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INLAND TRANSPORT COMMITTEE

Working Party on the Transport of Dangerous Goods

**REPORT OF THE WORKING PARTY ON ITS
SEVENTY-SEVENTH SESSION**

(25-28 October 2004)

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Annex: Draft amendments to Annexes A and B of ADR adopted by the Working Party

ATTENDANCE

1. The Working Party on the Transport of Dangerous Goods held its seventy-seventh session from 25 to 28 October 2004 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; Ireland; Italy; Latvia; Netherlands; Norway; Poland; Portugal; Romania; Russian Federation; Serbia and Montenegro; Slovakia; Spain; Sweden; Switzerland; United Kingdom; United States of America. The European Commission was also represented. The following intergovernmental organizations were represented: Intergovernmental Organization for International Carriage by Rail (OTIF) and Danube Commission, along with the following non-governmental organizations: European Industrial Gases Association (EIGA); European Liquefied Petroleum Gas Association (AEGPL); European Cosmetic Toiletry and Perfumery Association (COLIPA); International Association of the Soap, Detergent and Maintenance Products Industry (AISE); Liaison Committee of Coachwork and Trailer Builders (CLCCR); European Association of Automotive Suppliers (CLEPA); International Express Carriers Conference (IECC); European Chemical Industry Council (CEFIC); European Aerosol Federation (FEA); International Federation of Freight Forwarders Associations (FIATA); International Organization of Motor Vehicle Manufacturers (OICA); International Road Transport Union (IRU).

ADOPTION OF THE AGENDA

Documents: TRANS/WP.15/180 and -/180/Add.1

2. The Working Party adopted the provisional agenda prepared by the secretariat, as amended by informal document INF.2 to take account of informal documents INF.1 to INF.30.

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

Status of the Agreement, Protocol of amendment of 1993

3. The Working Party noted that the status of ADR and of the Protocol of amendment of 1993 had not changed since the last session (see TRANS/WP.15/179, paras. 5 to 7).

4. The Working Party also noted that the amendments adopted in the past two years (TRANS/WP.15/178, -/178/Add.1 and -/178/Corr.1) had been proposed to the Contracting Parties by the Government of Portugal and were deemed to have been accepted for entry into force on 1 January 2005 (depositary notifications C.N.597.2004.TREATIES-2 of 1 July 2004 and C.N.1051.2004.TREATIES-3 of 4 October 2004).

Corrections

Informal documents: INF.8 and Add.1-3 (Secretariat)

5. The Working Party approved the corrections by the secretariat concerning the consolidated version of ADR prepared on the basis of the amendments entering into force on 1 January 2005 (ECE/TRANS/175, Vols. I and II). Additional corrections were also approved (see ECE/TRANS/175/Corr.1).

Informal document: INF.26 (Finland)

6. The Working Party adopted the proposed correction to replace the reference to Directive 90/220/EC in special provision 637 by a reference to Directive 2001/18/EC (see ECE/TRANS/175/Corr.1).

7. The proposal to replace the reference to standards EN 61:1977 and EN 63:1977 should, however, be submitted to the working group on standards of the RID/ADR/ADN Joint Meeting before any decision was taken.

8. It was recalled that, according to Annex A, section 1.8.4, of ADR, the Contracting Parties must communicate to the secretariat the addresses of the authorities and bodies designated by them which are competent in accordance with international law to implement ADR.

9. For the time being, only six Contracting Parties (Austria, Belgium, Latvia, Netherlands, Poland and Portugal) had complied with this obligation. Those Contracting Parties that had not yet done so were therefore requested to send these addresses as soon as possible to the secretariat so that they could be made available on the web site of the UNECE Transport Division. The lists of addresses should be prepared as clearly as possible for the users who would be consulting them.

Special agreements

Informal document: INF.19 (Secretariat)

10. The Working Party took note of the consolidated list of multilateral agreements as it appeared on the Transport Division's web site. Several delegations announced that new multilateral agreements would be proposed in the near future.

Notifications in accordance with 1.9.4 of Annex A of ADR

Informal document: INF.20 (Notifications transmitted by France and Slovenia)

11. The Chairman recalled that 15 Contracting Parties had notified the secretariat of the transport restrictions imposed in their countries in the context of 1.9.3 (a) or (d), in accordance with their obligations under 1.9.4. Other countries which might also impose restrictions in the context of 1.9.3 (a) or (d) were invited to notify them.

INTERPRETATION OF ADR

Carriage in a transport chain including maritime or air carriage

Informal document: INF.9 (Secretariat)

12. It was recalled that section 1.1.4.2 had initially been intended to facilitate multimodal transport by permitting dangerous goods to be carried in a transport chain including maritime or air carriage under packing, marking, labelling and placarding conditions applicable in accordance with the IMDG Code or the ICAO Technical Instructions when these differed from RID and ADR. The conditions of maritime or air carriage, aligned on those of the United Nations Model Regulations, were regarded as more stringent, and this exception did not affect the level of safety, which was considered to be at least equivalent.

13. Existing divergences between modal regulations, particularly in air transport, however, gave rise to problems of interpretation in practice, particularly in matters of classification and when the conditions of maritime or air carriage did not meet RID and ADR safety requirements.

