

## CHAPTER 1.8

### CHECKS AND OTHER SUPPORT MEASURES TO ENSURE COMPLIANCE WITH SAFETY REQUIREMENTS

#### **1.8.1 Monitoring compliance with requirements**

##### **1.8.1.1 *General***

1.8.1.1.1 In accordance with Article 4, paragraph 3 of ADN, Contracting Parties shall ensure that a representative proportion of consignments of dangerous goods carried by inland waterways is subject to monitoring in accordance with the provisions of this Chapter, and including the requirements of 1.10.1.5.

1.8.1.1.2 Participants in the carriage of dangerous goods (see Chapter 1.4) shall, without delay, in the context of their respective obligations, provide the competent authorities and their agents with the necessary information for carrying out the checks.

##### **1.8.1.2 *Monitoring procedure***

1.8.1.2.1 In order to carry out the checks provided for in Article 4, paragraph 3 of ADN, the Contracting Parties shall use the checklist to be developed by the Administrative Committee. A copy of this checklist or a certificate showing the result of the check drawn up by the competent authority which carried it out shall be given to the master of the vessel and presented on request in order to simplify or avoid, where possible, subsequent checks. This paragraph shall not prejudice Contracting Parties' right to carry out specific measures for detailed checks.

1.8.1.2.2 The checks shall be random and shall as far as possible cover an extensive portion of the inland waterway network.

1.8.1.2.3 When exercising the right to monitor, the authorities shall make all possible efforts to avoid unduly detaining or delaying a vessel.

##### **1.8.1.3 *Infringements of the requirements***

Without prejudice to other penalties which may be imposed, vessels in respect of which one or more infringements of the rules on the transport of dangerous goods by inland waterways are established may be detained at a place designated for this purpose by the authorities carrying out the check and required to be brought into conformity before continuing their journey or may be subject to other appropriate measures, depending on the circumstances or the requirements of safety.

##### **1.8.1.4 *Checks in companies and at places of loading and unloading***

1.8.1.4.1 Checks may be carried out at the premises of undertakings, as a preventive measure or where infringements which jeopardize safety in the transport of dangerous goods have been recorded during the voyage.

1.8.1.4.2 The purpose of such checks shall be to ensure that safety conditions for the transport of dangerous goods by inland waterways comply with the relevant laws.

1.8.1.4.3 *Sampling*

Where appropriate and provided that this does not constitute a safety hazard, samples of the goods transported may be taken for examination by laboratories recognized by the competent authority.

1.8.1.4.4 *Cooperation of the competent authorities*

1.8.1.4.4.1 Contracting Parties shall assist one another in order to give proper effect to these requirements.

1.8.1.4.4.2 Serious or repeated infringements jeopardizing the safety of the transport of dangerous goods committed by a foreign vessel or undertaking shall be reported to the competent authority in the Contracting Party where the certificate of approval of the vessel was issued or where the undertaking is established.

1.8.1.4.4.3 The competent authority of the Contracting Party where serious or repeated infringements have been recorded may ask the competent authority of the Contracting Party where the certificate of approval of the vessel was issued or where the undertaking is established for appropriate measures to be taken with regard to the offender or offenders.

1.8.1.4.4.4 The latter competent authority shall notify the competent authorities of the Contracting Party where the infringements were recorded of any measures taken with regard to the offender or offenders.

**1.8.2 Administrative assistance during the checking of a foreign vessel**

If the findings of a check on a foreign vessel give grounds for believing that serious or repeated infringements have been committed which cannot be detected in the course of that check in the absence of the necessary data, the competent authorities of the Contracting Parties concerned shall assist one another in order to clarify the situation.

**1.8.3 Safety adviser**

1.8.3.1 Each undertaking, the activities of which include the carriage, or the related packing, loading, filling or unloading, of dangerous goods by inland waterways shall appoint one or more safety advisers, hereinafter referred to as “advisers”, for the carriage of dangerous goods, responsible for helping to prevent the risks inherent in such activities with regard to persons, property and the environment.

