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# Economic and Social Council

Inland Transport Committee

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**Working Party on the Transport of Dangerous Goods**

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**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)**

**Forty-second session**

Geneva, 21-25 August 2023

Item 3 (c) of the provisional agenda

**Implementation of the European Agreement concerning the International Carriage of Dangerous Goods by Inland Waterways (ADN): interpretation of the Regulations annexed to ADN**

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## **Questions of interpretation to the ADN Safety Committee concerning the ADN degassing regulations and the necessity to introduce the term "venting of cargo tanks" into the ADN**

**Transmitted by European Barge Union and European Skippers Organisation (EBU/ESO)**

### **Introduction**

1. The ADN does not make a linguistic distinction in its definition of "degassing" in 1.2.1 between the degassing of unloaded or empty cargo tanks at a reception facility and the emitting of vapours/gases into the atmosphere. Both operations are consequently termed "degassing" in the ADN regulations.
2. The Convention on the collection, deposit and reception of waste generated during navigation on the Rhine and other inland waterways (CDNI), on the other hand, defines "degassing" as removing vapours originating from a stripped cargo tank, at a reception station, using appropriate procedures and techniques, in accordance with Appendix IIIa. The direct release into the atmosphere of vapours originating from the cargo tank is defined as "venting". If the vapour concentration in the cargo tank is below 10 per cent LEL, free "venting" is allowed according to CDNI. The so-called Accepted Vent Free Level (AVFL) value ( ) corresponds to 10 per cent of the LEL. The CDNI degassing regulations are expected to come into force in mid-2024 and will apply in the six contracting states Belgium, France, Germany, Luxembourg, the Netherlands and Switzerland.
3. In practice, the equation of "degassing" and "venting" can lead to a claim of a violation of national degassing bans, even though degassing is permissibly carried out according to CDNI and ADN. Often, national law does not include the term "venting" and thus it is wrongly assumed that illegal degassing is taking place. Consistency between the definitions and regulations of the CDNI and ADN would be beneficial for legal certainty in practice.

## I. Current definitions of "degassing" and "venting" in the ADN and CDNI

### Definition "Degassing" ADN:

4. Means an operation with the aim of lowering the concentration of dangerous gases and vapours in empty or unloaded cargo tanks by emitting them into the atmosphere or to reception facilities.

### Definition "Degassing" CDNI:

5. Removing vapours originating from a stripped cargo tank, at a reception station, using appropriate procedures and techniques, in accordance with Appendix IIIa.

### Definition "Venting" CDNI:

6. Direct release into the atmosphere of vapours originating from the cargo tank.

### Accepted Vent Free Level (AVFL):

7. A cargo tank's Accepted Vent Free Level (AVFL) is defined as the concentration of vapours in the tank below which the release of the vapours into the atmosphere is permitted. This value is 10 per cent of the Lower Explosive Limit or LEL.

## II. Questions of interpretations

8. EBU/ESO request the ADN Safety Committee to comment on the following questions:

1. Is venting in the sense of the CDNI below the AVFL also permitted in accordance with the applicable ADN regulations?
2. Does the following paragraph in 7.2.3.7.1.3 refer to the situation when the ship is berthed or underway?

“Degassing of empty or unloaded cargo tanks having contained dangerous goods other than those referred to in 7.2.3.7.1.1, when the concentration of gases and vapours given off by the cargo is below 10% of the LEL, is allowed, and also additional openings of the cargo tanks are allowed to be opened as long as the crew is not exposed to a concentration of gases and vapour which exceeds national accepted exposure levels. Also, there is no obligation to use a flame arrester.”

3. Would (by way of example) a changing of the wording of the paragraph referred to in question 2 by replacing the word "degassed" to "ventilated" result in differentiation and consistency with the CDNI?

## III. Reasoning

### For question 1

9. Clarification is requested as to whether venting in the sense of the CDNI, meaning the direct release of vapours from the cargo tank into the atmosphere in compliance with the AVFL, which corresponds to 10 per cent LEL, is permitted under the current ADN degassing regulations, but is termed "degassing" in the ADN. Should this question be confirmed affirmatively, it could be concluded that this is merely a linguistic difference but not a contradiction between ADN and CDNI.

**For question 2**

10. Paragraph 7.2.3.7.1.3 of ADN is read differently in practice. The first section regulates degassing during the journey, which may take place under certain conditions at a concentration of 10 per cent LEL or above. The fourth section, on the other hand, permits degassing and the opening of additional tank openings under certain conditions below 10 per cent LEL. Clarification is requested as to whether the fourth section also refers to degassing during the journey or while berthing.

**For question 3**

11. In the event that the ADN Safety Committee considers it useful to make a linguistic differentiation in the ADN in accordance with the definitions and regulations in the CDNI, the ADN degassing provisions would have to be adapted. In the question of interpretation, section 7.2.3.7.1.3 is used as an example.

12. EBU/ESO are of the opinion that in practice there must be a clear distinction between the degassing and the venting process due to the situation described above that control authorities classify all processes as one "degassing".

13. A confirmation by the ADN Safety Committee that venting is allowed would already lead to more clarity in inland navigation practice and among the control authorities.

14. However, in case the ADN Safety Committee is of the opinion that a definition for "venting of cargo tanks" should be explicitly included in the ADN and consequently the degassing provisions in chapter 7.2.3.7 should be adapted accordingly, EBU/ESO would be pleased to elaborate a proposal, possibly in cooperation with the delegations.

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