Economic Commission for Europe

Inland Transport Committee

22 January 2018

English

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-second session
Geneva, 22 - 26 January 2018
Item 4 (c) of the provisional agenda
**Implementation of the European Agreement concerning the International
Carriage of Dangerous Goods by Inland Waterways (ADN):
i**nterpretation of the Regulations annexed to ADN

Problems with the issuance ot of the transport documents

Transmitted jointly by the European Barge Union (EBU), the European River-Sea-Transport Union (ERSTU) and the European Skippers Organization (ESO)

Problem

1.   The safety obligations of the parties concerned are set out in ADN Chapter 1.4. In the past, there have been various changes and additions to the obligations of the different parties involved. Again and again there was reason to discuss the obligation of the consignor from 1.4.2.1.1 b).

1.4.2.1.1 b) lautet:

The consignor …. is required, to furnish the carrier with information and data in traceable form and, if necessary, the required transport documents and accompanying documents (authorizations, approvals, notifications, certificates, etc.) taking into account in particular the requirements of Chapter 5,4 and oft he tables in Part 3,

2.   The discussions, additions and adjustments did not have a sufficient effect. There are still problems with the issuance of transport documents.

3.   One reason for this problem may be that the legal relations between the parties may be of a different nature. In the discussions,

4.   The fact, that the same terms in different areas of law have a different meaning, makes the discussions more difficult.

5.   This sometimes leads to the fact that market participants take a position that deviates from the processes that are wanted and in fact also necessary in the ADN.

6.   There are only few problems if there is exactly one consignor and exactly one skipper. In such a constellation, each participant should know his duties.

7.   The situation is different if several participants operate in a chain and the transport order is passed on from one hand to the next. Very often the issuance of transport documents does not follow the idea oft he ADN.

8.   At the moment the inland waterway industry assumes that nothing can be achieved through a simple amendment.

9.   However, the inland waterway industry asks for notice and commentary on the following questions. The answers from the Safety Committe could be the helpful in future discussions and contribute to the fact that individual consignors no longer reject the obligations of 1.4.2.1.1 b).

Case 1

10.   A tank barge is presented for loading. Before the loading process starts, the checklist ADN has to be filled in according to 8.6.3 by the representatives of the vessel and the loading place. The proper shipping name has to be entered first.. Furthermore, the question must be answered whether the ship is permitted to carry this special cargo. This question is to be answered by the ship <u>and</u> the loading place.

Question 1

Does the Safety Committe agree that the loading place can only answer this question if it has knowledge of the products to be loaded?

11.   In the opinion of the inland waterway associations, it would be extremely unusual for a loading place to load a product in a barge without a corresponding order.

12.   If there is such an order, it should be possible to include in this order information according to 1.4.2.1.1. b.

Case 2

13.   Before carrying out a transport, this order was passed in a chain several times by one company to another company. No transport document was given at the end to the carrier.

14   .During a control of the transporting barge the missing transport document was detected. The carrier received a monetary fine. No further prosecution of other parties took place.

Question 2

Can it be right that in this case only one company is accused of an mistake ?

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