



**Economic and Social
Council**

Distr.
GENERAL

TRANS/WP.15/AC.2/2002/5
18 March 2002

ENGLISH
Original: FRENCH

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)*
(Sixth session, Geneva, 27-30 May 2002)

RESTRUCTURING OF ADN

Certificates of approval

Note by the UN/ECE secretariat**

The Joint Meeting of Experts at its fifth session noted in its consideration of sections 8.1.8 and 8.1.9 of document TRANS/WP.15/AC.2/2002/1/Add.7 that Chapter 1.1 of Annex C of the ADN Agreement should also be taken into account. The secretariat was invited to prepare a proposal for the provisions concerning certificates of approval to be placed in Parts 1 and 8 (see TRANS/WP.15/AC.2/11, para. 39). In preparing this proposal, the secretariat considered that it did not seem indispensable to create a special chapter (for example 8.4) for certificates of approval in Part 8; it therefore kept to the original draft of sections 8.1.8 and 8.1.9.

This document therefore contains a proposal for a Chapter 1.1.1 in this Part and for sections 8.1.8 and 8.1.9 in Chapter 8.1 of Part 8.

* This meeting is organized jointly by the Economic Commission for Europe and the Central Commission for the Navigation of the Rhine.

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1.11 PROCEDURE FOR THE ISSUE OF THE CERTIFICATE OF APPROVAL

1.11.1 Certificate of approval

1.11.1.1 General

1.11.1.1.1 Dry cargo vessels carrying dangerous goods in quantities greater than exempted quantities, the vessels referred to in [7.1.2.19.1], tank vessels carrying dangerous goods and the vessels referred to in [7.2.2.19.3] shall be provided with an appropriate certificate of approval.

[Ref: TRANS/WP.15/AC.2/2002/1/Add.7, para. 8.1.8.1]

1.11.1.1.2 The certificate of approval shall be valid for not more than five years, subject to the provisions of [1.11].

[Ref: TRANS/WP.15/AC.2/2002/1/Add.7, para. 8.1.8.4]

1.11.1.2 Format of the certificate of approval, particulars to be included

1.11.1.2.1 The certificate of approval shall conform to the model [8.6.1.1 or 8.6.1.3] and include the required particulars, as appropriate. It shall include the date of expiry of the period of validity.

1.11.1.2.2 The certificate of approval shall attest that the vessel has been inspected and has its construction and equipment comply with the applicable provisions [of Part 9] of ADN.

[Ref: 210 282 (1)-ADN]

1.11.1.2.3 All particulars for amendments to the certificate of approval provided for in these Regulations and in the other regulations drawn up by mutual agreement by the Contracting Parties may be entered in the certificate by the competent authority.

[Ref: ADN, annex C, 1.5.2].

1.11.1.2.4 The competent authority shall include the following particulars in the certificate of approval of double-hull vessels meeting the additional requirements of 9.1.0.80 to 9.1.0.95 or 9.2.0.80 to 9.2.0.95:

“The vessel meets the additional requirements for double-hull vessels of 9.1.0.80 to 9.1.0.95” or “The vessel meets the additional requirements for double-hull vessels of 9.2.0.80 to 9.2.0.95.”

[Ref: TRANS/WP.15/AC.2/2002/1/Add.7, 8.1.8].

[1.11.1.2.5 For tank vessels, a list of all the dangerous goods accepted for carriage in the tank vessel, or a certificate from the recognized classification society certifying that the vessel complies with the rules of Part 9 and mentioning all the dangerous goods accepted for carriage in the tank vessel, shall be included in the certificate of approval.]

[Ref: ADN, Annex B.2, 210 208 (3)].

[1.11.2.2.6 When the competent authority issues a certificate of approval for tank vessels, it shall also issue a first loading journal].

[Ref: 210 284].

1.11.1.3 Provisional certificate of approval

1.11.1.3.1 For a vessel which is not provided with a certificate of approval, a provisional certificate of approval of limited duration may be issued in the following cases, subject to the following conditions:

(a) The vessel complies with the applicable provisions of these Regulations, but the normal certificate of approval could not be issued in time. The provisional certificate of approval shall be valid for an appropriate period but not exceeding three months;

(b) The vessel does not comply with every applicable provision of these Regulations after sustaining damage. In this case the provisional certificate of approval shall be valid only for a single specified voyage and for a specified cargo. The competent authority may impose additional conditions.

1.11.1.3.2 The provisional certificate of approval shall conform to the model ~~No.2 of Appendix 1 to this Annex~~ in 8.6.1.2 or 8.6.1.4 or a single model certificate combining a provisional certificate of inspection and the provisional certificate of approval provided that the single model certificate contains the same information as the model in 8.6.1.2 or 8.6.1.4 and is approved by the competent authority.

