



# Economic and Social Council

Distr.: General  
24 October 2013  
English  
Original: 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)  
(ADN Safety Committee)

#### Twenty-fourth session

Geneva, 27–31 January 2014

Item 5 (b) of the provisional agenda

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

## Applicability of transitional provisions concerning vessels

Transmitted by the Government of Austria<sup>1</sup>

### Introduction

1. The Safety Committee agreed at its twenty-first session to review the provisions on the applicability of transitional provisions concerning vessels and to complement the certificate of approval with additional information referring to this matter. An initial proposal by the delegation of Austria (ECE/TRANS/WP.15/AC.2/2013/2) was discussed at the twenty-second session. However, the Safety Committee was not able to agree on a final definition of the phrase “first inspection” in 1.16.8 and invited the delegation of Austria to submit various options.

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<sup>1</sup> Distributed in German by the Central Commission for the Navigation of the Rhine under the symbol CCNR/ZKR/ADN/WP.15/AC.2/2014/4.



## Option 1

2. First inspection shall be defined as an inspection without the application of transitional provisions. A vessel shall thus be treated as a new vessel if the certificate of approval expired more than six months previously.

Advantages:

- The number of older vessels that may carry dangerous goods only with transitional provisions would probably decrease somewhat more quickly;
- Vessels that temporarily are not used for the carriage of dangerous goods but that keep a certificate of approval so as not to lose the benefit of transitional provisions would also be subject to inspections for a period of five years in connection with ADN;
- Older ships would be adapted to current dangerous goods requirements;
- Disparities in the way existing vessels and new vessels are treated would be reduced;
- The history of the certificates of approval would be documented without fail.

Disadvantages:

- Vessels that are technically equivalent would not be treated the same because of particulars unrelated to safety;
- Vessels for which the certificate of approval could not be extended within a six-month period, for example because of an owner's lengthy illness, a long liquidation procedure or long repair work, would lose the benefit of transitional provisions (and become cases involving insurmountable difficulties);
- Dry cargo vessels and pushers that are not currently used for the carriage of dangerous goods would have to keep their certificates of approval valid for many years so that they might still be able to carry dangerous goods in the distant future. This would result in additional costs for the owner and an additional administrative burden on authorities;
- The history of the certificates of approval would have to be documented without fail.

## Option 2

3. A certificate of approval is to be issued when all the provisions of the ADN are observed. A provisional certificate of approval may be issued only in the cases mentioned in 1.16.1.3.1. The transitional provisions may be applied provided that the criteria set out in article 8 of the Agreement are met, including when the validity of the certificate of approval expired more than six months previously. A distinction between the first inspection and the periodic inspection in connection with the renewal of a certificate of approval shall thus no longer be necessary, as the entire ship is always to be subject to a thorough inspection.

Advantages:

- Dry cargo vessels and pushers primarily used for the carriage of dangerous goods could let their certificates of approval expire and reapply for them only as needed. This would prevent the loss of working time and money both for the owner and for authorities responsible for approval;
- Documenting the history of the certificates of approval would not be necessary. It would be enough to make one inquiry to determine the date from which the

transitional provisions could apply and to include this date in the certificate of approval;

- There would be no cases of “insurmountable difficulties” (e.g. exceeding the six-month time limit because of an owner’s illness or a liquidation procedure).

Disadvantages:

- Older vessels that may carry dangerous goods only with transitional provisions would be likely to stay on the market longer;
- When a vessel has not been checked every five years in connection with ADN it could be difficult to identify any alterations that have been made. As alterations may also be made over a period of five years, they would involve not fundamental modification, but rather gradual modification;
- The history of the certificates of approval would be difficult to document.

### Option 3

4. By way of compromise it could be decided that the first inspection is to be performed if the certificate expired more than six months previously and that the first inspection is to be performed without the benefit of the transitional provisions if the certificate of approval expired more than [2] years previously.

