



**Economic and Social
Council**

Distr.
GENERAL

TRANS/AC.6/20
1 November 1999

ENGLISH
Original: FRENCH

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 TENTH SESSION
(30 August-2 September 1999)**

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ATTENDANCE

1. The Ad Hoc Working Group for the Elaboration of a draft European Agreement concerning the International Carriage of Dangerous Goods by Inland Waterway held its tenth session from 30 August to 2 September with Mr. R.J. van Dijk (Netherlands) as Chairman and Mr. G. Kafka (Austria) as Vice-Chairman. Representatives of the following countries took part in its work: Austria; Belgium; Czech Republic; France; Germany; Hungary; Italy; Netherlands; Romania; Russian Federation; Slovakia; Switzerland; Ukraine. The European Commission was represented, as were the following intergovernmental organizations: Danube Commission and Central Commission for the Navigation of the Rhine (CCNR). The following non-governmental organizations were also represented: European Chemical Industry Council (CEFIC), International Association of Classification Societies (IACS), International Consortium of Rhine Inland Navigation (IAR) and European Petroleum Industry Association (EUROPIA).
2. Secretariat functions were performed jointly by the ECE and CCNR secretariats.

ADOPTION OF THE AGENDA

3. The Working Group adopted the agenda prepared by the secretariat as contained in document TRANS/AC.6/19-MD/INT(99)12.

ADOPTION OF THE REPORT OF THE AD HOC WORKING GROUP ON ITS NINTH SESSION

4. The Working Group adopted the report of its ninth session as contained in document TRANS/AC.6/18-MD/INT(99)6.

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

Agreement

Document: TRANS/AC.6/18/Add.1-MD/INT(99)6/Add.1

5. The Working Group considered the whole of the draft Agreement proper, in particular the text in square brackets.

Article 2

6. In view of the fact that the current work of restructuring of the various legal instruments concerning the carriage of dangerous goods on the basis of the United Nations Model Regulations would inevitably involve changes in the structure of the Annexes in the near future and that it would be difficult to amend the text of the Agreement proper at such short notice, it was agreed not to refer specifically to the numbers of the Annexes and in paragraph 2 only to keep a general reference to their content. Similarly, in the other articles, reference to the Annexes by number should be replaced by references to the subject of the Annexes.

Article 3

7. The representative of the Russian Federation suggested that it should be specified in the reference to seagoing vessels in the definition of “vessel” in paragraph (a) that these were seagoing vessels sailing on inland waterways. This was not considered necessary since it came within the scope of the Agreement which already stated in article 1 to what extent the Agreement applied to seagoing vessels.

8. The square brackets round paragraphs (g) and (h) were removed and paragraph (h) was amended to specify that inspections concerned all vessels and not only inland navigation vessels.

9. It was decided to come back to paragraph (f) following discussion of Chapter 4 of Annex 2.

Article 4

10. It was proposed verbally that the order of paragraphs 1 and 2 should be modified, since cases of complete prohibition were rare and in practice dangerous goods could for the most part be carried under n.o.s. (not otherwise specified) entries when they were not referred to by name. It was, however, noted that cases of complete prohibition did exist, and that the carriage in tank-vessels of substances not referred to by name was prohibited.

11. The Working Group agreed to keep the paragraph on prohibitions as paragraph 1, as in ADR, since the notion of prohibition should take precedence, particularly as the international carriage of dangerous goods would be prohibited if the conditions of the Agreement were not met.

Article 5

12. The Working Group agreed to remove the square brackets and to keep the option of listing the various cases in which exemptions could be granted.

Article 7

Document: TRANS/AC.6/1999/7-MD/INT(99)9 (Netherlands)

13. The Working Group noted that the proposal by the Netherlands to redraft article 7 was more restrictive than the text had been before particularly as regards the right of the Contracting Parties to conclude special agreements for dangerous goods the international carriage of which was permitted by the Agreement only under specific conditions.

