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Inland Transport Committee

Working Party on the Transport of Dangerous Goods

Report of the Working Party on its ninety-second session

held in Geneva from 8 to 10 May 2012

Contents

	<i>Paragraphs</i>	<i>Page</i>
I. Attendance	1–6	3
II. Adoption of the agenda (item 1 of the provisional agenda)	7	3
III. Seventy-fourth session of the Inland Transport Committee (agenda item 2)	8	3
IV. Status of the European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR) and related issues (agenda item 3)	9–12	3
A. Accession.....	9	3
B. Protocol of amendment of 1993	10	4
C. Application of ADR to national transport in the Russian Federation.....	11–12	4
V. Interpretation of ADR (agenda item 4)	13–21	4
A. Additional requirements in Chapters 9.4 to 9.6.....	13–14	4
B. Equipment in 5.4.3 and 8.1.5.....	15	4
C. Inspection of portable fire extinguishers	16	4
D. Dimensions of orange-coloured plates in 5.3.2.2.1	17–18	5
E. Vehicles authorized for carriage in tanks	19	5
F. Period of validity of multilateral or bilateral agreements on languages to be used in the transport document	20	5
G. Training of drivers	21	5

VI.	Work of the RID/ADR/ADN Joint Meeting (agenda item 5)	22–25	6
A.	Amendments proposed by the Joint Meeting at its spring 2012 session	22–23	6
B.	Additive devices on tanks	24–25	6
VII.	Proposals for amendments to Annexes A and B of ADR (agenda item 6)	26–48	6
A.	Pending issues	26–35	6
1.	Transitional measure for the driver training certificate	26–27	6
2.	Paragraph 7.5.7.1: Handling and stowage of cargo	28–31	7
3.	Corrections to document ECE/TRANS/WP.15/213	32	7
4.	Carriage of UN No. 0331 in tanks	33–35	7
B.	New proposals	36–48	7
1.	Security provisions relating to explosives	36	7
2.	Exemptions for machinery and equipment permanently fixed to vehicles	37–38	8
3.	Training of drivers	39–40	8
4.	Exemptions for the carriage of liquid fuels	41–43	8
5.	Vehicles carrying substances and articles of Class 1 stopping in a public place	44	8
6.	Special provision S3	45	8
7.	Wording of danger labels in 5.2.2.2.2	46	9
8.	Scope of special provision 363	47–48	9
VIII.	Draft road map on how to set up the administrative structures required for the implementation of ADR (agenda item 7)	49–51	9
IX.	Programme of work (ninety-third session) (agenda item 8)	52	9
X.	Any other business (agenda item 9)	53–54	9
A.	Application for consultative status	53	9
B.	Amendments for 2013	54	10
XI.	Adoption of the report (agenda item 10)	55	10
Annexes			
I.	Draft amendments to Annexes A and B of ADR adopted by the Working Party for entry into force on 1 January 2013		11
II.	Draft amendments to Annexes A and B of ADR adopted by the Working Party for entry into force on 1 January 2015		12

I. Attendance

1. The Working Party on the Transport of Dangerous Goods held its ninety-second session from 8 to 10 May 2012 under the chairmanship of Mr. J.A. Franco (Portugal).
2. Representatives from the following countries took part in the session: Austria, Belgium, Bulgaria, Czech Republic, Denmark, Estonia, Finland, France, Germany, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Netherlands, Norway, Poland, Portugal, Romania, Russian Federation, Slovakia, Spain, Sweden, Switzerland, Turkey and United Kingdom.
3. A representative of the Democratic Republic of the Congo also took part in the session in accordance with paragraph 11 of the terms of reference of the Economic Commission for Europe.
4. The European Union was represented.
5. The following intergovernmental organization was represented: Intergovernmental Organisation for International Carriage by Rail (OTIF).
6. The following non-governmental organizations were represented: European Chemical Industry Council (CEFIC), European Conference of Fuel Distributors (ECFD); Federation of European Explosives Manufacturers (FEEM), International Dangerous Goods and Containers Association (IDGCA), and International Road Transport Union (IRU).

