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Working Party on the Transport
of Dangerous Goods

**REPORT OF THE WORKING PARTY ON ITS SEVENTY-FIRST SESSION
(5-9 November 2001)**

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REPORT OF THE WORKING PARTY

ATTENDANCE

1. The Working Party on the Transport of Dangerous Goods held its seventy-first session from 5 to 9 November 2001 with Mr. J. Franco (Portugal) as Chairman and Mrs. A. Roumier (France) as Vice-Chairman. Representatives of the following countries took part in its work: Austria; Belgium; Bulgaria; Czech Republic; Denmark; Estonia; Finland; France; Germany; Hungary; Ireland; Italy; Latvia; Liechtenstein; Netherlands; Norway; Poland; Portugal; Russian Federation; Slovakia; Slovenia; Spain; Sweden; Switzerland; Ukraine; United Kingdom, United States of America. The following intergovernmental organization was represented: Intergovernmental Organization for International Carriage by Rail (OTIF), along with the following non-governmental organizations: International Road Transport Union (IRU); European Chemical Industry Council (CEFIC); International Federation of Forwarding Agents' Associations (FIATA); European Industrial Gases Association (EIGA); European Conference of Fuel Distributors (CENCC); Liaison Committee of Coachwork and Trailer Builders (CLCCR); International Organization of Motor Vehicle Manufacturers (OICA); European Committee for Standardization (CEN); International Association of the Soap, Detergent and Maintenance Products Industry (AISE).

OPENING OF THE SESSION

2. Mr. J. Capel Ferrer, Director of the Transport Division, welcomed the participants and informed them about administrative matters concerning the Dangerous Goods and Special Cargoes Section.

3. Recalling the terrorist attacks of 11 September 2001 and various other recent tragic accidents, such as those at Milan airport and in the St. Gothard tunnel, he invited the Working Party to consider whether stricter measures or standards should not be contemplated to prevent vehicles carrying dangerous goods from one day being hijacked for criminal purposes.

ADOPTION OF THE AGENDA

Document: TRANS/WP.15/166

Informal documents: INF.1 and INF.1B

4. The Working Party adopted the provisional agenda prepared by the secretariat incorporating informal documents INF.1 to INF.44 as submitted in informal document INF.1B and the new informal documents submitted during the session (INF.45 to 56). The Working Party agreed to decide on a case-by-case basis under which agenda item or items the informal documents should be considered at the current session. It was also decided to add an agenda item for the election of officers for 2002 at the end of the session.

5. The Working Party agreed to give Mr. J. de Boer (Netherlands) responsibility for conducting the work of the ad hoc group of experts on the Convention on Civil Liability for Damage Caused during Carriage of Dangerous Goods by Road, Rail and Inland Navigation Vessels (CRTD), which was being held concurrently, from 5 to 6 November 2001.

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

Status of the Agreement

Document: TRANS/WP.15/2001/8 and -/Corr.1 (secretariat)

Informal document: INF.8 (secretariat)

6. The Working Party welcomed the accession of Kazakhstan and Morocco to ADR and expressed the hope that representatives of those countries would participate actively in its work in future.

7. The Working Party invited each delegation to check the particulars of the competent authorities of the Contracting Parties to ADR and to communicate any corrections to the secretariat. Where a competent authority had an e-mail address, it should also be mentioned. A recapitulative list of competent authorities can be found in annex 1 (see TRANS/WP.15/167/Add.1).

Protocol of amendment 1993

8. The Working Party expressed regret that 14 Contracting Parties to ADR had not as yet acceded to the 1993 Protocol (Azerbaijan, Belarus, Belgium, Bosnia and Herzegovina, Croatia, Former Yugoslav Republic of Macedonia, Germany, Greece, Kazakhstan, Lithuania, Morocco, Republic of Moldova, Ukraine and Yugoslavia).

9. The Working Party noted that the procedures for accession were under way in Belgium and Germany, but reiterated its request that all the Contracting Parties concerned should take the necessary steps because the entry into force of the Protocol required the accession of all Contracting Parties.

Special agreements

Document: TRANS/WP.15/2001/16

10. The Working Party noted that the list of special agreements was published only once a year, but that notifications concerning revocations, new agreements, etc., were transmitted periodically to the Ministers for Foreign Affairs of the Contracting Parties. The list of agreements was constantly updated and could be consulted on the web site of the Transport Division (<http://www.unece.org/trans/danger/danger.htm>).

Notifications in accordance with Chapter 1.9 of the restructured ADR

Informal document: INF.43 (secretariat)

11. The Working Party welcomed the fact that the information transmitted to the secretariat concerning transport restrictions by the competent authorities under Chapter 1.9 was available on the web site of the Transport Division.

12. The Chairman noted that a distinction should, however, be made between information on restrictions, as covered by 1.9.1, in accordance with article 4, paragraph 1, of ADR, which the Contracting Parties had to publish in an appropriate form without being required to notify the secretariat or other Contracting Parties thereof, since they were not concerned with safety during carriage, and information concerning restrictions as referred to in 1.9.3, subparagraphs (a) and (d), which Contracting Parties were required to communicate to the secretariat for the purpose of notifying other Contracting Parties.

13. The representative of IRU said it was deplorable that only some Contracting Parties had transmitted the information required by ADR to the secretariat and indicated that his organization's web site included a much larger list of restrictions imposed by certain countries which had not provided notification thereof to the secretariat.

Corrections to depositary notification C.N.1078.2000-TREATIES-3 (Annexes A and B of the restructured ADR)

Informal documents: INF.6, INF.7, INF.19 and INF.21

14. The Working Party noted that the corrections to the 2001 amendments to ADR as distributed through depositary notification C.N.1078.2000-TREATIES-3 of 1 January 2001 and adopted at the previous session (TRANS/WP.15/165/Add.1 and -/Add.2), had been communicated to the Contracting Parties in accordance with the correction procedure (INF.19, depositary notification C.N.870.2001-TREATIES-4 of 18 September 2001).

New corrections

15. The Working Party noted that the corrections included in informal document INF.21 had been issued as corrigenda to the restructured ADR text (ECE/TRANS/140, corrigendum 2 for the English version, corrigendum 3 for the French version). The corrigenda had not as yet been made subject to the legal correction procedure.

Informal documents: INF.6 and INF.7 (secretariat)

16. The Working Party approved new corrections proposed by the secretariat in informal documents INF.6 and INF.7.

Informal document: INF.29 (France)

17. The representative of France proposed the reinstatement of marginal 2431 NOTE 1 of the 1999 ADR as a special provision of Chapter 3.3 against UN No. 1362 (exemption of carbon

made by a steam activation process) in the restructured ADR. He pointed out that such an exemption also appeared in the IMDG Code. The secretariat confirmed that the provision in question had inadvertently been omitted in the document on restructuring (TRANS/WP.15/AC.1/1999/9) which it had prepared. The correction was accordingly confirmed by the Working Party.

18. The representative of France requested that in the French version the term “plateau” (tray) in the top right-hand column heading of table 3.4.6 should be replaced by the term “bac”, as used in the corresponding previous ADR marginals, since the term had been changed in the process of restructuring without any discussion of the change and its implications. He pointed out that the term “plateau” did not have the same meaning in French as “bac” because a “plateau” did not necessarily have edges.

19. The correction was accepted after being put to a vote. The Working Party noted, however, that the term “tray” in the English version could mean either a tray with edges or a tray without edges, and some translations of ADR into other languages referred to trays having no edges. That consequently raised a problem of interpretation, which might be resolved by incorporating a precise definition of the term. The representative of France said that he would propose a definition at a later stage.

