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Working Party on the Transport of Dangerous Goods

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Item 6 (a) of the provisional agenda

Proposals for amendments to Annexes A and B of ADR: pending issues

Sub-section 7.5.7.1: Handling and stowage

Transmitted by the Government of the Russian Federation¹

Summary

Executive summary: The decision taken at the ninety-first session of the Working Party to introduce additional text in 7.5.7.1 related to the prescription of standard EN 12195-1:2010 may cause wrong interpretation as regards the obligation to implement the above standard. The Russian Federation does herewith propose once again discuss this question.

Action to be taken: To delete from paragraph 7.5.7.1 the text proposed by Belgium in informal document INF.42, and transfer the reference to EN 12195-1:2010 in footnote 1 related to the above paragraph.

Related documents: ECE/TRANS/WP.15/212 paragraphs 41 and 42; ECE/TRANS/WP.15/2011/11 and informal document INF.42 submitted at the ninety-first session

¹ 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. During the ninety-first session of the Working Party considered IRU proposal to introduce into the text of paragraph 7.5.7.1 provisions for the mandatory application of EN 12195-1:2010 as regards handling and fixing dangerous goods on the vehicle (ECE/TRANS/WP.15/2011/11) and proposal from Belgium in informal document INF 42 to supplement the text in 7.5.7.1.

The discussion's results are presented in paragraphs 41 and 42 of the report of the session (ECE/TRANS/WP.15/212).

2. Resulting from the above discussion, paragraph 41 of the report contains the decision taken by the Working Party to insert in 7.5.7.1 a reference to EN 12195-1:2010, as an acceptable standard, but not as one whose application would be mandatory.

At the same time, paragraph 42 of the report indicates the decision to adopt Belgium proposal. According to that proposal, the requirements of 7.5.7.1 are deemed to be complied with when the cargo is secured in accordance with standard EN 12195-1:2010.

Such interpretation implies obligatory compliance with the requirements of the above standard, contrary to the decision of the Working Party indicated in paragraph 41 of the report.

3. The Russian Federation does herewith request the Working Party to once again consider the above matter, and to reconsider the drafting of the mention of EN 12195-1:2010 in paragraph 7.5.7.1 in a form excluding misinterpretation thereof by inspecting, or judicial authorities.

Proposal

4. To delete from paragraph 7.5.7.1 the text proposed by Belgium in informal document INF.42, making reference to EN 12195-1:2010 in the footnote 1 related to the above paragraph.

The text of the footnote shall read as follows:

«¹ Recommendations on the stowage of dangerous goods can be found in the European Best Practice Guidelines on Cargo Securing for Road Transport published by the European Commission, in EN 12195-1:2010 Standard and in other guidelines which may be also available from competent authorities and industry bodies.»

Justification

5. Need for proper interpretation of the binding character of the implementation of EN 12195-1:2010 Standard in paragraph 7.5.7.1 of ADR as applicable in 2013.