

Economic Commission for Europe

Inland Transport Committee

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Working Party on the Transport of Dangerous Goods

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Item 5 (b) of the provisional agenda

Proposals for amendments to the Regulations annexed to ADN

Other proposals

Comments of the Austrian delegation on ECE/TRANS/WP.15/AC.2/2016/14 and ECE/TRANS/WP.15/AC.2/2016/16 regarding the terms “loading”, “unloading” and “transshipment”

1.) Document ECE/TRANS/WP.15/AC.2/2016/16 is containing the proposal to add the following definitions of loading and unloading in 1.2.1 :

French	English	German
«Chargement: toutes les actions effectuées par le chargeur conformément à la définition de chargeur;».	"Loading" means all actions carried out by the loader, in accordance with the definition of loader;	„Verladen: Alle Tätigkeiten, die vom Verloader gemäß der Begriffsbestimmung von Verloader vorgenommen werden.“
«Déchargement: toutes les actions effectuées par le déchargeur conformément à la définition de déchargeur;».	"Unloading" means all actions carried out by the unloader, in accordance with the definition of unloader;	„Entladen: Alle Tätigkeiten, die vom Entlader gemäß der Begriffsbestimmung von Entlader vorgenommen werden.“

While the English version of ADN is always using the terms loading and unloading, the German version is currently using the terms “verladen”, “beladen” and “laden” (e.g. in the proposals for chapter 1.8 in the same document, but also in the existing text of ADN).

The French version is also using different terms, e.g.

If the definition of “loading” is adopted, it would be necessary to replace all instances of “beladen” and “laden” in the German version with “verladen” or to amend the German version of the definition with the sentence: “Dieser Begriff wird in der deutschen Fassung als Synonym von “beladen” und “laden” verwendet.”

2.) Document ECE/TRANS/WP.15/AC.2/2016/14 is containing the statement:

French	English	German
“Le transbordement entre un bateau et un autre moyen de transport (véhicule routier, wagon-citerne) est un chargement ou un déchargement du bateau-citerne. »	“Transshipment between a vessel and another form of transport (road vehicle, tank wagon) is the loading or unloading of the tank vessel.”	„Das Umladen zwischen einem Schiff und einem anderen Beförderungsmittel (Straßenfahrzeug, Eisenbahnkesselwagen) ist ein Laden bzw. Löschen des Tankschiffes.“

1.2.1 is not containing any definition of transshipment, but the definition of the term “carriage” is containing an implicit definition of the term “transshipment”:

French	English	German
« La présente définition englobe également le séjour temporaire intermédiaire des marchandises dangereuses aux fins de changement de mode ou de moyen de transport (transbordement). »	“...This definition also covers the intermediate temporary storage of dangerous goods in order to change the mode or means of transport (transshipment).”	„Die vorliegende Begriffsbestimmung schließt auch das zeitweilige Abstellen gefährlicher Güter für den Wechsel der Beförderungsart oder des Beförderungsmittels (Umschlag) ein.“

The statement in ECE/TRANS/WP.15/AC.2/2016/14 which restricts the term “transshipment” to a change of the means of transport and defines a change of the mode of transport as “loading” or “unloading” is in contradiction to the French and English version of 1.2.1.

The German version of the definition of “carriage” does not define the term “Umladen”, but “Umschlag”:

The term “transshipment” is also used in 1.10.3.2.2:

French	English	German
“...et le séjour temporaire intermédiaire des marchandises dangereuses aux fins de changement de mode ou de moyen de transport (transbordement)”. (identical with 1.2.1)	“...and the intermediate temporary storage of dangerous goods during the course of intermodal transfer or transshipment between units”.	„...und des zeitweiligen Abstellens gefährlicher Güter für den Wechsel der Beförderungsart oder des Beförderungsmittels (Umschlag)“.

The French and the German texts are copies of the text in 1.2.1, but the text in the English version is different and introduces the term “intermodal transfer”.

The English version of 1.10.3.2.2 should be brought in line with the text in the definition of “carriage” in 1.2.1.

3.) Content of proposal ECE/TRANS/WP.15/AC.2/2016/14:

Based on the definition of carriage in 1.2.1 the Austrian delegation does not believe that transshipment from a vessel to another mode of transport is loading or unloading. If transshipment from a vessel to another mode of transport is “transshipment” and 7.2.4.9 would be restricted to transshipments from vessel to vessel, it would be allowed to transship dangerous cargo from a vessel to another mode of transport outside of a cargo transfer place approved for this purpose without permission of the competent authority. This is not acceptable for Austria.

If the interpretation in the document would be correct and transshipment to another mode of transport would be “loading” or “unloading” there would be the opposite problem: 7.2.4.7 does not provide any possibility to allow loading or unloading outside of places designated or approved for this purpose. But it might for example be necessary to allow a transshipment of LNG to another mode of transport if a vessel with LNG is not able to continue the voyage to a place designated for the unloading of LNG and the pressure reaches a critical level. It will not always be possible to do transshipment to another vessel and we would therefore need the possibility to get a special permission from the competent authority (as foreseen in 7.1.4.7 and 7.2.4.9).

The Austrian delegation is therefore against the proposed amendment of 7.2.4.9 in ECE/TRANS/WP.15/AC.2/2016/14. The text of 7.1.4.9 should be aligned with 7.2.4.9, because transshipment to another mode of transport can also be necessary for dry cargo vessels outside of designated areas. The words “into another vessel” should therefore be deleted in 7.1.4.9.