Advantages:

- Cases of “insurmountable difficulties” (e.g. exceeding the six-month time limit because of an owner’s illness or a liquidation procedure) would be limited;
- As with option 1, the number of older vessels that may carry dangerous goods only with the transitional provisions would be likely to decrease somewhat more quickly (but the effect would not be as great as with option 1);
- The vessel would be checked at least once during a period of [7] years in connection with ADN;
- As with option 1, the adaptation of older ships to current requirements for dangerous goods would be quicker;
- As with option 1, disparities in the way older and new ships are treated would be reduced;
- The history of the certificates of approval would be documented without fail.

Disadvantages:

- As with option 1, vessels that are technically equivalent would not be treated the same because of particulars unrelated to safety;
- As with option 1, dry cargo vessels and pushers that are not currently used for the carriage of dangerous goods would have to keep their certificates of approval valid for many years so that they might still be able to carry dangerous goods in the distant future. This would result in additional costs for the owner and an additional administrative burden on authorities;
- As with option 1, the history of the certificates of approval would have to be documented without fail.

## Proposed amendments

5. The text that is not underlined corresponds to the current text of ADN.
6. The text that does not appear in brackets was approved during the twenty-second session.

## Options 1 and 3

1.16.1.4 Annex to the certificate of approval.

1.16.1.4.1 The certificate of approval and the provisional certificate of approval according to 1.16.1.3.1 (a) shall be complemented by an annex in accordance with the model under 8.6.1.5.

1.16.1.4.2 The annex to the certificate of approval shall include the date from which the transitional provisions according to 1.6.7 may be applied. This date shall be:

(a) For vessels according to Article 8, paragraph 2, of ADN for which evidence can be provided that they were already approved for the carriage of dangerous goods on the territory of a Contracting Party before 26 May 2000;

(b) For vessels according to Article 8, paragraph 2, of ADN for which evidence cannot be provided that they were already approved for the carriage of dangerous goods on the territory of a Contracting Party before 26 May 2000, the proven date of the first inspection for the issue of an approval for the carriage of dangerous goods on the territory of a Contracting Party or, if this date is not known, the date of issue of the first proven approval for the carriage of dangerous goods on the territory of a Contracting Party;

(c) For all other vessels, the proven date of the first inspection for the issue of a certificate of approval in the sense of ADN or, if this date is not known, the date of issue of the first certificate of approval in the sense of ADN;

[(d) In derogation to (a) to (c) above, the date of a renewed first inspection according to 1.16.8 if the vessel no longer had a valid certificate of approval as from 31 December 2014 for more than

Option 1: six months

Option 3: [two] years]

1.16.1.4.3 All approvals for the carriage of dangerous goods issued on the territory of a Contracting Party which are valid as from the date under 1.16.1.4.2 and all ADN certificates of approval [and provisional certificates of approval according to 1.16.1.3.1 (a)] shall be entered in the annex to the certificate of approval.

Certificates of approval issued before the issuance of the annex to the certificate of approval shall be recorded by the competent authority that issues the annex to the certificate of approval.

1.16.2.5 The annex to the certificate of approval shall be issued by the competent authority of a Contracting Party. The Contracting Parties shall assist one another at the time of issuance. They shall recognize this annex to the certificate of approval. Each new certificate of approval or provisional certificate of approval issued [in accordance with 1.16.1.3.1 (a)] shall be entered in the annex to the certificate of approval. Should the annex to the certificate of approval be replaced (e.g. in case of damage or loss), all existing entries shall be transferred.

[1.16.2.6 The annex to the certificate of approval shall be withdrawn and a new annex to the certificate of approval shall be issued if according to 1.16.8 a renewed first inspection takes place, as the validity of the certificate of approval expired, as from 31 December 2014, more than

Option 1: six months previously

Option 3: [two] years previously]

The valid date is the date on which the application was received by the competent authority. In this case, only such certificates of approval which have been issued after the renewed first inspection shall be recorded.]

1.16.6 Particulars entered in the certificate of approval and amendments thereto.

1.16.6.1 The owner of a vessel, or his representative, shall inform the competent authority of any change in the name of the vessel or change of official number or registration number and shall transmit to it the certificate of approval for amendment.

