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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

**REPORT OF THE AD HOC WORKING GROUP ON ITS NINTH SESSION
(2-5 March 1999)**

Addendum 1*

**Draft European Agreement concerning the international carriage
of dangerous goods by inland waterway (ADN) and Annex 2 to this Agreement**

The secretariat reproduces below the text of the draft ADN based on the decisions taken at the ninth session of the Working Group.

* Distributed by the Central Commission for the Navigation of the Rhine under the symbol MD/INT(99)6/Add.1.

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

THE CONTRACTING PARTIES,

DESIRING to establish by joint agreement uniform principles and rules:

to increase the safety of international carriage of dangerous goods by inland waterway,

to contribute effectively to the protection of the environment, by preventing any pollution resulting from accidents or incidents during such carriage,

to facilitate transport operations and to promote international trade,

CONSIDERING that the best means of achieving this goal is to conclude an agreement to replace the “European Requirements concerning the International Carriage of Dangerous Goods by Inland Waterway” annexed to resolution No. 223 of the Inland Transport Committee of the Economic Commission for Europe, as amended,

HAVE AGREED as follows:

CHAPTER ONE
GENERAL PROVISIONS

Article 1

Scope

1. This Agreement shall apply to the international carriage of dangerous goods by vessels on inland waterways.
2. This Agreement shall not apply to the carriage of dangerous goods by seagoing vessels on maritime waterways forming part of inland waterways.
3. This Agreement shall not apply to the carriage of dangerous goods by warships or auxiliary warships or to other vessels belonging to or operated by a State, provided such vessels are used by the State exclusively for governmental and non-commercial purposes. However, each Contracting Party shall, by taking appropriate measures which do not impair the operations or operational capacity of such vessels belonging to or operated by it, ensure that such vessels are operated in a manner compatible with this Agreement, where it is reasonable in practice to do so.

Article 2

Annexes to the Agreement

1. The Annexes to this Agreement shall form an integral part thereof. Any reference to this Agreement implies at the same time a reference to its Annexes.
2. The following are the Annexes to this Agreement:

- Annex 1: Regulations for the carriage of dangerous goods by inland waterway (Annexes A, B.1 and B.2)
- General transitional provisions (Annex C.1)
- Supplementary transitional provisions applicable on specific inland waterways (Annex C.2)
- Annex 2: Requirements and procedures concerning inspections, the establishment of certificates of approval, derogations, special authorizations, recognition of classification societies, controls, training and examination of experts.

Article 3

Definitions

For the purposes of this Agreement:

- (a) “vessel” means an inland waterway or seagoing vessel;
- (b) “dangerous goods” means substances and articles the international carriage of which is prohibited by, or authorized only on certain conditions by, the regulations reproduced in Annex 1;

- (c) “international carriage of dangerous goods” means any carriage of dangerous goods performed by a vessel on inland waterways on the territory of at least two Contracting Parties;
- (d) “inland waterways” means the navigable inland waterways [including maritime waterways] on the territory of a Contracting Party open to the navigation of vessels under national law;
- (e) “maritime waterways” means inland waterways linked to the sea, basically used for the traffic of seagoing vessels and designated as such under national law.
- [(f) “Recognized Classification society” means a classification society which is recognized by the competent authorities according to the Chapter 4 of Annex 2;
- (g) "Competent authority" means the authority or the body designated or recognized as such in each Contracting Party and in each specific case in connection with these provisions;
- (h) "inspection body" a body nominated or recognized by the Contracting Party for the purpose of inspecting inland navigation vessels in accordance with the procedures laid down in Annex 2, Chapter 1.]

CHAPTER II

TECHNICAL PROVISIONS

Article 4

Prohibitions on carriage, conditions of carriage, monitoring

1. Subject to the provisions of articles 7 and 8, dangerous goods barred from carriage by the regulations reproduced in Annex 1 shall not be accepted for international carriage.
2. Without prejudice to the provisions of article 6, the international carriage of other dangerous goods shall be authorized, subject to compliance with the conditions laid down in the Annexes to this Agreement.
3. Observance of the prohibitions and the conditions referred to in paragraphs 1 and 2 shall be monitored by the Contracting Parties in accordance with the provisions laid down in Annex 2.

Article 5

Exemptions

This Agreement shall not apply, in part or in its entirety to the carriage of dangerous goods which are exempted in accordance with Annex 1. Exemptions may only be granted when [the quantity of the goods exempted, or the nature of the transport operation exempted, or the packagings, ensure that transport is carried out safely].

Article 6

Sovereign right of States

Each Contracting Party shall retain the right to regulate or prohibit the entry of dangerous goods into its territory for reasons other than safety during carriage.