II. Adoption of the agenda (item 1 of the provisional agenda)

Documents: ECE/TRANS/WP.15/214 and Add.1 (Secretariat)

Informal documents: INF.1, INF.2 and INF.6 (Secretariat)

7. 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.29/Rev.1.

III. Seventy-fourth session of the Inland Transport Committee (agenda item 2)

8. As the report of the Inland Transport Committee on its seventy-fourth session was unavailable, the item would be taken up at the next session of the Working Party.

IV. Status of the European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR) and related issues (agenda item 3)

A. Accession

Informal document: INF.4 (Secretariat)

9. The Working Party noted with satisfaction that Tajikistan had acceded to ADR on 28 December 2011, and that ADR had consequently entered into force for Tajikistan on 28 January 2012.

B. Protocol of amendment of 1993

10. The Working Party noted that 15 countries (Azerbaijan, Belarus, Bosnia and Herzegovina, Croatia, Iceland, Kazakhstan, Malta, Montenegro, Morocco, Serbia, Tajikistan, the former Yugoslav Republic of Macedonia, Tunisia, Turkey and Ukraine) had still not deposited the legal instrument required for the Protocol to enter into force, and encouraged those countries to take the necessary measures to ratify or accede to the Protocol to enable it to enter into effect.

C. Application of ADR to national transport in the Russian Federation

Informal document: INF.19 (Secretariat)

11. The Working Party noted with satisfaction that Decision No. 272 of the Government of the Russian Federation, dated 15 April 2011, made Annexes A and B of ADR applicable to domestic road transport of dangerous goods in the Russian Federation as from 25 April 2012.

12. The representative of the Russian Federation confirmed that it was still mandatory for vehicles carrying high consequence dangerous goods in accordance with 1.10.5 in the Russian Federation to obtain special authorizations.

V. Interpretation of ADR (agenda item 4)

A. Additional requirements in Chapters 9.4 to 9.6

Informal document: INF.12 (Sweden)

13. The Working Party confirmed that the requirements of ADR Chapters 9.4 to 9.6 were by nature binding, and could therefore be the subject of an inspection. The Working Party nonetheless recognized that some of the requirements of Chapters 9.4 to 9.6 were in practice very difficult to inspect during roadside checks of vehicles in service, but that they could be the subject of checks during the initial vehicle approval inspection.

14. The representative of the European Union pointed out that Council directive 95/50/EC of 6 October 1995 on uniform procedures for checks on the transport of dangerous goods by road did not explicitly provide for specific checks relating to the technical requirements of Chapters 9.4 to 9.6 in the checklist in Annex 1, but that it nonetheless did not exclude the performance of additional checks by member States.

B. Equipment in 5.4.3 and 8.1.5

Informal document: INF.13 (Sweden)

15. The Working Party recalled that the equipment called for in 5.4.3 and 8.1.5 must be appropriate for the goods carried and fulfil their intended function. The majority of delegations did not wish to further specify the technical characteristics of the required equipment, in particular for shovels.

C. Inspection of portable fire extinguishers

Informal document: INF.14 (Sweden)

16. The Working Party was of the opinion that the second and third paragraphs of 8.1.4.4 both referred to inspections to ensure that the extinguishers functioned properly and not to the periodic test of pressure receptacles called for in Chapter 6.2. The representative of Sweden said that to clarify the text she might submit an amendment proposal at the next session.

D. Dimensions of orange-coloured plates in 5.3.2.2.1

Informal document: INF.16 (Hungary)

17. Most delegations considered that any intermediate dimensions between those called for in the first paragraph of 5.3.2.2.1 and the reduced dimensions set out in the second paragraph would be acceptable, as long as the orange-coloured plates remained rectangular. Most delegations also confirmed that the size of the orange-coloured plates could be different at the front and rear of vehicles.