1.16.6.2 All amendments to the certificate of approval provided for in these Regulations and in the other regulations drawn up by mutual agreement by the Contracting Parties may be entered in the certificate by the competent authority.

1.16.6.3 When the owner of the vessel, or his representative, has the vessel registered in another Contracting Party, he shall request a new certificate of approval from the competent authority of that Contracting Party. The competent authority may issue the new certificate for the remaining period of validity of the existing certificate without making a new inspection of the vessel, provided that the state and the technical specifications of the vessel have not undergone any modification.

[1.16.6.4 In cases of the transfer of responsibility to another competent authority according to 1.16.6.3, the competent authority to which the last certificate of approval was returned according to 1.16.6.1 shall submit on request the annex to the certificate according to 1.16.6.4 [to the new owner] [to the authority competent to issue the new certificate of approval.]

1.6.7.1.2 In this section:

- (a) “Vessel in service” means
- A vessel according to Article 8, paragraph 2, of ADN;
  - [A vessel for which a certificate of approval has already been issued according to 8.6.1.1 to 8.6.1.4

In both cases vessels that, as from 31 December 2014, have been without a valid certificate of approval for more than

Option 1: six months

Option 3: [two] years]

shall be excluded;]

(b) “N.R.M.” means that the requirement does not apply to vessels in service except where the parts concerned are replaced or modified, i.e. it applies only to vessels which are new (as from the date indicated) or to parts which are replaced or modified after the date indicated; [the date of presentation for first inspection for obtaining a certificate of approval shall be decisive for classification as a new vessel;] where existing parts are replaced by spare or replacement parts of the same type and manufacture, this shall not be considered a replacement “R” as defined in these transitional provisions.

Modification shall also be taken to mean the conversion of an existing type of tank vessel, a type of cargo tank or a cargo tank design to another type or design at a higher level.

When in the general transitional provisions in 1.6.7.2 no date is specified after “N.R.M.”, it refers to N.R.M. after 26 May 2000. When in the supplementary transitional provisions in 1.6.7.3 no date is specified, it refers to N.R.M. after 26 May 2000.

1.6.7.2.1.1 and

1.6.7.2.2.2 Insert a new line in the tables of general transitional provisions as follows:

<u>[1.16.1.4 and 1.16.2.5</u>	<u>Annex to certificate of approval and provisional certificate of approval</u>	<u>Renewal of the certificate of approval after 31 December 2014]</u>
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8.1.2.7 The presence on board of the certificate of approval is not required in the case of dry cargo barges or tank barges carrying dangerous goods provided that the plate furnished by CEVNI is supplemented by a second metal or plastic plate reproducing by photo-optical means a copy of the entire certificate of approval [with the exception of the annex referred to in 1.16.1.4.].

The barge-owner shall thereafter keep the certificate of approval in his possession.

[8.6.1.5 Annex to the certificate of approval and provisional certificate of approval according to 1.16.1.3.1 (a)]

<p>Annex to the certificate of approval</p> <p>1. Name of vessel .....</p> <p>2. Official number .....</p> <p>3. Type of vessel</p> <p><input type="checkbox"/> Motor cargo vessel</p> <p><input type="checkbox"/> Cargo lighter</p> <p><input type="checkbox"/> Pusher</p> <p><input type="checkbox"/> Motor tanker <input type="checkbox"/> Tank lighter</p> <p>4. Transitional provisions applicable as from</p>	Competent authority	Issued on	Valid until	Stamp and signature]

ADN certificate of approval No.:					
Competent authority					
Issued on					
Valid until					
Stamp and signature					

## Option 2

1.6.7.1.2 In this article:

(a) “Vessel in service” means

- A vessel according to Article 8, paragraph 2, of ADN;
- [A vessel for which a certificate of approval has already been issued according to 8.6.1.1 to 8.6.1.4;]

(b) “N.R.M.” means that the requirement does not apply to vessels in service except where the parts concerned are replaced or modified, i.e. it applies only to vessels which are new (as from the date indicated), or to parts which are replaced or modified after the date indicated; [the date of presentation for first inspection for obtaining a certificate of approval shall be decisive for classification as a new vessel;] where existing parts are replaced by spare or replacement parts of the same type and manufacture, this shall not be considered a replacement “R” as defined in these transitional provisions.