Article 7

Special regulations, derogations

1. The Contracting Parties shall retain the right to arrange, for a limited period established in Annex 1, by special bilateral or multilateral agreements, and provided safety is not impaired, that certain of the dangerous goods which under this Agreement are barred from all international carriage may, subject to certain conditions, be accepted for international carriage on their inland waterways, or

that dangerous goods which under this Agreement are accepted for international carriage only on specified conditions alternatively may be accepted for international carriage on their inland waterways under conditions different from those laid down in the Annexes to this Agreement.

The special bilateral or multilateral agreements referred to in this paragraph shall be communicated immediately to the Executive Secretary of the Economic Commission for Europe, who shall communicate them to the Contracting Parties which are not signatories of the said agreements.

2. Each Contracting Party shall retain the right to issue special authorizations for the international carriage in tank vessels of dangerous substances the carriage of which in tank vessels is not authorized under Annex 1, subject to compliance with the procedures of Chapter 3 of Annex 2.

Article 8

Transitional provisions

1. Certificates of approval prepared in accordance with the requirements of the Regulations for the carriage of dangerous goods on the Rhine (ADNR), the Regulations for the carriage of dangerous goods on the Danube (ADN-D) or national regulations based on the European Provisions concerning the International Carriage of Dangerous Goods by Inland Waterway as annexed to Resolution No. 223 of the Inland Transport Committee of the Economic Commission for Europe or as amended, applicable at the date of the application of the Annexes to this Agreement in accordance with article 11, paragraph 1, of the Annexes thereto shall remain valid until their expiry date, but for not more than five years, under the same conditions as those prevailing up to the date of such application, including their recognition by other States.
2. Vessels which, at the date of application of this Agreement in accordance with article 11, paragraph 1, of the Annexes thereto, are approved for the carriage of dangerous goods in the national territory of a Contracting Party and which conform to the requirements of Annex 1, according to the transitional provisions of [Annex 3], may obtain an ADN certificate of approval under the procedure described in Annex 2.
- [3. In the case of vessels referred to in paragraph 2 above, having to perform carriage for the first time on inland waterways on which the Regulations for the carriage of dangerous goods on the Rhine

- (ADNR) were applicable under domestic law prior to the date of the application of this Agreement, in accordance with article 11, paragraph 1, of the Annexes thereto, compliance with the requirements contained in Annexes 1 and 3 shall be verified by [a recognized classification society or] an inspection body of a State member of the Central Commission for the Navigation of the Rhine (CCNR).]
- [4] In the case of vessels referred to in paragraph 2 above, having to perform carriage for the first time on inland waterways on which the Regulations for the carriage of dangerous goods on the Danube (ADN-D) [were applicable under domestic law prior to the date of the application of this Agreement, in accordance with article 11, paragraph 1, of the Annexes thereto, compliance with the requirements contained in Annexes 1 and 3 shall be verified by [a recognized classification society or] the competent authority of a State member of the Danube Commission.]
- [5. In the case of vessels referred to in paragraph 2 to be used exclusively for carriage on inland waterways where ADN-R was not applicable under domestic law prior to the entry into force of this Agreement, in accordance with article 11, paragraph 1, of the Annexes thereto, the transitional requirements contained in Annex 4 may be applied in addition to the provisions of Annex 3. Such vessels shall obtain an ADN certificate of approval limited to the inland waterways referred to above, or to a portion thereof.]
6. If new provisions are added to Annex[e]s 1 and [2] to this Agreement, the Contracting Parties may include new transitional provisions. These transitional provisions shall be incorporated in Annex [3] [1], which shall indicate the vessels in question and the period of validity.

Article 9

Applicability of other regulations

The transport operations to which this Agreement applies shall remain subject to local, regional or international regulations applicable in general to the carriage of goods by inland waterway.

CHAPTER III

FINAL PROVISIONS

Article 10

Contracting Parties

1. States members of the Economic Commission for Europe whose territory contains inland waterways, other than those forming a coastal route which form part of the network of inland waterways of international importance as defined in the European Agreement on Main Inland Waterways of International Importance (AGN) ^{*}/ [and regional economic integration organizations established by member States of

^{*}/ The States concerned at the date of entry into force of the Agreement are: Austria, Belarus, Belgium, Bosnia-Herzegovina, Bulgaria, Croatia, Czech Republic, Finland, France, Germany, Greece, Hungary, Italy, Lithuania, Luxembourg, Netherlands, Poland, Portugal, Republic of Moldova, Romania, Russian Federation, Slovakia, Spain, Sweden, Switzerland, Ukraine, United Kingdom and Yugoslavia.

the Economic Commission for Europe, to which their member States have transferred responsibilities in the fields to which this Agreement applies, in particular responsibility for decisions binding on them], may become Contracting Parties to this Agreement:

- (a) by signing it definitively without reservation of ratification, acceptance or approval;
 - (b) by depositing an instrument of ratification, acceptance or approval after signing it subject to ratification, acceptance or approval;
 - (c) by depositing an instrument of accession.
2. The Agreement shall be open for signature until [...] at the Office of the Executive Secretary of the Economic Commission for Europe, Geneva. Thereafter, it shall be open for accession.
 3. The instruments of ratification, acceptance, approval or accession shall be deposited with the Secretary-General of the United Nations.

