



## Economic and Social Council

Distr.: General  
10 August 2010  
English  
Original: French

---

### Economic Commission for Europe

#### Inland Transport Committee

#### Working Party on the Transport of Dangerous Goods

##### Eighty-ninth session

Geneva, 26–29 October 2010

Item 5 (b) of the provisional agenda

**Proposals for amendments to annexes A and B of ADR: Miscellaneous proposals**

### Marking for carriage in limited quantities

**Transmitted by the Government of Switzerland\***

#### *Summary*

**Executive summary:** The use of orange-coloured plate marking in accordance with 5.3.2 for carriage in limited quantities in accordance with Chapter 3.4: Introduce a requirement for transport documents.

**Action to be taken:** Amend the wording of 3.4.1 (e) or 3.4.13 (a) and 3.4.14, and that of 5.4.1.1.4.

**Related documents:** ECE/TRANS/WP.15/204 and 206, ECE/TRANS/WP.15/2010/9.

---

\* The present document is submitted in accordance with paragraph 1 (c) of the terms of reference of the Working Party, as contained in document ECE/TRANS/WP.15/190/Add.1, which provides a mandate to “develop and update the European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR)”.

## Introduction

1. At the Working Party's eighty-eighth session the possibility of introducing orange-coloured plate marking for transport units carrying in excess of 8 tonnes of dangerous goods packed in limited quantities in accordance with Chapter 3.4 was discussed (document ECE/TRANS/WP.15/2010/9). The report of the session (ECE/TRANS/WP.15/206) summarizes the discussion in paragraphs 11 to 14.

2. Opinions diverged as to whether transport units carrying only dangerous goods in limited quantities should, under paragraph 3.4.10 (a) of ADR 2009 (3.4.13 (a) of ADR 2011), be able to bear orange plates instead of the marking foreseen for limited quantities.

3. Some delegations considered that the use of orange-coloured plates instead of the marking specified in 3.4.13 (a) of ADR 2011 could mislead emergency and inspection services and pose additional problems for tunnel traffic restrictions.

4. Other delegations considered that a carrier could decide not to avail itself of the authorized exemptions, whether under the provisions of Chapter 3.4 or, for example, those of 1.1.3.6. In those delegations, however, opinions diverged as to the significance of a carrier deciding to dispense with marking in accordance with Chapter 3.4. In the view of some of those delegations, if a carrier dispensed with the marking specified in 3.4.13 (a) of ADR 2011, that meant the carrier did not wish to avail itself of any of the exemptions of Chapter 3.4, and all the provisions of ADR therefore applied. Others believed that, on the contrary, if a carrier dispensed with the marking specified in Chapter 3.4, it would not automatically mean foregoing the possibility of availing itself of the exemptions provided for in this chapter.

5. With regard to the possibility that emergency services may be misled:

There is no need to discuss the risks presented by loads exceeding 8 tonnes of dangerous goods packed in limited quantities, as the Working Party introduced into ADR the principle that the risks presented by the carriage of goods packed in limited quantities justified the marking of vehicles with loads exceeding 8 tonnes of goods in accordance with Chapter 3.4. The Working Party thus already considered that such a risk could be indicated using an orange-coloured plate. The Working Party had not considered that the emergency services would be misled by the presence of an orange plate instead of another marking. On the contrary, it had recognized that the risks presented by such loads justified the marking, and that it made no difference to the emergency services if the risk was indicated by the standard marking or by an orange plate. For the emergency services, loads exceeding 8 tonnes of dangerous goods presented the same risks whether they consisted of small non-approved packagings or in more or less large approved packagings. This approach is backed up by accident data, which suggests that the frequency of accidents with vehicles bearing orange plates is below average, and by tests which suggested that for some substances uncontrollable fires spread more rapidly with non-approved packagings than with approved packagings.

