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ECONOMIC COMMISSION FOR EUROPE

Administrative Committee of the European Agreement
Concerning the International Carriage of Dangerous
Goods by Inland Waterways (ADN)

**REPORT OF THE ADMINISTRATIVE COMMITTEE OF THE EUROPEAN
AGREEMENT CONCERNING THE INTERNATIONAL CARRIAGE OF DANGEROUS
GOODS BY INLAND WATERWAYS ON ITS SECOND SESSION***
(29-30 January 2009)

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I. ATTENDANCE

1. The Administrative Committee of the European Agreement concerning the International Carriage of Dangerous Goods by Inland Waterways (ADN) held its second session in Geneva from 29-30 January 2009. Representatives of the following Contracting Parties took part in the work of the session: Austria, France, Germany, Netherlands and Russian Federation.

2. The Administrative Committee noted that the credentials of delegations attending the session were in order.

3. In accordance with article 17, paragraph 2 of ADN, and following a decision by the Committee (ECE/ADN/2, para. 8), representatives of:

(a) The Czech Republic, Croatia and Switzerland;

(b) The Central Commission for the Navigation of the Rhine (CCNR);

also took part in the session as observers.

II. ADOPTION OF THE AGENDA (agenda item 1)

Documents: ECE/ADN/3 and Add.1

4. The Administrative Committee adopted the agenda prepared by the secretariat.

III. ELECTION OF OFFICERS (agenda item 2)

5. On the proposal of the representative of Austria, Mr. H. Rein (Germany) was elected Chairman for 2009. On the proposal of the representative of Germany, Mr. B. Birkhuber (Austria) was elected Vice-Chairman for 2009.

IV. STATUS OF THE EUROPEAN AGREEMENT CONCERNING THE INTERNATIONAL CARRIAGE OF DANGEROUS GOODS BY INLAND WATERWAYS (ADN) (agenda item 3)

6. The Administrative Committee noted that, following accession by Romania, the number of Contracting Parties had reached 10: Austria, Bulgaria, France, Germany, Hungary, Luxembourg, Netherlands, Republic of Moldova, Romania and Russian Federation.

7. The Administrative Committee reiterated its concern expressed at its first session that only 5 out of 10 Contracting Parties were represented at this session. In accordance with Article 17, paragraph 6 of ADN, a quorum of not less than one half of the Contracting Parties is required for the purpose of taking decisions and although this condition was met, the Committee expressed the wish that in future all Contracting Parties would be represented.

V. WORK OF THE SAFETY COMMITTEE (agenda item 4)

8. The Committee took note of the report of the Safety Committee on its fourteenth session (ECE/TRANS/WP.15/AC.2/30) and adopted:

- (a) All corrections to the Regulations annexed to ADN, as listed in annex I to the report of the Safety Committee; the secretariat was requested to transmit these corrections, as soon as possible, to Contracting Parties for acceptance in accordance with the usual procedure for corrections;
- (b) All amendments, as listed in annex II to the report of the Safety Committee, which should be incorporated at a later stage in the set of amendments to be communicated to Contracting Parties in accordance with article 20, paragraphs 4 and 5 of ADN, for acceptance and entry into force on 1 January 2011.

9. The Committee endorsed the views expressed by the Safety Committee as regards the procedure to be followed for granting special authorizations to vessels which currently benefit from special authorizations on the basis of recommendations made by CCNR in accordance with ADNR (ECE/TRANS/WP.15/AC.2/30, paras 30-32).

VI. MATTERS RELATING TO THE RECOGNITION OF CLASSIFICATION SOCIETIES (agenda item 5)

Informal document: INF.1 (Secretariat)

10. The Committee noted that so far, Lloyd's Register and Germanischer Lloyd had been recognized by Austria, and the Russian Maritime Register of Shipping and the Russian River Register had been recognized by the Russian Federation.

11. The secretariat had received a letter from Luxembourg confirming the Government of Luxembourg's acceptance of the decisions taken by the Administrative Committee at its first session, but this letter did not specify whether the classification societies recommended by the Committee had been recognized. The secretariat was invited to clarify the intent of this letter.

12. The Chairman recalled that, in accordance with paragraph 1.15.2.4 of the Regulations annexed to ADN, all Contracting Parties have to inform the Administrative Committee and all other Contracting Parties of their decision concerning the recognition of the recommended classification societies (Bureau Veritas, Germanischer Lloyd, Lloyd's Register, Russian Maritime Register of Shipping, Russian River Register) and this should be done before the date of application of the Regulations (28 February 2009).

VII. PROGRAMME OF WORK AND CALENDAR OF MEETINGS (agenda item 6)

13. The Committee agreed that its next session should take place in the afternoon of 27 August 2009 and the morning of 28 August 2009 as tentatively scheduled by the secretariat.

14. With respect to the work of the Safety Committee, the Committee expressed the wish that the Safety Committee would consider as many issues as possible specific to ADN in August 2009, since it would have to devote a large part of its working time in January 2010 to the outcome of the work of the RID/ADR/ADN Joint Meeting.

VIII. ANY OTHER BUSINESS (agenda item 7)

Informal document: INF.1 (Secretariat)

15. The Committee took note of the list of notifications to be made to the secretariat as soon as the Regulations become applicable (see Annex).

