

Economic Commission for Europe
Inland Transport Committee

Restructured

ADR

applicable as from 1 January 2005

European Agreement
Concerning the International Carriage
of Dangerous Goods by Road

Volume I



UNITED NATIONS
New York and Geneva, 2004

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FOREWORD

General

The European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR) was done at Geneva on 30 September 1957 under the auspices of the United Nations Economic Commission for Europe, and it entered into force on 29 January 1968. The Agreement itself was amended by the Protocol amending article 14 (3) done at New York on 21 August 1975, which entered into force on 19 April 1985.

According to article 2 of the Agreement, dangerous goods barred from carriage by Annex A shall not be accepted for international transport, while international transport of other dangerous goods shall be authorized subject to compliance with:

- the conditions laid down in Annex A for the goods in question, in particular as regards their packaging and labelling; and
- the conditions laid down in Annex B, in particular as regards the construction, equipment and operation of the vehicle carrying the goods in question.

Nevertheless, according to article 4, each Contracting Party shall retain the right to regulate or prohibit, for reasons other than safety during carriage, the entry of dangerous goods into its territory. Contracting Parties also retain the right to arrange, by bilateral or multilateral agreements, that certain dangerous goods which are prohibited from carriage by Annex A be internationally carried, subject to certain conditions, on their territories, or that dangerous goods authorized to be carried internationally according to Annex A be carried on their territories under conditions less stringent than those specified in Annexes A and B.

Annexes A and B have been regularly amended and updated since the entry into force of ADR.

Structure of Annexes A and B

The Working Party on the Transport of Dangerous Goods (WP.15) of the Economic Commission for Europe's Inland Transport Committee decided, at its fifty-first session (26-30 October 1992), to restructure Annexes A and B, on the basis of a proposal by the International Road Transport Union (TRANS/WP.15/124, paras. 100-108). The main objectives were to make the requirements more accessible and more user-friendly so that they could be applied more easily not only to international road transport operations under ADR, but also to domestic traffic in all European States through national or European Community legislation, and ultimately to ensure a consistent regulatory framework at European level. It was also considered necessary to identify more clearly the duties of the various participants in the transport chain, to group more systematically the requirements concerning these various participants, and to differentiate the legal requirements of ADR from the European or international standards that could be applied to meet such requirements.

The new structure is consistent with that of the United Nations *Recommendations on the Transport of Dangerous Goods, Model Regulations*, the *International Maritime Dangerous Goods Code (IMDG Code)* and the *Regulations concerning the International Carriage of Dangerous Goods by Rail (RID)*.

It has been split into nine parts, but still grouped under two annexes to align with the wording of article 2 of the Agreement itself. The layout is as follows:

Annex A: General provisions and provisions concerning dangerous articles and substances

- Part 1 General provisions
- Part 2 Classification
- Part 3 Dangerous goods list, special provisions and exemptions related to dangerous goods packed in limited quantities
- Part 4 Packing and tank provisions

- Part 5 Consignment procedures
- Part 6 Requirements for the construction and testing of packagings, intermediate bulk containers (IBCs), large packagings, tanks and bulk containers
- Part 7 Provisions concerning the conditions of carriage, loading, unloading and handling

Annex B: Provisions concerning transport equipment and transport operations

- Part 8 Requirements for vehicle crews, equipment, operation and documentation
- Part 9 Requirements concerning the construction and approval of vehicles

Part 1, which contains general provisions and definitions, is an essential part, since it contains all definitions for terms used throughout the other parts, and it defines precisely the scope and applicability of ADR, including the possibility of exemptions, as well as the applicability of other regulations. It also contains provisions concerning training, derogations and transitional measures, the respective safety obligations of the various participants in a chain of transport of dangerous goods, control measures and safety advisers. New provisions concerning transport of dangerous goods security have also been included in this version.

