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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)

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Item 4 (b) of the provisional agenda

**Proposals for amendments to the Regulations annexed to ADN:
Other proposals**

Proposed amendment to 9.3.X.8.1

Transmitted by the Government of France^{1,2}

Summary

Executive summary:	The current wording of 9.3.X.8.1 leaves doubts as to the scope of the classification certificate.
Action to be taken:	See paragraph 8.
Related documents:	ECE/TRANS/WP.15/AC.2/2012/14 ECE/TRANS/WP.15/AC.2/42 – Report of the 20th session of the Safety Committee – January 2012 ADN 2013 amendments

¹ In accordance with the programme of work of the Inland Transport Committee for 2012-2016 (ECE/TRANS/224, para 94, ECE/TRANS/2012/12, programme activity 02.7, (A1b)).

² Distributed in German by the Central Commission for the Navigation of the Rhine under the symbol CCNR/ZKR/ADN/WP.15/AC.2/2014/44.

Introduction

1. In the Regulations annexed to ADN, the text of 9.3.X.8.1 begins as follows:

“9.3.1.8.1 The tank vessel shall be built under survey of a recognised classification society in accordance with the rules established by that classification society for its highest class, and the tank vessel shall be classed accordingly.

The vessel’s highest class shall be continued.

The classification society shall issue a certificate certifying that the vessel is in conformity with the rules of this section *[and the additionally applicable rules and regulations of the classification society that are relevant for the intended use of the vessel]* (classification certificate).”

The text in italics in square brackets is specific to 9.3.1.8.1 (2015 amendments)

2. The text in brackets “(classification certificate)” was introduced by the 2013 amendments to the annexed Regulations, following a January 2012 German proposal in document ECE/TRANS/WP.15/AC.2/2012/14.

3. France thinks that the addition of this text was necessary and justified, but that this text has been introduced in the wrong place.

4. In fact (and in the same way as for maritime vessels), the issuance by a classification society of a classification certificate for a tank vessel means that this tank vessel complies with the rules of the classification society. The classification certificate results from a private law contract between a classification society and a ship owner (or a shipyard), and the fact that it is made obligatory by the Regulations annexed to ADN does not modify its scope.

5. Otherwise, and despite the fact that issuance is by a classification society, the “*certificate certifying that the vessel is in conformity with the rules of this section*”, as mentioned in the third paragraph of 9.3.X.8.1, covers all the provisions of section 9.3.X, and includes in particular:

- Cargo pump rooms inspection certificates, as required by 9.3.X.8.2;
- The certificate related to the condition of the gas detection system, as required by 9.3.X.8.3;
- The certificate required by 9.3.X.27.10 (existing 9.3.1.27.10 in ADN 2013, 9.3.2.27.10 and 9.3.3.27.10 are included in 2015 amendments).

6. Hence, the scope of the certificate “certifying that the vessel is in conformity with the rules of Section 9.3.X” is different to the scope of the classification certificate.

7. This difference is confirmed by the text of 8.1.2.3 (e), 8.1.2.3 (f), and 8.1.2.3 (o):

- 8.1.2.3 (e) the classification certificate prescribed in 9.3.1.8, 9.3.2.8 or 9.3.3.8;
- 8.1.2.3 (f) the flammable gas detector certificate prescribed in 9.3.1.8.3, 9.3.2.8.3 or 9.3.3.8.3;
- 8.1.2.3 (o) the certificate concerning the refrigeration system, prescribed in 9.3.1.27.10, 9.3.2.27.10 or 9.3.3.27.10.

Proposal

8. It is proposed to modify the first and third paragraphs of 9.3.X.1.8 as follows (strikethrough text = deleted, **additions** = bold, underlined)

“9.3.1.8.1 The tank vessel shall be built under survey of a recognised classification society in accordance with the rules established by that classification society for its highest class, and the tank vessel shall be classed accordingly **(classification certificate)**.

The vessel’s highest class shall be continued.

The classification society shall issue a certificate certifying that the vessel is in conformity with the rules of this section *[and the additionally applicable rules and regulations of the classification society that are relevant for the intended use of the vessel]* ~~(classification certificate)~~.”

Advantages

9. The proposal above clearly identifies and defines the scope of the classification certificate. In addition, this modification introduces no consequential amendments, because it is not necessary to modify:

- References to 9.3.3.8.1 included in 1.6.7.2.2.2 and 1.6.7.3 of the transitional measures in Chapter 1.6;
- Note 2 in 7.2.2.0;
- Or requirements related to documents mentioned in 8.1.2.3 (e), 8.1.2.3 (f), and 8.1.2.3 (o).

Follow-up

10. Recommended ADN Classification Societies are invited to confirm or refute the French understanding of these particular points of the annexed Regulations (referred to in the above-mentioned paragraphs 3 to 7).

11. The Safety Committee is invited to consider the proposal in paragraph 8 and to take action as it deems appropriate.