6. With regard to the possibility that misleading inspection services may be misled:

In this case, the comment is justified. We therefore believe that a requirement for transport documents should be introduced for loads exceeding 8 tonnes of dangerous goods packed in limited quantities, since the transport document is the instrument that facilitates inspectors' understanding of transport conditions. We consider that the presence of a transport document is appropriate, at least for the carriage of loads exceeding 8 tonnes of goods packed in limited quantities.

7. With regard to problems of carriage through tunnels:

We do not think that these problems are any greater than those that were introduced by ADR when it allowed the following:

(a) The use of orange-coloured plates for vehicles carrying goods packed in limited quantities, in situations where orange-coloured plate marking under 5.3.2 already exists [3.4.13 (a) of ADR 2011]; or

(b) The case of entries exempted from the tunnel restriction code for UN Nos. 2919, 3291, 3359 and 3373, which always bear, in addition, orange-coloured plate marking, without being subject to tunnel restrictions; or

(c) The problems that a transport unit loaded with dangerous goods, each with an "E" tunnel restriction code, may encounter at the entrance to a B, C or D category tunnel. While it is prohibited from passing through an "E" tunnel, and bears an orange-coloured plate, such a transport unit may travel freely through tunnels of other categories.

In all these cases, the same issues arise as for a transport unit that has orange-coloured plate marking at the start of its round, but is carrying only goods packed in limited quantities. In case (a) above, it may occur that after one stage of the round no other dangerous goods are present apart from the packagings in limited quantities. Under ADR this apparently does not present a problem. If in the cases mentioned the problems were not considered insurmountable, then clearly for carriage in limited quantities the same rule can apply. There are no grounds, therefore, for arguing that "additional" problems would arise in the case of tunnels.

8. With regard to the difficulties of orange-coloured plate marking in the case of possible exemptions:

The interpretation that dispensing with the marking provided for in 3.4.15 and using orange-coloured plate marking instead would lead to the application of all the provisions of ADR poses a problem, because in 3.4.13 (a) this possibility already exists for transport units that already ("*déjà*" in the French version) have orange-coloured plate marking in accordance with section 5.3.2. We do not believe that under Chapter 3.4 a transport unit making use of this possibility of orange-coloured plate marking must necessarily respect all the other provisions of ADR. Otherwise, this would mean that the exemptions provided for in Chapter 3.4 would no longer apply, whereas the intention of 3.4.13 (a) is to allow the use of orange-coloured plate marking also in the case of these exemptions.

It seems clear that deciding not to avail oneself of an exemption (dispensing with the marking provided for in 3.4.15 but using orange-coloured plate marking) does not mean foregoing the privileges of Chapter 3.4. The best way to promote greater understanding of what this orange-coloured plate marking means is to indicate the transport conditions in the transport document, as stated in paragraph 6 above.

9. Given the above explanations, we believe that the Working Party can easily solve the problem that the French version of ADR poses for certain distribution companies, which was explained in document ECE/TRANS/WP.15/2010/9, at the May 2010 session. For reasons of internal organization, some companies are interested in always being able to use orange-coloured plate marking for their transport units. We have found no provisions in ADR that specifically prohibit the use of orange-coloured plates for the carriage of dangerous goods that are exempted partially or totally from the regulations. Given that the exemptions provided for in the regulations simply offer users an easing of restrictions, it should still be possible for users not to make use of all the possible exemptions.

10. We would like the Working Party to authorize the application of this same rule for vehicles that have marking, are exclusively carrying dangerous goods packed in limited

quantities in accordance with Chapter 3.4, but are fitted with orange-coloured plates in line with section 5.3.2.

