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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)

REPORT OF THE JOINT MEETING OF EXPERTS ON ITS TWELFTH SESSION*
(21-25 January 2008)

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I. ATTENDANCE

1. The Meeting of Experts on the Regulations annexed to the European Agreement concerning the International Carriage of Dangerous Goods by Inland Waterways (ADN) held its twelfth session in Geneva from 21 to 25 January 2008. Representatives of the following countries took part in the work of the session: Austria, Belgium, Bulgaria, Croatia, Czech Republic, France, Germany, Netherlands, Russian Federation and Switzerland. A representative of the European Commission also took part in the session. The following intergovernmental organizations were also represented: Central Commission for the Navigation of the Rhine (CCNR) and Danube Commission. The following non-governmental organizations were also represented: International Association of Classification Societies (IACS) and European Chemical Industry Council (CEFIC).

II. ADOPTION OF THE AGENDA (agenda item 1)

Documents: ECE/TRANS/WP.15/AC.2/24 and Add.1

Informal document: INF.1

2. The Joint Meeting adopted the agenda as prepared by the secretariat.

III. ELECTION OF OFFICERS (agenda item 2)

3. On the proposal of the representative of France, Mr. H. Rein (Germany) was elected Chairman.

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

4. The Joint Meeting noted that, since the last session, Luxembourg had acceded to ADN, which brought the total number of Contracting States to six (Austria, Bulgaria, Hungary, Luxembourg, Netherlands and Russian Federation).

5. The representatives of Germany and France informed the Joint Meeting that their respective countries had either adopted the laws necessary for the ratification of ADN or were on the point of doing so and that the instruments of ratification would be deposited very soon. The conditions for the entry into force of ADN (at least seven Contracting States) were likely to be met before the end of February 2008.*

6. The Joint Meeting was also informed that a new European directive would replace existing ADR and RID framework directives (94/55/EC and 96/49/EC) and directives 96/35 EC and 2000/18/EC on the safety advisor. That single directive applicable to the inland transport of

* Note by the secretariat: Germany deposited the instrument of ratification on 31 January 2008 so consequently the Agreement will enter into force on 29 February 2008.

dangerous goods would make applicable, by reference, annexes A and B of ADR, RID, and the Regulations annexed to ADN to domestic and intracommunity traffic in the European Union as from 1 July 2009 (with a two-year transposition deadline for the application of ADN).

V. PROPOSALS FOR AMENDMENTS TO THE REGULATIONS ANNEXED TO ADN (agenda item 4)

A. Work of the RID/ADR/ADN Joint Meeting

Document: ECE/TRANS/WP.15/AC.2/2008/9 (Secretariat)

7. The Joint Meeting adopted the proposed amendments to ADN prepared by the secretariat on the basis of texts adopted by the RID/ADR/ADN Joint Meeting at its sessions held in March 2006, September 2006, March 2007 and September 2007, with several changes (see annex).

B. Protection of the aquatic environment

Documents: ECE/TRANS/WP.15/AC.2/2008/3 and Add.1 (Secretariat)

Informal documents: INF.3 and INF.4 (Secretariat)

8. The Joint Meeting adopted the provisions proposed by CCNR for the regulation of the transport of substances hazardous to the environment, as adapted by the ECE secretariat, with a number of amendments (see annex).

9. It also adopted the revised Table C, which was amended to include the new requirement that tank vessels transporting certain aquatic pollutants must have a double hull. Appropriate transitional measures were also provided for (see annex).

C. Miscellaneous proposals for amendments

Gas-freeing

Document: ECE/TRANS/WP.15/AC.2/2008/5 (Germany)

Informal documents: INF.7 (EBU)
INF.15 (Germany)

10. In view of the problems with the interpretation of paragraphs 7.2.3.7.1 and 7.2.4.1.5.3, the Joint Meeting amended those paragraphs to clarify that:

- (a) In all cases, gas-freeing could only be carried out at the locations approved by the competent authority;
- (b) The gas-freeing operations provided for in paragraph 7.2.3.7.1 could be carried out either by competent persons, i.e. experts holding an ADN training certificate

in accordance with paragraph 8.2.1.2, or by companies approved for that purpose by the competent authority;

- (c) Persons and firms carrying out the gas-freeing operations provided for in paragraph 7.2.4.15.3 must have been approved by the competent authority (see annex).

