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ECONOMIC COMMISSION FOR EUROPE

INLAND TRANSPORT COMMITTEE

Ad Hoc Working Group for the Elaboration
of a draft European Agreement concerning
the International Carriage of Dangerous
Goods by Inland Waterway*
(Tenth session, Geneva,
30 August-2 September 1999)

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

Transmitted by the Government of the Netherlands**

Article 7

Special provisions

1. The Contracting Parties retain the right to permit in the following cases, provided that safety is not compromised, the international carriage of dangerous goods on their inland waterways under conditions other than those provided in the Annexes to this Agreement:

* Pursuant to the decisions of the Inland Transport Committee, the organization of the work of the Working Group is undertaken jointly by the secretariats of the Economic Commission for Europe and the Central Commission for the Navigation of the Rhine (CCNR) (see TRANS/R.421 for the details of the arrangements).

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(a) By concluding special bilateral or multilateral agreements for a limited period established in Annex 1 and for goods which under the present Agreement are barred from international carriage, in anticipation of the authorization of the transport operation by decision of the Administrative Committee;

(b) By granting, in accordance with the procedures established in Annex 2, chapter 3, special authorizations for the international carriage on board tank vessels of dangerous goods the carriage of which on board tank vessels is not permitted under Annex 1.

2. The Contracting Parties shall retain the right to authorize in the following cases, the international carriage of dangerous goods on their inland waterways on board vessels which do not comply with the conditions established in the Annexes to this Agreement, provided that safety is not compromised and that the procedures established in Annex 2, chapter 2 are complied with:

(a) Vessels presenting or using materials, installations or equipment or certain measures concerning construction or certain provisions other than those prescribed in Annex 1;

(b) Vessels presenting technical innovations derogating from the provisions of Annex 1.

3. The special bilateral or multilateral agreements and the special authorizations shall be communicated immediately to the Executive Secretary of the Economic Commission for Europe who shall communicate them to the Contracting Parties.

Annex 2, Chapter 2

Procedures for equivalents and derogations

2.1 Procedure for equivalents

The competent authority may grant equivalents in accordance with article 7, paragraph 2 (a), if they are accepted as conforming to the recommendations of the Administrative Committee.

Derogations on a trial basis

The competent authority may establish a certificate of approval on a trial basis and on the recommendation of the Administrative Committee for a vessel presenting technical innovations which do not conform to the provisions of Annex 1.

2.3 Particulars of equivalents and derogations

The equivalents and derogations referred to in paragraphs 2.1 and 2.2 shall appear in the certificate of approval.

Justification

With this wording provision is made in article 7 of the Agreement for derogations from Annex 1. Annex 2 contains only the procedure.

Paragraph 1 (a) of article 7 concerns only dry cargoes of Part B.1 of Annex 1 while paragraph 1 (b) concerns the carriage in tank vessels of substances which do not yet appear in the list of substances. Since paragraph 1 (a) does not refer to a procedure in Annex 2, the limitation of the period must be established in Annex 1.

Article 7, paragraph 2 governs the equivalents and derogations granted on a trial basis. These texts are taken from Annex 2, chapter 2 and have been simplified.

Article 7, paragraph 2 stipulates that the special agreements and special authorizations shall be communicated to all the Contracting Parties. This is not necessary for equivalents and derogations granted on a trial basis since the Administrative Committee is adopting a recommendation to that effect. This procedure implies that the Administrative Committee is adopting general recommendations on the basis of which the competent authority may give its approval to individual entrepreneurs.
