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INLAND TRANSPORT COMMITTEE

Working Party on the Transport
of Dangerous Goods

**REPORT OF THE WORKING PARTY ON ITS SEVENTIETH SESSION
(7-11 MAY 2001)**

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REPORT OF THE WORKING PARTY

ATTENDANCE

1. The Working Party on the Transport of Dangerous Goods held its seventieth session from 7 to 11 May 2001 with Mr. J. Franco (Portugal) as Chairman and Mrs. A. Roumier (France) as Vice-Chairman. Representatives of the following countries took part in its work: Austria; Belgium; Bulgaria; Czech Republic; Denmark; Estonia; Finland; France; Germany; Hungary; Italy; Latvia; Liechtenstein; Netherlands; Norway; Poland; Portugal; Russian Federation; Slovakia; Slovenia; Spain; Sweden; Switzerland; United Kingdom. The European Commission was also represented. The following intergovernmental organization was represented: Intergovernmental Organization for International Carriage by Rail (OTIF), along with the following non-governmental organizations: European Association of Automotive Suppliers (CLEPA); International Road Transport Union (IRU); European Chemical Industry Council (CEFIC); International Federation of Forwarding Agents' Associations (FIATA); European Industrial Gases Association (EIGA); European Liquefied Petroleum Gas Association (AEGPL); European Conference of Fuel Distributors (CENCC); Central Commission for the Navigation of the Rhine (CCNR); Liaison Committee of Coachwork and Trailer Builders (CLCCR); International Organization of Motor Vehicle Manufacturers (OICA); International Express Carriers Conference (IECC).

ADOPTION OF THE AGENDA

Document: TRANS/WP.15/164

2. The Working Party adopted the agenda prepared by the secretariat with the addition of document TRANS/WP.15/AC.1/1997/40 and informal documents INF.1 to INF.20, which had been submitted late.

STATUS OF THE EUROPEAN AGREEMENT CONCERNING THE INTERNATIONAL CARRIAGE OF DANGEROUS GOODS BY ROAD (ADR) AND RELATED ISSUES

Status of the Agreement

Document: TRANS/WP.15/2001/8 and -/Corr.1 (Secretariat)

Informal document: INF.12 (Secretariat)

3. The Working Party invited each delegation to check the particulars of the competent authorities of the Contracting Parties to ADR and to communicate any corrections to the secretariat. Where a competent authority had an e-mail address, it should also be mentioned.

4. The Working Party also noted (INF.12) that, following the issue of document TRANS/WP.15/2001/8/Corr.1, the Federal Republic of Yugoslavia had submitted a notification of succession to ADR (Depositary Notification C.N.311.2001.TREATIES-1), and that as a result ADR had entered into effect for Yugoslavia on 27 April 1992, the date of State succession.

Protocol of amendment 1993

5. The Working Party noted that 12 States had still not become Contracting Parties to the 1993 Protocol (Azerbaijan, Belarus, Belgium, Bosnia and Herzegovina, Croatia, Germany, Greece, Lithuania, Republic of Moldova, the former Yugoslav Republic of Macedonia, Ukraine and Yugoslavia). They were therefore invited to deposit the legal instruments required for the Protocol to enter into force as rapidly as possible. The representative of Germany stated that he supported accession to the 1993 Protocol and said that Germany would deposit the requisite instrument as soon as possible. The representative of Belgium said that the procedure had also been initiated in his country.

Special agreements

6. The Working Party took note of the complete list of agreements, updated to 1 February 2001, of the agreements concluded under marginals 2010 and 10 602 of ADR. It was recalled that this list was updated regularly on the Web site of the Transport Division (<http://www.unece.org/trans/danger/danger.htm>) which also included the texts of the special multilateral agreements. The Working Party also noted that all the bilateral agreements had reached their term.

7. The representative of IRU called on the competent authorities to restrict the multilateral agreements to what was strictly necessary, since they were a source of confusion and distortion in terms of competition.

8. The representative of Poland recalled that under marginals 2010 and 10 602 provision was normally made for special agreements for the purpose of carrying out the necessary trials with a view to amending the provisions of Annexes A and B of ADR in order to adapt them to technological and industrial developments. He regretted that no provision had been made for this in the form of a number of multilateral agreements by derogation from the provisions of ADR.

9. It was also recalled that a multilateral agreement was valid only on the territory of countries which were signatories to such agreements, and that there was no real reason to conclude agreements between countries which were geographically distant from each other if the transit countries were not prepared to sign them. It was, however, pointed out that such agreements could have a purpose for European Union Member States in view of Article 6.10 of Directive 94/55/EC.

Notifications in accordance with marginal 10 599 (Chapter 1.9)

Informal document: INF.5 (Finland)

10. The representative of Finland said that problems of international transport still existed between her country and the Russian Federation in that the carriage of dangerous goods on the territory of the Russian Federation continued to depend on obtaining a permit the tariff for which was established arbitrarily by the local authorities and thus varied according to the number of regions traversed. The route also required to be approved. Since this question had been

discussed previously and the representative of the Russian Federation had said that his Government would revise the list of substances for which a special permit was required, she asked what the situation now was (for the record see also TRANS/WP.15/157, paras. 12 to 17, TRANS/WP.15/159, paras. 77 to 79 and TRANS/WP.15/161, paras. 10 to 14).

11. The representatives of Belgium and Poland said that carriers in their countries were encountering the same problems and noted that permits were required for substances other than those appearing in the list submitted by the Russian Federation at the sixty-eighth session. They would therefore like the Government of the Russian Federation to forward an up-to-date list of these substances.

