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## Economic Commission for Europe

### Inland Transport Committee

### Working Party on the Transport of Dangerous Goods

## Report of the Working Party on its 101st session

held in Geneva from 8 to 10 November 2016

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## I. Attendance

1. The Working Party on the Transport of Dangerous Goods held its 101st session from 8 to 10 November 2016 under the chairmanship of Mr. J.A. Franco (Portugal) and the vice-chairmanship of Ms. A. Roumier (France).
2. Representatives from the following countries took part in the session: Austria, Belgium, Czechia, Denmark, Finland, France, Georgia, Germany, Hungary, Israel, Italy, Latvia, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Russian Federation, Slovakia, Spain, Sweden, Switzerland, Turkey and United Kingdom.
3. Representatives of Algeria, Jordan and Tunisia also took part in the session in accordance with paragraph 11 of the terms of reference of the Economic Commission for Europe. Tunisia took part in the session as a full member in respect of questions relating to the European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR), in accordance with article 1 (b) of the rules of procedure of the Working Party.
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), International Organization of Motor Vehicle Manufacturers (OICA), and International Road Transport Union (IRU). The EuroMed project was also represented.

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

*Documents:* ECE/TRANS/WP.15/234 and Add.1 (Secretariat)

*Informal documents:* INF.1, INF.2 and INF.16 (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.21.

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

*Document:* ECE/TRANS/254

8. A member of the secretariat informed the Working Party about the activities of the Inland Transport Committee. The Working Party specifically took note of the progress made in the preparations for the celebration of the seventieth anniversary of the Inland Transport Committee, scheduled to take place during the seventy-ninth session (21 to 24 February 2017).
9. The Working Party noted that a ministerial meeting on the past and future of the Inland Transport Committee would be held on 21 February 2017. The meeting is expected to adopt a ministerial resolution aimed inter alia at highlighting the seventy years of substantial contributions made by the Committee and its subsidiary bodies in the field of transport and at encouraging future work, in particular in relation with the Sustainable Development Goals.

10. The Working Party also noted that, in accordance with a decision taken by the Inland Transport Committee at its previous session, the ECE secretariat would prepare a strategy paper on the work of the Committee.

11. The Working Party also noted that a Global Road Safety Film Festival would be held at the Palais des Nations on 20 February 2017 and that a number of exhibits and demonstrations were planned.

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

##### **A. Status of the Agreement**

*Informal documents:* INF.5 and INF.15 (Secretariat)

12. The Working Party noted that the amendments adopted in the preceding two years (ECE/TRANS/WP.15/231 and Corr.1 and ECE/TRANS/WP.15/231/Add.1) had been proposed to the Contracting Parties by the Government of Portugal and had been deemed to be accepted for entry into force on 1 January 2017 (depository notifications CN.443.2016-Treaties of 12 July 2016 and CN.744.2016-Treaties of 10 October 2016).

13. The Working Party noted with satisfaction that Georgia had acceded to ADR on 19 September and that consequently ADR had entered into force for that country on 19 October 2016.

##### **B. Protocol of amendment of 1993**

14. The Working Party noted that 14 countries (Azerbaijan, Belarus, Bosnia and Herzegovina, Croatia, Georgia, Iceland, Kazakhstan, Malta, Montenegro, Morocco, Tajikistan, the former Yugoslav Republic of Macedonia, Tunisia and Ukraine) had still not deposited the legal instrument required for the Protocol to enter into force, and it encouraged those countries to take the necessary measures to ratify or accede to the Protocol to enable it to enter into effect.

#### **V. Work of the RID/ADR/ADN Joint Meeting (agenda item 4)**

##### **A. Amendments proposed by the Joint Meeting at its spring 2016 session**

*Document:* ECE/TRANS/WP.15/AC.1/142/Add.2, section IV

15. The amendments were adopted for entry into force on 1 January 2019 (see annex I).

##### **B. Corrections proposed by the Joint Meeting at its autumn 2016 session**

*Informal document:* INF.8/Rev.1 (Secretariat)

16. The Working Party confirmed that the corrections proposed by the Joint Meeting at its autumn 2016 session and the other corrections proposed by the secretariat were purely technical in nature and were intended to correct discrepancies between the English and

Russian texts and the authentic French version or to correct typographical errors or numbering or cross-referencing problems.

