



**Economic and Social
Council**

Distr.
GENERAL

ECE/TRANS/WP.15/197
23 May 2008

ENGLISH
Original: FRENCH

ECONOMIC COMMISSION FOR EUROPE

INLAND TRANSPORT COMMITTEE

Working Party on the Transport of Dangerous Goods

**REPORT OF THE WORKING PARTY ON ITS EIGHTY-FOURTH SESSION
(5-8 May 2008)**

CONTENTS

	<i>Paragraphs</i>	<i>Page</i>
I. ATTENDANCE	1	3
II. ADOPTION OF THE AGENDA (agenda item 1)	2	3
III. SEVENTIETH SESSION OF THE INLAND TRANSPORT COMMITTEE (agenda item 2)	3 - 12	3
IV. STATUS OF THE EUROPEAN AGREEMENT CONCERNING THE INTERNATIONAL CARRIAGE OF DANGEROUS GOODS BY ROAD (ADR) AND RELATED ISSUES (agenda item 3)	13	4
V. INTERPRETATION OF ADR (agenda item 4)	14 - 16	5
A. Information additional to that contained in the instructions in writing	14	5
B. Combustion heaters	15 - 16	5

CONTENTS (*continued*)

	<i>Paragraphs</i>	<i>Page</i>
VI. PROPOSALS FOR AMENDMENTS TO ANNEXES A AND B OF ADR (agenda item 5)	17 - 66	5
A. Miscellaneous proposals	17 - 35	5
B. Construction and approval of vehicles	36 - 42	7
C. Questions left pending	43 - 66	8
VII. PROGRAMME OF WORK (agenda item 6)	67	11
VIII. ANY OTHER BUSINESS (agenda item 7)	68 - 75	12
A. Draft European directive	68	12
B. Information on the UNECE website	69	12
C. Application for consultative status	70 - 71	12
D. Biennial evaluations	72 - 73	12
E. Sixteenth Economic and Environmental Forum of the Organization for Security and Cooperation in Europe (OSCE)	74	13
F. Draft amendments to Annexes A and B of ADR for entry into force on 1 January 2009	75	13
IX. ADOPTION OF THE REPORT (agenda item 8)	76	13

Annex

Draft amendments to Annexes A and B of ADR adopted by the Working Party for entry into force on 1 January 2011	14
--	----

I. ATTENDANCE

1. The Working Party on the Transport of Dangerous Goods held its eighty-fourth session from 5 to 8 May 2008, with Mr. J. Franco (Portugal) as Chair and Ms. A. Roumier (France) as Vice-Chair. Representatives from the following countries took part in the session: Austria, Belgium, Czech Republic, Denmark, Finland, France, Germany, Hungary, Ireland, Italy, Latvia, Lithuania, Netherlands, Norway, Poland, Portugal, Romania, Russian Federation, Slovakia, Slovenia, Spain, Sweden, Switzerland and United Kingdom. The European Commission was represented. The Intergovernmental Organization for International Carriage by Rail (OTIF) was represented, as were the following non-governmental organizations: European Chemical Industry Council (CEFIC), European Conference of Fuel Distributors (CENCC), European Industrial Gases Association (EIGA), International Association for Driver Education (IVV), International Federation of Freight Forwarders Associations (FIATA), International Organization of Motor Vehicle Manufacturers (OICA), International Road Transport Union (IRU) and Liaison Committee of the Body and Trailer Building Industry (CLCCR).

II. ADOPTION OF THE AGENDA (agenda item 1)

Document: ECE/TRANS/WP.15/196 and Add.1

Informal documents: INF.1, INF.2 and INF.23/Rev.1 (secretariat)

2. The Working Party adopted the provisional agenda prepared by the secretariat, as amended by informal document INF.2 to take account of informal documents INF.1 to INF.34.

III. SEVENTIETH SESSION OF THE INLAND TRANSPORT COMMITTEE (agenda item 2)

Document: ECE/TRANS/200 (Report of the Committee on its seventieth session)

3. The Working Party took note of the parts of the report relating to its work (paras. 17, 36 and 98-104).

4. The Working Party noted the entry into force on 29 February 2008 of the European Agreement concerning the International Carriage of Dangerous Goods by Inland Waterways (ADN).