14. After discussion of the proposal that a drafting group should redraft article 7, the Working Party agreed to keep paragraphs (1) and (2) of article 7 as contained in document TRANS/AC.6/18/Add.1-MD/INT(99)6/Add.1, and to add a paragraph 3 concerning equivalences (see Annex 1).

Article 8

15. The Working Group agreed that the transitional provisions referred to in paragraph 1 should also apply to documents other than certificates of approval.
16. The representative of CCNR proposed that a new paragraph 1 should be inserted, to read:
- “States which, at the date of their ratification of the Agreement, apply within the framework of international organizations safety standards more stringent than those contained in the Annexes, shall be permitted to keep them in force during the period required for such standards to be considered and, if appropriate, included in the procedure for the amendment of the said Annexes.”
17. The representatives of Switzerland and France supported this proposal, considering that there was a need to ensure that the level of safety of ADNR at the date of entry into force of the Agreement, if more stringent than that provided for by the Agreement at the same date, should prevail in States applying ADNR.
18. The representative of the Netherlands said that this proposal committed only the CCNR secretariat since the member States had not come to an agreement on the text. He pointed out that the wording would be subject to interpretation, that certain terms should be defined, and that a paragraph of this nature would be liable to give rise to an extremely confused situation when the Agreement came into force.
19. The representative of Austria reminded the Working Group that the Annexes to the Agreement would continue to be updated by the Economic Commission for Europe (WP.15/AC.2 Meeting of Experts) in cooperation with CCNR, and that provision would be made for machinery to amend the Annexes to the Agreement once they were in force so as to remedy the problem of the evolution of technical requirements.
20. The proposal by the representative of CCNR was not accepted.
21. Most delegations were in favour of deleting paragraphs 3 and 4, mainly because the Agreement already made provision for monitoring procedures and these paragraphs would force States to carry out systematic checks every time a vessel moved for the first time into a new navigation basin, even if it had already been monitored. The representative of IAR particularly mentioned the additional costs that this would entail for the profession and the adverse effects of these provisions for river shipping in Western Europe.
22. The representative of Germany said that he hoped that these paragraphs would be discussed only after the transitional measures of Annexes 3 and 4 had been considered.
23. The representatives of Belgium, France, Germany and Switzerland said that they would like these paragraphs to be kept.

24. The Working Group finally agreed to keep paragraphs 3 and 4 in square brackets, although they were supported by only four delegations. The final decision would have to be taken by the Diplomatic Conference, and delegations in favour of these paragraphs were requested to submit to the Conference documents justifying them, bearing in mind the complications and expenses they would entail.

25. The representative of Hungary proposed that these paragraphs should be replaced by a paragraph enabling the State in which the port was situated to carry out checks if it had doubts concerning a particular vessel sailing under the conditions referred to in paragraphs 3 and 4 (see Annex 2). Several delegations supported this solution, but since the proposal had been made verbally, and bearing in mind that article 8 was not necessarily suited to the provisions concerning monitoring normally contained in Annex 2, Chapter 5, the representative of Hungary was requested to submit a written proposal to the Conference if he deemed it necessary.

26. The representative of the Russian Federation said that paragraph 5 along with paragraphs 3 and 4 of article 8 should be deleted because transitional provisions for vessels which did not carry ADNR or ADND certificates of approval and did not conform fully to ADN should apply to vessels sailing on the European inland waterways covered by AGN.

27. The representative of Hungary, who was opposed to paragraphs 3, 4 and 5, said that if these paragraphs were kept, provision should be made for cases in which the requirements of ADN, as annexed to resolution No. 223 of the Inland Transport Committee, were currently applicable in accordance with domestic legislation.

Article 10

28. The representative of the European Commission confirmed that the Council of the European Union was still not in favour of the European Community becoming a Contracting Party to the Agreement; consequently, references to regional economic integration organizations could be deleted. Were the Council to change its mind, a formal proposal would be submitted to the Conference. He pointed out that the priority for the European Community was that the Agreement should be concluded as rapidly as possible.

29. The Working Group took note of the proposals put forward by the Chief of the Treaty Section of the United Nations Office of Legal Affairs and made the suggested amendments to articles 10 and 11.