14. Several delegations would have preferred to discuss this document in the context of the RID/ADR/ADN Joint Meeting. The document had, however, already been submitted to the Joint Meeting in September 2004, but owing to lack of time it had not been possible to discuss it. On the other hand, the problems raised essentially concerned the interface between road transport and maritime or air transport in ports and airports. The Working Party therefore decided to consider the proposals for interpretation and arrived at the following conclusions.

Transport document

15. Where 1.1.4.2.2 (specific to ADR) was applied, if ADR provided for particulars to be included in the transport document for which there was no provision in the IMDG Code or the ICAO Technical Instructions (e.g. in accordance with special provisions 617 or 623, paragraphs 5.4.1.1.6.3, 5.4.1.1.7, 5.4.1.1.10.1, 5.4.1.1.11, 5.4.1.1.14, 5.4.1.2.1, 5.4.1.2.2, 5.4.1.2.3.3, 5.4.1.2.3.4, or the technical name according to special provision 274), they should be added to the maritime or air document if this document were used.

16. With regard to special provision 274, several delegations considered that RID and ADR prescribed its application to excess and that they should be brought into line with the United Nations Model Regulations. They were invited to prepare a proposal for the Joint Meeting (or for the United Nations Sub-Committee of Experts for delegations which considered on the contrary that the United Nations Model Regulations were not stringent enough).

Additional ADR marking

17. The additional markings required by RID or ADR (e.g. in accordance with special provision 633) were not necessary if the package was marked in accordance with the IMDG Code or the ICAO Technical Instructions.

Limited quantities

18. Marking according to ADR of packages containing dangerous goods in limited quantities was not necessary if the package carried the IMDG Code or ICAO Technical Instructions marking for limited quantities.

19. A problem arose, however, when the IMDG Code or the ICAO Technical Instructions completely exempted these limited quantities from marking or a transport document, since such exemptions were not permitted by ADR. Furthermore, the exemption of 1.1.4.2.1 was not valid for substances of Classes 1 to 8 considered as non-dangerous in the IMDG Code or the ICAO Technical Instructions.

20. The representative of AISE said that where maritime transport was concerned, the container would in any case carry "LIMITED QUANTITIES" markings. It was therefore suggested that these unmarked packages should be accepted for ADR carriage by road when the containers or vehicles carried these markings.

21. The Working Party did not reach a consensus on this issue which could only be settled on the basis of a written proposal.

Excepted quantities and consumer commodities (ICAO)

22. The marking/labelling of packages in accordance with the ICAO Technical Instructions for excepted quantities or consumer commodities could replace ADR marking/labelling, but this exception was not valid for classification and the transport document must contain the particulars prescribed by ADR for the substances in question.

23. The representatives of Norway and Denmark expressed a reservation concerning the acceptance of packages carrying a model No. 9 label in accordance with the ICAO Technical Instructions applicable to consumer commodities for road transport in their countries, since, in the event of an accident, this label would convey erroneous information about the real properties of the goods carried to the emergency services.

24. The representative of the Netherlands expressed a reservation on the adoption of an interpretation relating to excepted quantities and consumer commodities since discussions on the subject were in progress in the United Nations Sub-Committee of Experts. It was pointed out, however, that this work would continue in 2005 and 2006 and that consequently it would not be possible to include in ADR any provision reflecting the Sub-Committee's conclusions before 1 January 2009.

Aquatic pollutants

25. Substances known to meet the criteria of 2.3.5 must be carried in the conditions applicable to UN Nos. 3077 or 3082 prior to or following air transport. This was not in contradiction with the ICAO Technical Instructions which provided for that situation.

26. Packages, containers and tank-containers marked "marine pollutants" in accordance with the IMDG Code prior to or following a maritime transport operation were accepted for carriage by road.

27. A member of the secretariat said that substances known to meet the criteria of 2.3.5 for aquatic pollutants should, prior to or following a maritime transport operation, be carried either according to the conditions of ADR for UN Nos. 3077 or 3082, or according to the IMDG Code for the same entries. In his opinion, a substance that satisfied the existing criteria of 2.3.5 also satisfied the criteria of annex III of the MARPOL Convention and the IMDG Code for marine pollutants, even if the substance was not named as a marine pollutant in the IMDG Code and paragraph 2.10.2.6 of the Code in this case enabled it to be identified as a marine pollutant.

28. The secretariat considered that the last sentence of 1.1.4.2.1 should be simplified so as to apply to all substances of Classes 1 to 9, since in its opinion there were no instances of Class 9 substances that were considered dangerous according to ADR but were not considered dangerous for air or maritime transport. There was, however, no consensus on this question.

29. In view of the numerous problems of interpretation, the representative of Germany recommended the re-establishment of the informal working group which had had a mandate from the RID/ADR/ADN Joint Meeting in the past to deal with problems of documentation in a multimodal transport chain. His recommendation was backed by representatives of industry.

Handling of containers and tank-containers

Informal document: INF.12 (Belgium)

30. The representative of Belgium proposed that it should be confirmed that section 7.5.1 applied to container terminals which should be considered as loading and unloading sites.

31. Several delegations considered that the whole text of section 7.5.1 should be revised in order to include the handling of containers and not only loading and unloading operations. It was also pointed out that these operations could take place outside container terminals.