5. In addition, it was emphasized that the Additional Protocol to the Convention on the Contract for the International Carriage of Goods by Road (CMR) adopted by the Inland Transport Committee (ECE/TRANS/200, annex V) could have an impact on the work being undertaken within the United Nations Subcommittee of Experts on the Transport of Dangerous Goods concerning the use of electronic data interchange (EDI) and, by extension, on the requirements with regard to documentation in ADR.

Informal document: INF.3 (secretariat)

6. The Working Party took note of the report of the Multidisciplinary Group of Experts on Inland Transport Security and of the Committee's request that it assess the implementation of chapter 1.10 of ADR, with the assistance of the other relevant international organizations.
7. It was noted that the issue of security had been a constant item on the Working Party's agenda.
8. The Working Party noted that the European Commission was carrying out a study of the application and suitability of the security requirements for the three land transport modes and that the report containing the findings of that study would probably be finalized in October 2008.
9. The Chair said that he would circulate an evaluation questionnaire, similar to that used by the European Commission for its study, to Contracting Parties to ADR that were not members of the European Union.
10. He also said that he would report as fully as possible on the situation in the Multidisciplinary Group of Experts. It was the view of the Working Party, however, that it was not realistic to expect detailed findings on the application of the requirements in all the Contracting Parties by December.

Informal document: INF.27 (Chair)

11. In view of the fact that talks were in progress in the European Commission on compulsory protection measures against the falsification of driver attestations and Community authorizations, the Chair set out the various possibilities that had been envisaged and invited the Working Party to consider how far these protection measures could also be applied to the training certificates and the certificates of approval required under ADR.
12. While recognizing that protection measures against the falsification of documents could have benefits from the point of view of both safety and security, some delegations stressed the overriding importance of the harmonization of documents.

IV. STATUS OF THE EUROPEAN AGREEMENT CONCERNING THE INTERNATIONAL CARRIAGE OF DANGEROUS GOODS BY ROAD (ADR) AND RELATED ISSUES (agenda item 3)

13. The Working Party noted the accession of Moldova to the Protocol of amendment of 1993, and its acceptance by Greece, which had brought the number of Contracting Parties to the Protocol to 31. The representative of Germany indicated that his Government had deposited the legal instrument required for ratification of the Protocol. The Working Party expressed the wish that the 11 other Contracting Parties to ADR (Azerbaijan, Belarus, Bosnia and Herzegovina, Croatia, Kazakhstan, Malta, Montenegro, Morocco, Serbia, the former Yugoslav Republic of Macedonia and Ukraine) should take the measures necessary for ratification of or accession to the Protocol, so as to allow that instrument to enter into force.

V. INTERPRETATION OF ADR (agenda item 4)

A. Information additional to that contained in the instructions in writing

Informal document: INF.20 (Sweden)

14. Most delegations confirmed that it might be necessary, in some cases, to transmit additional information to drivers, but that such information should not compromise the integrity of the model instructions in writing prescribed in 5.4.3.4 and should therefore appear in a separate document.

B. Combustion heaters

Document: ECE/TRANS/WP.15/2008/9 (France)

Informal document: INF.29 (Germany)

15. The Working Party noted that some national regulations required the date of installation of combustion heaters in vehicles to be indicated. The Working Party, however, confirmed that, in cases where it was not possible to ascertain the date on which a vehicle was equipped, the date of first registration could be used in ensuring compliance with comment ^e in table 9.2.1.

16. The Working Party therefore adopted the proposal by Germany for the clarification of comment ^e, for entry into force on 1 January 2009 (see ECE/TRANS/WP.15/195/Add.1).

VI. PROPOSALS FOR AMENDMENTS TO ANNEXES A AND B OF ADR
(agenda item 5)

A. Miscellaneous proposals

1. Proposals for amendments for entry into force on 1 January 2009

Informal document: INF.6 (Switzerland)

17. The proposal by Switzerland to extend the scope of the fifth indent of 1.8.3.13 to UN No. 3475 was adopted (see ECE/TRANS/WP.15/195/Add.1).

