



**Economic and Social  
Council**

Distr.  
GENERAL

ECE/TRANS/WP.15/AC.2/28  
11 July 2008

ENGLISH  
Original: ENGLISH AND FRENCH

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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)

**REPORT OF THE JOINT MEETING OF EXPERTS ON ITS THIRTEENTH SESSION\***  
**(17-18 June 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 thirteenth session in Geneva from 17 to 18 June 2008. Representatives of the following countries took part in the work of the session: Austria, Belgium, Croatia, 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: European Barge Union (EBU), 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.2/27 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. Mr. H. Rein (Germany) having been elected Chairman at the first session of the year, it was agreed that he would resume his functions at the current session.

## **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 previous session, Germany had ratified ADN, which had enabled the Agreement to enter into force on 29 February 2008. Subsequently, Moldova and France had also become Contracting Parties, bringing the total number to nine (Austria, Bulgaria, France, Germany, Hungary, Luxembourg, Moldova, Netherlands and Russian Federation).

5. The Chairman noted that, in the light of the entry into force of the Agreement, the Joint Meeting of Experts would henceforth fulfil the functions of the ADN Safety Committee. He encouraged all the signatory countries, and other countries concerned by inland navigation in Europe, to ratify or accede to ADN as quickly as possible.

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

**A. Alternative constructions (tank vessels)**

Document: ECE/TRANS/WP.15/AC.2/2008/7/Rev.1 (CCNR)

Informal document: INF.4 (CCNR)

6. The Joint Meeting noted that the additional information contained in informal document INF.4 already appeared in the German version of the basic document (ECE/TRANS/WP.15/AC.2/2008/7/Rev.1).

7. The Joint Meeting adopted the proposals subject to some changes (see annex).

8. The representative of the Russian Federation said that he would transmit to the secretariat some editorial corrections to the Russian text.

**B. Miscellaneous proposals for amendments**

Document: ECE/TRANS/WP.15/AC.2/2008/11 (CCNR)

9. The various proposals by CCNR were adopted subject to some changes (see annex).

Document: ECE/TRANS/WP.15/AC.2/2008/12 (CCNR)

10. The various proposals concerning extinguishing agents were adopted (see annex).

Document: ECE/TRANS/WP.15/AC.2/2008/13 (CCNR)

11. The proposals set out in paragraph 5 of the CCNR document were adopted (see annex).

12. The proposal, set out in paragraph 4 of the document, to delete certain provisions currently in square brackets was made on the grounds that the provisions in question replicated those of the Convention concerning the collection, storage and discharge of waste from ships navigating along the Rhine and other inland waters and would therefore be deleted from ADN, that the Convention was not in force, and that it did not apply to all Contracting Parties to ADN.

13. The Joint Meeting considered, however, that those provisions should be retained in ADN with a NOTE indicating that the date of application would be defined later, except for 8.1.2.3 (a), which was to be applied on 28 February 2009 (see annex).

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

14. The proposal to authorize the bulk transport of solid substances that are hazardous to the environment (UN No. 3077) was adopted, it being understood that those classified as hazardous to the aquatic environment, categories Acute 1 or Chronic 1, could be carried solely in double hull vessels (see annex).

### **C. Instructions in writing**

Documents: ECE/TRANS/WP.15/AC.2/2008/16 (Germany)  
ECE/TRANS/WP.15/AC.2/2008/17 (Switzerland and Belgium)

15. The Joint Meeting decided to work on the basis of the proposal by Germany, which was adopted with a number of modifications (see annex).

16. In response to a question from the representative of EBU, it was confirmed that a paper version of the instructions in writing must be carried on board. The possibility of consulting those instructions by electronic means was currently under discussion in the context of work on telematics: for the time being, however, exclusive use of electronic tools was not authorized.

### **D. Recognition of certificates of approval issued by countries that are not Contracting Parties to ADN**

Documents: ECE/TRANS/WP.15/AC.2/2008/6 (Germany)  
ECE/TRANS/WP.15/AC.2/2008/18 (Secretariat)

17. The Joint Meeting took note of the opinion of the ECE secretariat that it did not seem appropriate to grant rights through the Regulations annexed to ADN to a specific group of States that were not Contracting Parties to ADN, when those rights were not recognized in the provisions of ADN itself; when the States in question had not demonstrated that they had effectively transposed the annexed Regulations into their national legislation and that they accepted the obligations arising from the exercise of those rights; when the States in question had not indicated that they granted reciprocal rights to all other States that were Contracting Parties to ADN; and when it was not envisaged to grant the same rights to other States that were not Contracting Parties to ADN and did not belong to the same group of States.

18. In the opinion of the ECE secretariat, the proposal would lead to discrimination in favour of European Union States that were not Contracting Parties to ADN and was not necessarily in keeping with the spirit of the agreement limiting participation in that instrument to member States of the ECE 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). It therefore appeared difficult to require all current and future Contracting Parties to recognize such a right, by virtue of an amendment to the annexed Regulations, without their unanimous consent. Accordingly, the secretariat believed it preferable, in the light of articles 34 to 37 of the Vienna Convention on the Law of Treaties, to envisage rules concerning third States in a protocol of amendment to the Agreement itself.

