



**Economic and Social
Council**

Distr.
GENERAL

TRANS/WP.15/176
3 February 2004

Original: FRENCH

ECONOMIC COMMISSION FOR EUROPE

INLAND TRANSPORT COMMITTEE

Working Party on the Transport of Dangerous Goods

REPORT OF THE WORKING PARTY ON ITS SEVENTY-FIFTH SESSION

(19-23 January 2004)

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ATTENDANCE

1. The Working Party on the Transport of Dangerous Goods held its seventy-fifth session from 19 to 23 January 2004. Representatives of the following countries took part in its work: Austria; Belgium; Bulgaria; Czech Republic; Denmark; Finland; France; Germany; Greece; Hungary; Ireland; Italy; Latvia; Netherlands; Norway; Poland; Portugal; Romania; Russian Federation; Serbia and Montenegro; Slovakia; Slovenia; Spain; Sweden; Switzerland; United Kingdom. The following intergovernmental organizations: European Commission; International Organization for International Carriage by Rail (OTIF), were represented along with the following non-governmental organizations: European Liquefied Petroleum Gas Association (AEGPL); International Association of the Soap, Detergent and Maintenance Products Industry (AISE); Liaison Committee of Coachwork and Trailer Builders (CLCCR); European Association of Automotive Suppliers (CLEPA); International Express Carriers Conference (IECC); European Chemical Industry Council (CEFIC); International Federation of Freight Forwarders Associations (FIATA); International Organization of Motor Vehicle Manufacturers (OICA); International Road Transport Union (IRU).

ELECTION OF OFFICERS FOR 2004

2. The Working Party re-elected Mr. J.A. Franco (Portugal) as Chairman and Ms. A Roumier (France) as Vice-Chairman for 2004.

ADOPTION OF THE AGENDA

Documents: TRANS/WP.15/175; TRANS/WP.15/2004/7 (Secretariat)

Informal documents: INF.1, INF.2 and INF.7 (Secretariat)

3. 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.39.

STATUS OF THE EUROPEAN AGREEMENT CONCERNING THE INTERNATIONAL CARRIAGE OF DANGEROUS GOODS BY ROAD (ADR) AND RELATED ISSUES

Status of the Agreement

Informal documents: INF.18 and Add.1-4

4. The Working Party noted that ADR still had 38 Contracting Parties.

5. The Working Party took note of the list of competent authorities for ADR and the notifications submitted by Austria, Belgium, Latvia and Poland in accordance with 1.8.4 of Annex A of ADR. The Working Party reiterated its invitation to all Contracting Parties to provide the secretariat, as far as possible, with all the information required in 1.8.4, or at least a reference to a web site where such information was available.

Protocol of amendment of 1993

6. The Working Party once again deplored the fact that there were still 12 countries which had not deposited the appropriate legal instrument (Azerbaijan, Belarus, Bosnia and Herzegovina, Croatia, Germany, Greece, Kazakhstan, Morocco, the former Yugoslav Republic of Macedonia, Republic of Moldova, Serbia and Montenegro and Ukraine) to enable the Protocol to enter into force.

Special agreements

Informal document: INF.17 (Secretariat)

7. The Working Party took note of the list of multilateral agreements updated by the secretariat.

8. Some delegations expressed regret that two different agreements concerning pollutants of the aquatic environment had been initiated in parallel, one (M148) anticipating provisions which would enter into force on 1 January 2005, the other (M150) extending the expired M80 agreement. The representative of CEFIC said that the M150 agreement was preferable for industry. Several delegates noted, however, that some countries, if they did not sign the M150 agreement, would be obliged to sign both agreements for the sake of their industry.

Notifications in accordance with Chapter 1.9

Informal documents: INF.21 and INF.22 (Secretariat)

9. The Working Party took note of the checklist of notifications transmitted to the secretariat in accordance with 1.9.4 or for other reasons.

INTERPRETATION OF ADR

Informal documents: INF.4 (Switzerland) (Exemptions of 1.1.3.1)
INF.5 (Switzerland) (Exemptions of 1.1.3.6.5)

10. Several delegations considered that questions of interpretation of ADR should only be discussed on the basis of official documents available in the three working languages. Others considered that questions relating both to RID and to ADR should be raised with the Joint Meeting.

11. Several delegations said that in their opinion exemptions applied on the basis of 1.1.3.1, paragraphs (a), (b), (d) and (e) also applied to radioactive material, if only because it was specifically mentioned that exemptions of 1.1.3.1 (c) did not apply to it. The exemptions of 2.2.7.1.2 were additional, and the NOTE of 1.1.3.1 could be amended to read "... see also under 2.2.7.1.2."

12. The representative of Switzerland was invited to submit the questions raised in informal documents INF.4 and INF.5 to the Joint Meeting.

PROPOSALS FOR AMENDMENTS TO ANNEXES A AND B OF ADR

Amendments from the RID/ADR/ADN Joint Meeting

Documents: TRANS/WP.15/AC.1/94 and Add.1-7
TRANS/WP.15/2004/10 (Germany)

Informal document: INF.14 (Secretariat)

13. The Working Party considered the proposals for amendments resulting from the work of the RID/ADR/ADN Joint Meeting in 2003 (TRANS/WP.15/AC.1/94/Add.1-7) and the decisions of the RID Committee of Experts (Sinaia, 17 to 21 November 2003) in this regard (informal document INF.14). It adopted these amendments and took over the decisions of the RID Committee of Experts on its own behalf, subject to the following comments and objections and some additional amendments (see annex 1).

Part 1

Document: TRANS/WP.15/AC.1/94/Add.1

Paragraph 1.1.3.2 (f)

14. It was proposed to replace “pressure tanks” by “pressure vessels” in the English text to bring it into line with the French version.

15. The Working Party decided to keep the text adopted by the Joint Meeting as it stood even if it meant coming back to it at a later stage once the terminology had been checked.

Paragraph 1.1.4.2.1

Informal document: INF.10 (FIATA)

16. Although in principle the Working Party accepted that vehicles could travel before or after maritime carriage with a marine pollutant marking, it was pointed out that FIATA’s proposal would be tantamount to permitting vehicle traffic with markings that conformed to the IMDG Code but did not conform to the orange-coloured plate markings of 5.3.2 of ADR, particularly with reference to the affixing of orange-coloured plates on transport units and hazard identification numbers on tank vehicles and bulk carriers. This was a proposal for a substantive amendment and should have been submitted as an official document.