17. The Working Party, considering that such corrections did not change the substance of the provisions of ADR, adopted the corrections proposed by the Joint Meeting and requested the secretariat to take the necessary steps to publish a corrigendum as soon as possible (see annex II).

## **VI. Proposals for amendments to annexes A and B of ADR (agenda item 5)**

### **A. Construction and approval of vehicles**

#### **1. Amendment of the table in 9.2.1.1**

*Document:* ECE/TRANS/WP.15/2016/14 (Netherlands)

18. The Working Party confirmed that a link to 9.2.7 for FL and AT vehicles was missing in the table in 9.2.1.1 and that such a cross reference should have been updated as part of the amendments entering into force on 1 January 2017.

19. The Working Party adopted the correction and requested the secretariat to take the necessary measures so that a corrigendum could be published as soon as possible (see annex II).

20. The transitional measure proposed by the Netherlands for the last column of the table should be the subject of a new amendment proposal. That point could be dealt with at a coming session, on the basis of a new document.

#### **2. Fastening requirements**

*Document:* ECE/TRANS/WP.15/2016/19 (Norway)

*Informal document:* INF.17 (Norway)

21. The proposal of Norway received broad support. Several delegations considered, however, that the proposed text could still be improved. The representative of Norway would submit a new document at the next session, taking into account the various statements. Delegations that wished to do so could send their comments in writing to the representative of Norway.

#### **3. Correction of a typographical error in the English version of the table in 9.2.1.1**

*Informal document:* INF.12 (Netherlands)

22. The Working Party took note of the proposed correction, which would be published in a corrigendum to the English version of ADR.

#### **4. Remark on the certificate of approval of EX/III vehicles intended for the carriage of Class 1 substances in tanks**

*Documents:* ECE/TRANS/WP.15/2016/18 (Netherlands)

23. The Working Party adopted the proposal of the Netherlands (see annex I). It should be considered at a future session whether the same amendments should be made for MEMUs.

## **B. Miscellaneous proposals**

### **1. Proposed amendment of 1.1.3.6 and 5.4.1.1.1 (f)**

*Documents:* ECE/TRANS/WP.15/2016/10 (Sweden)  
ECE/TRANS/WP.15/2016/17 (IRU)

*Informal document:* INF.20 (Romania)

24. After discussion, the representative of Sweden withdrew her proposal. Some delegations supported the principle of adding the calculated value in the transport document when applying 1.1.3.6. The representative of Sweden would submit a revised version of proposals 3 and 4 from document ECE/TRANS/WP.15/2016/10, taking into account the comments made during the session.

### **2. Mixed loading on mobile explosives manufacturing units (MEMUs) of ammonium nitrate emulsions under UN No. 3375 with blasting explosives — 7.5.5.2.3 (f)**

*Document:* ECE/TRANS/WP.15/2016/11 (Switzerland)

25. The delegations that took the floor said that they would like to maintain all the provisions relating to the mixed loading on mobile explosives manufacturing units (MEMUs) in 7.5.5.2.3, without it being necessary to refer to 7.5.2. The representative of Switzerland withdrew his proposal.

### **3. Addition of crew members to the requirements of 7.5.1.1 and 7.5.1.2 of ADR**

*Document:* ECE/TRANS/WP.15/2016/12 (United Kingdom)

26. The proposal of the United Kingdom was adopted as amended during the session (see annex I).

### **4. Reference to the IMO/ILO/UNECE Code of Practice for Packing of Cargo Transport Units (CTU Code)**

*Document:* ECE/TRANS/WP.15/2016/20 (Secretariat)

27. Several delegations agreed to add a reference to certain parts of the CTU Code in footnote 1 to paragraph 7.5.7.1. Chapters 9 and 10 of the Code appeared to be particularly relevant. The Working Party requested the secretariat to prepare a proposed amendment to that effect for the next session. Delegations that wished to do so could send their remarks to the secretariat.