12. The Chairman recalled that such practices were not in keeping with ADR and that their only effect was to obstruct international trade and economic development in the region without contributing to security. He recalled the determination of the Government of the Russian Federation to solve the problem and encouraged it to adopt practices fully in keeping with the spirit and letter of ADR.

13. The representative of the Russian Federation said that his Government was intending to take drastic steps to cut back the list of substances in question to those referred to in paragraph 8.1.2.2. of the restructured ADR. It had furthermore prepared a questionnaire (INF.15) with a view to obtaining an exact interpretation of this paragraph from the Working Party since some problems of interpretation seemed to relate to the Russian translation; he requested delegations to complete the questionnaire to clarify certain points.

14. The Chairman requested all members of the Working Party to complete the questionnaire and to forward it to the representative of the Russian Federation by 15 June 2001.

15. The representative of the Russian Federation also confirmed that the list of dangerous goods for which a special authorization was currently required in the Russian Federation was the list which had been submitted to the Working Party in 1999 (TRANS/WP.15/2000/3).

16. He also said that work was in progress in the Russian Federation with a view to replacing the present system of route authorizations, for which ADR did not provide, by a system of road signs corresponding to practice in other European countries. It would, however, be advisable to check the state of current road signs and signals in the Russian Federation and then go on to set up an appropriate system of signs.

17. The representative of the Russian Federation also announced that national regulations would be revised and brought into line with ADR as soon as the text of the restructured ADR was available in Russian, and that this would simplify a number of problems of interpretation in his country.

18. The Working Party welcomed the prospects raised by the representative of the Russian Federation and asked the secretariat to bring all necessary means to bear to ensure that the Russian version of the restructured ADR would be ready as soon as possible.

19. It also stressed that UN/ECE had already drafted appropriate road sign conventions and recommendations which would make it possible to regulate the traffic of vehicles carrying dangerous goods.

20. In answer to a question from IECC, a member of the secretariat said that it was not possible to issue a working consolidated document of the notifications received in accordance with marginal 10 599, partly because not all Contracting Parties had transmitted them, and partly because they were not all up-to-date or complete for any given country, and lastly because they had not been submitted electronically. He suggested that the competent authorities of each country should send him the updated notifications by e-mail in the working languages of the secretariat (English or French) or indicate the Web site(s) on which the specific regulations in question could be consulted. It would then be possible to envisage communicating this information via the Transport Division's Web site.

21. The Chairman said that he would study in conjunction with the secretariat how to collect this information. It was recalled that the notifications concerned paragraphs (a) and (d) of marginal 10 599 only.

Amendments of 1 July 2001

Informal document: INF.2

22. The Working Party noted with satisfaction that the amendments proposed by the Government of Portugal in depositary notification C.N.1078.2000.TREATIES-3 of 1 January 2001 were deemed to have been accepted and would enter into force on 1 July 2001 (Depositary Notification C.N.282.2001.TREATIES-1 reissued, of 17 April 2001).

Documents: TRANS/WP.15/2001/20 (Secretariat)
TRANS/WP.15/2001/21 (Secretariat)

Informal documents: INF.13 and INF.14 (Secretariat)
INF.8 (Germany)

23. The Working Party noted that the secretariat had found some mistakes in the French and English texts of the annex to notification C.N.1078.2000.TREATIES-3 and confirmed that the corrections proposed were indispensable and involved a correction and not an amendment procedure. The secretariat was asked to circulate these corrections and further additional corrections in accordance with the official correction procedure (see annex 1 for the French version and annex 2 for the English version).

24. With reference to the correction concerning the omission of provision TE19 in column (13) of Table A in Chapter 3.2 for substances of Classes 6.1 and 6.2, a member of the secretariat asked whether there was not a gap in the present ADR, in that it might be expected that a provision of this type would also be applicable to substances of Class 3 with a subsidiary Class 6.1 risk. The members of the Working Party were asked to reflect on the question for the next session.

25. The Working Party noted (informal document INF.8) that a provision of marginal 2314 of the current ADR concerning particulars in the transport document for the implementation of marginal 31 500 (2) had accidentally been omitted in the text of the restructured ADR. The Working Party unanimously requested the secretariat to add a correction to the list of corrections to the depositary notification with a view to inserting a paragraph 5.4.1.1.12 to remedy the omission (see annexes 1 and 2).

26. The Working Party noted that the secretariat had prepared a consolidated version of the restructured ADR (ECE/TRANS/140, Vols. I and II), which was in the process of publication and would also be available on CD-ROM.

27. The representatives of CEFIC, IRU and FIATA, noting that the texts were still not available two months before entry into force, wondered whether it would actually be possible to implement them as from 1 July, and whether transport operations under these new provisions would be permitted in all countries as from 1 July.

28. The Chairman reminded the Working Party that provision had been made for a transitional period and that it had been agreed that during that period it would be possible to use the provisions of the old and the new regulations as flexibly as possible. It devolved on each Contracting Party to assume its obligations vis-à-vis applicable international law, whether with reference to ADR or Directive 2001/7/EC.

PROPOSALS FOR AMENDMENTS TO ANNEXES A AND B OF ADR

Miscellaneous proposals

Part 1

Document: TRANS/WP.15/2001/12 (CEFIC)

29. Several delegations declared that they were not in favour of CEFIC's proposal in that the problems raised could already be settled in the context of the implementation of paragraph 1.1.3.1(c) or sub-section 1.1.3.4.