17. The representative of FIATA requested delegations to send him their comments in writing so that he could prepare an official proposal.

Paragraph 1.1.4.2.2

Document: TRANS/WP.15/2004/10 (Germany)

Informal document: INF.30 (Secretariat)

18. After discussing the proposal by Germany, the Working Party adopted a different amendment of 1.1.4.2.2 and consequential amendments in 5.4.1.1.7 (see annex 1).

Paragraph 1.6.1.2

19. The Working Party adopted the amendment proposed by the RID Committee of Experts in 1.6.1.2 pointing out that it was tantamount to introducing a transitional measure for labels of Class 7 bearing a text in a language other than English, but was also tantamount to no longer authorizing danger labels which did not carry a figure in the lower corner.

20. The representative of Belgium said that this decision would have important consequences for the placards of vehicles which would from now on have to carry a figure in the lower corner. It was pointed out that 1.6.1.2 concerned danger labels and not placards, but that whatever the interpretation of the existing 1.6.1.2, all vehicle placards would from now on have to carry a figure in the lower corner.

21. The amendments proposed by the RID Committee of Experts for 1.9.3 (c) and 1.9.4 were not adopted. The representative of Norway regretted this decision in respect of 1.9.4 although it was pointed out that the expression “in general” was not appropriate in a regulation and that administrations were not in a position to notify the secretariat “in advance” of texts before they were published in the official bulletin.

Chapter 1.10 (Security)

Document: TRANS/WP.15/2004/9 (Switzerland)

22. The Working Party noted that there were some contradictions or illogicalities in the security provisions of the new Chapter 1.10 and the provisions for vehicle supervision in Chapter 8.4 and special provisions S14 and S21. The proposal by Switzerland was not, however, adopted. Some delegations considered that Chapter 8.4 and special provisions S14 and S21 should be revised.

Document: TRANS/WP.15/AC.1/2003/61 (Portugal)

Informal documents: INF.12 (Portugal)
INF.33 (Secretariat)

23. For the first part of the proposal by Portugal, the majority of the Working Party agreed that a new paragraph 1.10.1.6 should be added, according to which the competent authority should keep a register of currently valid driver training certificates issued by the competent authority or the body appointed by it (see annex 1).

24. Following somewhat unfavourable comments on the second part of the proposal to require carriers to notify the competent authority of the identity of drivers who had obtained their certificate in another Contracting Party to ADR, the representative of Portugal withdrew her proposal.

25. On the proposal of the representative of Switzerland, the Working Party agreed to add a paragraph 1.10.4, as in RID, in order to exempt from the application of 1.10.1, 1.10.2, 1.10.3 and 8.1.2.1 (d) carriage in tanks or in bulk in quantities smaller than those set out in 1.1.3.6.3 (see annex 1).

26. Although some delegations considered that this was not in keeping with the logic of the restructured ADR, it was decided not to reproduce in Part 8 (with the exception of 8.1.2.1 (d)) the paragraphs on safety referring more specifically to drivers and carriers (Chapters 8.3 and 8.4) because all provisions relating to security were already grouped in Chapter 1.10 for political reasons.

Part 2

Document: TRANS/WP.15/AC.1/94/Add.2

Paragraph 2.1.3.9

27. It was recalled that the Joint Meeting had decided that, rather than introduce a special provision 179, it would add a new paragraph 2.1.3.9 to indicate that wastes that did not meet the criteria of Classes 1 to 9 but were covered by the Basel Convention could be carried under UN Nos. 3077 or 3082 (TRANS/WP.15/AC.1/94, para. 29).

28. Several delegations were opposed to this new paragraph since even although it was not mandatory to classify wastes that were non-hazardous within the meaning of ADR and hazardous within the meaning of the Basel Convention under UN Nos. 3077 or 3082, they did not find it desirable to leave it to the consignor to make that choice. The consignor could thus, for reasons of convenience, oblige all other participants to conform to the conditions of carriage for Class 9 although it was unnecessary.

29. Other delegations considered on the contrary that this possibility already existed for all classes and that the specific reference to these two UN numbers was unnecessary and could cause confusion.

30. The Working Party finally adopted the paragraph as proposed by the Joint Meeting without replacing “may be carried” by “may be classified”, as in RID.

Paragraph 2.2.62.1.4.1

Informal document: INF.11 (Switzerland)

31. The representatives of Austria and France considered that the NOTE proposed by Switzerland was unnecessary since, according to the table in 2.2.62.1.4.1, microorganisms to which the information “cultures only” was appended in brackets should be systematically

classified in category A if they were carried in the form of cultures. If they were not carried in the form of cultures, they could be classified in category B, provided it was checked whether, according to the conditions of carriage, they did not meet the criteria of 2.2.62.1.4.1 for category A; if that were the case they would have to be classified in that category.

32. The representative of Switzerland took note of this interpretation.

Part 3

Document: TRANS/WP.15/AC.1/94/Add.3

Special provision 636

Informal documents: INF.16 (Switzerland)
INF.38 (Germany)

33. The representative of Switzerland considered that special provision 636, as revised, did not satisfactorily settle the problem of the carriage of used batteries. He was invited to submit a proposal to the Joint Meeting.

34. On an oral proposal by the representative of France, the Working Party agreed to delete (d) of special provision 636, since the representative of OTIF had said that this deletion to solve a practical problem could be taken into account in the amendments to RID.

35. A member of the secretariat, referring to document TRANS/WP.15/AC.1/2003/63 submitted by Germany, which it had not been possible to discuss in the Joint Meeting, asked whether transitional measures should not be taken for lithium batteries constructed before 1 July 2003 which had not been tested in accordance with the revised provisions of the Manual of Tests and Criteria (ST/SG/AC.10/11/Rev.3/Amdt.1).

36. The representative of France recalled that these provisions had been in effect since 1 July 2003 and that the carriage of lithium batteries and the appliances containing them was permitted only if the test provisions in question had been applied. The introduction of transitional provisions would be tantamount to penalizing constructors who had conformed to the provisions for testing.