### **5. Correction to the French version**

*Document:* ECE/TRANS/WP.15/2016/21 (Secretariat)

28. The Working Party confirmed that the correction proposed by the secretariat was aimed at ensuring consistency between the various language versions of ADR. The Working Party adopted the proposed correction and requested the secretariat to take the necessary steps so that a corrigendum could be published as soon as possible (see annex II).

### **6. Heading of 7.5.5.3**

*Informal document:* INF.10 (Sweden)

29. The Working Party confirmed that the amendments adopted at its eighty-first session, on the basis of option 2 in document ECE/TRANS/WP.15/2006/12, did not call for the deletion of the heading of 7.5.5.3.

30. The Working Party adopted the correction proposed in informal document INF.10 and requested the secretariat to take the necessary steps so that a corrigendum could be published as soon as possible (see annex II).

## **7. Special provision 636**

*Informal document:* INF.19 (Switzerland)

31. The Working Party noted that the Joint Meeting had at its autumn 2016 session adopted an amendment aimed at specifying that lithium cells and batteries falling under the scope of special provision 636 (b) could be mixed with non-lithium cells or batteries.

32. Such a specification had already figured in the 2015 editions of RID/ADR/ADN but had not been taken up in the amended text of special provision 636 adopted for entry into force on 1 January 2017.

33. The representative of Switzerland proposed reintroducing the specification in the texts entering into force in 2017 as a correction. A member of the secretariat recalled that the Joint Meeting had discussed and adopted the deletion of that text and that a reversal of that decision would require the adoption of a new amendment rather than a correction.

34. The representative of Switzerland withdrew his proposal.

## **8. Increase of amount of explosives authorized per transport unit**

*Informal document:* INF.13 (Spain)

35. Several delegations expressed the wish to have more time to study the proposal of Spain to increase the maximum amount of explosive substance authorized per transport unit. The representative of Spain requested the delegations wishing to provide comments to submit their comments in writing. The representative of Spain will prepare a formal proposal for the next session.

36. Future discussions on this topic will, in particular, consider the following points:

- National differences with regard to the maximum weight authorized for vehicles;
- Authorized limits for other modes of transport;
- Additional provisions for accident prevention and protection in case of accident to take into consideration if the authorized amount is increased;
- Provisions related to security;
- Risk analysis.

# **VII. Interpretation of ADR (agenda item 6)**

## **A. Entry into force of a Polish law to indicate the owner of the dangerous goods in documents in accordance with ADR Chapter 5.4**

*Informal document:* INF.7 (IRU)

37. The Working Party noted that a new law had entered into force in Poland requiring that those involved in the transport of dangerous goods indicated in the documents required by RID/ADR/ADN the name and address of the owner of the dangerous goods when they were handed over to the carrier.

38. The Working Party also noted that the transport for which such a requirement was not observed could be subject to a fine and prohibited from Polish territory.

39. The representative of Poland specified that the objective was to combat black market transport of certain dangerous goods, and thus was for reasons other than safety during transport.

40. The Working Party confirmed that in the case in question, article 4 (1) of the ADR agreement was applicable, but regretted that the decision was an obstacle to international trade in dangerous goods.

41. Some delegations raised a problem of interpretation of the concept of the owner of goods.

42. The representative of Poland indicated that his Government had taken note of the problems in question and that studies were under way to find the best solution both in respect of the economic aspects and for the facilitation of international trade. In the meantime, the Ministry of Transport had recommended that the inspection authorities refrain from applying penalties to when infractions of the law were committed during transport. However, that recommendation had no legal bearing and the inspection authorities were free to penalize or to not penalize infractions of the law.\*

43. The representative of the European Union said that several members had filled complaints about the law and that an official procedure was under way between the European Union and Poland.

