

**Economic and Social Council**

Distr.: General
9 November 2020
English
Original: French

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)

Thirty-seventh session

Geneva, 25–29 January 2021

Item 5 (b) of the provisional agenda

**Proposals for amendments to the Regulations annexed to ADN:
Other proposals**

Addition to 1.16.1.4.2 of the date of application of the transitional provisions and related amendments**Transmitted by the Government of Austria* *****Summary*

The uncertainties regarding the date from which the transitional provisions apply should be eliminated. This would make it easier for drivers and authorities carrying out checks to determine which transitional provisions are applicable.

Context

1. In accordance with 1.6.7.1.2 (b), for the purposes of the applicability of the transitional provisions, “modification” is also taken to mean the conversion of an existing type of tank vessel, a type of cargo tank or a cargo tank design to another type or design at a higher level. Consequently, the transitional provisions are not applicable in the event of modification.
2. However, in accordance with 1.6.7.5.1 (b), the transitional provisions for 1.2.1, 9.3.30.3 (d), 9.3.3.51.3 and 9.3.3.52.4, last sentence, may be applied until 31 December

* Distributed in German by the Central Commission for the Navigation of the Rhine under the symbol CCNR-ZKR/ADN/WP.15/AC.2/2021/1.

** In accordance with the programme of work of the Inland Transport Committee for 2020 as outlined in the proposed programme budget for 2020 (A/74/6 (part V, sect. 20), para. 20.37).



2018 for vessel parts outside of the cargo area. While the application of 1.6.7.5.1 must be entered in the certificate of approval under No. 12 (Additional observations), this is not the case for the transitional provisions that are actually applied.

3. For most of the transitional provisions, therefore, the date of presentation for first inspection for obtaining a certificate of approval after a modification is deemed to constitute the reference date. However, for the transitional provisions referred to in 1.6.7.5.1 (b), the previously applicable date remains the reference date even after the modification.

4. Yet, in accordance with 1.16.1.4.2, only the date applicable before the modification would still be noted in the annex to the certificate of approval.

5. In most cases, the transitional provisions concern construction requirements and must be checked by the competent authority for approval. If necessary, the competent authority may request the vessel record, for example after a change of authority, in order to clarify when a modification took place and which transitional provisions are actually applicable.

6. However, there are also transitional provisions that concern operational requirements. For example, 1.6.7.2.2.2 contains a transitional provision for 7.2.3.20.1, which reads as follows:

“N.R.M. Renewal of the certificate of approval after 31 December 2038

Until then, the following requirements apply on board vessels in service:

Cofferdams may be filled with water during unloading to provide trim and to permit residue-free drainage if possible.

When the vessel is underway, cofferdams may be filled with ballast water only when cargo tanks are empty.”

7. This transitional provision may be applied if the vessel was already in service on 26 May 2000. However, in accordance with 1.6.7.5.1, it may not be applied if the vessel was converted to a Type N double-hull vessel after 26 May 2000.

8. This means that the cofferdams of vessels already in service before 26 May 2000 may be filled with ballast water. However, in accordance with 7.2.3.20.1, this is prohibited without exception if the vessel was converted to a double-hull vessel after 26 May 2000.

9. The question arises as to how drivers and inspection bodies can determine whether the cofferdams may be filled.

10. The only indication is the date of application of the transitional provisions noted in the annex to the certificate of approval. However, it would be wrong to refer to this date in the event of conversion to a Type N double-hull vessel.

11. As no transitional provision has been applicable to conversions to Type N double-hull vessels since 2019, there is no justification for maintaining the previous reference date for future conversions.

Proposal for amendment

12. In 1.16.1.4.2, the last full stop of subparagraph (d) should be replaced with a semicolon, and the following subparagraph (e) should be inserted:

“(e) In a derogation to subparagraphs (a) to (d), the date of presentation for first inspection for obtaining a certificate of approval after the conversion of an existing type of tank vessel, a type of cargo tank or a cargo tank design to another type or design at a higher level.”

13. In 1.6.7.5.1, subparagraph (d) should be amended to read as follows (new text underlined):

“(d) The application of this sub-section, including the transitional provisions actually applied, shall be entered in the certificate of approval under No. 12 (Additional observations).”

14. In 1.6.7.2.2.2, the following new rows should be inserted into the table:

1.6.7.5.1 (d)	Note of the transitional provisions actually applied	Renewal of the certificate of approval after 31 December 2022
1.16.1.4.2 (e)	Date of application of the transitional provisions in the annex to the certificate of approval in the event of modification	Renewal of the certificate of approval after 31 December 2022

Impact assessment

15. If incorporated into the certificate of approval and the annex thereto, the proposed additions would significantly simplify the task of boatmasters, inspection bodies and approval authorities. The Austrian delegation considers that, although the addition itself would entail a one-off additional cost for approval authorities, this cost would be offset by the efficiencies thereby generated.