30. The representative of CEFIC considered that the case of transport operations by retailers, farmers or craftsmen in the latter stages of distribution had not been satisfactorily dealt with and that the aforementioned provisions were not susceptible of a clear interpretation.

31. The Working Party agreed to come back to this question at a later stage if CEFIC prepared a new substantiated document which took account of the various comments.

Part 5

Documents: TRANS/WP.15/2001/18 (FIATA)
TRANS/WP.15/AC.1/1997/40 (IATA)

32. Several delegations supported in principle the proposal by FIATA (backed by IATA) that an air or maritime transport document could be used in the place of a transport document prescribed in accordance with section 5.4.1 (in the case of transport preceding or following carriage by air or sea) since the information contained in it corresponded to that of the United Nations Model Regulations and ensured an equivalent level of safety.

33. The representative of Belgium said that ADR transport operations were also usually subject to the CMR Convention and that the transport document used was therefore normally the CMR document.

34. It was pointed out that neither CMR nor ADR imposed a particular model document. The effect of the CMR document was to prove the existence of a contract of carriage, but the absence of such a document did not prevent CMR from being applied.

35. Several delegations considered that FIATA's proposal did not contain sufficient justification. ADR required a number of information components deemed indispensable for road transport which were not required in the IATA Regulations or the IMDG Code and the proposal should have indicated why these components could be omitted in the case of road transport preceding or following transport by air or sea. The use of the IATA document alone further did not permit the shipper to be clearly identified within the meaning of the contract of carriage by road, and this would cause problems in the context of the implementation of provisions relating to the obligations of the participants (Chapter 1.4).

36. The proposal by FIATA was put to the vote but was not adopted (eight votes in favour, nine against and five abstentions).

Document: TRANS/WP.15/2001/3 (CEFIC)

37. The proposal to amend paragraphs 8.1.5. and 5.4.3 was adopted (see annex 4), although some delegations were not in favour of yet another amendment of the wording of the instructions in writing. It was understood that this amendment did not require shippers to amend the written instructions prepared according to the current model.

Document: TRANS/WP.15/2001/5 (Norway)

38. The proposal to replace the words "carried per transport unit" by "listed in the transport document" in the NOTE to 5.4.1.1.1 (g) was not adopted. An alternative proposal prepared by the United Kingdom and Austria with a view to indicating the quantities in the transport document when there was a deliberate intention to apply paragraph 1.1.3.6 was adopted (see annex 3).

Informal document: INF.7 (Germany)

39. Delegations were invited to make known their comments on this informal document on specifications for orange-coloured plates so that the Government of Germany could submit a definitive proposal at the November 2001 session.

Part 7

Document: TRANS/WP.15/2001/11/Rev.1 (Germany)

40. The representative of Germany withdrew this document and said that he would submit a proposal concerning items 2 and 3 to the September 2001 Joint Meeting.

Document: TRANS/WP.15/2001/14 (Germany)

41. This proposal was withdrawn from the agenda since it had already been agreed that it should be discussed by the Joint Meeting. Document TRANS/WP.15/AC.1/2001/4 was prepared for the purpose.

Document: TRANS/WP.15/2001/19 (Norway)

42. The representative of Norway proposed that special provision V7 should be amended because he considered that in practice neither closed vehicles nor closed containers were provided with adequate ventilation systems. He proposed following the IMDG Code and prescribing only that the doors should be left open for three minutes before the vehicle or container was entered.

43. The representative of EIGA said that he opposed this amendment since it was a question of an important safety requirement and that the requirement of opening the doors could not guarantee complete safety for entering the vehicle or container if there had been a leak of a toxic or flammable gas.

44. Several delegations shared EIGA's opinion and further considered that there were no grounds for basing requirements on regulations applicable to other transport modes, particularly maritime and rail transport, where containers were handled in specific zones away from built-up areas while vehicles could move around and be opened in built-up areas.

45. The representative of Norway said that it would at least be advisable to specify more precisely what was meant by adequate ventilation, and to check that closed vehicles and closed containers could meet these requirements in practice. He said that he would prepare a new document for the next session in cooperation with EIGA.

Part 8

Fire-fighting appliances

Documents: TRANS/WP.15/2000/5 (Germany)
TRANS/WP.15/2001/1 (IRU)

Informal document : INF.3 (Germany)

46. The Working Party accepted the request of the representative of Germany to postpone consideration of this question until the next session, for which it would prepare a new document on the basis of the report of the informal group which would meet in Munich on 27 and 28 June 2001.

Supervision of vehicles

Document: TRANS/WP.15/2000/17 (United Kingdom)

47. The proposal by the United Kingdom to delete from provisions S1(6), S16 and S21 the sentences relating to supervision to prevent any malicious act was not adopted. Some delegations considered that even if these questions possibly came within the province of other legislation in some countries, ADR permitted at least a minimum safety approach, harmonized Europe-wide, which was not in contradiction with such legislation.

Class 1 (convoys and places of loading and unloading)

Document: TRANS/WP.15/2000/18 (United Kingdom)

48. The proposal by the United Kingdom to specify that a distance of 50 metres between stationary vehicles or vehicles in convoys should be maintained only where practicable was not adopted, since many delegations considered that this specification would make it easy to infringe the rule.