Central to the use of the restructured ADR is table A of Chapter 3.2 which contains the dangerous goods list in the numerical order of UN numbers. Once the UN number of a specific dangerous substance or article has been determined, the table provides cross-references to specific requirements to be applied for the carriage of that substance or article, and to the chapters or sections where these specific requirements may be found. Nevertheless, it should be borne in mind that the general requirements or class specific requirements of the various Parts have to be applied in addition to specific requirements, as relevant.

An alphabetical index which indicates the UN number assigned to specific dangerous goods has been prepared by the secretariat and added as table B of Chapter 3.2 to facilitate the access to table A when the UN number is unknown. This table B is not an official part of ADR and has been added in the publication for easy reference only.

When goods which are known or suspected to be dangerous cannot be found by name in any of tables A or B, they have to be classified in accordance with Part 2, which contains all relevant procedures and criteria to determine whether such goods are deemed to be dangerous or not and which UN number should be assigned.

Applicable texts

A first version of the restructured ADR ("2001 restructured ADR"), applicable as from 1 July 2001, was published under the symbol ECE/TRANS/140, vol.I and II, and corrigenda 1, 2, 4 and 6). A first amendment series entered into force on 1 January 2003 and a second version ("2003 restructured ADR") was published accordingly (ECE/TRANS/160, vol.I and II, and corrigenda 1, 2 and 3).

This version ("2005 restructured ADR") takes into account all new amendments adopted by WP.15 in 2002, 2003 and 2004, circulated under the symbols TRANS/WP.15/178, TRANS/WP.15/178/Corr.1 and TRANS/WP.15/178/Add.1, which, subject to acceptance by the Contracting Parties in accordance with article 14(3) of the Agreement, should enter into force on 1 January 2005.

Nevertheless, due to the transitional measures provided for in 1.6.1.1 of Annex A, the previous version ("2003 restructured ADR") may continue to be used until 30 June 2005.

Territorial applicability

ADR is an Agreement between States, and there is no overall enforcing authority. In practice, highway checks are carried out by Contracting Parties, and non-compliance may then result in legal action by national authorities against offenders in accordance with their domestic legislation. ADR itself does not prescribe any penalties. At the time of publishing, those Contracting Parties are Austria, Azerbaijan, Belarus, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Italy, Kazakhstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Morocco, Netherlands, Norway, Poland, Portugal, Republic of Moldova, Romania, Russian Federation, Serbia and Montenegro, Slovakia, Slovenia, Spain, Sweden, Switzerland, The former Yugoslav Republic of Macedonia, Ukraine and United Kingdom.

ADR applies to transport operations performed on the territory of at least two of the above-mentioned Contracting Parties. In addition, it should be noted that, in the interest of uniformity and free trading across the European Union (EU), Annexes A and B of ADR have also been adopted by EU Member States as the basis for regulation of the carriage of dangerous goods by road within and between their territories (Council directive 94/55/EC of 21 November 1994 on the approximation of the laws of the Member States with regard to the transport of dangerous goods by road, as amended). A number of non-EU countries have also adopted Annexes A and B of ADR as the basis for their national legislation.

Additional practical information

For easy reference, the secretariat has included in this publication an appendix to Part 1 which contains the list of competent authorities of all Contracting Parties to ADR, up to date on 1 June 2004. Any query concerning the application of ADR should be directed to the relevant competent authority. Additional information may also be found on the UNECE Transport Division web site on the following page:

http://www.unece.org/trans/danger/publi/adr/adr_e.html

This information, updated on a continuous basis, concerns:

- the status of ADR;
- Depositary notifications (e.g.: new Contracting Parties, amendments or corrections to legal texts);
- Publication details (corrections to the publication, new publications);
- List and details of competent authorities;
- Text and status of multilateral agreements concluded under Chapter 1.5;
- Notifications under 1.9.4;
- Other notifications.

