by Inland Waterway on 25 May 2000. The final texts, as adopted by the Conference, were distributed to participants at the Conference as follows:

Agreement proper (in English, French, German and Russian): document ECE/TRANS/ADN/CONF/2000/CRP.10;

Annexed Regulations (in French);

Annexes A, B.1 and B.2: document TRANS/WP.15/AC.2/5, as amended by corrigendum 1 (TRANS/WP.15/AC.2/5/Corr.1);

Annexes C, D.1 and D.2: document ECE/TRANS/ADN/CONF/2000/CRP.11.

The texts of the Agreement and Annexes C, D.1 and D.2 are reproduced in addendum 1 to this report.

Final Act

Documents: ECE/TRANS/ADN/CONF/2000/CRP.9-CCNR/MD/ADN/CONF/16  
ECE/TRANS/ADN/CONF/2000/CRP.13

78. The Conference adopted the Final Act on the basis of a draft prepared by the secretariat. The final text, as adopted by the Conference, was reproduced under the symbol ECE/TRANS/ADN/CONF/2000/CRP.13 and can also be found in addendum 1 to this report.

SIGNATURE OF THE FINAL ACT OF THE CONFERENCE

79. The Final Act of the Conference was signed on 26 May 2000 by the representatives of the following countries: Austria; Belgium; Bulgaria; Croatia; Czech Republic; France; Germany; Hungary; Italy; Netherlands; Poland; Romania; Russian Federation; Slovakia; Switzerland.

SIGNATURE OF THE AGREEMENT

80. The Agreement was signed by the representatives of the following countries, being duly authorized thereto: Czech Republic; Germany; Italy; Slovakia (26 May 2000); Bulgaria (13 June 2000); Croatia (14 June 2000).

81. The Agreement will remain open for signature in the Office of the Executive Secretary of the Economic Commission for Europe, Geneva, until 31 May 2001. Thereafter it will be open for accession.

ADOPTION OF THE REPORT

82. The Conference adopted the report of its session and its annexes (except for paragraphs 80 and 81, which were drafted by the secretariat after the Conference) on the basis of a draft prepared by the secretariat.

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Annex 1

European Agreement concerning the International Carriage of Dangerous Goods  
by Inland Waterway (ADN)

Texts adopted by the Conference

Agreement proper

Text of document ECE/TRANS/ADN/CONF/3 with the following amendments:

Article 5

First sentence, amend to read:

“This Agreement shall not apply to the carriage of dangerous goods to the extent to which such carriage is exempted in accordance with the annexed Regulations.”

Article 8

Paragraph 1

1. Certificates of approval and other documents prepared in accordance with the requirements of the Regulations for the Carriage of Dangerous Goods on the Rhine (ADNR), the Rules governing the transport of dangerous goods on the Danube (ADN-D) or national regulations based on the European Provisions concerning the International Carriage of Dangerous Goods by Inland Waterway as annexed to resolution No. 223 of the Inland Transport Committee of the Economic Commission for Europe, or as amended, applicable at the date of application of the annexed Regulations as stipulated in Article 11, paragraph 1, shall remain valid until their expiry date, under the same conditions as those prevailing up to the date of such application, including their recognition by other States. In addition, these certificates shall remain valid for a period of a year as from the date of application of the annexed Regulations if they reach their expiry date during that period. However, the duration of validity shall under no circumstances exceed five years after the date of application of the annexed Regulations.

Paragraph 2

Replace “in accordance with” by “stipulated in”.

Replace “according to the general transitional provisions” by “taking into account, where necessary, their general transitional provisions”.

Paragraphs 3 and 4

Delete.

Paragraph 5

Paragraph 5 becomes paragraph 3; remove the square brackets round the text.

Replace “in accordance with” by “stipulated in”.

Paragraph 6

Paragraph 6 becomes paragraph 4.

Article 10

Paragraph 1

Delete the footnote.

Article 11

Paragraph 1

Delete “lui-même” at the end of the paragraph (concerns the French text only).

Paragraph 2

At the end of the text, replace “and the Regulations annexed thereto ... of this article” by a new paragraph:

“The annexed Regulations shall be applicable on the same date. Where the period stipulated in paragraph 1 for the application of the annexed Regulations has not yet elapsed, the date of their application shall be the date for which paragraph 1 provides.”

Article 14

Paragraph 3

Renumber the present text as 3 (a) and add a new paragraph 3 (b) to read:

“3 (b) However, any State on whose territory there are inland waterways coming within the European Agreement on Main Inland Waterways of International Importance (AGN), subject at the date of adoption of this Agreement to a mandatory regime under international law concerning the carriage of dangerous goods, may declare that the implementation of this Agreement on these waterways shall be subject to compliance with the procedures set out in the statutes of the said regime. Any declaration of this nature shall be made at the time of signing this Agreement definitively or of depositing its instrument of ratification, acceptance, approval or accession.”



Paragraph 4

Replace “under paragraph 3” by “under paragraph 3 (a)” (twice).

Article 16

Paragraph 1

First sentence, read:

“Any State may, at the time of signing this Agreement definitively or of depositing its instrument of ratification, acceptance, approval or accession, declare that it does not consider itself bound by Article 15.”

Article 17

Paragraph 1 (concerns the Russian text only).

Paragraph 3

Remove the square brackets.

