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Working Party on the Transport of Dangerous Goods

**REPORT OF THE WORKING PARTY ON ITS EIGHTY-FIFTH SESSION
(28-30 October 2008)**

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I. ATTENDANCE

1. The Working Party on the Transport of Dangerous Goods held its eighty-fifth session from 28 to 30 October 2008, with Mr. J. A. Franco (Portugal) as Chair and Ms. A. Roumier (France) as Vice-Chair. Representatives from the following countries took part in the session: Austria, Belgium, Czech Republic, Denmark, Estonia, Finland, France, Germany, Hungary, Ireland, Italy, Latvia, Lithuania, Netherlands, Norway, Poland, Portugal, Romania, Russian Federation, Slovakia, Slovenia, Spain, Sweden, Switzerland and United Kingdom. The European Commission was represented. The following non-governmental organizations were represented: European Chemical Industry Council (CEFIC), European Liquefied Petroleum Gas Association (AEGPL), International Federation of Freight Forwarders Associations (FIATA), International Organization of Motor Vehicle Manufacturers (OICA), International Road Transport Union (IRU) and International Association of the Body and Trailer Building Industry (CLCCR).

II. ADOPTION OF THE AGENDA (agenda item 1)

Documents: ECE/TRANS/WP.15/198 and Add.1

Informal documents: INF.1, INF.2, INF.5 and INF.11 (Secretariat)

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.22.

III. STATUS OF THE EUROPEAN AGREEMENT CONCERNING THE INTERNATIONAL CARRIAGE OF DANGEROUS GOODS BY ROAD (ADR) AND RELATED ISSUES (agenda item 2)

A. Status of the agreement

Informal document: INF.18 (Secretariat)

3. The Working Party welcomed the accession of Tunisia to ADR.

Informal document: INF.20 (Secretariat)

4. The Working Party noted that the amendments adopted in the last two years (ECE/TRANS/WP.15/195, Add.1 and Corr.1) had been proposed to the Contracting Parties by the Government of Portugal, and were deemed adopted for entry into force on 1 January 2009 (depository notifications C.N.461.2008.TREATIES-1 of 1 July 2008 and C.N.749.2008.TREATIES-1 of 13 October 2008).

B. Protocol of amendment of 1993

Informal document: INF.19 (Secretariat)

5. The Working Party noted with satisfaction that Germany had ratified the Protocol. There were however still 12 countries that had not deposited the appropriate legal instrument

(Azerbaijan, Belarus, Bosnia and Herzegovina, Croatia, Kazakhstan, Malta, Montenegro, Morocco, Serbia, the former Yugoslav Republic of Macedonia, Tunisia, Ukraine), which was preventing the instrument from entering into force.

6. The Working Party invited the future new Contracting Parties to ADR to ratify at the same time the Protocol of amendment of 1993.

IV. INTERPRETATION OF ADR (agenda item 3)

Informal document: INF.8 (Sweden)

7. Most delegations confirmed that, in accordance with the second sentence of 5.4.1.1.1 (k), applicable as from 1 January 2009, there was no obligation to enter the tunnel restriction code in the transport document when the vehicle did not use a tunnel subject to restrictions according to 1.9.5 of ADR. Similarly, such information was not mandatory for transport carried out in countries continuing to apply, during the transitional period established in 1.6.1.12, restrictions different than those in 1.9.5.

8. The Working Party furthermore agreed that it would be necessary at its next session to hold a discussion to take stock of progress made in the classification of tunnels in categories in accordance with 1.9.5 in the Contracting Parties.

