
Economic Commission for Europe**23 December 2010****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)****Eighteenth session**

Geneva, 24–27 January 2011

Item 4 of the provisional agenda

Proposals for amendments to the Regulations annexed to ADN

Harmonized tests after the ADN refresher course**Transmitted by the Government of Germany**¹**Ref.: WP.15/AC.2/18/INF.04****Introduction**

1. At its 17th session in August 2010 the Safety Committee addressed a proposal transmitted by the Government of the Netherlands containing recommendations for harmonised examinations at the end of the ADN refresher course (document ECE/TRANS/WP.15/AC.2/2010/18) which had been elaborated by the informal working group on the catalogue of questions. No decision was taken, instead, the item was referred back to the informal working group for reconsideration. (Report of the 17th session of the Safety Committee, document ECE/TRANS/WP.15/AC.2/36, items 25 to 28)

2. During the discussion it was proposed to harmonise the regulations concerning the training and examination for ADN experts with the corresponding regulations of ADR (road haulage).

3. For the current 18th session of the Safety Committee the informal working group presented a Revised Proposal for amendments to the AND (WP.15/AC.2/18/INF.04)

4. As far as the German delegation is aware, further work on the catalogue of questions presented in the current session could come up for the informal working group (document ECE/TRANS/WP.15/AC.2/2011/2), particularly in terms of the harmonisation of questions with the current ADN 2011 version (document ECE/TRANS/WP.15/AC.2/32, para. 53).

¹ Distributed in German by the Central Commission for the Navigation of the Rhine under the symbol CCNR/ZKR/ADN/WP.15/AC.2/18/INF.07.

Comment on the proposal of the informal working group

5. In its proposal WP.15/AC.2/18/INF.4, the informal working group raises an important issue on the training of experts as set forth in Chapter 8.2 of the ADN: to guarantee the quality of the training courses. The idea to complement courses with a test to ensure the participants' attention may well add to quality control.

6. However, Germany is of the opinion that the informal working group did not take adequately into account the considerations of the Safety Committee and that this measure alone is not sufficiently sustainable.

7. Furthermore, Germany has legal misgivings concerning the proposed model for tests carried out by the training bodies as the test result may interfere with the fundamental right to pursue a professional activity, and the participants should be granted effective legal protection against possible faulty exam results. According to the opinion of Germany, this cannot be guaranteed by the proposed way of carrying out the examinations by private - but not official - training bodies.

Alternative proposal

8. The informal working group on the catalogue of questions could be asked to completely revise Chapter 8.2 and to submit it to the Safety Committee for its 21st session in January 2012 for decision taking with regard to ADN 2013.

9. In the process, particularly the following issues should be considered:

- a) The possibility of further harmonisation with the regulations of Chapter 8.2 of the ADR, particularly with regard to recurrent trainings, but also to the form of the ADN certificate of special knowledge.
- b) The issue of whether refresher course should be concluded with a test organised by the training body or by an authority, which had been discussed in the informal working group on the catalogue of questions.
- c) The discrepancies in the English/French language versions on the one hand, and the German version on the other hand (based on the ADNR), as shown in the following:
 - i) in 8.2.1.4, whether the refresher courses have to be concluded 'successfully',
 - ii) in 8.2.2.8, with regard to a time limit of five years for the certificate of the basic course,
 - iii) in 8.2.2.8 the missing reference to assistance on a vessel instead of participation in a refresher course.
- d) The issue of whether it is in accordance with the law to take 'written' examinations 'electronically' by means of electronic media.
- e) Detailed standards for training bodies and teaching staff to increase the quality of training courses, and a possible time limit for the approvals to ensure a quality control at regular intervals.
- f) Retaining the possibility to renew the certificate of special knowledge of ADN for the carriage of gases and chemical substances not only upon completion of a refresher course but also upon work on an appropriate vessel, which has to be proven (8.2.1.6, second indent, and 8.2.1.8, second indent).
- g) Systematisation of future amendments to the catalogue of questions, e.g. to clarify any ambiguities the testing authorities may notice.

10. To these works also those contracting parties to the ADN, or their delegations, should be invited which are not parties to the Central Commission for the Navigation of the Rhine in order to take into account appropriately also their legal and given facts, as well as experiences with trainings and tests, which are characterised by different legal traditions.

11. Considering the work still to be carried out as described under item 5, the informal working group on the catalogue of questions could be asked to inform the ADN Safety Committee at its 19th session in August 2011 about pending old and new particular tasks of their mandates and about their working programme for 2011 and 2012. As resources are generally scarce, such a working programme would allow for an optimal planning by the participating delegations and secretariats.