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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)

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Item 4 (b) of the provisional agenda

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

Proposal for amendments concerning the reference to the Convention for Safe Containers and the IMDG code

Transmitted by the Government of Belgium* **

Introduction

1. It regularly happens that a damaged container unloaded from a seagoing vessel ends up at a terminal in the port of Antwerp or Zeebrugge. In principle, it is not allowed to transport this container towards an inland destination without the permission of the competent authority. The regulation annexed to the ADR (or RID) contains provisions referring to the Convention for Safe Containers (CSC), but no such provisions appear in the ADN. Reference is made only to the definition of CSC under 1.2.1 of the ADN. This makes it difficult to handle according to a legal basis under which the transport of a damaged container with dangerous goods by an inland waterway vessel is allowed. Moreover, it is not clearly stipulated in the ADN that such container should meet the requirements of CSC.

Problem description

2. In the regulation annexed to the ADR (or RID) we notice a prescription in section 7.1.3 which provides an obligation to meet the requirements of CSC:

"Large containers, portable tanks, MEGCs and tank-containers which meet the definition of 'container' given in the CSC (1972), as amended, or in IRS 50591 (Roller units for horizontal transshipment — Technical conditions governing their use in

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** A/78/6 (Sect. 20), table 20.5



international traffic)¹ and IRS 50592 (Intermodal Transport Units (other than semi-trailers) for vertical transshipment and suitable for carriage on wagons — Minimum requirements)² published by UIC may not be used to carry dangerous goods unless the large container or the frame of the portable tank, MEGC or tank-container satisfies the provisions of the CSC or of IRS 50591 and IRS 50592 of UIC."

Similar provisions are noted in chapters 6.7, 6.9 and 6.11 of the ADR and the reference to each chapter, respectively, of ADR is clearly made in Chapter 6.1 of the regulations annexed to the ADN, but only in respect of construction and testing and not for operational use in part 7.

3. Also in the International Maritime Dangerous Goods (IMDG) Code (Amendment 41-22) there is a clear reference to CSC in subsection 7.3.2.2:

"Unless otherwise specified, the applicable provisions of the International Convention for Safe Containers, 1972 (CSC Convention), as amended, shall be followed for the use of any cargo transport unit which meets the definition of a 'container' within the terms of that Convention."

and there is even a possibility for a derogation on CSC in 7.3.2.3:

"The International Convention for Safe Containers, 1972 (CSC Convention) does not apply to offshore containers that are handled in open seas. The design and testing of offshore containers shall take into account the dynamic lifting and impact forces that may occur when a container is handled in open seas in adverse weather and sea conditions. The requirements for such containers shall be determined by the approving competent authority. Such provisions should be based on the Guidelines for the approval of offshore containers handled in open seas (MSC/Circ.860). Such containers shall be clearly marked with the words 'OFFSHORE CONTAINER' on the safety approval plate."

4. In Chapter 7.1 of the Regulations annexed to the ADN, there is no reference to CSC and even Part 4 does not make a clear reference to section 7.1.3 of the ADR (or RID). If no provision is available in the Regulations annexed to the ADN, there is no possibility for the competent authority to grant a derogation under any article.

5. The Belgian delegation also noted that in 4.1.4 only reference is made to ADR/RID, but not to Part 6 of the IMDG Code:

"Only packagings and tanks which meet the requirements of Part 6 of ADR or RID may be used."

6. In the ADN, Chapter 6.1 section 6.1.2 a reference is made to Chapter 6.7 of IMDG or, if appropriate, Chapter 6.9. However, Chapter 6.9 deals with bulk containers (BK1 / BK2 / BK3) and has nothing to do with portable tanks. The Belgian delegation also noted that there is no reference to the provisions for the design, construction, inspection and testing of portable tanks with shells made of fibre-reinforced plastics (FRP) materials as provided in Chapter 6.10 of the IMDG code.

"Portable tanks may also meet the requirements of Chapter 6.7 or, if appropriate, Chapter 6.9 of the IMDG Code."

Proposal for amendment

7. The Belgian delegation proposes to add a subsection 7.1.3.2 and amend the reserved subsections as follows (changes are bold, text to be deleted is stricken through):

~~7.1.3.2 to 7.1.3.14~~ — (Reserved)

7.1.3.2 Large containers, portable tanks, MEGCs and tank-containers which meet the definition of "container" given in the CSC (1972), as amended, or in IRS 50591 (Roller units for horizontal transshipment – Technical conditions governing their use in international traffic)¹ and IRS 50592 (Intermodal Transport Units (other than semi-trailers) for vertical

transshipment and suitable for carriage on wagons – Minimum requirements)² published by UIC may not be used to carry dangerous goods unless the large container or the frame of the portable tank, MEGC or tank-container satisfies the provisions of the CSC or of IRS 50591 and IRS 50592 of UIC.

7.1.3.3 to 7.1.3.14 (Reserved)

and add the two footnotes ¹ and ² on the bottom of the page, as follows:

¹ **First edition of IRS (International Railway Solution) applicable as from 1 June 2020**

² **Second edition of IRS (International Railway Solution) applicable as from 1 December 2020**

8. The Belgian delegation proposes to amend section 4.1.4 as follows (changes are bold and underlined):

4.1.4 Only packagings and tanks which meet the requirements of Part 6 of ADR, RID or IMDG Code may be used.

9. The Belgian delegation proposes to amend section 6.1.2 as follows (changes are bold and underlined, text to be deleted is stricken through):

6.1.2 Portable tanks and MEGCs may also meet the requirements of Chapter 6.7 ~~or, if appropriate,~~ of the IMDG Code. Bulk containers may also meet the requirements of Chapter 6.9 of the IMDG Code. Portable tanks with shells made of fibre-reinforced plastics (FRP) materials may also meet the requirements of Chapter 6.10 of the IMDG Code.

Justification

10. The Belgian delegation is of the opinion that a simple definition of the CSC convention is not enough for a legal basis to use containers during transport of dangerous goods in an inland waterway vessel. Therefore, the provisions should be added to Chapter 7 of the Regulations annexed to the ADN.

11. The Belgian delegation also refers to the following Sustainable Development Goals:

- Goal 3: *Good health and well-being*; as we may reduce health risks of hazardous materials;
- Goal 8: *Decent work and economic growth*; as herewith, a safer and more secure working environment will be achieved by removing the regulatory barrier.

Action to be taken

12. The ADN Safety Committee is invited to consider the proposed amendments in paragraphs 7 to 9 above, and to take action as it deems appropriate.