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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)
(ADN Safety Committee)

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Item 4 (b) of the provisional agenda

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

Register of certificates for experts, register of certificates of approval, 1.10.1.6 and 1.16.15.1 of ADN

Transmitted by the Government of Germany* **

Introduction

1. In the context of checks and other support measures to ensure compliance with the safety requirements referred to in 1.8.1 of ADN, it is often necessary to verify the accuracy of the documents carried on board, in particular the driver's expert certificate and the ADN certificate of approval. Such verification is difficult when these documents have been issued by another contracting party to ADN.
2. The registers of certificates for experts, 1.10.1.6 of ADN, and certificates of approval, 1.16.15.1 of ADN, kept by each contracting party are of little use today because there is no provision for the sharing of information from these national registers.
3. The register of certificates for experts contains personal data of the holders in such a way that the collection, management and protection of these data must be subject to stringent requirements, which must be laid down in regulations.

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** In accordance with the programme of work of the Inland Transport Committee for 2020 as outlined in the proposed programme budget for 2020 (A/74/6 (part V, sect. 20), para. 20.37).



Proposal

4. In 1.10.1.6 of ADN, add the following sentences:

“This register shall contain at least the information prescribed in the model certificate in 8.6.2 (without the expert’s signature and photograph). The competent authorities of the Contracting Parties shall communicate to one another information from their respective registers within the framework of the mutual assistance provided for in 1.8.1.4.4.1.

The Contracting Parties shall communicate to the secretariat of the United Nations Economic Commission for Europe (UNECE) the contact details of the authorities designated by them that are responsible under national law for maintenance of the register. The UNECE secretariat shall bring them to the attention of the Contracting Parties through its website.”

5. Amend 1.16.15.1 of ADN to read as follows:

“1.16.15.1 The competent authority shall keep a register of all certificates of approval and provisional certificates of approval which it issues.

The register shall contain at least the following particulars:

1. Number of the (provisional) certificate of approval;
2. Name of vessel;
3. Official number;
4. Type of vessel;
5. Date of issue;
6. Date of expiry of the period of validity;
7. Name and address of the owner and the operator.

Where applicable, the date of issue of a duplicate copy referred to in 1.16.14 shall be recorded in the register.

The competent authorities of the Contracting Parties shall communicate to one another information from their registers within the framework of the assistance referred to in 1.8.1.4.4.1 and in the cases referred to in 1.16.12.1 and 1.16.13.

The Contracting Parties shall communicate to the secretariat of the United Nations Economic Commission for Europe (UNECE) the contact details of the authorities designated by them that are responsible under national law for maintenance of the register. The UNECE secretariat shall bring them to the attention of the Contracting Parties through its website.”

Justification

1.10.1.6:

6. The personal data collected and recorded in the registers and the opportunities to communicate information from the registers should be laid down in a similar law or similar regulations, in accordance with general European legal provisions on data protection. A requirement in ADN may obviate the need for contracting parties to ADN to adopt additional national requirements.

7. A uniform database facilitates rapid exchange between the inspection bodies of the ADN Contracting Parties and thus enables them to quickly verify the authenticity of documents presented during checks.

8. Such an exchange of data has not yet been provided for. As a result, national registers have been of little use during international traffic checks.

1.16.15.1:

9. According to 1.16.1.2.1 of ADN, 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. It shall include the required particulars, as appropriate.
10. An individual serial number is already prescribed for the certificate of approval in the third line of these models. Therefore, there is no need to repeat this in the subsection on registers.
11. ADN has separate subsections (1.16.1.2 and 1.16.1.3) for certificates of approval and provisional certificates of approval, which are also covered by separate models. Both should therefore be mentioned in relation to the maintenance of the register.
12. The particulars 1 to 5 are taken from the models for the certificate of approval and provisional certificate of approval in 8.6.1.1 and 8.6.1.3 of ADN.
13. The particulars in 6 are taken from 1.16.1.2.1 of ADN, which requires a time limit on the validity of certificates of approval. The time limit on the validity of provisional approval certificates is specified in 1.16.1.3.1 of ADN.
14. The particulars in 7 are added for the following reason: in accordance with 1.16, the owner or operator of the vessel is obliged to take certain measures and may be the recipient of administrative orders. For this purpose, the competent authorities must have its contact details.
15. Particulars relating to a duplicate copy are necessary in order to prevent the misuse of a certificate of approval that has been reported lost, stolen or destroyed.

Safety

16. The amendment does not affect safety of carriage. The inspection bodies' tasks are facilitated.

Implementation

17. No changes are required in terms of shipbuilding or logistics. The contents of the registers, as prescribed, probably already reflect administrative practice. No form is specified for the registers. They can still be maintained in analog form, but also in digital form. For the communication of information, it may be appropriate to establish electronic communication between the competent authorities of the contracting parties.
 18. In the medium term, it may be appropriate for the contracting parties to grant each other electronic access to national registers via the Internet.
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