TABLE OF CONTENTS
VOLUME I

	Page
European Agreement concerning the international carriage of dangerous goods by road	xiii
Protocol of signature	xix
Annex A General provisions and provisions concerning dangerous substances and articles	1
Part 1 General provisions	3
Chapter 1.1 Scope and applicability	5
1.1.1 Structure	5
1.1.2 Scope	5
1.1.3 Exemptions	6
1.1.4 Applicability of other regulations	10
Chapter 1.2 Definitions and units of measurement	13
1.2.1 Definitions	13
1.2.2 Units of measurement	30
Chapter 1.3 Training of persons involved in the carriage of dangerous goods	33
1.3.1 Scope and applicability	33
1.3.2 Nature of the training	33
1.3.3 Documentation	34
Chapter 1.4 Safety obligations of the participants	35
1.4.1 General safety measures	35
1.4.2 Obligations of the main participants	35
1.4.3 Obligations of the other participants	37
Chapter 1.5 Derogations	39
1.5.1 Temporary derogations	39
1.5.2 (Reserved)	39
Chapter 1.6 Transitional measures	41
1.6.1 General	41
1.6.2 Receptacles for Class 2	42
1.6.3 Fixed tanks (tank-vehicles), demountable tanks and battery-vehicles	42
1.6.4 Tank-containers and MEGCs	44
1.6.5 Vehicles	46
1.6.6 Class 7	47

Table of contents (cont'd)

	Page
Chapter 1.7 General requirements concerning Class 7	49
1.7.1 General	49
1.7.2 Radiation protection programme	49
1.7.3 Quality assurance	50
1.7.4 Special arrangement	51
1.7.5 Radioactive material possessing other dangerous properties	51
1.7.6 Non-compliance	51
Chapter 1.8 Checks and other support measures to ensure compliance with safety requirements	53
1.8.1 Administrative controls of dangerous goods	53
1.8.2 Mutual administrative support	53
1.8.3 Safety adviser	54
1.8.4 List of competent authorities and bodies designated by them	60
1.8.5 Notifications of occurrences involving dangerous goods	60
Chapter 1.9 Transport restrictions by the competent authorities	67
Chapter 1.10 Security provisions.....	69
1.10.1 General provisions	69
1.10.2 Security training.....	69
1.10.3 Provisions for high consequence dangerous goods.....	69
Appendix to Part 1 - List of competent authorities	73
Part 2 Classification	81
Chapter 2.1 General provisions	83
2.1.1 Introduction.....	83
2.1.2 Principles of classification	84
2.1.3 Classification of substances, including solutions and mixtures (such as preparations and wastes), not mentioned by name.....	85
2.1.4 Classification of samples.....	90
Chapter 2.2 Class specific provisions	91
2.2.1 Class 1 Explosive substances and articles	91
2.2.2 Class 2 Gases.....	111
2.2.3 Class 3 Flammable liquids	120
2.2.41 Class 4.1 Flammable solids, self-reactive substances and solid desensitized explosives	125
2.2.42 Class 4.2 Substances liable to spontaneous combustion	136
2.2.43 Class 4.3 Substances which, in contact with water, emit flammable gases.....	140
2.2.51 Class 5.1 Oxidizing substances	144
2.2.52 Class 5.2 Organic peroxides.....	149

Table of contents (cont'd)

	Page	
Chapter 2.2	Class specific provisions (cont'd)	
2.2.61	Class 6.1 Toxic substances.....	163
2.2.62	Class 6.2 Infectious substances	176
2.2.7	Class 7 Radioactive material	182
2.2.8	Class 8 Corrosive substances	215
2.2.9	Class 9 Miscellaneous dangerous substances and articles.....	220
Chapter 2.3	Test methods	225
2.3.0	General	225
2.3.1	Exudation test for blasting explosives of Type A	225
2.3.2	Tests relating to nitrated cellulose mixtures of Class 4.1	227
2.3.3	Tests relating to flammable liquids of Classes 3, 6.1 and 8	228
2.3.4	Test for determining fluidity	230
2.3.5	Test for determining the ecotoxicity, persistence and bioaccumulation of substances in the aquatic environment for assignment to Class 9	232
Part 3	Dangerous goods list, special provisions and exemptions related to dangerous goods packed in limited quantities	237
Chapter 3.1	General	239
3.1.1	Introduction	239
3.1.2	Proper shipping name.....	239
Chapter 3.2	Dangerous goods list	243
3.2.1	Table A: Dangerous Goods List.....	243
3.2.2	Table B: Alphabetic index of substances and articles of ADR	544