11. The Joint Meeting considered that additional work would be necessary in order to decide on the persons who could issue the gas-freeing certificate.

Recognition of certificates of approval issued by countries that are not Contracting Parties to ADN

Document: ECE/TRANS/WP.15/AC.2/2008/6 (Germany)

12. The Joint Meeting noted that the new European directive on the transport of dangerous goods by all inland transport modes would oblige States members of the European Union to transpose the provisions of ADN into their national legislation, at least those member States whose inland waterway networks were linked to those of other member States. The directive also provided that the transport of dangerous goods between member States and third countries should be authorized if the provisions of ADN were respected and that, consequently, vessels of countries that were not members of the European Union but were Contracting Parties to ADN should be authorized on the inland waterways of European Union member States.

13. In view of that new situation, most delegations agreed with the principle that certificates of approval - and other certificates provided for under ADN - issued by European Union member States obliged to apply ADN under the directive without being Parties to ADN should be recognized for the purposes of navigation within the framework of ADN.

14. The point was raised, however, that some States that were neither members of the European Union nor Contracting Parties to ADN already applied the provisions of ADN, and that Germany's proposal would give an unfair advantage to European Union States that were not Contracting Parties to ADN compared with other States that were not Contracting Parties.

15. Furthermore, it was not certain from a legal point of view that the proposed text could oblige Contracting Parties that were not European Union members to accept the certificates of approval of European Union countries that were not Contracting Parties.

16. The ECE and CCNR secretariats pointed out that ADN had been drawn up to simplify and facilitate navigation at pan-European level, and that none of the legal problems and problems of mutual recognition raised would exist if all the countries that applied ADN became Contracting Parties. Moreover, they stressed, that would be in the interests of those countries, since Contracting Parties alone could take part in the decision-making process concerning amendments, and thus in the development of the body of regulations. Furthermore, the depositary could only agree to undertake certain functions provided for in the annexed Regulations (various notifications, etc.) within the framework of its obligations under the Agreement and under treaty law.

17. The Joint Meeting concluded that the proposed text needed further reflection. The ECE secretariat was asked to examine the matter and to propose a text that would reflect the spirit of the proposal aimed at ensuring mutual recognition of certificates by States able to show that they applied ADN, whether or not they were Parties.

Special authorizations

Document: ECE/TRANS/WP.15/AC.2/2008/4 (CCNR)

18. The Meeting adopted the proposal to add a new section 3.2.4 concerning the modalities for the application of section 1.5.2, with some changes (see annex).

19. Consideration should be given to whether section 3.2 of the form concerning test methods for flash-points contradicted the provisions of section 2.3.3 of ADN applicable to testing flash-points. The representative of Germany undertook to check the references to test methods.

Alternative constructions for tank vessels

Document: ECE/TRANS/WP.15/AC.2/2008/7 (CCNR)

20. The secretariat of CCNR explained that it had been decided in the 1970s that the distance between the inner and outer walls of double-hull vessels should measure at least 1 metre, an empirical decision taken on the basis of experience of collisions. That minimum width had been reduced to 0.8 metres for reinforced double hulls. It could now be demonstrated, using proven modelling and finite element analysis techniques, that vessels could be designed in which that distance could be reduced, enabling the maximum authorized load for cargo tanks to be increased while still allowing for the associated risk.

21. The Meeting agreed with the proposal, but noted that there seemed to be significant differences between the German and other versions, and that additional work would be necessary to frame the text in more appropriate legal language.

22. The CCNR was therefore asked to prepare a new proposal to be considered at next session, which would mean that the texts could still be included in the 2009 version of ADN.

