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Economic Commission for Europe

Inland Transport Committee

Conference of the Contracting Parties to the 1957 European Agreement Concerning the International Carriage of Dangerous Goods by Road (ADR)

Second meeting

Geneva, 13 May 2019

Item 6 of the provisional agenda

Consideration and adoption of a Protocol amending ADR

Communication and proposal of amendment to the title of the ADR

Transmitted by the Government of Portugal

The secretariat reproduces below a communication and a proposal of amendment to the title of ADR transmitted by the Government of Portugal and circulated by the secretariat on 12 October 2018, under cover of a letter from the Executive Secretary of the United Nations Economic Commission for Europe.

“The Ministry of Foreign Affairs of the Government of Portugal presents its compliments to the Secretary General of the United Nations and has the honour to inform him of the following:

At its 104th session (15-17 May 2018), the Working Party on the Transport of Dangerous Goods considered a proposal to delete the word “European” from the current title of the European Agreement Concerning the International Carriage of Dangerous Goods by Road (ADR).

The word “European” in the current title of the Agreement is not consistent with the conditions for the participation of non-European States in the ADR. In accordance with its article 6, the Agreement is open to countries members of the Economic Commission for Europe and countries admitted to the Commission in consultative capacity under paragraph 8 of the Commission’s mandate. The Agreement is also open for accession to the countries members of the United Nations, not members of the Commission, that participate in the Commission’s work, in application of paragraph 11 of the Commission’s mandate. The proposed amendment would allow,

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in practice, to encourage the accession to the agreement of States that are not members of the Commission and for which the word “European” may represent an obstacle to the accession.

This proposal is part of the discussions on the development of the ADR and the future of its Working Party in the next decades, including on how the Working Party may assist countries to comply with the United Nations Sustainable Development Goals by 2030 (cf. document ECE/TRANS/WP.15/242, paragraphs 45-49).

There was no objection to this proposal. The Working Party requested that the appropriate legal procedures be initiated to this end.

Due to the nature of the amendment, the Working Party is favourable to a tacit acceptance procedure based on the principle of non-objection. This would imply that, once deemed accepted in the absence of any objection, the amendment would become binding to all Parties. In addition, any State becoming Contracting Party after conditions for entry into force of the amendment have been met, would become Party to the Agreement as amended by the Protocol of amendment.

Paragraph 1 of article 13 stipulates that a review of the Agreement may be carried out by a conference of the Contracting Parties convened by the Secretary-General at the request of one of the Contracting Parties.

It is the duty of the Government of Portugal, as Chairman of the Working Party to request that a conference of the Contracting Parties be convened, possibly during the hundred-and-sixth session (13-17 May 2019), for the purpose of considering and adopting the proposal for amendment of the current title of ADR. The title, once amended, would read: “Agreement Concerning the International Carriage of Dangerous Goods by Road”. The current acronym (ADR) would remain unchanged.

The Ministry of Foreign Affairs of the Government of Portugal takes this opportunity to convey to the Secretary General of the United Nations the renewed assurances of its highest consideration.”.