32. The Working Party decided unanimously that the question of the handling of containers should be dealt with in the context of Chapter 7.5. The representative of Belgium would submit a new proposal for the May 2005 session, taking into account the comments received.

Prevention of theft

Informal document: INF.13 (Germany)

33. The Working Party considered that the intention of the provisions of 1.10.3.3 was that it should not be possible for either the vehicle or the load to be stolen, and that both should be secured. The text of 1.10.3.3 should be corrected to prevent any ambiguity (see ECE/TRANS/175/Corr.1).

Closed vehicles

Informal document: INF.15 (Finland)

34. The existing definition of “closed vehicle” (“véhicule couvert” in French) raised the problem of whether vehicles with non-rigid sides (curtain-siders) should be regarded as closed vehicles or sheeted vehicles. Opinions were divided in this regard, particularly as the parallel definition of a closed container provided for complete, rigid sides.

35. The representative of Finland was asked to prepare a new document in order to make the definition more specific.

36. A member of the secretariat pointed out that, before amending the definitions, it would be advisable to review all cases in which a closed vehicle was prescribed, whether for carriage in bulk or in packages, in order to ascertain precisely what type of body was acceptable.

Enforcement of ADR

Informal document: INF.18 (Finland)

37. The representative of Finland said that the problems she had raised some years previously concerning the interpretation and enforcement of ADR on the territory of the Russian Federation had still not been resolved. Special permits were still demanded for certain substances and vehicle certificates of approval were demanded for vehicles which, according to ADR, did not require them.

38. It was pointed out that the same problems arose on the territories of Ukraine, Belarus and Lithuania.

39. The Working Party recalled that certificates or special permits of this nature were not required under ADR and that such requirements by certain States were not in keeping with their status as Contracting Parties and the ensuing commitment to implement the provisions of ADR on their territories. Such practices constituted major barriers to the development of international trade and transport. They incurred administrative formalities which were not justified from the safety point of view, caused logistical problems for carriers and considerably increased the cost of international transport since the issue of the permits or certificates in question carried a fee, which was tantamount to an arbitrary tax on the transport of dangerous goods.

40. The Chairman recalled that:

(a) ADR vehicle certificates were required only for FL, AT, OX, EX/II and EX/III vehicles;

(b) Permits authorizing carriage were required only when specifically prescribed in Annexes A or B of ADR;

(c) A driver training certificate was not always required, particularly when the quantities carried were below the 1.1.3.6. threshold.

41. The Working Party considered that it was particularly important for international transport to settle these misunderstandings which unnecessarily penalized all the carriers involved.

42. The representative of the Russian Federation said that major administrative reforms were in progress in his country and that every effort would be made to resolve these problems as rapidly as possible.

Definition of “crew member”

Informal document: INF.22 (Poland)

43. Following a general discussion in which several delegations declared themselves in favour of a revision of the provisions concerning the presence on board the vehicle of persons other than the driver, the representative of Poland said that he would submit an official proposal at the next session.

PROPOSALS FOR AMENDMENTS TO ANNEXES A AND B OF ADR

Construction and approval of vehicles

Speed limitation devices

Document: TRANS/WP.15/2004/43 (France)

44. The proposal to fit speed limitation devices to vehicles with a maximum mass exceeding 3.5 tonnes registered for the first time after 31 December 2007 was adopted (see annex).

Technical inspection of type-approved vehicles

Document: TRANS/WP.15/2004/44 (France)

45. The majority of delegations were in favour of the proposal by France to simplify administrative procedures for the approval of complete drawing vehicles for semi-trailers, type-approved and considered as ready for use. The representative of France was requested to prepare a new proposal to take account of comments by delegations.

Permanently energized electrical equipment

Document: TRANS/WP.15/2004/45 (France)

46. The proposal by France to amend 9.2.2.5.1 (b) in order to adapt the classification of permanently energized electrical equipment was not considered necessary since the problem raised was in fact settled by the provisions of 9.7.8.1.

Amendments to ECE Regulation No. 105

Informal document: INF.3 (Secretariat)

47. The Working Party noted that the World Forum for Harmonization of Vehicle Regulations (WP.29) was to adopt amendments to Regulation No. 105 at its November 2004 session in order to bring this Regulation into line with the amendments to ADR entering into force on 1 January 2005.

48. The representatives of France and Portugal expressed regret that they had not been kept informed about this work by their respective colleagues involved in the work of the World Forum (WP.29).

Amendments to ECE Regulation No. 111

Informal document: INF.10 (Secretariat)

49. The Working Party noted that amendments to Regulation No. 111 concerning the stability of tank-vehicles would enter into force in 2006.

50. Several delegations regretted the lack of harmonization in this area. Several Governments did not apply Regulation No. 111 and consequently vehicle manufacturers did not submit their vehicles to the tests it described.

Miscellaneous proposals

Amendments to subsection 1.1.4.2

Document: TRANS/WP.15/2004/38 (FIATA)

51. The proposal by FIATA for a new paragraph 1.1.4.2.2, concerning the marking and placarding of transport units for carriage that included a voyage by sea was adopted with some changes (see annex).