1.8.3.2 The competent authorities of the Contracting Parties may provide that these requirements shall not apply to undertakings:

- (a) the activities of which concern:
  - (i) The carriage of dangerous goods fully or partially exempted according to the provisions of 1.7.1.4 or of chapters 3.3, 3.4 or 3.5;
  - (ii) Quantities per transport unit, wagon or container smaller than those referred to in 1.1.3.6 of ADR or RID;
  - (iii) When (ii) above is not relevant, quantities per vessel smaller than those referred to in 1.1.3.6 of these Regulations.
- (b) the main or secondary activities of which are not the carriage or the related loading or unloading of dangerous goods but which occasionally engage in the national carriage

or the related loading or unloading of dangerous goods posing little danger or risk of pollution.

1.8.3.3

The main task of the adviser shall be, under the responsibility of the head of the undertaking, to seek by all appropriate means and by all appropriate action, within the limits of the relevant activities of that undertaking, to facilitate the conduct of those activities in accordance with the requirements applicable and in the safest possible way.

With regard to the undertaking's activities, the adviser has the following duties in particular:

- monitoring compliance with the requirements governing the carriage of dangerous goods;
- advising his undertaking on the carriage of dangerous goods;
- preparing an annual report to the management of his undertaking or a local public authority, as appropriate, on the undertaking's activities in the carriage of dangerous goods. Such annual reports shall be preserved for five years and made available to the national authorities at their request.

The adviser's duties also include monitoring the following practices and procedures relating to the relevant activities of the undertaking:

- the procedures for compliance with the requirements governing the identification of dangerous goods being transported;
- the undertaking's practice in taking account, when purchasing means of transport, of any special requirements in connection with the dangerous goods being transported;
- the procedures for checking the equipment used in connection with the carriage, loading or unloading of dangerous goods;
- the proper training of the undertaking's employees and the maintenance of records of such training;
- the implementation of proper emergency procedures in the event of any accident or incident that may affect safety during the carriage, loading or unloading of dangerous goods;
- investigating and, where appropriate, preparing reports on serious accidents, incidents or serious infringements recorded during the carriage, loading or unloading of dangerous goods;
- the implementation of appropriate measures to avoid the recurrence of accidents, incidents or serious infringements;
- the account taken of the legal prescriptions and special requirements associated with the carriage of dangerous goods in the choice and use of sub-contractors or third parties;
- verification that employees involved in the carriage, loading or unloading of dangerous goods have detailed operational procedures and instructions,
- the introduction of measures to increase awareness of the risks inherent in the carriage, loading and unloading of dangerous goods;

- the implementation of verification procedures to ensure the presence on board, means of transport of the documents and safety equipment which must accompany transport and the compliance of such documents and equipment with the regulations;
- the implementation of verification procedures to ensure compliance with the requirements governing loading and unloading;
- the existence of the security plan indicated in 1.10.3.2.

1.8.3.4 The safety adviser may also be the head of the undertaking, a person with other duties in the undertaking, or a person not directly employed by that undertaking, provided that that person is capable of performing the duties of adviser.

1.8.3.5 Each undertaking concerned shall, on request, inform the competent authority or the body designated for that purpose by each Contracting Party of the identity of its adviser.

1.8.3.6 Whenever an accident affects persons, property or the environment or results in damage to property or the environment during carriage, loading or unloading carried out by the undertaking concerned, the safety adviser shall, after collecting all the relevant information, prepare an accident report to the management of the undertaking or to a local public authority, as appropriate. That report shall not replace any report by the management of the undertaking which might be required under any other international or national legislation.

1.8.3.7 A safety adviser shall hold a vocational training certificate, valid for transport by inland waterways. That certificate shall be issued by the competent authority or the body designated for that purpose by each Contracting Party.