37. The representative of Germany, however, proposed a discussion of the proposal for a transitional measure that he had submitted to the Joint Meeting (INF.38), which had finally been adopted provided that the batteries in question had been tested in accordance with the provisions of ADR in force on 30 June 2002.

Paragraph 3.4.3 (b)

Document: TRANS/WP.15/2004/8 (Austria)

38. The representative of Austria stressed that the combination of the provisions of 3.4.3 (b) and 6.2.4.1.5 were tantamount to prohibiting carriage under the limited quantities regime (Chapter 3.4) of small receptacles containing gas (UN No. 2037) with an internal pressure

greater than 1.32 MPa, when in practice the internal pressure of these receptacles could reach 20 MPa. He withdrew his proposal, however, and said that the problem should be settled by the United Nations Sub-Committee of Experts on the Transport of Dangerous Goods, to which he had submitted proposal ST/SG/AC.10/C.3/2004/4 which would be discussed in July 2004. Pending the resolution of the problem, he would propose a multilateral agreement to Contracting Parties to ADR and States members of COTIF.

Part 4

Document: TRANS/WP.15/AC.1/94/Add.4

Chemical compatibility

Documents: TRANS/WP.15/2004/16 (Germany)
TRANS/WP.15/2004/20 (Secretariat)

Informal documents: INF.8, -/Rev.1 and -/Rev.2 (Secretariat)
INF.24 (France)
INF.32 (France)
INF.37 (Portugal)

39. A member of the secretariat summed up the discussions on the subject which had taken place during the Joint Meeting (TRANS/WP.15/AC.1/94, paras. 87-91), the cooperation between the Government of Germany and the secretariat on problem-solving (TRANS/WP.15/2004/16 and TRANS/WP.15/2004/20) and the decisions of the RID Committee of Experts in this area (INF.8).

40. The representative of France stressed that the new provisions were liable to pose practical problems insofar as the plastic packagings currently permitted for a large variety of substances, in particular hydrocarbons, ketones, aldehydes, ethers, etc. (INF.24), after the chemical compatibility test with standard liquids, could no longer be permitted unless they had been tested with the liquid to be carried. She therefore proposed transitional measures (INF.32) for such packagings constructed before 1 July 2005.

41. The representative of Germany explained that existing provisions were not appropriate because substances belonging to the same chemical group did not react identically in terms of chemical compatibility with packagings; he said that the new list had been prepared in cooperation with the chemical industry and that it reflected the current experience of the test bodies. Additions could be made to it taking into account the requirements of industry and the experience of laboratories during the transitional period proposed by France for packagings already constructed.

42. The representative of CEFIC said that these new provisions for testing chemical compatibility were acceptable to the chemical industry.

43. Several delegations expressed concern, however, about the practical consequences of the new provisions for other participants, such as packaging manufacturers, the petroleum products industry and test laboratories and about the future validity of type approvals already validated.

Noting that the proposed list of reference liquids would subsequently be the subject of a standard, they questioned whether it was necessary to include it currently in ADR, only to withdraw it in the near future and replace it by a reference to the standard.

44. It was also pointed out that not to include these provisions in ADR 2005 would delay the introduction of chemical compatibility tests for plastics IBCs, which did not seem to be a desirable solution.

45. After lengthy discussion, the Working Party agreed to introduce these new provisions together with the list in document INF.8, which had been amended again for reasons of simplification (INF.8/Rev.1, then INF.8/Rev.2). The final list was issued as document TRANS/WP.15/176/Add.1. The new provisions would be accompanied by transitional measures for type approvals already issued and the packagings constructed in accordance with these approvals (see annex 1).

46. The representative of OTIF said that the changes and transitional measures adopted could be reflected in RID.

47. The representative of the Russian Federation entered a reservation concerning these transitional measures.

Part 5

Document: TRANS/WP.15/AC.1/94/Add.5

Paragraph 5.4.1.1.1 (i)

48. As regards the addition of a paragraph (i) with a reference to the date on which the transport document was prepared or handed over to the first carrier, in order to conform to paragraph 5.4.1.3 of the United Nations Model Regulations, the Working Party noted that the provision prepared for RID was already not completely identical since it referred to the date on which the dangerous goods were accepted by the carrier or on which an electronic copy of the transport document was transmitted to the first carrier.

49. It was noted that the concept of the first carrier was not clearly defined; in the context of the United Nations Model Regulations it might be the first carrier to whom the first consignor handed over the goods in a multimodal transport operation. It was also noted that it was not desirable to give a choice of several dates and, finally, that the lack of clarity of this provision would be liable to cause problems of interpretation during inspections.

50. It was also noted that many different situations might be encountered in road transport, depending on whether the transport operation was domestic or international, an own-account or a third party operation, by road only or part of a multimodal transport chain.

51. Since this information was not deemed essential from the safety point of view, the Working Party agreed not to take a decision on the proposal at the current session.

Paragraph 5.4.1.2.4 (c)

52. As proposed orally by the representative of Germany, it was voted to delete paragraph 5.4.1.2.4 (c) since some delegates considered that the aim of this paragraph was to provide additional information to the carrier that did not concern safety issues, for example, details of temperature control in the case of easily perishable substances containing infectious material.

Paragraph 5.4.1.1.7

53. Certain delegations proposed that this paragraph should be deleted. It was, however, noted that this requirement would only apply in the event of bulk carriage effected in bulk containers that did not conform to the International Convention on Safe Containers (CSC), as amended and only if the requirements of the new 7.3.2 were used rather than those of 7.3.3. It would not affect transport operations performed in accordance with the existing provisions of RID/ADR.

Part 6

Document: TRANS/WP.15/AC.1/94/Add.6

Chapters 6.2 and 6.7

54. The Working Party agreed that the secretariat should, in cooperation with OCTI, replace the expression “UN certified” by “UN” to qualify gas cylinders and MEGCs complying with the requirements of the United Nations Model Regulations.

Reference to standard EN 13082:2001

Informal document: INF.26 (CEN)

55. After some discussion on the procedure which was not completely in keeping with that adopted by the Joint Meeting for including references to standards, the Working Party agreed to introduce a reference to standard EN 13082:2001 in the tables of 6.8.2.6.