## **B. Interpretation of section 9.2.5**

*Document:* ECE/TRANS/WP.15/2016/13 (Russian Federation)

44. Several delegations felt that a vehicle with a speed limit function (SLF) could be seen as complying with 9.2.5 but that this should be clarified in section 9.2.5 itself. This section should also be amended to take account of technical progress and new technologies used in speed limitation.

45. The Working Party invited the representative of the Russian Federation to also seek advice from the Working Party on Brakes and Running Gear of the World Forum for Harmonization of Vehicle Regulations (WP.29). The representative of the Russian Federation will present a proposal to amend 9.2.5 at a future session.

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\* After adoption of the report, the secretariat has received a letter from the Director of the Department of Road Transport of the Ministry of Infrastructure and Construction of Poland requesting the replacement of this sentence by the following ones in order to better explain the situation in Poland: "In connection with the necessity to adapt the market entities to the new requirements, the Ministry of Infrastructure and Construction (which include Department of Transport) sent a recommendation to the subordinated control authorities not to punish carriers in case of violation of the new rules. Currently, the scale of the problem concerning the interpretation of this provision is tested and therefore Ministry of Infrastructure and Construction passed opinion to Inspection of Road Transport and Office of Rail Transport authorities to refrain from imposing penalties whenever it is possible. The representative of Poland emphasized that the Ministry of Infrastructure and Construction carries out an extensive study on how to clarify existing provisions, among others, in relation to the detail of additional information (contents and location of information).".



**C. Scope of the special provision 601**

*Informal document:* INF.6 (Switzerland)

46. The representative of Austria stated that, in Austria, special provision 601 was only used for products packed in their retail packaging. The representative of CEFIC confirmed that members of CEFIC apply this special provision in the same situation.

**D. Necessity of including a reference to the provisions of section 8.2.3 in chapters 3.4 and 3.5**

*Informal document:* INF.11 (Romania)

47. There was no consensus on whether or not to add a reference to 8.2.3 in chapters 3.4 and 3.5.

48. Some delegations felt that the reference to Chapter 1.3 in 3.4.1 and 3.5.1.1 were sufficient insofar 8.2.3 referred to the provisions of Chapter 1.3 without creating additional requirements. Other delegations considered that 8.2.3 was complementary to Chapter 1.3 and thus, it would be consistent to refer to it.

**E. Warning vest and reference to EN 471**

*Informal document:* INF.14 (Finland)

49. The Working Party adopted the amendment proposed by the representative of Finland to replace the reference to EN 471 with a reference to EN ISO 20471.

50. The delegations who commented felt that the type of clothing required in the fourth indent of 8.1.5.2 could be a jacket either with or without sleeves as long as it brought sufficient visibility.

51. The Working Party noted that the terms used for this clothing were different in the different language versions of the ADR and that they should be harmonized, using eventually the terms used in EN ISO 20471.

52. The representative of Finland may submit a proposal to amend 8.1.5.2 to a future session.

**VIII. Programme of work (agenda item 7)**

53. The agenda items of the next session will be:

- Adoption of the agenda;
- Seventy-ninth session of the Inland Transport Committee;
- Status of the European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR) and related issues;
- Work of the RID/ADR/ADN Joint Meeting;
- Proposals for amendments to annexes A and B of ADR;
- Interpretation of ADR;
- Programme of work;

- Any other business;
- Adoption of the report.

## **IX. Election of officers for 2017 (agenda item 8)**

54. On a proposal from the representative of Germany, supported by the representatives of Romania, the Netherlands and Turkey, the Working Party re-elected Mr. J.A. Franco (Portugal) and Ms. A. Roumier (France) as Chairperson and Vice-Chairperson, respectively, for 2017.

## **X. Any other business (agenda item 9)**

### **A. Presentation of the EuroMed project**

*Informal document:* INF.21 (EuroMed)

55. A representative of the EuroMed project presented the various activities carried out as part of the EuroMed transport project so as to harmonize the national and international regulations of the partner countries following the model of ADR.