Use of the term “transport unit”

Document: ECE/TRANS/WP.15/AC.2/2008/10 (Secretariat)

23. The Meeting adopted the changes proposed by the secretariat with a view to avoiding any potential confusion between the terms “transport unit”, “conveyances”, “vehicles” and “wagons” (see annex). The changes would necessitate careful checking of the use of those terms in the German version.

Miscellaneous amendments

Document: ECE/TRANS/WP.15/AC.2/2008/8 (CCNR)

24. Most proposed amendments were aimed at bringing the English, French and Russian versions into line with the German version, and were adopted (see annex). The secretariats would nevertheless have to check certain points concerning the French text.

25. It was decided not to replace “official number” with “unique European identification number (ENI)” as the ENI was an official number, and it did not seem certain that every non-member of the European Union had adopted that system.

Informal document: INF.2 (CCNR)

26. The Joint Meeting adopted, in principle, the various proposals for amendments; however, since the document was available only in French and German, it would be resubmitted at the next session as an official document incorporating the amendments made.

27. The secretariat of ECE was requested to draw the attention of the RID/ADR/ADN Joint Meeting to the amendments that might concern road and rail transport.

Corrections to ADN 2007

Informal documents: INF.5, INF.6 and INF.11 (Secretariat)

28. The Joint Meeting endorsed the proposed corrections, except for corrections 24 and 29 in document INF.6.

Instructions in writing (section 5.4.3)

Informal documents: INF.8 (Germany)
INF.9 (EBU)

29. The Joint Meeting noted that the philosophy of the provisions in the ADR regarding the instructions in writing that the consignor has to give to the carrier have been modified, and that it would therefore also possibly be timely to review the philosophy of ADN on the matter.

30. The suggested alternative 1, which proposed changing nothing, was rejected. The representative of Germany will present a new proposal taking into account the different comments made.

Extinguishing agents

Informal document: INF.14 (CCNR)

31. The modification proposals to 9.1.0.40 and 9.3.x.40 to take account of extinguishing agent FK-5-1-12 were adopted in principle, but since the document was only available in French, they will have to be submitted in an official document to the next session.

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

Informal documents: INF.10 and INF.12

32. The Joint Meeting noted that the Government of Germany would organize a special session of the Meeting of Experts for the recognition of classification societies in Bonn on 13 and 14 March 2008 to consider the additional information transmitted by the Russian Maritime Register of Shipping in document INF.12.

33. If countries wished to recommend other classification societies for recognition, they should transmit the relevant applications and dossiers to the representative of Germany as soon as possible to enable them to be considered by the Meeting.

34. The representative of IACS said that he wished to propose an amendment to paragraph 1.15.2.7 to enable classification societies to appeal decisions to withdraw recognition. That issue could be discussed over the course of the next biennium.

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

Programme of work 2008-2012

Document: ECE/TRANS/WP.15/AC.2/2008/1 (Secretariat)

35. The Joint Meeting adopted the draft programme of work for 2008-2012 concerning its own activities, as presented.

Biennial evaluations

Document: ECE/TRANS/WP.15/AC.2/2008/2 (Secretariat)

36. The Joint Meeting adopted the text proposed for expected accomplishments and indicators of achievement 1 and 2. As the ADN is not yet in force, it considered that it was not necessary for the moment to take it into account under indicator 3.

Calendar of meetings

37. The Joint Meeting noted that its next session should be held in Geneva on 17 and 18 June and that it would be followed by the first meeting of the ADN Administrative Committee on 19 and 20 June 2008.

38. The secretariats were requested to organize a drafting meeting to check the final texts of the ADN in German and French and their concordance in the week of 21 to 25 April 2008.

39. The secretariat of the UNECE was requested to publish a complete list of the modifications to the 2007 version of the Regulations annexed to the ADN in English, French and Russian (ECE/TRANS/WP.15/AC.2/26), which could be finalized at the June session and adopted by the ADN Administrative Committee.

40. The secretariats of the UNECE and the CCNR were also requested to prepare a summary version of the annexed Regulations which would become applicable in 2009 (i.e. one year after the entry into force of the Agreement).*

VIII. ADOPTION OF THE REPORT (agenda item 7)

41. The Joint Meeting adopted the report on its twelfth session and its annex on the basis of a draft prepared by the secretariat.