TABLE OF CONTENTS
VOLUME II

		Page
Annex A (cont'd)	General provisions and provisions concerning dangerous substances and articles	1
Part 3 (cont'd)	Dangerous goods list, special provisions and exemptions related to dangerous goods packed in limited quantities	3
	Chapter 3.3 Special provisions applicable to certain articles or substances	5
	Chapter 3.4 Exemptions related to dangerous goods packed in limited quantities	31
Part 4	Packing and tank provisions	35
	Chapter 4.1 Use of packagings, including intermediate bulk containers (IBCs) and large packagings	37
	Chapter 4.2 Use of portable tanks and UN multiple-element gas containers (MEGCs)	175
	Chapter 4.3 Use of fixed tanks (tank-vehicles), demountable tanks, tank-containers and tank swap bodies with shells made of metallic materials, and battery-vehicles and multiple-element gas containers (MEGCs)	199
	Chapter 4.4 Use of fibre-reinforced plastics (FRP) tanks, fixed tanks (tank-vehicles), demountable tanks, tank containers and tank swap bodies	223
	Chapter 4.5 Use of vacuum operated waste tanks	225
Part 5	Consignment procedures	227
	Chapter 5.1 General provisions	229
	Chapter 5.2 Marking and labelling	237
	Chapter 5.3 Placarding and marking of containers, MEGCs, tank- containers, portable tanks and vehicles	247
	Chapter 5.4 Documentation	257
	Chapter 5.5 Special provisions	271
Part 6	Requirements for the construction and testing of packagings, intermediate bulk container (IBCs), large packagings, tanks and bulk containers	273
	Chapter 6.1 Requirements for the construction and testing of packagings	275

Table of contents (cont'd)

	Page	
Chapter 6.2	Requirements for the construction and testing of pressure receptacles, aerosol dispensers and small receptacles containing gas (gas cartridges)	309
Chapter 6.3	Requirements for the construction and testing of packagings for Class 6.2 substances	343
Chapter 6.4	Requirements for the construction, testing and approval of packages and material of Class 7	349
Chapter 6.5	Requirements for the construction and testing of intermediate bulk containers (IBCs)	377
Chapter 6.6	Requirements for the construction and testing of large packagings	403
Chapter 6.7	Requirements for the design, construction, inspection and testing of portable tanks and UN multiple-element gas containers (MEGCs)	413
Chapter 6.8	Requirements for the construction, equipment, type approval, inspections and tests, and marking of fixed tanks (tank-vehicles), demountable tanks and tank-containers and tank swap bodies, with shells made of metallic materials, and battery-vehicles and multiple element gas containers (MEGCs)	467
Chapter 6.9	Requirements for the design, construction, equipment, type approval, testing and marking of fibre-reinforced plastics (FRP) fixed tanks (tank-vehicles), demountable tanks, tank-containers and tank swap bodies.....	507
Chapter 6.10	Requirements for the construction, equipment, type approval, inspection and marking of vacuum-operated waste tanks	515
Chapter 6.11	Requirements for the design, construction, inspection and testing of bulk containers	519
Part 7		
	Provisions concerning the conditions of carriage, loading, unloading and handling	523
	Chapter 7.1	525
	General provisions	
	Chapter 7.2	527
	Provisions concerning carriage in packages	
	Chapter 7.3	531
	Provisions concerning carriage in bulk	
	Chapter 7.4	537
	Provisions concerning carriage in tanks	
	Chapter 7.5	539
	Provisions concerning loading, unloading and handling	

