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PROPOSALS FOR AMENDMENTS TO ANNEXES A AND B OF ADR

Sale on delivery to consumers

**Proposal transmitted by the Government of Portugal and
the International Road Transport Union (IRU)**

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| Summary: | This proposal seeks a solution, in the framework of ADR, to the difficulty of identifying the consignee in the transport document in the case of sale on delivery to multiple consumers of certain dangerous goods. |
| Action to be taken: | Introduce a new Special Provision 6XY in Chapter 3.3, insert the reference to this special provision against a few entries in Table A of Chapter 3.2 and a Note under paragraph 5.4.1.1.1 h). |
| Related documents : | - TRANS/WP.15/181, paras.53-57
- TRANS/WP.15/2005/11 and INF. 34 (Spain)
- TRANS/WP.15/183, paras.36-38. |

Introduction

Following several proposals presented by Spain aiming to find a solution to the problem of the identification of the consignee in the transport document for certain transport operations, such as sale on delivery to consumers, where the consignees may not be known in advance, the present document suggests a solution based on a different approach.

In fact, as related in the report of the seventy-eighth session of WP.15, although the majority of delegations were in favour of providing a solution within ADR, it proved impossible to reach a consensus on the Spanish proposal, since several delegations wished to specify in more detail the dangerous goods which could, or could not, be carried in such conditions.

Also in the seventy-seventh session, some delegations had considered that account should be taken not only of deliveries of gas cylinders but also of petroleum products, and of supplies of fertilisers, pesticides, etc. to farmers.

The proposed solution, which satisfies the major Spanish concerns, consists of not requiring the indication of the consignee in the transport document for the transport of certain (and very few) specific dangerous goods, via the insertion of a new special provision in Chapter 3.3, which is referred to in column (6) of Table A of Chapter 3.2 for those specific dangerous goods. For reasons of userfriendliness a note is also to be inserted under letter h) of paragraph 5.4.1.1.1, making reference to the possibility of not requiring the identification of the consignee if special provision 6XY is applicable.

Taking into account that simplifying documents for high consequence dangerous goods may be considered not to be in line with the security requirements of ADR, the text of the new Special Provision 6XY explicitly excludes the carriage of high consequence dangerous goods from the scope of this simplification, referring to the table 1.10.5. Some products like UN 1203 can still be included because they are high consequence dangerous goods only when they are transported in tanks of more than 3000 litres.

Even knowing that it is possible to settle the problem in the context of national legislation, as a derogation to European Directive 94/55/EC, it is widely recognized that it is desirable to settle problems of this nature within ADR in order to avoid different approaches among European Union countries. For that reason, the delegations of Portugal and IRU agreed to present the following proposal to WP.15.

Proposal:

- ◆ In **Chapter 3.3**, introduce the following new Special Provision **SP 6XY**:

“SP 6XY The indication of the consignee in the transport document is not required when this substance is transported to multiple consignees that cannot be fully identified before the transport starts. This special provision is not applicable in the transport of high consequence dangerous goods as referred to in the table 1.10.5 of Chapter 1.10”.

- ◆ In paragraph **5.4.1.1.1 letter h)**, introduce a **NOTE** to read:

“(NOTE: The name and address of the consignee are not required if Special Provision 6XY is applicable)”.

- ◆ In **Chapter 3.2** insert “**6XY**” in column (6) of Table A against the following entries:

- UN 1202** (for the three entries of Gas oil or Diesel fuel or Heating oil light)
- UN 1203** (Motor spirit or Gasoline or Petrol)
- UN 1223** (Kerosene)
- UN 1791** (for the two entries of Hypochlorite solution)
- UN 1965** (Hydrocarbon gas mixture, liquefied, n.o.s.)
- UN 2067** (Ammonium nitrate based fertilisers)
- UN 2588** (for the two entries - PG II and III- of Pesticide, solid, toxic, n.o.s.)
- UN 2902** (for the two entries - PG II and III of Pesticide, liquid, toxic, n.o.s.)
- UN 2903** (for the two entries - PG II and III of Pesticide, liquid, toxic, flammable, n.o.s.)
- UN 3021** (for the two entries of Pesticide, liquid, flammable, toxic, n.o.s.)

Justification:

Safety: The safety level will remain unchanged.

Feasibility: The solution is user-friendly and enables to simplify the transport document only for specific dangerous goods. The list of dangerous goods to which the new special provision is applicable can easily be modified (enlarged or shortened) by amendments to be introduced in Column (6) of Table A of Chapter 3.2.

Applicability: The enforcement authorities will be able to easily verify in every case if the simplification of the transport document is permitted by ADR.