Quantity limits for organic peroxides and self-reactive substances in 7.5.5.3

Document: TRANS/WP.15/2004/40 (CEFIC)

52. Several delegations expressed reservations concerning the proposal to do away with quantity limits in 7.5.5.3; the representative of CEFIC withdrew the proposal.

Arrangements for sale on delivery transport

Document: TRANS/WP.15/2004/41 (Spain)

Informal documents: INF.14 (EIGA), INF.23 (Austria), INF.28 (AEGPL)

53. These documents were a follow-up to the proposal by Spain (TRANS/WP.15/2004/28) discussed at the previous session (TRANS/WP.15/179, paras. 26-28). It was recalled that sale on

delivery operations could give rise to international transport operations between countries of the European Union and that the introduction into Annexes A and B of provisions regulating such practices was therefore legally justified. Additional justification was provided by the application of these Annexes to domestic traffic in the 25 countries of the European Union via Directive 94/55/EC and the European Commission's concern to harmonize the legislation of member States of the European Union and avoid national exceptions.

54. After considering the documents, a drafting group met to prepare an amended text of paragraph 5.4.1.1.1 (h) in which, when the consignee could not be identified at the start of the transport operation, as, for example, in the case of local distribution, the name and address of the carrier could be given in place of those of the consignee.

55. Some delegations were not completely satisfied with this proposal in view of the legal implications which they would like to review. In this case, the carrier would be regarded as the consignee and would take on the consignee's obligations for which Chapter 1.4 provided. According to IRU, when a contract for carriage existed, there could be contradictions with the Convention on the Contract for the International Carriage of Goods by Road (CMR). According to the definitions of ADR, when no contract for carriage existed, the consignee was the enterprise which took charge of the goods on arrival.

56. Some delegations also considered that the question should be settled as a whole. Account should be taken not only of deliveries of gas cylinders but also of petroleum products, and of supplies of fertilizers, pesticides, etc. to farmers.

57. Although the proposal was supported by several delegations, the majority of the Working Party wished to reflect further on these issues and it was decided to come back to them at the next session.

Definition of "bowser" in ADR

Document: TRANS/WP.15/2004/42 (United Kingdom)

58. This document was a follow-up to the discussions at the previous session (see TRANS/WP.15/179, paras. 29 to 31).

59. Some delegations pointed out that the United Kingdom's proposal to permit the carriage of IBCs fixed (but demountable) to a trailer corresponded to practice in several countries. It was not always apparent to them that this practice was not currently permitted under ADR.

60. It was pointed out, however, that according to 7.5.7.3 IBCs should not be opened by the driver or crew members during carriage. They should not therefore be used as tanks during carriage.

61. Some delegations considered that if this use of IBCs were to be permitted, provision should be made for appropriate conditions of carriage to ensure safety, for example, with regard to braking, electrical equipment, the stability of the trailer, closing devices and their protection, driver training, earthing, etc.

62. The representative of the United Kingdom said that she would submit a new proposal at the next session.

Multilateral Special Agreements

Document: TRANS/WP.15/2004/39 (CEPE/AISE/IECC)

Informal document: INF.29 (AISE/IECC)

63. It was pointed out that in the case of carriage according to multilateral or bilateral special agreements, the agreements themselves established the conditions of carriage, including the particulars to be entered in the transport document. In accordance with 1.4.2.1.1 (b), it was the consignor's responsibility to furnish the carrier with the necessary information for the transport operation. The carrier himself had to check for which countries the agreement was valid.

64. For the inspections, the monitoring authorities should be informed about the applicable requirements of ADR, including the special agreements signed by the competent authorities of their country. In addition, the text of the agreements and their status were available on the secretariat's web site, which permitted rapid checking. It was therefore decided that copies of special agreements did not require to be carried on board vehicles and that paragraph 8.1.2.1 (c) should be deleted (see annex).

Inscriptions on tank-vehicles for gases (6.8.3.5.6 (b) and (c))

Informal document: INF.4 (Netherlands)

65. The Working Party noted that, following the restructuring of ADR, the requirements concerning the marking of the permissible maximum mass of the tank load had been amended for tank vehicles. In the event that these changes could lead to practical difficulties, the representative of the Netherlands was requested to submit a proposal for an amendment.

French terminology (“véhicules couverts/véhicules fermés” (closed vehicles))

Informal document: INF.17 (Belgium)

66. In view of the discussion on the definition of “véhicules couverts/véhicules fermés” (closed vehicles) (see paragraphs 34 to 46 above), it was agreed that the proposal by Belgium should be reviewed in the overall context of the definitions of these vehicles.

Subsections 5.4.3.1 and 5.4.3.7

Informal document: INF.25 (Italy)

67. Several delegations considered that the proposal by Italy could cause problems, for example, because a proper shipping name could not be assigned to a group of substances, or because the assignment of one generic set of instructions in writing for a given classification code rather than for a class would mean less flexibility and would not always be justified.

68. The representative of Italy was requested to review his proposal if he considered it necessary in the light of the comments made.

SAFETY OF THE TRANSPORT OF DANGEROUS GOODS IN ROAD TUNNELS

Document: TRANS/WP.15/179/Add.1 (Report of the ad hoc working group)

Informal documents: INF.11 (Secretariat), INF.27 (Sweden)

69. The Working Party considered the report of the ad hoc working group and adopted the amendments proposed as an appendix with some changes (see annex).

