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**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****Thirty-first session**

Geneva, 28-31 August 2017

Item 4 (b) of the provisional agenda

**Proposals for amendments to the Regulations annexed to ADN:  
other proposals****Provisional certificate of approval - Validity period****Transmitted by the Government of Belgium \*,\*\***

## Related documents:

- ECE/TRANS/WP.15/AC.2/2014/43
- ECE/TRANS/WP.15/AC.2/52 (paras. 44 and 45)
- Informal document INF.17 of the 27<sup>th</sup> session
- ECE/TRANS/WP15/AC.2/56 (section 58 – paras. 62-69)

**I. Introduction**

1. Paragraph 1.16.1.3.1 of the ADN 2015 stipulates that a provisional certificate of approval may be issued if the vessel complies with the following provision:

*(For) a vessel which is not provided with a certificate of approval, a provisional certificate of approval of limited duration may be issued in the following cases, subject to the following conditions:*

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\*\* In accordance with the programme of work of the Inland Transport Committee for 2016–2017 (ECE/TRANS/2016/28/Add.1 (9.3.)).

- (a) *The vessel complies with the applicable provisions of these Regulations, but the normal certificate of approval could not be issued in time. The provisional certificate of approval shall be valid for an appropriate period but not exceeding three months;*
- (b) *The vessel does not comply with every applicable provision of these Regulations after sustaining damage. In this case the provisional certificate of approval shall be valid only for a single specified voyage and for a specified cargo. The competent authority may impose additional conditions.*

2. The Informal Correspondence Working Group (ICWG) presented its activities in the August 2016 session of the Safety Committee. This informal working group was commissioned to review the annex pertaining to the inspection procedure (in order to issue an certificate of approval).

3. The working group had justly remarked that the ADN 2015 regulation on the issuance of a provisional certificate of approval did not reflect day-to-day practice. Vessels were successively provided with provisional certificates although they did not comply with the conditions stipulated in the annex to the ADN 2015.

4. Therefore, the ICWG proposed an adjustment to paragraph 1.16.1.3.1 of the ADN, which was presented in the August 2016 session of the Safety Committee (ECE/TRANS/WP.15/AC/2/2016/20):

*For a vessel which is not provided with a certificate of approval, a provisional certificate of approval of limited duration may be issued in the following cases, subject to the following conditions:*

- (a) *The vessel complies with the applicable provisions requirements of these Regulations, but the normal certificate of approval could not be issued in time. The provisional certificate of approval shall be valid for an appropriate period but not exceeding three months;*
- (b) *The vessel does not comply with every applicable requirement of these Regulations, but the safety of carriage is not impaired according to the appraisal of the competent authority.*

*The provisional certificate of approval shall be valid for an appropriate period to bring the vessel into compliance with the applicable provisions, but not exceeding three months.*

*The competent authority may request additional reports in addition to the inspection report and may require additional conditions.*

**NOTE:** *For the issuance of the final certificate of approval according to 1.16.1.2 a new inspection report according to 1.16.3.1 shall be prepared, which confirms conformity also with all hitherto unfulfilled requirements of these Regulations.*

- (c) *The vessel does not comply with every applicable provision of these Regulations after sustaining damage. In this case the provisional certificate of approval shall be valid only for a single specified voyage and for a specified cargo. The competent authority may impose additional conditions*

5. During the discussion which followed, the Safety Commission decided that this provisional certificate of approval could only be issued once and that it would be valid for a maximum of three months. This annotation has been inserted in the report (ECE/TRANS/WP.15/AC.2/58).

6. The following text has been included in the ADN 2017:

*“For a vessel which is not provided with a certificate of approval, a provisional certificate of approval of limited duration may be issued in the following cases, subject to the following conditions:*

- (a) The vessel complies with the applicable requirements of these Regulations, but the normal certificate of approval could not be issued in time. The provisional certificate of approval shall be valid for an appropriate period but not exceeding three months;*
- (b) The vessel does not comply with every applicable requirement of these Regulations, but the safety of carriage is not impaired according to the appraisal of the competent authority.*

***The one-off provisional certificate of approval shall be valid for an appropriate period to bring the vessel into compliance with the applicable provisions, but not exceeding three months.***

*The competent authority may request additional reports in addition to the inspection report and may require additional conditions.*

***NOTE:** For the issuance of the final certificate of approval according to 1.16.1.2 a new inspection report according to 1.16.3.1 shall be prepared, which confirms conformity also with all hitherto unfulfilled requirements of these Regulations.*

- (c) The vessel does not comply with every applicable provision of these Regulations after sustaining damage. In this case the provisional certificate of approval shall be valid only for a single specified voyage and for a specified cargo. The competent authority may impose additional conditions.”*

7. Belgium has found that the issuance of a one-off provisional certificate of approval is causing problems.

8. The period of three months for making newly built and existing vessels fully comply (both technically and administratively) with the annex to the ADN proves to be insufficient. The issuance of a one-off certificate of approval jeopardizes the continuity of the vessels, which has an undeniable economic impact.

9. Belgium fully advocates the restricted issuance of provisional certificates of approval, in line with the decision within the Safety Committee. Belgium is also in favour of a realistic regulation in order to avoid repeating the procedure according to which - in defiance of the ADN 1.16.1.3.1 provision - several provisional certificates of approval are being issued.

## II. Proposal

10. Belgium proposes to adjust ADN 1.16.1.3.1 as follows (adjustments in bold):

*“For a vessel which is not provided with a certificate of approval, a provisional certificate of approval of limited duration may be issued in the following cases, subject to the following conditions:*

- (a) The vessel complies with the applicable requirements of these Regulations, but the normal certificate of approval could not be issued in time. The provisional certificate of approval shall be valid for an appropriate period but not exceeding three months;*

- (b) *The vessel does not comply with every applicable requirement of these Regulations, but the safety of carriage is not impaired according to the appraisal of the competent authority.*

*The ~~one-off~~ provisional certificate of approval shall be valid for an appropriate period to bring the vessel into compliance with the applicable provisions., ~~but not exceeding three months.~~*

*Vessels which have undergone a first inspection, as mentioned in ADN 1.16.8, can be issued with the provisional certificate of approval maximum three times successively with each certificate having a maximum validity of three months.*

*Vessels which are subject to ADN 7.1.2.19.1, ADN 7.2.2.19.3 and vessels which are subject to ADN 1.16.10, can be issued with the provisional certificate of approval maximum two times successively with each certificate having a maximum validity of three months.*

*The competent authority may request additional reports in addition to the inspection report and may require additional conditions.*

*NOTE: For the issuance of the final certificate of approval according to 1.16.1.2 a new inspection report according to 1.16.3.1 shall be prepared, which confirms conformity also with all hitherto unfulfilled requirements of these Regulations.*

- (c) *The vessel does not comply with every applicable provision of these Regulations after sustaining damage. In this case the provisional certificate of approval shall be valid only for a single specified voyage and for a specified cargo. The competent authority may impose additional conditions.”.*

11. Belgium kindly asks the president of the Safety Commission to open the discussion following the above proposal.

12. If the Safety Committee endorses these adjustments, Belgium proposes to draw up a multilateral agreement pertaining to the adjustment of ADN 1.16.1.3.1 for the treaty members to sign.

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