



Economic and Social Council

Distr.: General
4 June 2021

Original: English

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-eighth session

Geneva, 23–27 August 2021

Item 4 (b) of the provisional agenda

**Proposals for amendments to the regulations annexed to the ADN:
other proposals**

Parts 4 and 6 of ADN – derogations due to multilateral agreements in accordance with ADR/RID

Submitted by the Government of Germany*.**

Introduction

1. When carrying dangerous good on inland waterways, the use of packagings and tanks in accordance with Chapter 4.1 of ADN has to meet the requirements of an international code, i.e. ADR, RID or IMDG Code.
2. 6.1.1 of ADN stipulates that, in respect of construction and testing, packagings (including intermediate bulk containers (IBCs) and large packagings) and tanks shall meet the requirements mentioned therein of ADR, RID or the IMDG Code.
3. Occasionally, ADR Contracting Parties/RID Contracting States conclude multilateral agreements that contain derogations from these requirements for construction, manufacture, use and testing.
4. According 1.5.1.3 of ADR/RID, transport operations based on temporary derogations constitute transport operations in accordance with ADR/RID.
5. It cannot be clearly determined whether transport operations based on multilateral agreements automatically meet the requirements of Parts 4 and 6 of ADN. In these parts, detailed reference is made to the packing and tank requirements specified in Parts 4 and 6

* Distributed in German by the Central Commission for the Navigation of the Rhine under the symbol CCNR-ZKR/ADN/WP.15/AC.2/2021/23.

** In accordance with the programme of work of the Inland Transport Committee for 2021 as outlined in proposed programme budget for 2021 (A/75/6 (Sect.20) para 20.51).



of ADR/RID (as they are set out in the code) so that an uncertain, multi-stage derivation would be required.

6. According the current legal situation, it might be necessary to conclude all multilateral agreements in accordance with ADR/RID also with the same wording in accordance with 1.5.1 of ADN.

Proposal

7. In 1.5.1 of AND, add new paragraph 1.5.1.4 as follows:

“1.5.1.4 Temporary derogations in accordance with section 1.5.1 of ADR/RID that concern Part 4 or Part 6 of ADR/RID shall be considered to be bilateral and multilateral agreements regarding Part 4 or 6 of ADN between the Contracting Parties that are signatory to the respective temporary derogation and, at the same time, also Contracting Parties to ADN.”

Justification

8. This new provision will create legal certainty. It will save the Contracting Parties to the ADN additional effort in drawing up and concluding multilateral agreements that do not contain derogations from ADR and RID.

9. As most transport operations are multimodal transport operations, a rejection of these agreements only for inland navigation is generally not an option. It would interrupt the supply chains and make it necessary to change packagings and/or tanks when changing the mode of transport.

Safety

10. The general safety of carriage under the derogations for packagings and tanks agreed in accordance with ADR/RID is already sufficiently considered when these multilateral agreements are concluded. The periodic biannual amendments to Parts 4 and 6 of ADR/RID are introduced automatically into the provisions for the carriage on inland waterways through the dynamic references in ADN without further examination by the Safety Committee.

Feasibility

11. No organisational changes or changes to the ship's structure are necessary for carriage on inland waterways.