11. The French version of ADR is only applicable when a transport operator carries out rounds including mixed deliveries (in accordance with Chapter 3.4, with other dangerous goods) for which orange-coloured plates are displayed on departure. If, in the course of the journey, the load contains only dangerous goods in accordance with Chapter 3.4, the operator may continue to display the orange-coloured plates for the rest of the journey. However, the use of the term “already” (“*déjà*” in French) would apparently exclude any other possible use of orange-coloured plate marking in cases covered by Chapter 3.4. It is standard practice for a single company to make deliveries sometimes covered by Chapter 3.4 and at other times in compliance with all the provisions of ADR. In the course of a round it is possible that vehicles marked in accordance with Chapter 3.4 may load dangerous goods that require orange-coloured plate marking. In such cases the driver would then be required to display orange-coloured plates in addition to those prescribed in 3.4.15. However, it is impractical to require drivers to constantly change their plates in the course of a round according to changes in their load, sometimes displaying marking in accordance with 3.4.15, then switching to marking in accordance with 5.3.2, and so on, several times during the same round. Alternating such loads and deliveries, coupled with the requirement to change plates, is not easy to manage.

12. The English version of ADR, in 3.4.13 (a) does not contain the word “already”, which means that it already generally allows orange-coloured plates alone to be used under Chapter 3.4.

13. In the light of the foregoing, the Working Party is invited, in proposal 1, to align the French version of 3.4.13 (a) with the English version.

14. In the course of the discussion that took place at the eighty-eighth session it became clear that some delegations were in favour of replacing the vehicle marking provided for in Chapter 3.4 by orange-coloured plate marking in accordance with 5.3.2. For this reason, we have drafted proposal 2, to reflect the views expressed by some delegations.

#### **Proposal 1**

15. In the French version, delete “*déjà*” (“already”) from 3.4.13 (a).

The wording of 3.4.13 (a) will then read as follows (English version remains unchanged):

“3.4.13 (a) Transport units with a maximum mass exceeding 12 tonnes carrying packages with dangerous goods in limited quantities shall be marked in accordance with 3.4.15 at the front and at the rear except when orange-coloured plate marking is displayed in accordance with 5.3.2.”

#### **Proposal 2**

16. “3.4.13 (a) Transport units with a maximum mass exceeding 12 tonnes carrying packages with dangerous goods in limited quantities shall be marked ~~in accordance with 3.4.15 at the front and at the rear except when~~ with orange-coloured plate marking is displayed in accordance with 5.3.2.”

#### **Justification**

17. This solution would enable companies to avoid having to manage two different types of vehicle marking for loads that, all things considered, present similar risks in view of the quantities carried.

## Documentation

18. In order improve inspection authorities' understanding of the relevant transport conditions, a transport document should be provided when the transport unit has orange-coloured plate marking. The presence of a transport document would also be in line with other modes of transport. For this reason, proposal 3 requires a transport document to be provided, in general, for carriage in limited quantities.

19. We have formulated proposal 4 in case proposal 3 is rejected. Proposal 4 exclusively requires a transport document to be provided for transport units that carry in excess of 8 tonnes of dangerous goods packed in limited quantities and that must be marked with orange-coloured plates. This should facilitate road checks and addresses the doubts raised by some delegations about the use of orange-coloured plate marking.

### Proposal 3

20. Amend 3.4.1 (e) to read as follows:

“(e) Part 5, 5.1.2.1(a) (i) and (b), 5.1.2.2, 5.1.2.3, 5.2.1.9, 5.4.1.1.1, 5.4.1.1.4, 5.4.2;”.

Amend 5.4.1.1.4 to read as follows:

“~~5.4.1.1.4~~ *Special provisions for dangerous goods packed in limited quantities*

For carriage of dangerous goods packed in limited quantities according to Chapter 3.4, the transport document must indicate the following: “Limited quantities”.

### Proposal 4

21. In Chapter 3.4, add a new 3.4.16, to read as follows:

“3.4.16 When the total gross mass of dangerous goods packed in limited quantities exceeds 8 tonnes per transport unit the provisions concerning the transport document in 5.4.1.1.1 and 5.4.1.1.4 shall apply.”

Amend 5.4.1.1.4 to read as follows:

“~~5.4.1.1.4~~ *Special provisions for dangerous goods packed in limited quantities*

For carriage of dangerous goods packed in limited quantities according to Chapter 3.4, the transport document must indicate the following: “Limited quantities”.