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|  |  | **INF.5** | |
| **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)**  **Forty-first session**  Geneva, 23-27 January 2023  Item 5 (b) of the provisional agenda  **Proposals for amendments to the Regulations annexed to ADN:**  **other proposals**  other proposals Definition of “Inspection body”  Transmitted by the Governments of France, Germany and The Netherlands   |  |  | | --- | --- | | *Summary* | The co-sponsors propose amendments to the Annexed Regulations to ADN in order to clarify the definition of “Inspection body”. | | **Executive summary:** | The comparison between the different linguistic versions of ADN, and between ADN and RID / ADR shows inconstancies regarding the notion of “Inspection body”. This current document tries to define this notion consistently between the linguistic versions and with RID / ADR. | | **Action to be taken:** | See paragraph 9. | | **Related documents:** | ECE/TRANS/WP.15/AC.2/2022/25  ECE/TRANS/WP.15/AC.2/82 (paragraph 34) | |  |  |   Introduction  1. At the fortieth session of the Safety Committee, France, Germany and The Netherlands volunteered to prepare a comprehensive proposal related the clarification of the definition of “Inspection body”.  2. The discussions between these three delegations showed that:   * Some additional issued raised; and * It could be helpful to compare these definitions with those included in RID / ADR   3. This informal document proposes possible solutions to these different issues. | | | 30 November 2022  English |

Definition of "Inspection body"

Transmitted by the Governments of France, Germany and the Netherlands

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| *Summary* | The co-sponsors propose amendments to the Annexed Regulations to ADN in order to clarify the definition of "Inspection body". |
| **Executive summary:** | The comparison between the different linguistic versions of ADN, and between ADN and RID / ADR shows inconstancies regarding the notion of "Inspection body". This current document tries to define this notion consistently between the linguistic versions and with RID / ADR. |
| **Action to be taken:** | See paragraph 9. |
| **Related documents:** | ECE/TRANS/WP.15/AC.2/2022/25  ECE/TRANS/WP.15/AC.2/82 (paragraph 34) |
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Introduction

1. At the fortieth session of the Safety Committee, France, Germany and The Netherlands volunteered to prepare a comprehensive proposal related the clarification of the definition of "Inspection body".

2. The discussions between these three delegations showed that:

* Some additional issued raised; and
* It could be helpful to compare these definitions with those included in RID / ADR

3. This informal document proposes possible solutions to these different issues.

Definition of "Inspection body" and comparison with RID / ADR

4. In the following table, which keeps and clearly identifies the definitions in RID / ADR, the deleted text is in strikethrough characters and the new text is in bold underscored characters.

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| --- | --- | --- | --- |
|  | **EN (ADN)** | **FR (ADN)** | **GE (ADN)** |
| **Art. 3 (h) Treaty** | Inspection body  a body nominated or recognized by the Contracting Party for the purpose of inspecting vessels according to the procedures laid down in the annexed Regulations. | Organisme de visite  un organisme nommé ou reconnu par la Partie contractante aux fins de l’inspection des bateaux conformément aux procédures prévues au Règlement annexé. | **Untersuchungsstelle**  eine von der Vertragspartei benannte oder anerkannte Stelle zur Untersuchung der Schiffe gemäß den Verfahren der beigefügten Verordnung. |
| **1.2.1** | Inspection body **(RID / ADR)**  means an independent monitoring and verification body certified by the competent authority | Instance d’inspection **Organisme de contrôle (RID/ADR)**  une instance indépendante **un organisme indépendant** de contrôle et de vérification agréée **agréé** par l’autorité compétente | Prüfstelle **(RID / ADR)**  Eine von der zuständigen Behörde zugelassene unabhängige Prüfstelle |
| **1.2.1** | **Inspection body**  **means a body nominated or recognized by the Contracting Party for the purpose of inspecting vessels according to the procedures laid down in these current Regulations** | **Organisme de visite**  **un organisme nommé ou reconnu par la Partie contractante aux fins de l’inspection des bateaux conformément aux procédures prévues le présent Règlement** | **Untersuchungsstelle**  **eine von der Vertragspartei benannte oder anerkannte Stelle zur Untersuchung der Schiffe gemäß den Verfahren der beigefügten Verordnung** |

5. The proposals above are consistent with the other parts of ADN where the notion of "Inspection body / Organisme de visite / Untersuchungsstelle" are evocated (Sections 1.16.2, 1.16.3, 1.16.4, 1.16.7, and subsections 9.3.x.1), and allow comparisons with the definitions in RID / ADR.

Consequential amendments

6. It has been noticed the need of a slight editorial amendment to the German text of the first sentence of 1.16.3.1 as follows:

"**1.16.3.1** Die Untersuchung des Schiffes wird unter der Aufsicht der zuständigen Behörde einer **der** Vertragspartei durchgeführt."

