

ECONOMIC COMMISSION FOR EUROPE

INLAND TRANSPORT COMMITTEE

Working Party on the Transport of Dangerous Goods

Eighty-first session

Geneva, 25-27 October 2006

agenda item 2

**STATUS OF THE EUROPEAN AGREEMENT CONCERNING THE
INTERNATIONAL CARRIAGE OF DANGEROUS GOODS BY ROAD (ADR) AND
RELATED ISSUES**

Note by the Secretariat

Since the Treaty Section has not yet released Depositary Notification C.N. 804-2006.TREATIES-2 of 29 September 2006 containing the objection by Switzerland to the adoption of amendments contained in ECE/TRANS/WP.15/186/Add.1 and Corr.1, the Government of Switzerland has requested the secretariat to reproduce the letter of objection.



His Excellency
Kofi Annan
Secretary-General of the United Nations
New York

Bern, 21 September 2006

**Reference: C.N.482.2006.TREATIES-1 (Depositary Notification)
Notification concerning the rejection by the Swiss Confederation of the proposed amendment
relating to the ADR tunnel regulations**

Dear Secretary-General

With reference to the depositary notification dated 1 July 2006 relating to the European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR) of 30 September 1957, in my capacity as Swiss Federal President and head of the Swiss Federal Department of the Environment, Transport, Energy and Communications (DETEC), it is my duty to notify you about the rejection by the Swiss Confederation of the proposed amendment relating to tunnel regulations as cited in documents ECE/TRANS/WP.15/186/Add.1 of 24 February 2006 and ECE/TRANS/WP.15/186/Add.1/Corr.1 of 12 June 2006.

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 measures 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.



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Thank you, Mr Secretary-General, for your consideration to the concerns expressed in the above notification of rejection.

Respectfully yours

Moritz Leuenberger