Parts 7, 8 and 9

Document: TRANS/WP.15/AC.1/94/Add.7

Paragraph 7.3.1.13 (g)

56. The Working Party noted that it was necessary in the context of multimodal transport to check on loading that bulk containers were free from all defects that might prevent proper alignment on any means of transport, including wagons and ships' cells, but considered that in the context of ADR it was sufficient to require them to be aligned and stowed on a chassis or on vehicles. Consequently, the references to ships' cells were deleted and references to wagons were not included (see annex 1).

Construction and approval of vehicles

Paragraph 1.6.5.4

57. The Working Party decided to amend the transitional measure of 1.6.5.4 in order to apply it to EX/II, EX/III, FL, OX and AT vehicles constructed before 31 December 2005 (see annex 1).

Paragraph 1.6.5.7

Informal document: INF.39 (Germany)

58. A paragraph 1.6.5.7 was added in order to take account of the fact that the requirements concerning EX/II and EX/III vehicles had been amended several times (see annex 1).

Definition of vehicles

Document: TRANS/WP.15/2004/4 (Austria)

Informal document: INF.15 (Austria)

59. The Working Party adopted the new definitions of FL vehicles as proposed by Austria in document INF.15 (see annex 1).

60. The representative of the Russian Federation said that he was not in favour of these amendments.

61. The representative of Germany said that FL vehicles were required for elevated temperature substances with a flashpoint above 61° C, carried at temperatures at or above their flashpoint (UN No. 3256); this seemed to him to contradict the definition. He was invited to submit a proposal in writing if he considered it necessary.

Electronically controlled stabilizing systems

Document: TRANS/WP.15/2004/11 (Germany)

Informal document: INF.9 (Norway)

62. The representative of Germany considered that it would be useful for ADR to make the use of electronically controlled stabilization systems compulsory, since they considerably improved vehicle stability.

63. Several speakers considered that it would be preferable for the World Forum for Harmonization of Vehicle Regulations (WP.29) to develop a regulation on stability systems under the 1958 Agreement before envisaging a possibly compulsory application of a regulation of this nature to vehicles carrying dangerous goods. The possible advantages in terms of safety for the carriage of dangerous goods should be set against the costs incurred by such measures. It was also mentioned that a study on the causes of accidents was currently being carried out within the European Union.

64. The Working Party decided to await the results of the consideration of this issue by the WP.29 World Forum.

Certificate of approval for EX/II vehicles

Document: TRANS/WP.15/2004/14 (United Kingdom)

65. The proposal by the United Kingdom that, for practical reasons, the possibility of issuing a certificate of approval for EX/II vehicles with the requirements of Part 9 might be delegated to an operator, was not adopted, since the majority of delegations considered that vehicle approval should remain the responsibility of the competent authority alone.

Consideration of texts previously adopted

Documents: TRANS/WP.15/170, annex 2 (except Part 9)
TRANS/WP.15/172, annex 1 (except Part 9)
TRANS/WP.15/174/Add.1

Informal document: INF.25 (Sweden)

Paragraph 6.8.3.5.6 (a)

66. With reference to the deletion of 6.8.3.5.6 (a) (TRANS/WP.15/170, annex 2), the Working Party noted that this had been made subject to endorsement by the Joint Meeting (TRANS/WP.15/170, para. 28). Since the Joint Meeting had not adopted this amendment, it had not been included in ADR.

Paragraph 9.2.4.7.1

67. Since the draft ECE Regulation on type approval of a heating system and of a vehicle with regard to its heating system had not yet been formally adopted, it was decided for the time being to keep only the reference to Directive 2001/56/EC.

68. The Working Party further confirmed the texts previously adopted with some amendments and corrections (see annex 1) and subject to a check by the secretariat of the consistency of the draft amendments overall.

Transitional measures

Informal documents: INF.29 (Secretariat)
INF.37 (France)
INF.39 (Germany)

69. The Working Party took note of a consolidated text of Chapter 1.6, prepared by the secretariat, that should be updated to take account of the decisions taken at the current session and checked to keep the parallel with RID.

70. The representative of Sweden was of the opinion that the wording of the transitional measures concerning fibre-reinforced plastics tanks (1.6.3.21) should be revised.

Miscellaneous proposals

71. The discussion of new proposals submitted under this item was postponed until the next session for the draft amendments which would enter into force on 1 January 2007.

SECURITY IN THE TRANSPORT OF DANGEROUS GOODS

72. This item was discussed during consideration of Part 1 (see paragraphs 22-26 of this report).

SAFETY IN ROAD TUNNELS

Document: TRANS/WP.15/2004/12 (Switzerland)

Informal documents: INF.15 (submitted at the previous session) (Report of the Feldkirch informal working group)
INF.3 and INF.3/Rev.1 (Secretariat)
INF.13 (Austria)
INF.19 (Comments by the Chairman of the WP.1 Legal Group)
INF.27 (Switzerland)
INF.28 (Switzerland)
INF.34 (Germany)

73. The Working Party welcomed the secretariat's proposal in informal documents INF.3 and INF.3/Rev.1, taking action on the mandate that had been entrusted to it at the previous session (TRANS/WP.15/174, para. 76). Despite the difficulty of the task, this proposal was a faithful reflection of the conclusions of the Feldkirch informal working group (12-14 May 2003) and provided a user-friendly transposition to ADR, while opening up the prospect of restrictions other than those concerning travel through road tunnels in a concern for the harmonization and facilitation of traffic.

74. The representative of Switzerland said that his Government was particularly concerned about the issue of the safe carriage of dangerous goods in tunnels. While appreciating the difficulty of the task undertaken by the secretariat, and noting that the result was based on the Working Party's decisions at its last session, he reiterated his reservations concerning the conclusions of the Feldkirch informal group and the approach recommended by OECD/PIARC. In particular, no text should be added to Chapter 1.9. In his opinion, and bearing in mind the experience of the emergency services in Switzerland, the OECD/PIARC approach, based on three principal hazards (explosion, leaks of toxic gases and fire) was too simplistic; account should be taken, for example of the hazards of non-toxic corrosive substances, particularly their reaction with water. In addition, the assignment of dangerous goods to the OECD/PIARC groupings as recommended by the Feldkirch group did not seem sufficiently complete to him; the experiences of accidents in the Mont Blanc and St. Gothard tunnels had shown that any combustible material, and not only flammable substances of packing groups I or II, presented a fire hazard. In the same order of ideas, he considered that it should also be possible to restrict the access of dangerous goods packed in limited quantities to tunnels. In his opinion, each country should retain its authority in that regard.