Article 11

Entry into force

1. This Agreement shall enter into force one month after the date on which the number of States mentioned in article 10, paragraph 1, which have signed it without reservation of ratification, acceptance or approval or have deposited their instruments of ratification, acceptance, approval or accession has reached a total of [5-10].

However, the annexes thereto shall not apply until twelve months after the entry into force of the Agreement itself.

2. For any State signing this Agreement without reservation of ratification, acceptance or approval or ratifying, accepting, approving or acceding to it after [5-10] of the States referred to in article 10, paragraph 1, have signed it without reservation of ratification, acceptance or approval or have deposited their instruments of ratification, acceptance, approval or accession, this Agreement shall enter into force one month after the said State has signed it without reservation of ratification, acceptance, or approval or has deposited its instrument of ratification, acceptance, approval or accession, and the Annexes thereto shall apply for the said State either on the same date, if they are already in force by that date, or, if they are not in force by that date, on the date on which they apply under the provisions of paragraph 1 of this article.

Article 12

Denunciation

1. Any Contracting Party may denounce this Agreement by so notifying the Secretary-General of the United Nations.
2. Denunciation shall take effect twelve months after the date of receipt by the Secretary-General of the notification of denunciation.

Article 13

Termination

1. If, after the entry into force of this Agreement, the number of Contracting Parties is less than 5 during 12 consecutive months, this Agreement shall cease to have effect at the end of the said period of 12 months.
2. In the event of the conclusion of a worldwide agreement for the regulation of the multimodal transport of dangerous goods, any provision of this Agreement, with the exception of those pertaining exclusively to inland waterways, the construction and equipment of vessels, carriage in bulk or tankers which is contrary to any provision of the said worldwide agreement shall, from the date on which the latter enters into force, automatically cease to apply to relations between the Parties to this Agreement which become parties to the worldwide agreement, and shall automatically be replaced by the relevant provision of the said worldwide agreement.

Article 14

Declarations

1. Any State may, at the time of signing this Agreement without reservation of ratification, acceptance or approval or of depositing its instrument of ratification, acceptance, approval or accession or at any time thereafter, declare by notification addressed to the Secretary-General of the United Nations that this Agreement shall extend to all or any of the territories for the international relations of which it is responsible. The Agreement shall extend to the territory or territories named in the notification one month after it is received by the Secretary-General.
2. Any State which has made a declaration under paragraph 1 of this article extending this Agreement to any territory for whose international relations it is responsible may denounce the Agreement in respect of the said territory in accordance with the provisions of article 12.
3. In addition, any State may, at the time of signing this Agreement without reservation of ratification, acceptance or approval or of depositing its instrument of ratification, acceptance, approval or accession or at any time thereafter, declare by notification addressed to the Secretary-General of the United Nations that this Agreement shall not extend to certain inland waterways on its territory, provided that the waterways in question are not part of the network of inland waterways of international importance as defined in the European Agreement on Main Inland Waterways of International Importance (AGN). If this declaration is made subsequent to the time when the State signs this Agreement without reservation of ratification, acceptance or approval or when it deposits its instrument of ratification, acceptance, approval or accession, the Agreement shall cease to have effect on the inland waterways in question one month after this notification is received by the Secretary-General.
4. Any State which has made a declaration under paragraph 3 of this article may subsequently declare by means of a notification to the Secretary-General of the United Nations that this Agreement shall apply to all or part of its inland waterways covered by the declaration made under paragraph 3. The Agreement shall apply to the inland waterway or waterways mentioned in the notification one month after it is received by the Secretary-General.

Article 15

Disputes

1. Any dispute between two or more Contracting Parties concerning the interpretation or application of this Agreement shall so far as possible be settled by negotiation between the Parties in dispute.
2. Any dispute which is not settled by direct negotiation may be referred by the Contracting Parties in dispute to the Administrative Committee which shall consider it and make recommendations for its settlement.
3. Any dispute which is not settled in accordance with paragraphs 1 or 2 shall be submitted to arbitration if any one of the Contracting Parties in dispute so requests and shall be referred accordingly to one or more arbitrators selected by agreement between the Parties in dispute. If within three months from the date of the request for arbitration the Parties in dispute are unable to agree on the selection of an arbitrator or arbitrators, any of those Parties may request the Secretary-General of the United Nations to nominate a single arbitrator to whom the dispute shall be referred for decision.
4. The decision of the arbitrator or arbitrators appointed under paragraph 3 of this article shall be binding on the Contracting Parties in dispute.