* Note by the secretariat: Since the Agreement will enter into force on 29 February 2008, the date of application of the annexed Regulations will be 28 February 2009.

Annex**TEXTS ADOPTED BY THE JOINT MEETING OF EXPERTS**

NOTE: Changes which only concern the German text are not reproduced in the present annex.

Document ECE/TRANS/WP.15/AC.2/2008/9 adopted with the following modifications:

- 1.2.1 Delete the definitions of *Applicant* and *Conformity Assessment* in square brackets.
- 1.3.1 NOTE 3, replace “1.7.2.7” with “1.7.2.5”.
- 1.7.1.5 (a) Replace the text in square brackets with “and 7.1.4.14.7.5.2”.
- 1.7.2.5 Replace the text in square brackets with “(see 7.1.4.14.7, NOTE 3)”.
- 1.8.3.2 (a) Replace the amendment by the following: “Replace “2.2.7.1.2 and in Chapters 3.3 and 3.4” with “1.7.1.4 and in Chapters 3.3, 3.4 and 3.5”.”.
- 1.10.5 Replace text with the following:

“In the table, for Class 3, in the entry for “Desensitized explosives”, in the fourth column (Tank or cargo tank (litres)), replace “a” with “0”.

In the heading row, add a reference to a footnote “c” after “Tank or cargo tank (litres)”. The footnote “c” reads as follows: “A value indicated in this column is applicable only if carriage in tanks is authorized according to chapter 3.2, table A, column 10 or 12 of ADR or RID or if letter “T” is indicated in chapter 3.2, table A, column 8 of ADN. For substances which are not authorized for carriage in tanks, the instruction in this column is not relevant.”.

In the heading row, add a reference to a footnote “d” after “Bulk (kg)”. The footnote “d” reads as follows: “A value indicated in this column is applicable only if carriage in bulk is authorized according to chapter 3.2, table A, column 10 or 17 of ADR or RID, or if letter “B” is indicated in chapter 3.2, table A, column 8 of ADN. For substances which are not authorized for carriage in bulk, the instruction in this column is not relevant.”.

Table 1.10.5 Add a new fourth row for Class 1, Division 1.4, to read as follows:

| Class | Division | Substance or article | Quantity | | |
|-------|----------|---|---------------------------------------|----------------------|------------------------|
| | | | Tank or cargo tank (litres) <u>c/</u> | Bulk* (kg) <u>d/</u> | Goods in packages (kg) |
| 1 | 1.4 | Explosives of UN Nos. 0104, 0237, 0255, 0267, 0289, 0361, 0365, 0366, 0440, 0441, 0455, 0456 and 0500 | a | a | 0 |

(Ref. Doc.: INF.13)

2.2.7.2.3.5 (Applies to the French text only).

Chapter 3.2

In the amendment concerning Table A, column (6), special provision “274”, delete the square brackets.

List of new entries in Table A, UN 3373, column (7b) (Applies to French text only).

3.3.1 Delete “SP 654 Delete”.

SP 335 Replace the text with the following:

“Mixtures of solids which are not subject to the requirements of ADN and environmentally hazardous liquids or solids shall be classified as UN 3077 and may be carried under this entry provided there is no free liquid visible at the time the substance is loaded or at the time the packaging or vehicle or container is closed. Each vehicle or container shall be leakproof when used for carriage in bulk. If free liquid is visible at the time the mixture is loaded or at the time the packaging or vehicle or container is closed, the mixture shall be classified as UN 3082. Sealed packets and articles containing less than 10 ml of an environmentally hazardous liquid, absorbed into a solid material but with no free liquid in the packet or article, or containing less than 10 g of an environmentally hazardous solid, are not subject to the requirements of ADN.”.

(*Ref. Doc.: ECE/TRANS/WP.15/AC.1/2007/30/Add.1 + ECE/TRANS/WP.15/AC.1/108/Add.2*)

SP 338 (c) Delete “of Chapter 6.2”.

