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ECONOMIC COMMISSION FOR EUROPE

Administrative Committee of the European Agreement
Concerning the International Carriage of Dangerous
Goods by Inland Waterways (ADN)

REPORT OF THE ADMINISTRATIVE COMMITTEE ON ITS FIRST SESSION*
(19 June 2008)

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I. ATTENDANCE

1. The Administrative Committee of the European Agreement concerning the International Carriage of Dangerous Goods by Inland Waterways (ADN) held its first session in Geneva on 19 June 2008. Representatives of the following Contracting Parties took part in the work of the session: Austria, France, Germany, Netherlands and Russian Federation.

2. In accordance with article 17, paragraph 2 of ADN, and following a decision by the Committee, representatives of:

- (a) Croatia and Switzerland;
- (b) the European Commission;
- (c) the Danube Commission and the Central Commission for the Navigation of the Rhine (CCNR)

also took part in the session as observers.

II. ADOPTION OF THE AGENDA (agenda item 1)

Documents: ECE/ADN/1 and Add.1

3. The Administrative Committee adopted the agenda prepared by the secretariat.

III. EXAMINATION OF CREDENTIALS (agenda item 2)

4. The Administrative Committee noted the secretariat report that the credentials of delegations attending the session were in order.

IV. ELECTION OF OFFICERS (agenda item 3)

5. On the proposal of the representative of Austria, Mr. H. Rein (Germany) was elected Chairman. On the proposal of the representative of Germany, Mr. B. Birkhuber (Austria) was elected Vice-Chairman.

V. RULES OF PROCEDURE (agenda item 4)

6. The Administrative Committee noted that its Rules of Procedure are contained in Article 17 of ADN. With respect to paragraph 9 of this article, the Administrative Committee agreed that the Rules of Procedure of the Economic Commission for Europe should be applicable in the absence of relevant provisions in ADN, although specific rules comparable to those adopted by the Working Party on the Transport of Dangerous Goods might be considered in the future.

7. The Administrative Committee noted a mistake in the English version of Article 17, paragraph 7(a). According to the French, German and Russian versions, the rules contained in this paragraph address amendments to the Agreement, and not to the annexed Regulations. The rules concerning amendments to the annexed Regulations are already contained in paragraph 7(b). The provisions of Article 19, paragraph 2, referred to in Article 17,

paragraph 7(a), concern the procedure for amending the Agreement excluding the annexed Regulations. Therefore, the secretariat was requested to bring this mistake to the attention of the Treaty Section of the Office for Legal Affairs so that a correction to the English version of the authentic text could be made in accordance with the appropriate legal procedure.

8. In accordance with Article 17, paragraph 2, the Administrative Committee decided that the States referred to in Article 10, paragraph 1, of ADN which are not Contracting Parties, any other Member State of the United Nations Economic Commission for Europe or of the United Nations and representatives of international intergovernmental or non-governmental organizations might, for questions of interest to them, attend its sessions as observers.

VI. STATUS OF THE EUROPEAN AGREEMENT CONCERNING THE INTERNATIONAL CARRIAGE OF DANGEROUS GOODS BY INLAND WATERWAYS (ADN) (agenda item 5)

9. The Administrative Committee noted that, following ratification by Germany on 31 January 2008, ADN had entered into force on 29 February 2008. In accordance with Article 11, paragraph 1, of ADN, the annexed Regulations, with the exception of provisions concerning recognition of classification societies, will not apply until 28 February 2009.

10. As of the date of the present session, the number of Contracting Parties had reached 9: Austria, Bulgaria, France, Germany, Hungary, Luxembourg, Moldova, Netherlands and Russian Federation.

11. The Administrative Committee noted that, in accordance with Article 17, paragraph 6, a quorum of not less than one half of the Contracting Parties is required for the purpose of taking decisions. Although this condition was met at this session, only 5 out of 9 Contracting Parties were represented, and the Committee expressed the wish that in future all Contracting Parties would be represented.

12. Bearing in mind that most countries of the European Union would soon have to apply the Regulations annexed to ADN to domestic and intracommunautary traffic, the Administrative Committee expressed the wish that such countries would soon ratify or accede to ADN so that they could participate in the decision-making process related to their own national regulations. The representative of the European Commission was invited to bring this issue to the attention of the relevant Member States of the European Union.

VII. UPDATING OF THE REGULATIONS ANNEXED TO ADN (agenda item 6)

13. The Chairman recalled that, as explained in the annotated agenda, the Regulations annexed to ADN adopted in 2000 were now out of date and had to be updated before they became applicable, on the basis of the work carried out by the Joint Meeting of Experts on the Regulations annexed to ADN since the adoption of the Agreement.

14. The Administrative Committee agreed unanimously that the original Regulations annexed to ADN should be amended to reflect the latest (2007) version proposed by the Joint Meeting of Experts and endorsed by the UNECE Inland Transport Committee for early voluntary

application in UNECE Member States, as amended at the thirteenth session of the Joint Meeting of Experts (17-18 June 2008).

15. Noting that the English, French and German versions of Parts 2, 3 and 8 of the annexed Regulations had still to be editorially checked for concordance, and that this work would be done by a drafting group in July 2008, the Administrative Committee also agreed that the outcome of this work should also be taken into account.

16. As a consequence, the Administrative Committee unanimously decided to replace the Regulations originally annexed to the Agreement by the annexed Regulations contained in the "ADN 2007" (document ECE/TRANS/190 and ECE/TRANS/190/Corr.1) as amended by documents:

ECE/TRANS/WP.15/AC.2/26

ECE/TRANS/WP.15/AC.2/26/Corr.1

ECE/TRANS/WP.15/AC.2/26/Add.1 and any corrigenda thereto

ECE/TRANS/WP.15/AC.2/26/Add.2 (to be issued after the July 2008 session of the drafting group)

17. The UNECE secretariat was requested to forward these proposed amendments to the Treaty Section of the Office of Legal Affairs for communication to Contracting Parties in accordance with Article 20, paragraphs 4 and 5, for their acceptance and entry into force on 28 February 2009, the effective date of application of the annexed Regulations.

18. The UNECE secretariat was also requested to prepare a consolidated version of the Agreement and of the annexed Regulations (ADN 2009) in English, French and Russian, and to issue it after the amendments have been deemed accepted and before the date of application of the amended annexed Regulations.

19. Similarly, the secretariat of the CCNR was requested to issue a consolidated version of the German text.

VIII. MATTERS RELATED TO THE RECOGNITION OF CLASSIFICATION SOCIETIES (agenda item 7)

20. Noting the recommendations made by the Joint Meeting of Experts on the Regulations annexed to ADN, the Administrative Committee unanimously agreed to recommend to all Contracting Parties that they should recognize the following classification societies: Bureau Veritas, Germanischer Lloyd, Lloyds Register, Russian Maritime Register of Shipping and Russian River Register, which will be placed on the list of classification societies recommended for recognition by the Contracting Parties.

21. All Contracting Parties are reminded that they are required by ADN to inform the Administrative Committee and the other Contracting Parties of their decision as regards recognition of classification societies.

IX. PROGRAMME OF WORK AND CALENDAR OF MEETINGS (agenda item 8)

22. The Administrative Committee agreed that its next session would take place in Geneva on 29 (p.m) and 30 January 2009 a.m. The need for another session in 2009 (dates not yet determined), will be considered at the next session.

X. ADOPTION OF THE REPORT (agenda item 10)

23. The Administrative Committee adopted the report on its first session on the basis of a draft prepared by the secretariat.