70. It was agreed in particular that there was no need to modify the definition of grouping C to include the danger of radiation or radioactive contamination and that infectious substances belonged to grouping E.

71. The representative of Switzerland expressed a reservation concerning the adoption of these new texts on tunnels in ADR.

72. The representative of the Netherlands said that her Government had not yet defined its position on the report of the working group as a whole and that she would possibly come back to the proposed texts at a future session.

73. The Working Party noted the request of the Working Party on Road Safety (WP.1) to keep it informed about the new texts, to submit any specific proposals for the amendment of Consolidated Resolution R.E.2 to it if necessary and to consult it on provisions concerning road signs and signals.

74. The representative of the United Kingdom said that he was willing to submit specific proposals to WP.1 and the secretariat was requested to keep the latter informed. Paragraph 8.6.2 remained in square brackets.

PROGRAMME OF WORK

Standardized risk analysis

Informal documents: INF.5 (Secretariat)
INF.30 (Chairman)

75. The Working Party took note of the discussion of the Joint Meeting at its September 2004 session (TRANS/WP.15/AC.1/96, paras. 67 to 74) in which the RID Committee of Experts had expressed the wish to work on standardized risk analysis along with the Working Party, in the context of the Joint Meeting.

76. It was recalled that the Joint Meeting's mandate was for the time being to bring into line the technical requirements common to RID, ADR and ADN. The work of the RID Committee of Experts was linked to paragraph 1.9.3 of RID, which did not exist in ADR and which dealt with transport restrictions - an issue that was political rather than technical. Several delegations considered that it was not appropriate to include risk analysis in the programme of work.

77. It was also noted that the work undertaken by the RID Committee of Experts appeared to depend on major financial contributions for risk analysis research, and that for the time being the resources were not available.

78. The Chairman said that if the RID Committee of Experts wished the work to be carried out within the Joint Meeting, OTIF should apply officially to UNECE, explaining the objectives, the presumed importance of the work in the context of ADR, the arrangements for work, the calendar and the results expected.

79. With regard to the alignment of Chapter 1.9 of ADR with that of RID, the Chairman submitted a text in informal document INF.30 in reply to the suggestion by OCTI in document TRANS/WP.15/AC.1/2003/71, as he had announced at the last session of the Joint Meeting (TRANS/WP.15/AC.1/96, para. 73).

80. The Working Party considered, however, that although an alignment could be considered in terms of presentation, Chapter 1.9 of RID contained a number of fundamental differences in paragraphs 1.9.1 and 1.9.2, and an additional paragraph 1.9.5, which could not be included in ADR without a duly justified official proposal. It was therefore decided not to take action on the alignment exercise at the current session.

Strategic objectives of the Inland Transport Committee

Informal document: INF.6 (Secretariat)
(TRANS/2004/18 and TRANS/2004/19)

81. The Working Party took note of documents TRANS/2004/18 and TRANS/2004/19 concerning the Committee's strategic objectives, in particular the request to identify the issues that could be added to its programme of work on the basis of the table reproduced in document TRANS/2004/19.

82. The Working Party stressed that its priority in its work had always been, and continued to be, to ensure the safety of the carriage of dangerous goods. In considering questions of safety, the Working Party had always found itself involved in a subsidiary discussion on security issues, since security concerns sometimes went along with safety concerns and sometimes opposed them. The Working Party's work also had a direct effect on transport facilitation on account of the standardization of the rules concerning the three modes for inland transport of dangerous goods, in a geographical context which already went beyond the UNECE region, and in keeping with the rules relating to air and sea transport.

83. In considering the table in document TRANS/2004/19, the Working Party was of the opinion that several of the subjects mentioned were already topical issues in its programme of work:

(a) Development of transport links between Europe and Asia: ADR facilitated the international transport of dangerous goods and several Central Asian countries (Kazakhstan, Azerbaijan) or countries which had common borders with Asian countries (Russian Federation)

were already Contracting Parties. In addition, the Asian countries of the Association of South-East Asian Nations (ASEAN) had already expressed an interest in ADR or had already included its provisions in their national legislation (e.g. Thailand);

(b) Use of telematics and smart transport systems: This should make it possible to improve both safety (vehicle safety, detection of leaks) and security (follow-up of vehicles and containers) in the future;

(c) European integration: Since the European Union had decided to implement Annexes A and B of ADR in domestic traffic and since ADR governed international transport with neighbouring countries, work on ADR was important for European integration and should be reinforced with a view to the harmonization of local conditions of carriage;

(d) Transport security: Provisions had already been included in Chapter 1.10 of ADR and would be updated as appropriate;

(e) Globalization of the economy: ADR was regularly updated on the basis of the United Nations Model Regulations on the Transport of Dangerous Goods so as to bring it into line with the rules applicable to the different transport modes worldwide.

84. The Working Party considered that an addition should accordingly be made to the table in document TRANS/2004/19 by including “(a), (b), (c)” in columns 2, 4, 7 and 9 and “(a)” and “(c)” in column 1.

