

UNITED NATIONS  NATIONS UNIES

POSTAL ADDRESS—ADRESSE POSTALE UNITED NATIONS, N. Y. 10017
CABLE ADDRESS—ADRESSE TELEGRAPHIQUE UNATIONS NEWYORK

Reference: C.N.804.2006.TREATIES-2 (Depositary Notification)

EUROPEAN AGREEMENT CONCERNING THE INTERNATIONAL CARRIAGE
OF DANGEROUS GOODS BY ROAD (ADR)
GENEVA, 30 SEPTEMBER 1957

SWITZERLAND: OBJECTION TO THE AMENDMENTS PROPOSED
BY PORTUGAL TO ANNEXES A AND B, AS AMENDED¹

The Secretary-General of the United Nations, acting in his capacity as depositary and with reference to depositary notification C.N.482.2006.TREATIES-1 of 1 July 2006 transmitting the text of the amendments proposed by the Government of Portugal to annexes A and B, as amended to the above Agreement, communicates the following:

On 27 September 2006, i.e., within three months from the date of the above depositary notification, the Government of Switzerland notified the Secretary-General of its objection to the proposed amendments which reads as follows:

(Original: English)

"The Swiss Confederation rejects the proposed amendment because it could lead to a lessening of road safety on Swiss sovereign territory. By contrast with existing Swiss legislation, the proposed new international regulations relating to tunnels will not apply to exempted dangerous goods. This is especially problematic with respect to exempted limited quantities, since the new regulations will permit the carriage of considerable quantities of dangerous goods. Furthermore, a comparison between existing Swiss legislation and the new ADR tunnel regulations shows that it would only be possible to maintain the current standard of safety in Switzerland if extensive support measures were to be introduced relating to transport through tunnels, and these pleasures would in turn result in considerable additional costs.

We also question whether from a legal point of view the introduction of "compelling regulations" relating to tunnels at the international level is reconcilable with the provisions of the ADR."

In accordance with the provisions of article 14 (3) of the Agreement, the proposed amendments to Annexes A and B, will be deemed accepted only if, before the expiry of a period of

¹ Refer to depositary notification C.N.482.2006.TREATIES-1 of 1 July 2006 (Proposal of amendments by Portugal to Annexes A and B, as amended)

Attention: Treaty Services of Ministries of Foreign Affairs and of international organizations concerned. Depositary notifications are currently issued in both hard copy and electronic format. Depositary notifications are made available to the Permanent Missions to the United Nations at the following e-mail address: missions@un.int. Such notifications are also available in the United Nations Treaty Collection on the Internet at <http://untreaty.un.org>, where interested individuals can subscribe to directly receive depositary notifications by e-mail through a new automated subscription service. Depositary notifications are available for pick-up by the Permanent Missions in Room NL-300.

three months as indicated in the said article (i.e., before 1 October 2006), 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 amendments.

Consequently, and in accordance with article 14 (3), the amendments are deemed accepted and will enter into force on the date proposed, i.e., on 1 January 2007.

22 January 2007

Attention: Treaty Services of Ministries of Foreign Affairs and of international organizations concerned. Depository notifications are currently issued in both hard copy and electronic format. Depository notifications are made available to the Permanent Missions to the United Nations at the following e-mail address: missions@un.int. Such notifications are also available in the United Nations Treaty Collection on the Internet at <http://untreaty.un.org>, where interested individuals can subscribe to directly receive depository notifications by e-mail through a new automated subscription service. Depository notifications are available for pick-up by the Permanent Missions in Room NL-300.