V. WORK OF THE RID/ADR/ADN JOINT MEETING (agenda item 4)

Documents: ECE/TRANS/WP.15/AC.1/110 (annex II) and
ECE/TRANS/WP.15/AC.1/112 (annex II) (Amendments adopted by the
Joint Meeting at its March 2008 and September 2008 sessions)

Informal document: INF.12 (Secretariat)

9. The Working Party approved the amendments adopted by the Joint Meeting (see annex II).

10. The amendments to 6.8.2.6 were adopted for entry into force on 1 July 2009 (see annex I).

VI. PROPOSALS FOR AMENDMENTS TO ANNEXES A AND B OF ADR (agenda item 5)

A. Miscellaneous proposals

1. Draft amendments for entry into force on 1 July 2009

Scope of 6.8.3.4.6 (a)

Document: ECE/TRANS/WP.15/2008/16 (Secretariat)

11. The proposal to delete the reference to UN No. 1067 in 6.8.3.4.6 (a) was adopted (see annex I).

2. Draft amendments for entry into force on 1 January 2011

Clarification of maximum quantity per transport unit under 7.5.5.3

Informal document: INF.7 (CEFIC)

12. Several delegations considered that the maximum quantity authorized per single transport unit under subsection 7.5.5.3 referred to the net mass of dangerous goods. There was no consensus on this interpretation, however.

13. The representative of CEFIC said he would propose an amendment clarifying the text at the next session.

Inclusion of environmentally hazardous substances in the instructions in writing

Informal document: INF.9 (Sweden)

14. Some delegations supported Sweden's proposal to introduce additional indications for substances bearing the "environmentally hazardous substance" mark as shown in 5.2.1.8.3 in the table on the second and third pages of the model for instructions in writing under 5.4.3.4.

15. Other delegations considered that such additional indications were already covered by the ninth indent under "Actions in the event of an accident or emergency", on the first page of the model of instructions in writing, and that it would not be desirable to make the instructions more unwieldy by additional indications that are not necessary for the driver's safety.

16. Some delegations also found the proposal premature, not least in light of the transitional provision under 1.6.1.17.

17. The representative of Sweden said she could submit a proposal for amendment at a later date.

Mobile explosives manufacturing units (MEMUs)

Document: ECE/TRANS/WP.15/2008/11 (France)

18. The Working Party adopted the proposal by France to amend the transitional measure under 1.6.5.11 (see annex I).

19. The representative of France was requested to propose a multilateral agreement, to cover the period preceding the expected entry into force of this amendment (1 July 2009).

Document: ECE/TRANS/WP.15/2008/13 (Switzerland)

20. It was recalled that the intention of the second part of 5.3.1.4.3 was to indicate the nature of the danger presented by the packages contained in the special compartments of MEMUs, including packages containing 1.4S substances and articles.

21. Accordingly, the representative of Switzerland withdrew his proposal to delete the last sentence of 5.3.1.4.3.

Document: ECE/TRANS/WP.15/2008/14 (Switzerland)

22. The majority of the delegations considering that the conformity to the provisions of Chapter 6.8 is already adequately required in Chapter 6.12, the proposal from Switzerland, put to the vote, was not adopted.

Driver training certificate

Informal documents: INF.4 (Portugal/IRU)
INF.6 (United Kingdom)
INF.13 (Sweden)

23. The representative of the United Kingdom indicated that he intended to present a proposal for the revision of Chapter 8.2 at the next session. This proposal will include in particular a model of harmonized training certificate.

24. The representative of IRU urged the Working Party to adopt a model of harmonized training certificate as soon as possible for entry into force on 1 January 2011.

25. The representatives of IRU and Portugal announced that they intended to participate in the work initiated by the United Kingdom. The other delegations who wished to do so were invited to contact the representative of the United Kingdom.

26. The Working Party agreed to come back to the issue at its next session.

B. Construction and approval of vehicles

1. Flammable vapour explosion protection

Document: ECE/TRANS/WP.15/2008/5 (Germany)

27. As agreed at the previous session, an editorial group met on 23 and 24 June 2008. The representative of Germany will present a revised proposal at the next session taking into account the changes suggested by the editorial group.

28. The editorial group had wondered about the scope of the provisions of the second paragraph of 9.7.8.1 vis-à-vis those of 9.2.2.5.1 (b) in the current version of ADR, and the representative of Germany invited any delegations that so wished to forward him their interpretations of that paragraph.

2. Electrical connections according to 9.2.2.6.3

Document: ECE/TRANS/WP.15/2008/12 (France)

29. The Working Party adopted amendments to 9.2.2.6.3 as adopted at the previous session, and a new transitional measure for the use of existing vehicles in accordance with the proposal from France, as amended (see annex II).