1.8.3.8 To obtain a certificate, a candidate shall undergo training and pass an examination approved by the competent authority of the Contracting Party.

1.8.3.9 The main aims of the training shall be to provide candidates with sufficient knowledge of the risks inherent in the carriage of dangerous goods, of the laws, regulations and administrative provisions applicable to the modes of transport concerned and of the duties listed in 1.8.3.3.

1.8.3.10 The examination shall be organized by the competent authority or by an examining body designated by the competent authority. The examining body shall not be a training provider.

The examining body shall be designated in writing. This approval may be of limited duration and shall be based on the following criteria:

- competence of the examining body;
- specifications of the form of the examinations the examining body is proposing;
- measures intended to ensure that examinations are impartial;
- independence of the body from all natural or legal persons employing safety advisers.

1.8.3.11 The aim of the examination is to ascertain whether candidates possess the necessary level of knowledge to carry out the duties incumbent upon a safety adviser as listed in 1.8.3.3, for the purpose of obtaining the certificate prescribed in subsection 1.8.3.7, and it shall cover at least the following subjects:

- (a) Knowledge of the types of consequences which may be caused by an accident involving dangerous goods and knowledge of the main causes of accidents;

- (b) Requirements under national law, international conventions and agreements, with regard to the following in particular:
- classification of dangerous goods (procedure for classifying solutions and mixtures, structure of the list of substances, classes of dangerous goods and principles for their classification, nature of dangerous goods transported, physical, chemical and toxicological properties of dangerous goods);
  - general packing provisions, provisions for tanks and tank-containers (types, code, marking, construction, initial and periodic inspection and testing);
  - marking and labelling, placarding and orange plates marking (marking and labelling of packages, placing and removal of placards and orange plates);
  - particulars in transport documents (information required);
  - method of consignment and restrictions on dispatch (full load, carriage in bulk, carriage in intermediate bulk containers, carriage in containers, carriage in fixed or demountable tanks);
  - transport of passengers;
  - prohibitions and precautions relating to mixed loading;
  - segregation of goods;
  - limitation of the quantities carried and quantities exempted;
  - handling and stowage (loading and unloading - filling ratios -, stowage and segregation);
  - cleaning and/or degassing before loading and after unloading;
  - crews, vocational training;
  - vehicle documents (transport documents, instructions in writing, vessel approval certificate, ADN dangerous goods training certificate, copies of any derogations, other documents);
  - instructions in writing (implementation of the instructions and crew protection equipment);
  - supervision requirements (berthing);
  - traffic regulations and restrictions;
  - operational discharges or accidental leaks of pollutants;
  - requirements relating to equipment for transport (vessel).

**1.8.3.12**      ***Examinations***

1.8.3.12.1      The examination shall consist of a written test which may be supplemented by an oral examination.

1.8.3.12.2      The use in the written test of documentation other than international or national regulations is not permitted.

1.8.3.12.3      Electronic media may be used only if provided by the examining body. There shall be no means of a candidate introducing further data to the electronic media provided; the candidate may only answer to the questions posed.

1.8.3.12.4      The written test shall consist of two parts:

(a)      Candidates shall receive a questionnaire. It shall include at least 20 open questions covering at least the subjects mentioned in the list in 1.8.3.11. However, multiple choice questions may be used. In this case, two multiple choice questions count as one open question. Amongst these subjects particular attention shall be paid to the following subjects:

- general preventive and safety measures;
- classification of dangerous goods;
- general packing provisions, including tanks, tank-containers, tank-vehicles, etc.;
- danger markings and labels;
- information in transport document;
- handling and stowage;
- crew, vocational training;
- vehicle documents and transport certificates;
- instructions in writing;
- requirements concerning equipment for transport by vessel;

(b)      Candidates shall undertake a case study in keeping with the duties of the adviser referred to in 1.8.3.3, in order to demonstrate that they have the necessary qualifications to fulfil the task of adviser.