Informal document: INF.48 (France)

20. In order to restore the conditions of the 1999 ADR which restricted the exemption from the provisions of ADR to pharmaceutical products ready for use assigned to UN Nos. 1851, 3248 and 3249, it was decided to delete the Notes to 2.2.3.1.1 and 2.2.61.3, taking into consideration the fact that special provision 601 was by itself sufficient to settle the problem.

Informal document: INF.30 (Sweden)

21. The Working Party agreed that special provision S20 had been omitted in error for all the substances of Classes 4.3 and 5.1 referred to in marginals 43 321 and 51 321 of the 1999 ADR and should be restored for all the corresponding UN Nos. in Table A in Chapter 3.2.

22. With reference to mixed loading with foodstuffs, the Working Party noted that former marginal 10 410 also referred to toxic gases, where the former model label had been replaced by model label No. 2.3. As a result, label No. 2.3 should also be included in paragraph 7.5.4; a correction should be made to that effect and provision CV28 introduced for the gases in question.

Fibre-reinforced plastics tanks

Informal document: INF.15 (Sweden)

23. The proposal by Sweden to correct the terminology used in 6.9.4.4.1 for the sake of consistency and to bring it into line with the rest of Chapter 6.9 was adopted. It was also decided that the heading should explicitly include the types of tank referred to.

Provision for UN No. 1649

Informal document: INF.39 (Sweden)

24. The representative of Sweden proposed to check with the help of the secretariat whether his proposal was not the result of an official decision by the Working Party.
25. All the new corrections can be found in annex 2 (TRANS/WP.15/167/Add.2) for the French version and in annex 3 (TRANS/WP.15/167/Add.3) for the English version. Notification should be given in the form of a new depositary notification conforming to the official correction procedure (with a 90-day deadline for possible objections).
26. A new corrigendum to the English, French and Russian editions will also be published, as is required.

PROPOSALS FOR AMENDMENTS TO ANNEXES A AND B OF ADR

Proposals for amendments resulting from the work of the RID/ADR/ADN Joint Meeting and related documents

Result of the work of the Joint Meeting

Documents: TRANS/WP.15/AC.1/84/Add.1 and -/Add.2
TRANS/WP.15/AC.1/86/Add.1, -/Add.2 and -/Add.3

27. The Working Party noted that all the proposals for amendments adopted by the Joint Meeting at its May and September 2001 sessions were reflected in the above-mentioned documents and accordingly proceeded to consider those documents in detail. The Working Party adopted the proposals with some changes (see annex 4).
28. With regard to the assignment of aerosols to transport categories (table in 1.1.3.6.3), the Working Party agreed that aerosols containing toxic liquids/solids belonging to packing groups II and III (groups T, TF, TC, TO, TFC and TOC) should be assigned to transport category 1, like toxic gases, and not to categories 2 or 3, as toxic liquids or solids. Aerosols containing corrosive liquids/solids (groups C, FC and CO) should be assigned to transport category 1 also because they could present the same risks of toxicity by inhalation as corrosive gases.
29. In modified paragraph 1.8.5.1, concerning accident or incident reports, it was decided to replace the words “ensure that” with the words “ascertain that”.
30. As to the model for reporting on occurrences during the carriage of dangerous goods (1.8.5.4), it was decided to delete the word “reporting” in the cover sheet because the occurrence would not necessarily be reported by the actual carrier. The back of the cover sheet should be left blank.

31. A proposal by the representatives of the United Kingdom and Ireland (INF.50) to indicate on the cover sheet the name and particulars of the person forwarding the report (when not forwarded by the carrier) was not adopted.

32. Several other comments were made on the report itself (such as on specifying the loss of product, for example, in the case of liquefied gases with a density exceeding 1; taking into account the mode of transport by inland waterway, particularly in view of the current work on restructuring of ADN; language to be used for drawing up the report; reference to special drawing rights rather than to the euro for the estimated amount of damage).

33. The Working Party noted that it would be necessary to revert to the report at a later stage. Accordingly, so as not to hold up the work of the current session and to avoid problems of harmonization with RID, it was decided to adopt the model for reporting as it stood, with a few small changes (indication of the date and location of the occurrence) (see annex 4). It would be preferable to discuss any other questions in the Joint Meeting.

34. Regarding 5.3.1.2 and 5.3.1.4, the representative of Sweden proposed deleting the reference to MEGCs and battery-vehicles in the paragraphs added by the Joint Meeting, since those transport units carried only one substance. It was recalled that the question had been discussed by the Joint Meeting and that it had been decided to include those references because it was envisaged in the near future to carry several different substances in such units. The Working Party therefore retained the text adopted by the Joint Meeting.

35. Regarding 5.4.1.1.1 (d) (TRANS/WP.15/AC.1/86/Add.1), the Working Party noted that the intention was not to require the packing group (“groupe d’emballage” in French) to be preceded by the letters “GE” because French was the official language of the annexes to ADR, but to enable it to be preceded, as appropriate, by the initials corresponding to the term “packing group” in the language used for the information provided in the transport document, for example “PG” in English, “VG” in German, or any other initials used when another language apart from English, French or German was employed in accordance with 5.4.1.4.1. A proposal by the secretariat (informal document INF.56) to make this interpretation explicit in the wording of 5.4.1.1.1 (d) was adopted (see annex 4).

Other proposals within the remit of the Joint Meeting

Orange-coloured plate marking for the carriage of radioactive and fissile material

Informal document: INF.5 (France)

36. This document reproduced in a modified form document TRANS/WP.15/AC.1/2001/45, which the Joint Meeting had not been able to discuss. Opinions were divided. Some representatives supported the proposal, but questioned certain points (exemption for UN No. 2915 if the number of packages was less than 10; removal of hazard codes 72, 723, 73, 74, 75, 76 and 78). Other speakers expressed the fear that there would be problems for transport operations following or preceding maritime carriage. Still others saw no reason to treat Class 7 differently from the other classes, or felt that the matter should be discussed in the Joint Meeting and questioned the urgency of making any such change.

37. The Chairman, noting that there was no consensus on the subject, said it would not be possible to take a decision at the current session, particularly as the matter also concerned RID. He pointed out that some documents had also been submitted to the RID Safety Committee, and if that Committee accepted the proposal the Working Party could perhaps reconsider the matter, but there was no guarantee that it would then take the same course of action. It would thus be preferable, as several delegates had requested, for the document to be discussed first of all by the Joint Meeting at its March 2002 session.

Leakproofness test for aerosols and small receptacles containing gas (UN No. 1950)

Informal document: INF.45 (Sweden)

38. The Working Party confirmed that paragraph 3 (c) of packing instruction P204 meant that all the aerosol dispensers and receptacles referred to were subject to and must satisfy a leakproofness test.

Transport of vinegar food grade

Informal document: INF.10 (CEFIC)

39. The Working Party decided to deal with this proposal which had been submitted to the RID/ADR/ADN Joint Meeting (TRANS/WP.15/AC.1/2001/40) since it had not been discussed by the Joint Meeting at its September 2001 session; its interest related almost exclusively to road transport. It was also pointed out that the question was covered by three multilateral agreements.

40. The proposal to restrict the requirements applicable to the carriage of vinegar with a concentration of acetic acid of less than 25 per cent to certain packing requirements was adopted with some corrections. In particular, the Working Party deemed it necessary to stipulate annual inspections (see annex 4, special provision 647 of Chapter 3.3).

Special provision 640

Informal document: INF.15 (Austria)

41. The proposal to include special provision 640X for the three UN No. 1202 entries assigned to the same packing group but presenting different conditions of carriage was adopted (see annex 4).

42. The Working Party adopted the proposal for an explicit reference in section 5.4.1 to the application of special provision 640 (see annex 4).

43. In the case of empty transport units for the indication in the transport document of the last goods loaded (5.4.1.1.6), it was decided to specify that the technical name should be mentioned for n.o.s. entries, as in the case of transport units fully loaded (see annex 4).

