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Inland Transport Committee

Working Party on the Transport of Dangerous Goods

Eighty-eighth session

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Item 4 of the provisional agenda

Interpretation of ADR

Marking for carriage in limited quantities

Transmitted by the Government of Switzerland*

Summary

Executive summary: Is the use of orange-coloured plate marking in accordance with 5.3.2 permitted in the case of carriage in limited quantities in accordance with chapter 3.4?

Action to be taken:

Related document: ECE/TRANS/WP.15/AC.1/116/Add.1.

* The present document is submitted in accordance with paragraph 1 (f) 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 “discuss and resolve problems relating to the interpretation and enforcement of the European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR)”.

Introduction

1. The new paragraph 3.4.13 (a) as approved at the previous session introduces the obligation to mark vehicles in accordance with 3.4.15 (3.4.12 ADR 2009) at the front and at the rear except when orange-coloured plate marking is already displayed in accordance with 5.3.2. The term “*déjà*” (already) in the French version of this text requires explanation. Is the text referring to a mixed load of packages covered by Chapter 3.4 and that includes packages subject to all the provisions of ADR, and which must therefore necessarily be marked with orange-coloured plates?

2. For their own organizational reasons, some companies are interested in the possibility of being able to display orange-coloured plate marking on their transport units at all times. We have found no text in ADR that specifically prohibits the use of orange-coloured plate marking for the carriage of dangerous goods that are partially or fully exempted from the regulations. Since the exemptions established in the regulations are simply dispensations made available to users, it is apparently possible for a user to choose not to apply all the possible exemptions. Thus, for example, it is possible to carry dangerous goods qualifying for the exemptions established in Chapter 3.4 (or any other exemptions) in a vehicle conforming to Part 9 of ADR, driven by a driver with a valid ADR training certificate and fitted with equipment conforming to Part 8 (fire extinguishers), with the driver’s instructions and the transport document on board, without being in contravention of the regulations. We would like the Working Party to give its opinion on the application of this rule, which appears clearly to apply in the cases listed above, to the case of a vehicle carrying only dangerous goods in limited quantities, as set out in Chapter 3.4, but marked with orange-coloured plates in accordance with section 5.3.2.

3. Apparently, then, ADR is applicable when a transport operator carries out rounds including mixed deliveries (Chapter 3.4) for which orange-coloured plates are displayed on departure. If, in the course of the journey, the load contains only dangerous goods in accordance with Chapter 3.4, the operator may continue to display the orange-coloured plates for the rest of the journey. However, the use of the term “already” would apparently exclude any other possible use of orange-coloured plate marking in cases covered by Chapter 3.4. It is standard practice for a single company to make deliveries sometimes covered by Chapter 3.4 and at other times in compliance with all the provisions of ADR. In the course of a round it is possible that vehicles marked in accordance with Chapter 3.4 may load dangerous goods that require orange-coloured plate marking. In such cases the driver would then be required to display orange-coloured plates in addition to those prescribed in 3.4.15. However, it is impractical to require drivers to constantly change their plates in the course of a round according to changes in their load, initially displaying marking in accordance with 3.4.15, then switching to marking in accordance with 5.3.2, and so on, several times during the same round. Changing such loads and mixed deliveries, coupled with the requirement to change plates, are not easy to manage.

4. In view of the foregoing, the Working Party is invited to respond to the following question:

Question:

5. Is a transport unit that prior to departure contains only packages in accordance with Chapter 3.4, and is not therefore required to display orange-coloured plates, permitted nonetheless to be marked with orange-coloured plates instead of being marked in accordance with 3.4.15?