Informal document: INF.12 (FIATA)

18. Since application of the “LTD QTY” marking in accordance with 3.4.10 is compulsory only as from 1 January 2011, the Working Party indicated that it wished the discussion concerning application of such marking to portable tanks to be postponed to a later session on the basis of an official document.

Informal document: INF.13 (IRU)

19. The proposal by IRU to extend the scope of the fifth indent of 1.8.3.13 to UN Nos. 1268 and 1863 was adopted (see ECE/TRANS/WP.15/195/Add.1).

20. Since delegations also indicated support for the idea that safety advisers should no longer be entitled to receive professional training certificates exclusively for petroleum products, the representative of the United Kingdom indicated that he might put forward a proposal to that effect at the next session.

21. Since emergency interventions and firefighting techniques are different for UN No. 3475 ethanol and gasoline mixtures and for conventional fuels, the Working Party did not adopt the IRU proposal to extend to UN No. 3475 the scope of the exemption envisaged in 5.3.2.1.2.

Informal document: INF.19 (Sweden)

22. The Working Party noted that standard EN 3-7: 2004 + A1: 2007 replaces standards EN 3-1: 1996, EN 3-2: 1996, EN 3-4: 1996 and EN 3-5: 1996, referred to in subparagraph 8.1.4.3. Nevertheless, it did not wish to make any change to take account of the new reference until the content of the proposed new standard had been verified. It invited the secretariat to request the European Committee for Standardization (CEN) to furnish it with a copy of the standard for that purpose and stressed the need to be able to consult all the standards proposed for referencing in ADR.

2. Proposals for amendments for entry into force on 1 January 2011

Definition of exemption limits

Document: ECE/TRANS/WP.15/2008/2 (IRU)

23. Since paragraph 5.4.1.1.10.1 of ADR was to be deleted from 1 January 2009, the IRU proposal on longer applied and was not discussed.

Additive receptacles in tanks

Document: ECE/TRANS/WP.15/2008/3 (Austria)

24. The principle of the Austrian proposal was to consider additive receptacles in tanks as being tank equipment. Several delegations were opposed to this approach, partly because of the absence of requirements for the construction and use of such receptacles.

25. The representative of Austria wished to retain the proposal and suggested that provisions on minimum requirements for building such equipment should be drawn up.

26. Some delegations said that they would be prepared to consider such a proposal and the representative of Austria would probably submit a revised proposal in the future.

General Guideline for the Calculation of Risks

Document: ECE/TRANS/WP.15/2008/6 (Germany)

27. The Working Party thanked the representative of Germany for his work on adapting for road transport the guidelines for risk assessment in the transport of dangerous goods by rail

adopted by the RID Committee of Experts. The document submitted provided a useful tool for the competent authorities to determine and justify traffic restrictions applying in their territory.

28. The proposal to add a non-binding reference in ADR to the General Guideline for the Calculation of Risks was adopted, with a number of amendments (see annex).

29. The Working Party wished to allow itself time for detailed consideration of the content of the General Guideline. It was therefore decided to keep the reference in square brackets.

30. The representative of Germany asked delegations that wished to do so to send him their comments on the content of the document without delay, so that he could, if necessary, submit a revised version at the next session.

Certificate of driver's training

Document: ECE/TRANS/WP.15/2008/10 (Portugal/IRU)

31. The Working Party expressed itself in favour of the joint proposal by Portugal and IRU for a model compulsory ADR certificate of driver's training.

32. Several delegations wished to retain the possibility for the scope of training, in the certificate, to be restricted to specific classes.

33. A number of delegations said that the reference to a driver's licence number could pose problems in some countries, where the number might change following a change of address, for example.

34. The representatives of Portugal and IRU took note of the comments made with regard to the form and content of the certificate and would submit a revised proposal at the next session.

35. The Working Party also took note of the possibility in the future of placing data concerning certificates issued in a common database available for enforcement authorities and/or the road transport industry. Some delegations said that such a database should be compatible with national and international personal data protection regulations. The Working Party pointed out that it could not discuss the creation of such a database until it had precise information concerning its creation, management and use.

B. Construction and approval of vehicles

1. Protection against explosions of flammable vapour

Document: ECE/TRANS/WP.15/2008/5 (Germany)

36. Several delegations supported the idea of incorporating instructions in ADR on explosion protection along the lines of European Community directives 94/9/EC and 1999/92/EC. The representative of OICA pointed out, however, that most vehicle loading and unloading operations did not take place in a potentially explosive atmosphere.