Article 11

30. The Working Group agreed that the minimum number of States required for entry into force would be seven.

31. At the end of paragraph 2 it should be specified that the provisions of the Annexes concerning the approval of classification societies would come into force at the same time as the Agreement.

Articles 12 (1), 14 (3) and (4), 16 (2) and 18 (3)

32. The Working Group took note of the comments by the Chief of the Treaty Section of the Office of Legal Affairs and amended the texts in question accordingly.

Article 14 (1)

33. The representative of the Netherlands said that the wording of paragraph 1, taken from ADR, did not seem to conform to current law and asked that it should be checked by the Office of Legal Affairs.

34. The representative of CCNR said that the member States of CCNR would make a joint statement on the occasion of the Diplomatic Conference.

Article 16

35. The Working Group noted the comments of the Chief of the Treaty Section of the United Nations Office of Legal Affairs concerning this article. The Working Group confirmed that it was intended that only reservations regarding article 15 should be permitted, subject, however, to declarations concerning territorial scope as provided for in article 14. The Working Group considered that in view of article 19, paragraph (b) of the Vienna Convention on the Law of Treaties of 23 May 1969, the fact that provision was made in article 14 and article 16 for reservations implied that other reservations for which no explicit provision was made in the body of the Agreement were not permitted. If this interpretation was not clear, a provision similar to that set out in COTIF, excluding any other type of reservation, could be included in paragraph 3.

Article 17

36. The representative of CCNR reminded the meeting that at the previous session he had proposed an article 17 bis concerning the establishment of a Safety Committee in addition to the Administrative Committee (TRANS/AC.6/1999/2-MD/INT(99)2), and that his proposal was still in square brackets in the documents prepared by CCNR but not in those prepared by ECE. The representatives of the Netherlands, Belgium and Switzerland considered that the matter had not been settled and that the proposal should be discussed.

37. The ECE secretariat reminded the meeting of paragraphs 41 to 49 of the report (TRANS/AC.6/18-MD/INT(99)6), which gave a summary of the discussions at the last session and according to which CCNR should reconsider the question in view of the fact that the Working Group tended to favour the use of existing structures. The ECE secretariat had been requested to prepare a draft resolution concerning the working arrangements after adoption of the Agreement (see TRANS/AC.6/1999/6-MD/INT(99)8).

38. The representative of the Russian Federation said that he was opposed to the establishment of a Safety Committee and hoped that the discussion would not be reopened since a decision had been taken at the previous session.

39. In view of the divergence of opinions among delegations in this regard, the ECE and CCNR secretariats had prepared a draft article 17 bis which would be numbered as article 18, whereby the Agreement would provide for the setting-up of a Safety Committee which would, however, operate within the framework of the activities of existing ECE and CCNR bodies. In accordance with the draft resolution prepared by the ECE secretariat, this article gave it to be understood that the current ECE and CCNR bodies with competence in the area of the international carriage of dangerous goods by inland waterway would form a common group open to all ECE member States - whether Contracting parties or not - which would act as the Safety Committee.

40. The role of this Committee would first be to establish all proposals for amendments to the technical requirements of the annexed Regulations which concerned transport safety and the operation and construction of vessels and to draw up recommendations on the basis of these proposals which could be used by all ECE member States. The final decisions to amend the Regulations annexed to the Agreement on the basis of these recommendations would devolve on the Administrative Committee. The Safety Committee would not be empowered to discuss questions which concerned only the administration of the Agreement.

41. The representative of the Russian Federation expressed a reservation concerning the inclusion of a paragraph establishing a Safety Committee in the text of the Agreement and reserved the right to oppose the establishment of such a body during the Diplomatic Conference.

42. The representative of Hungary proposed that the concept of the Safety Committee should be introduced into article 17 in order to make it a subcommittee of the Administrative Committee governed by the same rules. Several delegations declared that they opposed this proposal since it would be tantamount to establishing a new body independent of existing ECE and CCNR bodies and would not ensure the desired cooperation between all the member States of ECE.

