

## CHAPTER 1.5

### SPECIAL RULES, DEROGATIONS

#### 1.5.1 **Bilateral and multilateral agreements**

- 1.5.1.1 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.

*NOTE: "Special arrangement" in accordance with 1.7.4 is not considered to be a temporary derogation in accordance with this section.*

- 1.5.1.2 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.
- 1.5.1.3 Transport operations on the basis of these agreements shall constitute transport operations in the sense of ADN.

#### 1.5.2 **Special authorizations concerning transport in tank vessels**

##### 1.5.2.1 *Special authorizations*

- 1.5.2.1.1 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.

- 1.5.2.1.2 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Parties and on whose territory the transport operation will take place, for not more than two years unless it is repealed at an earlier date.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.

- 1.5.2.1.3 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.

##### 1.5.2.2 *Procedure*

- 1.5.2.2.1 The carrier or the consignor shall apply to the competent authority of a Contracting Party on whose territory the transport operation takes place for the issue of a special authorization.

The application shall conform to the model contained in subsection 3.2.4.2. The applicant shall be responsible for the accuracy of the particulars.

- 1.5.2.2.2 The competent authority shall consider the application from the technical and safety point of view. If it has no reservations, it shall draw up a special authorization in accordance with the criteria contained in subsection 3.2.4.3 and immediately inform the other competent authorities involved in the carriage in question. The special authorization shall be issued only when 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. The competent authorities shall immediately communicate to the Administrative Committee the applications for special authorizations, the applications rejected and the special authorizations granted.

1.5.2.2.3 If the special authorization is not issued because doubts or opposition have been expressed, the Administrative Committee shall decide whether or not to issue a special authorization.

**1.5.2.3** *Update of the list of substances authorized for carriage in tank vessels*

1.5.2.3.1 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.

1.5.2.3.2 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.

**1.5.3** **Equivalents and derogations (Article 7, paragraph 3 of ADN)**

**1.5.3.1** *Procedure for equivalents*

When the provisions of these Regulations prescribe for a vessel the use or the presence on board of certain materials, installations or equipment or the adoption of certain construction measures or certain fixtures, the competent authority may agree to the use or the presence on board of other materials, installations or equipment or the adoption of other construction measures or other fixtures for this vessel if, in line with recommendations established by the Administrative Committee, they are accepted as equivalent.

**1.5.3.2** *Derogations on a trial basis*

The competent authority may, on the basis of a recommendation by the Administrative Committee, issue a trial certificate of approval for a limited period for a specific vessel having new technical characteristics departing from the requirements of these Regulations, provided that these characteristics are sufficiently safe.

**1.5.3.3** *Particulars of equivalents and derogations*

The equivalents and derogations referred to in 1.5.3.1 and 1.5.3.2 shall be entered in the certificate of approval.