[The following texts include 1.1 to 1.14 of Chapter 1 of Annex C of ADN, ECE/TRANS/150].

CHAPTER 1

~~PROCEDURE FOR THE ISSUE OF THE CERTIFICATE OF APPROVAL~~

~~Certificates of approval shall conform to the requirements set out in marginals 10 282 and 10 283 of Annex B.1, or marginals 210 282 and 210 283 of Annex B.2 of these Regulations. They shall be issued in accordance with the following procedure:~~

1.1 Issue and recognition of certificates of approval

~~1.1.1~~ ***Certificate of approval***

~~1.1.1.1~~ 1.11.2.1 The certificate of approval referred to in ~~marginal 10-282 or 210-282~~ [in 1.11.1] shall be issued by the competent authority of the Contracting Party where the vessel is registered, or in its absence, of the Contracting Party where it has its home port or, in its absence, of the Contracting Party where the owner is domiciled or in its absence, by the competent authority selected by the owner or his representative.

The other Contracting Parties shall recognize such certificates of approval.

[The period of validity shall not exceed five years] [subject to the provisions of ~~1.1.1.3~~ 1.11.10].

~~1.1.1.2~~ 1.11.2.2 The competent authority of any of the Contracting Parties may request the competent authority of any other Contracting Party to issue a certificate of approval in its stead.

~~1.1.1.3~~ 1.11.2.3 The competent authority of any of the Contracting Parties may delegate the authority to issue the certificate of approval to an inspection body as defined in ~~1.3~~ 1.11.4.

~~1.1.2~~ ***Provisional certificate of approval***

1.11.2.4 The provisional certificate of approval referred to in 1.11.1.3 ~~marginal 10-283 or in marginal 210-283~~ shall be issued by the competent authority of one of the Contracting Parties for the cases and under the conditions referred to in these marginals.

The other Contracting Parties shall recognize such provisional certificates of approval.

~~1.2~~ **1.11.3 Inspection procedure**

~~1.2.1~~ 1.11.3.1 The competent authority of the Contracting Party shall supervise the inspection of the vessel. Under this procedure, the inspection may be performed by an inspection body designated by the Contracting Party or by a recognized classification society. The inspection body or the recognized classification society shall issue an inspection report certifying that the vessel conforms partially or completely to the provisions of these Regulations.

~~1.2.2~~ 1.11.3.2 This inspection report shall be drawn up in a language accepted by the competent authority and shall contain all the necessary information to enable the certificate to be drawn up.

~~1.3~~ 1.11.4 Inspection body

~~1.3.1~~ 1.11.4.1 Inspection bodies shall be subject to recognition by the Contracting Party administration as expert bodies on the construction and inspection of inland navigation vessels and as expert bodies on the transport of dangerous goods by inland waterway. They shall meet the following criteria:

- Compliance by the body with the requirements of impartiality;
- Existence of a structure and personnel that provide objective evidence of the professional ability and experience of the body;
- Compliance with the material contents of standard EN 45004: 1995 supported by detailed inspection procedures.

~~1.3.2~~ 1.11.4.2 Inspection bodies may be assisted by experts (e.g. an expert in electrical installations) or specialized bodies according to the national provisions applicable (e.g. classification societies).

~~1.3.3~~ 1.11.4.3 The Administrative Committee shall maintain an up-to-date list of the inspection bodies appointed.

~~1.4~~ 1.11.4 Application for the issue of a certificate of approval

The owner of a vessel, or his representative, who requests a certificate of approval, shall deposit an application with the competent authority referred to in ~~1.1.1.1~~ 1.11.2.1. The competent authority shall specify the documents to be submitted to it. In order to obtain a certificate of approval a valid vessel certificate shall accompany the request.

~~1.5~~ 1.11.5 Particulars entered in the certificate of approval and amendments thereto

~~1.5.1~~ 1.11.5.1 The owner of a vessel, or his representative, shall inform the competent authority of any change in the name of the vessel or change of official number or registration number and shall transmit to it the certificate of approval for amendment.

~~1.5.2~~ 1.11.5.2 All [~~particulars or~~] amendments to the certificate of approval provided for in these Regulations and in the other regulations drawn up by mutual agreement by the Contracting Parties may be entered in the certificate by the competent authority.]

~~1.5.3~~ 1.11.5.3 When the owner of the vessel, or his representative, has the vessel registered in another Contracting Party, he shall request a new certificate of approval from the competent authority of that Contracting Party. The competent authority may issue the new certificate for the remaining period of validity of

the existing certificate without making a new inspection of the vessel, provided that the state and the technical specifications of the vessel have not undergone any modification.

~~1.6~~ **1.11.6 Presentation of the vessel for inspection**

~~1.6.1~~ 1.11.6.1 The owner, or his representative, shall present the vessel for inspection unladen, cleaned and equipped; he shall be required to provide such assistance as may be necessary for the inspection, such as providing a suitable launch and personnel, and uncovering those parts of the hull or installations which are not directly accessible or visible.

