ECONOMIC COMMISSION FOR EUROPE

INLAND TRANSPORT COMMITTEE

Working Party on the Transport of Dangerous Goods

REPORT OF THE WORKING PARTY ON ITS
SEVENTY-EIGHTH SESSION
(9-12 May 2005)

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ATTENDANCE

1. The Working Party on the Transport of Dangerous Goods held its seventy-eighth session from 9 to 12 May 2005. Representatives of the following countries took part in its work: Austria; Belgium; Bulgaria; Denmark; Finland; France; Germany; Hungary; Italy; Latvia; Lithuania; Netherlands; Norway; Poland; Portugal; Romania; Russian Federation; Serbia and Montenegro; Slovakia; Slovenia; Spain; Sweden; Switzerland; United Kingdom. The European Community was also represented. The following intergovernmental organization was represented: Danube Commission, along with the following non-governmental organizations: 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 the Body and Trailer Building Industry (CLCCCR); European Association of Automotive Suppliers (CLEPA); 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).

ELECTION OF OFFICERS

2. At the proposal of the representative of Germany, the Working Party re-elected Mr. J.A. Franco (Portugal) as Chairman and Mrs. A. Roumier (France) as Vice-Chairman for 2005.

ADOPTION OF THE AGENDA

3. A representative of the Conference Services Division of the United Nations Office at Geneva distributed a CD-ROM containing all the official pre-session documentation in the three working languages with a search engine. She said that the CD-ROM had been prepared as an experiment and invited delegates to send her their comments by completing a questionnaire (comments could also be sent to the secretariat after the session).

Documents: TRANS/WP.15/182 and -/182/Add.1

4. The Working Party adopted the provisional agenda prepared by the secretariat, as amended by informal documents INF.2 and INF.6 in order to take account of informal documents INF.1 to INF.37.

SIXTY-SEVENTH SESSION OF THE INLAND TRANSPORT COMMITTEE

Document: ECE/TRANS/162 (Report of the Committee on its sixty-seventh session)

Informal document: INF.10 (AISE, CEFIC, CEPE, CLEPA, ECTA, DFMA, FECC, FIATA, IRU)

5. The Working Party took note of the passages of the report concerning its work (paras. 20 and 114 to 124).
6. Noting that the Committee would organize a multidisciplinary round table on security in transport during its 2006 session, the Working Party also took note of the industry security guidelines (informal document INF.10) for the implementation of Chapter 1.10 of ADR concerning the security of the carriage of dangerous goods by road. The representative of the European Commission said that the Commission would translate and publish these industry guidelines.

7. With regard to paragraphs 8 and 9 of the report, the Working Party was informed that a questionnaire had been distributed to the permanent missions of the member States of UNECE in order to enable the Group of Experts on the programme of work of UNECE to assess the latter’s interest in the work of the Commission’s various bodies. The Working Party agreed that it would be helpful, in the context of the work on the reform of UNECE, for each delegation to approach its permanent mission in order to highlight WP.15’s work.

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

**Status of the Agreement**

**Informal document:** INF.28 (Secretariat)

8. The Working Party welcomed the accession of Albania to ADR.

**Informal documents:** INF.3 (Norway)  
INF.4 (Slovakia)  
INF.5 (Germany)  
INF.19 (Romania)  
INF.29 (United Kingdom)

9. The Working Party took note of the information supplied concerning the competent authorities for the implementation of ADR and recalled that detailed notification of the address of the authorities and bodies designated by them which were competent in accordance with national law to implement ADR was a requirement of the Agreement (Annex A, para. 1.8.4). In this respect, the Working Party confirmed that Contracting Parties may comply with the requirement of referring in each case to the relevant requirement of ADR by providing references to the ADR paragraphs concerned or mentioning more generically the requirements concerned without listing all paragraphs.

**Protocol of amendment of 1993**

10. The Working Party regretted that the situation of the Protocol had not improved and that fourteen States still had to take the necessary measures to enable it to enter into force.
Special agreements

Informal document: INF.27 (Secretariat)

11. The Working Party took note of the list of multilateral agreements in force on 6 May 2005. The representative of France said that she would prepare a new agreement to replace agreement M106.