18. A proposal to clarify the texts to take into account that interpretation as a general principle could be considered in the light of the outcome of the work done on the harmonization of hazard markings by the Sub-Committee of Experts on the Transport of Dangerous Goods. A proposal on the dimensions of orange-coloured plates should be sent to the RID/ADR/ADN Joint Meeting.

E. Vehicles authorized for carriage in tanks

Informal document: INF.20 (Switzerland)

19. The Working Party endorsed the interpretation proposed by the Government of Switzerland, according to which, when the quantities established under 9.1.1.2 for tanks correspond to those for vehicles FL, OX and AT, only drawing vehicles for trailers or semi-trailers of categories N or O could be used.

F. Period of validity of multilateral or bilateral agreements on languages to be used in the transport document

Informal document: INF.25 (Chairperson)

20. The Working Party confirmed that bilateral and multilateral agreements on the languages to use in transport documents were not time-bound, and thus did not have to be renewed every five years. They remained valid until revoked by one of the signatory Contracting Parties.

G. Training of drivers

Informal document: INF.8 (Switzerland)

21. Several delegations indicated that, in their view, in accordance with 8.2.1.4, drivers carrying goods of classes 1 and 7 must hold an appropriate specialization certificate, and that classes 1 and 7 could not be included in the scope of a restricted basic training course limited to certain dangerous goods or to one or more classes.

VI. Work of the RID/ADR/ADN Joint Meeting (agenda item 5)

A. Amendments proposed by the Joint Meeting at its spring 2012 session

Informal documents: INF.7 (Secretariat) (Reproduction of annexes II and IV of the report of the Joint Meeting on its spring 2012 session, ECE/TRANS/WP.15/AC.1/126)
INF.22 (CEN)
INF.28 (Germany)

22. The Working Party adopted the amendments proposed by the Joint Meeting at its spring 2012 session for entry into force on 1 January 2013, subject to a few modifications to take account of informal documents INF.22 and INF.28 (see annex I). The Working Party noted that these modifications would also be brought to the attention of the RID Committee of Experts at its next session.

23. The Working Party also noted that standard EN ISO 7866:2011, whose introduction into 6.2.4.1 had been foreseen in document ECE/TRANS/WP.15/213, could not be ready in time for its introduction into ADR 2013. The corresponding amendment had thus been deleted (see annex I).

B. Additive devices on tanks

Informal documents: INF.9 (Belgium)
INF.23 (Austria)

24. There was general support for the texts proposed by the informal working group on additive devices on tanks of the RID/ADR/ADN Joint Meeting (Bonn, 9–10 February 2012). However, the Working Party preferred to postpone the decision until the next session, when it could be made on the basis of a formal document, given that the text was to be adopted for entry into force on 1 January 2015.

25. The representative of Belgium agreed to submit informal document INF.9 as an official document for the next session and, given the long debate already held at the Joint Meeting, invited delegations who wished to do so to send their comments in writing.

VII. Proposals for amendments to Annexes A and B of ADR (agenda item 6)

A. Pending issues

1. Transitional measure for the driver training certificate

Document: ECE/TRANS/WP.15/2012/7 (Germany)

26. The Working Party did not wish to modify transitional measure 1.6.1.21. However, it confirmed that driver training certificates conforming to the model applicable until 31 December 2010 and issued by Contracting Parties until 31 December 2012 following refresher training courses in the 12 months preceding the expiry date of the previous certificate could continue to be used until the end of their period of validity, even if it extended beyond a period of five years.

27. The possibility of extending the deadline for the application of transitional measure 1.6.1.21 was raised, but not supported.