Article 16

Reservations

1. Each State may, at the time of signing, ratifying, or acceding to, this Agreement, declare that it does not consider itself bound by article 15. Other Contracting Parties shall not be bound by article 15 in respect of any Contracting Party which has entered such a reservation.
2. Any Contracting State having entered a reservation as provided for in paragraph 1 of this article may at any time withdraw such reservation by notifying the Secretary-General of the United Nations.

Article 17

Administrative Committee

1. An Administrative Committee shall be established to consider the implementation of this Agreement, to consider any amendments proposed thereto and to consider measures to secure uniformity in the interpretation and application thereof.
2. The Contracting Parties shall be members of the Administrative Committee. The Committee may decide that the States referred to in article 10, paragraph 1, of this Agreement which are not Contracting Parties, any other member State of the Economic Commission for Europe or of the United Nations or representatives of international intergovernmental or non-governmental organizations may, for questions which interest them, attend the sessions of the Committee as observers.
3. The Secretary-General of the United Nations [and the Secretary-General of CCNR] shall provide the Committee with secretariat services.

4. The Committee shall, at its first session each year, elect a Chairman and a Vice-Chairman.
5. The Secretary-General of the United Nations shall convene, under the auspices of the Economic Commission for Europe, the Committee annually, or at other intervals decided on by the Committee, and also at the request of at least five States which are Contracting Parties.
6. A quorum consisting of not less than one half of the Contracting Parties shall be required for the purposes of taking decisions.
7. Proposals shall be put to the vote. Each Contracting Party represented at the session shall have one vote.
 - (a) Proposed amendments to this Agreement and decisions pertaining thereto shall be adopted in accordance with the provisions of article 18, para. 2;
 - (b) Proposed amendment to the annexes to this Agreement and decisions pertaining thereto shall be adopted in accordance with the provisions of article 19, para 4 [and 5];
 - [(c) Proposals and decisions relating to the recommendation of agreed classification societies, or to the withdrawal of such recommendation, shall be adopted in accordance with the procedure of the provisions of article 19, para 4 [and 5];]
 - (d) Any proposal or decision other than those referred to in paras. (a) to (c) above shall be adopted by a majority of the Committee members present and voting.
8. The Committee may set up such working groups as it may deem necessary to assist it in carrying out its duties.
9. In the absence of relevant provisions in this Agreement, the Rules of Procedure of the Economic Commission for Europe shall be applicable unless the Committee decides otherwise.

Article 18

Procedure for amending this Agreement, excluding the Annexes

1. This Agreement, excluding its Annexes, may be amended upon the proposal of a Contracting Party by the procedure specified in this article.
2. Any proposed amendment to this Agreement, excluding the Annexes, shall be considered by the Administrative Committee. Any such amendment considered or prepared during the meeting of the Administrative Committee and adopted by it by a two thirds majority of the members present and voting shall be communicated by the Secretary-General of the United Nations to the Contracting Parties for their acceptance.
3. Any proposed amendment communicated for acceptance in accordance with paragraph 2 shall come into force with respect to all Contracting Parties three months after the expiry of a period of 12 months following the date of communication of the proposed amendment if, during that period, no objection to the amendment in question has been communicated to the Secretary-General of the United Nations by a State which is a Contracting Party.

Article 19

Procedure for amending the Annexes

1. The Annexes to this Agreement may be amended upon the proposal of a Contracting Party.

The Secretary-General of the United Nations may also propose amendments with a view to bringing the Annexes into line with other international agreements concerning the transport of dangerous goods and the United Nations Recommendations on the Transport of Dangerous Goods, as well as amendments proposed by a subsidiary body of the Economic Commission for Europe with competence in the area of the transport of dangerous goods.

2. Any proposed amendment to the Annexes shall in principle be considered by [a subsidiary body of the Economic Commission for Europe with competence in the area of the transport of dangerous goods by inland waterway, if such a body exists.]

The Executive Secretary of the Economic Commission for Europe shall submit the draft amendments adopted to the Administrative Committee.

