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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)****Twenty-second session**

Geneva, 21–25 January 2013

Item 5 (b) of the provisional agenda

**Proposals for amendments to the Regulations annexed to ADN:
Other proposals****Applicability of transitional provisions concerning vessels****Transmitted by the Government of Austria¹****Introduction**

1. The Safety Committee agreed at its twenty-first session to review the provisions on the applicability of transitional provisions concerning vessels and to complement the certificate of approval with additional information referring to this matter. The Austrian delegation offered to prepare a proposed amendment for the twenty-second session.

2. The proposal is based on the following conditions:

(a) Article 8, paragraph 2 of the ADN applies to previous certificates of approval to ADN, which were issued in accordance with the Regulations for the Carriage of Dangerous Goods on the Rhine (ADNR) or national regulations on the basis of the ADN Recommendation. Within the scope of the Dangerous Goods Framework Directive of the European Union, Article 8, paragraph 2 also has to be applied by reference to 1.6.7.1.2 (a).

In accordance with Article 8, paragraph 2, the transitional provisions concerning vessels included in 1.6.7 of the Regulations annexed to ADN are only applicable if the vessel, at

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the time of application of the annexed Regulations foreseen in Article 11, paragraph 1, was approved for the carriage of dangerous goods.

This point of time is 28 February 2009, irrespective of the date of accession of a Contracting Party.

(b) Vessels, which were built after ADN had entered into force and which obtained an ADN certificate of approval for the first time, for instance, in 2010, will benefit from transitional provisions for certain provisions in the future, which, for instance, will not enter into force until 2013. The definition of "vessel in service" under 1.6.7.1.2 (a) therefore has to be amended accordingly.

(c) The Safety Committee agreed to add additional information to the certificate of approval from which it can be seen what transitional provisions may be applied. 1.6.7.2.2.2 includes some transitional provisions for vessels whose keels were laid before 1 January 1977. The year of construction is shown in the certificate of inspection and is completely unrelated to the date of first approval for the carriage of dangerous goods. In Austria's point of view, it is thus not necessary to include any information on the year of construction in the ADN certificate of approval.

(d) According to 1.6.7.1.2 (b), N.R.M. requirements for new vessels, replacements and modifications apply as from 26 May 2000 if no other date is specified in the tables. Since the other dates of application (except for the date already mentioned regarding keels laid before 1977) are later than this date, it is sufficient to document the history of certificates of approval for dangerous goods up to this point of time. Older documentation would not have any influence on the applicability of the transitional provisions.

(e) The Safety Committee agreed to include the history of certificates of approval, on the basis of the tank record, in certificates of approval. As, however, the history has no direct influence on the operation of the vessel, but is particularly of importance for future approval procedures, it is proposed to document the history in an annex to the certificate of approval. While the certificate of approval itself is always issued anew, the annex could be a continuing record.

(f) The Safety Committee should decide whether this annex has to be included only with certificates of approval issued according to 8.6.1.1 and 8.6.1.3, or also with provisional certificates of approval issued according to 8.6.1.2 and 8.6.1.4. Since there is the possibility that a vessel is sold to another Contracting Party before a final certificate of approval has been issued, and, in this case, the history should also be available to the approving authority of the second Contracting Party, the annex should, from Austria's point of view, also include with provisional certificates of approval.

(g) At present, the term "new vessel" is not precisely defined. It is unclear whether, for instance, a new vessel before 1 January 2011 means that the keel was laid before this date, that the first inspection for the issue of a certificate of approval took place before this date or that the certificate of approval must have been issued before this date. As the term "N.R.M." is also used in the Rhine Vessel Inspection Regulations and in Directive 2006/87/EC, and reference is made to the date of the first inspection for the applicability of the transitional provisions, it seems reasonable to agree on the same definition for ADN.

(h) In accordance with 1.16.8, the vessel has to undergo a first inspection if the validity of the certificate of approval expired more than six months previously. In this case, any existing annex to the certificate of approval would have to be returned to the competent authority and a new annex to the certificate of approval would have to be issued, including the date of this first inspection. As the vessel is considered a new vessel, the previous history is no longer relevant to the applicability of the transitional provisions.