44. On the proposal of the representative of OTIF, the Working Party decided to require the mention of the packing group of the last goods carried in the particulars of the transport document for carriage in empty uncleaned tanks (see annex 4).

Packing instruction P200

Informal document: INF.47 (Germany)

45. The proposal was adopted to include a footnote for UN No. 1582, specifying that it is a substance considered to be toxic with a CL₅₀ value still to be determined.

Table A in Chapter 3.2

Informal document: INF.47/Rev.2 (Germany)

46. The proposal by Germany to delete “(non viscous)” in the descriptive text of column (2) in packing group III entries for UN Nos. 1133, 1139, 1169, 1197, 1210, 1263, 1266, 1286, 1287, 1306, 1866, 1993 and 1999, received a favourable majority of votes (6 to 0). In view of the large number of abstentions, however, it was deemed preferable to await the conclusions of the forthcoming meeting of the RID Committee of Experts. If the proposal was adopted by the RID Committee of Experts, the Working Party would proceed to its formal adoption at its next session.*

Section 7.1.3

Informal document: INF.14 (UIC)

47. The Working Party decided to await the decision of the RID Committee of Experts before taking a decision on the amendments to the references in the UIC schedules in 7.1.3.

Fire-fighting equipment

Document: TRANS/WP.15/2001/29 (Informal working party)

Informal document: INF.32 (Germany)

48. In view of time constraints and the complexity of the proposal, the Working Party considered it preferable to postpone discussion of the informal working party’s report until the next meeting in May 2002, on the understanding that any amendments adopted could also enter into force on 1 January 2003. The representative of Germany invited delegations to send him their comments on this document.

* Note by the secretariat: This amendment was adopted by the RID Committee of Experts as a correction; “(non viscous)” in fact excludes viscous substances of packing group III having a flash point between 23° C and 61° C, which neither conforms to the 1999 version of RID/ADR nor to the classification criteria of Part 2. The secretariat has therefore added this correction to the list in annexes 2 and 3.

Construction of vehicles

Temperature certification of tachograph equipment

Document: TRANS/WP.15/2001/26 (CLEPA)

49. The representative of CLEPA said that he had received many comments on his proposal and would submit a new document for the next session.

Paragraph 9.1.2.1.2

Document: TRANS/WP.15/2001/28 (Sweden)

50. Several delegations said that they were not in favour of making provision for the certificate of approval to be drawn up in any one language other than English, French or German, especially because of the risks of confusion where the certificate was drawn up in a language using characters other than Roman characters (Arabic, Cyrillic or Greek alphabet, for example).

51. It was noted, however, that it was difficult in practice to give all the information in two languages on the same certificate without modifying the presentation prescribed in the model, and that in the Russian version Cyrillic characters were not used for the designation of vehicles or tank codes.

52. After being put to a vote, the proposal of Sweden was adopted, but on the understanding that the title of the certificate and the information in box 11 should also be given in English, French or German (see annex 4).

Revision of Part 9 (Turin working group)

Informal document: INF.9 (Italy)

53. Delegations were invited to forward their comments, if any, on the report of the informal working group which had met in Turin on 6 and 7 September 2001, at the invitation of the Italian Government, so that the representative of Italy could draw up a formal proposal for the next session.

Battery master switch requirements

Informal document: INF.2/Rev.1 (United Kingdom)

54. Several delegations supported the United Kingdom's proposal to re-establish the requirement for a battery master switch to be installed on the outside of the vehicle, on safety grounds in case of accidents.

55. Other delegations recalled that this question had been discussed at length at previous sessions, those discussions having led to the present situation whereby battery master switches were installed only in the driver's cab, in particular to prevent any ill-intentioned deactivation of the vehicle's anti-theft devices. The representative of OICA also pointed out that some current braking systems required electric power from the battery.

56. The representative of the Netherlands, supported by the representatives of Sweden and Italy, asked for the proposal not to be put to a vote as it was an informal document. That motion was passed, and the representative of the United Kingdom was invited to prepare a formal proposal with appropriate justifications.

ECE Regulations Nos. 13 and 105

Informal document: INF.41 (secretariat)

57. The Working Party noted the explanations concerning the changes made to ECE Regulation No. 13, which in fact applied only to new vehicles, as well as the secretariat's proposals for clarifying the interpretation of paragraphs 9.2.3.3.2 (e) and (f) and 9.2.3.3.3 of ADR. The difficulties stemmed from the fact that the type approval following ECE Regulation No. 13 could apply only to one vehicle (towing vehicle or trailer) and not to the equipment as a whole, and that the type II-A test required for trailers in 9.2.3.3.3 could in theory be performed only on towing vehicles.

58. As the proposals were contained in an informal document, the Working Party decided for the time being to adopt only the changes in cross-references to Regulation No. 13 (as corrections, see annexes 2 and 3). It was agreed, however, that all the provisions on braking would have to be checked and revised as necessary, and the representative of OICA said that he would prepare a proposal for the next session.

Rear protection of tanks

Informal document: INF.4 (Germany)

59. The representative of Germany was requested to submit his proposal formally for the next session, taking into account the comments made by delegations.

Extension of the use of B3 certificates of approval

Informal document: INF.11 (France)

60. The representative of France proposed that the use of the old B3 certificates should be permitted until the end of their normal period of existence (five years) since replacing existing certificates before 1 January 2004 was a considerable administrative task.

61. Several delegations considered that the planned transitional period was sufficient and hoped that it would not be changed. The representative of France said that she would submit a new proposal at the next session.

EX/II and EX/III vehicles

Informal document: INF.12 (Norway)

62. The representative of Norway drew attention to the fact that an informal working group on EX/II and EX/III vehicles was scheduled to meet in Toensberg (Norway) from 17 to 19 December 2001. He requested delegations intending to participate to send him their proposals for the meeting as soon as possible.

Interpretation of the guidelines for completing the certificate of approval

Informal document: INF.26 (IRU)

63. The Working Party was of the view that the guidelines for completing point 10.2 of the certificate of approval (see TRANS/WP.15/165, annex 4) were sufficiently clear, since they stated that either a reference to the tank code or a list of substances should be indicated. There was thus no reason to think that the list of substances must systematically be indicated. The Working Party was therefore not in favour of changing the guidelines, and requested IRU to submit a formal document with concrete proposals and precise and thorough justifications if there were indeed contrary interpretations in some countries.

Transitional period for battery master switches

Informal document: INF.49 (Germany)

64. The Working Party agreed that there was no need to change the battery master switch arrangements for vehicles conforming to the ADR requirements applicable until 30 June 2001, and that some transitional measures should have been envisaged. Transitional measures should also have been envisaged for the new provisions concerning electrical equipment for use in explosive atmospheres and it was therefore decided to add such provisions to 1.6.5.5 (see annex 4)

65. The representative of the United Kingdom suggested a general transitional measure for the application of Part 9. That proposal was considered more difficult because there might be some conflict with the transitional measures provided for in the "Comments" column of the table in 9.2.1.

Modification of comment "c" in table 9.2.1

Informal document: INF.54 (Germany and Poland)

66. The proposal to change this comment was adopted (see annex 4).

Other proposals for amendments

Tank codes for vacuum-operated waste tanks

Informal document: INF.35/Rev.1

67. The proposal by the working group which had met during the session to address this question was adopted with some corrections (see annex 4).

Transitional measures

Informal document: INF. 46 (OCTI)

68. The Working Party adopted a transitional period of six months for the application of the requirements due to enter into force on 1 January 2003. It also considered it preferable to keep the exemption for contrary requirements in the wording of the paragraph (see annex 4).

69. The Working Party agreed by a large majority that this transitional period could not be interpreted as including the requirements applicable until 30 June 2001, for which the transitional period ended on 31 December 2002 and which could therefore no longer be applicable after that date.

