



Economic and Social Council

Distr.: General
14 August 2012
English
Original: French

Economic Commission for Europe

Inland Transport Committee

Working Party on the Transport of Dangerous Goods

Ninety-third session

Geneva, 5–9 November 2012

Item 6 (b) of the provisional agenda

Proposals for amendments to Annexes A and B of ADR:

Miscellaneous proposals

Scope of 5.5.3

Transmitted by the Government of Switzerland*

Summary

Executive summary:	Defining the scope of section 5.5.3
Action to be taken:	Amend the heading of section 5.5.3 and add an explanatory NOTE in 5.5.3.6

* 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. The provisions of 5.5.3 which will enter into force in 2013 have already raised queries from users responsible for the distribution of refrigerated shipments. The issue will be put to the United Nations Sub-Committee of Experts on the Transport of Dangerous Goods. Nevertheless, the Government of Switzerland believes it is important for the Working Party to take a position on the proper interpretation of these provisions before their entry into force in order to avoid an unnecessary proliferation of markings on vehicles and wagons on roads and railways.
2. Switzerland's submission to the Sub-Committee of Experts is contained in document ST/SG/AC.10/C.3/2012/59. It describes the problems and includes proposals for amendments to section 5.5.3.
3. The Government of Switzerland would like the Working Party to take a position on the principle outlined in that document. If the proposed amendments could at the same time be supported by the Working Party, that might help to convince the Sub-Committee of the need for amendments to the Model Regulations.
4. It might also be possible — maybe even necessary in the Government of Switzerland's view — for the Working Party to adopt these amendments immediately because they could not be reflected in the Model Regulations until the eighteenth revised edition at the earliest — due out in 2013 — and in the modal regulations until 2015. It would be a pity if, in the meantime, users had to continue to rely on an interpretation which appears only in a report of the Working Party. If the Working Party adopts these texts at this session they will also have to be submitted to the Joint Meeting in March 2013.
5. The proposals are as follows:

Proposal 1

6. Amend the heading of 5.5.3 to read:
“Special provisions applicable to packages and vehicles and containers presenting a risk of asphyxiation containing arising from substances ~~presenting a risk of asphyxiation when~~ used for cooling or conditioning purposes (such as dry ice (UN 1845) or nitrogen, refrigerated liquid (UN 1977) or argon, refrigerated liquid (UN 1951))”

Proposal 2

7. Add a NOTE to 5.5.3.6 to read as follows:
“The marking of cargo transport units in accordance with this subsection is not necessary when the risk of the dangerous accumulation of asphyxiant gas is negligible, as for example when the maximum volume of asphyxiant gas that could be released is small in relation to the volume of the cargo transport unit or when the unit is open or is sufficiently well ventilated to prevent any dangerous accumulation of asphyxiant gas.”
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