Table of contents (cont'd)

		Page
Annex B	Provisions concerning transport equipment and transport operations	553
Part 8	Requirements for vehicle crews, equipment, operation and documentation	555
	Chapter 8.1 General requirements concerning transport units and equipment on board	557
	Chapter 8.2 Requirements concerning the training of the vehicle crew	561
	Chapter 8.3 Miscellaneous requirements to be complied with by the vehicle crew	569
	Chapter 8.4 Requirements concerning the supervision of vehicles.....	571
	Chapter 8.5 Additional requirements relating to particular classes or substances	573
Part 9	Requirements concerning the construction and approval of vehicles	579
	Chapter 9.1 Scope, definitions and requirements for the approval of vehicles	581
	Chapter 9.2 Requirements concerning the construction of vehicles	587
	Chapter 9.3 Additional requirements concerning complete or completed EX/II or EX/III vehicles	597
	Chapter 9.4 Additional requirements concerning the construction of the bodies of complete or completed vehicles intended for the carriage of dangerous goods in packages (other than EX/II and EX/III vehicles)	599
	Chapter 9.5 Additional requirements concerning the construction of the bodies of complete or completed vehicles intended for the carriage of dangerous solids in bulk	601
	Chapter 9.6 Additional requirements concerning complete or completed vehicles intended for the carriage of temperature controlled substances	603
	Chapter 9.7 Additional requirements concerning fixed tanks (tank-vehicles), battery-vehicles and complete or completed vehicles used for the carriage of dangerous goods in demountable tanks with a capacity greater than 1 m³ or in tank-containers, portable tanks or MEGCs of a capacity greater than 3 m³ (FL, OX and AT vehicles)	605

**EUROPEAN AGREEMENT CONCERNING THE INTERNATIONAL
CARRIAGE OF DANGEROUS GOODS BY ROAD (ADR)**

THE CONTRACTING PARTIES,

DESIRING to increase the safety of international transport by road,

HAVE AGREED as follows:

Article 1

For the purpose of this Agreement,

- (a) the term "vehicle" shall mean motor vehicles, articulated vehicles, trailers and semi-trailers, as defined in article 4 of the Convention on Road Traffic of 19 September 1949, other than vehicles belonging to or under the orders of the armed forces of a Contracting Party;
- (b) the term "dangerous goods" shall mean those substances and articles the international carriage by road of which is prohibited by, or authorized only on certain conditions by, Annexes A and B;
- (c) the term "international transport" shall mean any transport operation performed on the territory of at least two Contracting Parties by vehicles defined in (a) above.

Article 2

1. Subject to the provisions of article 4, paragraph 3, dangerous goods barred from carriage by Annex A shall not be accepted for international transport.
2. International transport of other dangerous goods shall be authorized subject to compliance with:
 - (a) the conditions laid down in Annex A for the goods in question, in particular as regards their packaging and labelling, and
 - (b) the conditions laid down in Annex B, in particular as regards the construction, equipment and operation of the vehicle carrying the goods in question, subject to the provisions of article 4, paragraph 2.

Article 3

The Annexes to this Agreement shall form an integral part thereof.

Article 4

1. Each Contracting Party shall retain the right to regulate or prohibit, for reasons other than safety during carriage, the entry of dangerous goods into its territory.
2. Vehicles in service on the territory of a Contracting Party at the time of entry into force of this Agreement or brought into service on such territory within two months after its entry into force shall be allowed, for a period of three years from such entry into force, to perform the international transport of dangerous goods even if their construction and equipment do not entirely conform to the requirements laid down in Annex B for the transport operation in question. Under special clauses of Annex B, however, this period may be reduced.