19. The Chairman said that a precedent existed in ADR, and in ADN itself, concerning recognition of model packing approvals by third States and recognition of certificates for safety advisors (1.8.3.17, ADN). He explained that Article 36 of the Vienna Convention on the Law of Treaties allows special rights to be given to third States and he saw no legal reason that

prevented such a clause from being included in ADN. The representative of the European Commission and the Chairman confirmed that according to European Union legislation the actual adoption of ADN into national law will be checked and guaranteed by the European Commission.

20. The secretariat pointed out, however, that issuance of certificates of approval for vessels was one of the key elements of the ADN Agreement, that it was covered by specific procedures that could involve the competent authorities, inspection bodies and classification societies of the different Contracting Parties, and that the legal situation could become complicated if those procedures were to involve States that were not Contracting Parties and were not bound by the Agreement.

21. It was also pointed out that, once a State had transposed the annexed Regulations into its national legislation, there was nothing to prevent it from acceding to ADN, if the State effectively consented to take on the obligations towards other Contracting Parties provided for in the annexed Regulations, and from enjoying at the same time the resulting rights, including, for example, the right to participate in the Administrative Committee.

22. The Joint Meeting agreed that the issue required further consideration and more detailed legal analysis. The matter should be taken up again rapidly, before the European directive requiring certain European Union States to apply the annexed Regulations became mandatory. The situation also concerned States that were not members of the European Union but had already incorporated into their national legislation ADNR, the Regulations annexed to ADN, or ADND.

**E. Corrections to the list of amendments contained in document ECE/TRANS/WP.15/AC.2/26**

Informal documents: INF.2 and INF.5 (Secretariat)

23. The Joint Meeting took note of and approved the corrections to be made to the list of amendments adopted at the previous session.

**F. Proposals by the drafting group**

Informal documents: INF.3 (Secretariat) and 3/Add.1 (CCNR/working group)

24. The Joint Meeting commended the work done by the group of volunteers which had reviewed the consistency of the English, French and German versions of the Regulations annexed to ADN at two meetings held from 21 to 25 April 2008 at the Palais des Nations and from 9 to 13 June 2008 at CCNR, respectively.

25. The Joint Meeting adopted the modifications proposed with some changes (see annex).

26. The representative of the Russian Federation suggested that the same exercise should be undertaken to ensure the consistency of the Russian version. A member of the secretariat

indicated that he would transmit to the United Nations Russian Translation Service any comments he received from the Russian-speaking delegations concerning the Russian version.

27. The Joint Meeting noted that the group of volunteers had not reviewed Parts 2, 3 and 8 owing to lack of time, but that it would meet again in July.

28. The Joint Meeting noted that CCNR would organize a working group to resolve the issue of consistency between 7.2.4.18, 7.2.4.19 and Part 9.

#### **G. 2009 amendments to ADR**

Informal documents: INF.6 (Secretariat) and INF.7 (Secretariat)

29. The Joint Meeting noted that the Working Party on the Transport of Dangerous Goods (WP.15) had adopted new amendments to ADR at its May 2008 session (ECE/TRANS/WP.15/195/Add.1), for entry into force on 1 January 2009. Some of those amendments (see INF.6 and INF.7) also affected ADN, and the Joint Meeting therefore adopted them in its turn, so as to ensure consistency between RID, ADR and ADN (see annex).

Informal document: INF.8 (CCNR)

30. The Joint Meeting adopted an amendment to 7.2.4.15.3 (see annex).

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

Document: ECE/TRANS/WP.15/AC.2/2008/14 (CCNR)

31. The Joint Meeting approved the recommendation by the Meeting of Experts for the recognition of classification societies that the Russian Maritime Register of Shipping should be recommended for recognition as a classification society.

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

32. The Joint Meeting noted that its next session was scheduled to take place from 26 to 29 (a.m.) January 2009 and that it would be followed by a session of the Administrative Committee, on 29 (p.m.) and 30 (a.m.) January 2009. A further session was tentatively scheduled for the last week of August 2009.

#### **VIII. ANY OTHER BUSINESS (agenda item 7)**

33. No proposal was discussed under this item.

#### **IX. ADOPTION OF THE REPORT (agenda item 8)**

34. The Joint Meeting adopted the report on its thirteenth session on the basis of a draft prepared by the secretariat.

### **Annex**

All texts adopted by the Joint Meeting were brought to the attention of participants during the session in documents ECE/TRANS/WP.15/AC.2/2008/CRP.4 and Adds.1 and 2. They are reproduced in full in documents ECE/TRANS/WP.15/AC.2/26/Add.1 and ECE/TRANS/WP.15/AC.2/26/Corr.1.

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