70. The transitional measures concerning the marking of receptacles and tanks for the carriage of Class 2 substances were adopted (see annex 4).

71. The Working Party also agreed to delete all the paragraphs whose term of validity expired on 1 January 2003 (see annex 4).

Chapter 7.2

Informal document: INF.36 (Norway)

72. In view of time constraints, the representative of Norway withdrew this document which would be submitted officially at the next session, on the understanding that any amendments adopted could enter into force on 1 January 2003.

Safety obligations of the participants

Document: TRANS/WP.15/2001/23 (France)

73. In view of time constraints, it was deemed preferable to postpone until the next session discussion of this document which had been prepared following accidents during the carriage of radioactive material, on the understanding that any amendments adopted could enter into force on 1 January 2003. The representative of France asked delegations to send her their comments.

Carriage in a transport chain including maritime or air carriage

Document: TRANS/WP.15/2001/27 (Austria, Norway, Sweden, United Kingdom, FIATA, IATA and IECC)

74. The proposal to ensure that the information required in transport documents for maritime or air carriage could also be accepted in carriage by road, in cases of transport operations which included maritime or air carriage, was adopted (see annex 4).

Reference to standards

Informal documents: INF.16 and INF.17 (CEN)

75. The Working Party was informed of the list of standards to which CEN proposed to refer in ADR, and their state of progress.

Informal document: INF.22 (CEN)

76. The Working Party considered that it was not sufficiently prepared to take the decision to introduce references to standards EN 12252:2000 and EN 12493 in paragraph 6.8.2.6 at the current session.

Tank code marking for tanks carrying substances of Class 2

Informal document: INF.23 (CEN)

77. The Working Party decided to come back at its next session to the question of the marking of the tank code on a plate for tank-vehicles carrying substances of Class 2 (6.8.2.5.2). Marking requirements were not in line with the corresponding requirements for 6.8.3.5.6 for the other classes.

Information concerning the total quantity of dangerous goods to appear in the transport document

Document: TRANS/WP.15/2001/24 (Poland)

78. The new wording of 5.4.1.1.1 (g) as presented in the first option of the document by Poland was deemed to be clearer than the present text and was consequently adopted (see annex 4).

Thickness of tanks made with double walls, the space between being evacuated of air

Document: TRANS/WP.15/2001/22 (France)

79. The Working Party agreed on the need for a revision of the requirements for the thickness of tanks made with double walls, but opinions were very divided on this matter and no consensus emerged.

Exemptions related to the quantities carried per transport unit

Informal document: INF.3 (Germany)

80. The Working Party agreed that drivers should be given adequate training even in the case of carriage in limited quantities, but the proposal by Germany was deemed to go far beyond this intention. The representative of Germany offered to prepare an official proposal for the next session, bearing in mind the comments expressed by the delegations.

Carriage in limited quantities

Informal document: INF.38 (CEFIC/AISE)

81. This document would be submitted officially at the next session.

Specifications for the orange-coloured plates

Informal document: INF.13 (Germany, Spain)

82. The representative of Germany announced that this proposal would be resubmitted officially at the next session in May 2002 and that the new document would also include transitional measures. The representative of Germany asked delegations to send him their comments.

Vacuum-operated tanks

Informal document: INF.31 (Germany)

83. The representative of Germany was requested to submit an official proposal at the next session, taking into account the comments received.

SAFETY IN ROAD TUNNELS

Ad hoc Multidisciplinary Group of Experts on Safety in Tunnels (AC.7)

Informal document: INF.27 (secretariat)

84. The Working Party noted the explanations concerning the progress of the AC.7 Group and took note of the recommendations concerning dangerous goods contained in its final report which would be submitted to the Inland Transport Committee at its next session and would be published on the Transport Division's web site.

85. The Working Party was invited to consider the relevance of these recommendations and to address the question of their future implementation.

86. The Working Party expressed its interest in the finalization of the work of the AC.7 Group and its availability for cooperation in the future in implementing these recommendations.

**FOLLOW-UP OF THE CONVENTION ON CIVIL LIABILITY FOR DAMAGE
CAUSED DURING CARRIAGE OF DANGEROUS GOODS BY ROAD, RAIL AND
INLAND NAVIGATION VESSELS (CRTD)**

Documents: TRANS/WP.15/2001/17 and Add.1-8 (secretariat)

Informal documents: INF.24 (Netherlands)
INF.37 (Latvia)
INF.42 (secretariat)
INF.44 (Spain)

87. This item was entrusted to an ad hoc group of experts (see paragraph 5 of this report). The chairman of the group presented its report (see annex 5).

88. After considering the conclusions of the ad hoc group, the Working Party recommended that the Inland Transport Committee should establish an ad hoc group of experts on the CRTD, which would meet twice in 2002 and twice in 2003, with the following mandate:

(a) To consult experts in all the sectors concerned by the CRTD (for example, legal experts in civil liability, insurance experts, shippers, carriers) in order to determine how to eliminate obstacles, such as those relating to limits of liability and compulsory insurance, to the entry into force of the CRTD;

(b) To propose, on the basis of these consultations and government proposals, amendments to the existing articles of the CRTD in order to constitute a better basis for applying the CRTD to the various transport modes;

(c) To report to the Inland Transport Committee at its 2003 session on the progress made and the difficulties encountered;

(d) To submit to the Inland Transport Committee a revised text of the CRTD containing the afore-mentioned amendments with a view to the possible adoption of a new Convention at the 2004 session.

PROGRAMME OF WORK

89. The Working Party adopted a proposed programme of work to be submitted to the Inland Transport Committee for incorporation into the Committee's Programme of Work 2002-2006 (see annex 6).

90. The Working Party noted the following provisional dates for meetings in 2002:

Joint Meeting of Experts on the Regulations annexed to
the European Agreement concerning the International
Carriage of Dangerous Goods by Inland Waterways (ADN)
(WP.15/AC.2)
(fifth session)

21-25 January 2002

RID/ADR/ADN Joint Meeting	18-22 March 2002 (Bern)
Working Party on the Transport of Dangerous Goods (WP.15) (seventy-second session)	13-17 May 2002
Joint Meeting of Experts on the Regulations annexed to ADN (WP.15/AC.2) (sixth session)	27-31 May 2002
Sub-Committee of Experts on the Transport of Dangerous Goods (ECOSOC)	1-10 July 2002
Sub-Committee of Experts on the Globally Harmonized System of Classification and Labelling of Chemicals (ECOSOC)	10-12 July 2002
RID/ADR/ADN Joint Meeting	9-13 September 2002
Working Party on the Transport of Dangerous Goods (WP.15) (seventy-third session)	4-8 November 2002
Sub-Committee of Experts on the Transport of Dangerous Goods (ECOSOC)	2-6 December 2002
Sub-Committee of Experts on the Globally Harmonized System of Classification and Labelling of Chemicals (ECOSOC)	9-11 December 2002
Committee of Experts on the Transport of Dangerous Goods and the Globally Harmonized System of Classification and Labelling of Chemicals	11-13 December 2002

91. The following agenda was established for the seventy-second session:

Status of the Agreement

Corrections to ADR 2001

Proposals for amendments to Annexes A and B of ADR still pending (the oldest as a matter of priority)

Other proposals for amendments

Safety in road tunnels.

92. The secretariat was requested to prepare a text recapitulating all the amendments adopted at the Working Party's seventieth and seventy-first sessions and to reproduce it as an official document (TRANS/WP.15/168). In accordance with established practice, the Working Party requested the Chairman to submit this draft amendment as a proposal for amendment by Portugal on behalf of the Working Party in accordance with article 14 of ADR, for entry into force on 1 January 2003.

93. The secretariat was requested to transmit the corrections approved at the present session to the Treaty Section of the Office of Legal Affairs for transmission to the Contracting Parties to ADR in accordance with the correction procedure.