SP 654 Delete the square brackets in the first indent.

SP 655 Delete.

3.4.8 Insert “of ADR” after “of 7.5.1.5” and replace “transported” with “carried”.

3.4.10 (a) Delete square brackets (four times).

3.4.10 (b) Replace paragraph (b) by the following paragraphs (b) and (c):

(b) Wagons carrying packages with dangerous goods in limited quantities shall be marked in accordance with 3.4.12 on both sides except when placards in accordance with Chapter 5.3 are already affixed.

(c) Containers carrying packages with dangerous goods in limited quantities shall be marked in accordance with 3.4.12 on all four sides except:

- when placards in accordance with Chapter 5.3 are already affixed;
- for small containers loaded on a wagon;
- for containers loaded on a transport unit with a maximum mass less than or equal to 12 t.

If the containers are loaded on a transport unit or wagon, the carrying transport unit or wagon need not be marked, except when the marking affixed to the containers is not visible from the outside of this carrying transport unit or wagon. In this latter case, the same marking shall also be affixed at the front and the rear of the carrying transport unit, or on both sides of the carrying wagon."

3.4.11 Replace "3.4.9" with "3.4.10".

Add ", wagon or container" after "transport unit".

3.4.12 Delete "at the front and the rear/on both sides".

Delete the last sentence and add the following paragraph:

"3.4.13 Markings according to chapter 3.4 of the IMDG Code are also acceptable for carriage in a transport chain including maritime carriage."

3.5.3 (Applies to the French text only).

5.1.5.3.4 (c) Replace the text in square brackets with "7.1.4.14.7.1.3 and 7.1.4.17.7.3.5 (a)".

5.2.2.2.1 Delete the duplicate entry.

5.3.2.1.5 In the added NOTE, replace "wagon/vehicles" with "wagons or vehicles".

5.4.1.1.6.4 Replace instruction with the following:

"5.4.1.1.6.4 Insert a new paragraph to read as follows:"

In the new paragraph, add "or RID" after "conditions of 4.3.2.4.4 of ADR".

Renumber existing 5.4.1.1.6.4 as 5.4.1.1.6.5.

5.4.1.1.11 Add "or RID" after "ADR" (five times).

5.4.1.1.19 Add "or RID" after "ADR".

New amendments:

- 1.2.1 Add a new definition as follows: “*IBC Code*” means the International Code for the Construction and Equipment of Ships carrying Dangerous Chemicals in Bulk, published by the International Maritime Organization (IMO)”.
- 1.8.5.3 The NOTE should read “NOTE: See the provisions of 7.1.4.14.7.7 for undeliverable consignments.”.
- 5.1.5.4 In NOTE 1, replace “(see 5.1.5.2.4 (a))” with “(see 5.1.5.1.4 (a))”.
- In NOTE 2, replace “(see 5.1.5.2.4 (b))” with “(see 5.1.5.1.4 (b))”.
- In NOTE 3, replace “(see 5.1.5.2)” with “(see 5.1.5.1)”.
- In the last column of the table:
- Replace “5.1.5.2.4 (b)” with “5.1.5.1.4 (b)” (five times), “5.1.5.3.1 (a)” with “5.1.5.2.1 (a)” (nine times) and “5.1.5.2.2” with “5.1.5.1.2” (three times).
- 5.2.2.11.1 In the first sentence, replace “(see 2.2.7.8.4)” with “see (5.1.5.3.4)”.

Document ECE/TRANS/WP.15/AC.2/2008/3 adopted with the following modifications:

- 1.6.7.2.3.1 Table of transitional provisions, third column, replace “2028” with “2038” (four times).
- 1.6.7.3.2 Second paragraph, replace “2028” with “2008”.
- 1.6.7.4 To be completed by the secretariat with the tables in INF.3 (see ECE/TRANS/WP.15/AC.2/26).
- 2.4.4.6.2 (Applies to French text only).
- 2.4.4.6.3 (Applies to French text only).
- Scheme B In last column, add “(calculation of the vapour pressure according to the formula for column 10, except that $V_a = 0.03$)” after “> 10 kPa”.
- Scheme C In second column, replace “Class 3” with “Classes 3 and 9”.
- In second column, replace “Flash-point ≥ 23 °C” with “60 °C < flash-point ≤ 100 °C or elevated temperature substances of Class 9”.
- In third column, add “or at or above their flash-point” after “below flash-point”.

