



**Economic and Social
Council**

Distr.
GENERAL

ECE/TRANS/WP.15/192
5 June 2007

ENGLISH
Original: FRENCH

ECONOMIC COMMISSION FOR EUROPE

INLAND TRANSPORT COMMITTEE

Working Party on the Transport of Dangerous Goods

**REPORT OF THE WORKING PARTY ON ITS EIGHTY-SECOND SESSION
(7-10 May 2007)**

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I. ATTENDANCE

1. The Working Party on the Transport of Dangerous Goods held its eighty-second session from 7 to 10 May 2007 with Mr. J. Franco (Portugal) as Chairman and Ms. A. Roumier (France) as Vice-Chairman. Representatives from the following countries took part in the session: Austria, Belgium, Bulgaria, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Netherlands, Norway, Poland, Portugal, Romania, Russian Federation, Slovenia, Spain, Sweden, Switzerland and United Kingdom. The European Commission was represented. The Intergovernmental Organisation for International Carriage by Rail (OTIF) was represented, as were the following non-governmental organizations: European Aerosol Federation (FEA), European Association of Automotive Suppliers (CLEPA), European Chemical Industry Council (CEFIC), European Cosmetic, Toiletry and Perfumery Association (COLIPA), European Council of the Paint, Printing Ink and Artists' Colours Industry (CEPE), European Liquefied Petroleum Gas Association (AEGPL), Global Express Association (GEA), International Association for Driver Education (IVV), International Association of Fire and Rescue Services (CTIF), International Association for Soaps, Detergents and Maintenance Products (AISE), International Federation of Freight Forwarders Associations (FIATA), International Organization of Motor Vehicle Manufacturers (OICA), International Road Transport Union (IRU) and Liaison Committee of the Body and Trailer Building Industry (CLCCR).

II. ADOPTION OF THE AGENDA (agenda item 1)

Documents: ECE/TRANS/WP.15/191 and Add.1

Informal documents: INF.1, INF.2 and INF.9 (Secretariat)

2. The Working Party adopted the provisional agenda prepared by the secretariat, as amended by informal documents INF.2 and INF.9 to take account of informal documents INF.1 to INF.32.

III. SIXTY-NINTH SESSION OF THE INLAND TRANSPORT COMMITTEE (agenda item 2)

Document: ECE/TRANS/192 (Report of the Inland Transport Committee on its sixty-ninth session)

Informal document: INF.18 (Secretariat)

3. The Working Party took note of the parts of the report relating to its work (paras. 97-102). The Working Party welcomed the fact that the Inland Transport Committee had approved its terms of reference and rules of procedure.

A. Establishment of a multidisciplinary group of experts on inland transport security

4. The Working Party noted that, at its thirteenth meeting (Geneva, 7 March 2007), the ECE Executive Committee had approved the decision of the Inland Transport Committee to establish a multidisciplinary group of experts on inland transport security (see ECE/TRANS/192, para. 19).
5. The group would hold its first session in Geneva on 24 and 25 May 2007. The secretariat indicated that the security of the transport of dangerous goods would be addressed, at least for information purposes.
6. It was pointed out that the texts of RID, ADR and ADN relating to the security of the transport of dangerous goods had been harmonized on the basis of United Nations recommendations; WP.15 did not intend to amend them before receiving significant feedback on their application.
7. The representative of the European Commission indicated that a study on the enforcement of the security requirements set out in Chapter 1.10 had been commissioned; the results, expected in late 2008, would be communicated to the Working Party.

B. Evaluation of the implementation of the programme of work of the Inland Transport Committee

Informal document: INF.31 (Secretariat)

8. The Working Party noted the request by ECE for a biennial evaluation of the work of the various sectoral committees (see ECE/TRANS/192, para. 110). At its next session, the Working Party would have to prepare for the Inland Transport Committee a proposal on the indicators and methodology adopted for measuring the effectiveness of its work.

IV. STATUS OF THE EUROPEAN AGREEMENT CONCERNING THE INTERNATIONAL CARRIAGE OF DANGEROUS GOODS BY ROAD (ADR) AND RELATED ISSUES (agenda item 3)

Informal document: INF.32 (Secretariat)

9. The Working Party welcomed the accession of Malta and the succession of Montenegro to ADR, which brought the number of Contracting Parties to 43.

A. Protocol of amendment of 1993

10. The Working Party again expressed regret that 14 countries had still not deposited the legal instruments required for the Protocol to enter into effect.
11. The Working Party noted that Germany was expected to ratify the Protocol in late 2007 or early 2008.