94. The Working Party would decide at its next session whether some of the amendments adopted should also enter into force on 1 January 2003, in which case a second proposed series of amendments should be prepared for transmission to the Treaty Section by 30 June 2002.

95. The Working Party requested the secretariat to prepare as rapidly as possible a publication (in hard copy and CD-Rom) containing the full text of the Agreement and its Annexes as amended and corrected, in English, French and Russian, so that these texts would be available to the public at large before the amendments entered into force officially.

ELECTION OF OFFICERS FOR 2002

96. On the proposal of the representative of Spain, supported by the representatives of Germany and Norway, Mr. J. Franco (Portugal) was re-elected Chairman and Mrs. A. Roumier (France) was re-elected Vice-Chairman for 2002.

ANY OTHER BUSINESS

Transport of fireworks

Informal document: INF.28 (Netherlands)

97. The Working Party was informed of the progress made by the Netherlands in its study to amend requirements for the transport of fireworks. An official document would be submitted at the next session.

ADOPTION OF THE REPORT

98. The Working Party adopted the report of its seventy-first session together with its annexes on the basis of a draft prepared by the secretariat.

Annex 1

**List of competent authorities for the purposes of Annex A, Chapter 1.5 of the European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR)
(see TRANS/WP.15/167/Add.1)**

Annex 2

**Corrections to the French version of the annex to depositary notification
C.N.1078-TREATIES-3 (as approved by the Working Party)
(see TRANS/WP.15/167/Add.2)**

Annex 3

**Corrections to the English version of the annex to depositary notification
C.N.1078-TREATIES-3 (as approved by the Working Party)
(see TRANS/WP.15/167/Add.3)**

Annex 4

Draft amendments to Annexes A and B of ADR

(as adopted by the Working Party)

Amendments resulting from RID/ADR/ADN Joint Meeting

Parts 1, 2, 3, 5, 7, 8 and 9

Amend in accordance with document TRANS/WP.15/AC.1/84/Add.1 (as corrected by TRANS/WP.15/AC.1/86/Add.1), as follows:

- 1.2.1 In the definition of “Multiple element gas containers (CGEM)”, replace the note at the end to read as follows:

“NOTE: For UN certified MEGCs, see Chapter 6.7.”

- 2.2.62.1.8 As the paragraph has been deleted, renumber the following paragraphs accordingly.

Table A in Chapter 3.2

For new entries, delete the hazard identification number in column (20) when carriage in tanks or in bulk is not allowed.

For UN No. 2067, column (6), delete also “624”.

- 3.3.1 SP242 Replace “not subject to ADR” by “not subject to the requirements of ADR”.
SP301 Delete.
SP641 Deleted, not reserved.

Amend in accordance with document TRANS/WP.15/AC.1/86/Add.1, as follows:

- 1.1.3.6.3 Replace the amendments by the following:

“In the table”

For transport category 1, under Class 2, add: “aerosols: groups C, CO, FC, T, TF, TC, TO, TFC and TOC”.

For transport category 2, under Class 2, add “aerosols: group F”.

For transport category 3, under Class 2, add: “aerosols: groups A and O”.

Add:

“1.6.3.19 Renumber current paragraph on FRP tanks as 1.6.3.20 and insert new 1.6.3.19 as follows:

“1.6.3.19 Fixed tanks (tank-vehicles) and demountable tanks constructed before 1 July 2003 in accordance with the requirements in force up to 31 December 2002 but which do not, however, conform to the requirements of 6.8.2.1.7 and special provision TE15 of 6.8.4 (b) applicable as from 1 January 2003 may still be used.”

Add:

1.6.4.13 Add the following new paragraph:

“1.6.4.13 Tank-containers constructed before 1 July 2003 in accordance with the requirements in force up to 31 December 2002 but which do not, however, conform to the requirements of 6.8.2.1.7 and special provision TE15 of 6.8.4 (b) applicable as from 1 January 2003 may still be used.”

1.8.5.1 Replace “shall ensure” with “shall ascertain”.

1.8.5.3 In the definition of personal injury, under (a), delete “or”.
In the definition of loss of product, under (b), replace “and” with “or”.
In the definition of occurrences involving Class 7 material, under (b), add at the end “or”.

1.8.5.4 In the cover sheet of the report delete “Reporting” (twice) and the exclamation mark at the end of the sentence in brackets.

Replace box 2 of the report with the following one:

2. Date and location of occurrence	
Year: Month: Day: Time:	
<u>Rail</u> <input type="checkbox"/> Station <input type="checkbox"/> Shunting/marshalling yard <input type="checkbox"/> Loading/unloading/transshipment site <input type="checkbox"/> Open line Location / Country:	<u>Road</u> <input type="checkbox"/> Built-up area <input type="checkbox"/> Loading/unloading/transshipment site <input type="checkbox"/> Open road Location / Country:

2.2.2.2.2 In the third indent, replace “CL₅₀” with “LC₅₀”.

Table A in Chapter 3.2

UN 1950 For the three new entries, amend the contents of column (15) to read “1”.

Delete the Note in square brackets after the table concerning the three UN 1950 entries.

Delete the amendments in square brackets concerning the addition of provision V8 in column (16) and S4 in column (19) for substances the proper shipping name of which includes the word “STABILIZED”.

Chapter 3.3 SP640 Move the second indent before the first.

5.1.2.1.1 and 5.1.2.1.2 Renumber as 5.1.2.1 (a) and (b)

5.1.2.1 (a) Replace “the letters UN” with “the letters ‘UN’”.

5.1.2.1 (b) Amend the beginning to read “label conforming to model No. 11 ...”.

In the second indent, replace “shall not be labelled” with “need not be labelled”.

5.2.2.2.1.2 Replace “the numbers appearing on any label” with “the figures appearing on any label”.

5.2.2.1.6 (c) Replace “liquefied petroleum gases” with “UN No. 1965”.

5.4.1.1.1 (b) Amend to read:

“The proper shipping name supplemented, when applicable (see 3.1.2.8.1) with the technical name (see 3.1.2.8.1.1) or the chemical group, as determined in accordance with 3.1.2.”

5.4.1.1.1 (d) Amend to read:

“where assigned, the packing group for the substance which may be preceded by the letters ‘PG’ (e.g. ‘PG II’), or the initials corresponding to the words ‘Packing Group’ in the languages used according to 5.4.1.4.1.”

5.4.1.1.2 Replace “must be part of the proper shipping name” with “shall be part of the proper shipping name”.

5.4.1.1.3 Add: “In the two examples, insert ‘UN’ before ‘1230’ and ‘1993’.”

5.4.1.1.6 Add: “In the second example, insert ‘UN’ before ‘1017’.”

5.5.2.3 The end of the first sentence shall read as follows: "... not be less than 300 mm wide and not less than 250 mm high".

7.2.4 V8 and

8.5 S4 In the Note, delete the first option between brackets and the brackets around the second option.

Part 4

Amend in accordance with documents TRANS/WP.15/AC.1/84/Add.2 and TRANS/WP.15/AC.1/86/Add.2, as follows:

4.1.3.6 Amend the beginning of the last sentence to read: "The capacity of tubes and bundles of cylinders shall...".

4.1.4.1 P200 In the LC₅₀ column, for UN Nos. 1008, 1040, 1582, 2192, 2196, 2198, 3057 in Table 2 and UN Nos. 1052 and 1745 in Table 3, delete the asterisks, as well as the corresponding footnote "This LC₅₀ value is under review".

In Table 2, for UN No. 1582, add "db" in the LC₅₀ column, and add the following note at the end of the table: "d Considered to be toxic. The LC₅₀ value is still to be determined."