7. It has also been noticed the need of an amendment to the second bullet-point in paragraph (d) of the Special Provision 674, related to "inspection bodies / organismes de contrôle / Prüfstellen" which, in the current text of ADN, clearly refers to in the definition in RID /ADR for these bodies. Therefore, it is proposed the consequential amendments drafted in the table below:

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|  | **EN (ADN)** | **FR (ADN)** | **GE (ADN)** |
| **SP 674 d)** | …  - Make available to inspection bodies **(as defined in ADR)**, filling centres and competent authorities the specific technical characteristics of the cylinders consisting of at least the following: serial number, steel cylinder production batch, over-moulding production batch, date of over-moulding; | ...  - Mettre à disposition des organismes de contrôle **(tels que définis dans l’ADR)**, des centres de remplissage ou des autorités compétentes, les caractéristiques techniques spécifiques des bouteilles comprenant au moins le numéro de série, le lot de production des bouteilles en acier, le lot de production des surmoulages et la date du surmoulage; | …  - die Zurverfügungstellung der spezifischen technischen Eigenschaften der Flaschen, zumindest bestehend aus Seriennummer, Produktionslos der Stahlflasche, Produktionslos der Umformung, Zeitpunkt der Umformung, für die Prüfstellen **(wie im ADR definiert)**, Befüllzentren und zuständigen Behörden; |

Other issues

8. At least, it has been raised that the wording "test body / organisme de contrôle / Prüfstelle" in 8.1.2.2 (h) and 8.1.2.3 (u) was not clearly defined. The co-sponsors understand that this notion of "test body" refers to in the notified bodies dealing with Directive 2014/34/EU. It is therefore proposed the following amendments, with corresponding footnotes included in the table below:

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| --- | --- | --- | --- |
|  | **EN (ADN)** | **FR (ADN)** | **GE (ADN)** |
| **8.1.2.2 (h)** | - Installation/equipment, location, marking (explosion protection level according to IEC 60079-0, equipment category according to Directive 2014/34/EU1 or equivalent protection level, explosion group, temperature class, type of protection, test body**(\*)**) in case of electrical equipment for use in zone 1 (alternatively, a copy of the certificate of conformity according to Directive 2014/34/EU1); | – Installation/équipement, emplacement, marquage (niveau de protection contre les explosions selon la norme CEI 60079-0, catégorie d’équipement selon la directive 2014/34/UE1 ou niveau de protection équivalent, groupe d’explosion, classe de température, type de protection, organisme de contrôle**(\*)**) dans le cas des équipements électriques destinés à être utilisés en zone 1 (ou, en guise d’alternative, copie de la déclaration de conformité selon la directive 2014/34/UE1); | - Anlage/Gerät, Aufstellungsort, Kennzeichnung (Geräteschutzniveau nach IEC 60079-0 oder Gerätekategorie nach Richtlinie 2014/34/EU1) oder vergleichbares Schutzniveau, Explosionsgruppe und Temperaturklasse, Zündschutzart, Prüfstelle**(\*)**), bei elektrischen Geräten zum Einsatz in Zone 1 (alternativ Kopie z.B. Konformitätserklärung nach Richtlinie 2014/34/EU1)) |
| **8.1.2.3 (u)** | – Installations/equipment, location, marking (explosion protection level according to IEC 60079-0, equipment category according to Directive 2014/34/EU**1** or at least equivalent), including explosion group and temperature class, type of protection and test body**(\*)**, in the case of electrical equipment for use in zone 0 or zone 1 and, in the case of non-electrical equipment for use in zone 0; (alternatively, a copy of the inspection certificate, for example the declaration of conformity under Directive 2014/34/EU1); | – Installation/équipement, emplacement, marquage (niveau de protection contre les explosions selon la norme CEI 60079-0 ou catégorie d’équipement selon la directive 2014/34/UE1ou au moins équivalent), y compris le groupe d’explosion et la classe de température, le type de protection, l’organisme de contrôle**(\*)** dans le cas des équipements électriques destinés à être utilisés en zone 0 et en zone 1 ainsi que dans le cas des équipements non électriques destinés à être utilisés en zone 0; (ou, en guise d’alternative, copie de l’attestation de contrôle, par exemple de la déclaration de conformité selon la directive 2014/34/UE1); | - Anlage/Gerät, Aufstellungsort, Kennzeichnung (Geräteschutzniveau nach IEC 60079-0 oder Kategorie nach Richtlinie 2014/34/EU1) oder mindestens gleichwertig) einschließlich Explosionsgruppe und Temperaturklasse, Zündschutzart, Prüfstelle**(\*)** bei elektrischen Geräten zum Einsatz in Zone 0 und Zone 1 sowie bei nicht-elektrischen Geräten zum Einsatz in Zone 0; (alternativ Kopie der Prüfbescheinigung z.B. Konformitätserklärung nach Richtlinie 2014/34/EU1)) |

**(\*) Notified body, in the frame of Directive 2014/34/EU, or equivalent**

**(\*) Organisme notifié, dans le cadre de la Directive 2014/34/EU, ou équivalent**

***(\*) German wording to be established by Germany***

Proposals

9. The Committee is invited to consider the proposals included in paragraphs 4, 7 and 8 above and take action as appropriate. In particular either allowing the co-sponsors to continue the discussions, or, if satisfactory, allowing them to transform the current informal document in a working document for the next session.