Notifications according to Chapter 1.9

Informal document: INF.19 (Romania)

12. The representative of Romania informed the Working Party that the transport of dangerous goods by night was prohibited in his country from 10 p.m. to 5 a.m., as well as all day long on Saturdays, Sundays and holidays, except for petroleum products of UN Nos. 1202, 1203 and 1223 and liquefied petroleum gas of UN No. 1965, the carriage of which by night, as well as on Saturdays, Sundays and holidays could take place under certain conditions, for example, with an accompanying vehicle with yellow warning lights and under a special permit. For international transport operations, provision was made for simplified conditions for obtaining the permit at border police stations.

13. Several delegates, who had not had prior access to these texts, considered that these restrictions seemed stringent and should not be imposed at least in the case of transport operations exempted under 1.1.3.6.

14. The representative of Romania said that the restrictions did not apply in the case of total or partial exemptions provided for in section 1.1.3.

Notifications according to Chapter 1.8

15. It was recalled that, according to section 1.8.5, Contracting Parties must, if they deemed it necessary, send the secretariat a standard report concerning serious accidents or incidents involving dangerous goods. Since 1 January 2003 when this provision came into force, no reports had been made. It would therefore be useful to consider, in context of the RID/ADR/ADN Joint Meeting, the cases in which these reports should be submitted.

Transport Division web site

Informal document: INF.30 (Secretariat)

16. The Working Party took note of the secretariat’s suggestions to improve the user-friendliness of the web pages concerning ADR and new suggestions were put forward.
Distance training of drivers

Document: TRANS/WP.15/2005/2 (Belgium)

17. The representative of Belgium had raised the question of whether section 8.2 of ADR permitted distance learning for drivers, for example, by means of software.

18. The Working Party pointed out that the existing text did not prohibit such practices but that they had not been envisaged when it was developed. A majority of delegations were not in favour, although some were open to new training methods. Training should be sanctioned by an examination and several delegations pointed out that the planned training courses permitted an interaction and an exchange of experience between drivers and trainers which would no longer exist in individual distance training.

19. The Working Party considered that distance learning should only be accepted in conditions monitored by the competent authority, and that it would be desirable, if this practice were to be accepted, to include appropriate provisions in section 8.2.

Carriage by motor cycle

Document: TRANS/WP.15/2005/7 (United Kingdom)

20. Several delegations confirmed the secretariat’s interpretation that the international carriage of dangerous goods by motor cycle was subject to the conditions of ADR, although this special case was not really taken into account in Annexes A and B and it was consequently not easy to determine exactly what conditions were applicable.

21. This type of transport, however, did not come under European Directive 94/55/EC, and for domestic transport operations in the European Union it was regulated only where national regulations so provided. Similarly, it would no longer be subject to ADR if the Protocol of amendment of 1993 entered into force.

22. Several delegations considered that if this transport mode was going to develop, appropriate conditions should be provided for it.

23. The representative of the United Kingdom said that the issue arose principally for local traffic in her country and that she would envisage an appropriate solution bearing these comments in mind.
24. The Working Party agreed that the provisions applicable as from 1 January 2005 to EX/II and EX/III vehicles were no more restricting than the earlier provisions and that the transitional provision of 1.6.5.8 for these vehicles was not completely appropriate in that it should be possible for vehicles constructed in accordance with the earlier requirements to continue to be used without any time restriction.

25. It was not considered necessary, however, to prepare a corrigendum, since an amendment could be included in the next series of amendments on the basis of a specific new proposal.

**Compliance of vehicles with braking requirements**

Document: TRANS/WP.15/2005/14 (France)

26. The representative of France stressed the difficulties of ensuring the compliance of older vehicles with the braking provisions of ECE Regulation No. 13 as from 2010, as the Regulation had been amended several times since provision of the transitional period, and compliance could be very costly depending on the type of vehicle. She was invited to submit a specific proposal for amendment identifying the minimum requirements of the Regulation with which vehicles would have to comply.

**Use of liquefied petroleum gas (LPG) for the propulsion of vehicles carrying dangerous goods**

Informal document: INF.24 (Sweden)

27. The Working Party said that no provision of ADR prohibited the use of LPG for the propulsion of vehicles carrying dangerous goods, except for EX/II and EX/III vehicles for which a compression-ignition engine was required.