In Table 3, in the filling ratio column, for UN Nos. 1745, 1746 and 2495, replace "***" with "db". The text remains unchanged.

P400(1), P401(1) and P402(1)

Replace "cylinders, pressure drums and tubes" with "cylinders, tubes and pressure drums" and "or the cylinders, pressure drums or tubes" with "or the cylinders, tubes and pressure drums".

P601, P602 and P802 (5)

Replace "cylinders, pressure drums and tubes" with "cylinders, tubes and pressure drums".

In the title of Chapter 4.2 and section 4.2.4, insert "UN CERTIFIED" before "multiple element".

4.2.4.1 Add at the end "referred to in 6.7.5".

Part 6

Amend in accordance with document TRANS/WP.15/AC.1/86/Add.3 as follows:

6.7.2.1, 6.7.3.1, 6.7.4.1 and 6.7.5.1

In the definition of “Alternative arrangement”, replace “ADR” with “this Chapter”.

6.7.5 In the title, add “UN CERTIFIED” before “multiple element”.

6.7.5.1 In the definition of “Multiple element gas containers (CGEM)”, add “UN certified” before “Multiple element gas containers”.

6.8.5.4 Delete the square brackets and replace “prEN 1252-2:2000” with “EN 1252-2:2001”.

Other amendments to Annexes A and B of ADR

1.1.4.2.1 The existing text under 1.1.4.2 (except the Note) becomes new 1.1.4.2.1.

1.1.4.2.2 Add a new paragraph before the Note, to read:

“1.1.4.2.2 For carriage in a transport chain including maritime or air carriage, the information required under 5.4.1 and 5.4.2 and under any special provision of Chapter 3.3 may be replaced by the transport document and the information required by the IMDG Code or the ICAO Technical Instructions respectively.”

1.2.1 Delete the definition for “Biological/technical name” and replace the definition for “Technical/biological name” with:

“Technical name” means a recognized chemical name, if relevant a biological name, or other name currently used in scientific and technical handbooks, journals and texts (see 3.1.2.8.1.1);”

1.6.1.1 Replace “31 December 2002” with “30 June 2003” and “30 June 2001” with “31 December 2002”.

1.6.2.3 Add a new paragraph to read:

“Receptacles intended for the transport of Class 2 substances constructed before 1 January 2003, may continue to bear, after 1 January 2003, the markings conforming to the requirements applicable until 31 December 2002.”

1.6.3.8 and

1.6.4.5 At the end of the second paragraph, replace “the date following the next periodic test” with “the next periodic test following the adaptation”.

1.6.4.11 Replace the text by “(Reserved)”.

1.6.5.4 Replace “30 June 2001” with “31 December 2002” and “31 December 2002” with “30 June 2003”.

1.6.6.4 Delete.

1.6.5.5 Add a new paragraph to read:

“Vehicles registered or entering into service before 1 January 2003 the electric equipment of which does not comply with the requirements of 9.2.2, 9.3.7 or 9.7.8 but complies with the requirements applicable until 30 June 2001 may still be used.”

3.1.2.8.1.1 Amend the beginning to read as follows:

“The technical name shall be a recognized chemical name, if relevant a biological name, or other name currently used in scientific and technical handbooks. ...”

Table A in Chapter 3.2

UN No.	Column	Corrections
2790, packing group III	6	Add “647”
1202, entry with a flash-point not more than 61° C	6	Add “640K”
1202, entry complying with standard EN 590:1993 or with a flash-point as specified in EN 590:1993	6	Add “640L”
1202 entry with a flash-point more than 61° C and not more than 100° C	6	Add “640M”

3.3.1 Add a new special provision to read as follows:

“647 The carriage of vinegar and food grade acetic acid with less than 25% pure acid by mass is subject only to the following requirements:

(a) Packagings and tanks shall be manufactured from stainless steel or plastic material which is permanently resistant to corrosion of vinegar/acetic acid food grade;

(b) Packagings and tanks shall be subjected to a visual inspection by the owner at least once a year. The results of the inspections shall be recorded and the records kept for at least one year. Damaged packagings and tanks shall not be filled.

(c) Packagings and tanks shall be filled in such a way that no product is spilled or adheres to the outer surface.

(d) Seals and closures shall be resistant to vinegar food grade/acetic acid. Packagings and tanks shall be hermetically sealed by the person in charge of packing or filling so that there will be no leakage under normal conditions of transport.

(e) Combination packagings with inner packagings made of glass or plastic (see packing instruction P001 in 4.1.4.1) which fulfil the general packing requirements of 4.1.1.1, 4.1.1.2, 4.1.1.4, 4.1.1.5, 4.1.1.6, 4.1.1.7 and 4.1.1.8 may be used.

The other provisions of ADR do not apply.”

4.3.4.1.4 Add a new paragraph to read:

“4.3.4.1.4 Tanks intended for the carriage of liquid wastes complying with the requirements of Chapter 6.10 and equipped with two closures in accordance with 6.10.3.2, shall be marked with the tank code L4AH. If the tanks concerned are equipped for the alternate carriage of liquid and solid substances, they shall be marked with the combined codes L4AH+S4AH.”

4.5.1.1 Amend the beginning of the first sentence to read:

“Wastes consisting of substances ...” and add the following text at the end:
“Substances assigned to tank code L4BH in column (12) of Table A in Chapter 3.2 or to another tank code permitted under the hierarchy in 4.3.3.1.2 may be carried in vacuum operated waste tanks with the letter ‘A’ or ‘B’ in part 3 of the tank code, as indicated in No. 9.5 of the vehicle approval certificate conforming to 9.1.2.1.5.”

5.4.1.1.1 (g) Amend the beginning of the indent to read:

“the total quantity of each item of dangerous goods bearing a different UN number, proper shipping name and packing group, if any, (as a volume ...),”

5.4.1.1.6 Amend the end of the second paragraph to read:

“together with the UN number, the proper shipping name, supplemented if necessary (see 3.1.2.8) by the technical name, and, if any, the packing group of the goods last loaded. See ... (remainder unchanged)”

5.4.1.1.14 Add a new paragraph 5.4.1.1.14 to read:

“5.4.1.1.14 *Information required in accordance with special provision 640 in Chapter 3.3*

Where it is required by special provision 640 of Chapter 3.3, the transport document shall bear the inscription “**Special provision 640X**” where “X” is the capital letter appearing after the pertinent reference to special provision 640 in column (6) of Table A in Chapter 3.2.”

5.4.1.2.1 (a) Replace “covered by a description” with “bearing a different UN number”.

7.5.4 Insert “2.3,” before “6.1” in the second paragraph.

9.1.2.1.2 First sentence unchanged. Amend the rest of the paragraph to read:

“It shall be drawn up in the language or one of the languages of the country issuing it. It shall conform to the model shown in 9.1.2.1.5. The title of the certificate of approval and any remarks under item 11 shall be drawn up in the language or one of the languages of the country issuing it and also, if that language is not English, French or German, in English, French or German.”

9.2.1 Amend the text of note “c” in last column of the table to read:

“^c Applicable to motor vehicles first registered after 30 June 1993 having a maximum mass exceeding 16 tonnes or authorized to tow a trailer with a maximum mass exceeding 10 tonnes.”

Annex 5

Report of the Ad hoc Meeting of Experts on the Convention on Civil Liability for Damage Caused during Carriage of Dangerous Goods by Road, Rail and Inland Navigation Vessels (CRTD)

1. As the Inland Transport Committee had requested at its sixty-third session (13-15 February 2001), the Working Party had decided to schedule, concurrently with its seventy-first session, the meeting of an ad hoc group of experts to study the results of a questionnaire on the CRTD Convention. The ad hoc group of experts was requested to study how the Convention could be amended so as to encourage accessions and to formulate recommendations to the Inland Transport Committee on the follow-up required.
2. The secretariat had prepared the following documents: TRANS/WP.15/2001/17 and Add.1 to 8; in addition, documents INF.24, INF.37, INF.44 and INF.42, containing a provisional agenda, were made available during the meeting.
3. The ad hoc group of experts met on Monday 6 and Tuesday 7 November. Representatives of the following countries attended: Austria, Czech Republic, Germany, Netherlands (Chair), Spain, Sweden, United States of America. The following organizations were also represented: CEFIC and OCTI.
4. The ad hoc group began by adopting the agenda contained in document INF.42 (draft agenda).