C. Corrections to ADR 2009

Document: ECE/TRANS/WP.15/2008/15 (Switzerland)

Informal documents: INF.15 (Spain)
INF.16 (Secretariat)

30. The correction to the French text of 6.12.2.1 proposed by Switzerland was adopted.

31. The Working Party noted that the RID/ADR/ADN Joint Meeting had detected a typographical error and the omission of a consequential amendment in the amendment relating to paragraph (11) of packing instruction P200 of 4.1.4.1, applicable as from 1 January 2009.

32. The Working Party also noted an error in the French version of 6.2.3.3.3.

33. The secretariat also reported that editorial changes were needed in the text of the standard instructions in writing in 5.4.3.4, applicable as from 1 January 2009.

34. The Working Party confirmed that these errors should be corrected and asked the secretariat to submit the corrections to the Contracting Parties in accordance with the legal procedure (see annex III).

VII. ISSUES RELATED TO SECURITY (agenda item 6)

Informal documents: INF.14 (European Commission)
INF.22 (Chairman)

35. The Working Party noted that the report of the European Commission study on the application and suitability of the security requirements for the three land transport modes would be finalized in November in order to be presented to the European Commission's Transport of Dangerous Goods Committee on 15 December 2008. The conclusions of this Committee will be presented to the Working Party at its next session.

36. The Chairman presented an evaluation questionnaire prepared on the basis of the questionnaire that was submitted to the European Union and European Economic Area countries for this study. He said that he would send this questionnaire to Contracting Parties to ADR that were not members of the European Union nor of the European Economic Area so as to complete the European Commission study for all the Contracting Parties to ADR.

VIII. BIENNIAL EVALUATION FOR THE 2008-2009 BIENNIUM (agenda item 7)

Informal document: INF.21 (Secretariat)

37. As agreed at the previous session, the secretariat sent a questionnaire to the Contracting Parties to ADR to determine the availability of data that could be used to evaluate the work of the Working Party, and to collect any such data.

38. The completed questionnaire was returned by 16 countries. The Working Party asked the other countries to return the completed, or even partially completed, questionnaire by 31 December 2008.

39. The secretariat will forward a summary of the replies received to the Chair for information of the Inland Transport Committee (ITC).

40. Several delegations reported a problem with the interpretation of question 3.1 of the questionnaire, on vehicle certificates of approval. The secretariat was asked to reword the question.

41. The representatives of Switzerland and Germany said that some of the data requested was difficult to collect in federal States.

42. The representative of Belgium indicated that, the safety adviser having a key position in the transport of dangerous goods chain, it would be useful to have a centralised data base of the undertakings appointing a safety adviser.

43. Several delegations said that statistics and studies on accidents involving road transport of dangerous goods would be better indicators of the success of the work of the Working Party.

44. The Working Party nevertheless agreed that, to begin with, it was important to send ITC quantifiable data on the application of the provisions of ADR on the ground over a given period.

45. The Working Party will be informed in due course of the outcome of the discussions in ITC on this subject.

IX. PROGRAMME OF WORK (agenda item 8)

Document: ECE/TRANS/2008/11

46. The Working Party confirmed that the programme of work for 2008-2012, as set out under item 02.7 of the programme of work of the Inland Transport Committee, did not require modification.

47. The agenda for the next session would include the following items:

- Seventy-first session of the Inland Transport Committee
- Status and interpretation of ADR
- Proposals for amendments to annexes A and B of ADR
- Work of the RID/ADR/ADN Joint Meeting
- Security issues
- Restrictions for the circulation in road tunnels
- Any other business.

X. ANY OTHER BUSINESS (agenda item 9)

A. Translation of the instructions in writing

Informal document: INF.10 (United Kingdom)

48. In accordance with the proposal of the United Kingdom, the Working Party agreed that the Contracting Parties to ADR should send their official translations of the standard instructions in writing set forth in 5.4.3.4 to the secretariat as soon as possible for circulation via the ECE website.

