

ECONOMIC COMMISSION FOR EUROPE

INLAND TRANSPORT COMMITTEE

Working Party on the Transport
of Dangerous Goods

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PROPOSALS FOR AMENDMENTS TO ANNEXES A AND B OF ADR

Revised wording of the new transitional provision 1.6.1.8 regarding orange-coloured plates

Transmitted by the Government of Sweden

SUMMARY

Executive summary:

The adopted text for the transitional measures in 1.6.1.8 in reality nullifies the new provisions regarding orange-coloured plates in 5.3.2.2 introduced to improve on an ambiguous text open to interpretation.

Action to be taken:

Introduce a date after which orange-coloured plates of questionable shape may no longer be used.

Related documents:

Report from the seventy-fifth sessions session of the WP.15 meeting TRANS/WP.15/178 and TRANS/WP.15/2004/35 (which is replaced by this INF-document)

Introduction

Since the document TRANS/WP.15/2004/35 was published by the secretariat Sweden has received written comments. These comments are implemented in this INF-document, which replaces the document TRANS/WP.15/2004/35. The amendments to TRANS/WP.15/2004/35 in this INF-document are in the intention of user friendliness and the changed text is underlined.

At the last session of the RID/ADR/ADN Joint Meeting, it was decided to amend the provisions for the orange-coloured plates to overcome the problem with differing interpretations of the present wording. Since these new provisions “could have adverse effects ... and ... put carriers in breach of the regulations” the following transitional provision was subsequently adopted:

"1.6.1.8 Existing orange-coloured plates that meet the requirements of sub-section 5.3.2.2 applicable up to 31 December 2004 may still be used."

In addition to the obvious disadvantage of having an open-ended transitional provision, which was debated at some length at the last WP.15 meeting when updating the transitional provision 1.6.1.2 for labels, this wording makes it possible not only to use but even to produce old plates ad infinitum. Once being produced, they are "existing" and their compliance or not with the old provisions are open to interpretation – exactly the situation we are trying to get rid of.

Of course, by analogy with the wording used for tanks and vehicles, "Existing orange-coloured plates ... may still be used" could be changed to read "Orange-coloured plates manufactured before 1 January 2005 ... may still be used", which should answer to the object of this transitional provision. However, unlike tanks and vehicles, plates are not marked with a manufacturing date, so such a wording, although unambiguous, will not be feasible.

To restrict the use of old plates to existing tanks and vehicles could be a way forward, but would create an unnecessary complex situation in practice, especially for vehicles that do not require a certificate of approval. A similar problem was encountered when the new requirements for fire extinguishers were introduced in 2003 and transitional provision 1.6.5.6 was adopted giving a last date by which the old provisions may be applied. Sweden believes the same approach should be taken with regard to the orange-coloured plates.

Proposal

Amend 1.6.1.8 to read

"1.6.1.8 Orange-coloured plates that meet the requirements of sub-section 5.3.2.2 applicable up to 31 December 2004 but which do not, however, meet the requirements applicable as from 1 January 2005, may continue to be used until 31 December 2007."

Justification

Introducing a fixed date from which only the new provisions may be applied eliminates the problem with differing provisions running in parallel for an indefinite time. Since we believe most existing orange-coloured plates are acceptable, only a limited number need to be replaced. However, if this should turn out not be the case, the proposed date has been chosen to make it possible to prolong the parallel period before it has come to an end, or perhaps even better amend sub-section 5.3.2.2 if the new provisions in fact are too stringent. The 10 % tolerance on the 15 mm stroke width for borders and digits is in our opinion rather restricted.

Since these orange-coloured plates are common to RID, ADR and ADN, this matter ought, of course, to be discussed at the Joint Meeting first. However, Sweden believes that questionable dimensions are primarily an ADR problem, often encountered at road-side checks, and getting ahead of RID in this matter could be justified. The wording of this transitional provision can be aligned by 2007 and any lack of common understanding remedied by then, but we feel it is important to state already now that irregular plates could not be used without end.

Safety implications

Having one single set of provisions for the orange-coloured plates might only have a very limited direct effect on safety. However, abandoning the old provisions open to interpretation will lead to quicker road-side checks with less irritation, which will have a positive impact on road safety.

Feasibility

Having one single set of provisions will improve feasibility.

Enforceability

Abandoning provisions open to interpretation will enable enforceability.
