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Multilateral Special Agreements (MSAs)

**Transmitted by the European Council of Paint, Printing Ink and Artists Colours Industry (CEPE),
the International Association of the Soap, Detergent and Maintenance Products Industry (AISE) and
the International Express Carriers Conference (IECC)**

Introduction

A paper was presented for discussion at the May 2004 session of the Working Party. The issues raised were viewed by delegations as worthy of further consideration and CEPE, AISE and IECC were asked to produce substantive proposals for the October 2004 meeting.

ADR 8.1.2.1 (c) requires that copies of applicable Special Agreements be carried on the vehicle. Also 5.4.1.1.1(i) states that a declaration should be included in the transport document in accordance with the requirements of the Special Agreement.

In the case of multimodal consignments, it is often difficult for freight forwarders to obtain the necessary copies of MSAs at transshipment points, although the original transport document, produced by the consignor, includes a reference and declaration. This is even more difficult if any of the States involved view it as necessary to have a copy in their language, and not just in the language of the originating country.

Now that information is readily available in electronic format from the UNECE website, it appears unnecessary to have paper copies of all supporting documents on the vehicle, providing that sufficient information is presented to enable enforcing authorities to check in case of a dispute. The UN web site has a description of each current MSA and a list of the signatory countries and date of expiry, etc.

It would simplify matters for carriers if only the MSA reference number had to appear on documents as suggested by 5.4.1.1.1(i). The consignor would have the responsibility to check

beforehand that the MSA is relevant for the circumstances of the consignment and that it is valid for all the countries of origin, transit and destination at the date of dispatch. If it is not valid for all potential countries of transit, then the permitted routing would be indicated on the transport document.

Proposal

1. Amend the text of 8.1.2.1 (c): “If carriage is carried out on the basis of a special agreement in accordance with Chapter 1.5, a reference to that agreement shall be annotated on the transport document.”

2. Insert additional text at 1.5.1.4: “Prior to the dispatch of a consignment utilizing a temporary derogation covered by a Multilateral Special Agreement, the consignor will check and confirm it is valid for all the countries of origin, transit and destination. If only limited validity applies, the consignor shall annotate the transport document with the permitted routing(s). The consignor shall annotate the transport document in accordance with 5.4.1.1.9.”

3. New text for 5.4.1.1.9 (currently reserved):

Carriage on basis of a Special Agreement in accordance with Chapter 1.5

”Whenever carriage is on the basis of a Special Agreement, the transport document shall be annotated with “Carriage agreed under the terms of Section 1.5.1 of ADR (M XXX)” where XXX is the applicable number of the Special Agreement. In addition, if there are certain States potentially on the route of transit which are not signatories to the Agreement, the transport document shall be further annotated: “Transport only via A, B, C” where A, B, C are the signatory States.”