1.8.3.13      The Contracting Parties may decide that candidates who intend working for undertakings specializing in the carriage of certain types of dangerous goods need only be questioned on the substances relating to their activities. These types of goods are:

- Class 1;
- Class 2;
- Class 7;
- Classes 3, 4.1, 4.2, 4.3, 5.1, 5.2, 6.1, 6.2, 8 and 9;

- UN Nos. 1202, 1203, 1223, 3475, and aviation fuel classified under UN Nos. 1268 or 1863.

The certificate prescribed in 1.8.3.7 shall clearly indicate that it is only valid for one type of the dangerous goods referred to in this subsection and on which the adviser has been questioned under the conditions defined in 1.8.3.12.

Certificates of training as safety advisers issued before 1 January 2009 for UN Nos. 1202, 1203 and 1223 are also valid for UN No. 3475 and aviation fuel classified under UN Nos. 1268 or 1863.

1.8.3.14 The competent authority or the examining body shall keep a running list of the questions that have been included in the examination.

1.8.3.15 The certificate prescribed in 1.8.3.7 shall take the form laid down in 1.8.3.18 and shall be recognized by all Contracting Parties.

**1.8.3.16 *Validity and renewal of certificates***

1.8.3.16.1 The certificate shall be valid for five years. The period of the validity of a certificate shall be extended from the date of its expiry for five years at a time where, during the year before its expiry, its holder has passed an examination. The examination shall be approved by the competent authority.

1.8.3.16.2 The aim of the examination is to ascertain that the holder has the necessary knowledge to carry out the duties set out in 1.8.3.3. The knowledge required is set out in 1.8.3.11 (b) and shall include the amendments to the regulations introduced since the award of the last certificate. The examination shall be held and supervised on the same basis as in 1.8.3.10 and 1.8.3.12 to 1.8.3.14. However, holders need not undertake the case study specified in 1.8.3.12.4 (b).

1.8.3.17 The requirements set out in 1.8.3.1 to 1.8.3.16 shall be considered to have been fulfilled if the relevant conditions of Council Directive 96/35/EC of 3 June 1996 on the appointment and vocational qualification of safety advisers for the transport of dangerous goods by road, rail and inland waterway<sup>1</sup> and of Directive 2000/18/EC of the European Parliament and of the Council of 17 April 2000 on minimum examination requirements for safety advisers for the transport of dangerous goods by road, rail or inland waterway<sup>2</sup> are applied.

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<sup>1</sup> *Official Journal of the European Communities, No. L145 of 19 June 1996, page 10.*

<sup>2</sup> *Official Journal of the European Communities, No. L118 of 19 May 2000, page 41.*

**1.8.3.18**      *Form of certificate*

**Certificate of training as safety adviser for the transport of dangerous goods**

Certificate No: .....

Distinguishing sign of the State issuing the certificate: .....

Surname: .....

Forename(s): .....

Date and place of birth: .....

Nationality: .....

Signature of holder: .....

Valid until ..... for undertakings which transport dangerous goods and for undertakings which carry out related loading or unloading:

- by road                       by rail                       by inland waterway

Issued by: .....

Date: .....

Signature: .....

Extended until: .....

By: .....

Date: .....

Signature: .....



#### **1.8.4 List of competent authorities and bodies designated by them**

The Contracting Parties shall communicate to the secretariat of the United Nations Economic Commission for Europe the addresses of the authorities and bodies designated by them which are competent in accordance with national law to implement ADN, referring in each case to the relevant requirement of ADN and giving the addresses to which the relevant applications should be made.

The secretariat of the United Nations Economic Commission for Europe shall establish a list on the basis of the information received and shall keep it up-to-date. It shall communicate this list and the amendments thereto to the Contracting Parties.