Provision S3

Document: TRANS/WP.15/2001/6 (Norway)

49. The proposal to amend provision S3 was adopted (see annex 3).

Training of the vehicle crew

Document: TRANS/WP.15/2001/9 (Norway)

50. The proposal to establish special training for drivers of vehicles carrying petroleum products, as in the case of the training of safety advisers, was not adopted. Several delegations considered that it would be tantamount to calling in question decisions taken recently on training,

and that it could push each professional category to request a special examination, the effect of which would be to restrict the overall competence of drivers and thus limit their professional mobility.

Construction of vehicles

Document: TRANS/WP.15/2001/2 (Austria)

51. The Working Party confirmed that the NOTE to paragraph 9.2.3.4.2 was correctly placed since it applied only to EX/III vehicles. It in fact concerned the use of type O₁ trailers.

52. Following this explanation, the representative of Austria withdrew his proposal, but the Working Party agreed that it might be advisable to review these provisions and draft them more clearly.

Speed limitation device

Document: TRANS/WP.15/2001/7 (Norway)

53. Since speed limitation devices enabled speed to be limited to exactly 90 km/h, the Working Party agreed to amend the wording of 9.2.5 to indicate the permissible maximum speed bearing in mind the technical tolerance of the device rather than keep the reference to a set speed of 85 km/h for which provision had been made with an uncertainty of ± 5 km/h (see annex 3).

Certificate of approval

Document: TRANS/WP.15/2001/10 (Austria)

54. The Working Party amended the third sentence of paragraph 9.1.2.1.5 to state that both front and back of the certificate “may” be used (instead of “shall be used”) (see annex 3).

55. Several delegations said that they were in favour of keeping a pink diagonal stripe on this document, and the representative of Austria withdrew his proposal to make it optional. Delegations which might wish to standardize this diagonal should submit specific proposals.

Informal documents: INF.10 (OICA)
INF.16 (Germany)

56. It was not considered necessary to amend the model certificate of approval as OICA proposed for the particulars concerning the endurance braking system, since this certificate was not yet in use and it would be advisable to check first whether a practical problem really existed.

57. On the basis of the proposal by Germany, the Working Party prepared instructions for completing the certificate which would serve as a harmonized interpretation for the Contracting Parties (see annex 4).

58. In point 4 of the instructions it was noted that in the United Kingdom trailers were not registered (the transport unit carried the registration number of the drawing vehicle). In Switzerland, the registration number identified the owner and not the vehicle. It was therefore decided to accept departures from the given interpretation provided that they were justified by the legislation of the country concerned.

59. Point 5 of the instructions was left open. Delegations were requested to inform the representative of Germany what their interpretation of box 5 of the certificate was so that he could prepare a proposal for harmonized interpretation for the next session.

Informal document: INF.11 (Belgium)

60. The representative of Belgium raised a number of problems concerning the form in which certificates for tank vehicles were to be completed. In cases Nos.1 (tanks with several compartments) and 2 (tanks in which the safety valve was regulated at a gauge pressure between 1.5 and 3 bar), the Working Party confirmed that the competent authority should complete appropriately all the entries in the certificate so as to enable the shipper to specify unambiguously which substances could be carried.

61. As regards the question of vacuum-operated waste tanks (and plastic tanks), the Working Party noted that the Joint Meeting had not defined specific tank codes, mainly so as not to overload Table A of Chapter 3.2. It would therefore be advisable to use the tank codes for metal tanks which could appear in point 9.5 of the certificate. It would be useful to include in sections 4.4 and 4.5 the list of substances which could be carried in waste tanks or plastic tanks when these codes were mentioned. The representatives of Germany and the Netherlands would join the representative of Belgium in preparing a proposal in this regard for the next session.

62. Case No.4 concerning crystallizable substances would be brought to the attention of the Joint Meeting.

Informal document: INF.18 (Denmark)

63. The Working Party welcomed the analysis of the various situations which would arise during the transitional period for checking whether carriage was permitted, depending on whether consignments were in conformity with the old ADR or the restructured ADR, in cases in which an old or a new certificate of approval was carried on board the vehicle. The Working Party decided to reproduce this analysis by Denmark as an annex to the report (see annex 5).

EX/II and EX/III vehicles

Documents: TRANS/WP.15/2001/11 (Norway)
TRANS/WP.15/2001/14 (Norway)
TRANS/WP.15/2001/15 (Norway)

64. Consideration of these documents was entrusted to an ad hoc group which concluded that it would be desirable to revise all provisions relating to the construction of vehicles intended for

the carriage of explosives in view of the progress of technology and the development of modern commercial explosives manufactured at the place of use.

65. The representative of Norway proposed that an informal group should meet to prepare the revised provisions at Tønsberg (Norway), from 17 to 19 December 2001. This proposal was accepted.

Revision of Chapter 9

Document: TRANS/WP.15/2000/15 (Italy)

Informal document : INF.4 (Italy)

66. The representative of Italy said that he would like his proposal for the revision of Chapter 9 to be considered first of all by an informal group that he proposed to convene in Turin on 6 and 7 September 2001. This proposal was accepted.