3. The Contracting Parties shall retain the right to arrange, by special bilateral or multilateral agreements, that certain of the dangerous goods which under this Agreement are barred from all international transport may, subject to certain conditions, be accepted for international transport on their territories, or that dangerous goods which under this Agreement are acceptable for international transport only on specified conditions may be accepted for international transport on their territories under conditions less stringent than those laid down in the Annexes to this Agreement. The special bilateral or multilateral agreements referred to in this paragraph shall be communicated to the Secretary-General of the United Nations, who shall communicate them to the Contracting Parties which are not signatories to the said agreements.

Article 5

The transport operations to which this Agreement applies shall remain subject to national or international regulations applicable in general to road traffic, international road transport and international trade.

Article 6

1. Countries members of the Economic Commission for Europe and countries admitted to the Commission in a consultative capacity under paragraph 8 of the Commission's terms of reference may become Contracting Parties to this Agreement.

- (a) by signing it;
- (b) by ratifying it after signing it subject to ratification;
- (c) by acceding to it.

2. Such countries as may participate in certain activities of the Economic Commission for Europe in accordance with paragraph 11 of the Commission's terms of reference may become Contracting Parties to this Agreement by acceding to it after its entry into force.

3. The Agreement shall be open for signature until 15 December 1957. Thereafter, it shall be open for accession.

4. Ratification or accession shall be effected by the depositing of an instrument with the Secretary-General of the United Nations.

Article 7

1. This agreement shall enter into force one month after the date on which the number of countries mentioned in article 6, paragraph 1, which have signed it without reservation of ratification or have deposited their instruments of ratification or accession has reached a total of five. However, the Annexes thereto shall not apply until six months after the entry into force of the Agreement itself.

2. For any country ratifying or acceding to this Agreement after five of the countries referred to in article 6, paragraph 1, have signed it without reservation of ratification or have deposited their instruments of ratification or accession, this Agreement shall enter into force one month after the said country has deposited its instrument of ratification or accession and the Annexes thereto shall apply for the said country either on the same date, if they are already in force by that date, or, if they are not in force by that date, on the date on which they apply under the provisions of paragraph 1 of this article.

Article 8

1. Any contracting Party may denounce this Agreement by so notifying the Secretary-General of the United Nations.

2. Denunciation shall take effect twelve months after the date of receipt by the Secretary-General of the notification of denunciation.

Article 9

1. This Agreement shall cease to have effect if, after its entry into force, the number of Contracting Parties is less than five during twelve consecutive months.
2. In the event of the conclusion of a worldwide agreement for the regulation of the transport of dangerous goods, any provision of this Agreement which is contrary to any provision of the said worldwide agreement shall, from the date on which the latter enters into force, automatically cease to apply to relations between the Parties to this Agreement which become parties to the worldwide agreement, and shall automatically be replaced by the relevant provision of the said worldwide agreement.

Article 10

1. Any country may, at the time of signing this Agreement without reservation of ratification or of depositing its instrument of ratification or accession or at any time thereafter, declare by notification addressed to the Secretary-General of the United Nations that this Agreement shall extend to all or any of the territories for the international relations of which it is responsible. The Agreement and the annexes thereto shall extend to the territory or territories named in the notification one month after it is received by the Secretary-General.
2. Any country which has made a declaration under paragraph 1 of this article extending this Agreement to any territory for whose international relations it is responsible may denounce the Agreement separately in respect of the said territory in accordance with the provisions of article 8.

Article 11

1. Any dispute between two or more Contracting Parties concerning the interpretation or application of this Agreement shall so far as possible be settled by negotiation between them.
2. Any dispute which is not settled by negotiation shall be submitted to arbitration if any one of the Contracting Parties in dispute so requests and shall be referred accordingly to one or more arbitrators selected by agreement between the Parties in dispute. If within three months from the date of the request for arbitration the Parties in dispute are unable to agree on the selection of an arbitrator or arbitrators, any of those Parties may request the Secretary-General of the United Nations to nominate a single arbitrator to whom the dispute shall be referred for decision.
3. The decision of the arbitrator or arbitrators appointed under paragraph 2 of this article shall be binding on the Contracting Parties in dispute.