28. Some delegations considered that the provisions in Part 9 concerning fuel tanks for tank-vehicles were not appropriate for vehicles running on LPG.
PROPOSALS FOR AMENDMENTS TO ANNEXES A AND B OF ADR

Miscellaneous proposals

Section 7.5.1: Loading, unloading and handling

Document: TRANS/WP.15/2005/1 (Belgium)

Informal documents: INF.17 (IRU)
                      INF.18 (Belgium)
                      INF.37 (Belgium)

29. The Working Party adopted a new version of section 7.5.1 (see annex).

Instructions in writing (section 5.4.3)

Document: TRANS/WP.15/2005/5 (Italy)

Informal document: INF.20 (Belgium)

30. The Working Party was informed by the representative of FIATA that a joint FIATA/IRU proposal would be submitted at the next session. The representative of Italy, after explaining his proposal, accordingly requested that the subject should be discussed as a whole at the next session. The document by Belgium would also remain on the agenda.

Transport of fireworks (UN No. 0336)

Document: TRANS/WP.15/2005/9 (Austria)

31. The Working Party noted that special provision 651 reiterated the provisions in force in the former ADR, permitting up to 3,000 kg (net explosive content) of fireworks per vehicle to be carried in vehicles which did not meet the requirements for type EX/II or EX/III and 4,000 kg if there was a trailer. The provision did not, however, specify, in the case of transport units with a trailer, whether the load should be distributed between two vehicles. This might permit an interpretation authorizing the carriage of 4,000 kg in a single vehicle of a transport unit comprising a trailer or a semi-trailer.

32. The Working Party considered that this interpretation was not logical from the safety point of view and that while the net explosive content permitted per transport unit could be as much as 4,000 kg, the net explosive content permitted for each vehicle comprised in a transport unit should not exceed 3,000 kg. It therefore adopted an amendment to special provision 651 on the basis of the Austrian proposal which was redrafted during the meeting (see annex).
Marking of the maximum permissible load mass on tank-vehicles carrying gases

Document: TRANS/WP.15/2005/10 (Netherlands)

33. The proposal to extend the requirements of 6.8.3.5.6 (b) and (c) for the marking of the maximum permissible load mass on the tank or on a plate to the carriage of gases in tank-vehicles was adopted (see annex).

34. The representative of Switzerland considered that this amendment was redundant since, in accordance with 6.8.3.5.2 and 6.8.3.5.3, this marking should already appear on the plate prescribed in 6.8.2.5.1.

Definition of “member of a vehicle crew”

Document: TRANS/WP.15/2005/3 (Poland)

Informal documents: INF.21 (IRU)
INF.25 (Belgium)
INF.31 (Secretariat)
INF.35 (Drafting group)

35. The Working Party adopted a definition of the term “member of a vehicle crew” for inclusion in section 1.2.1 (see annex).

Sale on delivery transport

Document: TRANS/WP.15/2005/11 (Spain)

Informal document: INF.34 (Spain)

36. Although the majority of delegations were in favour of seeking a solution within ADR to the problem of sale on delivery transport in which it was not possible to indicate the name of consignee in the transport document because it was not known in advance, it proved impossible to reach a consensus on the proposal by Spain, since several delegations wished to specify in more detail the dangerous goods which could, or could not, be carried in such cases.

37. After lengthy discussions, the representative of Spain withdrew his proposal and said that his Government would settle the problem in the context of national legislation as a derogation to European Directive 94/55/EC.

38. The representative of the European Commission said that it would be desirable to settle problems of this nature within ADR in order to avoid different approaches among European Union countries.
Opening of packages during transport

Document: TRANS/WP.15/2005/13 (United Kingdom)

Informal documents: INF.7 (Norway)
INF.22 (Belgium)

39. The proposal to permit the opening of packages by members of the crew during transport if expressly authorized by the carrier gave rise to various comments which the representative of the United Kingdom noted; she said that she would consider the matter in detail and possibly come back with a new proposal.

