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**Economic Commission for Europe****Inland Transport Committee****11 January 2011****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

Item 4 of the provisional agenda

**Proposals for amendments to the Regulations annexed to ADN**

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**Problems with new findings concerning the aquatic toxicity of heavy fuel oils****Transmitted by the Government of Germany**

1. In the REACH registration process different components of heavy fuel oils were integrated into one group to minimize time and effort of the registration. As a consequence of this summarisation classification in regard to the aquatic toxicity of heavy fuel oil was changed from “Chronic 3” to “Chronic 1”, from “R53/53” to “R50/53” accordingly.
2. In the current Regulations annexed to the ADN the classification of heavy fuel oils is based on the aquatic toxicity “Chronic 3”. As prescribed in 2.2.9.1.10.2 for the carriage in tank vessels substances, solutions and mixtures meeting this criteria shall be assigned to identification Nos. 9005, ENVIRONMENTALLY HAZARDOUS SUBSTANCE, SOLID, N.O.S, MOLTEN, or 9006, ENVIRONMENTALLY HAZARDOUS SUBSTANCE, LIQUID, N.O.S. In compliance with the flowchart the vessel must be of type N open and cargo tank walls must be distinct from vessel hull. In addition in 1.6.7.4.2 for identification Nos. 9005 and 9006 transitional periods until 31.12.2012 are defined.
3. Taking into account the new findings concerning the aquatic toxicity (“Chronic 1”) heavy fuel oils shall be assigned to Class 9 UN Nos. 3077, ENVIRONMENTALLY HAZARDOUS SUBSTANCE, SOLID, N.O.S, MOLTEN, or 3082, ENVIRONMENTALLY HAZARDOUS SUBSTANCE, LIQUID, N.O.S. In compliance with the flowchart the vessel must be of type C. For UN Nos. 3077 and 3082 no transitional periods are defined. This situation creates big difficulties for the industry in Germany. We presume that in other countries similar problems are determined.
4. In the opinion of Germany the following questions should be discussed to solve the problems:
  - (i) How these substances shall be regulated in the Regulations annexed to the ADN? Is it necessary to prescribe a vessel of type C or is it safe enough to use for the carriage a vessel of type N open and cargo tank walls must be distinct from vessel hull?
  - (ii) Which measures should be taken to solve the problems in the near future (transitional provisions, multilateral agreements)?
  - (iii) How this kind of problems should be handled in principle? If the provisions of carriage are changed, transitional provisions are determined. Is it necessary to determine transitional provisions also in the case of new findings concerning the properties of substances?