Article 12

1. Each Contracting Party may, at the time of signing, ratifying, or acceding to, this Agreement, declare that it does not consider itself bound by article 11. Other Contracting Parties shall not be bound by article 11 in respect of any Contracting Party which has entered such a reservation.
2. Any Contracting Party having entered a reservation as provided for in paragraph 1 of this article may at any time withdraw such reservation by notifying the Secretary-General of the United Nations.

Article 13

1. After this Agreement has been in force for three years, any Contracting Party may, by notification to the Secretary-General of the United Nations, request that a conference be convened for the purpose of reviewing the text of the Agreement. The Secretary-General shall notify all Contracting Parties of the request and a review conference shall be convened by the Secretary-General if, within a period of four months following the date of notification by the Secretary-General, not less than one-fourth of the Contracting Parties notify him of their concurrence with the request.

2. If a conference is convened in accordance with paragraph 1 of this article, the Secretary-General shall notify all the Contracting Parties and invite them to submit within a period of three months such proposals as they may wish the Conference to consider. The Secretary-General shall circulate to all Contracting Parties the provisional agenda for the conference, together with the texts of such proposals, at least three months before the date on which the conference is to meet.

3. The Secretary-General shall invite to any conference convened in accordance with this article all countries referred to in article 6, paragraph 1, and countries which have become Contracting Parties under article 6, paragraph 2.

Article 14¹

1. Independently of the revision procedure provided for in article 13, any Contracting Party may propose one or more amendments to the Annexes to this Agreement. To that end it shall transmit the text thereof to the Secretary-General of the United Nations. The Secretary-General may also propose amendments to the Annexes to this Agreement for the purpose of ensuring concordance between those Annexes and other international agreements concerning the carriage of dangerous goods.

2. The Secretary-General shall transmit any proposal made under paragraph 1 of this article to all Contracting Parties and inform thereof the other countries referred to in article 6, paragraph 1.

3. Any proposed amendment to the Annexes shall be deemed to be accepted unless, within three months from the date on which the Secretary-General circulates it, at least one-third of the Contracting Parties, or five of them if one-third exceeds that figure, have given the Secretary-General written notification of their objection to the proposed amendment. If the amendment is deemed to be accepted, it shall enter into force for all the Contracting Parties, on the expiry of a further period of three months, except in the following cases:

- (a) In cases where similar amendments have been or are likely to be made to the other international agreements referred to in paragraph 1 of this article, the amendment shall enter into force on the expiry of a period the duration of which shall be determined by the Secretary-General in such a way as to allow, wherever possible, the simultaneous entry into force of the amendment and those that have been made or are likely to be made to such other agreements; such period shall not, however, be of less than one month's duration;
- (b) The Contracting Party submitting the proposed amendment may specify in its proposal, for the purpose of entry into force of the amendment, should it be accepted, a period of more than three months' duration.

4. The Secretary-General shall, as soon as possible, notify all Contracting Parties and all the countries referred to in article 6, paragraph 1, of any objection which may be received from the Contracting Parties to a proposed amendment.

5. If the proposed amendment to the Annexes is not deemed to be accepted, but if at least one Contracting Party other than the Contracting Party which proposed the amendment has given the Secretary-General written notification of its agreement to the proposal, a meeting of all the Contracting Parties and all the countries referred to in article 6, paragraph 1, shall be convened by the Secretary-General within three months after the expiry of the period of three months within which, under paragraph 3 of this article, notification must be given of objection to the amendment. The Secretary-General may also invite to such meeting representatives of:

- (a) intergovernmental organizations which are concerned with transport matters;

¹ The text of Article 14, paragraph 3 incorporates a modification which entered into force on 19 April 1985 in accordance with a Protocol transmitted to Contracting Parties under cover of Depositary Notification C.N.229.1975.TREATIES-8 of 18 September 1975.

