

WP.15/AC.2/16/INF.5

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)

Sixteenth session
Geneva, 25-29 January 2010
Agenda item 7

SPECIAL AUTHORIZATIONS, DEROGATIONS AND EQUIVALENTS

Practical modalities for the issuance of special authorizations and
bilateral/multilateral agreements

Note by the secretariat

Introduction

At the fifteenth session of the Safety Committee, the secretariat was requested to prepare a document containing proposals for practical modalities for communicating information concerning requests for special authorizations and the issuance of such authorizations and for the conclusion of bilateral and multilateral agreements.

Special authorizations

In accordance with paragraph 2 of Article 7 of ADN, the competent authority shall have the right to issue special authorizations to a carrier or a consignor for the international carriage in tank vessels of dangerous substances, including mixtures, the carriage of which in tank vessels is not authorized under these Regulations, in accordance with the procedure set out below.

The special authorization shall be valid, due account being taken of the restrictions specified therein, for the Contracting Parties and on whose territory the transport operation will take place, for not more than two years unless it is repealed at an earlier date. With the approval of the competent authorities of these Contracting Parties, the special authorization may be renewed for a period of not more than one year.

The special authorization shall include a statement concerning its repeal at an earlier date and shall conform to the model contained in subsection 3.2.4.1.

The procedure for the issuance of special authorizations is detailed in 1.5.2.2 but is outlined in more detail by the secretariat below:

1. The carrier or the consignor applies to the competent authority of the Contracting Party on whose territory the transport operation is to take place for the issue of a special authorization. The application shall conform to the model contained in subsection 3.2.4.2.
2. The competent authority considers the application from the technical and safety point of view. It sends a copy of the application to the UNECE secretariat which assigns a serial number to the special authorization. If the competent authority has no reservations, it draws up a special authorization in accordance with the criteria contained in subsection 3.2.4.3 and making reference in the heading to the serial number assigned by the UNECE secretariat.
3. The competent authority immediately informs the other competent authorities involved in the carriage in question and sends them a copy of the draft special authorization asking for their approval or comments/modifications. At the same time, a copy is sent to the UNECE secretariat, which shall bring it to the attention of the ADN Administrative Committee at its next session.
4. A list of the serial numbers and the requests for special authorizations shall be kept on the website of the UNECE Transport Division.
5. The competent authority incorporates the comments/modifications proposed by the other competent authorities concerned to the extent possible and sends the revised draft special authorization to other competent authorities involved in the carriage in question.
6. The special authorization shall be issued only when all the authorities concerned agree to it or have not expressed opposition within a period of two months after receiving the information. The applicant shall receive the original of the special authorization and keep a copy of it on board the vessel(s) involved in the carriage in question. At the same time, a copy of the issued special authorization is sent to the UNECE secretariat, which shall bring it to the attention of the ADN Administrative Committee at its next session.
7. If the request for a special authorization is rejected, the carrier or consignor shall be so informed within a period of 70 days. Any rejected special authorization may be sent to the UNECE secretariat, which shall bring it to the attention of the ADN Administrative Committee at its next session.
8. If the special authorization is not issued because doubts or opposition have been expressed, the Administrative Committee shall consider whether or not the special authorization should be issued.
9. The Administrative Committee shall consider all the special authorizations and applications communicated to it and decide whether the substance is to be included in the list of substances in these Regulations, authorized for carriage in tank vessels.
10. If the Administrative Committee enters technical or safety reservations concerning the inclusion of the substance in the list of substances of these Regulations authorized for carriage in tank vessels or concerning certain conditions, the competent authority shall be so informed. The competent authority shall immediately withdraw or, if necessary, modify the special authorization.

11. If the Administrative Committee agrees to the issuance of the special authorization, the competent authority concerned prepares a proposal for the inclusion of the substance in the table in 1.6.7.4.2 (Transitional periods applicable to substances) or an amendment to the table.

Bilateral/multilateral agreements

In accordance with Article 7, paragraph 1 of ADN, the competent authorities of the Contracting Parties may agree directly among themselves to authorize certain transport operations in their territories by temporary derogation from the requirements of ADN, provided that safety is not compromised thereby. The authority which has taken the initiative with respect to the temporary derogation shall notify such derogations to the secretariat of the United Nations Economic Commission for Europe which shall bring them to the attention of the Contracting Parties. The period of validity of the temporary derogation shall not be more than five years from the date of its entry into force. The temporary derogation shall automatically cease as from the date of the entry into force of a relevant amendment to these annexed Regulations.

The secretariat proposes that the following procedures should be followed by those countries that wish to initiate bilateral or multilateral agreements:

1. The initiating country contacts the secretariat and informs it of its intention to initiate a multilateral agreement, the draft of which it transmits by fax and e-mail.
2. The secretariat registers the title of the draft agreement and assigns it a serial number which it communicates immediately to the initiating country.
3. The initiating country includes the serial number in the heading of the draft agreement (e.g. Multilateral agreement M252) and then proposes it to the other Contracting Parties to ADN.
4. As soon as the initiating country has reached agreement with the parties concerned on the final version of the clauses of the multilateral agreement, it transmits its signed copy to the secretariat in hard copy and electronically and transmits unsigned copies to the other Contracting Parties to ADN.
5. Each signatory country returns its signed copy to the initiating country and transmits a signed copy to the secretariat.
6. As soon as the secretariat receives the copy signed by a second signatory, the agreement is entered in a database which may be consulted on e-mail/Internet.
7. Each Contracting Party which revokes an agreement shall immediately so inform the secretariat.

8. The final clause of a multilateral agreement should be worded as follows:
"This agreement shall be valid until (...) ¹ for the carriage on the territories of those ADN Contracting Parties signatory to this agreement. If it is revoked before then by one of the signatories, it shall remain valid until the above-mentioned date only for carriage on the territories of those ADN Contracting Parties signatory to this agreement which have not revoked it. (date ...) ² The competent authority for ADN of (Signature)".
9. Where a signatory country signs a multilateral agreement with reservations regarding its application, these reservations shall be expressly mentioned in the copy which it transmits to the secretariat.
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¹ *Date of expiry of the multilateral agreement which must be indicated by the initiating country in the final version it transmits to the secretariat and to the other Contracting Parties in accordance with paragraph (4) above. This date of expiry must correspond to a maximum period of validity of five years as from the date of signature by the initiating country.*

² *Date of signature for each country concerned.*