

Economic Commission for Europe

Inland Transport Committee

Working Party on the Transport of Dangerous Goods

Joint Meeting of the RID Committee of Experts and the
Working Party on the Transport of Dangerous Goods

9 August 2021

Geneva, 21 September – 1 October 2021

Item 6 of the provisional agenda

Interpretation of RID/ADR/ADN

Section 1.5.1 of RID/ADR/ADN Multilateral agreements

Transmitted by the Government of Germany

Introduction

1. Germany had submitted to the ADN Safety Committee at its 38th session the proposal to make multilateral agreements concluded in accordance with RID/ADR and referring to the provisions of Parts 4 and 6 automatically applicable also within the scope of ADN. The proposal was prompted, among other things, by Multilateral Agreement M337, which was concluded within the framework of dealing with the coronavirus pandemic: *M337 – Periodic or intermediate inspections of tanks in accordance with 6.8.2.4.2, 6.8.2.4.3, 6.8.3.4.6, 6.8.3.4.12, 6.9.5.2 and 6.10.4 of ADR (M325)*.
2. The justification for the proposal was that ADN in its Parts 4 and 6 refers exclusively to the contents of ADR, that due to this dynamic reference periodic amendments to Parts 4 and 6 of ADR are not examined either before being incorporated into ADN and that there are no apparent reasons why derogations with regard to packagings and tanks should only entail special safety risks for the carriage by inland waterway vessel. Moreover, the multimodal transport chain should not be disrupted by differing packaging and tank requirements.
3. The delegations in the ADN Safety Committee expressed differing opinions on the proposal. Some preferred to make multilateral agreements in accordance with RID/ADR applicable on a case-by-case basis. Others had assumed that multilateral agreements concluded in accordance with RID/ADR were already today automatically applicable within the scope of ADN.
4. The Safety Committee therefore asked Germany to present its proposal at the Joint Meeting and to request that the Meeting discuss the issue.

Proposal

5. Germany would like to ask the Joint Meeting to refer to enclosed document CCNR-ZKR/ADN/WP.15/AC.2/2021/23 – ECE/TRANS/WP.15/AC.2/2021/23 (see annex) for the German proposal and the corresponding justification. The Joint Meeting could deliberate on whether it considers that making multilateral agreements concerning Parts 4 and 6 of ADR automatically applicable within the scope of ADN, as described in detail in this proposal, is a necessary and appropriate measure to ensure that derogations from the packaging and tank requirements also apply to transport operations by inland waterway vessel on the initial or terminal leg of a transport operation by road or rail.



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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)

Thirty-eighth session

Geneva, 23–27 August 2021

Item 4 (b) of the provisional agenda

**Proposals for amendments to the regulations annexed to the ADN:
other proposals**

Parts 4 and 6 of ADN – derogations due to multilateral agreements in accordance with ADR/RID

Submitted by the Government of Germany*, **

Introduction

1. When carrying dangerous good on inland waterways, the use of packagings and tanks in accordance with Chapter 4.1 of ADN has to meet the requirements of an international code, i.e. ADR, RID or IMDG Code.
2. 6.1.1 of ADN stipulates that, in respect of construction and testing, packagings (including intermediate bulk containers (IBCs) and large packagings) and tanks shall meet the requirements mentioned therein of ADR, RID or the IMDG Code.
3. Occasionally, ADR Contracting Parties/RID Contracting States conclude multilateral agreements that contain derogations from these requirements for construction, manufacture, use and testing.
4. According 1.5.1.3 of ADR/RID, transport operations based on temporary derogations constitute transport operations in accordance with ADR/RID.
5. It cannot be clearly determined whether transport operations based on multilateral agreements automatically meet the requirements of Parts 4 and 6 of ADN. In these parts, detailed reference is made to the packing and tank requirements specified in Parts 4 and 6 of

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ADR/RID (as they are set out in the code) so that an uncertain, multi-stage derivation would be required.

6. According the current legal situation, it might be necessary to conclude all multilateral agreements in accordance with ADR/RID also with the same wording in accordance with 1.5.1 of ADN.

Proposal

7. In 1.5.1 of AND, add new paragraph 1.5.1.4 as follows:

“1.5.1.4 Temporary derogations in accordance with section 1.5.1 of ADR/RID that concern Part 4 or Part 6 of ADR/RID shall be considered to be bilateral and multilateral agreements regarding Part 4 or 6 of ADN between the Contracting Parties that are signatory to the respective temporary derogation and, at the same time, also Contracting Parties to ADN.”

Justification

8. This new provision will create legal certainty. It will save the Contracting Parties to the ADN additional effort in drawing up and concluding multilateral agreements that do not contain derogations from ADR and RID.

9. As most transport operations are multimodal transport operations, a rejection of these agreements only for inland navigation is generally not an option. It would interrupt the supply chains and make it necessary to change packagings and/or tanks when changing the mode of transport.

Safety

10. The general safety of carriage under the derogations for packagings and tanks agreed in accordance with ADR/RID is already sufficiently considered when these multilateral agreements are concluded. The periodic biannual amendments to Parts 4 and 6 of ADR/RID are introduced automatically into the provisions for the carriage on inland waterways through the dynamic references in ADN without further examination by the Safety Committee.

Feasibility

11. No organisational changes or changes to the ship's structure are necessary for carriage on inland waterways.