#### **1.8.5 Notifications of occurrences involving dangerous goods**

1.8.5.1 If a serious accident or incident takes place during loading, filling, carriage or unloading of dangerous goods on the territory of a Contracting Party, the loader, filler, carrier or consignee, respectively, shall ascertain that a report is made to the competent authority of the Contracting Party concerned at the latest six months after the occurrence.

1.8.5.2 The Contracting Party shall in turn, if necessary, make a report to the secretariat of the United Nations Economic Commission for Europe with a view to informing the other Contracting Parties.

1.8.5.3 *An occurrence subject to report* in accordance with 1.8.5.1 has occurred if dangerous goods were released or if there was an imminent risk of loss of product, if personal injury, material or environmental damage occurred, or if the authorities were involved and one or more of the following criteria has/have been met:

*Personal injury* means an occurrence in which death or injury directly relating to the dangerous goods carried has occurred, and where the injury

- (a) requires intensive medical treatment,
- (b) requires a stay in hospital of at least one day, or
- (c) results in the inability to work for at least three consecutive days.

*Loss of product* means the release of dangerous goods of:

- (a) Classes 1 or 2 or packing group I or other substances not assigned to a packing group in quantities of 50 kg or 50 litres or more;
- (b) Packing group II in quantities of 333 kg or 333 litres or more; or
- (c) Packing group III in quantities of 1,000 kg or 1,000 litres or more.

The loss of product criterion also applies if there was an imminent risk of loss of product in the above-mentioned quantities. As a rule, this has to be assumed if, owing to structural damage, the means of containment is no longer suitable for further carriage or if, for any other reason, a sufficient level of safety is no longer ensured (e.g. owing to distortion of tanks or containers, overturning of a tank or fire in the immediate vicinity).

If dangerous goods of Class 6.2 are involved, the obligation to report applies without quantity limitation.

In occurrences involving Class 7 material, the criteria for loss of product are:

- (a) Any release of radioactive material from the packages;
- (b) Exposure leading to a breach of the limits set out in the regulations for protection of workers and members of the public against ionizing radiation (Schedule II of IAEA Safety Series No. 115 – "International Basic Safety Standards for Protection Against Ionizing Radiation and for Safety of Radiation Sources"); or
- (c) Where there is reason to believe that there has been a significant degradation in any package safety function (containment, shielding, thermal protection or criticality) that may have rendered the package unsuitable for continued carriage without additional safety measures.

**NOTE:** See the provisions of 7.1.4.14.7.7 for undeliverable consignments.

*Material damage or environmental damage* means the release of dangerous goods, irrespective of the quantity, where the estimated amount of damage exceeds 50,000 Euros. Damage to any directly involved means of carriage containing dangerous goods and to the modal infrastructure shall not be taken into account for this purpose.

*Involvement of authorities* means the direct involvement of the authorities or emergency services during the occurrence involving dangerous goods and the evacuation of persons or closure of public traffic routes (roads/railways/inland waterways) for at least three hours owing to the danger posed by the dangerous goods.

If necessary, the competent authority may request further relevant information.

#### **1.8.5.4**

***Model report on occurrences during the carriage of dangerous goods***

**Report on occurrences during the carriage of dangerous goods in accordance with ADN, section 1.8.5**

Report No.:  
Carrier/Filler/Consignee/Loader: .....  
Official number of vessel: .....  
Dry cargo vessel (single-hull, double-hull): .....  
Tank vessel (type): .....  
Address:  
Contact name: ..... Telephone: .....  
Fax/e-mail: .....