37. Pointing out that countries that were not members of the European Union might have their own rules and regulations relating to explosion protection, the representative of the Russian Federation said that, in his view, an explicit reference in ADR to the European directives on Equipment and Protective Systems intended for use in Potentially Explosive Atmospheres (ATEX) was not appropriate.

38. The representative of Germany said that an informal editorial group would meet on 23 and 24 June 2008 to prepare a revised proposal for the next session. Invitations to participate in the group would be sent to all participants by the German Government.

2. Electrical connections under 9.2.2.6.3

Document: ECE/TRANS/WP.15/2008/7 (France)

39. The Working Party adopted France's proposal to make it obligatory for vehicles to be fitted with electrical connections that were in conformity with ISO 12098:2004 or ISO 7638:1997.

40. After several delegations had pointed out that the new requirement should be accompanied by an appropriate transitional measure, to indicate, among other things, whether and to what extent the requirement applied to existing vehicles, it was agreed to keep the text in square brackets (see annex).

3. Entry on the certificate of approval

Document: ECE/TRANS/WP.15/2008/8 (France)

41. Opinions were divided on the need to make provision for an entry on the certificate of approval of tank-vehicles whose shells or compartments were divided by surge-plates into sections of not more than 7,500 litres capacity, to facilitate the work of the filler.

42. The representative of France said that she might submit a new proposal in the future.

C. Questions left pending

1. Corrections and miscellaneous proposals

Informal documents: INF.5, INF.7, INF.8, INF.9 and Add.1 and INF.10 (secretariat)

43. The Working Party adopted the additional amendments proposed by the secretariat in informal documents INF.5 and INF.7 for entry into force on 1 January 2009, as well as the corrections to the amendments already adopted (INF.7, INF.8, INF.9 and Add.1 and INF.10) (see ECE/TRANS/WP.15/195/Corr.1 and Add.1).

44. It was explained that the editorial changes proposed in informal document INF.10 with a view to aligning ADR with the text of the second revised edition of the Globally Harmonized System of Classification and Labelling of Chemicals did not alter the classification procedure for environmentally hazardous substances. The changes had been taken into account in preparing the

language of the amendments to ADN and would be submitted to the RID Committee of Experts at its forty-fifth session, so that they could be reflected in the 2009 edition of RID. The proposed corrections would also be submitted to the United Nations Subcommittee of Experts on the Transport of Dangerous Goods. The Working Party noted, nevertheless, that the amendments could lead to a temporary editorial misalignment of international regulations.

Informal documents: INF.25 (secretariat)
INF.28 (France and United Kingdom)

45. The Working Party adopted corrections to the previously adopted amendments proposed by the secretariat in informal document INF.25 and by France and the United Kingdom in informal document INF.28 (see ECE/TRANS/WP.15/195/Corr.1). It also confirmed that the same amendment should be made to paragraph 1.6.3.20 as to paragraph 1.6.4.13 (see ECE/TRANS/WP.15/195/Add.1).

Document: ECE/TRANS/WP.15/2008/1 (IRU)

46. The majority of members of the Working Party were not in favour of the proposal by IRU to reverse the decision adopted at the previous session to change the text of the tunnel restriction codes.

Document: ECE/TRANS/WP.15/194

47. The Working Party confirmed the addition of a non-binding reference in ADR to the European Commission's code of best practice for handling and stowage, as adopted at the previous session (see ECE/TRANS/WP.15/195/Add.1).

48. In response to a question from the Russian Federation, the representative of the European Commission said that the code was being translated into all the official languages of the European Union and that it would also be translated into Russian.

Informal document: INF.14 (United Kingdom)

49. The Working Party adopted, with some amendments, the proposal by the United Kingdom to make the provisions of Chapter 1.10 applicable to articles belonging to UN Nos. 0104, 0237, 0255, 0267, 0289, 0361, 0365, 0366, 0440, 0441, 0455, 0456 and 0500 (see ECE/TRANS/WP.15/195/Add.1).