B. Corrigendum to ADR

12. The Working Party noted that the corrections to ADR adopted at its previous session had been the subject of depository notification C.N.198.2007.TREATIES-1 of 12 February 2007. If no objection was lodged in the meantime, they would be considered accepted as from 13 May 2007.

C. Multilateral agreements

13. Following the adoption by the Working Party at its eighty-first session of an amendment to the standard clause concerning the application of multilateral agreements (ECE/TRANS/WP.15/190, paras. 54 and 55), the Chairman pointed out that, in order for that clause to apply to existing agreements, each of the signatories to an agreement would have when necessary to sign a revised version thereof.

D. Draft European directive

14. The Working Party noted that on 4 May 2007 the countries of the European Union under the presidency of Germany had finished drafting a “merged” directive applicable to all modes of land transport, which would supersede both directives 94/55/EC and 96/49/EC and directives 96/35/EC and 2000/18/EC on the introduction of safety advisers and examinations for safety advisers. The directive was expected to be adopted in 2007.

V. INTERPRETATION OF THE EUROPEAN AGREEMENT CONCERNING THE INTERNATIONAL CARRIAGE OF DANGEROUS GOODS BY ROAD (ADR) (agenda item 4)

A. EX/II and EX/III vehicles with containers

Document: ECE/TRANS/WP.15/2007/6 (Germany)

15. Several delegations reported that their countries added a special comment to the certificate of approval of vehicles intended for carriage of containers, as described in paragraph 4 (a) of the German proposal, so as to ensure that the containers carried met the requirements applicable to EX/II and EX/III vehicle bodies; no amendment to ADR was required.

B. Class 1 specialization for carriage of 1.4S dangerous goods

Informal document: INF.13 (France)

16. The Working Party confirmed that the Class 1 specialization training course was not required when carriage was subject to an exemption under 1.1.3.6, no matter what quantities of 1.4S goods were carried. On the other hand, for the carriage of small quantities of 1.4S goods together with goods of other classes in quantities exceeding the limits set by 1.1.3.6, the vehicle driver must have undergone both basic training in accordance with Chapter 8.2 and Class 1 specialization under Chapter 8.5, S1 (1).

17. Several delegations pointed out that those provisions were inconsistent. The representative of France said that she might later propose an amendment to them.

VI. PROPOSALS FOR AMENDMENTS TO ANNEXES A AND B OF ADR (agenda item 5)

A. Miscellaneous proposals

1. Supervision of vehicles

Documents: ECE/TRANS/WP.15/2006/16 (Norway)
ECE/TRANS/WP.15/2007/2 (Sweden)

Informal document: INF.19 of the eighty-first session (Switzerland)

18. The Working Party adopted the Norwegian proposal, amended to include the comments from CEFIC which it had accepted at its eighty-first session (ECE/TRANS/WP.15/190, para. 24), and following the proposal made in paragraph 7 of document ECE/TRANS/WP.15/2007/2, transmitted by Sweden (see annex).

Document: ECE/TRANS/WP.15/2007/8 (Austria)

19. The additional proposal put forward by Austria and some amendments were put to the vote but not adopted.

2. Section 7.5.7: Handling and stowage

Document: ECE/TRANS/WP.15/2007/1 (European Commission)

Informal document: INF.3 (Secretariat)

20. Opinions differed on whether ADR should include a reference to codes of best practice for handling and stowage. It was agreed that the question should be discussed first by the RID/ADR/ADN Joint Meeting.

3. Guidelines for the calculation of risks in the transport of dangerous goods

Document: ECE/TRANS/WP.15/2007/3 (Germany)

21. Several delegations welcomed the German initiative of adapting the guidelines on the calculation of risks in the transport of dangerous goods by rail adopted by the RID Committee of Experts into a decision-making tool with which to determine traffic rules for vehicles carrying dangerous goods.

22. Most of those delegations nonetheless emphasized that they did not think such guidelines should legally be part of ADR.

23. The representative of Germany said that he would present a modified version of the guidelines for use in the carriage of goods by road. Delegations wishing to make comments were invited to send them by electronic mail.

4. Dangerous goods in fixed receptacles serving for the admixture of additives to fuels in tanks or the insertion of agents for cleaning devices of tanks

Document: ECE/TRANS/WP.15/2007/10 (Austria)

24. Several delegations supported the principle of establishing rules to govern the use of fixed receptacles, as proposed in the document submitted by Austria. Opinions diverged, however, as to whether rules governing the approval of such equipment should be also included.