43. The ECE and CCNR secretariats were asked to discuss possible cooperation arrangements between themselves and submit them to the competent bodies of their organizations for approval.

Article 19

44. The Working Group revised paragraphs 2 to 4 in order to take account both of the Safety Committee and of the comments submitted by the Chief of the Treaty Section of the United Nations Office of Legal Affairs.

45. The representative of CCNR said that his organization had now accepted that in a context of pan-European regulations, the rules of consensus applied by CCNR in its work would become difficult to implement on a larger scale, and that paragraph 5 in square brackets could be deleted. The representative of Germany said that it should be kept. The Working Group agreed, however, that it should be deleted and asked States wishing to keep this provision to make specific proposals to do so, including procedural rules, and to submit them to the Diplomatic Conference.

46. The Working Group noted the comment by the Treaty Section on paragraph 5 (a) but further noted that this paragraph also appeared in ADR and that its purpose was to be capable of ensuring the simultaneous entry into force of the same amendments to different instruments applicable to different modes of transport. In view of the prime importance of harmonization in this area, this paragraph should be kept and the ECE secretariat might wish to amend and improve it in consultation with the Treaty Section provided that its objective was not changed.

Article 21

47. The representative of the Netherlands asked why provision had been made for a review conference when the Agreement could be amended in accordance with article 18.

48. Article 21 had been kept because a review conference permitted the substance of the Agreement to be revised with the participation of States which were not Contracting Parties to the Agreement.

Final clauses

49. The secretariat confirmed that the annexed Regulations must be available in the four languages for the Diplomatic Conference. It reminded the meeting that it had been agreed to keep to a single language version (French) as the authentic language for the annexed Regulations since they would be voluminous and a word-by-word check of the concordance of the texts for the Conference would be impossible. The fact of having a single reference version available also made it possible to avoid problems of interpretation which might arise in the event of divergences, and French had been selected because it was the only language common to the ECE, CCNR and Danube Commission secretariats.

Annex 2 to the draft Agreement

Document: TRANS/AC.6/18/Add.1-MD/INT(99)6/Add.1

Chapters 1 and 5

50. Chapters 1 and 5 were adopted with some drafting changes (see annex 1).

Chapter 2

51. The text submitted in the basic document was preferred to that proposed by the Netherlands (TRANS/AC.6/1999/7-MD/INT(99)9) and was adopted with some drafting changes (see annex 1).

Chapter 3

52. In paragraph 3.1 (2) it was decided to make the maximum duration of validity of the special authorization two years instead of one, in anticipation of a decision to be taken by CCNR for ADNR (see annex 1).

53. References to Annex 1 should be replaced by appropriate references to Annexes A, B.1 and B.2 and possibly to their Appendices and marginals (see annex 1).

Chapter 4

54. It was specified in paragraph 4.2 (4) that only classification societies appearing on the list could be recognized (see annex 1).

55. After lengthy discussions on paragraphs (7) and (8) (see also TRANS/AC.6/18-MD/INT(99)6) and whether the Administrative Committee could decide to withdraw recognition from a classification society recognized by a State although this recognition was the result of an administrative act and came under the sovereign law of the State, the Working Group agreed on a compromise solution whereby paragraph (8) was deleted and the Administrative Committee invited the Contracting Parties to take appropriate steps if it withdrew a classification society from the list of recommended societies (see annex 1).

56. Following the decisions taken, the Working Group adopted a new definition of a classification society in article 3 (f) of the draft Agreement (see annex 1).

57. The Working Group agreed that Chapter 4 should become the second chapter of this Annex to the Regulations.

Chapter 6

Document: TRANS/AC.6/1999/9-MD/INT(99)11 (France)

58. The Working Group approved in principle the proposal by France that provisions concerning training, currently contained in Annexes B.1 and B.2 of ADN, should be grouped in Chapter 6 of this Annex.

59. The Working Group noted that CCNR had prepared a new text (INF.3), but since it consisted of new provisions, the representative of CCNR was invited to submit his proposal to the WP.15/AC.2 Meeting of Experts which would be checking Chapter 6.