Modification shall also be taken to mean the conversion of an existing type of tank vessel, a type of cargo tank or a cargo tank design to another type or design at a higher level.

When in the general transitional provisions in 1.6.7.2 no date is specified after “N.R.M.”, it refers to N.R.M. after 26 May 2000. When in the supplementary transitional provisions in 1.6.7.3, no date is specified, it refers to N.R.M. after 26 May 2000.

1.6.7.2.1.1 and

1.6.7.2.2.2 Insert a new line in the tables of general transitional provisions as follows:

<u>[1.16.1.2.7</u>	<u>Date for the applicability of the transitional provisions</u>	<u>Renewal of the certificate of approval after 31 December 2014]</u>
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[1.16.1.2.7 The certificate of approval shall include the date from which the transitional provisions according to 1.6.7 may be applied. This date shall be:

(a) For vessels according to Article 8, paragraph 2, of ADN for which evidence can be provided that they were already approved for the carriage of dangerous goods on the territory of a Contracting Party before 26 May 2000;

(b) For vessels according to Article 8, paragraph 2, of ADN for which evidence cannot be provided that they were already approved for the carriage of dangerous goods on the territory of a Contracting Party before 26 May 2000, the proven date of the first inspection for the issue of an approval for the carriage of dangerous goods on the territory of a Contracting Party, or, if this date is not known, the date of issue of the first proven approval for the carriage of dangerous goods on the territory of a Contracting Party;

(c) For all other vessels, the proven date of the first inspection for the issue of a certificate of approval in the sense of ADN or, if this date is not known, the date of issue of the first certificate of approval in the sense of ADN.

The Contracting Parties shall assist one another in determining that date.]

1.16.7.2 ~~[In the case of a first, special or periodical inspection, t~~ The inspection body or recognized classification body [may] require a dry-land inspection.

1.16.8 ~~First i~~ Inspection [and issuance of the certificate of approval

~~If a vessel does not yet have a certificate of approval or if the validity of the certificate of approval expired more than six months ago, the vessel shall undergo a first inspection.~~

~~1.16.8.1 For the issue of the inspection certificate, the owner or his representative shall present the vessel for an inspection. The owner of the vessel or his representative may request an inspection of the vessel at any time.~~

~~1.16.8.2 If the request for a periodic inspection is made during the last year preceding the expiry of the validity of the certificate of approval, the period of validity of the new certificate shall commence when the validity of the preceding certificate of approval expires.~~

~~1.16.8.3 Depending on the results of the inspection, the competent authority shall establish the period of validity of the new certificate of approval.]~~

1.16.9 Special inspection

If the vessel's hull or equipment has undergone alterations liable to diminish safety in respect of the carriage of dangerous goods or has sustained damage affecting such safety, the vessel shall be presented without delay by the owner or his representative for further inspection.

1.16.10 ~~[Periodic inspection and renewal of the certificate of approval (*Deleted*)~~

~~1.16.10.1 To renew the certificate of approval, the owner of the vessel, or his representative, shall present the vessel for a periodic inspection. The owner of the vessel or his representative may request an inspection at any time.~~

~~1.16.10.2 If the request for a periodic inspection is made during the last year preceding the expiry of the validity of the certificate of approval, the period of validity of the new certificate shall commence when the validity of the preceding certificate of approval expires.~~

~~1.16.10.3 A periodic inspection may also be requested during a period of six months after the expiry of the certificate of approval.~~

~~1.16.10.4 The competent authority shall establish the period of validity of the new certificate of approval on the basis of the results of the inspection.]~~

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