25. Some delegations argued that such receptacles could not be considered as service equipment of a tank under the ADR definition. Furthermore, the characteristics of the receptacles might well differ, depending on whether they were intended for additives or cleaning agents.

26. The representative of Austria said that he would submit a fresh proposal at the following session and give further details of such systems. Any other comments should be submitted to the representative of Austria in writing in readiness for the following session.

5. Plate marking of closed or sheeted vehicles carrying tank-containers or portable tanks

Informal document: INF.16 (CEFIC)

27. Several delegations considered that, contrary to what was stated in the CEFIC proposal, plate marking of closed or sheeted vehicles carrying tank-containers or portable tanks was not generally a problem.

28. Since, however, practical problems might arise in the specific case of mixed loading of different goods, some delegations indicated that they would be prepared to take up the issue at a later date.

29. As the issue also concerned rail transport, several delegations said that any decision should be taken by the RID/ADR/ADN Joint Meeting.

6. Pressure receptacles used in the equipment of ships and aircraft

Informal document: INF.20 (United Kingdom)

30. Several delegations considered that the proposal by the United Kingdom was contrary to the general principle of harmonizing the rules applicable to different modes of transport, as set out in the United Nations Recommendations on the Transport of Dangerous Goods.

31. It was pointed out that Multilateral Agreement M180 authorizing cylinders that only met the specifications of the US Department of Transportation was just an interim measure pending the adoption by industry of United Nations pressure receptacles.

32. The representative of the United Kingdom said that a fresh proposal might be submitted at a later date.

7. Instructions in writing

Document: ECE/TRANS/WP.15/2007/4 (Germany)

Informal documents: INF.6 (FIATA/IRU)
INF.8 (Secretariat)
INF.10 (Sweden)
INF.17 (CTIF)
INF.21 (EIGA)

33. The German proposal was a synthesis of the contributions made on the issue at the eighty-first session of the Working Party and the work done by an informal working group that had met twice, from 28 to 29 March 2006 and from 10 to 11 October 2006, under the chairmanship of Mr. A. Johansen (Norway).

34. The majority of delegations supported the principles set out in the proposal, including the decision to have a single system of written instructions applicable to the carriage of both packaged goods and goods in tanks. That decision was put to the vote and adopted without opposition.

35. It was explained that, while the proposed new system would no longer require written instructions to be issued in all the languages of the countries of origin, transit and destination, the existence of a uniform set of written instructions in ADR would allow emergency services to know, in advance, what information drivers had received.

36. Delegations proposing amendments to improve the proposal were invited to send their comments in writing to the representative of Germany, so that a revised version of ECE/TRANS/WP.15/2007/4 could be submitted at the following session of the Working Party.

8. Safety in road tunnels

Document: ECE/TRANS/WP.15/2007/7 (France)

Informal documents: INF.4 (Sweden)
INF.19 (CEFIC)

37. Proposal 2, set out in paragraph 6 of the document submitted by France, which would introduce the notion of traffic restrictions in tunnels into the driver training programme in 8.2.2.3.2 (n), was adopted (see annex).

38. The French proposal to include a reference to the tunnel restriction codes in the transport document was put to the vote and was adopted, with the additional amendments proposed by Sweden in document INF.4 (see annex). Some delegations pointed out that the decision could lead to problems for intermodal operations. They would examine the issue and revert to it at the following session of WP.15.

9. Paragraph 1.9.5.3.2

Document: ECE/TRANS/WP.15/2007/13 (Switzerland)

39. The Swiss proposal aimed at resolving the issue of the definition of vehicles for tunnels by removing the reference to the recommendations contained in the Consolidated Resolution on Road Signs and Signals (R.E.2) of the Inland Transport Committee's Working Party on Road Traffic Safety (WP.1) was put to the vote and was rejected; the amendments to R.E.2, proposed for submission to WP.1, were also rejected.

10. Tunnel restrictions for the passage of vehicles carrying dangerous goods

Informal documents: INF.11 (Belgium)
INF.12 (Sweden)
INF.23 (Germany)
INF.28 (Belgium)

40. The Working Party considered the Belgian proposal to replace tunnel restriction code "(E)" with "(-)" for UN Nos. 2908 to 2911.

41. It was recalled that tunnel restriction code "(E)" had systematically been assigned to all goods in transport category 4.

