

**Committee of Experts on the Transport of Dangerous Goods
and on the Globally Harmonized System of Classification
and Labelling of Chemicals**

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**Sub-Committee of Experts on the Transport of
Dangerous Goods**

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Item 6 (a) of the provisional agenda

**Miscellaneous proposals for amendments to the
Model Regulations on the Transport of Dangerous
Goods: dangerous goods in machinery, apparatus
or articles, N.O.S.**

Obligations in Special provision 363

Transmitted by the Government of Switzerland

Summary

Executive summary:	Define who is in charge to provide the information and the transport document by applying SP363 of Chapter 3.3
Action to be taken:	Amend the text of paragraph g) vi) of Special provision 363 of Chapter 3.3

Introduction

1. Following the release of the new provisions that will enter in force in 2017 for land transport, stakeholders in our country have indicated that because the SP363 is a total exemption to the Model Regulations and that consequently the chap. 5.4 does not apply in this case it would be necessary to specify directly in the SP363 g) vi) who is responsible for making available the transport document and its contents.
2. This misinterpretation seems to be sustained by the wording adopted in RID-ADR-ADN for land transport in Europe where the adopted text in DS363 g) vi) for 2017 says:
“A transport document in accordance with 5.4.1 is required...”. where section 5.4.1 only contains provisions about form and content of the transport document, not however about the person responsible to deliver this information, namely the consignor.
3. The text in French of SP363 g) vi) in the Model Regulations says : “Un document de transport conforme au 5.4 est exigé,...”

4. At least in French the text in SP363 g) vi) doesn't say that the transport document has to be produced in conformity with the provisions of chapter 5.4. It simply says that the transport document shall conform to 5.4 which is interpreted and reproduced in the RID-ADR-AND text as meaning that only the content of the document has to be as prescribed in sub-section 5.4.1.2: Meaning as a consequence that the other provisions, and particularly the one in 5.4.1.1 are not concerned by this obligation of conformity.

5. In order to avoid this incorrect interpretation at least the text in French should be changed in the Model Regulations by modifying the 1st sentence in the SP363 g) vi) as follows:

Proposal

6. Amend the text of paragraph g) vi) of special provision 363 in French as follows:

“(vi) Un document de transport en conformité avec le chapitre 5.4 est exigé...”.

Justification

7. With this text not only the form and content of the transport document shall conform to chapter 5.4 but all the provisions of chapter 5.4 shall be fulfilled and the consignor is in charge to give the information to the carrier.

8. We are not sure if the English version of this text could be misinterpreted because in the context of the sentence it seems to us that the meaning of the English words “in accordance with 5.4” is slightly different of the French word “conforme au 5.4”. If however the same misinterpretation in English would also be possible then the solution could be as follows:

“A transport document ~~in accordance with~~ **conforming to the provisions of chapter 5.4** is required...”.