3. Amendments may also be proposed directly to the Administrative Committee. If adopted with or without amendments at a first session they shall, in principle and unless otherwise decided by the Committee, be reviewed at the following session of the Committee at the same time as any related proposal.
4. Decisions on proposed draft amendments submitted to the Administrative Committee shall be made by a majority of the members present and voting. However, a draft amendment shall not be deemed adopted if, immediately after the vote, at least five members present declare their objection to it. Adopted draft amendments shall be communicated by the Secretary-General of the United Nations to the Contracting Parties for acceptance.
- [5. Proposed amendments to the Annexes, if submitted before the (... date to be determined), shall require the approval of all the CCNR member States present.]
6. Any draft amendment to the Annexes communicated for acceptance in accordance with paragraph 4 shall be deemed to be accepted unless, within three months from the date on which the Secretary-General circulates it, at least one-third of the Contracting Parties, or five of them if one-third exceeds that figure, have given the Secretary-General written notification of their objection to the proposed amendment. If the amendment is deemed to be accepted, it shall enter into force for all the Contracting Parties, on the expiry of a further period of three months, except in the following cases:
 - (a) In cases where similar amendments have been or are likely to be made to other international agreements concerning the carriage of dangerous goods, the amendment shall enter into force on the expiry of a period the duration of which shall be determined by the Secretary-General in such a way as to allow, wherever possible, the simultaneous entry into force of the amendment and those that have been made or are likely to be made to such other agreements; such period shall not, however, be of less than one month's duration;
 - (b) The Administrative Committee may specify, when adopting a draft amendment, for the purpose of entry into force of the amendment, should it be accepted, a period of more than three months' duration.

Article 20

Requests, communications and objections

The Secretary-General of the United Nations shall inform all Contracting Parties and all States referred to in article 10, paragraph 1, of this Agreement of any request, communication or objection under articles 18 and 19 above and of the date on which any amendment enters into force.

Article 21

Review conference

1. Notwithstanding the procedure provided for in articles 18 and 19, any Contracting Party may, by notification to the Secretary-General of the United Nations, request that a conference be convened for the purpose of reviewing this Convention.

A review conference to which all Contracting Parties and all States referred to in article 10, paragraph 1, shall be invited, shall be convened by the Secretary-General of the United Nations if, within a period of six months following the date of notification by the Secretary-General, not less than one fourth of the Contracting Parties notify him of their concurrence with the request.

2. Notwithstanding the procedure provided for in articles 18 and 19, a review conference to which all Contracting Parties and all States referred to in article 10, paragraph 1, shall be invited, shall also be convened by the Secretary-General of the United Nations upon notification of a request by the Administrative Committee. The Administrative Committee shall make a request if agreed to by a majority of those present and voting in the Committee.
3. If a conference is convened in pursuance of paragraphs 1 or 2 of this article, the Secretary-General of the United Nations shall invite the Contracting Parties to submit, within a period of three months, the proposals which they wish the conference to consider.
4. The Secretary-General of the United Nations shall circulate to all the Contracting Parties and to all the States referred to in article 10, paragraph 1, the provisional agenda for the conference, together with the texts of such proposals, at least six months before the date on which the conference is to meet.

Article 22

Depositary

The Secretary-general of the United Nations shall be the depositary of this Agreement.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto, have signed this Agreement.

DONE at Geneva, this ..., in a single copy, in the English, French, German and Russian languages for the text of the Agreement proper, and in the French language for Annexes 1 to 4, each text being equally authentic for the Agreement proper.

The Secretary-General of the United Nations is requested to prepare a translation of Annexes 1 to 4 in the English and Russian languages. [The Secretary-General of CCNR is requested to prepare a translation of Annexes 1 to 4 in the German language.]

Annex 2

Requirements and procedures applicable to inspections, issue of certificates of approval, derogations, special authorizations, classification societies and checks

Chapter 1

Procedure for the issue of the certificate of approval

- 1.1 Issue and recognition of certificates of approval
 - 1.1.1 Certificate of approval
 - 1.1.2 Provisional certificate of approval
- 1.2 Inspection procedure
- 1.3 Inspection body
- 1.4 Application for the issue of a certificate of approval
- 1.5 Particulars entered in the certificate of approval and amendments thereto
- 1.6 Presentation of the vessel for inspection
- 1.7 First inspection
- 1.8 Special inspection
- 1.9 Renew of the certificate of approval and periodical inspection
- 1.10 Extension of the certificate of approval without an inspection
- 1.11 Official inspection
- 1.12 Withholding and return of the certificate of approval
- 1.13 Duplicate copy
- 1.14 Register of certificates of approval

Chapter 2

[Procedure for equivalents and derogations

- 2.1 Procedure for equivalents
- 2.2 Derogations on a trial basis
- 2.3 Particulars of equivalents and derogations]

Chapter 3

[Special authorizations concerning transport in tank-vessels

- 3.1 Special authorizations
- 3.2 Procedure
- 3.3 Update of the list of substances]

Chapter 4

Recognized classification societies

- 4.1 General
- 4.2 Procedure for the recognition of classification societies
- 4.3 Conditions and criteria for the recognition of a classification society applying for recognition under this Agreement
- 4.4 Obligations of recommended classification societies