56. The Working Party welcomed the activities currently under way in Algeria, Israel and Jordan with a view to accession to ADR in the near future.

57. The Working Party also welcomed the participation of the representative of Tunisia (a Contracting Party to ADR) in the Working Party for the current session and the representative's intention to take part in future sessions.

### **B. Amendments to annex 2 of the Agreement concerning International Freight Traffic by Rail (SMGS)**

*Informal document:* INF.18 (OTIF)

58. The Working Party noted that the proposed amendments to annex 2 of SMGS, aimed in particular at bringing SMGS into line with the 2017 edition of RID, had been rejected at the preceding meeting of the OSJD Commission on Transport Law. The Russian Federation had opposed the adoption of such amendments, some of which had included references to European standards or European Union directives that had not been translated into Russian.

59. The Working Party expressed its concern about that decision, which would give rise to differences between SMGS and RID, ADR and ADN. It encouraged OTIF and OSJD to continue work on harmonization. It invited OSJD to try to find a solution to limit the differences that would exist between annex 2 of SMGS and the other international regulations as from 1 January 2017.

### **C. Notifications of occurrences involving dangerous goods**

*Document:* ECE/TRANS/WP.15/2016/15 (Germany)

*Informal document:* INF.3 (Germany)

60. The representative of Germany informed the Working Party on the circumstances and consequences of an accident on transport of molten metal (aluminum, UN No. 3257) in special containers and of an accident on transport of mercury (UN No. 2809).

61. The discussion concerned the accident on transport of aluminum. The Working Party noted that the accident investigation was still going on and invited the representative of Germany to keep the Working Party informed of the outcome of this investigation, especially on the causes of the structural failure of one container and the conditions prescribed by the competent authority pursuant to the VC3 prescription.

#### **D. Transport of dangerous goods accident and rear protection of vehicles**

*Document:* ECE/TRANS/WP.15/2016/16 (Germany)

*Informal document:* INF.4 (Germany)

62. The representative of Germany informed the Working Party on the consequences of a rear collision on a tank-vehicle carrying oxygen, refrigerated liquid (UN No. 1073).

63. Several delegations considered that the reported number of this type of accidents did not justify, for the moment, to continue the discussions on the rear protection of vehicles.

64. The representative of Germany was invited to provide additional information on this accident, in particular to check if the requirements of 9.7.6 were met.

65. The Working Party also invited the representative of Germany to seek advice of the Working Party on the Safety General Provisions of the World Forum for Harmonization of Vehicle Regulations (WP.29), particularly regarding the collision avoidance measures.

#### **XI. Adoption of the report (agenda item 10)**

66. The Working Party adopted the report on its 101st session and its annexes on the basis of a 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 2019**

#### **Chapter 1.6**

1.6.5 Introduce the following new transitional measure:

“1.6.5.21 Certificates of approval for EX/III vehicles intended for the carriage of explosive substances in tanks in compliance with the requirements of 9.1.3.3 applicable up to 31 December 2018 issued before 1 July 2019 not containing the remark concerning the compliance with 9.7.9 may continue to be used until the next annual technical inspection of the vehicle.”.

*(Reference document: ECE/TRANS/WP.15/2016/18, as amended)*

#### **Chapter 1.8**

1.8.3.1 Before “carriage”, insert: “consigning,”.

1.8.3.2 In paragraph (a), replace “smaller than those” by “not exceeding those”.

1.8.3.3 In the ninth indent of the third subparagraph, before “carriage”, insert: “consigning,”.

1.8.3.18 In the eighth entry of the certificate (“Valid until ...”), before “packing”, insert: “consigning,”.

*(Reference document: ECE/TRANS/WP.15/AC.1/142/Add.2)*

#### **Chapter 4.1**

Under the heading of the Chapter, insert the following Note:

“**NOTE:** Packagings, including IBCs and large packagings, marked in accordance with 6.1.3, 6.2.2.7, 6.2.2.8, 6.2.2.9, 6.2.2.10, 6.3.4, 6.5.2 or 6.6.3 but which were approved in a country which is not Contracting Party to ADR may nevertheless be used for carriage under ADR.”.