2. Paragraph 7.5.7.1: Handling and stowage of cargo

Document: ECE/TRANS/WP.15/2012/9 (Russian Federation)

28. The representative of the Russian Federation indicated that the reference to standard EN 12195-1:2010 in 7.5.7.1 could lead to differing interpretations among enforcement authorities as to whether or not there was an obligation to apply that standard. The Russian Federation was of the view that standard EN 12195-1:2010 should be mentioned in the footnote to 7.5.7.1, along with other advisory recommendations on stowage, rather than within 7.5.7.1 itself.

29. The Working Party noted that the Russian version of the sentence corresponded with the French and the English versions. Most of the delegations who took the floor interpreted the wording to mean that application of the standard was not mandatory. It simply meant that the standard was deemed acceptable for the purpose of implementing the provisions of 7.5.7.1, which in no way prevented the use of other methods.

30. The proposal of the Russian Federation, put to the vote, was not adopted.

31. An editorial correction to the amendment in ECE/TRANS/WP.15/213 was adopted (see annex I).

3. Corrections to document ECE/TRANS/WP.15/213

Informal documents: INF.11 (Switzerland)
INF.18 (Romania)
INF.21 (OTIF)

32. The Working Party adopted the proposed corrections to document ECE/TRANS/WP.15/213 (see annex I).

4. Carriage of UN No. 0331 in tanks

Document: ECE/TRANS/WP.15/2012/5 (Germany)

Informal documents: INF.15 (Germany)
INF.29/Rev.1 (Germany)

33. The Working Party noted the results of the meeting of the informal working group held from 1 to 2 February 2012 in Germany.

34. Following discussions, the representative of Germany presented in informal document INF.29/Rev.1 a revised version of his proposal, which took into account the comments made during the session.

35. The revised proposal was adopted, for entry into force on 1 January 2013 (see annex I).

B. New proposals

1. Security provisions relating to explosives

Document: ECE/TRANS/WP.15/2012/2 (Ireland)

36. The proposal by Ireland that detonators of Divisions 1.1, 1.2 and 1.3, and not just those of Division 1.4, should not be subject to exemption from security provisions under 1.1.3.6.3 was put to the vote and was adopted, for entry into force on 1 January 2013 (see annex I).

2. Exemptions for machinery and equipment permanently fixed to vehicles

Document: ECE/TRANS/WP.15/2012/1 (Switzerland)

Informal document: INF.5 (Switzerland)

37. The Working Party confirmed the interpretation proposed by the Government of Switzerland, according to which vehicles carrying liquid fuel that did not fulfil the conditions for exemption set out in 1.1.3.3 could be exempted under special provision 363.

38. The oral proposal made by the representative of Sweden, clarifying that machines or equipment that were not carried as cargo in a vehicle but were permanently fixed to the vehicle or had their own chassis could also be exempted under special provision 363, was adopted, for entry into force on 1 January 2013 (see annex I).

3. Training of drivers

Document: ECE/TRANS/WP.15/2012/3 (Switzerland)

39. The Working Party confirmed that drivers who wished to take a specialized training course in accordance with 8.2.1.4 and sit the corresponding examination must have already successfully completed the examination for the non-restricted basic training course and not a restricted basic training course limited to certain dangerous goods or to one or more classes. In addition, any driver who held a specialization certificate in accordance with 8.2.1.4 could also attend basic training courses or tank specialization training courses limited to specific dangerous goods or to a specific class or classes.

40. The representative of Switzerland noted the comments made at the session regarding his proposal and said that he would be able to submit a revised proposal at a future session.

4. Exemptions for the carriage of liquid fuels

Document: ECE/TRANS/WP.15/2012/4 (Spain)

41. Several delegations were not in favour of the proposal made by Spain to increase the limit on the total capacity of the tanks eligible for the exemptions provided for in 1.1.3.3 (a), even if the amendment applied only to refrigerated trailers or semi-trailers.

42. Several delegations said that such types of transport might benefit from the exemptions contained in special provision 363, but the representative of Germany expressed reservations in that regard.