Presentation of the replies to the questionnaire

5. The Chairman began with an initial survey of the replies of 12 States to the questionnaire. Generally speaking, the question of how the Convention could be amended so as to encourage accessions had been favourably received but the main obstacle to obtaining that result concerned the limits of liability established in the Convention and the relation between these limits and the current capacity of the insurance market. A possible solution could therefore be more flexibility in these limits. Comments were also made on the more fundamental principle of the underlying liability, which was nevertheless in line with that of other international instruments concerning liability in the transport sector, such as the Convention on Civil Liability, the HNS Convention and the recently adopted International Convention on Civil Liability for Bunker Oil Pollution Damage.
6. The representative of Austria said that although it involved the question of civil law and was centred on road transport, the CRTD Convention was an attempt to make provision for a more general system covering the whole range of current questions concerning liability for damage caused by various transport modes. He further said that unlimited liability existed in some cases and that in this regard the CRTD was an endeavour to find an acceptable

compromise by setting limits while ensuring that limited liability was combined with compulsory insurance. He also drew attention to the fact that in view of the definition of dangerous goods given in article 1, paragraph 9, the scope of the Convention was very wide-ranging. It would thus be more successful if it was restricted to dangerous goods comprising special risks.

7. The representative of Germany, as one of the signatory States of the Convention, said that the Convention should be considered as a special regime but that the main obstacle to its general acceptance was the high level of limits, which it would therefore be necessary to reduce. The guiding principle was that the insurance premium should be acceptable, while the system should also be compatible with other systems and situations.

8. The representative of Spain put forward a possible solution for the hiatus observed between the high level of limits of liability and the possibilities of the insurance market with a view to differentiating insurance levels according to the nature of the dangerous goods. For example, radioactive substances could be subject to a special insurance. He also suggested that each sector should have its own limits.

9. The ad hoc group considered the replies to the questionnaire on the implementation of the CRTD Convention, which may be summed up as follows:

Question 1: What are the reasons that your country has not yet signed/ratified, approved, acceded to or accepted the Convention; what are considered to be the main obstacles for a possible decision to ratify, approve, accede to or accept the Convention?

In the replies to the questionnaire returned by 12 delegations, it seems that there are several reasons for non-accession to the Convention. The main reason seems to be that the level of the limits of liability is deemed to be too high and that liability is combined with a compulsory insurance for an equivalent amount. In this context, it seems that the implementation of the Convention does not receive due priority, this also being the case when ADR has not yet been implemented. Transport professionals have given it a mitigated reception since by and large they cannot handle insurance costs corresponding to the limits, which are deemed to be too high. The question has also been asked why only carriers are held liable under the Convention. It seems that it is also necessary to specify the relationship with other international legal instruments and the development of the situation in other international bodies, and with the fundamental underlying principles of liability. For some States, no insurmountable obstacle exists, but such States simply depend on other States and wait for accession. There seems to be a shared desire to adopt a liability regime which will ensure that the damage caused by the transport of dangerous goods receives compensation. Several States have indicated that they would be prepared to sign the CRTD Convention if it were revised and amended.

Question 2: Are the limits of liability regarding the different modes of transport considered to be appropriate, too low or too high? Would ratification be facilitated by amending the present limits? If so, at what level should the limits be set in order to facilitate acceptance of the Convention by your country?

Generally speaking, the limits of liability established in the Convention are deemed to be too high since it is compulsory to take out insurance for an equivalent amount. Insurance may then become a constraining factor on international trade and a decrease in its level would be more in keeping with the interests of carriers of dangerous goods. Some States suggest that, when there is unlimited liability but no compulsory insurance, the minimum levels of liability at least should be secured by insurance contracts. In several States, the maximum limit now covered by voluntary plans is six to ten times lower than the current limits of article 9 of the Convention. Even if the current limits may be acceptable for some other States, they would not object to ratification being made more acceptable for a large number of other States. Several replies to the questionnaire stated that the limitation of liability was important and that discussion of the subject should continue. These States offered to take an active part in any revision of the CRTD and also said that broad international cooperation was needed in the insurance sphere. Generally speaking, ratification of the Covenant would be facilitated if the limits were determined in a negotiation process in which the insurers took part. In order to facilitate the accession process, national legislations could provide for compulsory insurance levels lower than the limits of liability, without involving any apparent contradiction with the principle of total compensation. It was also suggested that the Convention should define different levels of liability for different modes of transport for dangerous goods. It was further pointed out that the limits of liability for deaths and bodily injury could be the same for all modes but different for other claims for compensation. The amounts indicated ranged from US\$ 8,000 for bodily injury and the same amount for material damage to 1 million SDRs for bodily injury and 500 000 SDRs for material damage.

Question 3: Can you provide (statistical) information on the average height of damage (in SDRs) for the different modes in your country caused by accidents during transport of dangerous goods?

Generally speaking, it is difficult to specify to what extent such damage is covered by the Convention. According to the statistics available, recorded accidents have allegedly caused 4 million SDRs worth of damage in the rail sector, while in inland navigation the largest claim for compensation amounted to 125 000 SDRs. In transport by road, however, the largest compensation claim amounted to 6.25 million SDRs.

Question 4: Would the process of accession be facilitated by a lower level of compulsory insurance in comparison to the liability limits or eventually by complete abandonment of the compulsory insurance obligation? If so, what level should be appropriate?

We recommend flexibility in this regard, giving the Contracting Parties to the Convention some latitude in the choice of the amount of liability for compulsory insurance. Accession to the Convention should be facilitated by lowering the limits of liability for the optional insurance, in

terms of the possibilities of the insurance market. It would also be possible to establish the amount of liability defined in the context of question 2 at an acceptable level in order to stimulate that market.

Question 5: Does the obligation to have a compulsory insurance certificate create difficulties for insurance institutions to (re-)insure the limits of liability provided for in the Convention?

The obligation to have a compulsory insurance certificate, which is a source of concern for carriers, should ensure compliance with the relevant provisions with a minimum of formalities. Since, however, the only major problem is the level of liability covered by the Convention, which cannot be achieved, a compulsory insurance certificate cannot correspond to the level established by the Convention.

Question 6: Are there any other concerns about the level of the limitation of liability?

As mentioned with regard to question 1, it would appear useful to define more specifically the relations between the Convention and other international legal instruments and the development of the situation in other international bodies.

Main obstacles to the entry into force of the CRTD

10. After considering in detail the replies to the questionnaire in order to identify the main obstacles to the entry into force of the Convention, the Chairman, speaking as the representative of the Netherlands, introduced the main lines of the proposal contained in document INF.24 on the limitation of financial liability. Generally speaking, the limits of liability established by the Convention appear to be much too high, particularly for road transport and inland navigation. In the Netherlands, the limit of liability in road transport stands at 12 million SDRs (or 7.2 million SDRs for bodily injury and 4.8 million SDRs for material damage), while the maximum amount for the compulsory insurance is set at 6.25 million SDRs. This amount is considerably lower than the 30 million SDRs for which the CRTD provides. For inland navigations, the amounts vary from 1 to 4 million SDRs for bodily injury and from 750 000 to 3 million SDRs for material or environmental damage. These amounts conform rather to those established for small vessels in the International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea, 1996 (HNS Convention).