3. Proposed amendments

Add the following new paragraphs:

1.16.1.4 Annex to the certificate of approval

1.16.1.4.1 The certificate of approval [and the provisional certificate of approval] shall be complemented by an annex in accordance with the model under 8.6.1.5.

1.16.1.4.2 The annex to the certificate of approval shall include the date from which the transitional provisions according to 1.6.7 may be applied. This date shall be:

(a) for vessels according to Article 8, paragraph 2 of ADN for which evidence can be provided that they were already approved for the carriage of dangerous goods on the territory of a Contracting Party before 26 May 2000, 26 May 2000;

(b) for vessels according to Article 8, paragraph 2 of ADN for which evidence cannot be provided that they were already approved for the carriage of dangerous goods on the territory of a Contracting Party before 26 May 2000, the proven date of the first inspection for the issue of an approval for the carriage of dangerous goods on the territory of a Contracting Party, or, if this date is not known, the date of issue of the first proven approval for the carriage of dangerous goods on the territory of a Contracting Party;

(c) for all other vessels, the proven date of the first inspection for the issue of an ADN certificate of approval or, if this date is not known, the date of issue of the first ADN certificate of approval;

(d) in derogation to (a) to (c) above, the date of a renewed first inspection according to 1.16.8 if the validity of the certificate of approval expired more than six months previously.

1.16.1.4.3 All approvals for the carriage of dangerous goods issued on the territory of a Contracting Party, which are valid as from the date under 1.16.1.4.2, and all ADN certificates of approval shall be entered in the annex to the certificate of approval. Previously issued certificates shall be entered by the competent authority that issues the annex to the certificate of approval.

1.16.2.5 The annex to the certificate of approval shall be issued by the competent authority of a Contracting Party. The other Contracting Parties shall recognise this annex to the certificate of approval. Each additional certificate of approval or provisional certificate of approval issued shall be entered in the annex to the certificate of approval. Should the annex to the certificate of approval be replaced (e.g. in case of damage or loss), all existing entries shall be transferred.

1.16.2.6 The annex to the certificate of approval shall be returned to the competent authority and a new annex to the certificate of approval shall be issued if according to 1.16.8 a renewed first inspection takes place, as the validity of the certificate of approval expired more than six months previously. In this case, only such certificates of approval, which have been issued after the renewed first inspection, shall be recorded."

1.6.7.1.2 Replace (a) and (b) by the following:

- (a) "Vessel in service" means
- a vessel according to Article 8, paragraph 2 of ADN;
 - a vessel for which a certificate of approval has already been issued in accordance with 8.6.1.1 to 8.6.1.4, if, at the time of inspection, the validity of the last certificate of approval has not expired more than six months previously;

b) "N.R.M." means that the requirement does not apply to vessels in service except where the parts concerned are replaced or modified, i.e. it applies only to vessels which are **new** (as from the date indicated), or to parts which are **replaced** or **modified** after the date indicated; the date of presentation for first inspection for obtaining a certificate of approval shall be decisive for classification as a new vessel; where existing parts are replaced by spare or replacement parts of the same type and manufacture, this shall not be considered a replacement 'R' as defined in these transitional provisions.

Modification shall also be taken to mean the conversion of an existing type of tank vessel, a type of cargo tank or a cargo tank design to another type or design at a higher level.

When in the general transitional provisions in 1.6.7.2 no date is specified after 'N.R.M.', it refers to N.R.M. after 26 May 2000. When in the supplementary transitional provisions in 1.6.7.3, no date is specified, it refers to N.R.M. after 26 May 2000. "

1.6.7.2.1.1 and 1.6.7.2.2.2 Insert a new line in the tables of general transitional provisions as follows:

1.16.1.4 and 1.16.2.5	Annex to certificate of approval [and provisional certificate of approval]	Renewal of the certificate of approval after 31 December 2014
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8.6.1.5. Add a new section as follows:

8.6.1.5. Annex to the certificate of approval [and provisional certificate of approval]

Annex to the certificate of approval 1. Name of vessel: 2. Official number: 3. Type of vessel: 4. Transitional provisions applicable as from		1	Stamp and signature						
ADN certificate of approval No.	Competent authority	Issued on	Valid until						