



Economic and Social Council

Distr.: General
20 February 2020

Original: English

Economic Commission for Europe

Inland Transport Committee

Working Party on the Transport of Dangerous Goods

108th session

Geneva, 11–15 May 2020

Item 5 (b) of the provisional agenda

**Proposals for amendments to annexes A and B of ADR:
miscellaneous proposals**

Marking of transport units and containers loaded with limited quantities

Transmitted by the Government of Switzerland*

Summary

- Executive summary:** Delete the text of the second paragraph in 3.4.13 (b).
- Action to be taken:** Amend subsection 3.4.13 (b) in ADR.
- Related documents:** Informal document INF.23 from the 105th session of the Working Party (WP.15), ECE/TRANS/WP.15/AC.1/2018/14 and OTIF/RID/CE/GTP/2017/9 (Sweden), ECE/TRANS/WP.15/2019/7 and informal document INF. 7 from the 106th session, ECE/TRANS/WP.15/2019/17 and informal document INF.6 from the 107th session

Background

1. Further to the proposal of Switzerland (ECE/TRANS/WP.15/2019/7) at the 106th session and in ECE/TRANS/WP.15/2019/17 of the 107th session concerning the marking of containers loaded with packaging in limited quantities in accordance with Chapter 3.4, we have analysed again the provisions concerning the marking laid down in 3.4.13 (b). The second paragraph in 3.4.13 (b) means an exemption from the general orange-coloured plate marking rule set in 5.3.2 which requires the transport units to be marked in general in the case of the transport of dangerous goods. The only exception to orange-coloured plate marking is the one laid down in 1.1.3.6 that sets the quantities of goods that, when not exceeded, allows waiving the marking.

* 2020 (A/74/6 (Sect.20) and Supplementary, Subprogramme 2)

2. The same principle should be applied in Chapter 3.4. This means only when the quantity of 8 tonnes fixed in 3.4.14 is not exceeded is it allowed to waive the marking of the transport unit in accordance with 3.4.15.
3. The second paragraph of 3.4.13 (b) questions however this principle because it states that even when the quantity transported per transport unit exceeds 8 tonnes, the marking of the transport unit can be waived when the container itself is marked in accordance with 3.4.15.
4. It is true that the placarding of vehicles is waived according to 5.3.1.3 as long as the placards affixed to the containers are visible from outside. However, in this case the orange-coloured plate marking of the transport unit following 5.3.2 remains applicable if the quantities established in 1.1.3.6 are exceeded. This marking of the transport unit allows to apply the road signals restricting the passage of dangerous goods as this is the case in 1.9.5.3.6 for tunnels.
5. On the contrary, the non-marking of the transport unit that appears in the second paragraph of 3.4.13 (b) prevents the application of prohibitions of tunnels. For this reason, in document ECE/TRANS/WP.15/2019/17 we attempted to circumvent the problem of this exemption by referring in various texts where it is relevant to the container marking. In doing this exercise we have observed that although the first paragraph of 1.9.5.3.6 refers to the transport units carrying containers for which markings are prescribed according to 3.4.13, the second paragraph of 1.9.5.3.6 does subject to restrictions in tunnels only transport units bearing the prescribed marking in 3.4.13 and does not mention containers. Therefore, if marking of containers is not referred to in 1.9.5.3.6, containers are never subject to tunnel restrictions.
6. However, we are of the view that, for reasons of coherence with what exists in Chapter 5.3, the exemption from marking of the transport unit established in the second paragraph of 3.4.13 (b) should be abolished. Placards do not have the same function as marks referred to in 3.4.15. The marks according to the 3.4.15 are the equivalent of the orange-coloured plates of 5.3.2 and both markings must be treated in the same way to allow the application of the regulations.
7. We propose to repeal the second paragraph of 3.4.13 (b) instead of adding texts elsewhere in order to circumvent the impossibility to apply the prohibitions in tunnels for containers (Proposal).

Proposal

8. Delete the second paragraph in 3.4.13 (b).
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