Annex 3

Document: TRANS/AC.6/1999/4-MD/INT(99)5 (CCNR)

60. The Working Group noted that CCNR's proposal contained explicit references to the transitional provisions of ADNR 77 and ADNR 95 and an ADNR certificate of approval, implying that only vessels carrying an ADNR certificate of approval could benefit from these transitional provisions. The proposal was therefore contrary to the principle recognized by the Working Group whereby the transitional provisions of Annex 3 were general transitional provisions which should be available for use by all vessels meeting their safety requirements.

61. A new text was drafted during the session and would be submitted to the WP.15/AC.2 Meeting of Experts for checking.

Annex 4

Document: TRANS/AC.6/1999/5-MD/INT(99)7 (Russian Federation)

62. The Working Group noted that the Russian Federation wished to submit additional special provisions in addition to those already prepared (TRANS/AC.6/1999/1-MD/INT(99)1).

63. The representative of the Russian Federation transmitted a new text to the secretariat to replace the text contained in document TRANS/AC.6/1999/5, and presenting these transitional provisions in the format of Annex 4 for submission to the WP.15/AC.2 Meeting of Experts.

64. The representative of Austria said that he would prepare a consolidated text of Annex 4 on the basis of these new proposals.

PREPARATION OF THE DIPLOMATIC CONFERENCE

Draft rules of procedure

Document: TRANS/AC.6/1999/8-MD/INT(99)10 (Secretariat)

65. A member of the secretariat said that this document was a preliminary draft of the rules of procedure, based on the rules of procedure adopted by the Working Group for its own work and amended to take account of the requirements of the Vienna Convention on the Law of Treaties in respect of the arrangements for the adoption of the text of treaties at an international conference. He stressed, however, that the draft had not yet been checked by the Office of Legal Affairs and that it might well be amended before being proposed to the Conference.

66. As regards rule 1, the Working Group nominated the following organizations: European Petroleum Industry Association (EUROPIA), International Union of Inland Navigation (IUNF), International Consortium of Rhine Inland Navigation (IAR) and other non-governmental organizations which should be authorized to take part in the debates of the Conference in addition to the non-governmental organizations to which the Economic and Social Council had granted consultative status or which appeared on the Roster.

67. Some delegations suggested that the credentials should be examined by a Credentials Committee rather than by the President and Vice-President. The secretariat should consult the Office of Legal Affairs and the Conference would possibly decide on the appropriate procedure.

68. It was also suggested that provision should be made for a Drafting Committee. A member of the secretariat said that the ECE secretariat hoped that the Conference would limit itself to discussion of substantive issues still pending and that it would not make a complete revision of the text. Since the delegations taking part in negotiating the Agreement had expressed the wish to conclude the Conference with a signing ceremony, the texts and the

various language versions should be checked in every detail to ensure that they tallied before their submission to the Conference; it would be difficult to prepare the final authentic version for signature on official paper in the four languages if a complete revision was made during the Conference.

69. The Working Group recommended that the Conference Bureau should be composed of a President and two Vice-Presidents, representing a member country of CCNR, a member country of the Danube Commission and a country which was a member of neither commission. Each Bureau member should come from a country which had participated actively in the preparatory work.

Draft resolution

Document: TRANS/AC.6/1999/6-MD/INT(99)8

70. The Working Group approved the draft resolution prepared by the secretariat, provided that it was modified to take account of the amendments made to the draft Agreement, in particular the replacement of the Annexes by Regulations annexed to the Agreement and the establishment of a Safety Committee in accordance with article 18.

71. The representative of the Danube Commission said that his organization wished to take an active share in the work for which the resolution provided. Should the Danube Commission wish to provide resources in order to contribute to the secretariat of the planned joint meeting of experts and to the organization of these meetings, it would have to confirm it as soon as possible to the ECE secretariat.