75. The representative of IRU said that the existing situation, where each restriction was decided nationally or locally without any systematic decision-making logic, was not tenable and was a major and unjustified obstacle to international transport operations. She accordingly welcomed the prospects of harmonization offered by the conclusions of the Feldkirch working group and the secretariat's proposal.

76. The Working Party agreed that the issue was complex and required further reflection. Another session of the working group on tunnels should be scheduled rapidly in order to consider the various documents submitted on the basis of a mandate to be defined at the next session. The representative of Switzerland offered, if necessary, to organize the new session.

PROGRAMME OF WORK

Document: TRANS/WP.15/2004/21 (Secretariat)

77. The Working Party adopted the programme of work for programme activity "02.7 TRANSPORT OF DANGEROUS GOODS" as prepared by the secretariat for the period 2004-2008 for submission to the Inland Transport Committee (see annex 2).

78. It was noted that the section concerning the Ad hoc meeting of experts on the follow-up to the Convention on Civil Liability for Damage caused during the Carriage of Dangerous Goods by Road, Rail and Inland Navigation Vessels (CRTD) came under the Committee's prerogatives exclusively; the Working Party accordingly abstained on this section.

Informal documents: INF.6 (Netherlands)
INF.23 (Belgium)

79. The Working Party noted the proposal by the Government of the Netherlands, supported by the representative of Germany, to cancel the May 2004 session. It would in any case be too late to adopt amendments entering into force in 2005, and there would still be three sessions in 2004-2005 for the 2007 amendments.

80. Some delegations noted that this proposal had been justified at the time of drafting, but that since then several new proposals for amendments had been submitted as informal documents. In addition, some 10 official proposals had not been discussed under agenda item 5 (b) (Miscellaneous proposals) owing to lack of time at the current session. Lastly, the question of the carriage of dangerous goods in tunnels was of particular political importance. If the mandate of the informal working group on tunnels could not be discussed until November 2004, it would not be possible for the working group to meet before and there would then be a risk that the issue could not be settled for 2007.

81. With reference to the proposal by Belgium to decide systematically to cut back the number or the length of future meetings, several delegations considered that it would be preferable, rather than envisage any cuts systematically, to consider them on a case-by-case basis before each biennium in accordance with the programme of work scheduled.

82. The Working Party finally decided by a large majority that the May 2004 session would be maintained, but that the last two days of the week could be devoted to work on tunnels at a subsidiary expert level once the mandate had been defined in plenary. This would make it possible to ensure increased participation by interested countries and avoid the additional costs of travel for an informal group meeting elsewhere.

Amendments for 2005

83. The Working Party requested the secretariat to prepare a checklist of all the amendments it had adopted for entry into force on 1 January 2005 so that they could be made the subject of an official proposal, in accordance with the procedure of Article 14 of ADR, that the Chairman, as was customary, would be responsible for transmitting to the depositary through his Government. The notification would have to be issued at latest on 1 July 2004 with a reference to the scheduled date of entry into force of 1 January 2005.

84. The Working Party also requested the secretariat to publish the consolidated text of ADR as amended at 1 January 2005 sufficiently in advance to prepare its effective implementation before the entry into force of the amendments in question.

ADOPTION OF THE REPORT

85. The Working Party adopted the report of its seventh-fifth session and its annexes on the basis of a draft prepared by the secretariat.

Annex 1

Draft amendments to annexes A and B of ADR adopted by the Working Party for entry into force on 1 January 2005

PART 1

Document TRANS/WP.15/172, annex 1 adopted without modifications.

Document TRANS/WP.15/174/Add.1 adopted with the following modifications:

1.6.1.6 Renumber as 1.6.1.9.

1.6.3.21 Replace the amendment concerning this paragraph with the following:

“Current 1.6.3.21 becomes new 1.6.3.40. Insert the following new paragraphs:
1.6.3.22 to 1.6.3.24 (*Reserved*).”

1.6.4.14 Renumber as 1.6.4.15.

Document TRANS/WP.15/AC.1/94/Add.1 adopted with the following modifications:

1.1.3.6.3 Replace the amendment concerning Class 4.3 with the following:

“In transport category 0, under Class 4.3, replace ‘, 3148, 3207 and 3372’ with
‘3148, 3396, 3398 and 3399’.”

1.2.1 In the definition of “Hermetically closed tank”, at the end of the fourth indent,
replace “an applicable special provision of 6.8.4” with “special provision TE15
of 6.8.4”.

1.6.1.6 Amend the end of the paragraph to read as follows: “ ... which do not conform to
the requirements of 6.5.2.1.1 regarding the height of letters, numerals and
symbols, applicable as from 1 July 2001 may continue to be used.”

1.6.1.7 Renumber as 1.6.1.8.

1.6.3.21 Replace “Tank-vehicles” with “Fixed tanks (tank-vehicles) and demountable
tanks” and “comply with” with “conform to”.

1.6.3.22 Renumber as 1.6.3.30 and insert “(tank-vehicles)” after “fixed tanks” and “which”
before “conform”.

1.6.4.14 Renumber this paragraph as new 1.6.4.16 and replace “comply with” with
“conform to”.

1.6.4.15 Renumber this paragraph as new 1.6.4.20 and insert “which” before “conform”.

Add the following Note under the title of Chapter 1.10:

“NOTE: *For the purposes of this Chapter, “security” means measures or precautions to be taken to minimise theft or misuse of dangerous goods that may endanger persons, property or the environment.”*

1.10.1.6 Add a new paragraph to read as follows:

“1.10.1.6 The competent authority shall maintain up-to-date registers of all valid training certificates for drivers stipulated in 8.2.1 issued by it or by any recognized organization.”

Place the sentence “Table 1.10.1: List of high consequence dangerous goods” immediately before the table and replace “1.10.1” with “1.10.5”.

Consequential amendments: In 1.10.3.1, 1.10.3.2.1 and 1.10.3.3, replace “Table 1.10.1” with “Table 1.10.5”.