~~1.6.2~~ 1.11.6.2 In the case of a first, special or periodical inspection, the inspection body or the recognized classification society may require a dry-land inspection.

~~1.7~~ **1.11.7 First inspection**

If a vessel does not yet have a certificate of approval or if the validity of the certificate of approval expired more than six months ago, the vessel shall undergo a first inspection.

~~1.8~~ **1.11.8 Special inspection**

If the vessel's hull or equipment has undergone alterations liable to diminish safety in respect of the carriage of dangerous goods, or has sustained damage affecting such safety, the vessel shall be presented without delay by the owner or his representative for further inspection.

~~1.9~~ **1.11.9 Periodic inspection and renewal of the certificate of approval**

~~1.9.1~~ 1.11.9.1 To renew the certificate of approval, the owner of the vessel, or his representative, shall present the vessel for a periodic inspection. The owner of the vessel or his representative may request an inspection at any time.

~~1.9.2~~ 1.11.9.2 If the request for a periodic inspection is made during the last year preceding the expiry of the validity of the certificate of approval, the period of validity of the new certificate shall commence when the validity of the preceding certificate of approval expires.

~~1.9.3~~ 1.11.9.3 A periodic inspection may also be requested during a period of six months after the expiry of the certificate of approval.

~~1.9.4~~ 1.11.9.4 The competent authority shall establish the period of validity of the new certificate of approval on the basis of the results of the inspection.

~~1.10~~ 1.11.10 Extension of the certificate of approval without an inspection

By derogation from 1.11.9 ~~1.9~~, at the substantiated request of the owner or his representative, the competent authority may grant an extension of the validity of the certificate of approval of not more than one year without an inspection. This extension shall be granted in writing and shall be kept on board the vessel. Such extensions may be granted only once every two validity periods.

~~1.11~~ 1.11.11 Official inspection

~~1.11.1~~ 1.11.11.1 If the competent authority of a Contracting Party has reason to assume that a vessel which is in its territory may constitute a danger in relation to the transport of dangerous goods, for the persons on board or for shipping or for the environment, it may order an inspection of the vessel in accordance with ~~1.2~~ 1.11.3.

~~1.11.2~~ 1.11.11.2 When exercising this right to inspect, the authorities will make all possible efforts to avoid unduly detaining or delaying a vessel. Nothing in this Agreement affects rights relating to compensation for undue detention or delay. In any instance of alleged undue detention or delay the burden of proof shall lie with the owner or operator of the vessel.

~~1.12~~ 1.11.12 Withholding and return of the certificate of approval

1.11.12.1 ~~(6)~~ 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.

1.11.12.2 ~~(7)~~ The certificate of approval may only be withdrawn by the authority by which it has been issued.

Nevertheless, in the cases referred to in ~~(5) and (6) above~~ 1.11.2.1 to 1.11.8 above, the competent authority of the State in which the vessel is staying may prohibit its use for the carriage of those dangerous goods for which the certificate is required. For this purpose it may withdraw the certificate until such time as the vessel again complies with the applicable provisions of ~~this Annex~~ these Regulations. In that case it shall notify the competent authority which issued the certificate.

1.11.12.3 ~~(8)~~ Notwithstanding ~~(7) above~~ 1.11.2.2 above, any competent authority may amend or withdraw the certificate of approval at the request of the vessel's owner, provided that it so notifies the competent authority which issued the certificate.

- ~~1.12.1~~ 1.11.12.4 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 this authority which decided to withdraw the certificate is not the authority which issued the certificate, it shall immediately inform the latter and, where necessary, return the certificate to it if it presumes that the defects cannot be eliminated in the near future.

- ~~1.12.2~~ 1.11.12.5 When the inspection body or the classification society referred to in 1.11.12.1 ~~1.12.1~~ above ascertains, by means of a special inspection according to 1.11.8 ~~1.8~~, that these defects have been remedied, the certificate of approval shall be returned by the competent authority to the owner or to his representative.

This inspection may be made at the request of the owner or his representative by another inspection body or another classification society. In this case, the certificate of approval shall be returned through the competent authority to which the inspection body or the classification society answers.

- ~~1.12.3~~ 1.11.12.6 When a vessel is finally immobilized or scrapped, the owner shall send the certificate of approval back to the competent authority which issued it.

~~1.13~~ 1.11.13 **Duplicate copy**

In the event of the loss, theft or destruction of the certificate of approval or when it becomes unusable for other reasons, an application for a duplicate copy, accompanied by appropriate supporting documents, shall be made to the competent authority which issued the certificate.

This authority shall issue a duplicate copy of the certificate of approval, which shall be designated as such.

