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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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PROPOSALS FOR AMENDMENTS TO THE REGULATIONS ANNEXED TO ADN

Responsibilities of the filler

Transmitted by the European Barge Union (EBU)^{1,2}

Background

1. At present, paragraph 1.4.2.1 of the Regulations annexed to ADN lists the responsibilities of the consignor with regards to providing the documentation:

¹ Distributed in German by the Central Commission for the Navigation of the Rhine (CCNR) under the symbol CCNR/ZKR/ADN/WP.15/AC.2/2009/3.

² In accordance with the programme of work of the Inland Transport Committee for 2006-2010 (ECE/TRANS/166/Add.1, programme activity 02.7 (b)).

"(b) furnish the carrier with information and data and, if necessary, the required transport documents and accompanying documents (authorizations, approvals, notifications, certificates, etc.), taking into account in particular the requirements of Chapter 5.4 and of the tables in Part 3";

2. The responsibilities of the filler are, among others, as follows:

1.4.3.3 Filler "In the context of article 1.4.1, the filler has the following obligations in particular: ...Obligations concerning the filling of cargo tanks: (l) He shall ascertain, prior to filling, that the additional protection material and equipment required in the instructions in writing have been provided to the master";

3. In ADN 2009, 1.4.3.3 (l) will read "*Reserved*" since providing the instructions in writing is no longer a responsibility of the filler.

4. In practice, specifically for transport of dangerous goods by tank barges, this documentation is often not provided by the consignor for various practical reasons. The consignor is often abroad and has no precise information concerning the cargo since for transport by tank barge the consignor according to article 1.2.1 is defined as follows:

"Consignor means the enterprise which consigns dangerous goods either on its own behalf or for a third party. If the transport operation is carried out under a contract for carriage, consignor means the consignor according to the contract for carriage. In the case of a tank vessel, when the cargo tanks are empty or have just been unloaded, the master is considered to be the consignor for the purpose of the transport document";

5. The barging industry has asked the Association of Independent Tank Storage Companies that from a best management point of view it is possible to have this documentation completed "on behalf of". This means that when the vessel has been filled the exact information could be incorporated into the documentation by the filler on behalf of the consignor. Since this is not obligatory, EBU suggests that the required documentation is provided by either the filler of the tank or the consignor. This will incorporate flexibility for the various parties involved.

Proposal

6. In order to avoid delays at loading terminals, EBU would like to propose an amendment to 1.4.3.3 (l) "*Reserved*" since with the introduction of the new instructions in writing paragraph (l) is no longer used. Another available letter could also be used:

1.4.3.3 Filler "In the context of 1.4.1, the filler has the following obligations in particular: ...Obligations concerning the filling of cargo tanks: (l) furnish the carrier with information and data and, *if necessary*, the required transport documents and accompanying documents (authorizations, approvals, notifications, certificates, etc.), taking into account in particular the requirements of Chapter 5.4 and of the tables in Part 3";

7. The wording "if necessary" provides the flexibility of providing the dangerous goods documents to the carrier by either the consignor or the filler.