4.1.1.17 Delete and insert “(Deleted)”.

*(Reference documents: ECE/TRANS/WP.15/AC.1/142/Add.2)*

#### **Chapter 7.3**

7.3.2.10 Under the heading, insert the following Note:

“**NOTE:** Flexible bulk containers marked in accordance with 6.11.5.5 but which were approved in a country which is not a Contracting Party to ADR may nevertheless be used for carriage under ADR.”.

7.3.3.1 After the first paragraph, insert a Note to read as follows:

**“NOTE:** Where a VC1 code is shown in column (17) of Table A of Chapter 3.2, a BK1 bulk container may therefore also be used for land transport provided the additional provisions in 7.3.3.2 are fulfilled. Where a VC2 code is shown in column (17) of Table A of Chapter 3.2, a BK2 bulk container may therefore also be used for land transport provided the additional provisions in 7.3.3.2 are fulfilled.”.

(Reference document: ECE/TRANS/WP.15/AC.1/142/Add.2)

## **Chapter 7.5**

7.5.1.1 Replace “The vehicle and its driver” by “The vehicle and the vehicle crew”.

7.5.1.2 Replace “shows that the vehicle, the driver,....” By “shows that the vehicle and the vehicle crew, ....”

(Reference document: ECE/TRANS/WP.15/AC.1/2016/12 as amended)

## **Chapter 8.1**

8.1.5.2 In the fourth indent, replace “EN 471:2003+ A1:2007 standard” by “EN ISO 20471 standard”.

(Reference document: document informel INF.14)

## **Chapter 9.1**

9.1.3.3 At the end, introduce the following new paragraph:

“The certificate for EX/III vehicles intended for the carriage of explosive substances in tanks in compliance with the requirements of 9.7.9 shall bear the following remark under No. 11: "Vehicle in compliance with 9.7.9 of ADR for the carriage of explosive substances in tanks".”.

(Reference document: ECE/TRANS/WP.15/2016/18)

## Annex II

### **Corrections to annexes A and B of ADR as modified by amendments entering into force on 1 January 2017**

*(Reference documents: ECE/TRANS/WP.15/2016/14, ECE/TRANS/WP.15/2016/21 and informal document INF.8/Rev.1 and INF.10)*

**Chapter 1.1, 1.1.3.2 (a)**

Not applicable to the English text.

**Chapter 2.2, 2.2.43.1.8 (c)**

Not applicable to the English text.

**Chapter 2.2, 2.2.7.2.3.3.6 (a)(i)**

*For equal to or less read less*

**Chapter 3.3, special provision 363 (a)**

*Delete in quantities above those specified in column (7a) of Table A of Chapter 3.2*

**Chapter 4.3, 4.3.2.3.7, first paragraph, at the end**

*For 6.8.3.4.10 read 6.8.3.4.12*

**Chapter 4.3, 4.3.4.1.3 (b), for UN No. 3533 (code SGAN) and UN No. 3534 (code L4BN)**

*Delete stabilized,*

**Chapter 6.2, 6.2.4.1**

Not applicable to the English text.

**Chapter 6.8, 6.8.2.6.1**

Not applicable to the English text.

**Chapter 6.8, 6.8.3.2.15, last sentence (For type testing of the effectiveness of the insulation system, see 6.8.3.4.11.)**

*Transfer in the right-hand column.*

**Chapter 7.5, 7.5.2.1, in the table, in the heading of the last row and of the last column**

*For 9 read 9, 9A*

**Chapter 7.5, 7.5.5.3**

*Insert the following heading:*

*Limitations with respect to organic peroxides, self-reactive substances and polymerizing substances*

**Chapter 9.2, 9.2.1.1, table, at the end***Insert the following line:*

		VEHICLES				COMMENTS
TECHNICAL SPECIFICATIONS		EX/II	EX/III	FL	AT	
9.2.7	Prevention of other risks caused by fuels			X	X	

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