- (b) international non-governmental organizations whose activities are directly related to the transport of dangerous goods in the territories of the Contracting Parties.

6. Any amendment adopted by more than half the total number of Contracting Parties at a meeting convened in accordance with paragraph 5 of this article shall enter into force for all Contracting Parties in accordance with the procedure agreed at such meeting by the majority of the Contracting Parties attending it.

Article 15

In addition to the notifications provided for in articles 13 and 14, the Secretary-General of the United Nations shall notify the countries referred to in article 6, paragraph 1, and the countries which have become Contracting Parties under article 6, paragraph 2, of

- (a) signatures, ratifications and accessions in accordance with article 6;
- (b) the dates on which this Agreement and the Annexes thereto enter into force in accordance with article 7;
- (c) denunciations in accordance with article 8;
- (d) the termination of the Agreement in accordance with article 9;
- (e) notifications and denunciations received in accordance with article 10;
- (f) declarations and notifications received in accordance with article 12, paragraphs 1 and 2;
- (g) the acceptance and date of entry into force of amendments in accordance with article 14, paragraphs 3 and 6.

Article 16

1. The Protocol of Signature of this Agreement shall have the same force, effect and duration as the Agreement itself, of which it shall be considered to be an integral part.

2. No reservation to this Agreement, other than those entered in the Protocol of Signature and those made in accordance with article 12, shall be permitted.

Article 17

After 15 December 1957, the original of this Agreement shall be deposited with the Secretary-General of the United Nations, who shall transmit certified true copies thereof to each of the countries referred to in article 6, paragraph 1.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto, have signed this Agreement.

DONE at Geneva, this thirtieth day of September one thousand nine hundred and fifty-seven, in a single copy, in the English and French languages for the text of the Agreement proper, and in the French language for the Annexes, each text being equally authentic for the Agreement proper.

The Secretary-General of the United Nations is requested to prepare an authoritative translation of the Annexes in the English language and attach it to the certified true copies referred to in article 17.

PROTOCOL OF SIGNATURE

PROTOCOL OF SIGNATURE

TO THE EUROPEAN AGREEMENT ON THE INTERNATIONAL CARRIAGE OF DANGEROUS GOODS BY ROAD (ADR)

On proceeding to sign the European Agreement on the International Carriage of Dangerous Goods by Road (ADR) the undersigned, duly authorized,

1. **CONSIDERING** that the conditions governing the carriage of dangerous goods by sea to or from the United Kingdom differ basically from those set forth in Annex A to ADR and that it is impossible to modify them so as to conform to the latter in the near future;

HAVING REGARD to the undertaking given by the United Kingdom to submit as an amendment to the said Annex A a special appendix containing special provisions for road-sea carriage of dangerous goods between the Continent and the United Kingdom;

HAVE AGREED that, until the entry into force of such special appendix, dangerous goods carried under ADR to or from the United Kingdom shall comply with the provisions of Annex A to ADR and also with the United Kingdom conditions for the carriage of dangerous goods by sea;

2. **TAKE NOTE OF** a declaration by the representative of France to the effect that the Government of the French Republic reserves the right, notwithstanding the provisions of article 4, paragraph 2, to refuse to allow vehicles in service on the territory of another Contracting Party, whatever the date on which they were put into service, to be used for the carriage of dangerous goods on French territory unless such vehicles comply either with the conditions laid down for such carriage in Annex B or with the conditions laid down for the carriage of the goods in question in the French regulations governing the carriage of dangerous goods by road;

3. **RECOMMEND** that, before submission in accordance with article 14, paragraph 1, or article 13, paragraph 2, proposed amendments to this Agreement or its Annexes shall as far as possible first be discussed at meetings of experts of the Contracting Parties and, if necessary, of the other countries mentioned in article 6, paragraph 1, of the Agreement and of the international organizations mentioned in article 14, paragraph 5, of the Agreement.