1.10.4 Add a new paragraph to read as follows:

“1.10.4 In accordance with the provisions of 1.1.3.6, the requirements of 1.10.1, 1.10.2, 1.10.3 and 8.1.2.1 (d) do not apply when the quantities carried in packages on a transport unit do not exceed those referred to in 1.1.3.6.3. In addition, the requirements of 1.10.1, 1.10.2, 1.10.3 and 8.1.2.1 (d) do not apply when the quantities carried in tanks or in bulk on a transport unit do not exceed those referred to in 1.1.3.6.3.”

The sentence before the table (“High consequence dangerous goods ... those indicated therein”) becomes new section 1.10.5.

In the table, for Class 2, under the heading “Substance or article” replace “(classification code F)” with “(classification codes including only letter F)” and delete the brackets around “excluding aerosols”.

New amendments:

1.1.4.2.2 Add the following phrase at the end: “ ... except that, when additional information is required by ADR, it shall be added or entered at the appropriate place.”

Delete the Note.

Consequential amendment: In 5.4.1.1.7, replace “1.1.4.2” with “1.1.4.2.1”.

- 1.6.1.1 Replace “2003” with “2005” and “2002” with “2004”.
- 1.6.1.2 Replace “1998” with “2004”.
- 1.6.1.7 and
1.6.1.10 Add the following new transitional provisions:
- “1.6.1.7 Type approvals for drums, jerricans and composite packagings made of high or medium molecular mass polyethylene issued before 1 July 2005 in accordance with the requirements of 6.1.5.2.6 in force up to 31 December 2004, but which are not in accordance with the requirements of 4.1.1.19, continue to be valid until 31 December 2009. Any such packagings manufactured and marked on the basis of these type approvals may be used until the end of their period of use determined in 4.1.1.15.”
- 1.6.1.10 Lithium cells and batteries manufactured before 1 July 2003 which had been tested in accordance with the requirements applicable until 31 December 2002 but which had not been tested in accordance with the requirements applicable as from 1 January 2003, and appliances containing such lithium cells or batteries, may continue to be carried up to 30 June 2013 if all the other applicable requirements are fulfilled.”
- 1.6.3.10, 1.6.3.12, 1.6.3.15 and
1.6.3.16 Amend to read as follows: “*Reserved*”.
- 1.6.3.26 to 1.6.3.29 Insert the following new paragraphs: “1.6.3.26 to 1.6.3.29 *Reserved*”.
- 1.6.3.31 to 1.6.3.39 Insert the following new paragraphs: “1.6.3.31 to 1.6.3.39 *Reserved*”.
- 1.6.4.6 and 1.6.4.9 Amend to read as follows: “*Reserved*”.
- 1.6.4.12 Add a new sentence at the end of the existing paragraph to read as follows:
- “The marking of the alphanumerical codes of special provisions TC, TE and TA in accordance with 6.8.4 shall be carried out when the tank codes are assigned or at one of the tests in accordance with 6.8.2.4 subsequent to the assignment, but by 31 December 2008 at the latest.”
- 1.6.5.1 and 1.6.5.2 Amend to read as follows: “*Reserved*”.

1.6.5.4 Replace “base” with “EX/II, EX/III, FL, OX and AT”, “2002” with “2004” and “30 June 2004” with “31 December 2005”.

1.6.5.7 Add the following new transitional provision:

“1.6.5.7 EX/II and EX/III vehicles which have been first approved before 1 July 2005 and which comply with the requirements of Part 9 in force up to 31 December 2004 but which do not however conform to the requirements applicable as from 1 January 2005 may continue to be used until 31 December 2014.”

PART 2

Document TRANS/WP.15/174/Add.1 adopted with the following modifications:

2.1.3.4.2 For UN No. 2315, replace “(PCBs)” with “, LIQUID” and add the following new second entry: “UN No. 3432 POLYCHLORINATED BIPHENYLS, SOLID”.

Document TRANS/WP.15/AC.1/94/Add.2 adopted with the following modifications:

2.1.3.4 Delete the amendment.

As a consequence of the insertion of a new paragraph 2.1.3.9, current 2.1.3.9 (Table of precedence of hazards) becomes new 2.1.3.10. Amend all references to this table accordingly.

2.2.9.1.10 Insert “(R50; R50/53; R51/53)” after “Environmentally hazardous” in the first and second paragraphs.

2.3.6 In Figure 2.3.6, replace “division” with “class” wherever it appears. Replace “60.5° C” with “61° C”.

PART 3

Document TRANS/WP.15/172, Annex 1, adopted with the following modifications:

UN No. 0336 Replace “648” with “651”.

Chapter 3.3

SP648 Renumber new special provision 648 as 651.

Document TRANS/WP.15/174/Add.1 adopted without modifications.

Document TRANS/WP.15/AC.1/94/Add.3 adopted with the following modifications:

- Table A Replace the amendment concerning the insertion of a new “CV8/CW8” (renumbered “CV36/CW36”) with the following:
- “Insert a new ‘CV36’ for all substances of Class 2, except for UN Nos. 1002, 1043, 1044, 1057, 1950, 2037, 2073, 2857, 3150, 3164, 3167, 3168, 3169, 3318 and 3358.”
- Chapter 3.3
SP319 Insert “packages” before “marked” in the last sentence.
- Chapter 3.4
3.4.7 Add missing paragraph 3.4.7. (Text of current 3.4.7 in ADR 2003).

New amendments

- 3.2.1 Column (10): Insert the following sentence before the existing NOTE:
- “The indication of a ‘(M)’ means that the substance may be carried in ‘UN’ MEGCs.”
- Table A Assign “(M)” in column (10) to all gases for which an “x” appears in the column “MEGC” of packing instruction P200 of the UN Model Regulations on the Transport of Dangerous Goods.
- UN No. 3432, add “VV15” in column (17).
- UN Nos. 3090 and 3091, add P903b in column (8).
- Chapter 3.3
SP636 Delete subparagraph (d).

PART 4

Document TRANS/WP.15/174/Add.1 adopted without modifications.

