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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)

Seventeenth session

Geneva, 23-27 August 2010

Item 5 (a) of the provisional agenda

**Proposals for amendments to the Regulation annexed to ADN:
Amendments for entry into force on 1 January 2011**

Amendments adopted by the Working Party on the Transport of Dangerous Goods (WP.15)^{1 2}

Note by the secretariat

Introduction

1. The Working Party on the Transport of Dangerous Goods (WP.15) at its eighty-eighth session (3-7 May 2010) adopted new amendments to ADR for entry into force on 1 January 2011 (ECE/TRANS/WP.15/204/Add.1). Corresponding amendments to RID are also foreseen for 1 January 2011.
2. Since the Regulations annexed to ADN contain equivalent provisions, the Safety Committee may wish to consider equivalent amendments to the Regulations annexed to ADN for entry into force on 1 January 2011.

¹ Distributed in German by the Central Commission for the Navigation of the Rhine under the symbol CCNR/ZKR/ADN/WP.15/AC.2/2010/13.

² In accordance with the programme of work of the Inland Transport Committee for 2010–2014 (ECE/TRANS/208, para. 106; ECE/TRANS/2010/8, programme activity 02.7 (b)).

3. The secretariat recalls that, by virtue of Article 20 (5) (a) of ADN, it is still possible to adopt amendments for entry into force on 1 January 2011 in order to ensure the concordance between RID, ADR and ADN, provided that the amendments are submitted to Contracting Parties for acceptance before 1 September 2010.
4. A correction to document ECE/ADN/9 is therefore reproduced in the annex to the present document.

Annex

Proposed correction to document ECE/ADN/9

1. 1.6.1.19

For the new transitional measure, *substitute*

1.6.1.19 The provisions of 2.2.9.1.10.3 and 2.2.9.1.10.4 concerning the classification of environmentally hazardous substances applicable until 31 December 2010 may be applied until 31 December 2013.

2. 1.6.1.20

For in accordance with the requirements of Chapter 3.4 in force up to 31 December 2010. *read* in accordance with the provisions of Chapter 3.4 in force up to 31 December 2010. However, in such a case, the provisions of 3.4.12 to 3.4.15 in force as from 1 January 2011 may be applied as from 1 January 2011. For the purposes of the application of the last sentence of 3.4.13 (b), if the container carried is marked with the mark required in paragraph 3.4.12 applicable until 31 December 2010, the transport unit may be marked with the mark required in paragraph 3.4.15 applicable as from 1 January 2011.

3. After the amendment to 2.2.2.1.1

Insert

2.2.2.1.3 Delete NOTE 4.

4. 2.2.9.1.10.3

For the proposed amendment, *substitute*

2.2.9.1.10.3 Replace with the following new paragraphs:

"2.2.9.1.10.3 Substances or mixtures classified as environmentally hazardous substances (aquatic environment) on the basis of Regulation 1272/2008/EC¹¹

Notwithstanding the provisions of 2.2.9.1.10.1, if data for classification according to the criteria of 2.4.3 and 2.4.4 are not available, a substance or mixture:

(a) Shall be classified as an environmentally hazardous substance (aquatic environment) if it has to be assigned category(ies) Aquatic Acute 1, Aquatic Chronic 1 or Aquatic Chronic 2 according to Regulation 1272/2008/EC¹¹ or, if still relevant according to the said Regulation, risk phrase(s) R50, R50/53 or R51/53 according to the Directives 67/548/EEC³ or 1999/45/EC⁴;

(b) May be regarded as not being an environmentally hazardous substance (aquatic environment) for carriage in packages or in bulk in the sense of 2.2.9.10.1 if it does not have to be assigned such a risk phrase or category according to the said Directives or Regulation.

¹¹ Regulation 1272/2008/EC of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures (Official Journal of the European Union No. L 353 of 30 December 2008).

³ Council Directive 67/548/EEC of 27 June 1967 on the approximation of laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances (Official Journal of the European Communities No. L 196 of 16 August 1967).

⁴ Directive 1999/45/EC of the European Parliament and of the Council of 31 May 1999 concerning the approximation of the laws, regulations and administrative provisions of the Member States relating to the classification, packaging and labelling of dangerous preparations (Official Journal of the European Communities No. L 200 of 30 July 1999)."

5. Before the amendment to 2.2.9.1.11

Insert

2.2.9.1.10.4 Delete.