Training provisions for drivers employed in the distribution of LPG to consumers

Informal document: INF.12 (AEGPL)

40. The representative of AEGPL said that his organization wished to know the advice of the Working Party on the possibility for its industry to obtain an exemption from the new requirement for the training of drivers of vehicles not exceeding 3.5 tonnes, since it involved a considerable additional cost for training drivers making deliveries.

41. It was pointed out that additional paragraph (4) proposed to special provision S2 of Chapter 8.5 referred to the agreement of the competent authorities and that in this case it would be possible to deal with the issue in the context of a multilateral agreement.

42. Several delegations wished to know how many gas cylinders, according to this proposal, could be carried in a vehicle of less than 3.5 tonnes, and pointed out that the proposed limit of 1,000 kg was three times greater than the limit of 1.1.3.6.

43. Other delegations considered that it was not acceptable to permit a particular sector of industry to benefit from an exemption of that nature which would lead to similar applications for a large number of other products.

Construction and approval of vehicles

Combustion heaters

Document: TRANS/WP.15/2005/4 (France)


45. The Working Party, noting that that an ECE Regulation corresponding to these Directives would be adopted in the near future, decided to refer to it also.
First technical inspection for type-approved vehicles

Document: TRANS/WP.15/2005/6 (France)

Informal documents: INF.26 (United Kingdom)
                   INF.36 (Drafting group)

46. The Working Party adopted amendments to 9.1.2.1 and 9.1.3.1 permitting the competent authority to dispense with the first inspection of a type-approved drawing vehicle for a semi-trailer for which the manufacturer, his duly accredited representative or a body recognized by the competent authority had issued a declaration of conformity with the requirements of Chapter 9.2 (see annex).

Materials used in the vehicle cab

Informal document: INF.8 (Norway)

47. The representative of Norway took note of comments from other delegations concerning fire risks in vehicle cabs, and would possibly submit a new proposal.

ECE Regulation No. 111 (Stability of tank-vehicles)

Informal document: INF.16 (Secretariat)

48. The Working Party noted that Regulation No.111, to which reference was made in 9.7.5.2, had been amended and that these amendments were applicable to the construction of new vehicles as from 4 April 2005.

SAFETY IN ROAD TUNNELS

Documents: TRANS/WP.15/179/Add.1 (Report of the ad hoc working group on the safety of the transport of dangerous goods in road tunnels)
            TRANS/WP.15/181, annex (Report of the Working Party on its 77th session)
            TRANS/WP.1/2005/10 Proposal presented by the United Kingdom to the Working Party on Road Traffic Safety (WP.1) on behalf of WP.15
            TRANS/WP.15/2005/8 (Netherlands)

Informal documents: INF.13 (Report of WP.1)
                     INF.32 (Draft report of the WP.1 Group of legal experts)
                     INF.14(Netherlands)
                     INF.23 (Sweden)

49. The Working Party noted that the WP.1 Group of legal experts had recommended a text for inclusion in the Consolidated Resolution on Road Signs and Signals (R.E.2) pending the next series of amendments 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), based on the texts adopted by the Working Party at its 77th session (TRANS/WP.15/181,
annex). These recommended texts would be submitted to WP.1 at its next session (12-15 September 2005), for adoption.

50. Several delegations felt that it was not necessary in the interpretation of sign C,3h to refer so precisely to paragraphs and sections of ADR.

51. The Working Party discussed the proposals by the Netherlands in TRANS/WP.15/2005/8 concerning the allocation of dangerous goods to groupings.

52. With respect to the allocation of gases of classification codes A and O (non flammable, non toxic) to grouping C, the representative of the Netherlands amended his proposal to limit it to liquefied gases (classification codes 2A and 2O).

53. The Working Party noted that the OECD/PIARC study allocated compressed, liquefied, and refrigerated gases to grouping C when carried in cylinders, and to grouping B when carried in tanks, but this had not been accepted by the Working Party in its previous sessions.

54. The representative of the Netherlands withdrew his proposal in this respect.

55. The Working Party adopted the proposal by the Netherlands to assign substances of Class 3, packing group I, classification codes FT1 and FT2 to grouping C, and UN Nos 3381 to 3390 to grouping D when carried in packagings and to grouping C when carried in tanks (see annex).