The changes to paragraph 13 have to be completed by the revised table in INF.4 (with the changes that the secretariat will make in the consolidated document ECE/TRANS/WP.15/AC.2/26).

Document ECE/TRANS/WP.15/AC.2/2008/3/Add.1 adopted with the following modifications:

Classification flowchart:

Between “Bioaccumulation” and “EHS Chronic 2”, add “Yes”. Between “Bioaccumulation” and “EHS (in tank vessels only) Acute 3”, replace “Yes” with “No”.

Flowchart to appear under 2.2.9.1.10.4.

Document INF.15 adopted as follows:

Amend 7.2.3.7.1 and 7.2.4.15.3 to read as follows:

“7.2.3.7.1 Empty or unloaded cargo tanks having previously contained dangerous substances of Class 2 or Class 3, with a classification code including the letter “T” in column (3b) of Table C of Chapter 3.2, Class 6.1 or packing group I of Class 8, may only be gas-freed by either competent persons according to sub-section 8.2.1.2 or companies approved by the competent authority for that purpose. Gas-freeing may be carried out only at the locations approved by the competent authority.”

“7.2.4.15.3 After additional stripping, cargo tanks and pipes for loading and unloading shall, if necessary, e. g. before carrying out repair or maintenance work, be cleaned and gas-freed by persons or companies approved by the competent authority. Gas-freeing may be carried out only at the locations approved by the competent authority.”

(Ref. docs.: ECE/TRANS/WP.15/AC.2/2008/5 and INF.7).

Document ECE/TRANS/WP.15/AC.2/2008/4 adopted with the following modifications:

3.2.4.2

1.2, delete text in square brackets and insert “or possibly the IBC Code”.

1.6, delete square brackets.

1.7, insert “UN No. or” at the beginning.

2.7, replace with “Cubic expansion coefficient K⁻¹”.

2.8, replace with:

“Solubility in water at 20 ° C
Saturation concentration mg/l

or

Miscibility with water at 15 ° C

Complete partial none
(If possible, in the case of solutions and mixtures, indicate concentration)”

2.11, replace with “Viscosity mm²/s.”

3.1, replace “IEC 50 014” with “EN 50 014:1994”.

4.1, replace “2.2.61” with “2.2.61.1”.

5.1, replace second “Corrosion” with “Abrasion (corrosion to metals)”.

3.2.4.3

A.2, replace “2.2.61” with “2.2.61.1”.

A.4, add “(see 2.2.8.1 of ADN)” after title “Corrosive substances”.

A.5, add “(see 2.2.9.1 of ADN)” after title “Environmentally hazardous substances”.

J. Column (18), add “chapters 3.5, 3.6 and 3.7 of” before “GHS” (twice).

Document ECE/TRANS/WP.15/AC.2/2008/8 adopted except for modifications of 8.6.1.1, 8.6.1.2, 8.6.1.3, 8.6.1.4 point 2, 8.6.3 and 8.6.4.3 point 2.

Document ECE/TRANS/WP.15/AC.2/2008/10 adopted with the following modifications:

Replace the change to 1.8.3.2 (a) by the following:

“1.8.3.2 (a) Modify as follows:

(a) The activities of which concern:

- (i) the carriage of dangerous goods fully or partially exempted according to the provisions of 1.7.1.4 or of chapters 3.3, 3.4 or 3.5;
- (ii) quantities per transport unit, wagon or container smaller than those referred to in 1.1.3.6 of ADR;
- (iii) when (ii) above is not relevant, quantities per vessel smaller than those referred to in 1.1.3.6 of these Regulations.”

2.2.52.1.9 Delete “and per transport unit”.

5.4.1.1.10 Delete.