Chapter 5

Monitoring the carriage of dangerous goods by inland waterway

- 5.1 Monitoring compliance with requirements
- 5.2 Monitoring procedure
- 5.3 Infringements of the requirements
- 5.4 Checks in companies and at places for loading and unloading
- 5.5 Sampling
- 5.6 Cooperation of the competent authorities
- 5.7 Administrative assistance during the checking of a foreign vessel

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, or 210 282 and 210 283 of Annex 1, 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) The certificate of approval referred to in marginal 10 282 or 210 282 of annex 1 shall be issued by the competent authority of the Contracting Party in which the vessel is registered, or in its absence, of the Contracting Party in which it has its home port or, in its absence, of the Contracting Party in which the owner is domiciled or in its absence, by the competent authority selected by the owner or his representative.

The validity period, which shall not exceed five years, shall be entered in the certificate of the approval.

The other Contracting Parties shall recognize such certificates of approval.

(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.

(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.

1.1.2 Provisional certificate of approval

The provisional certificate of approval referred to in marginal 10 283 or 210 283 of annex 1 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 Inspection procedure

(1) The competent authority of the Contracting State 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 Annex 1.

(2) This inspection report shall be drawn up in a language accepted by the competent authority and must contain all the necessary information to enable the certificate to be drawn up.

1.3 Inspection body

(1) Inspection bodies shall be subject to recognition by the State 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 which 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.
- (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).
- (3) The Administrative Committee shall maintain an up-to-date list of the inspection bodies appointed.

1.4 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). The competent authority shall specify the documents to be submitted to it. In order to obtain a certificate of approval a valid vessel certificate must accompany the request.

1.5 Particulars entered in the certificate of approval and amendments thereto

- (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.
- (2) All particulars or amendments to the certificate of approval provided for in annex 1 and in the other regulations drawn up by mutual agreement by the Contracting Parties may be entered in the certificate by the competent authority.
- (3) When the owner of the vessel, or his representative, has the vessel registered in another State which is 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 Presentation of the vessel for inspection

- (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.
- (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 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 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 Renew of the certificate of approval and Periodical Inspection

- (1) To renew the certificate of approval, the owner of the vessel, or his representative, shall present the vessel for a periodical inspection. The owner of the vessel or his representative may request an inspection at any time.
- (2) If the request for a periodical 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.
- (3) A periodical inspection may also be requested during a period of six months after the expiry of the certificate of approval.
- (4) The competent authority shall establish the validity period of the certificate of approval according to the results of the inspection.

1.10 Extension of the certificate of approval without an inspection

By derogation from article 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 Official inspection

- (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 article 1.2.
- (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 Withholding and return of the certificate of approval

- (1) 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.

- (2) When the inspection body or the classification society referred to in paragraph 1 above ascertains, by means of a special inspection according to paragraph 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.

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

1.13 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 Register of certificates of approval

- (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.
- (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.

CHAPTER 2

[PROCEDURE FOR EQUIVALENTS AND DEROGATIONS

2.1 Procedure for equivalents

When the provisions of Annex 1, prescribe for a vessel the use or the presence on board of certain materials, installations or equipment or the adoption of certain construction measures or certain fixtures, the competent authority may agree to the use or the presence on board of other materials, installations or equipment or the adoption of other construction measures or other fixtures for this vessel if, in line with recommendations established by the Administrative Committee, they are accepted as equivalent.

2.2 Derogations on a trial basis

The competent authority may, on the basis of a recommendation by the Administrative Committee, issue a trial certificate of approval for a limited period for a specific vessel having new technical characteristics departing from the requirements of Annex 1, provided that these characteristics are sufficiently safe.

2.3 Particulars of equivalents and derogations

The equivalents and derogations referred to in 2.1 and 2.2 shall be entered in the certificate of approval.]

CHAPTER 3

SPECIAL AUTHORIZATIONS CONCERNING TRANSPORT IN TANK VESSELS

3.1 Special authorizations

- (1) In accordance with paragraph 2 of Article 7, the competent authority shall have the right to issue special authorizations to a carrier or a shipper for the international carriage in tank vessels of dangerous substances, including mixtures, the carriage of which in tank vessels is not authorized under Annex 1, in accordance with the procedure set out below.
- (2) The special authorization shall be valid, due account being taken of the restrictions specified therein, for the Contracting Parties and on whose territory the transport operation will take place, for not more than one year but subject to repeal at an earlier date. With the approval of the Competent authorities of these Contracting Parties, the special authorization may be renewed for a period of not more than one year.
- (3) The special authorization shall include a statement concerning its repeal at an earlier date and shall conform to the model given in Annex 1.

3.2 Procedure

- (1) The carrier or the shipper shall apply to the competent authority of a Contracting Party on whose territory the transport operation takes place for the issue of a special authorization.