56. After discussion, on whether substances of class 3, packing groups I and II, and of classes 4.2 and 4.3, packing group I, carried in packagings should be assigned to grouping D, the representative of the Netherlands said that he did not wish to pursue this debate.

57. Several delegations supported the view of the Netherlands that the text adopted by the Working Party at its last session was too complicated and that it would be preferable to define groups of tunnels rather than groupings of dangerous substances the passage of which through tunnels could be restricted. As a consequence, they supported the view that the restrictions provisions should be placed in Chapter 8.6, intended for carriers, rather than in Chapter 2.4, intended for participants responsible for classification.

58. A member of the secretariat said that the categorization of tunnels, i.e. the decision of whether or not the passage of certain categories of dangerous goods is allowed in certain tunnels, falls under the responsibility of the competent authority, and cannot be regulated under ADR. According to the OECD/PIARC study, the categorization of tunnels does not depend only on the risks presented by the dangerous goods - which can be defined in ADR – but also on the construction characteristics of the tunnels and on other global risk assessment procedures related to traffic considerations which are outside the scope of ADR. He underlined that, according to Chapter 4 of the OECD/PIARC study, the harmonised groupings were groupings of dangerous goods loadings, and not groupings of tunnels. He also underlined that the adoption of this new concept of tunnel categories instead of dangerous goods groupings would imply a revision of the text which was now being proposed to WP.1 by the WP.1 Group of legal experts, for the interpretation of sign C,3h of the Vienna Convention.
59. After discussion, the Working Party agreed in principle with the proposal by the Netherlands, subject to a revision of the proposed text to ensure that the provisions would be legally compatible with the scope of ADR and would not be in conflict with the scope of other international instruments addressing road traffic in general.

60. A member of the secretariat underlined that any new proposal should be accompanied with a new proposal for the interpretation of sign C, 3h of the Vienna Convention to be submitted to WP.1 at its 12-15 September 2005 session, but which would have to be verified again by WP.1 at its March 2006 session together with the texts finally adopted by WP.15 at its November session.

61. As regards the proposal by Sweden in INF.23, the Working Party agreed that the two first proposals could be taken into account in the revised proposal to be submitted by the Netherlands at the next session, and that transitional measures should be provided for.

PROGRAMME OF WORK

62. The main agenda items for the next session will be as follows:
   - Work of the RID/ADR/ADN Joint Meeting;
   - Safety in road tunnels;
   - Proposals for amendments to annexes A and B of ADR;
   - Interpretation of ADR.

ANY OTHER BUSINESS

Informal document: INF.9 (Spain)

63. The Working Party noted that the Government of Spain will be hosting an informal Working Group on the examination of the safety adviser in Madrid from 6 to 7 June 2005.

Tribute to Mr. M.-J. Fokker and to Mrs. J. Marinissen

64. The Working Party was informed that Mr. M.-J. Fokker (Netherlands) would retire immediately after the session. It expressed its deep appreciation for his long and outstanding contribution to its work, in particular in the areas of vehicle and tank construction, and for his spirit of cooperation, and sent him its best wishes for a long and happy retirement.

65. The Working Party, noting that Mrs. J. Marinissen (Netherlands) would leave soon the Dangerous Goods Department of her Ministry, wished also to record its appreciation of her services and expressed its best wishes for a successful career.

ADOPTION OF THE REPORT

66. The Working Party adopted the report on its seventy-eighth session and annexes thereto on the basis of a draft prepared by the secretariat.
Annex

Draft amendments to Annexes A and B of ADR and amendments to the Annex of document TRANS/WP.15/181
(for entry into force on 1 January 2007)

PART 1

Chapter 1.2

1.2.1 Insert the following new definition in alphabetical order:

"Member of a vehicle crew" means a driver or any other person accompanying the driver for safety, security, training or operational reasons."

Consequential amendments:

Amend 1.10.1.4 to read as follows:

"1.10.1.4 Each member of a vehicle crew shall carry with them means of identification, which includes their photograph, during carriage of dangerous goods."