Informal document: INF.31 (Sweden)

50. The Working Party agreed that paragraph 1.6.1.13, adopted for entry into force on 1 January 2009, might appear to contradict existing paragraph 1.6.1.8. A proposed clarification of the text of 1.6.1.13 in accordance with the principles agreed at the RID/ADR/ADN Joint Meeting was adopted on the basis of a draft prepared during the session (see ECE/TRANS/WP.15/195/Corr.1).

51. Some delegations pointed out that a transitional measure should also be introduced for the application of 5.3.2.2.5. This point could be discussed at the next RID/ADR/ADN Joint Meeting.

Informal document: INF.32 (Germany)

52. Several of the amendments relating to class 7 proposed in document INF.32 had already been taken into account in the draft amendments to Annexes A and B of ADR for entry into force on 1 January 2009.

53. The representative of Germany was invited to submit the other proposed amendments to the International Atomic Energy Agency (IAEA) and the United Nations Subcommittee of Experts on the Transport of Dangerous Goods.

2. Spring 2008 session of the RID/ADR/ADN Joint Meeting

Document: ECE/TRANS/WP.15/AC.1/110 (Report of the Joint Meeting)

Informal documents: INF.15 and INF.24 (secretariat)

54. The Working Party adopted the proposals for amendments to ADR listed in part A of annex II to the report of the Joint Meeting and scheduled to enter into force on 1 January 2009, with one change concerning the date of compulsory application of standard EN 14025: 2008 and with the exception of the introduction of standard EN 13094: 2008, which must still be approved by the Joint Meeting (see ECE/TRANS/WP.15/195/Add.1).

3. Mobile explosives manufacturing units (MEMUs)

Document: ECE/TRANS/WP.15/2008/4 (Germany)

Informal documents: INF.11 and INF.30 (OICA)
INF.16 (Norway)
INF.17 and INF.18 (Spain)
INF.21 (Switzerland)
INF.33 (secretariat)

55. The Working Party welcomed the work done by the informal working group on MEMUs and thanked the Government of Germany for organizing and chairing the various meetings.

56. The representative of Germany outlined the principles that had been borne in mind in elaborating the proposed amendments:

(a) MEMUs could be equipped with special tanks meeting the requirements of Chapter 6.12 but also with tanks defined elsewhere in ADR, including in Chapter 6.8, and complying with the requirements applicable for the goods transported;

(b) In order to retain some flexibility, notably with regard to new entries that might be inserted in ADR, the informal working group had elected to enumerate the classes of substance that could be transported in MEMUs, rather than providing a detailed list of the products concerned;

(c) Since the use of MEMUs to transport other dangerous substances was not economically justifiable, the informal working group had not considered it necessary to restrict the utilization of MEMUs to goods necessary for the manufacture and use of explosives.

57. Document INF.17, submitted by Spain, was withdrawn at the request of its representative.

58. At the request of the representative of Spain, the Working Party confirmed that the use of MEMUs remained subject to the requirements defined by the competent national authorities. Given that the provisions for incorporation in ADR concerned only the transport operation, the proposal to delete the square brackets in the NOTE under the definition of MEMUs was adopted.

59. The representative of Switzerland stated that it might be necessary to review the formulation of NOTE 1 beneath 6.12 at a later date.

60. At the request of the representatives of Switzerland and Sweden, the Working Party confirmed that bulk containers of type BK2 that met the requirements of Chapter 6.11 could also be fitted on MEMUs, since the rigid floors could have bottom openings equipped with a discharge mechanism.

61. The amendment to 6.12.3.2.4 proposed by Norway was adopted with some changes.

62. The proposal by Switzerland for the replacement of the word “may” by “shall” in 6.12.4.1 was adopted. The other proposed amendments reproduced in informal document INF.21, including a proposal to clarify the scope of application of MEMUs, were rejected.

63. The proposal by OICA for the amendment of 9.1.2.2 was adopted, with one change.

64. In response to a request by the Netherlands, it was confirmed that MEMU vehicles must meet both the requirements of Chapter 9.2 applicable to EX/III vehicles and the requirements of Chapter 9.8; that was the justification for the amendments to be made to Chapter 9.1. In the light of the amendments to be made to the model certificate of approval under 9.1.3.5, the Working Party adopted a new transitional measure.