42. The representative of Belgium said that he would perhaps submit an amendment proposal at the following session.

43. Several delegations said that the Swedish proposal to amend the description of tunnel restriction codes in the table in Chapter 8.6 could improve the existing text. Opinions diverged as to whether the restriction code designations should be changed.

44. The representative of the Netherlands thanked the representative of Germany for his proposal to change the code of restrictions applicable to classification code CFT and suggested that, in his proposal, he should also take into consideration the work under way in the Sub-Committee of Experts on the Transport of Dangerous Goods in relation to substances toxic on inhalation.

45. The delegations of Germany and Sweden would inform the secretariat whether they wished to place their proposals on the agenda of the following session, as official documents.

B. Construction and approval of vehicles

1. Section 7.4.2 - Vehicle combinations

Document: ECE/TRANS/WP.15/2007/5 (Germany)

Informal documents: INF.29 (Secretariat)
INF.30 (Germany)

46. The majority of delegations considered that the initial proposal by Germany did not constitute an amendment to the existing text, since the requirements for vehicles subject to approval applied both to drawing vehicles and to trailers and semi-trailers, except for the cases indicated in special provision V2 (2) of section 7.2.4.

47. The representative of Germany introduced a revised version of his proposal clarifying those provisions. The proposal, which was put to the vote, was adopted with some amendments (see annex).

2. Annual technical inspection of trailer drawing vehicles that satisfy the requirements for EX/II or EX/III vehicles

Document: ECE/TRANS/WP.15/2007/11 (Switzerland)

48. A number of delegations were of the view that the requirement in 9.1.2.3 for an annual technical inspection of drawing vehicles applied only to vehicles subject to approval in accordance with 9.1.2. They did not wish annual inspections to be required henceforth for motor vehicles that did not satisfy the requirements for EX/II or EX/III vehicles used in the conditions specified in 7.2.4, V2 (2).

49. The proposal by Switzerland that such annual inspections should be required under 7.2.4 was put to the vote and was rejected.

3. Electronic vehicle stability control

Document: ECE/TRANS/WP.15/2007/12 (Secretariat)

Informal document: INF.15 (CLCCR, CLEPA and OICA)

50. The Working Party took note of the proposals for amendments to ECE Regulation No. 13 (Uniform provisions concerning the approval of vehicles of categories M, N and O with regard to braking), to be discussed by WP.29 at its one-hundred-and-forty-third session (scheduled for 13 to 16 November 2007) with a view to their adoption.

51. The new provisions relating to electronic stability control would improve safety. It was pointed out, however, that ADR tank-vehicles were already subject to additional requirements with regard to stability (9.7.5) and were therefore safer, in terms of stability, than other vehicles.

In consequence, several delegations questioned whether the application of the provisions to vehicles of categories N₃, O₃ and O₄ subject to ADR approval one year earlier than to other vehicles of the same categories was really justified. That would make it necessary to include equivalent provisions in Part 9 of ADR and thus in annex 5 to ECE Regulation No. 13, solely for that one-year period, and also to make consequential amendments to ECE Regulation No. 105, with all the problems that that would entail from an administrative standpoint and in terms of harmonizing the dates of application.

52. The Working Party, which was requested to give its opinion on the matter, decided that there was no need for an earlier date of application for ADR vehicles (14 votes in favour, 4 votes against and 5 abstentions).

4. Work of the World Forum for Harmonization of Vehicle Regulations (WP.29)

Informal document: INF.14 (Secretariat)

53. The Working Party was informed of the work of the World Forum (WP.29) and took note of its intention to adopt a corrigendum to ECE Regulation No. 13, aimed at aligning the braking requirements for O₁ and O₂ trailers with those in ADR.

54. The Working Party thanked WP.29 for following up on its request regarding consideration of the question of preventing tyre fires (see TRANS/WP.15/185, para. 49).

5. Speed limitation devices

Informal document: INF.27 (Secretariat)

55. In response to the request made by the Working Party at its eighty-first session (see ECE/TRANS/WP.15/190, paras. 40-42), the secretariat confirmed that the revision of the references in 9.2.1 and 9.2.5 to Directive 92/6/EEC, as proposed by the Government of Romania at the aforementioned session in informal documents INF.1 and INF.21/Rev.1, was justified.

56. The Working Party therefore adopted the proposals submitted by the secretariat (see annex).

57. In response to the question posed by the secretariat in paragraph 5 of informal document INF.27, the representatives of CLCCR and OICA confirmed that it was not necessary to insert in 9.2.5 a reference to vehicles for which registration was not mandatory - on the same lines as that in 9.2.1 - because the language in question did not concern motor vehicles. On the other hand, such a reference should be inserted in the transitional measure of 1.9.5.6, since the tank-trailers to which ECE Regulation No. 111 applied might not be subject to registration (see annex).