7.5.7.3 Replace "The driver or any other member of the crew" with "Members of the vehicle crew".

7.5.11 In CV33 (1) (1.3), replace "the driver and the other members of the crew" with "members of the vehicle crew".

8.1.2.1 (d) Replace "each crew member" with "each member of the vehicle crew".

8.3.1 The amendment does not apply to the English version.

8.3.2 Replace "The crew of the vehicle" with "Members of the vehicle crew".

(Ref. Doc.: TRANS/WP.15/2005/3 as amended by informal document INF.35)
PART 3

Chapter 3.3

3.3 **SP 651** Amend to read as follows:

"Special Provision V2 (1) does not apply if the net explosive mass per transport unit does not exceed 4000 kg, provided that the net explosive mass per vehicle does not exceed 3000 kg."

*(Ref. Doc.: TRANS/WP.15/2005/9 as amended by informal document INF.33)*

PART 6

Chapter 6.8

6.8.3.5.6 (b) and (c) Delete the dividing line between the left and right hand column and expand the text over the full width of the page.

*(Ref. Doc.: TRANS/WP.15/2005/10)*

PART 7

Chapter 7.5

7.5.1 Add a note under the title to read as follows:

"NOTE: Within the meaning of this section, placing a container, bulk-container, tank-container or portable tank onto a vehicle is considered as loading, and removing it is considered as unloading."

7.5.1.1 and 7.5.1.2 Amend to read as follows:

"7.5.1.1 The vehicle and its driver, as well as the large container(s), bulk-container(s), tank-container(s) or portable tank(s) if any, shall comply with the regulatory provisions (especially those concerning safety, security, cleanliness and satisfactory operation of the equipment used in loading and unloading) upon arrival at the loading and unloading sites, which include container terminals.

7.5.1.2 The loading shall not be carried out if:

- an examination of the documents; or
- a visual inspection of the vehicle or of the large container(s), bulk-container(s), tank-container(s) or portable tank(s) if any, as well as of their equipment used in loading and unloading,
shows that the vehicle, the driver, a large container, a bulk-container, a tank-
container, a portable tank or their equipment do not comply with the regulatory
provisions.".

7.5.1.3 Insert "or the security" after "the safety".

(Ref. Doc.: TRANS/WP.15/2005/1 as amended by informal document INF.37)

PART 9

Chapter 9.1

9.1.2.1 Insert a new third paragraph to read as follows:

"The competent authority may waive the first inspection for a tractor for a semi
trailer type-approved in accordance with 9.1.2.2 for which the manufacturer, his
duly accredited representative or a body recognised by the competent authority
has issued a declaration of conformity with the requirements of Chapter 9.2.".

9.1.3.1 Add "or has resulted in the issue of a declaration of conformity with the
requirements of Chapter 9.2 in accordance with 9.1.2.1", at the end, after
"satisfactory results".

(Ref. Doc.: TRANS/WP.15/2005/6 as amended by informal document INF.36)

Chapter 9.2

9.2.4.7.1 Replace "of Directive 2001/56/EC5" with "of ECE Regulation No [to be

Insert a new footnote 5 to read as follows:

"5 [To be completed – Refer to TRANS/WP.29/2004/22 and -/Corr.1 or to
TRANS/WP.29/GRSG/2005/11, annex 4]".

Renumber existing footnote 5 and following footnotes accordingly.

(Ref. Doc.: TRANS/WP.15/2005/4)

Amendments to the Annex of document TRANS/WP.15/181

2.4.6 Under C1:

For Class 3, replace "FC and FTC" with "FC, FT1, FT2 and FTC".
For Class 6.1, replace "and TFC" with ", TFC and UN Nos. 3381, 3382 and 3385 to 3390.

Under D:

For Class 6.1, replace "and TFC" with ", TFC and UN Nos. 3381, 3382 and 3385 to 3390.

**Consequential amendment:**

In 3.2.1, Table A, Column (15), add, between brackets, the following tunnel code(s):

For goods of Class 3, Packing Group I, classification codes FT1 and FT2: (C1, E)
For goods of Class 6.1, UN Nos. 3381, 3382 and 3385 to 3390: (C1, D).

*(Ref. Doc.: TRANS/WP.15/2005/8)*