B. Tank-vehicle fires

Informal document: INF.3 (Netherlands)

49. The Working Party noted that the Netherlands had submitted a report on tank-vehicle fires to the Working Party on General Safety Provisions (GRSG) of the World Forum for Harmonization of Vehicle Regulations (WP.29). The Working Party will be informed of the outcome of discussions on that document.

C. Standard EN 3-7:2004+A1:2007

Informal document: INF.17 (Secretariat)

50. The Working Party noted that CEN had transmitted a copy of standard EN 3-7:2004 + A1:2007 to the secretariat.

51. The representative of Sweden said that she would submit a new proposal to replace the standards referred to in 8.1.4.3 by standard EN 3-7:2004 + A1:2007 at the next session.

D. General guidelines for the calculation of risks

Document: ECE/TRANS/WP.15/2008/6 (Germany)

52. Since no comments had been transmitted to the representative of Germany on the wording of the general guideline for the calculation of risks submitted at the previous session, the Working Party confirmed the adoption of a non-binding reference to the Guidelines, to be included in ADR (see annex II).

53. These Guidelines will be published on the ECE website on 1 January 2011, as set forth in the annex to document ECE/TRANS/WP.15/2008/6, with one amendment in the last paragraph of Chapter 1.1 (Background) where the last sentence should read "The subject of this guideline is rather the scope of application for transport restrictions according to 1.9.3 (a), (b) and (d) of ADR."

E. Draft amendments to Annexes A and B of ADR for entry into force on 1 July 2009

54. Following usual practice, the Chair will be responsible for transmitting to the depositary, through his Government, the amendments to 6.8.2.6 and 6.8.3.4.6 adopted for entry into force on 1 July 2009, in accordance with the procedure set out in article 14 of ADR. The notification will have to be issued no later than 1 January 2009, with a reference to 1 July 2009 as the scheduled date of entry into force.

F. Tribute

55. The Working Party noted that Mr. Claude Renard would no longer be taking part in its work and paid tribute to its much appreciated contribution to its work during twenty-eight years. The Working Party joined the Chairman to wish him the best for the future.

XI. ÉLECTION DU BUREAU (agenda item 10)

56. On the proposal of the representative of Germany, the Working Party re-elected Mr. J. A. Franco (Portugal) as Chairperson and Ms. A. Roumier (France) as Vice-Chairperson for 2009.

XII. ADOPTION OF THE REPORT (agenda item 11)

57. The Working Party adopted the report of its eighty-fifth session and its annexes on the basis of the draft prepared by the secretariat.

Annex IDraft amendments to Annexes A and B of ADR adopted by the
Working Party for entry into force on 1 July 2009**PART 1****Chapter 1.6**

1.6.5.11 At the beginning, replace "before 1 January 2009" with "before 1 July 2009".

(Ref. Doc.: ECE/TRANS/WP.15/2008/11)

PART 6**Chapter 6.8**

6.8.2.6 In the Table, under "*For tanks with a maximum working pressure not exceeding 50 kPa and intended for the carriage of substances for which a tank code with the letter "G" is given in column (12) of Table A of Chapter 3.2*" and under "*For tanks intended for the carriage of liquid petroleum products and other dangerous substances of Class 3 which have a vapour pressure not exceeding 110 kPa at 50 °C and petrol, and which have no toxic or corrosive subsidiary hazard*", replace the entry for "EN 13094:2004" with the two following entries:

| (1) | (2) | (3) | (4) | (5) |
|---------|---------------|---|---------------------------|---|
| 6.8.2.1 | EN 13094:2004 | Tanks for the transport of dangerous goods - Metallic tanks with a working pressure not exceeding 0.5 bar - Design and construction | | Between 1 January 2005 and 31 December 2009 |
| 6.8.2.1 | EN 13094:2008 | Tanks for the transport of dangerous goods - Metallic tanks with a working pressure not exceeding 0.5 bar - Design and construction | As from 1 January 2010 | Before 1 January 2010 |

(Ref. Doc.: ECE/TRANS/WP.15/AC.1/112, annex II, item A)

6.8.3.4.6 (a) Delete ", UN No. 1067 dinitrogen tetroxide (nitrogen dioxide)".