The application shall include the particulars mentioned in Annex 1. The applicant shall be responsible for the accuracy of the particulars.

- (2) The competent authority shall consider the application from the technical and safety point of view. If it has no reservations, it shall draw up a special authorization applying the criteria laid down in Annex 1 and immediately inform the other competent authorities involved in the carriage in question. The special authorization shall be issued only when the authorities concerned agree to it or have not expressed opposition within a period of two months after receiving the information. The applicant shall receive the original of the special authorization and keep a copy of it on board the vessel(s) involved in the carriage in question. The competent authorities shall immediately communicate to the Administrative Committee the applications for special authorizations, the applications rejected and the special authorizations granted.
- (3) If the special authorization is not issued because doubts or opposition have been expressed, the Administrative Committee shall decide whether or not to issue a special authorization.

3.3 Update of the list of substances

- (1) The Administrative Committee shall consider all the special authorizations and applications communicated to it and decide whether the substance is to be included in the list of substances in Annex 1, authorized for carriage in tank vessels.
- (2) If the Administrative Committee enters technical or safety reservations concerning the inclusion of the substance in the list in Annex 1 authorized for carriage in tank vessels or concerning certain conditions, the competent authority shall be so informed. The competent authority shall immediately withdraw or, if necessary, modify the special authorization.

CHAPTER 4

RECOGNITION OF CLASSIFICATION SOCIETIES

4.1 General

In the event of the conclusion of an international agreement concerning more general regulations for the navigation of vessels on inland waterways and containing provisions relating to the full range of activities of classification societies and their recognition, any provision of this Chapter in contradiction with any of the provisions of the said international agreement would, in the relations among Parties to this Agreement which had become parties to the international agreement and as from the day of the entry into force of the latter, automatically be deleted and replaced ipso facto by the relevant provision of the international agreement. This Chapter would become null and void once the international agreement came into force if all parties to this Agreement became parties to the international agreement.

4.2 Procedure for the recognition of classification societies

(1) A classification society which wishes to be recommended for recognition under this Agreement shall submit its application for recognition, in accordance with the provisions of this chapter, to the competent authority of a Contracting Party.

The classification society shall prepare the relevant information in accordance with the provisions of this chapter. It shall produce it in, at least, an official language of the State where the application is submitted and in English.

The Contracting Party shall forward the application to the Administrative Committee unless in its opinion the conditions and criteria referred to in 4.3 have manifestly not been met.

(2) The Administrative Committee shall appoint a Committee of Experts. The composition of the Committee of Experts and its rules of procedure shall be determined by the Administrative Committee. This Committee of Experts shall consider the proposal; it shall determine whether the classification society meets the criteria set out in 4.3 below and shall make a recommendation to the Administrative Committee within a period of six months.

(3) The Administrative Committee shall examine the report of the experts. It shall decide in accordance with the procedure set out in article 17, 7(c), within one year maximum, whether or not to recommend to the Contracting States that they should recognize the classification society in question. The Administrative Committee shall establish a list of the classification societies recommended for recognition by the Contracting Parties.

(4) On the basis of the list referred to in paragraph (3), each Contracting Party may decide to recognize the classification societies in question. The Contracting Party shall inform the Administrative Committee and the other Contracting Parties of its decision.

The Administrative Committee shall update the list of recognitions issued by Contracting Parties.

(5) If a Contracting Party considers that a classification society no longer meets the conditions and criteria set out in 4.3 below, it may submit a proposal to the Administrative Committee for withdrawal from the list of recommended societies. Such a proposal shall be substantiated by convincing evidence of a failure to meet the conditions and criteria.

(6) The Administrative Committee shall set up a new Committee of Experts following the procedure set out under 4.2 (2) which must report to the Administrative Committee within a period of six months.

(7) The Administrative Committee may decide, according to article 17, 7 (c) to withdraw the name of the society in question from the list of societies recommended for recognition. In such a case, the classification society shall immediately be so informed and Contracting Parties shall be advised by the Administrative Committee to withdraw their recognition accordingly.

(8) [In the case of a vessel with a certificate of approval issued on the basis of an inspection according to Chapter 1, paragraph 1.2, by a classification society that does not appear, at the time of the inspection, in the list referred to in paragraph (3) above, entering the territory of another Contracting Party, the competent authority of that Party may at any time order an official inspection in accordance with Chapter 1, paragraph 1.11, even if at first sight the vessel presents no obvious danger for the persons on board, for navigation or for the environment.]