85. The Working Party considered that it was unnecessary to change the wording of (a), (b) or (c) or activity 02.7 of the programme of work, except that the words “throughout Europe” should be deleted in paragraphs (a) and (c) since ADR and RID already had several non-European Contracting Parties (Central Asia, North Africa, Middle East).

ANY OTHER BUSINESS

Informal document: INF.7/Rev.1 (COLIPA)

86. The Working Party agreed that the European Cosmetic Toiletry and Perfumery Association (COLIPA) could participate in its sessions in an advisory capacity.

ADOPTION OF THE REPORT

87. The Working Party adopted the report of its seventy-seventh session (paras. 1 to 78) and its annex on the basis of a draft prepared by the secretariat. The secretariat was requested to add to the report in order to complete the discussion on the programme of work and on any other business (paras. 79 to 87).

Annex

**DRAFT AMENDMENTS TO ANNEXES A AND B OF ADR ADOPTED
FOR ENTRY INTO FORCE ON 1 JANUARY 2007**

PART 1

Chapter 1.1

Insert a new paragraph 1.1.4.2.2 to read as follows:

- “1.1.4.2.2 Transport units composed of a vehicle or vehicles other than those carrying containers, portable tanks or tank containers as provided for in 1.1.4.2.1 (c), which are not placarded in accordance with the provisions of 5.3.1 of ADR but which are marked and placarded in accordance with Chapter 5.3 of the IMDG Code, shall be accepted for carriage in a transport chain including maritime transport provided that the orange-coloured plate marking provisions of 5.3.2 of ADR are complied with.”

Consequential amendments:

Renumber existing paragraph 1.1.4.2.2 as 1.1.4.2.3.

Delete the note under paragraph 5.3.1.5.2.

(Reference document: TRANS/WP.15/2004/38 as amended)

Chapter 1.9

Add the following paragraphs 1.9.5 to 1.9.5.7:

“1.9.5 Tunnel restrictions

- 1.9.5.1 When applying traffic restrictions to road tunnels in accordance with 1.9.3 (a), Contracting Parties shall indicate such restrictions by means of signs and signals. Road signs and signals are described in the Convention on Road Signs and Signals (Vienna, 1968) and the European Agreement supplementing the Convention on Road Signs and Signals (Geneva, 1971) [as interpreted by the Resolution on Road Signs and Signals (R.E.2) of the UNECE Inland Transport Committee’s Principal Working Party on Road Transport, as amended. (See also Chapter 8.6).]
- 1.9.5.2 Such restrictions shall also be published officially and made publicly available.

- 1.9.5.3 In order to facilitate international understanding of signs, the system of signs and signals prescribed in the Vienna Convention is based on the use of shapes, and colours characteristic of each class of signs and wherever possible, on the use of graphic symbols rather than inscriptions. Where Contracting Parties consider it necessary to modify the signs and symbols prescribed, the modifications made shall not alter their essential characteristics. Where Contracting Parties do not apply the Vienna Convention, the prescribed signs and symbols may be modified, provided that the modifications made shall not alter their essential intent.
- 1.9.5.4 When access to tunnels is restricted to specific groupings as defined in Chapter 2.4, signs shall be displayed with or without additional panels bearing letters B, C or D as appropriate for application in accordance with 8.6.2.
- 1.9.5.5 When Contracting Parties apply specific operating measures designed to reduce the risks and related to some or all vehicles using tunnels, such as declaration before entering or passage in convoys escorted by accompanying vehicles, such operating measures shall be published officially and made publicly available.
- 1.9.5.6 Traffic signs and signals intended to prohibit access of vehicles carrying dangerous goods to road tunnels shall be accompanied with, or preceded by, signs and signals indicating or prescribing alternative itineraries.
- 1.9.5.7 Tunnel restrictions shall not apply to vehicles carrying dangerous goods in accordance with 1.1.3.6."

(Reference document: TRANS/WP.15/179/Add.1, appendix, as amended)

PART 2

Add a new Chapter 2.4 to read as follows:

“CHAPTER 2.4

ROAD TUNNEL CLASSIFICATION OF DANGEROUS GOODS

General provisions

- 2.4.1. For the purpose of passage of vehicles carrying dangerous goods through road tunnels, dangerous goods have been classified into groups which may be restricted in tunnels depending on the possible consequences of accidents to be taken into account on the basis of the tunnel characteristics.
- 2.4.2. The grouping system is based on the assumption that in tunnels there are three major dangers which may cause numerous victims and possibly serious damage to the tunnel structure:
- (a) Explosions;

- (b) Release of toxic gas or volatile toxic liquid;
- (c) Fires.

The groupings are defined as follows, in decreasing order of danger:

Grouping A: Dangerous goods which are prohibited for carriage by ADR;

Grouping B: Dangerous goods which may lead to a very large explosion;

Grouping C: Dangerous goods which may lead to a large explosion or a large toxic release but not to a very large explosion;

Grouping D: Dangerous goods which may lead to a large fire, but not to a very large or large explosion nor to a large toxic release.

Grouping E: Dangerous goods other than those of groupings A, B, C and D and other than UN Nos. 2919, 3291, 3331 and 3373.