~~1.14~~ 1.11.14 **Register of certificates of approval**

- ~~1.14.1~~ 1.11.14.1 The competent authorities shall assign a serial number to the certificates of approval which they issue. They shall keep a register of all the certificates issued.

- ~~1.14.2~~ 1.11.14.2 The competent authorities shall keep copies of all the certificates which they have issued and enter all particulars and amendments in them, as well as cancellations and replacements of certificates.

8.1.8 Certificate of approval

8.1.8.1 Dry cargo vessels carrying dangerous goods in quantities greater than exempted quantities, the vessels referred to in [7.1.2.19.1], tank vessels carrying dangerous goods and the vessels referred to in [7.2.2.19.3] shall be provided with an appropriate certificate of approval.

~~(2) 8.1.8.2~~

~~(3) 8.1.8.3~~ The certificate of approval shall be issued in accordance with the requirements and procedures set out in Chapter 1.11.

It shall conform to ~~model No. 1 in Appendix 1 to this Annex~~ the model in 8.6.1.1 or 8.6.1.3.

NOTE: *For procedures concerning:*

- *the issue of certificates: see 1.11.2;*
- *the application for issue of certificates: see 1.11.4;*
- *the amendments to be made to the certificate of approval: see 1.11.5;*
- *the presentation of the vessel for inspection: see 1.11.6;*
- *the first inspection (if the vessel does not yet have the certificate of approval or if the validity of the certificate of approval expired more than six months ago): see 1.11.7;*
- *the special inspection (if the vessel's hull or equipment has undergone alterations liable to diminish safety in respect of the carriage of dangerous goods or has sustained damage affecting such safety): see 1.11.8;*
- *the periodic inspection for the renewal of the certificate of approval: see 1.11.9;*
- *the extension of the certificate of approval without an inspection: see 1.11.10;*
- *the right of official inspection by the competent authority of a Contracting Party: see 1.11.11;*
- *the withholding and return of the certificate of approval: see 1.11.12;*
- *the issue of a duplicate copy: see 1.11.13;*

- 8.1.8.4 ~~(4)~~ The certificate of approval shall be valid for not more than five years. The date on which the period of validity expires shall be shown on the certificate. The competent authority which issued the certificate may, without inspection of the vessel, extend the validity of the certificate by not more than one year. Such extension may be granted only once within two periods of validity (see 1.11.10).
- 8.1.8.5 ~~(5)~~ If the vessel's hull or equipment has undergone alterations liable to reduce the safety as regards the carriage of dangerous goods or has sustained damage affecting such safety, the vessel shall undergo a further inspection in accordance with ~~(3) above~~ Chapter 1.11 without delay.
- 8.1.8.6 ~~(6)~~ 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 ~~this Annex~~ these Regulations (see 1.11.12).
- 8.1.8.7 ~~(7)~~ The certificate of approval may only be withdrawn by the authority by which it has been issued.

Nevertheless, in the cases referred to in ~~(5) and (6)~~ 8.1.8.5 and 8.1.8.6 above, the competent authority of the State in which the vessel is staying may prohibit its use for the carriage of those dangerous goods for which the certificate is required. For this purpose it may withdraw the certificate until such time as the vessel again complies with the applicable provisions of these Regulations ~~this Annex~~. In that case it shall notify the competent authority which issued the certificate.

- 8.1.8.8 ~~(8)~~ Notwithstanding ~~(7) above~~ 8.1.8.7 above, any competent authority may amend or withdraw the certificate of approval at the request of the vessel's owner, provided that it so notifies the competent authority which issued the certificate.

~~210-283~~ 8.1.8.9 **Provisional certificate of approval**

NOTE: *For procedures concerning the issue of certificates, see Chapter 1.11.*

- ~~(1)~~**8.1.8.9.1** For a vessel which is not provided with a certificate of approval, a provisional certificate of approval of limited duration may be issued in the following cases, subject to the following conditions:

(a) The vessel complies with the applicable provisions of these Regulations, ~~this Annex~~, but the normal certificate of approval could not be issued in time. The provisional certificate of approval shall be valid for an appropriate period but not exceeding three months.

(b) The vessel does not comply with every applicable provisions of these Regulations ~~this Annex~~ after sustaining damage. In this case the provisional certificate of approval shall be valid only for a single specified voyage and for a specified cargo. The competent authority may impose additional conditions.

~~(2)~~ **8.1.8.9.2**

The provisional certificate of approval shall conform to the model ~~No. 2 of Appendix 1 to this Annex~~ in 8.6.1.2 or 8.6.1.4 of these Regulations or a single model certificate combining a provisional certificate of inspection and the provisional certificate of approval provided that the single model certificate contains the same information as 8.6.1.2 or 8.6.1.4 ~~Model No. 2~~ and is approved by the competent authority.

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