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Item 5 of the provisional agenda

PROPOSALS FOR AMENDMENTS TO ANNEXES A AND B OF ADR

Mobile Explosives Manufacturing Units (MEMUs) - Provisions of chapter 5.3

Transmitted by the Government of Switzerland*

SUMMARY

<i>Executive Summary:</i>	The text for MEMUs introduced in chapter 5.3 lends itself to confusion. For example, the last sentence of 5.3.1.4.3 states that the last sentence of 5.3.1.1.2 does not apply to MEMUs. Consequently, MEMUs carrying substances and articles of division 1.4, compatibility group S, should bear placards, which was not the intention of the provision.
<i>Action to be taken:</i>	Delete the superfluous text in 5.3.1.4.3.
<i>Related documents:</i>	ECE/TRANS/WP.15/2008/4, INF.21 (eighty-fourth session) ECE/TRANS/WP.15/195/Add.1 ECE/TRANS/WP.15/197, paras. 55-66

* The present document is submitted in accordance with paragraph 1 (c) of the terms of reference of the Working Party, as contained in document ECE/TRANS/WP.15/190/Add.1, which provides a mandate to "Develop and update the European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR)".

Introduction

1. At the eighty-fourth session, the representative of Switzerland indicated that the provisions presented in chapter 5.3 were not all necessary. One of the problems encountered with the proposed structure concerned section 5.3.1.4.3.

2. The second part of 5.3.1.4.3 sets out the following:

“5.3.1.4.3 ... Special compartments for explosives shall be placarded in accordance with the provisions of 5.3.1.1.2. The last sentence of 5.3.1.1.2 does not apply.”

3. The last sentence of 5.3.1.1.2 reads as follows:

“5.3.1.1.2 ... Placards are not required for the carriage of explosives of division 1.4, compatibility group S.”

4. The fact that the wording of 5.3.1.4.3 nullifies the last sentence of 5.3.1.1.2 produces a result whereby placards are obligatory for the carriage of explosive substances and articles of division 1.4, compatibility group S. This was not the intention of the provision, as the first part of subsection 5.3.1.4.3 clearly stipulates that explosive substances and articles of division 1.4, compatibility group S, are not covered by the obligation to post placards:

“5.3.1.4.3 For MEMUs carrying packages containing substances or articles of Class 1 (**other than of division 1.4, compatibility group S**), placards shall be affixed to both sides and at the rear of the MEMU.”

5. The second paragraph of 5.3.1.4.3 contradicts the first paragraph.

Proposal

6. Delete the last sentence of 5.3.1.4.3.

Justification

7. Without this sentence, the text already covers the exemption that was intended by the authors.