NOTE: As a consequence of this danger hierarchy, tunnel restrictions which apply to a given grouping apply also to those groupings which are more dangerous, in accordance with the following table:

Restriction to grouping	Applies also to grouping(s)
A	-
B	A
C	A, B
D	A, B, C
E	A, B, C, D

2.4.3 When dangerous goods of different groupings are carried in the same transport unit, the load shall be assigned to the most dangerous grouping.

2.4.4 Dangerous goods exempted in accordance with 1.1.3.2 to 1.1.3.5 shall not be taken into account in the grouping assignment.

2.4.5 When the quantity carried on board a transport unit is such that the provisions of 1.1.3.6.2 apply, no grouping assignment need be made and the load is not subject to the tunnel restrictions.

2.4.6 Assignment of dangerous goods to these groupings is based on the intrinsic dangerous properties of the dangerous goods carried, the type of containment and the quantity carried per transport unit.

Grouping A

- 2.4.7 All dangerous goods prohibited from carriage in accordance with sections 2.2.X.2 of Part 2 are assigned to grouping A.

Groupings B, C and D

- 2.4.8 Dangerous goods to be classified in groupings B, C or D have been assigned to tunnel codes B, B1000, B1, C, C5000, C1, D or D1 in Column (15) of Table A of Chapter 3.2 as follows:

Grouping B

- B Class 1: Compatibility groups A and L;
 Class 3: Classification code D (UN Nos. 1204, 2059, 3064, 3343, 3357, 3379);
 Class 4.1: Classification codes D or DT;
 Self-reactive substances, type B (UN Nos. 3221, 3222, 3231, 3232);
 Class 5.2: Organic peroxides type B (UN Nos. 3101, 3102, 3111, 3112).

B 1000 Dangerous goods of Divisions 1.1, 1.2 and 1.5 (except compatibility groups A and L), when the total net explosive mass per transport unit is greater than 1,000 kg.

B1 When carried in tanks, dangerous goods of:

- Class 2: Classification codes F, TF and TFC;
 Class 4.2: Packing Group I;
 Class 4.3: Packing Group I;
 Class 5.1: Packing Group I.

Grouping C

Dangerous goods of:

- Class 1: Division 1.1, 1.2, 1.5 (except compatibility groups A and L);
 Class 1: Compatibility groups H and J;
 Class 7: UN Nos. 2977, 2978.

C 5000 Dangerous goods of Division 1.3 (except compatibility groups C and G), when the net explosive mass per transport unit is greater than 5,000 kg.

C1 When carried in tanks, dangerous goods of:

- Class 2: Classification codes T, TC, TO, TOC;
- Class 3: Packing Group I of classification code FC and FTC;
- Class 6.1: Packing Group I of classification codes TF1 and TFC;
- Class 8: Packing Group I of classification code CT1.

Grouping D

D Dangerous goods of:

- Class 2: Classification codes F, FC, T, TC, TP, TFC, TOC;
- Class 4.1: Self-reactive substances, types C, D, E, F, and UN Nos. 2956, 3241, 3242, 3251;
- Class 5.2: Organic peroxides, type C, D, E, F;
- Class 6.1: Packing Group I of classification code TF1 and TFC;
- Class 8: Packing Group I of Classification code CTI;
- Class 9: Classification code M10 (UN 3258).

D1 When carried in bulk or in tanks dangerous goods of:

- Class 3: Packing Group I or II or classification code F2;
- Class 4.2: Packing Group II;
- Class 4.3: Packing Group II;
- Class 6.1: Packing Group I of classification codes TF2 and TW1;
Packing Group II of classification codes TF1, TF2, TFC and TW1;
- Class 8: Packing Group I of classification codes CF1, CFT and CW1;
- Class 9: Classification codes M2 and M3.

Grouping E

2.4.9 All dangerous goods other than those of groupings A to D are assigned to Grouping E, except UN Nos. 2919, 3291, 3331 and 3373.

No assignment

2.4.10 UN 3291 CLINICAL WASTE, UNSPECIFIED, N.O.S. or (BIO)MEDICAL WASTE, N.O.S. or REGULATED MEDICAL WASTE, N.O.S. and UN 3373 DIAGNOSTIC SPECIMENS are not subject to any tunnel restriction and are not assigned to any grouping. UN Nos. 2919 and 3331 are subject to carriage under special arrangement approved by the competent authority.”

(Reference Document: TRANS/WP.15/179/Add.1, appendix, as amended)

PART 3

Chapter 3.2

3.2.1 Explanations for Column (15): Amend to read as follows:

“Transport category/Tunnel code”

Contains at the top of the cell a figure indicating the transport category to which the substance or article is assigned for the purposes of exemption related to quantities carried per transport unit (see 1.1.3.6).

Contains at the bottom of the cell the code(s) (between brackets) to which the substance or article is assigned for the purpose of traffic restrictions in tunnels (see 1.9.5 and Chapters 2.4 and 8.6). When no tunnel group code has been assigned, this is indicated by the mention ‘(-)’.

When two codes are indicated, the applicable one is the one corresponding to the conditions of carriage, e.g. (B1000, C) indicates that the load is in Grouping B if the total net explosive mass on board the transport unit is greater than 1,000 kg, otherwise the load is in grouping C. (C1, D) means that the load is in grouping C if the dangerous goods are carried in tanks, otherwise the load is in grouping D.”