Electrical equipment

Informal document: INF.9 (CLEPA)

67. The Working Party noted that CLEPA would submit a proposal at the next session.

Amendments to Regulation No.13

Informal document: INF.17 (Excerpts from TRANS/WP.29/GRRF/49 and TRANS/WP.29/GRRF/2000/27/Rev.1)

68. The Working Party noted that the GRRF Group of Experts had adopted amendments to annex 5 of Regulation No.13 which would be submitted to the WP.29 Working Party for adoption in June 2001. The Working Party recalled that it had been decided to introduce into ADR references to annex 5 of Regulation No.13 and to Regulation No.105 provided that these Regulations faithfully reflected the requirements of ADR. The decision by GRRF was tantamount to amending the requirements of ADR without consulting the WP.15 Working Party. Since the requirements came within the scope of ADR, the Working Party considered that any proposed amendment involving a substantive modification must receive its approval before being submitted to the Administrative Committee of the 1958 Agreement. It therefore requested the WP.29 Working Party, if it accepted the proposal by the GRRF Group of Experts, or the authors of the proposal, to submit officially to the WP.15 Working Party, in accordance with the rules laid down for the latter's work, the safety justifications and an explanation of the economic consequences. The proposal should also indicate any amendments to be made in the relevant provisions of ADR. If the proposal received the support of WP.15, it could then be submitted to the Administrative Committee of the 1958 Agreement.

Tank-vehicles

Equivalent thickness, alternative arrangements

Documents: TRANS/WP.15/161/Add.2
TRANS/WP.15/1999/15 (Germany)
TRANS/WP.15/1999/33 (Italy)
TRANS/WP.15/1999/48 (Germany)
TRANS/WP.15/1999/49 (Germany)
TRANS/WP.15/1999/51 (Germany)

69. The representative of Germany informed the Working Party of the results of an informal working group which had met in Berlin from 24 to 26 January 2001. The report of the group would be submitted to the Joint Meeting which was due to discuss questions concerning tanks on 31 May 2001 (TRANS/WP.15/AC.1/2001/14).

70. The Working Party noted that the informal working group would be meeting again during the session of the Joint Meeting.

Tanks for chlorine and sulphur dioxide

Document: TRANS/WP.15/2001/4 (United Kingdom)

71. It was agreed that this proposal concerning the construction of road tanks for chlorine and sulphur dioxide should first be submitted to the Joint Meeting which would either pronounce itself competent in this regard or would leave the question to the competence of WP.15.

Aluminium tanks

Document: TRANS/WP.15/2001/13 (ITCO)

72. Since no representative of the International Tank Container Association (ITCO) was present, the document was not discussed. It would only be put back on the agenda for the next session if ITCO so requested.

SAFETY IN ROAD TUNNELS

Informal document: INF.19 (United Kingdom)

73. The Working Party noted that the Government of the United Kingdom intended to prepare proposals for the November meeting on the basis of joint work by OECD and PIARC.

74. The Working Party took note of a report by the Institut National de l'Environnement industriel et des risques (INERIS, France), commissioned following the accident in the Mont Blanc Tunnel, on the dangerous nature of certain substances not currently classified as dangerous goods with regard to fire safety in tunnels.

75. The representative of Austria hoped that the work could achieve a harmonized Europe-wide approach to conditions for the carriage of dangerous goods in tunnels; he also hoped, however, that the end result would not be the classification as dangerous goods of all substances liable to present risks in very special circumstances.

**FOLLOW-UP OF THE CONVENTION ON CIVIL LIABILITY FOR DAMAGE
CAUSED DURING CARRIAGE OF DANGEROUS GOODS BY ROAD, RAIL
AND INLAND NAVIGATION VESSELS (CRTD)**

Documents: TRANS/WP.15/2001/17 and -/Add.1 and -/Add.2

76. The Chairman recalled that the Inland Transport Committee had given the Working Party the task of considering the replies to a questionnaire on the CRTD Convention and, if it considered necessary, of establishing an ad hoc group to consider how CRTD could be modified to encourage accessions.

77. The Working Party took note of the replies submitted by the Netherlands, Switzerland, the Czech Republic and Kyrgyzstan.

78. The representative of the Netherlands recalled the reasons which had led Governments to draft various conventions on civil liability and compensation, at the level of the International Maritime Organization in particular, after the accidents which had led to large-scale oil pollution, and subsequently the CRTD Convention, at the level of UN/ECE, after the Los Alfaques accident. Since the CRTD Convention, adopted in 1989, had obtained only two signatures and no ratifications, the reasons should be investigated and the limits of liability, which certain countries considered to be too high, should possibly be revised. Also, recent developments in other UN/ECE bodies established the need for the entry into force of a harmonized uniform liability scheme providing compensation for damage caused by the transport of dangerous goods.

79. The representative of Austria listed the various reasons which might prevent States from acceding to the CRTD Convention, including the small number of accidents involving the carriage of dangerous goods and the fact that the consequences of such accidents could for the time being be covered by general assurance systems; the difficulty of identifying the beneficiaries of a convention of this type, since the potential victims did not comprise an identifiable group; the lack of inclination of carriers to make large contributions to compensation funds for the indeterminate consequences of accidents of doubtful probability; the difficulty of dealing with three transport modes in the same convention; and the fact that the Convention had consequences - which might be positive or negative depending on the case - for States which were not Contracting Parties. He said that all of these could easily be deduced from ECE's explanatory report on the CRTD Convention, issued under the symbol ECE/TRANS/84.

80. Three delegations expressed the opinion that carriage by inland waterway should be dealt with separately.

81. The representative of CCNR informed the Working Party that his organization had arranged for a hearing of professionals on 16 May 2001 and a governmental meeting the following day to decide on the alternatives - whether the CRTD Convention should be kept or

whether there was a need to draft a civil liability convention specific to inland navigation. He hoped that the UN/ECE secretariat would take part in this meeting and that a convention specific to inland navigation, if this were the decision, would be jointly drafted under the aegis of UN/ECE, CCNR and the Danube Commission.