16. Some of these notifications have to be made only when appropriate (paragraphs 1.4.1.3, 1.5.1.1, section 1.5.2, paragraphs 1.8.5.2, 1.9.4, 7.1.5.0.5) (See the Annex to the present report for the relevant text of the ADN).

17. Nevertheless some notifications should be made systematically by all Contracting Parties (paragraph 1.8.4 for the details of competent authorities, and 1.15.2.4 for recognized classification societies) and all Contracting Parties were urged to do so without delay.

18. For the notification of accidents or incidents according to 1.8.5.2, it was recalled that although accidents have to be reported to the competent authorities, there is no obligation for Contracting Parties to submit accident reports to the secretariat for information of other Contracting Parties. The relevance of submitting a report to the secretariat has to be decided by the Contracting Parties. The Administrative Committee expects Contracting Parties to submit such a report when it could lead to the improvement of the Regulations annexed to ADN.

19. The representatives of Germany and the Netherlands indicated that all accidents were recorded in a database in their countries. It was suggested that it might be useful to consider, in the future, incorporating all accident reports in a single European database.

20. A member of the secretariat indicated that all relevant notifications and information related to ADN would be made available on the UNECE website.

IX. ADOPTION OF THE REPORT (agenda item 8)

21. The Administrative Committee adopted the report on its second session and the Annex thereto on the basis of a draft prepared by the secretariat.

Annex

NOTIFICATIONS TO BE MADE BY CONTRACTING PARTIES

Reference (paragraphs of the Regulations annexed to ADN)	Text requiring notification
1.4.1.3	<p>If a Contracting Party considers that no lessening of safety is involved, it may in its domestic legislation transfer the obligations falling to a specific participant to one or several other participants, provided that the obligations of 1.4.2 and 1.4.3 are met. These derogations shall be communicated by the Contracting Party to the secretariat of the United Nations Economic Commission for Europe which will bring them to the attention of the Contracting Parties.</p>
1.5.1.1	<p>In accordance with Article 7, paragraph 1 of ADN, the competent authorities of the Contracting Parties may agree directly among themselves to authorize certain transport operations in their territories by temporary derogation from the requirements of ADN, provided that safety is not compromised thereby. The authority which has taken the initiative with respect to the temporary derogation shall notify such derogations to the Secretariat of the United Nations Economic Commission for Europe which shall bring them to the attention of the Contracting Parties.</p>
1.5.2	<p>1.5.2.1.1 In accordance with paragraph 2 of Article 7 of ADN, the competent authority shall have the right to issue special authorizations to a carrier or a consignor for the international carriage in tank vessels of dangerous substances, including mixtures, the carriage of which in tank vessels is not authorized under these Regulations, in accordance with the procedure set out below.</p> <p>...</p> <p>1.5.2.2.2 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 in accordance with the criteria contained in subsection 3.2.4.3 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</p>

	<p>Administrative Committee the applications for special authorizations, the applications rejected and the special authorizations granted.</p> <p>1.5.2.2.3 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.</p>
1.8.5.1- 1.8.5.2	<p>If a serious accident or incident takes place during loading, filling, carriage or unloading of dangerous goods on the territory of a Contracting Party, the loader, filler, carrier or consignee, respectively, shall ascertain that a report is made to the competent authority of the Contracting Party concerned at the latest six months after the occurrence.</p> <p>The Contracting Party shall in turn, if necessary, make a report to the secretariat of the United Nations Economic Commission for Europe with a view to informing the other Contracting Parties.</p>
1.9.3-1.9.4	<p>1.9.3 Additional provisions falling within the scope of 1.9.2 are as follows:</p> <p>(a) Additional safety requirements or restrictions concerning vessels using certain structures such as bridges or tunnels, or vessels entering or leaving ports or other transport terminals;</p> <p>(b) Requirements for vessels to follow prescribed routes to avoid commercial or residential areas, environmentally sensitive areas, industrial zones containing hazardous installations or inland waterways presenting severe physical hazards;</p> <p>(c) Emergency requirements regarding routeing or parking of vessels carrying dangerous goods resulting from extreme weather conditions, earthquake, accident, industrial action, civil disorder or military hostilities;</p> <p>(d) Restrictions on movement of vessels carrying dangerous goods on certain days of the week or year.</p> <p>1.9.4 The competent authority of the Contracting Party applying on its territory any additional provisions within the scope of 1.9.3 (a) and (d) above shall notify the secretariat of the United Nations Economic Commission for Europe of the additional provisions, which secretariat shall bring them to the attention of the Contracting Parties.</p>
7.1.5.0.5	<p>By derogation from paragraph 7.1.5.0.1, and in accordance with the footnotes to article 3.14 of the European Code for Inland Waterways (CEVNI), the competent authority of a Contracting Party may</p>

	<p>authorize seagoing vessels temporarily operating in an inland navigation area on the territory of this Contracting Party, the use of the day and night signals prescribed in the Recommendations on the Safe Transport of Dangerous Cargoes and Related Activities in Port Areas adopted by the Maritime Safety Committee of the International Maritime Organization (by night an all-round fixed red light and by day flag “B” of the International Code of Signals), instead of the signals prescribed in 7.1.5.0.1. Contracting Parties which have taken the initiative with respect to the derogation granted shall notify the Executive Secretary of the UNECE, who shall bring this derogation to the attention of the Administrative Committee.</p>
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