Table A: Amend the heading of Column (15) to read:

“Transport category
(Tunnel code)
 1.1.3.6
 (2.4, 8.6)”.

Table A, Column (15): Add, between brackets, the tunnel code(s) to which the substance or article is assigned in accordance with the criteria of new chapter 2.4, i.e.:

- | | | |
|----------|---|------------|
| Class 1: | Division 1.1 compatibility groups A and L | (B) |
| Class 1: | Division 1.1 compatibility groups B, C, D, E, F, G and J | (B1000, C) |
| Class 1: | Division 1.2 compatibility group L | (B) |
| Class 1: | Division 1.2 compatibility groups B, C, D, E, F, G, H and J | (B1000, C) |

Class 1:	Division 1.3 compatibility group L	(B)
Class 1:	Division 1.3 compatibility groups H and J	(C)
Class 1:	Division 1.3 compatibility groups C and G	(C5000)
Class 1:	Division 1.4	(E)
Class 1:	Division 1.5, compatibility group D	(B1000, C)
Class 1:	Division 1.6	(E)
Class 1:	UN No. 0190	(E)
Class 2:	Classification codes with letters: F, TF, TFC, FC T, TC, TO, TOC A, O	(B1, D) (D) (C1, D) (E)
Class 3:	Classification code D Packing Group I, classification code FC, FTC Packing Groups I and II, classification code F2 Others	(B) (C1, E) (D1, E) (E)
Class 4.1:	Classification codes D and DT UN Nos. 3221, 3222, 3231, 3232 Self-reactive substances, types C, D, E, F UN Nos. 2956, 3241, 3242, 3251 Others	(B) (B) (D) (D) (E)
Class 4.2:	Packing Group I Packing Group II Others	(B1, E) (D1, E) (E)
Class 4.3:	Packing Group I Packing Group II Others	(B1, E) (D1, E) (E)
Class 5.1:	Packing Group I Others	(B1, E) (E)
Class 5.2:	Type B Types C, D, E, F	(B) (D)

Class 6.1:	Packing Group I of classification codes TF1, TFC Packing Group I of classification codes TF2 and TW1 Packing Group II of classification codes TF1, TF2, TFC and TW1 Others	(C1, D) (D1, E) (D1, E) (E)
Class 6.2	UN Nos. 2814 and 2900	(E)
Class 7	UN Nos. 2977, 2978 Others except UN Nos. 2919 and 3331	(C) (E)
Class 8:	Packing Group I of classification code CTI Packing Group I of classification codes CF1, CFT, and CW1 Others	(C1, D) (D1, E) (E)
Class 9:	Classification codes M2, M3 M10 Others	(D1, E) (D) (E)

(Reference Document: TRANS/WP.15/179/Add.1, appendix, as amended)

PART 8

Chapter 8.1

8.1.2.1 (c) Replace current text with “Reserved”.

(Reference Document: TRANS/WP.15/2004/39 and INF.29 as amended)

Chapter 8.6

Add a new Chapter 8.6 to read as follows:

“CHAPTER 8.6

SPECIAL PROVISIONS CONCERNING TRAFFIC RESTRICTIONS IN TUNNELS

8.6.1 In accordance with 1.9.3 (a), Contracting Parties may decide to restrict the circulation of vehicles carrying dangerous goods in tunnels. For this purpose, they may use signs C, 3h and D, 10a, 10b and 10c and signals according to the Vienna Convention on Road Signs and Signals (Vienna, 1968) and the European Agreement supplementing the Convention on Road Signs and Signals (Geneva, 1971) in accordance with 1.9.5.1, or equivalent signs and signals in accordance with 1.9.5.3.

- [8.6.2] The signs prohibiting the access of vehicles to road tunnels or indicating or prescribing alternative itineraries may appear with or without additional panels bearing letters B, C or D. They apply only to vehicles carrying dangerous goods assigned to tunnel codes A, B, C, D or E according to Chapter 2.4 and which are required to bear an orange-coloured plate marking according to 5.3.2, in accordance with the table below:

Sign	Applies to vehicles carrying dangerous goods of
With additional panel bearing the letter "B"	Groupings A and B
With additional panel bearing the letter "C"	Groupings A, B and C
With additional panel bearing the letter "D"	Groupings A, B, C and D
Without additional panel	Groupings A, B, C, D and E

]"

(Reference Document: TRANS/WP.15/179/Add.1, appendix as amended).

PART 9

Chapter 9.2

- 9.2.1 Second indent:

After "31 December 1987", insert "and all motor vehicles with a maximum mass exceeding 3.5 tonnes but not more than 12 tonnes first registered after 31 December 2007."

In the table 9.2.1, under 9.2.5 *Speed limitation device*, column "Comments": Insert ", and all motor vehicles with a maximum mass exceeding 3.5 tonnes but not more than 12 tonnes registered after 31 December 2007" at the end of comment ^(f).

- 9.2.5 Replace "with a maximum mass exceeding 12 tonnes" with "with a maximum mass exceeding 3.5 tonnes".

(Reference Document: TRANS/WP.15/2004/43 as amended).
