
Economic Commission for Europe**Inland Transport Committee**

27 August 2018

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-third session**

Geneva, 27–31 August 2018

Item 4 (b) of the provisional agenda

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

**Comments on ECE/TRANS/WP.15/AC.2/2018/28
“Container/vehicle packing certificate”****Note by the secretariat**

1. When using a term in ADN, the meaning of that term is that defined in 1.2.1 of ADN, unless otherwise specified.
2. The term “vehicle” in the IMDG Code covers both road vehicles and railway wagons.
3. The term “vehicle” in ADN covers only road vehicles, not railway wagons.
4. Using only the term “vehicle” in 5.4.2 of ADN, as in the proposal in ECE/TRANS/WP.15/AC.2/2018/28, we would automatically exclude railway wagons from the scope of 5.4.2 of ADN, which is not the intent of 5.4.2 of ADN nor of the IMDG Code.
5. The current text of 5.4.2 may be misleading, but the intent is to make clear that the certificate should be provided not only in the case of road vehicles but also in the case of wagons, which would not be necessarily obvious if the proposal is adopted, bearing in mind the definition of vehicles in 1.2.1. Quite clearly, if the proposal is adopted, a packing certificate would no longer be required in ADN for wagons and this would be in breach of the IMDG Code.
6. The purpose of 5.4.2 of ADN is to make sure that a packing certificate is available for each container that is carried prior maritime carriage, and to the extent possible for each road vehicle and railway wagon that is intended to be later carried by sea.
7. The difference of treatment between containers (mandatory) on the one hand and vehicles/wagons (recommended) on the other hand is due to the fact that generally (but in fact not always) the load of a freight container loaded on a vehicle or a wagon for later trans-shipment or ro-ro shipment onto a sea-going ship is not going to vary, i.e. once the container is packed and loaded on a vehicle/wagon, it will not be open during road or railway carriage prior to maritime carriage, and therefore the packing certificate issued at the start of the voyage remains valid for maritime transport (for which it is in fact required).
8. In the case of a road vehicle or railway wagon that is to be later carried on board a sea-going vessel, the situation is different because during the road or rail part of the journey, some packages may be loaded or unloaded from the vehicle/wagon before the start of the maritime leg, and in that case the certificate issued for maritime transport must be issued at the last moment before embarkment and reflect the load as contained when the vehicle/wagon is loaded onto the ship..

9. As the text of ADN for 5.4.2 is not entirely correct, the secretariat proposes the following proposals

Proposal 1

Chapter 5.4

Amend the title of 5.4.2 to read: “Container/vehicle packing certificate”

Amend the last paragraph of 5.4.2 to read : “If the carriage of dangerous goods in a vehicle **or wagon** precedes a voyage by sea”.

Amendments to the 2019 edition:

Chapter 1.4

1.4.2.2.2 The text of the 2019 amendment to 1.4.2.2.2 should read “.....container/vehicle packing certificate....”.

Proposal 2

If the Safety Committee wishes to stick to the proposal in ECE/TRANS/WP.15/AC.2/2018/28, then it is necessary to amend the definition of vehicles in 1.2.1 to specify that for the purpose of application of 5.4.2. the term vehicle covers wagons, or to add the same NOTE at the end of 5.4.2 as the one at the end of 5.4.2 of RID.