72. The draft resolution should also be brought to the attention of the ECE Inland Transport Committee.

ADOPTION OF THE REPORT

73. The Working Group adopted paragraphs 1 to 34 and the annexes contained in document TRANS/AC.6/1999/CRP.4. The rest of the draft Agreement and its Annexes was transmitted to all delegations after the meeting; the final report contained in this document takes account of the comments received, no objections having been registered.

Annex 1

Amendments to the draft European Agreement concerning the International Carriage of Dangerous Goods by Inland Waterway (ADN)

(See TRANS/AC.6/18/Add.1-MD/INT(99)6/Add.1)

Article 2 Amend to read:

“Article 2

Regulations annexed to the Agreement

1. The Regulations annexed to this Agreement shall form an integral part thereof. Any reference to this Agreement implies at the same time a reference to the annexed Regulations.
2. The Regulations annexed include:
 - Provisions concerning the international carriage of dangerous goods by inland waterway
 - Requirements and procedures concerning inspections, the issue of certificates of approval, recognition of classification societies, monitoring, training and examination of experts, derogations and special authorizations
 - General transitional provisions
 - Supplementary transitional provisions applicable on specific inland waterways.”

Article 3

- (b) Read: “... which is prohibited by or authorized only on certain conditions by the annexed Regulations;”
- (d) Delete the square brackets.
- (f) Read:

“‘Recognized classification society’ means a classification society which is recognized, in accordance with the criteria laid down in the annexed Regulations, by the competent authority.”
- (g) Read: “... laid down in the annexed Regulations” (rest unchanged).

(h) Read:

“inspection body” means a body nominated or recognized by the Contracting Party for the purpose of inspecting vessels according to the procedures laid down in the annexed Regulations.”

(g) to (h): Delete the square brackets.

Annex 4

- “1. ... barred from carriage by the annexed Regulations shall not be accepted ...”
2. “... with the conditions laid down in the annexed Regulations.”
3. “... in accordance with the provisions laid down in the annexed Regulations.”
(rest unchanged)

Article 5

Read:

“Exemptions

This Agreement shall not apply, in part or in its entirety to the carriage of dangerous goods exempted in accordance with the annexed Regulations. 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 7

Amend to read:

“Special regulations

1. The Contracting Parties shall retain the right to arrange, for a limited period established in the annexed Regulations, 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 under specified conditions alternatively may be accepted for international carriage on their inland waterways under conditions different from those laid down in the annexed Regulations.

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 in accordance with the transport requirements of the annexed Regulations, subject to compliance with the procedures concerning special authorizations contained in those Regulations.

3. The Contracting Parties shall retain the right to authorize in the following cases the international carriage of dangerous goods on board a vessel which does not comply with the conditions established in the annexed Regulations, subject to compliance with the procedures established in those Regulations:

- (a) use on board a vessel of materials, installations or equipment, or certain measures concerning construction or certain provisions other than those prescribed in the annexed Regulations.”
- (b) a vessel with technological innovations derogating from the provisions of the annexed Regulations.

Article 8

Amend to read:

- “1. Certificates of approval and other documents prepared ..., applicable at the date of the application, in accordance with article 11, paragraph 1 of the annexed Regulations, shall remain valid ...” (remainder unchanged).
- “2. Vessels which, at the date of application, in accordance with article 11, paragraph 1 of the annexed Regulations, are approved for the carriage of dangerous goods on the national territory of a Contracting Party and which conform to the requirements of the annexed Regulations, according to the transitional provisions, may obtain an ADN certificate of approval under the procedure described in those Regulations.
- [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 the annexed Regulations, in accordance with article 11, paragraph 1, compliance with the requirements contained in these Regulations, including the general transitional provisions, 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 the annexed Regulations, in accordance with article 11, paragraph 1, compliance with the requirements contained in those Regulations, including the general transitional provisions, 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 date of the application of the annexed Regulations, in accordance with article 11, paragraph 1, the additional transitional provisions applicable on specific inland waterways may be applied in addition to the general transitional provisions. 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 the annexed Regulations, the Contracting Parties may include new general transitional provisions. These provisions shall indicate the vessels in question and the period of validity.”