82. The representative of the Netherlands considered that if a convention of this nature was to be implemented nationally, a global approach for the three transport modes was preferable. Since the CRTD Convention already existed, it was desirable to concentrate work on that Convention, and before promoting new instruments, to endeavour to understand the problem and to rectify it as simply as possible.

83. Several delegations wondered if the Working Party was the appropriate working framework since this convention was primarily a matter for legal and insurance experts. It was agreed, however that experts in the transport of dangerous goods should be part of the process of reflection and, if appropriate, of subsequent work, and that the mission entrusted to the Working Party by the Committee must be carried out.

84. In accordance with the Committee's request, the Working Party decided to schedule, during its next session from 5 to 9 November, a parallel session of an ad hoc group of experts to consider the question and to formulate recommendations to the Committee on the path to pursue in the light of the replies to the questionnaire.

Documents: TRANS/WP.15/2001/17 and -/Add.1 and -/Add.2

85. This parallel session would take place without interpretation; the members of the working group were requested to include experts on the subject in their delegations.

86. The Chairman invited all delegations to ensure that the replies to the questionnaire were transmitted to the secretariat at least 12 weeks before the November meeting if this had not already been done.

PROGRAMME OF THE SEVENTY-FIRST SESSION

87. The seventy-first session would meet from 5 to 9 November 2001 and would discuss the following questions:

- Proposals for amendments to ADR resulting from the work of the Joint Meeting
- New proposals for amendments
- Report of the informal working groups (revision of Chapter 9, fire-fighting appliances)
- Safety in road tunnels
- Follow-up of the CRTD Convention

88. At this session, the Working Party would have to finalize the draft amendment to enter into force on 1 January 2003, with the possible exception of the revision of Chapter 9 on which a final decision could be taken in May 2002.

ANY OTHER BUSINESS

Transport of fireworks

Informal document: INF.6 (Netherlands)

89. The representative of the Netherlands informed the Working Party that an explosion in a fireworks depot in his country had caused the death of 22 persons, injured many more and caused very substantial material damage. Following this accident, the United Nations Committee of Experts had decided to include the question of the classification of fireworks in its programme of work. However, in view of the Committee's work schedule and the time needed to implement its recommendations within international agreements like ADR, no improvement in the regulations could be expected before 1 January 2005 if the customary procedure were followed. The Government of the Netherlands hoped that emergency measures would be taken Europe-wide to prevent the recurrence of a tragedy of this nature. He therefore invited members of the Working Party to complete a questionnaire in order to profit from the experience of other Contracting Parties, so that he could prepare a proposal for the November session intended to remedy this situation rapidly in the context of ADR, at least with reference to fireworks.

90. The Chairman invited all delegations to complete the questionnaire and to return it to the representative of the Netherlands by 30 June 2001.

Publication of ADR on CD-ROM

91. A member of the secretariat said that the Transport Division, in cooperation with the Conference Services Division, had prepared a CD-ROM for delegations with the full text of ADR. This version would also be issued as a sales publication.

92. He said that the secretariat did not currently have the resources to finalize more sophisticated products but that it was reflecting on the various possibilities for making the most of developments in information technology and data distribution, such as, for example, the production of navigable CD-ROMs in cooperation with outside companies or with the aid of consultants, or the distribution of ADR, also in navigable form, on the Internet in several languages with the contribution of Governments or non-governmental organizations, for example, through donations from a special fund.

93. The Working Party welcomed the work done by the secretariat and its efforts to adapt to new technologies; it should continue its endeavours.

ADOPTION OF THE REPORT

94. The Working Party adopted the report of its seventieth session together with its annexes on the basis of a draft prepared by the secretariat.

Annex 1

Corrections à l'annexe de la notification dépositaire

C.N.1098-TREATIES-3 (French version)

(see document TRANS/WP.15/165/Add.1)

Annex 2

Corrections to the annex of depositary notification

C.N.1098-TREATIES-3 (English version)

(see document TRANS/WP.15/165/Add.2)

[FOR ANNEXES 3, 4 AND 5, SEE ATTACHED PAGES IN ENGLISH; THE JOB NUMBERS FOR THE TEXTS, IF YOU CAN ACCESS THEM, ARE: 21709, 21742, 21749 (THIS IS THE FRENCH VERSION ALTHOUGH THERE MUST BE AN ENGLISH ORIGINAL BUT IN ANY CASE IT CONTAINS THE TRILINGUAL TABLE WHICH IS PART OF THE TEXT) AND 21768]

Annex 3**Draft amendments to Annexes A and B of ADR****(Texts adopted by the Working party)**

5.4.1.1.1 (g) Amend the NOTE to read as follows:

“NOTE: In the case of intended application of 1.1.3.6, the total quantity of dangerous goods for each transport category shall be indicated in the transport document in accordance with 1.1.3.6.3.”

5.4.3.1 (f) Amend to read as follows:

“the necessary equipment for additional and/or special actions, if applicable.”

5.4.3.8 Amend the sentence under “PERSONAL PROTECTION” to read as follows:

“Mention of the personal protection intended for the driver in accordance with the requirements of 8.1.5 (b) and (c).”

