

WP.15/AC.2/2007/11th/INF.3

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 (AND)

Eleventh session
Geneva, 23-24 January 2007

Road Map for ADN

Comments by the UNECE secretariat on the proposals submitted by the Government of Germany and the Netherlands

Road map: If the ADN enters into force in June 2007 - which would be convenient - it should also be borne in mind that the annexes will enter into force one year later, i.e. June 2008, and it will be necessary to amend the annexes adopted in 2000 to reflect the existing provisions in force, i.e. ADN 2007. This first step is desirable, because a consolidated edition of the annexed Regulations 2007 will exist in English, French, Russian and German- and other languages of contracting parties- while a consolidated version of ADR 2009 would not be available in all these languages before the autumn 2008, and this would make it difficult to bring the 2009 version legally in force by 1 January 2009 (The complete text would have to be communicated to New York before 1 July 2008 for notification)

The adoption of ADN 2007 should be done by the Administrative Committee in November 2007 as scheduled in the road map, and it would be a simple formality.

However, if the ADN entered into force later than July 2007, there would be no need for this november session, the Administrative Committee could meet in January 2008.

The administrative committee would have to adopt separately the amendments intended for entry into force on 1 January 2009 either in January 2008 or June 2008, but preferably in January 2008, and they could be easily transmitted to the Treaty Section by 1 July 2008 for entry into force on 1 January 2009.

In other words, if ADN enters into force in between June and end October 2007, the immediate steps should be:

Administrative committee in November 2007 or January 2008: Adoption of the Regulations annexed to ADN 2007 for transmission to Treaty Section, New York, and notification for entry into force one year after entry into force of ADN;

WP.15/AC.2, January 2008: Adoption of the 2009 amendments to ADN

January-May 2008: Preparation of the 2009 consolidated list of amendments to ADN

June 2008: WP15/AC.2: Discussion of amendment proposals for 2011.

Eventually adoption of last minute amendments or corrections for 2009

Administrative Committee: formal adoption of the 2009 amendments, for transmission to New York and notification by 1 July 2008.

Amendments should be deemed accepted by 1 October if no objection.

Publication of consolidated 2009 edition by secretariats before 31 December 2008.

Entry into force of 2009 amendments on 1 January 2009.

The situation would be much more complicated if ADN entered into force later than in October 2007.

The document for the ITC would have to be an INF document.

Paragraph 5 should be changed, as well as the following ones. The safety committee and the administrative committee are two separate entities and cannot be mixed in a working group, and there is no need for a new working group. The only thing new should be the administrative committee. The existing Joint Meeting of experts on the Regulations annexed to ADN (WP.15/AC.2) was created pursuant to operative paragraph 1 of the resolution adopted by the ADN diplomatic conference in 2000, for two purposes: (1) to keep the annexes up to date pending the entry into force and to prepare the entry into force, (2) to act as the ADN Safety Committee after entry into force of ADN. Therefore there is no need to create a new group, the existing WP.15/AC.2 may act as Safety Committee, unless the CCNR would no longer wish to participate in this joint undertaking.

Therefore, should the proposal by Germany and the Netherlands be adopted in principal, it is proposed to amend para 5 to read:

"5. In accordance with the resolution adopted on 26 May 2000 by the Diplomatic Conference for the adoption of a European Agreement concerning the International Carriage of Dangerous Goods by Inland Waterways, the UNECE/CCNR Joint Meeting of Experts on the Regulations annexed to ADN (WP.15/AC.2) should take place of the Safety Committee referred to in article 18 of ADN, but its meeting time should be increased due to the expected increase of tasks linked to the effective implementation of the Agreement. In addition, a new body, the Administrative Committee referred to in article 17, will have to be convened periodically for administration purposes, notably for the formal adoption of amendments and decisions relating to the recommendation of agreed classification societies.

6. It is important to note that, with the entry into force of ADN, a great part of the work specific to construction of vessels and their operation and equipment will be shifted from CCNR to WP.15/AC.2, although the CCNR is likely to remain an important and active source of proposals.

7. The meeting time needed may be compared to that needed by the Working Party on the Transport of Dangerous Goods for activities related to ADR, i.e twice five days per year (instead of the five days per year presently allocated to WP.15/AC.2), which could be allocated as follows: Five days for WP.15/AC.2 in January, and four days in June which would be followed by a one day session of the administrative committee.

8. The periodicity of meetings proposed is due to the necessary cooperation with other bodies (Joint Meeting of the RID Safety Committee and of the Working Party on the Transport of Dangerous Goods- WP.15/AC.1- CCNR working groups), the time needed for the legal procedure of amendment of the annexed Regulations (Depositary notification, tacit amendment procedure, time allowed for objection, etc) and the need for simultaneous entry into force of amendments to ADR and RID.

9. Since ADN is likely to enter into force in 2007, these new arrangements should be implemented as from 2008, although some flexibility will be needed for the first session of the administrative committee depending on the effective date of entry into force of ADN. Since the annexed regulations will become applicable one year after the entry into force of the agreement, the first task of the administrative committee will be to amend the Regulations adopted in 2000 to replace them with those which are applied effectively by the Contracting Parties at the time where these Regulations become of mandatory application under ADN (which are likely to be the "ADN 2007" provisions). The administrative committee will also have to recommend classification societies for agreement by competent authorities. Therefore it is possible that the UNECE secretariat has to convene a first session of the administrative committee late in 2007 or in January 2008, depending on the effective date of entry into force of ADN.

10. It is necessary that proper arrangements are put in place by the secretariat in 2007 and 2008 to make sure not only that the annexed Regulations adopted in 2000 may be amended as described in paragraph 9 above, but also that they are further amended by 1 January 2009 to be consistent with all other relevant international instruments such as ADR, RID, the International Maritime Dangerous Goods Code and the ICAO Technical Instruction for the Safe Transport of Dangerous Goods by Air which will also be amended on that date to reflect the recommendations made by the UN/ECOSOC Sub-Committee of Experts on the Transport of Dangerous Goods in December 2006."

- - - - -