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ECONOMIC COMMISSION FOR EUROPE

INLAND TRANSPORT COMMITTEE

Working Party on the Transport of Dangerous Goods

Joint Meeting of Experts on the Regulations annexed to the
European Agreement concerning the International Carriage
of Dangerous Goods by Inland Waterways (ADN)
(ADN Safety Committee)

Fifteenth session
Geneva, 24-28 August 2009
Item 4 (c) of the provisional agenda

PROPOSALS FOR AMENDMENTS TO THE REGULATIONS ANNEXED TO ADN

Responsibility for providing shipping papers

Transmitted by the European Barge Union (EBU)^{1,2}

1. During the last meeting of the Safety Committee, the EBU submitted document ECE/TRANS/WP.15/AC.2/2009/3 with a request to amend paragraph 1.4.3.3 as follows.

1.4.3.3. Filler "In the context of 1.4.1, the filler has the following obligations in particular: Obligations concerning the filling of cargo tanks: (1) furnish the carrier with information and data and, *if necessary*, the required transport documents and accompanying documents (authorizations, approvals, notifications, certificates, etc.), taking into account in particular the requirements of Chapter 5.4 and of the tables in Part 3";

¹ Distributed in German by the Central Commission for the Navigation of the Rhine (CCNR) under the symbol CCNR/ZKR/ADN/WP.15/AC.2/2009/41.

² In accordance with the programme of work of the Inland Transport Committee for 2006-2010 (ECE/TRANS/166/Add.1, programme activity 02.7 (b)).

2. As stated in the report of the fourteenth session, it was decided to discuss this issue further during the next meeting since there was no support to amend the text of the ADN according to the suggestion of the EBU.

3. In practice the problems are still encountered. Specifically for transportation of dangerous goods via tank barges the required documentation is often not provided by the consignor due to practical reasons and (mis)interpretation of the requirements. The consignor is often abroad and has no exact information concerning the cargo since for transportation via tank barge the consignor according to 1.2.1 is listed as follows:

"Consignor means the enterprise which consigns dangerous goods either on its own behalf or for a third party. If the transport operation is carried out under a contract for carriage, consignor means the consignor according to the contract for carriage. In the case of a tank vessel, when the cargo tanks are empty or have just been unloaded, the master is considered to be the consignor for the purpose of the transport document."

4. In order to avoid delays at the port of loading it is necessary to discuss the possibilities in order to make clearer which specific party is responsible for providing the transport documentation. As of today barge owners are pressured to provide their own documentation which has resulted in numerous penalties. The EBU would like to ask the experts to what extent the problem stated above with the documentation for tank barges is also present in their countries and what their view is of how to better tackle this important issue.

5. A closer look at other regulations which are based on the UN Modal Regulations like the ADN could assist in the discussion to identify what the general thoughts behind this specific responsibility concerning the shipping papers are. For example the 49 Code of Federal Regulations: § 171.1 Applicability of Hazardous Materials Regulations (HMR) to persons and functions.

*"(b) Pre-transportation functions. Requirements in the HMR (Hazardous Materials Regulations) apply to each person **who offers** a hazardous material for transportation in commerce, causes a hazardous material to be transported in commerce, or transports a hazardous material in commerce and who performs or is responsible for performing a pre-transportation function, including each person performing pre-transportation functions under contract with any department, agency, or instrumentality of the executive, legislative, or judicial branch of the Federal government. Pre-transportation functions include, but are not limited to, the following: (1) Determining the hazard class of a hazardous material, (2) Selecting a hazardous materials packaging, (3) Filling a hazardous materials packaging, including a bulk packaging, (4) Securing a closure on a filled or partially filled hazardous materials package or container or on a package or container containing a residue of a hazardous material, (5) Marking a package to indicate that it contains a hazardous material, (6) Labeling a package to indicate that it contains a hazardous material, (7) Preparing a shipping paper, (8) Providing and maintaining emergency response information, (9) Reviewing a shipping paper to verify compliance with the HMR or international equivalents."*

6. The IMDG code lists the following:

"Regulation 4 Documents: (2) The shipping papers prepared by the shipper shall include, or be accompanied by, and in proper condition for carriage.

1.2 Definitions – Shipper: for the purpose of this Code, has the same meaning as consignor. Consignor: means any person, organization or government which **prepares** a consignment for transport."

7. In light of the clarification given by the above definitions, the Safety Committee is requested to reconsider the proposal by the EBU.
