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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 5 (b) of the provisional agenda

**Proposals for amendments to the Regulations annexed to ADN:
Amendments for entry into force on 1 January 2015**

Proposal for amendments to Chapter 1.15^{1,2}

Transmitted by the Government of France

Summary

Executive summary: Proposal to integrate provisions in the Regulations annexed to ADN to renew and/or keep a classification society on the list of classification societies recommended for recognition.

Action to be taken: Amendments to Chapter 1.15

Related documents:

¹ Distributed in German by the Central Commission for the Navigation of the Rhine under the symbol CCNR/ZKR/ADN/WP.15/AC.2/2012/27.

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)).

Introduction

1. Chapter 1.15 of the Regulations annexed to ADN on the recognition of classification societies includes section 1.15.2, entitled “Procedure for the recognition of classification societies”. This section sets out:

- The requirements for a classification society to appear on the list of classification societies “recommended for recognition” by the ADN Administrative Committee (1.15.2.1 to 1.15.2.3).
- The procedures and requirements which may lead the Administrative Committee to withdraw a classification society from the list of classification societies recommended for recognition (1.15.2.5 to 1.15.2.7). These procedures and requirements are to be supplemented with the entry into force on 1 January 2013 of amendments to ADN.

2. Between these two extremes, no provision currently exists to periodically check whether a classification society recommended for recognition continues to fulfil the requirements that led to its recommendation.

3. In addition to the observation in paragraph 2, above, we should like to raise the following points:

- In historical terms, the first recommendations for recognition of classification societies are over four years old (paragraphs 20 and 21 of the Report of the ADN Administrative Committee of 18 June 2008 – Document ECE/ADN/2, of 27 June 2008).
- The “Conditions and criteria for the recognition of a classification society applying for recognition” found in section 1.15.3 can change over time. For example, section 1.15.3.8 of the Regulations annexed to ADN 2007 and subsequently ADN 2009 required conformity with standard EN 45004:1995, while ADN 2011 requires conformity with standard EN ISO/IEC 17020:2004.

4. Other international organizations working in the maritime sector have also been considering issues relating to classification societies and their approval:

- As part of the “Erika III package”, the European Union adopted Regulation (EC) No. 391/2009 and Directive 2009/15/EC in 2009, establishing common rules and standards for ship inspection and survey organizations and for the relevant activities of maritime administrations. These two texts supersede Directive 94/57/EC.
- The International Maritime Organization (IMO) is in the process of devising a Code for Recognized Organizations (ROs), a rather advanced draft version of which can be found in the final report of the twentieth session of the Subcommittee on Flag State Implementation, of April 2012,* in annex 6.

5. In addition to the conditions and criteria required to qualify for recognition and/or recommendation, the international instruments listed in paragraph 4, above, include provisions for assessing organizations:

- Article 8 of Regulation (EC) No. 391/2009 and article 9.2 of the Directive 2009/15/EC include an assessment/inspection every two years

* The French delegation can send the draft Code for Recognized Organizations in its most recent form to the secretariat, or directly to delegations, on request.

- Part III – Chapter 7 on the management of inspection programmes of the draft Code for Recognized Organizations

Proposal

6. By analogy with practices in the maritime sector, we propose to include provisions in Chapter 1.15 of the Regulations annexed to ADN to allow for the periodic verification of classification societies, so as to ensure they continue to meet the conditions of their recommendation for recognition, taking into account the following points:

- The provisions must include a reasonable time frame for the reassessment
- A recommendation currently valid for the recognition of a classification society should not be called into question merely because the “Conditions and criteria” in section 1.15.3 have been amended

7. We propose amending section 1.15.2.3, as shown below, to introduce these changes (additional text underlined and in bold):

“1.15.2.3 **Recommendation for Recognition**

1.15.2.3.1 The Administrative Committee shall examine the report of the experts. It shall decide in accordance with the procedure set out in Article 17, 7 (c), within one year maximum, whether ~~or not~~, **without prejudice to the provisions of 1.15.2.5, and for a period of five years,** to recommend **or not to recommend** to the Contracting Parties that they should recognize the classification society in question. The Administrative Committee shall establish a list of the classification societies recommended for recognition by the Contracting Parties. **The list shall include, for each classification society recommended for recognition, the expiry date of its recommendation.**

1.15.2.3.2 **Once every five years, counting from the date of its initial recommendation, the classification society shall request the renewal of its recommendation, in observance of the provisions of 1.15.2.1. The Administrative Committee shall designate a committee of experts, which shall act in accordance with 1.15.2.2; the Administrative Committee shall decide whether to renew the recommendation in accordance with the provisions of 1.15.2.3.1.**

1.15.2.3.3 **Without prejudice to the provisions of 1.15.2.5, a recommendation of a classification society shall be valid until its expiry date, including in cases where the “Conditions and criteria” of section 1.15.3 are modified during the period of validity of its recommendation”.**

8. The Safety Committee is invited to consider the present proposal and to decide whether it is appropriate to send it to the Administrative Committee.