8.1.5 Amend to read as follows:

“Every transport unit carrying dangerous goods shall be equipped with:

(a) The following general purpose safety equipment:

- For each vehicle, at least one chock of a size suited to the weight of the vehicle and to the diameter of the wheels;
- Two self-standing warning signs (e.g. reflective cones or triangles or flashing amber lights which are independent from the electrical equipment of the vehicle);
- A suitable warning vest or warning clothing (e.g. as described in European Standard EN 471) for each member of the vehicle crew;
- A pocket lamp (see also 8.3.4) for each member of the vehicle crew;

(b) A respiratory protective device in conformity with additional requirement S7 (see Chapter 8.5) if this additional requirement applies according to the indication in Column (19) of Table A of Chapter 3.2;

(c) The personal protection and the equipment necessary to take the additional and/or special actions referred to in the instructions in writing set out in 5.4.3.”

Chapter 8.5 In additional requirement S3, delete “8.1.4.3”.

9.1.2.1.5 Amend the third sentence to read “Both front and back may be used.”.

9.2.5 Amend the last sentence of this section to read:

“The device shall be set in such a way that the speed cannot exceed 90 km/h, bearing in mind the technological tolerance of the device.”

Annex 4

Guidelines for completing the certificate of approval according to 9.1.2.1 of Annex B of ADR

The numbered boxes of the form for the certificate of approval should be filled in as follows:

1. **Certificate No.**

A number to be entered by the issuing service.

2. **Vehicle manufacturer**

To be taken from the registration document(s).

3. **Vehicle Identification No.**

To be taken from the registration document(s) and be checked on the vehicle(s).

4. **Registration number**

To be taken from the registration document(s). If the vehicle is still not registered at the date of issuing the certificate of approval this box should stay empty for the time being until the vehicle is registered. Or another procedure prescribed by national law.

5. **Name and business address of carrier, operator or owner**

6. **Description of vehicle**

According to footnote 1 of the certificate the descriptions should follow the definitions for power-driven vehicles and for trailers of categories N and O as defined in Annex 7 of the Consolidated Resolution on the Construction of Vehicles (R.E.3) or in Directive 97/27/EC.

Description of motor vehicles according to R.E.3 (not distinguishing between types of motor vehicle)

Maximum mass (Mm)	Power-driven vehicles category N	Véhicule à moteur de catégorie N	Kraftfahrzeuge der Klasse N
$Mm \leq 3.5t$	Category N ₁	Catégorie N ₁	Klasse N ₁
$3.5t < Mm \leq 12t$	Category N ₁	Catégorie N ₂	Klasse N ₂
$Mm > 12t$	Category N ₃	Catégorie N ₃	Klasse N ₃

Description of motor vehicles according to Directive 97/27/EC

Maximum mass (Mm)	Motor vehicles of category N	Véhicules à moteur de catégorie N	Kraftfahrzeuge der Klasse N
$Mm \leq 3.5t$	Lorry N ₁	Camion N ₁	Lastkraftwagen N ₁
$3.5t < Mm \leq 12t$	Lorry N ₂	Camion N ₂	Lastkraftwagen N ₂
$Mm > 12t$	Lorry N ₃	Camion N ₃	Lastkraftwagen N ₃
$Mm \leq 3.5t$	Tractor N ₁	Tracteur N ₁	Zugmaschine N ₁
$3.5t < Mm \leq 12t$	Tractor N ₂	Tracteur N ₂	Zugmaschine N ₂
$Mm > 12t$	Tractor N ₃	Tracteur N ₃	Zugmaschine N ₃
$Mm < 3.5t$	Semi-trailer tractor N ₁	Tracteur de semi-remorque N ₁	Sattelzugmaschine N ₁
$3.5t < Mm < 12t$	Semi-trailer tractor N ₂	Tracteur de semi-remorque N ₂	Sattelzugmaschine N ₂
$Mm > 12t$	Semi-trailer tractor N ₃	Tracteur de semi-remorque N ₃	Sattelzugmaschine N ₃

Description of towed vehicles

Maximum Mass	Towed vehicles	Véhicule tracté	Anhangefahrzeuge
$Mm \leq 0.75t$	Drawbar trailer 0 ₁ / Full trailer 0 ₁ *	Remorque à timon d'attelage 0 ₁	Anhänger mit schwenk-barer Zugeinrichtung 0 ₁
$0.75t < Mm \leq 3.5t$	Drawbar trailer 0 ₂ / Full trailer 0 ₂ *	Remorque a timon d'attelage 0 ₂	Anhänger mit schwenk-barer Zugeinrichtung 0 ₂
$3.5t < Mm \leq 10t$	Drawbar trailer 0 ₃ Full trailer 0 ₃ *	Remorque à timon d'attelage 0 ₃	Anhänger mit schwenk-barer Zugeinrichtung 0 ₃
$Mm > 10t$	Drawbar trailer 0 ₄ Full trailer 0 ₄ *	Remorque à timon d'attelage 0 ₄	Anhänger mit schwenk-barer Zugeinrichtung 0 ₄
$Mm \leq 0.75t$	Semi-trailer 0 ₁	Semi-remorque 0 ₁	Sattelanhänger 0 ₁
$0.75t < Mm \leq 3.5t$	Semi-trailer 0 ₂	Semi-remorque 0 ₂	Sattelanhänger 0 ₂
$3.5t < Mm \leq 10t$	Semi-trailer 0 ₃	Semi-remorque 0 ₃	Sattelanhänger 0 ₃
$Mm > 10t$	Semi-trailer 0 ₄	Semi-remorque 0 ₄	Sattelanhänger 0 ₄
$Mm \leq 0.75t$	Centre-axle trailer 0 ₁	Remorque à essieu central 0 ₁	Zentralachsanhänger 0 ₁
$0.75t < Mm \leq 3.5t$	Centre-axle trailer 0 ₂	Remorque à essieu central 0 ₂	Zentralachsanhänger 0 ₂ ;
$3.5t < Mm \leq 10t$	Centre-axle trailer 0 ₃	Remorque à essieu central 0 ₃	Zentralachsanhänger 0 ₃
$Mm > 10t$	Centre-axle trailer 0 ₄	Remorque à essieu central 0 ₄	Zentralachsanhänger 0 ₄

* Full trailer is the wording of R.E.3.

