
Economic Commission for Europe**Inland Transport Committee**

11 January 2019

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-fourth session**

Geneva, 21-25 January 2019

Item 5 (b) of the provisional agenda

**Proposals for amendments to the Regulations annexed to ADN:
other proposals**

Proposals for amending references to the CEVNI in the ADN**Submitted by the Central Commission for the Navigation of the Rhine (CCNR)****I. Introduction**

1. The CCNR Secretariat would like to draw the ADN Safety Committee's attention to the various types of reference to the CEVNI in the ADN and propose harmonising them, thereby paying due regard to the legal character of the CEVNI.

II. Background

2. The ADN contains references to the CEVNI in 9 places (see also annex 1). The CCNR Secretariat considers it necessary to examine the substance of these references individually and make any necessary amendments in order to avoid legal mismatches between the CEVNI and police regulations.
3. The CCNR Secretariat has completed this examination, paying particular attention to the fact that CEVNI is not an international treaty, nor a body of regulations arising from an international treaty. CEVNI is instead a non-binding model text for police regulations recommended to the member states in a UN-ECE Resolution. CEVNI cannot therefore, for example, be included among the "local, regional or international regulations that apply generally to the carriage of goods on inland waterways" (see also subsection 1.1.4.6 ADN).
4. The legal status of a model text therefore needs to be taken into account in the case of a reference in the ADN. In purely formal, legal terms any use, as for example in paragraph 7.1.5.0.1 is incorrect as there are no obligations arising from the CEVNI itself but purely from the various police regulations.

“7.1.5.0.1

Vessels carrying dangerous goods listed in Table A of Chapter 3.2 shall, in accordance with Chapter 3 of the European Code for Inland Waterways (CEVNI), display the markings prescribed in column (12) in this table.”

5. To avoid mismatches between the local, regional and international regulations, such as the police regulations, and the CEVNI the references should therefore as a basic principle be to the applicable local, regional or international regulations. If no local, regional or international regulations are applicable, they may be substituted by the appropriate CEVNI regulations.

III. Proposals

6. The CCNR Secretariat therefore proposes the following amendments (see also Annex 1).
7. The ADN Safety Committee is requested to discuss these proposals at its next meeting.

Annex 1

Where found in the ADN and proposed amendments

Chapter 1.2 Definitions

CEVNI means the UNECE European Code for Inland Waterways.

Master means a person as defined in Article 1.02 of the European Code for Inland Waterways (CEVNI);

Chapter 7.1

7.1.5.0.1

Vessels carrying dangerous goods listed in Table A of Chapter 3.2 shall, in accordance with the local, regional or international police regulations or, where these are not applicable, in accordance with Chapter 3 of the European Code for Inland Waterways (CEVNI), display the markings prescribed in column (12) in this table.

7.1.5.0.5

By derogation from paragraph 7.1.5.0.1, and in accordance with the local, regional or international police regulations or, where these are not applicable, in accordance with the footnotes to article 3.14 of the European Code for Inland Waterways (CEVNI), the competent authority of a Contracting Party may authorize seagoing vessels temporarily operating in an inland navigation area on the territory of this Contracting Party, the use of the day and night signals prescribed in the Recommendations on the Safe Transport of Dangerous Cargoes and Related Activities in Port Areas adopted by the Maritime Safety Committee of the International Maritime Organization (by night an all-round fixed red light and by day flag “B” of the International Code of Signals), instead of the signals prescribed in 7.1.5.0.1. Contracting Parties which have taken the initiative with respect to the derogation granted shall notify the Executive Secretary of the UNECE, who shall bring this derogation to the attention of the Administrative Committee.

Chapter 7.2

7.2.5.0.1

Vessels carrying dangerous goods listed in Table C of Chapter 3.2 shall display the number of blue cones or blue lights indicated in column (19) and in accordance with the local, regional or international police regulations or, where these are not applicable, in accordance with CEVNI. When because of the cargo carried no marking with blue cones or blue lights is prescribed but the concentration of flammable or toxic gases and vapours in the cargo tanks, given off by the last cargo for which marking was required, is higher than 20% of the LEL or exceeds the national accepted exposure levels, the number of blue cones or blue lights to be carried is determined by the last cargo for which this marking was required.

7.2.5.0.3

By derogation from 7.2.5.0.1 above, and in accordance with the local, regional or international police regulations or, where these are not applicable, in accordance with the footnotes to article 3.14 of the CEVNI, the competent authority of a Contracting Party may authorize seagoing vessels temporarily operating in an inland navigation area on the territory of this Contracting Party, the use of the day and night signals prescribed in the Recommendations on the Safe Transport of Dangerous Cargoes and Related Activities in Port Areas adopted by the Maritime Safety Committee of the International Maritime Organization (by night an all-round fixed red light and by day flag “B” of the International Code of Signals), instead of the signals prescribed in 7.2.5.0.1. The competent authority which has taken the initiative with respect to the derogation granted shall notify the Executive Secretary of the UNECE, who shall bring this derogation to the attention of the Administrative Committee.

Chapter 8.1

8.1.2.6

The presence on board of the certificate of approval is not required in the case of pusher barges which are not carrying dangerous goods, provided that the following additional particulars are indicated, in identical lettering, on the plate based on a model of the local, regional or international police regulations or, where these are not applicable, in accordance with article 1.10 (5) of the ~~furnished by~~ CEVNI:

Number of the certificate of approval: ...

issued by: ...

valid until: ...

The barge-owner shall thereafter keep the certificate of approval and the annex covered by 1.16.1.4 in his possession.

The similarity of the particulars on the plate and those contained in the certificate of approval shall be certified by a competent authority which shall affix its stamp to the plate.

8.1.2.7

The presence on board of the certificate of approval is not required in the case of dry cargo barges or tank barges carrying dangerous goods provided that the plate based on a model of the local, regional or international police regulations or where these are not applicable, in accordance with article 1.10 (5) of the ~~furnished by~~ CEVNI is supplemented by a second metal or plastic plate reproducing by photo-optical means a copy of the entire certificate of approval. A photo-optical copy of the annex referred to in 1.16.1.4 is not required.

The barge-owner shall thereafter keep the certificate of approval and the annex referred to in 1.16.1.4 in his possession.

The similarity of the particulars on the plate and the certificate of approval shall be certified by a competent authority which shall affix its stamp to the plate.

Chapter 8.2**8.2.2.7.1.6**

The competent authority or an examining body designated by the competent authority shall invigilate every examination. Any manipulation and deception shall be ruled out as far as possible. Authentication of candidates shall be ensured.

The use in the written test of documentation other than the texts of regulations on dangerous goods, CEVNI and related police regulations, is not permitted. Non-programmable pocket calculators are authorized for use during specialization courses and shall be supplied by the competent authority or by the examining body designated by the competent authority.

Examination documents (questions and answers) shall be recorded and kept as a print-out or electronically as a file.

Chapter 8.6

8.6.2 Certificate of special knowledge of ADN according to 8.2.1.2, 8.2.1.5 or 8.2.1.7

** Letter code(s) used for international navigation (CEVNI – Annex 1).