6. Use of anti-lock braking system connectors

Informal document: INF.5 (Belgium)

58. The manufacturers' representatives and some delegations were in favour of introducing a requirement for the use at all times of the cables providing the electrical connection between the drawing vehicle and the trailer; the equipping of vehicles with such connectors is mandatory under ECE Regulation No. 13.

59. Other delegations considered that the problem of failure to use those connectors was not specific to the transport of dangerous goods and that ADR was not an appropriate legal instrument in which to include such requirements.

60. The representative of Belgium said that he would perhaps submit a proposal for an amendment at the following session.

VII. ANY OTHER BUSINESS (agenda item 7)

A. Action plan on enhancing the security of explosives

Informal document: INF.25 (European Commission)

61. The Working Party took note of the efforts being made within the European Commission to enhance the security of explosives. An action plan including recommendations should be issued by the European Commission by the end of 2007. The Working Party was invited to review the recommendations that could have an impact on the transport of dangerous goods, which were reproduced in the annex to informal document INF.25.

B. Driver training certificates

Informal document: INF.7 (IRU)

62. The representative of IRU recalled the difficulties faced by the enforcement authorities in determining the authenticity of some driver training certificates and presented several samples of certificates currently used by Contracting Parties to ADR, the majority of which were different.

63. He proposed that 8.2.2.8.3 should be restructured by identifying each field of the existing certificate numerically, as was already done in 9.1.3.5 for the model certificate of approval for vehicles carrying certain dangerous goods.

64. It was pointed out that 8.2.2.8.3 already imposed a standard layout for the certificate and that adopting a new model would not solve the problems of forgery. Other measures to protect documents from being copied should be considered, such as the insertion of holograms, watermarks or embossed stamps.

65. The representative of Portugal offered to prepare an initial proposal for an amendment along those lines, in collaboration with IRU and any other interested delegations.

C. Mobile explosives manufacturing units

Informal document: INF.24 (Germany)

66. The representative of Germany gave a brief presentation on the status of the work concerning Mobile Explosives Manufacturing Units (MEMUs). The Working Party took note of the results obtained thus far and of the announcement concerning the following meeting of the informal working group, to be held in August 2007 in Bonn. Invitations to that third meeting would be sent to all Contracting Parties to ADR by the German delegation.

D. Anniversary of ADR

67. At the proposal of the Chairman, the Working Party agreed to set aside the afternoon of 8 November 2007 during its next session to hold a round table on the theme of transport of dangerous goods.

68. The secretariat invited delegations wishing to do so to submit to it in writing before 15 June 2007 proposals concerning the moderation of the round table or possible subjects for discussion.

VIII. WORK OF THE JOINT MEETING OF THE RID COMMITTEE OF EXPERTS AND THE WORKING PARTY ON THE TRANSPORT OF DANGEROUS GOODS

Documents: ECE/TRANS/WP.15/AC.1/102 (Annex 2)
ECE/TRANS/WP.15/AC.1/104 (Annex 1) (Amendments adopted by the Joint Meeting at its sessions in March 2006 and September 2006)

Informal document: INF.22 (Secretariat)

69. The Working Party approved the amendments adopted by the Joint Meeting, with some changes (see annex).

70. The references to unpublished standards remained in square brackets and would be deleted if the standards had not been published by the eighty-fourth session of the Working Party (May 2008).

IX. PROGRAMME OF WORK (EIGHTY-THIRD SESSION) (agenda item 6)

71. The agenda for the next session would include the following items:

- Implementation and interpretation of ADR
- Work of the Joint Meeting of the RID Committee of Experts and the Working Party on the Transport of Dangerous Goods

- Proposals for amendments to ADR
- Anniversary of ADR
- Any other business
- Programme of work 2008-2012
- Election of the Bureau.

X. TRIBUTE

72. The Working Party, learning that Mr. Capel Ferrer, Director of the Transport Division of ECE, would shortly be retiring, paid tribute to his professionalism and his unfailing support of the work of the Working Party and offered its best wishes for his retirement.

XI. ADOPTION OF THE REPORT (agenda item 8)

73. The Working Party adopted the report of its eighty-second session and the annexes thereto on the basis of a draft prepared by the secretariat.
