
ECONOMIC COMMISSION FOR EUROPE INLAND TRANSPORT COMMITTEE

Working Party on the Transport of Dangerous Goods

(Eighty-first session, agenda item 7)

Geneva, 25-27 October 2006)

Wording of multilateral agreements concluded in accordance with Section 1.5.1 of ADR

Transmitted by Poland

The provisions of Section 1.5.1 of ADR do not stipulate any specific form of the agreements concluded among Contracting Parties authorizing temporary derogations on their territories. However, guidelines in this respect can be found on the ECE web site as “Procedures to be followed for the communication of multilateral agreements concluded in accordance with Section 1.5.1 of ADR”. According to paragraph 8 of the procedures the final clause of a multilateral agreement should be worded as follows:

“This agreement shall apply to transport between the Contracting Parties to ADR which have signed this agreement up to (...), unless it is revoked before that date by at least one of the signatories, in which case it shall remain applicable only for transport between the Contracting Parties to ADR which have signed but have not revoked this agreement, on their territory, up to that date.”

By making the reference to “*transport between the Contracting Parties*” a scope of an agreement is limited to international carriage and its use for domestic purposes may be questioned, even in cases where domestic character of an agreement is very clear, e.g. Multilateral Agreement M 177 concerning the transport document in delivery sale operations.

To remove this limitation and to avoid interpretation problems there is a need to refer instead to “territories” of the countries concerned (as it is done under 1.5.1.1). Fortunately, the text needed for the new paragraph 8 of the procedures mentioned could be taken from existing agreements proposed by the United Kingdom (see for example M160, M162 and M174):

“This agreement shall be valid until (...) for the carriage on the territories of those ADR Contracting Parties signatory to this agreement. If it is revoked before then by one of the signatories, it shall remain valid until the above mentioned date only for carriage on the territories of those ADR Contracting Parties signatory to this agreement which have not revoked it.”
