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Ad hoc Meeting of Experts on the Convention on
Civil Liability for Damage caused during
Carriage of Dangerous Goods by Road,
Rail and Inland Navigation Vessels (CRTD)
(Fourth session, 3-5 November 2003)

CONSIDERATION OF THE NEW DRAFT CRTD

Definition of “dangerous goods”

Note by the secretariat

With reference to the proposed new definition of “dangerous goods” in square brackets in the annex to the report TRANS/AC.8/6 and the consolidated text of document TRANS/AC.8/2003/5, and the comments to be found in paragraphs 33 to 37 of the Explanatory Report on the original CRTD Convention (ECE/TRANS/84), the secretariat is of the opinion that neither the original definition nor the proposed definition is completely satisfactory. The secretariat therefore proposes the following amendments to the new draft CRTD Convention.

Definition of “dangerous goods”

“*Dangerous goods*’ means any substance or article meeting the definition of dangerous goods in the European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR), the Regulations concerning the International Carriage of Dangerous Goods by Rail (RID) or the Regulations annexed to the European Agreement concerning the International Carriage of Dangerous Goods by Inland Waterways (ADN), depending on the transport mode concerned;”.

Justification

The definition of “dangerous goods” is perfectly clear in ADR, RID and ADN, and in the event of an accident there should be no difficulty in ascertaining whether or not the goods are considered to be dangerous. The use of different wording, as in the existing CRTD Convention, would, however, complicate the interpretation. In ADR, RID and ADN, this definition covers residues, empty uncleaned packagings/tanks and wastes. The exclusion of dangerous goods from the scope of the CRTD is regulated by article 4 (c).

It is also necessary to refer to the definition of the transport mode concerned since, contrary to what was envisaged in the original CRTD, the definition is not the same for each transport mode. Specifically, ADN covers goods which are dangerous only when carried in bulk in cargo vessels or tankers and are not considered dangerous when carried in packages or in bulk in vehicles, containers or wagons.

Article 4 (c)

The secretariat proposes that article 4 (c) should read as follows:

(c) to carriage of dangerous goods which, depending on the transport mode concerned, complies with the conditions of total or partial exemption of Section 1.1.3 of Annex A of ADR, RID or the Regulations annexed to ADN;

Justification

The instances of exemptions differ depending on the transport mode concerned, and a mere reference to ADR, as is the case in the existing CRTD is not satisfactory.

Definitions

In order to simplify the text, and in view of the current legal situation of RID and ADN, the secretariat proposes that the following definitions should be added:

“ADR” means the European Agreement concerning the International Carriage of Dangerous Goods by Road;

“ADN” means the European Agreement concerning the International Carriage of Dangerous Goods by Inland Waterways, or, prior to the entry into force of this Agreement, the annexed Regulations as updated in accordance with the resolution adopted on 25 May 2000 by the Diplomatic Conference for the adoption of ADN, in the most recent version published by the United Nations;*

“RID” means the Regulations concerning the International Carriage of Dangerous Goods by Rail.**

* On the date of the adoption of this Convention, document ECE/TRANS/170, Vols. I and II.

** On the date of the adoption of this Convention, Annex 1 to Appendix B (Uniform Rules Concerning the Contract for International Carriage of Goods by Rail) (CIM) of the Convention concerning International Carriage by Rail (COTIF).

Justification

Since ADR, ADN and RID are quoted in the definitions and in article 4 (c), it seems simpler to make these acronyms the subject of definitions in order to avoid repeating the lengthy titles of these agreements.

Since ADN is not yet in force, it seems preferable to refer to the version of the updated annexed Regulations prior to its entry into force.

When the Vilnius Protocol of 3 June 1999 enters into force, RID should become Appendix C to COTIF 1999.