*(The competent authority shall remove this cover sheet before forwarding the report)*

1. Mode						
Inland waterway .....				Official number of vessel/name of vessel (optional) .....		
2. Date and location of occurrence						
Year: ..... Month: ..... Day: ..... Time: .....						
<input type="checkbox"/> Port <input type="checkbox"/> Loading/unloading/transshipment facility Location/Country: ..... or <input type="checkbox"/> Free sector Name of sector: ..... Kilometre point: ..... or <input type="checkbox"/> Structure such as bridge or guide wall				Comments concerning description of location: ..... .....		
3. Conditions of inland waterway						
Water level (reference gauge): ..... Estimated speed through water: .....						
<input type="checkbox"/> High water <input type="checkbox"/> Low water						
4. Particular weather conditions						
<input type="checkbox"/> Rain <input type="checkbox"/> Snow <input type="checkbox"/> Fog <input type="checkbox"/> Thunderstorm <input type="checkbox"/> Storm Temperature: ..... °C						
5. Description of occurrence						
<input type="checkbox"/> Collision with bank, structure or berthing installation <input type="checkbox"/> Collision with another cargo vessel (collision/impact) <input type="checkbox"/> Collision with a passenger vessel (collision/impact) <input type="checkbox"/> Contact with the waterway bed, whether or not vessel has run aground <input type="checkbox"/> Fire <input type="checkbox"/> Explosion <input type="checkbox"/> Leak/Location and extent of damage (with additional description) <input type="checkbox"/> Shipwreck <input type="checkbox"/> Capsizing <input type="checkbox"/> Technical fault (optional) <input type="checkbox"/> Human error (optional) Additional description of occurrence: ..... ..... .....						
6. Dangerous goods involved						
UN Number <sup>(1)</sup> or Identification number	Class	Packing group if known	Estimated quantity of loss of products (kg or l) <sup>(2)</sup>	Means of containment in accordance with ADN, 1.2.1 <sup>(3)</sup>	Means of containment material	Type of failure of means of containment <sup>(4)</sup>
<sup>(1)</sup> For dangerous goods assigned to collective entries to which special provision 274 applies, also the technical name shall be indicated.				<sup>(2)</sup> For class 7, indicate values according to the criteria in 1.8.5.3.		
<sup>(3)</sup> Indicate the appropriate number: 1 Packaging 2 IBC 3 Large packaging 4 Small container 5 Wagon 6 Vehicle 7 Tank-wagon 8 Tank-vehicle 9 Battery-wagon				<sup>(4)</sup> Indicate the appropriate number: 1 Loss 2 Fire 3 Explosion 4 Structural failure		

10 Battery-vehicle 11 Wagon with demountable tanks 12 Demountable tank 13 Large container 14 Tank container 15 MEGC 16 Portable tank 17 Dry cargo vessel (single-hull, double-hull) 18 Tank vessel (type)					
<b>7. Cause of occurrence (if clearly known) (optional)</b>					
<input type="checkbox"/> Technical fault <input type="checkbox"/> Faulty load securing <input type="checkbox"/> Operational cause <input type="checkbox"/> Other: ..... ..... ..... .....					
<b>8. Consequences of occurrence</b>					
<u>Personal injury in connection with the dangerous goods involved:</u>					
<input type="checkbox"/> Deaths (number: .....) <input type="checkbox"/> Injured (number: .....) <u>Loss of product:</u> <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Imminent risk of loss of product <u>Material/Environment damage:</u> <input type="checkbox"/> Estimated level of damage ≤ 50 000 Euros <input type="checkbox"/> Estimated level of damage > 50 000 Euros <u>Involvement of authorities:</u> <input type="checkbox"/> Yes <table style="margin-left: 20px; border: none;"> <tr> <td style="width: 20px;"><input type="checkbox"/></td> <td>Evacuation of persons for a duration of at least three hours caused by the dangerous goods involved</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Closure of public traffic routes for a duration of at least three hours caused by the dangerous goods involved</td> </tr> </table> <input type="checkbox"/> No		<input type="checkbox"/>	Evacuation of persons for a duration of at least three hours caused by the dangerous goods involved	<input type="checkbox"/>	Closure of public traffic routes for a duration of at least three hours caused by the dangerous goods involved
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<input type="checkbox"/>	Closure of public traffic routes for a duration of at least three hours caused by the dangerous goods involved				

**If necessary, the competent authority may request further relevant information.**