Document TRANS/WP.15/AC.1/94/Add.4 adopted with the following modifications:

- 4.1.1.19.6 *Note by the secretariat: For the assimilation list see TRANS/WP.15/176/Add.1.*
- 4.1.4.1 **P002** Renumber the new special packing instruction RR4 as RR5 and amend it to read as follows:
- “**RR5** Notwithstanding the provisions of special provision PP84, packages for UN No. 1057 need only comply with the general provisions of 4.1.1.1, 4.1.1.2 and 4.1.1.5 to 4.1.1.7, provided that the package has a maximum gross mass of not more than 10 kg.”

P200 Table 2, replace the amendments concerning the UN No. 1010 with the following:

“For UN No. 1010, amend to read as follows:

UN No.	Name and description	Classification code	LC ₅₀ ml/m ³	Cylinders	Tubes	Pressure drums	Bundles of cylinders	Test period, years	Test pressure, bar	Filling ratio	Special packing provisions
1010	BUTADIENES, STABILIZED (1,2-butadiene)	2F		X	X	X	X	10	10	0.59	r
1010	BUTADIENES, STABILIZED (1,3-butadiene)	2F		X	X	X	X	10	10	0.55	r
1010	BUTADIENES AND HYDROCARBONS MIXTURE, STABILIZED	2F		X	X	X	X	10	10	0.50	r, z, v

P650 In paragraph (9), insert “packages which are” before “marked”.

4.3.3.2.5 Replace the amendment concerning UN No. 1010 with the following:

“In the table, for UN No. 1010, replace current rows with the following:

1010	BUTADIENES, STABILIZED (1,2-butadiene) or	2F	1	10	1	10	0.59
	BUTADIENES, STABILIZED (1,3-butadiene) or	2F	1	10	1	10	0.55
	BUTADIENES AND HYDROCARBONS MIXTURE, STABILIZED	2F	1	10	1	10	0.50

PART 5

Document TRANS/WP.15/172, Annex 1, adopted without modifications.

Document TRANS/WP.15/174/Add.1 adopted without modifications.

Document TRANS/WP.15/AC.1/94/Add.5 adopted with the following modifications:

5.2.2.2.1.1 Replace “Add the following sentence at the end:” with “Insert the following sentence before the existing last sentence:”.

5.2.2.2.2 The modification does not apply to the English text.

5.4.1.1.6.1 Insert “including empty uncleaned receptacles for gases with a capacity of not more than 1,000 litres,” after “Class 7” and delete the last sentence (“This provision is applicable ... not more than 1,000 litres.”).

5.4.1.1.6.2 Insert “and for empty uncleaned receptacles for gases with a capacity of more than 1,000 litres,” after “Class 7”, “EMPTY RECEPTACLE” after “EMPTY CONTAINER,” and delete the last sentence (“This provision is applicable ... not more than 1,000 litres.”).

5.4.1.2.5.1 (h) (former (k)) Replace (j) with (g).

New amendments:

5.4.1.1.7 Replace “1.1.4.2” with “1.1.4.2.1”.

5.4.1.1.8 Amend to read as follows: “(Reserved)”.

Consequential amendment: Delete the NOTE in 1.1.4.3.

5.4.1.2.4 Amend to read as follows:

“In addition to the information concerning the consignee (see 5.4.1.1.1 (h)), the name and telephone number of a responsible person shall be indicated.”

PART 6

Document TRANS/WP.15/174/Add.1 adopted without modifications.

Document TRANS/WP.15/AC.1/94/Add.6 adopted with the following modifications:

6.1.5.2.7 Delete footnote 1.

6.1.6 In the title, replace “and IBCs” with “, including IBCs,”.

Consequential amendment: In the title of 4.1.1.19, replace “and IBCs” with “, including IBCs,”

6.1.6.2 Delete the amendments concerning classes 6.1 and 8. (This subsection has been deleted).

6.5.4.3.6 Delete footnote 2.

6.8.2.5.2 In the new indent to be inserted, add “the alphanumerical codes of” before “all applicable special provisions”.

6.8.2.6

and 6.8.3.6 The modification of the NOTE does not apply to the English text.

6.8.2.6 Insert the following line under “*For tanks intended ... corrosive subsidiary hazard*”:

6.8.2.2 and 6.8.2.4.1	EN 13082:2001	Tanks for transport of dangerous goods - Service equipment - Vapour transfer valve
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6.8.3.5 Amend the beginning of footnote 16) to read as follows:

“Instead of the proper shipping name or of the proper shipping name of the n.o.s. entry followed by the technical name, the use of the following names is permitted, if applicable:”.

In the same footnote, add the following new fourth indent:

“– for UN 1010 Butadienes, stabilized: 1,2-Butadiene, stabilized, 1,3-Butadiene, stabilized.”

6.8.4 (b) **TE15** Amend the beginning of the sentence to be added, as follows: “For tanks intended for the carriage of solid substances (powdery or granular) ...”. (*Remainder unchanged*).

6.8.4 (c) **TA3** Delete “(+)” (twice).

New amendments:

6.1.6.1 Delete the title.

6.2.3.2.2 Replace “EN 1975:1999” with “EN 1975:1999+A1:2003”.

PART 7

Document TRANS/WP.15/174/Add.1 adopted without modifications.

Document TRANS/WP.15/AC.1/94/Add.7 adopted with the following modification:

7.3.1.13 (g) Insert “on a” before “chassis” and delete “, or insertion into ships’ cells”.

New amendments:

7.2.4 **V7** Amend to read: “(*Reserved*)”.

PART 8

Document TRANS/WP.15/172, Annex 1, adopted without modifications.

Document TRANS/WP.15/174/Add.1 adopted without modifications.

Document TRANS/WP.15/AC.1/94/Add.7 adopted, with the exception of the amendments to Chapters 8.3 and 8.4.

PART 9

Document TRANS/WP.15/174/Add.1 adopted with the following modifications:

9.2.1 In the table:

For the row numbered 9.2.2.2, delete note “a”.

For the row numbered 9.2.2.3.1, insert “a” after X in columns “EX/III” and “FL”.

In the column “Comments”: rename “h” as “a”, replace “force” with “service” (English version only) and “after 30 June 2005” with “as from 1 July 2005”.

For the row numbered 9.2.4.2, insert “X” in column “OX”.

9.2.2.3.1, 9.2.2.3.2 and

9.2.2.5.1 (c) Delete the square brackets.