4.3 Conditions and criteria for the recognition of a classification society applying for recognition under this Agreement

A classification society applying for recognition under this Agreement must meet all the following conditions and criteria:

- (1) A classification society shall be able to demonstrate extensive knowledge of and experience in the assessment of the design and construction of inland navigation vessels. The society should have comprehensive rules and regulations for the design, construction and periodical inspection of vessels. These rules and regulations shall be published and continuously updated and improved through research and development programmes.
- (2) Registers of the vessels classified by the classification society shall be published annually.
- (3) The classification society shall not be controlled by shipowners or shipbuilders, or by others engaged commercially in the manufacture, fitting out, repair or operation of ships. The classification society shall not be substantially dependent on a single commercial enterprise for its revenue.
- (4) The headquarters or a branch of the classification society authorized and entitled to give a ruling and to act in all areas incumbent on it under the regulations governing inland navigation shall be located in one of the Contracting Parties.
- (5) The classification society and its experts shall have a good reputation in inland navigation; the experts shall be able to provide proof of their professional abilities.
- (6) The classification society:
 - shall have sufficient professional staff and engineers for the technical tasks of monitoring and inspection and for the tasks of management, support and research, in proportion to the tasks and the number of vessels classified and sufficient to keep regulations up to date and develop them in the light of quality requirements;
 - shall have experts in at least two Contracting Parties.
- (7) The classification society shall be governed by a code of ethics.
- (8) The classification society shall have prepared and implemented and shall maintain an effective system of internal quality based on the relevant aspects of internationally recognized quality standards and conforming to the standards EN: 45004: 1995 (control mechanisms) and ISO 9001 or EN 29001: 1997. The classification society is subject to certification of its quality system by an independent body of auditors recognized by the administration of the State in which it is located.

4.4 Obligations of recommended classification societies

- (1) Recommended classification societies shall undertake to cooperate with each other so as to guarantee the equivalence of their technical standards and their implementation.
- (2) Recommended classification societies shall undertake to bring their requirements into line with the present and future provisions of this Agreement.

CHAPTER 5

[MONITORING THE CARRIAGE OF DANGEROUS GOODS BY INLAND WATERWAY

5.1 Monitoring compliance with requirements

Contracting Parties shall ensure that a representative proportion of consignments of dangerous goods carried by inland waterway is subject to the monitoring in accordance with the provisions of this Chapter.

5.2 Monitoring procedure

(1) In order to carry out the checks provided for in this Agreement, the competent authorities shall use the checklist to be developed by the Administrative Committee. A copy of this checklist or a certificate showing the result of the check drawn up by the competent authority which carried it out shall be given to the master of the vessel and presented on request in order to simplify or avoid, where possible, subsequent checks. This paragraph shall not prejudice Contracting Parties right to carry out specific measures for detailed checks.

(2) The checks shall be random and shall as far as possible cover an extensive portion of the inland waterway network.

(3) Checks shall not exceed a reasonable length of time. When doing the monitoring, the authorities will make all possible efforts to avoid unduly detaining or delaying a vessel.

5.3 Infringements or requirements

Without prejudice to other penalties which may be imposed, vessels in respect of which one or more infringements of the rules on the transport of dangerous goods are established may be detained at a place designated for this purpose by the authorities carrying out the check and required to be brought into conformity before continuing their journey or may be subject to other appropriate measures, depending on the circumstances or the requirements of safety.

5.4 Checks in companies and at places for loading and unloading

(1) Checks may be carried out at the premises of undertakings, as a preventive measure or where infringements which jeopardize safety in the transport of dangerous goods have been recorded during the voyage.

(2) The purpose of such checks shall be to ensure that safety conditions for the transport of dangerous goods by inland waterway comply with the relevant laws.

5.5 Sampling

Where appropriate and provided that this does not constitute a safety hazard, samples of the goods transported may be taken for examination by laboratories recognized by the competent authority.

5.6 Cooperation of the competent authorities

(1) Contracting Parties shall assist one another in order to give proper effect to these requirements.

(2) Serious or repeated infringements jeopardizing the safety of the transport of dangerous goods committed by a foreign vessel or undertaking must be reported to the competent authority in the Contracting

Party in which the certificate of approval of the vessel was issued or in which the undertaking is established.

(3) The competent authority of Contracting Party in which serious or repeated infringements have been recorded may ask the competent authority of the Contracting Party in which the certificate of approval of the vessel was issued or in which the undertaking is established for appropriate measures to be taken with regard to the offender or offenders.

(4) The latter competent authority shall notify the competent authorities of the Contracting Party in which the infringements were recorded of any measures taken with regard to the offender or offenders.

5.7 Administrative assistance during the checking of a foreign vessel

If the findings of a check on a foreign vessel give grounds for believing that serious or repeated infringements have been committed which cannot be detected in the course of that check in the absence of the necessary data, the competent authorities of the Contracting Parties concerned shall assist one another in order to clarify the situation.
