

**Economic and Social Council**

Distr.: General
14 February 2019
English
Original: French

Economic Commission for Europe**Inland Transport Committee****Working Party on the Transport of Dangerous Goods****106th session**

Geneva, 13–17 May 2019

Item 6 (b) of the provisional agenda

Proposals for amendments to annexes A and B of ADR:**Miscellaneous proposals****Proposal to amend special provision 363 (I)****Transmitted by the Government of Switzerland****Summary*

- Executive summary:** The second indent of special provision 363 (I) is not applicable when it is not known beforehand that the carriage will pass through a tunnel to which restrictions apply. The proposal is to formulate the provision such that the tunnel prohibitions are always applicable.
- Action to be taken:** Amend the text of the second indent of special provision 363 (I).

Introduction

1. The appearance of the new text in the second indent of special provision 363 (I) in ADR 2019 has given rise to some discussion regarding its scope:

“363 (I) ...

- When the carriage is known beforehand to pass through a tunnel with restrictions for carriage of dangerous goods, the transport unit shall display orange-coloured plates according to 5.3.2 and the tunnel restrictions according to 8.6.4 apply.”

2. According to a certain reading of the text, the requirement to display orange-coloured plates, and consequently, to respect tunnel restrictions in tunnels that are subject to them, is only valid when it is known beforehand that the carriage is to pass through a tunnel to which restrictions apply. If for any reason it is necessary to alter the route once the journey is under way and to pass through a tunnel to which restrictions apply, for example if a mountain pass

* In accordance with the programme of work of the Inland Transport Committee for 2018–2019 (ECE/TRANS/WP.15/237, annex V (9.1)).



is closed, the carriage would be subject neither to the requirement to display orange-coloured plates, nor to the tunnel prohibition, as it would not have been known beforehand that the carriage would pass through a tunnel to which restrictions apply.

3. As such an interpretation cannot be excluded, it is proposed to improve the text by eliminating any doubt regarding its scope.

4. The text in question was inspired by the content of 5.4.1.1.1 (k) of ADR. It would appear that unnecessary amendments were made to the wording during the discussions that took place, and the resulting text does not achieve the intended purpose. Our proposal, below, is to use in the second indent the wording of the text contained in 5.4.1.1.1 (k).

5. In order to simplify the interpretation of the provision in question, we propose to amend the text as follows:

Proposal

6. Amend the second indent of special provision 363 (l) as follows (added text **underlined in bold**, deleted text ~~struck through~~):

“363 (l) ...

- **The transport unit shall display orange-coloured plates according to 5.3.2 and the tunnel restrictions according to 8.6.4 apply. The orange-coloured plates according to 5.3.2 are not necessary** where the carriage is known beforehand **not** to pass through a tunnel with restrictions for carriage of dangerous goods, ~~the transport unit shall display orange-coloured plates according to 5.3.2 and the tunnel restrictions according to 8.6.4 apply.~~”