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(Bern, 7-11 March 2005)

**NEW PROPOSALS OF AMENDMENTS TO RID/ADR/ADN**

**Chapter 1.5: Derogations**

**Transmitted by the Government of Poland \*/**

SUMMARY

Executive summary: The objective of the proposal is to remove the limitation for special agreements which is included in subsections 1.5.1.1 of RID/ADR/ADN and to harmonize the relevant texts.

Action to be taken: To amend sections 1.5.1 of RID/ADR/ADN.

Related documents: -

**Introduction**

Existing provisions for special agreements in sections 1.5.1 of RID/ADR/ADN require to limit the agreements to those made “for the purpose of adapting the requirements (of RID/ADR/ADN) to technological and industrial developments”, while there are no such limitations in the relevant basic rules, i.e. in Article 5 § 2 of the CIM Uniform Rules [Article 2 of Appendix C of COTIF], in Article 4, paragraph 3 of ADR and in Article 7, paragraph 1 of ADN.

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\*/ Circulated by the Central Office for International Carriage by Rail (OCTI) under the symbol OCTI/RID/GT-III/2005/15.

As a result of the limitation concerned, a competent authority may face legal problems to sign an agreement which is needed from a practical point of view but is not done for the purpose mentioned (a good example could be a special agreement necessary to amend provisions 5.4.1.1.6.1 of RID/ADR/ADR - see para. 28 of document TRANS/WP.15/AC.1/96 (OCTI/RID/GT-III/2004-A)).

The proposal given below removes the limitation for special agreements and harmonizes the relevant texts of RID/ADR/ADN.

### **Proposal**

Amend the first sentence of 1.5.1.1 **RID/ADR/ADN** to read :

#### **RID:**

“1.5.1.1 ~~For the purpose of adapting the requirements of RID to technological and industrial developments,~~ The competent authorities of the Member States may agree directly among themselves to authorize certain transport operations in their territories by temporary derogation from the requirements of RID, provided that safety is not compromised thereby.” *(The rest remains unchanged.)*

#### **ADR:**

“1.5.1.1 **In accordance with Article 4, paragraph 3 of ADR,** ~~For the purpose of adapting the requirements of RID to technological and industrial developments,~~ the competent authorities of the Contracting Parties may agree directly among themselves to authorize certain transport operations in their territories by temporary derogation from the requirements of ADR, provided that safety is not compromised thereby.” *(The rest remains unchanged.)*

#### **ADN:**

“1.5.1.1 In accordance with Article 7, paragraph 1 of ADN, ~~for the purpose of adapting the requirements of the annexed Regulations to technological and industrial developments,~~ the competent authorities of the Contracting Parties may agree directly among themselves to authorize certain transport operations in their territories by temporary derogation from the requirements of ADN, provided that safety is not compromised thereby.” *(The rest remains unchanged.)*

### **Justification**

Safety: No problems foreseen.

Feasibility: No problems foreseen.

Enforceability: No problems foreseen.