

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

6 March 2020

Bern, 16-20 March 2020

Item 5(b) of the provisional agenda

**Proposals for amendments to RID/ADR/ADN
new proposals**

Implementation of the guidelines for the application of 5.4.0.2 of RID/ADR/ADN

Transmitted by the Government of Switzerland

Summary

- Executive summary:** It is proposed in 5.4.0.2 to refer to the guidelines for the application of 5.4.0.2 of RID/ADR/ADN.
- Action to be taken:** Amend 5.4.0.2 and the guidelines for the application of 5.4.0.2 of RID/ADR/ADN.
- Related documents:** ECE/TRANS/WP.15/AC.1/156, ECE/TRANS/WP.15/248, informal document INF.17/Add.1 from the WP.15 session in November 2019.

Introduction

1. The Joint Meeting of September 2019 endorsed the guidelines for the application of RID/ADR/ADN 5.4.0.2 prepared by the informal working group on telematics and invited WP.15 and the RID Committee of Experts to approve the publication of these guidelines on the websites of OTIF and UNECE. These two groups adopted the Joint Meeting's proposal and the guidelines are available on the OTIF website in document RID-2001-EC and on the UN website in informal document INF.17/Add.1 from the November session of WP.15.

2. In order to facilitate free passage in countries which have not yet implemented the guidelines, but which accept the transitional arrangements laid down in point 4 on “Conditions during the transitional phase” and thus to facilitate their rapid implementation in as many countries as possible, the text of these guidelines should be understood in a harmonised manner as well. To this end, we have identified the following issues that should be resolved quickly.

3. The first sentence of the point “4. Requirements in the transitional phase” does not contain an explicit link to the second paragraph of the same point 4. The first sentence refers to “on board information”.

“As long as there are emergency services and relevant authorities that are not connected to the TP1/TP2 system, on board information is also necessary “

The second paragraph refers to “Additional requirements concerning data storage and data output on board the vehicles/trains/ inland waterway vessels.”

The first sentence does not specify what kind of information is required. Thus, it can be interpreted that this sentence implies the presence of a transport document in paper form.

The fact that in the terms the two texts refer to different subjects indicates that they do not address the same concern (in the first sentence “information”, in the second sentence “storage and display conditions”). It seemed to us that the two texts should be linked and that the first sentence did not require the presence of transport documents in paper form but in electronic form. In that case, proposal 1 would make it possible to better define the scope of application of these two texts.

Proposal 1

4. Amend the first sentence of point 4 of the guidelines for the application of 5.4.0.2 of RID/ADR/ADN to read as follows (added text underlined in bold):

« As long as there are emergency services and relevant authorities that are not connected to the TP1/TP2 system, on board information **regarding electronic data interchange** is also necessary. »

5. Another point concerns the apparent contradiction between the first sentence of the “4. Requirements in the transitional phase” and paragraph (e) of the same point 4. The first sentence seems to presuppose that during the transition phase there is no connection to the TP1/TP2 system between the vehicle and the outside, whereas paragraph (e) asks to accept a delay in case of loss of connection. During the transitional period there is no connection possible. Therefore, it seems that paragraph (e) is not appropriate in point 4.

6. In fact, it seems to us that in order to allow the free passage without difficulty of carriages performed with electronic documents from countries where the guidelines are in place to countries which have not yet implemented them, these vehicles would have to guarantee in all cases the additional conditions laid down in the second paragraph of point “4. Conditions during the transitional phase”. This second paragraph should be in the general part and precede the point concerning the transitional phase. Its title could be « 4. Additional requirements concerning data storage and data output on board”.

Proposal 2

7. Amend the title of point 4 “4. Requirements in the transitional phase“ by the following text: “4. Additional requirements concerning data storage and data output on board“.

8. Move the first sentence of the point “4. Conditions during the transitional phase” into a new paragraph 6 with the following text: « 6. Requirements in the transitional phase. »

and add at the end the following text:

“In this case the additional requirements set out in point 4. (a) to (d) shall be met. “

9. It does not seem that the provisions that appear under point “5. Transitional requirements specific to road transport” are transitional provisions intended to disappear when the system is fully implemented. The affixing of instructions in the driver's cab or the marking of the vehicle with the pictogram in Annex B appears to be of a permanent nature. The term "transitional" should be deleted from the title of item 5.

Proposal 3

10. In the title of point 5, delete the word “transitional”.

11. It seems to us that prescribing a mark on the vehicle without specifying its dimensions is not sufficient. In order to facilitate the visibility of this mark, we propose adding the dimensions of the 250 mm for placards in 5.3.1.7.1.

Proposal 4

12. The following sentence shall be added at the end of point 5:

“The minimum dimensions shall be 250 mm x 250 mm (to the edge of the mark)”.

13. In the last sentence of point 5, because the mark of Annex B is not a rhombus the word “losange” in French should be replaced by “carré”.

Proposal 5

14. Replace the word “losange” by “carré” in French in the last sentence of point 5.

15. In order to facilitate the free passage through countries which have not yet implemented the guidelines or only under the conditions laid down in section 4 during the transitional phase of vehicles which fully comply with the principles of the guidelines in their country of origin and to avoid the need for a paper transport document, they should be supported by a regulatory text in ADR itself. To this end we propose to add a text specifying this.

Proposal 6

“The requirements of this paragraph are deemed to be complied with if the storage and processing of electronics data is carried out in accordance with in accordance with the Guidelines for use of RID/ADR/AND 5.4.0.2”.

16. Finally, during the preparation of this document and after discussion with other delegation we understood that the transitional provisions of item 4 are in fact not interpreted as transitional provisions. Some delegations interpret the texts under item 4 as not meaning that participants are exempt during the transitional phase from being connected with a TP1/TP2 system. This seems to contradict the text of the first sentence of item 4, which states the exact opposite. This point if necessary should be clarified by the Joint Meeting as well as in the texts. However, an overly restrictive interpretation of the transitional provisions could prevent the passage of vehicles with equipment described in item 4 into regions which have not yet implemented the TP1/TP2 system and could even prevent these countries from adopting the principles of the Guideline even on a transitional basis. Ultimately, there is a risk that this could further prolong the introduction of the principles of the Guideline on a large scale in RID-ADR-ADN.
