
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-first session**

Geneva, 27–31 August 2012

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**

Applicability of transitional provisions concerning vessels**Transmitted by Austria****Introduction**

According to Article 8 paragraph 2 of the ADN the transitional provisions concerning vessels of 1.6.7 of the Annexed Regulations may only be applied for vessels which, at the date of application of the annexed Regulations foreseen in Article 11, paragraph 1, were approved for the carriage of dangerous goods.

This date is 28 February 2009, independent of the date when a Contracting Party acceded.

It becomes more and more complicated to verify whether this condition is met with the growing distance in time from that date. There is an example of a vessel which has been sold from a member State of CCNR to another contracting party and has been entered in the Austrian register after another change of ownership. The vessel had a certificate of approval of the other contracting party and Austria has to issue a certificate now. The current owner of the vessel has no proof that the vessel had a valid certificate of approval on 28 February 2009. It is not clear which authority might have issued a certificate, because the owner was free to apply for a certificate in each member State of CCNR within the ADNR. The current certificate of approval does not specify if transitional provisions have been applied and the contracting party has not yet notified the competent authorities to the Secretariat. Therefore it is not possible to ask the issuing authority. But it can be assumed that it would take a considerable time to get an answer to a question in a single case, even if the contact details of the issuing authority of the last certificate would be available, and the vessel might have to be stopped during that period.

Because we have to assume that this type of investigation will become more time consuming in the future, the Austrian delegation proposes to discuss how to make the work of the authorities easier and to reduce the waiting time for a certificate of approval.

In the future there could also be problems for newer vessels (vessels which have been built after the date of application of the annexed Regulations): the applicability of the individual transitional provisions depends on whether the vessel already had a certificate of approval at the date mentioned in the transitional provision. This is also not mentioned in the certificate of approval and can be difficult to prove when the ownership of the vessel has changed several times.

The following solutions might be considered:

- Addition of a new entry in the certificates of approval "Transitional provisions applicable from (date)";
- Amendment of the certificate of approval with all applied transitional provisions. This solution would increase the administrative workload for issuing of certificates, but would allow more effective checks of vessels by other contracting parties;
- Addition of a new entry in the European Hull Data Base. This database is only available for member States of the European Union at the moment and some member States who are also contracting parties of ADN do not yet participate. The legal basis for the participation of other contracting parties who are not members of the European Union has still to be developed. It is not clear at the moment when the database might be available for all contracting parties of the ADN.

The Austrian delegation could provide a formal proposal for the next meeting on the basis of the discussion at the Safety Committee.
