

## Economic Commission for Europe

### Inland Transport Committee

#### Working Party on the Transport of Dangerous Goods

##### Joint Meeting of the RID Committee of Experts and the Working Party on the Transport of Dangerous Goods

Geneva, 19-29 September 2017

Item 10 of the provisional agenda

##### Future work

20 September 2017

### ADR - Comments on the notification C.N.345.2017.TREATIES of 3 July 2017 (Proposals of amendments to Annexes A and B, as amended)

#### Transmitted by the European Commission

1. At the 102<sup>nd</sup> session of the Working Party on Transport of Dangerous Goods (WP.15) held in Geneva from 8 to 11 May 2017, a series of corrections to the ADR were adopted. After the meeting and at the moment of publication of the report<sup>1</sup> of the WP.15 on UNECE website, the set of corrections adopted was divided in two parts:

- a. Annex II – Corrections to the annexes A and B to ADR, and
- b. Annex III – Draft amendments to annexes A and B of ADR adopted by the working party for entry into force as soon as possible.

2. Annex III of the Report of the session<sup>2</sup> adds what follows:

*"Note by the secretariat: The draft amendments below were adopted by the Working Party as corrections. However, following the adoption of the report, the Treaty Section of the United Nations Office of Legal Affairs has been consulted and has expressed the view that most of the proposed corrections **did not meet the criteria for corrections of errors** or of a lack of concordance in the original of a multilateral treaty, as set out in the Summary of practice of the Secretary-General as depositary of multilateral treaties, **and should be treated as amendments**. As a consequence, the Chairman of the Working Party has informed the secretariat that Portugal would submit **a proposal of amendments** in accordance with the procedure of Article 14 (3) of the ADR."*

3. The new set of amendments to the ADR was notified by the Secretary General of the United Nations in C.N.345.2017.TREATIES of 3 July 2017 (Proposals of amendments to Annexes A and B, as amended)<sup>3</sup>. The amendments are deemed to be accepted on 3 October 2017, and to enter into force on 3 January 2018.

4. The entry into force of amendments to ADR in between the usual biennial cycle of adaptation represents an undesirable practice and should be avoided, due to the legal implications it entails.

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<sup>1</sup> <http://www.unece.org/fileadmin/DAM/trans/doc/2017/dgwp15/ECE-TRANS-WP15-237e.pdf>

<sup>2</sup> See pages 26 and 27 <http://www.unece.org/fileadmin/DAM/trans/doc/2017/dgwp15/ECE-TRANS-WP15-237e.pdf>

<sup>3</sup> <http://www.unece.org/fileadmin/DAM/trans/danger/publi/adr/depnoti/CN-345-2017e.pdf>

5. In this respect the notification C.N.345.2017.TREATIES of 3 July 2017 should be withdrawn before it will be deemed accepted on 3 October 2017.

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