Paragraph 7

Remove the square brackets and delete the figures inside them.

Article 18

Remove the square brackets round the text of Article 18 and read:

“... the Economic Commission for Europe, the Central Commission for the Navigation of the Rhine and the Danube Commission which are competent in the transport ...”  
(remainder unchanged).

Article 19

Heading, delete “[18]”.

Paragraph 3

Replace “three months” by “six months” and “twelve months” by “twenty-four months”.

Article 20

Heading, delete “[19]”.

## Paragraph 2

Remove the square brackets.

## Article 21

Remove the square brackets and delete the figures inside them.

## Article 22

Remove the square brackets and delete the figures inside them.

## Article 23

Remove the square brackets and delete the figures inside them.

End of the Agreement: remove the square brackets round “twenty-sixth day of May two thousand”.

## Annex C

Text of document ECE/TRANS/ADN/CONF/4, with the following amendments:

Chapter 1 (concerns the Russian text only).

### Chapter 2

2.2.2 Read: “The Administrative Committee shall appoint a Committee of Experts and determine its composition and its rules of procedure. This Committee ...”.

### Chapter 4

4.1.2 Replace “subject to repeal” by “unless it is repealed”.

4.2.2 Replace “applying” by “in accordance with”, “laid down in these Regulations” by “established by the Administrative Committee” and, in the French text, “ne font connaître” by “ne font pas connaître”.

### Chapter 5

5.6.2 and 5.6.3 Replace “ou où” by “ou de celle où” (concerns the French text only).

### Chapter 6

6.5.1 In the second sentence, replace “should” by “shall” (concerns the English text only).

Add a new chapter 7 as follows:

## **“Chapter 7**

### **Special bilateral and multilateral agreements**

The period of validity of the special bilateral or multilateral agreements referred to in Article 7, paragraph 1, shall not be more than five years from the date of their entry into force.”

#### Annexes D.1 and D.2

Text of document ECE/TRANS/ADN/CONF/5 with the following amendments:

#### Annex D.1

Paragraph 1, replace by:

- “1. In Annex D.1
  - ‘Vessel in service’ means a vessel according to Article 8, paragraph 2 of the Agreement;
  - ‘N.R.M.’ means that the requirement does not apply to vessels in service except where the parts concerned are replaced or modified, i.e. it applies only to vessels which are new, or to parts which are replaced or modified; where existing parts are replaced by spare or replacement parts of the same type and manufacture, this shall not be considered a replacement ‘R’ as defined in these transitional provisions.  
  
Modification shall also be taken to mean the conversion of an existing type of tank vessel, a type of cargo tank or a state of cargo tank to another type or state at a higher level;
  - ‘Renewal of the certificate of approval after the ...’ means that the requirement shall be met at the next renewal of the certificate of approval following the date indicated. If the certificate of approval expires during the first year after the date of application of these Regulations, the requirement shall be mandatory only after the expiry of this first year.
2. Vessels in service shall meet:
  - the requirements of marginals and, where necessary, paragraphs and subparagraphs mentioned in the table below within the period established therein;

- the requirements of marginals and, where necessary, paragraphs and subparagraphs not mentioned in the table below at the date of application of these Regulations.

The construction and equipment of vessels in service shall be maintained at least at the previous standard of safety.”

Paragraph 2 becomes paragraph 3.

#### Annex D.2

Replace the text preceding the table by the following:

“1. In Annex D.2:

- ‘Vessel in service’ means a vessel according to Article 8, paragraph 3 of the Agreement;
- ‘N.R.M.’ means that the requirement does not apply to vessels in service except where the parts concerned are replaced or modified, i.e. it applies only to vessels which are new, or to parts which are replaced or modified; where existing parts are replaced by spare or replacement parts of the same type and manufacture, this shall not be considered a replacement ‘R’ as defined in these transitional provisions.

Modification shall also be taken to mean the conversion of a type of tank vessel, a type of cargo tank or a category of cargo tank to another type or category at a higher level.

2. Vessels in service to which the transitional provisions of this Annex are applied shall meet:

- the requirements of marginals and, where necessary, paragraphs and subparagraphs mentioned in the table below and in the table of general transitional provisions within the period established therein;
- the requirements of marginals and, where necessary, paragraphs and subparagraphs not mentioned in the table below or in the table of general transitional provisions at the date of application of these Regulations.

The construction and equipment of vessels in service shall be maintained at least at the previous standard of safety.”

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Annex 2

Statement by the representative of Germany concerning Article 14,  
paragraph 3 (b) of ADN (joined by the representatives of France  
and the Netherlands)

The representative of Germany said that member States of the Central Commission for the Navigation of the Rhine had made efforts in the past, as part of an ad hoc working group, to establish means of progressing from the Regulations for the Carriage of Dangerous Goods on the Rhine (ADNR) to the ADN Agreement and that this work was not yet finished because it was not possible to know the specific content and the level of safety of the ADN Agreement at the time of its entry into force.

He said that Germany would endeavour, in the context of the Central Commission for the Navigation of the Rhine, to make the period between the entry into force of the ADN Agreement and its application on the Rhine as brief as possible. It was desirable that, as a result of the ratification of the Agreement by the member States of the Central Commission for the Navigation of the Rhine in the near future, its extension to the Rhine would become possible as soon as it came into force.

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