Article 10

1. Delete the text in square brackets.

In (a), delete “without reservation of ratification, acceptance or approval.”

Article 11

1. and 2:

Replace “without reservation of ratification, acceptance or approval” by “definitively” (4 times);

Replace “[5-10]” by “seven”.

1. Replace “However, the annexes thereto shall not apply” by “However, the annexed Regulations shall not apply.”
2. Replace “the Annexes thereto shall apply ... article” by “the annexed Regulations shall apply ... article”.

Article 12

1. Insert “in writing” after “notifying”;
2. Insert “in writing” after “notification”.

Article 14

Replace “without reservation of ratification, acceptance or approval” by “definitively” (twice).

Insert “in writing” after “notification”.

Article 16

Insert a new paragraph to read:

“3. Reservations other than those for which this Agreement provides shall not be accepted.”

Article 17

Paragraph 7: Remove the square brackets and delete “[and 5]” (twice).

Paragraph 7 (b): Replace “to the annexes to this Agreement” by “to the annexed Regulations”.

[Insert a new article 18 after article 17 to read:

“Article 18 - Safety Committee

A Safety Committee shall be established to consider all proposals for the amendment of the annexed Regulations, particularly with regard to the safety of navigation and the construction, equipment and crewing of vessels. The Committee shall function within the framework of the activities of the bodies of the Economic Commission for Europe and of the Central Commission for the Navigation of the Rhine which are competent in the transport of dangerous goods by inland waterway.”]

[Note by the secretariat: This insertion is the subject of a reservation on the part of the Government of the Russian Federation; see paragraph 41 of the report.]

Article 18

Heading: Replace “the Annexes” by “the Regulations annexed”.

1 and 2: Replace “its Annexes/the Annexes” by “the Regulations annexed”.

Article 19

Heading: Replace “the Annexes” by “the Regulations annexed”.

- “1. The Regulations annexed to this Agreement may be amended ...
The Secretary-General ... to bringing the annexed Regulations into line with ...”.

Paragraphs 2 to 4, read:

- “2. Any proposed amendment to the annexed Regulations shall in principle be proposed to the Safety Committee, which shall submit the draft amendments it adopts to the Administrative Committee.
3. At the specific request of a Contracting Party, or if the secretariat considers it appropriate, amendments may also be proposed directly to the Administrative Committee. Such proposed amendments shall be examined at a first session and if they are deemed to be acceptable, they shall be reviewed at the following session of the Committee at the same time as any related proposal, unless otherwise decided by the Committee.
4. Decisions on proposed draft amendments and proposed amendments submitted to the Administrative Committee in accordance with paragraphs 2 and 3 shall be made by a majority of the members present and voting. However, an amendment shall not be deemed adopted if, immediately after the vote, five members present declare their objection to it. Adopted amendments shall be communicated by the Secretary-General of the United Nations to the Contracting Parties for acceptance.”

Delete paragraph 5 and renumber accordingly.

Paragraph 6: replace “the Annexes” with “the annexed Regulations”.

Article 21

1. Replace “this Convention” by “this Agreement”.

Final clauses: Replace “Annexes 1 to 4” by “the annexed Regulations”.

Amendments to Annex 2

(renamed Annex C)

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

CHAPTER 1

1.1.1 Bring into line with the English version (concerns the French text only).

1.9 Heading, read:

“Periodical inspections and renewal of the certificate of approval”.

1.9 (4) Read: “... validity of the new certificate on the basis of this inspection”.

CHAPTER 2

Remove the square brackets.

CHAPTER 3

3.1 (1) and (3) Replace “Annex 1” by “Annex B.2”.

(2) Replace “one year” by “two years”.

3.2 (1), (2) and (3) Replace “Annex 1” by “Annex B.2”.

CHAPTER 4

Number as Chapter 2 and renumber the other chapters accordingly.

4.2 (4) Insert “sole” before basis. In the French text replace “décide” by “peut décider”.