65. In response to a request for clarification by the representative of the Russian Federation, the Working Party adopted a correction to the text proposed for 9.1.1.2.

66. After considering the proposal in detail, the Working Party adopted the texts proposed with the amendments described above and with some additional changes (see ECE/TRANS/WP.15/195/Add.1).

VII. PROGRAMME OF WORK (agenda item 6)

67. The agenda for the next session would include the following items:

- Implementation and interpretation of ADR
- Work of the Joint Meeting of the RID Committee of Experts and the Working Party on the Transport of Dangerous Goods

- Proposals for amendments to ADR
- Any other business, including security issues
- Election of the Bureau

VIII. ANY OTHER BUSINESS (agenda item 7)

A. Draft European directive

68. The Working Party noted that the draft “consolidated” directive of the European Union Council and the European Parliament on inland transport of dangerous goods, applicable to all land transport modes, might be definitively adopted in June 2008, for incorporation on 30 June 2009, subject to its approval on second reading by the European Parliament.

B. Information on the UNECE website

Informal document: INF.4 (Sweden)

69. The Working Party invited the secretariat to include on its website, on the basis of information supplied by delegations, electronic mail addresses at which the competent authorities could be contacted and links to the various language versions of ADR that might be available online, or any other information on how they could be found.

C. Application for consultative status

Informal document: INF.22 (secretariat)

70. The Working Party noted the request from Euro Control Route (ECR) for consultative status to participate in its meetings.

71. In view of the fact that ECR was an administrative arrangement involving ministries of transport that were already represented, the Working Party did not consider it necessary to grant it consultative status but encouraged the representatives of the various countries active in ECR to contact their counterparts within the Working Party on any question or proposal relating to the transport of dangerous goods. The secretariat would send a reply to ECR to that effect.

D. Biennial evaluations

Informal document: INF.26 (secretariat)

72. As agreed at the previous session, the secretariat had prepared a questionnaire to ascertain whether data were available to evaluate the Working Party’s work and, if so, to collect them.

73. The questionnaire would be amended to take account of comments received and would shortly be circulated to delegations.

E. Sixteenth Economic and Environmental Forum of the Organization for Security and Cooperation in Europe (OSCE)

Informal document: INF.34 (secretariat)

74. The secretariat informed the Working Party that it would be presenting a report at the next OSCE Economic and Environmental Forum (Prague, 12-21 May 2008), on the transport of dangerous goods and the applicable international regulations. The report would include proposals on projects to encourage the alignment of national regulations with ADR, to evaluate the implementation of ADR and to facilitate accession by new countries.

F. Draft amendments to Annexes A and B of ADR for entry into force on 1 January 2009

75. Following past practice, the Working Party requested the Chair to prepare a proposal to amend Annexes A and B to ADR to reflect the draft amendments adopted at the eightieth, eighty-first, eighty-second, eighty-third and eighty-fourth sessions for entry into force on 1 January 2009, as set out in documents ECE/TRANS/WP.15/195 and Corr.1 and Add.1, and to transmit it through his Government to the secretariat as soon as possible, in accordance with the procedure under article 14 of ADR, so that it could be communicated by the Secretary-General to all Contracting Parties before 1 July 2008.

IX. ADOPTION OF THE REPORT (agenda item 8)

76. The Working Party adopted the report of its eighty-fourth session and its annexes on the basis of the draft prepared by the secretariat.

Annex

Draft amendments to Annexes A and B of ADR adopted by the Working Party for entry into force on 1 January 2011

Part 1

Chapter 1.9

[1.9.4 At the end of the paragraph, add a reference to footnote ¹. The text of the footnote is as follows:

“The General Guideline for the Calculation of Risks in the Transport of Dangerous Goods by Road may be consulted on the website of the secretariat of the United Nations Economic Commission for Europe (<http://www.unece.org/trans/danger/danger.htm>).”]

(Ref. Doc.: ECE/TRANS/WP.15/2008/6, as amended)

Part 9

Chapter 9.2

[9.2.2.6.3 Amend the last sentence to read as follows:

“Connections shall be in conformity with ISO 12098:2004 or ISO 7638:1997.”]

(Ref. Doc.: ECE/TRANS/WP.15/2008/7, as amended)