9.2.4.7.1 Delete the text in square brackets and related footnote “5”. Renumber following footnotes accordingly.

9.3.4.2 Delete the square brackets.

New amendments:

9.1.1.2 Amend the definitions of FL, OX and AT vehicles to read as follows:

- “FL vehicle”: (a) A vehicle intended for the carriage of liquids having a flashpoint of not more than 61° C (with the exception of diesel fuel complying with standard EN 590:1993, gas oil, and heating oil (light) - UN No. 1202 - with a flashpoint as specified in standard EN 590:1993) in fixed tanks or demountable tanks with a capacity exceeding 1 m³ or in tank-containers, portable tanks or MEGCs with an individual capacity exceeding 3 m³; or
- (b) A vehicle intended for the carriage of flammable gases in fixed tanks or demountable tanks with a capacity exceeding 1 m³ or in tank-containers, portable tanks or MEGCs with an individual capacity exceeding 3 m³; or
- (c) A battery-vehicle with a total capacity exceeding 1 m³ intended for the carriage of flammable gases;

“OX vehicle”: A vehicle intended for the carriage of hydrogen peroxide, stabilized or hydrogen peroxide, aqueous solution stabilized with more than 60% hydrogen peroxide (Class 5.1, UN No. 2015) in fixed tanks or demountable tanks with a capacity exceeding 1 m³ or in tank-containers or portable tanks with an individual capacity exceeding 3 m³;

- “AT vehicle”: (a) A vehicle, other than FL or OX, intended for the carriage of dangerous goods in fixed tanks or demountable tanks with a capacity exceeding 1 m³ or in tank-containers, portable tanks or MEGCs with an individual capacity exceeding 3 m³; or,
- (b) A battery-vehicle with a total capacity exceeding 1 m³ other than an FL vehicle.”
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Annex 2

Draft programme of work for 2004-2008

PROGRAMME ACTIVITY 02.7: TRANSPORT OF DANGEROUS GOODS

Regulations on the transport of dangerous goods by road, rail, inland waterway and combined transport

Priority: 1

Description: Consideration of regulations and technical questions concerning the international carriage of dangerous goods in the region. Preparation of new international agreements and harmonization of existing agreements in this field to enhance safety at the same time as facilitating trade, in cooperation with the Economic and Social Council's Committee of Experts on the Transport of Dangerous Goods **and on the Globally Harmonized System of Classification and Labelling of Chemicals.**

Work to be undertaken:

1. By the Working Party on the Transport of Dangerous Goods (WP.15)

CONTINUING ACTIVITIES

- (a) Consideration of proposed amendments relating expressly to the European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR) and relating to administrative and technical questions pertaining to its implementation and the national and international implementation of its annexes, to ensure the necessary updating of legislation and the introduction of a uniform, harmonized and coherent system for the regulation of the national and international transport of dangerous goods by road throughout Europe (continuing) (WP.15).

Output expected

Adoption of a set of draft amendments to Annexes A and B of ADR by the end of ~~2003~~**2005** for entry into force on 1 January ~~2005~~**2007**, and by the end of ~~2005~~**2007** for entry into force on 1 January ~~2007~~**2009**.

Publication of revised consolidated editions of ADR in ~~2002~~, 2004, ~~and~~ 2006 **and 2008**.

Priority: 1

- (b) Consideration of proposed amendments relating expressly to the Regulations annexed to the European Agreement concerning the International Carriage of Dangerous Goods by Inland Waterways and pertaining to administrative and technical questions concerning their implementation, in order to ensure the necessary updating of those provisions and the introduction of a uniform, harmonized and coherent system for the regulation of the national and international transport of dangerous goods by inland waterway throughout Europe (continuing) (WP.15/AC.2).

Output expected

Adoption of draft amendments to the Regulations annexed to ADN in ~~2002, 2003, 2004, 2005, and 2006, 2007 and 2008~~ for application by Member States as soon as possible and for submission to the ADN Administrative Committee as soon as ADN enters into force.

Priority: 1

- (c) Harmonization of the provisions of ADR, ADN and the International Regulations concerning the Carriage of Dangerous Goods by Rail (RID), on the basis of the United Nations Recommendations on the Transport of Dangerous Goods, and consideration of proposed amendments to the provisions common to ADR, RID and ADN in order to harmonize regulations governing the various modes of inland transport throughout Europe, in accordance with the provisions recommended by the United Nations for worldwide application to all transport modes, so as to facilitate multimodal transport and international trade under safety conditions in keeping with each mode of transport (continuing) (WP.15/AC.1).

Output expected

Adoption of draft amendments to ADR, RID and ADN by the end of ~~2003 2005~~ for entry into force on 1 January ~~2005-2007~~ and by the end of ~~2005 2007~~ for entry into force on 1 January ~~2007-2009~~.

Priority: 1

ACTIVITIES OF A LIMITED DURATION

- (d) ~~Restructuring of the Regulations annexed to ADN to make implementation of their provisions easier for all parties having to apply them and thus improve safety and rationalize and facilitate future updates of them on the basis of the regular updating of the Model Regulations annexed to the United Nations Recommendations on the transport of dangerous goods, so as to avoid duplication by rationalization of methods of work (WP.15/AC.2).~~

Output expected

~~Adoption of the restructured ADR and RID in 2000 for entry into force on 1 July 2001.
Publication of the restructured ADR in 2001.~~

~~Adoption of **the restructured Regulations annexed to ADN in 2002 for application by Member States as from 1 January 2003 and for submission to the ADN Administrative Committee as soon as ADN enters into force. Publication of the restructured annexed regulations in 2003.**~~

Priority: 1

- [2. By the ad hoc meeting of experts on the follow-up to the Convention on Civil Liability for Damage caused during the Carriage of Dangerous Goods by Road, Rail and Inland Navigation Vessels (CRTD)

ACTIVITIES OF A LIMITED DURATION

~~Consultation with experts from all sectors concerned by the CRTD and development of proposals of amendments to the articles of CRTD which would provide a better basis for application of the CRTD to the various modes of transport. Preparation of a draft revised convention for adoption by the Inland Transport Committee.~~

Output expected

Adoption of a revised CRTD by the Inland Transport Committee in 2004.

Priority: 1]