(Ref. Doc.: ECE/TRANS/WP.15/2008/16)

Annex II

Draft amendments to Annexes A and B of ADR adopted by the Working Party for entry into force on 1 January 2011

Part 1

Chapter 1.1

1.1.3.1 (d) Amend the text before the indents to read as follows:

"The carriage undertaken by the competent authorities for the emergency response or under their supervision, insofar as such carriage is necessary in relation to the emergency response, in particular carriage undertaken:".

In the last indent, replace "a safe place" with "the nearest appropriate safe place".

(Ref. Doc.: ECE/TRANS/WP.15/AC.1/112, annex II, item B)

Chapter 1.2

1.2.1 Amend the definition for "*Gas cartridge*" to read as follows:

"*Gas cartridge*", see "*Small receptacle containing gas*";".

Amend the definition for "*Small receptacle containing gas*" to read as follows:

"*Small receptacle containing gas (gas cartridge)*" means a non-refillable receptacle meeting the relevant requirements of 6.2.6 containing, under pressure, a gas or a mixture of gases. It may be fitted with a valve;".

(Ref. Doc.: ECE/TRANS/WP.15/AC.1/110, annex II, item B)

Chapter 1.6

1.6.3 Add the following new transitional measure:

"1.6.3.36 Fixed tanks (tank-vehicles) intended for the carriage of liquefied non-toxic flammable gases constructed before 1 July 2011 and which are equipped with non-return valves instead of internal stop-valves and which do not conform to the requirements of 6.8.3.2.3, may still be used.".

(Ref. Doc.: ECE/TRANS/WP.15/AC.1/112, annex II, item B)

1.6.5 Add the following new transitional measure:

"1.6.5.12 EX/III and FL vehicles registered or entering into service before 1 July 2011, the electrical connections of which do not comply with the requirements of 9.2.2.6.3, but comply with the requirements applicable until 31 December 2010, may still be used."

(Ref. Doc.: ECE/TRANS/WP.15/2008/12)

Chapter 1.10

Table 1.10.5 In the third column, for Class 6.2, amend the text in parentheses to read "(UN Nos. 2814 and 2900, except for animal material)".

(Ref. Doc.: ECE/TRANS/WP.15/AC.1/110, annex II, item B)

Part 3

Chapter 3.2

Table A

For UN No. 1002, insert "655" in column (6).

For UN No. 1066, insert "653" in column (6).

For UN Nos. 1353, 1373, 1389, 1390, 1391 (both entries), 1392, 1393, 1421, 1477 (PG II and III), 1481 (PG II and III), 1483 (PG II and III), 1740 (PG II and III), 2430 (PG I, II and III), 2583, 2584, 2585, 2586, 2837 (PG II and III), 2985, 2986, 2987, 2988, 3089 (PG II and III), 3145 (PG I, II and III), 3167, 3168, 3169, 3211 (PG II and III), 3215, 3216, 3218 (PG II and III), 3401 and 3402, delete "274" in column (6).

(Ref. Doc.: ECE/TRANS/WP.15/AC.1/110, annex II, item B)

Chapter 3.3

SP 653 Amend the beginning to read as follows:

"The carriage of this gas in cylinders having a test pressure capacity product of maximum 15 MPa.litre (150 bar.litre) is not subject ...".

In the fifth indent, replace "marked with "UN 1013"" with "marked with "UN 1013" for carbon dioxide or "UN 1066" for nitrogen, compressed".

(Ref. Doc.: ECE/TRANS/WP.15/AC.1/110, annex II, item B)

Add a new special provision 655 to read as follows:

"655 Cylinders and their closures designed, constructed, approved and marked in accordance with Directive 97/23/EC* and used for breathing apparatus may be carried without conforming to Chapter 6.2, provided that they are subject to inspections and tests specified in 6.2.1.6.1 and the interval between tests specified in packing instruction P200 in 4.1.4.1 is not exceeded. The pressure used for the hydraulic pressure test is the pressure marked on the cylinder in accordance with Directive 97/23/EC."