Consideration of possible solutions

11. The representative of Germany reasserted that the excessively high maximum amounts established by the CRTD were considered to be the main obstacle to the entry into force of the Convention and that another solution would be to introduce optional insurance systems. The critical question, before new limits were defined, was therefore whether insurance should be optional or compulsory.

12. The representative of Austria said that, contrary to the unlimited liability rule, the compromise contained in the CRTD was to establish a certain limit which could subsequently be combined with a compulsory insurance so as to ensure that any liability set out in the terms of the Convention could be applied. This limit could subsequently be lowered for the compulsory insurance, but at the risk of the victim being up against a carrier who was insolvent when it came to paying the difference. He also pointed out that the level of liability could be differentiated by transport modes, but also according to the type of goods carried by referring to ADR. He also alluded to article 14 of the Convention and how the approval procedure could be simplified and brought more into line with the current situation.

Articles of the CRTD which should be updated or revised

13. After carefully reviewing the conclusions of the discussion on the relevant articles of the Convention and also bearing in mind recent developments in the situation, the group of experts cited a number of articles which should be updated or revised: articles 1 (8) (b), 4 (c), 5 (4) (c), 5 (7) (b), 9, 13 and 14.

Conclusions and recommendations of the Inland Transport Committee

14. Following the discussion, it was decided to request the Working Party to recommend that the Inland Transport Committee should establish an ad hoc group of experts on the CRTD, the mandate of which would be the following:

“The Working Party on the Transport of Dangerous Goods, having considered the conclusions of the ad hoc group of experts based on the questionnaire concerning the CRTD, recommends that the Inland Transport Committee should establish an ad hoc group of experts on the CRTD, which would meet twice in 2002 and twice in 2003, with the following mandate:

(a) To consult experts in all the sectors concerned by the CRTD (for example, liability specialists, insurers, shippers and carriers) in order to determine how to eliminate obstacles, such as those relating to limits of liability and compulsory insurance, to the entry into force of the CRTD;

(b) To propose, on the basis of these consultations and government proposals, amendments to the existing articles of the CRTD so as to facilitate their application to the various transport modes;

(c) To report to the Inland Transport Committee at its 2003 session on the progress made and the difficulties encountered;

(d) To submit to the Inland Transport Committee a revised text of the CRTD containing the aforementioned amendments with a view to the possible adoption of a new Convention at the 2004 session.”

Annex 6

Draft programme of work for 2002-2006 to be submitted to the Inland Transport Committee

Note: *In accordance with established practice, the text below is prepared on the basis of the programme of work for 2000-2004 (ECE/TRANS/133/Add.1). Texts proposed for deletion are shown in square brackets, while additional or modified texts are indicated in bold characters.*

PROGRAMME ACTIVITY 02.7: TRANSPORT OF DANGEROUS GOODS

Regulations on the transport of dangerous goods by road, rail, inland waterway and combined transport

Priority: 1

Description: Consideration of regulations and technical questions concerning the international carriage of dangerous goods in the region. Preparation of new international agreements and harmonization of existing agreements in this field to enhance safety at the same time as facilitating trade, in cooperation with the Economic and Social Council's Committee of Experts on the Transport of Dangerous Goods.

Work to be undertaken

1. By the Working Party on the Transport of Dangerous Goods WP.15)

CONTINUING ACTIVITIES

(a) Consideration of proposed amendments relating expressly to the European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR) and relating to administrative and technical questions pertaining to its implementation and the national and international implementation of its annexes, to ensure the necessary updating of legislation and the introduction of a uniform, harmonized and coherent system for the regulation of the national and international transport of dangerous goods by road throughout Europe. (Continuing) (WP.15).

Output expected

Adoption of a set of draft amendments to Annexes A and B of ADR [by the end of 2001 for entry into force on 1 January 2003, and] by the end of 2003 for entry into force on 1 January 2005, **and by the end of 2005 for entry into force on 1 January 2007.**

Publication of revised consolidated editions of ADR in 2002, [and] 2004 **and 2006.**

Priority: 1

(b) Consideration of proposed amendments relating expressly to the **Regulations annexed to the** European [Provisions] **Agreement** concerning the International Carriage of Dangerous Goods by Inland Waterways and pertaining to administrative and technical questions

concerning their implementation, in order to ensure the necessary updating of those provisions and the introduction of a uniform, harmonized and coherent system for the regulation of the national and international transport of dangerous goods by inland waterway throughout Europe (Continuing) (WP.15/AC.2).

Output expected

Adoption of **draft** amendments to the [European Provisions] **Regulations annexed to ADN** in [2000, 2001,] 2002, 2003, [and] 2004, **2005 and 2006 for application by Member States as soon as possible and for submission to the and Administrative Committee as soon as ADN enters into force.** Priority: [2] **1**

(c) Harmonization of the provisions of ADR, ADN and the International Regulations concerning the Carriage of Dangerous Goods by Rail (RID), on the basis of the United Nations Recommendations on the Transport of Dangerous Goods, and consideration of proposed amendments to the provisions common to ADR, RID and ADN in order to harmonize regulations governing the various modes of inland transport throughout Europe, in accordance with the provisions recommended by the United Nations for worldwide application to all transport modes, so as to facilitate multimodal transport and international trade under safety conditions in keeping with each mode of transport (Continuing) (WP.15/AC.1).

Output expected

Adoption of draft amendments to ADR, RID and ADN by the end of [2001] **2003** for entry into force on 1 January [2003] **2005** and by the end of [2003] **2005** for entry into force on 1 January [2005] **2007**. Priority: 1

ACTIVITIES OF A LIMITED DURATION

(d) Restructuring of [ADR, RID and] **the Regulations annexed** to ADN to make implementation of their provisions easier for all parties having to apply them and thus improve safety [; rationalizing and facilitating] **and rationalize and facilitate** future updates of them [through] **on the basis of the** regular updating of the Model Regulations annexed to the United Nations Recommendations on the Transport of Dangerous Goods, so as to avoid duplication by rationalization of methods of work ([WP.15, WP.15/AC.1 and] WP.15/AC.2).

Output expected

[Adoption of the restructured ADR and RID in 2000 for entry into force on 1 July 2001.

Publication of the restructured ADR in 2001.]

Adoption of the restructured **Regulations annexed to ADN** in [2001] **2002 for application by Member States as from 1 January 2003 and for submission to the ADN Administrative Committee as soon as ADN enters into force.**

Publication of the restructured annexed Regulations in 2003. Priority: 1

[2. By a diplomatic Conference for consideration and adoption of the draft ADN Agreement

ACTIVITIES OF A LIMITED DURATION

Consideration of the draft ADN Agreement prepared by the ad hoc Working Group for the elaboration of a draft ADN Agreement.

Output expected: Adoption of the ADN Agreement in 2000. Priority: 1]

[3. By the Inland Transport Committee

Follow-up to the implementation of the Convention on Civil Liability for Damage Caused during the Carriage of Dangerous Goods by Road, Rail and Inland Navigation Vessels (CRTD) (continuing).

Output expected

Availability, by the end of 2000, of a report on the reasons why ECE Member States do not become Contracting Parties to the CRTD, on the basis of a questionnaire to be circulated by the secretariat.]

2. By the ad hoc meeting of experts on the follow-up to the Convention on Civil Liability for Damage caused during the Carriage of Dangerous Goods by Road, Rail and Inland Navigation Vessels (CRTD)

ACTIVITIES OF A LIMITED DURATION

Consultation with experts from all sectors concerned by the CRTD and development of proposals for amendments to the articles of CRTD which would provide a better basis for application of the CRTD to the various modes of transport. Preparation of a draft revised convention for adoption by the Inland Transport Committee.

Output expected

Adoption of a revised CRTD by the Inland Transport Committee in 2004. Priority: 1