4.2 (7) Replace the second sentence by:

“In such a case, the society shall immediately be so informed. The Administrative Committee shall inform all Contracting Parties that the classification society no longer meets requirements to act as a recognized classification society in the framework of the Agreement and shall invite them to take all necessary measures to remain in conformity with the requirements of the Agreement.”

4.2 (8) Delete.

CHAPTER 5

5.2 (1) Replace “the competent authorities” by “the Contracting Parties”.

(3) Delete “Checks shall not exceed a reasonable length of time” and replace “When doing the monitoring” by “When exercising their right of monitoring”.

Annex 2

Proposal by Hungary for article 8

Replace paragraphs 3 and 4 of article 8 by:

“[When there is reason to believe that a vessel carrying a certificate of approval does not meet the requirements of Annex 1 to this Agreement, the authorities of the State in which the port is situated may subject it to further checks]”.

Annex 3

Draft resolution of the Diplomatic Conference

“The Conference,

Recognizing that the Regulations annexed to the European Agreement concerning the international carriage of dangerous goods by inland waterway (ADN) meets the level of safety required for navigation on European waterways covered by the European Agreement on Main Inland Waterways of International Importance (AGN) at the time of adoption of this Agreement;

Considering, however, that, this level of safety might no longer be deemed suitable at the time of entry into force of the Agreement, depending on the evolution of safety and transport techniques;

Recognizing also the need for harmonization of the provisions of the Regulations annexed to this Agreement with those of other agreements governing other modes of transport for the purpose of facilitating multimodal transport;

Aware of the request by the Central Commission for the Navigation of the Rhine that the level of safety at the time of entry into force of the Agreement should correspond to that applicable at that time on the Rhine;

Aware also of the desire of CCNR [and the Danube Commission] to remain closely associated in the regulating process;

Noting that CCNR and UN/ECE have subsidiary bodies specialized in the transport of dangerous goods by inland waterway;

Considering that, once the Agreement has entered into force, any proposal relating to Annexes A, B.1, B.2, D.1 and D.2, should in principle, before submission to the Administrative Committee, be discussed at meeting of experts of the Contracting Parties and, if necessary, of the other countries and international organizations mentioned in article 17, paragraph (2);

1. Invites UN/ECE, CCNR [and the Danube Commission] to establish a joint meeting of experts with the following mandate:

- (a) before entry into force of the agreement:
 - (i) to maintain Annexes A, B.1, B.2, D.1 and D.2 up to date in accordance with the level of safety deemed necessary by their member States, pending entry into force of the Agreement;
 - (ii) to recommend regular implementation, at national level, of the updated provisions of the relevant annexes by all countries interested in becoming parties to the Agreement;

- (iii) to appoint, amongst Contracting States and Signatory States, provisional committees of experts in accordance with Annex C, Chapter 2, paragraph 2.2. (2), to consider on a preliminary basis requests from classification Societies which wish to be recommended for recognition;

- (b) after entry into force of the Agreement:

Variant 1*

[To take the place of the Safety Committee referred to in article 18]*

Variant 2*

To consider all proposals related to amendments to Annexes A, B.1, B.2, D.1 and D.2 and to submit its recommendations with regard to such proposals to the Administrative Committee.

2. Requests the Executive Secretary of the Economic Commission for Europe to convene a meeting of the Administrative Committee as soon as possible after the entry into force of the Agreement with a view to

- (a) considering and adopting amendments to Annexes A, B.1, B.2, D.1 and D.2 on the basis of the preliminary work carried out in accordance with paragraph 1 (a) (i) above for bringing them up to date before their effective application in accordance with article 11, paragraph 1;
- (b) adopting a list of recommended classification societies on the basis of the preliminary work carried out in accordance with paragraph 1 (a) (iii) above, or appointing new committees of experts in accordance with Annex C, Chapter 2, paragraph 2.2 (2) to consider requests from classification societies which wish to be recommended for recognition.

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* Variant 1: If article 18, which is the subject of a reservation entered by the Government of the Russian Federation, is kept by the Conference.

Variant 2: If article 18, which is the subject of a reservation entered by the Government of the Russian Federation, is not kept by the Conference.