(Ref. Doc.: ECE/TRANS/WP.15/AC.1/112, annex II, item B)

Chapter 3.4

3.4.9 Amend to read as follows:

"3.4.9 In advance of carriage, consignors of dangerous goods packed in limited quantities shall inform the carrier of the total gross mass of such goods to be consigned.

***NOTE:** If markings according to 3.4.13 are displayed on the transport unit or container, information regarding the total gross mass is not required."*

(Ref. Doc.: ECE/TRANS/WP.15/AC.1/112, annex II, item B)

Part 6

Chapter 6.8

6.8.2.1.18 In footnote 3, at the end, add the following new sentence: "'Mild steel" in this case also covers a steel referred to in EN material standards as "mild steel", with a minimum tensile strength between 360 N/mm² and 490 N/mm² and a minimum elongation at fracture conforming to 6.8.2.1.12."

(Ref. Doc.: ECE/TRANS/WP.15/AC.1/112, annex II, item B)

6.8.3.2.3 Amend to read as follows:

"6.8.3.2.3 The internal stop-valve of all filling and all discharge openings of tanks

| with a capacity greater than 1 m³

* *Directive 97/23/EC of the European Parliament and of the Council of 29 May 1997 on the approximation of the laws of the Member States concerning pressure equipment (PED) (Official Journal of the European Communities No. L 181 of 9 July 1997, p. 1 - 55).*

intended for the carriage of liquefied flammable and/or toxic gases shall be instant-closing and shall close automatically in the event of an unintended movement of the tank or in the event of fire. It shall also be possible to operate the internal stop-valve by remote control.

However on tanks intended for the carriage of liquefied non-toxic flammable gases, the internal stop-valve with remote control may be replaced by a non-return valve for filling openings into the vapour phase of the tank only. The non-return valve shall be positioned internally in the tank, be spring loaded so that the valve is closed if the pressure in the filling line is equal to or lower than the pressure in the tank and be equipped with appropriate sealing**.

(Ref. Doc.: ECE/TRANS/WP.15/AC.1/112, annex II, item B)

Part 9

Chapter 9.2

9.2.2.6.3 Amend the last sentence to read as follows: "Connections shall be in conformity with ISO 12098:2004 and ISO 7638:2003, as appropriate."

(Replaces the amendment to 9.2.2.6.3 in annex to document ECE/TRANS/WP.15/197)

(Ref. Doc.: ECE/TRANS/WP.15/2008/12 as amended)

Document ECE/TRANS/WP.15/197

In the annex, amendment to 1.9.4, delete the square brackets and in the English text, replace "The General Guideline" with "A General Guideline".

(Ref. Doc.: ECE/TRANS/WP.15/2008/12)

** *The use of metal to metal sealing is not permitted.*

Annex III

Corrections to Annex A of ADR as modified by the amendments entering into force on 1 January 2009 (Depository notification C.N. 749.2008. TREATIES-1)

1. 4.1.4.1, packing instruction P200, paragraph 11), table, fifth row

For

| | | |
|------------------------|---|--|
| (7) and (10) ta (b) | EN 1439:2008 (except 3.5 and Annex C) | LPG equipment and accessories -Transportable refillable welded and brazed steel Liquefied Petroleum Gas (LPG) cylinders - Procedures for checking before, during and after filling |
|------------------------|---|--|

Read

| | | |
|------------------------|---|--|
| (7) and (10) ta (b) | EN 1439:2008 (except 3.5 and Annex G) | LPG equipment and accessories – Procedures for checking LPG cylinders before, during and after filling |
|------------------------|---|--|

Reasoning: In the second column, correction of a typographical error. In the third column, the title of the standard shall be corrected because the current title refers to the previous version of the standard.

2. 4.7.2.5

For 9.8.9 read 9.8.8

3. to 8. 5.4.3.4 Model of instructions in writing, second page

(The corrections do not concern the English version)

9. 5.4.3.4 Model of instructions in writing, fourth page, first sentence after the heading

For an board read on board

Reasoning: correction of a typographical error.

10. 6.2.3.3.3 c)

(The correction does not concern the English version)
