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ECONOMIC COMMISSION FOR EUROPE

INLAND TRANSPORT COMMITTEE

**Working Party on the Transport
of Dangerous Goods**
**(Seventieth session,
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PART 9 OF ADR

9.2.5 SPEED LIMITATION DEVICE

Transmitted by the Government of Norway

SUMMARY	
Executive Summary:	The proposal is made to clarify the text regarding provisions for speed limitation devices
Action to be taken:	Change the text in 9.2.5
Related documents:	None

Introduction

The present text of 9.2.5 states that the set speed V as defined in paragraph 2.1.2 of ECE Regulation No. 89 shall not exceed 85 km/h.

In a footnote to this text it is indicated that as an alternative to the ECE Regulation No. 89 the corresponding provisions of directives 92/6/EEC and 92/24/EEC, as amended, may be used.

This alternative use of the EEC directives has led to an interpretation that the set speed V as set out in 9.2.5 of ADR in practice is changed from 85 km/h to 90 km/h. This is understood to be based on an interpretation of article 3 of the directive 92/6/EEC which says: "... motor vehicles of category N3 shall be used on the road only if equipped with a limitation device set in such a way that their speed cannot exceed 90 km/h; bearing in mind the technological tolerance which is allowed, at the present stage of technology, between the regulating value and the actual speed of traffic, the maximum speed of the limitation device shall be set at 86 km/h".

Proposal

1. WP.15 is asked to clarify whether the actual maximum allowed speed for motor vehicles with a maximum mass exceeding 12 tonnes and which carries dangerous goods shall be 85 or 90 km/h.
2. If it is decided that the maximum allowed speed for such vehicles shall be 90 km/h, Norway proposes the following change to the last sentence of 9.5.2:

“The device shall be set in such a way that the speed cannot exceed 90 km/h; bearing in mind the technological tolerance of the device.”

Justification

This inconsistency between the actual text of the ADR and the interpretation of the directive referenced in the footnote leads to legal problems. Under the Norwegian law, text that appears only as footnote references cannot be regarded as legal text. WP.15 is therefore requested to clarify its position on this and make the necessary changes to the text of ADR to rectify this situation.

Safety implications

None. Either the speed limit remains at 85 km/h, or the prevailing speed limit of 90 km/h is allowed.

Feasibility

No technical or legal problems are foreseen.

Enforceability

Will rectify a legal problem that has lead to endless discussions between various competent authorities and industry.
