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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)

Thirty-ninth session

Geneva, 24–28 January 2022

Item 6 of the provisional agenda

Reports of informal working groups

Report of the sixth meeting of the informal working group “loading on top in barges”

Transmitted by the Government of the Netherlands***

Summary

Executive summary:	The informal working group held discussions on the loading on top of the same cargo. The group welcomed the idea of a positive list and request the ADN Safety Committee on guidance on this list.
Action to be taken:	The Safety Committee is requested in paragraphs 12 and 13 to consider the results of the informal working group and to decide appropriately.
Related documents:	Informal document INF.15 of the thirtieth session Informal document INF.6 of the thirty-first session as addendum to document ECE/TRANS/WP.15/AC.2/2017/44 Informal document INF.9 of the thirty-second session ECE/TRANS/WP.15/AC.2/2018/39 Informal document INF.17 of the thirty-third session Informal document INF.5 of the thirty-fifth session Informal document INF.5 of the thirty-sixth session ECE/TRANS/WP.15/AC.2/76 Document ECE/TRANS/WP.15/AC.2/2021/29

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Introduction

1. On 13 and 14 October 2021, the sixth meeting of the informal working group on Loading on top was held digitally. The meeting was attended by delegates of Germany and the Netherlands, by the chair of the informal working group on substances, by representatives of European Bulk Oil Traders' Association (EBOTA), European Barge Union (EBU), European Skippers Organisation (ESO), Federation of European Tank Storage Association (FETSA), and FuelsEurope. Mr Henk Langenberg as representative of the Netherlands chaired the meeting.
2. Three types of loading on top that were recognized by the group, as requested by the ADN Safety Committee:
 - (a) Loading of the same cargo on top of dangerous goods; i.e. loading of dangerous good on top of a dangerous good with the same UN number and entry in table C;
 - (b) Loading of non-dangerous goods on top of dangerous goods; e.g. loading of biocomponents on top of diesel fuel (UN 1202), or the other way around;
 - (c) Loading of a dangerous good on top of another dangerous good; e.g. loading of Ethanol (UN 1170) on top of diesel fuel (UN 1202), or the other way around.

I. Loading on top of the same cargo

3. Regarding the loading on top of the same cargo, the members of the group welcomed the conclusions of the ADN Safety Committee that loading on top of the same dangerous good into one cargo tank is allowed based on the current ADN. The chair suggested to call this operation "co-loading", making clear, that it is about the loading of the same dangerous good in two or more batches into one cargo tank. Loading on top of the same dangerous good could be done safely under the responsibility of the consignor. Some participants were of the opinion, that there should be a single consignor for all batches to handle the whole journey properly. Improvement of safety in the future by developing a so called "positive list" was discussed by the group as requested by the ADN Safety Committee as well.
4. The chair of the informal working group on Substances confirmed that this group will take up work to establish a first, short list of substances that can be co-loaded. He requested industry parties to inform the informal working group on Substances, which substances should be considered first to be added to that "positive list". The informal working group on Substances will also look into establishing a definition for "same cargo". As of yet, industry representatives indicated that they only consider two (or more) batches the "same cargo" if they can be classified to the same entry of Table C, have the same Packing Group, and have the exact same dangers.
5. The group also had some discussions on how to establish the positive list. One option discussed was to establish the positive list within the framework of the ADN. Another option discussed was to establish the positive list as a recommendation. Establishing the list within ADN will enable the Safety Committee to control the list, to avoid possible misunderstandings on the legal basis of the list in the future, and to develop a clear procedure to request new substances to be added to the list. Therefore, the group recommended to establish the positive list within the ADN.
6. Some initial discussions were held on where within ADN the positive list could be inserted. Both Table C (as a new remark in Column 20), and an addition to the vessel's substance list according to 1.16.1.2.5, were mentioned. Most participants seemed to prefer the option to reflect the positive list in Table C, but the group wished to consult the ADN Safety Committee before any proposals for amendment were discussed.
7. Finally, the group considered that a procedure to request new substances to be added to the list should be developed. Members of the informal working group suggested that such a procedure could be similar to the procedure for special authorizations ADN 1.5.2. However, the group felt that some experience evaluating substances for the positive list might be needed before such a detailed procedure could be developed.

II. Loading on top of a different substance

8. Regarding the loading on top of different substances, the informal working group examined other legal instruments. The group could not, at this time, find legal instruments to refer to, in order to facilitate loading on top processes.

9. With regard to the suggestion of the ADN Safety Committee to investigate whether the positive list could be expanded to also prescribe loading on top operations of different substances, the informal working group could not reach consensus. While some participants suggested that this could be an approach to allow the loading on top of only very specific different dangerous goods on top of each other, other participants referred to previous decisions of the ADN Safety Committee as the loading on top/co-loading of different dangerous goods was already rejected by the ADN Safety Committee and is now seen without the scope of the informal working group.

10. The group concluded that loading on top of different dangerous and non-dangerous goods in the cargo tanks of inland barges could not be facilitated by other detailed legal instruments. But a reference was made to the requirement of doing a risk assessment by the carrier or boat master for all operations on board the vessel based on the European and national legislation on Workers Protection.

11. The group also considered additivation of cargo as requested by the representative of Belgium. Some participants were of the opinion that additivation of cargo was outside the scope of the working group while referring to articles in ADN which govern this type of operation. The representative of FuelsEurope offered to locate and share those articles with the working group.

III. Action to be taken

12. The ADN Safety Committee is invited to consider the report of the informal working group and to give guidance on how to proceed with the different options reflected in paragraphs 5, 6 and 7.

13. The ADN Safety Committee is also invited to consider the discussion on the loading on top of different dangerous and non-dangerous goods, reflected in paragraphs 8 to 11.