43. The representative of Spain withdrew his proposal.

5. Vehicles carrying substances and articles of Class 1 stopping in a public place

Document: ECE/TRANS/WP.15/2012/6 (Norway)

Informal document: INF.26 (France)

44. The Working Party adopted the alternative proposal contained in informal document INF.26 aiming to solve the practical problem raised by the representative of Norway (see annex II).

6. Special provision S3

Informal document: INF.10 (Sweden)

45. The Working Party adopted, for entry into force on 1 January 2013, the proposal by Sweden aiming to clarify special provision S3 (see annex I).

7. Wording of danger labels in 5.2.2.2.2

Informal document: INF.17 (Romania)

46. The Working Party indicated that the Joint Meeting could study the proposal on the basis of an official document that should include the consequential amendments to be taken into account where appropriate.

8. Scope of special provision 363

Informal document: INF.24 (Switzerland)

47. Opinions were divided regarding the scope of the exemptions provided for in special provision 363. The Working Party confirmed that the special provision applied to any type of liquid fuel listed in the headings for which 363 was indicated in column 6 of table A in Chapter 3.2.

48. At the next session of the Joint Meeting, the Government of Switzerland would present a paper defining the scope of those exemptions as they pertained to vehicles.

VIII. Draft road map on how to set up the administrative structures required for the implementation of ADR (agenda item 7)

Document: ECE/TRANS/WP.15/2012/8 (Secretariat)

Informal document: INF.27 (Switzerland)

49. The Working Party took note of the draft road map prepared by the secretariat and the comments sent by the Government of Switzerland.

50. The secretariat would prepare a revised version for the next session, incorporating the amendments proposed by Switzerland and approved by the Working Party, the additional amendments proposed orally in session, and additional information on, inter alia, the procedures for signing and revoking multilateral agreements and the list of information to be submitted to the secretariat as part of the implementation of ADR.

51. Delegations that wished to do so could send information and comments to the secretariat before 31 July 2012.

IX. Programme of work (ninety-third session) (agenda item 8)

52. The agenda items at the next session would be the same as at the present session. An item on elections would be added.

X. Any other business (agenda item 9)**A. Application for consultative status**

Informal document: INF.3 (Secretariat)

53. Given that the European Road Haulers Association (UETR) had not been able to provide the requested information and was not represented at the present session, the consideration of its application for consultative status was deferred to a future session.

B. Amendments for 2013

54. Amendments adopted at previous sessions for entry into force on 1 January 2013 had already been circulated in document ECE/TRANS/WP.15/213. The Working Party asked the secretariat to circulate the amendments adopted at the current session which were also due to enter into force on 1 January 2013 as a corrigendum (ECE/TRANS/WP.15/213/Corr.1) in the case of those which modified previously adopted amendments, and as an addendum (ECE/TRANS/WP.15/213/Add.1) for new amendments. The Chairperson was asked to transmit all amendments to the Contracting Parties through his Government for acceptance in accordance with the procedure set out in article 14 of ADR.

XI. Adoption of the report (agenda item 10)

55. The Working Party adopted the report on its ninety-second session and its annexes on the basis of the draft prepared by the secretariat.

Annex I

Draft amendments to Annexes A and B of ADR adopted by the Working Party for entry into force on 1 January 2013

The amendments adopted to modify or supplement the amendments adopted at the previous session (see ECE/TRANS/WP.15/213). They were made available during the session in documents ECE/TRANS/WP.15/2010/CRP.2 and Add.1.

Amendments which modify those previously adopted are reproduced in document ECE/TRANS/WP.15/213/Corr.1.

New amendments are reproduced in document ECE/TRANS/WP.15/213/Add.1.

Annex II

Draft amendments to Annexes A and B of ADR adopted by the Working Party for entry into force on 1 January 2015

Chapter 8.5, special provision S1 (4) (d). Add the following wording at the end:
“This distance shall not apply to vehicles belonging to the same transport unit.”

(Reference document: informal document INF.26)