According to 9.1.2.1.5 the approval certificate for a vacuum-operated waste tank-vehicle in addition shall bear the following remark: “**vacuum-operated waste tank-vehicle**”.

7. Vehicle designation(s) according to 9.1.1.2 of ADR

To prevent unauthorized changes to the certificate all the designations which are not appropriate should be struck out.

More than one vehicle designation may be appropriate. Example: a vehicle which complies with the requirements for FL vehicles automatically fulfils the AT requirements. Both designations should be mentioned in the certificate.

The data in No. 7 in combination with the entries in No. 10 set the standard for the goods which may be carried by a vehicle.

8. Endurance braking system

“Not applicable” should be marked on the certificates of vehicles for which the provisions for endurance braking systems are not applicable because of the date of first registration, or because of their low maximum mass or because of the low mass of the trailer in accordance with Note (b) in the table of 9.2.1 with respect to the transitional period of note (d) in the same table. In other cases the second line of No. 8 should be marked and the appropriate value should be entered. In some countries the registration/in service maximum permissible mass (for definition see Directive 97/27/EC) exceeds 44t, but according to 9.2.3.3.2 (e) the value of 44t is considered to be sufficient even if the total maximum mass of the combination is higher than 44t. (See footnote 4 of the certificate.)

Example: The maximum mass of a combination is 50t (according to national law). The effectiveness of the endurance braking system is sufficient for a maximum permissible mass of 44t. In accordance with 9.2.3.3.2 (e), the combination may be operated at 50t.

9. Description of the fixed tank(s)/battery-vehicle

The applicable data should be taken from the type approval of the tank, the last report of the inspection of the tank or from the tank plate.

10. Dangerous goods authorized for carriage

For vehicles other than EX/II, EX/III vehicles or vehicles with fixed tank or battery-vehicles no entry is required in No. 10. These vehicles (e.g. semi-trailer tractors) may be used for the carriage of the goods according to the vehicle designations under No. 7.

- 10.1 In accordance with 9.3.7.3 for the electrical equipment in the load compartments of EX/II and EX/III vehicles, compliance with IP65 is required if the vehicle is intended for the carriage of explosives of compatibility group J. For other explosives the electrical equipment in the load compartment shall comply with IP 54.
- 10.2 For tank-vehicles and battery-vehicles one of two possibilities should be chosen by marking the appropriate:
- Either a reference to the tank-code in No. 9.5 and any special provisions in 9.6; or
 - The list of substances by Class, UN number and, if necessary, packing group and proper shipping name.

11. **Remarks**

Space for remarks (for example, the date of the next required inspection of the tank).

12. **Valid until**

The day of expiry should be entered as well as the place and date of issue. The certificate should be stamped and signed by the issuing service.

13. **Extensions of validity**

As for No. 12 above.

Annex 5

Guidelines for the application of the transitional period for the B.3 certificate of approval for vehicles (1999 edition of ADR)

Four possible combinations with the following terminology:

- “New consignor”: Consignor using ADR 2001.
“Old consignor”: Consignor using ADR 1999.
“New certificate”: ADR certificate issued according to ADR 2001.
“Old certificate”: ADR certificate issued according to ADR1999.

• **New consignor - New certificate:**

New certificate with tank-code: The UN No. for the substance is not listed on the ADR certificate. The necessary tank-code can be found using the UN No. in Table A of Chapter 3.2 of ADR 2001.

New certificate with UN No.: It appears clearly from the ADR certificate if the carriage of the substance is permitted.

• **New consignor - Old certificate:**

Old certificate with “item numbers and letters”: The UN No. for the substance is not listed on the ADR certificate, and the “item numbers and letters” are not indicated in ADR 2001. The haulier must bring with him Appendix B.5, Table 3, from ADR 1999.

Old certificate with UN No.: It appears clearly from the ADR certificate if the carriage of the substance is permitted.

Old consignor - Old certificate:

Old certificate with “item numbers and letters”: It appears clearly from the “item numbers and letters” of the ADR certificate if the carriage of the substance is permitted. (The consignor is familiar with “item numbers and letters”).

Old certificate with UN No.: It appears clearly from the ADR certificate if the carriage of the substance is permitted.

Old consignor - New certificate:

- New certificate with tank-code: The UN No. for the substance is not listed on the ADR certificate. The necessary tank-code can be found from the UN No. in Table A of Chapter 3.2 in ADR 2001. (As in the case of “New consignor - New certificate”.)
- New certificate with UN No.: It appears clearly from the ADR certificate if the carriage of the substance is permitted.

Conclusion:

None of the possible combinations mentioned above should cause any problems during the established transitional period, as long as the following is observed:

- ADR 1999 certificates with “item numbers and letters” must be used with Appendix B.5, Table 3, from the ADR 1999 edition of ADR (New consignor - Old certificate).
- ADR 2001 certificates with tank-code must be used with Table A of Chapter 3.2 from the 2001 edition of ADR (Old consignor - New certificate).
