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15 November 2018

Original: French

RID: 10th Session of the RID Committee of Experts' standing working group
(Krakow, 21 to 23 November 2018)

Subject: 105th session of WP.15 (Geneva, 6 – 9 November 2018)

Transmitted by the Secretariat

Extracts from the draft report of the 105th session of WP.15 (Geneva, 6 – 9 November 2018)

I. Attendance

1. The Working Party on the Transport of Dangerous Goods held its 105th session from 6 to 9 November 2018 with Mr. J.A. Franco (Portugal) as chair and Ms. A. Roumier (France) as vice-chair.
2. Representatives from the following countries took part in the session: Austria, Belarus, Belgium, Czech Republic, Denmark, Finland, France, Georgia, Germany, Greece, Hungary, Italy, Latvia, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Russian Federation, Slovakia, Spain, Sweden, Switzerland, Turkey and the United Kingdom.
3. Representatives from Algeria, Egypt, Jordan, Lebanon, Morocco, the State of Palestine and Tunisia took part in the session in accordance with paragraph 11 of the terms of reference of the Economic Commission for Europe. Tunisia and Morocco took part in the session as full members in respect of questions relating to the European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR), in accordance with article 1 (b) of the rules of procedure of the Working Party.
4. The European Union was represented.
5. The following intergovernmental organization was represented: Intergovernmental Organisation for International Carriage by Rail (OTIF).

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6. The following non-governmental organizations was represented: European Chemical Industry Council (CEFIC) and European Conference of Fuel Distributors (ECFD) and International Road Transport Union (IRU). The EuroMed project was also represented.

(...)

IV. Status of the European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR) and related issues (agenda item 3)

A. Status of the Agreement and Protocol of amendment of 1993

Informal documents: INF.15 and INF.16 (Secretariat)

11. The Working Party welcomed the accession of Nigeria to ADR (depository notification C.N.506.2018.TREATIES-XI.B.14), which brought the number of contracting parties to 51.
12. The Working Party noted that the amendments adopted in the preceding two years (ECE/TRANS/WP.15/240 and Corr.1 and ECE/TRANS/WP.15/240/Add.1) had been proposed to the Contracting Parties by the Government of Portugal and had been deemed to be accepted for entry into force on 1 January 2019 (depository notification C.N.304.2018.TREATIES-XI.B.14 of 1 July 2018 and C.N.488.2018.TREATIES-XI-B.14 of 14 October 2018).

(...)

V. Work of the RID/ADR/ADN Joint Meeting (agenda item 4)

A. Amendments proposed by the Joint Meeting at its spring and autumn 2018 sessions

Documents: ECE/TRANS/WP.15/AC.1/150, annex IV (secretariat)
ECE/TRANS/WP.15/AC.1/152 and Add.1 (secretariat)

Informal documents: INF.21 and Add.1 (secretariat)

21. The amendment related to Chapter 6.8 in ECE/TRANS/WP.15/AC.1/150, annex IV was adopted between brackets for entry into force on 1 January 2021, with a correction of the footnote reference to take into account the numbering in ADR 2019. The Working Party noted that the discussions related to 6.8.2.1.18 were still ongoing and considered an adoption between brackets at this stage preferable.
22. The Working Party adopted the draft amendments for standards proposed by the Joint Meeting for entry into force on 1 January 2021, as presented in annex I of informal document INF.21/Add.1.
23. The Guideline for the application of EN 12972 proposed by the Joint Meeting and reproduced in annex II of informal document INF.21/Add.1¹ was adopted. The Working Party requested the secretariat to publish this guideline on the UNECE website to encourage the application of the provisions of EN 12972:2018 as soon as possible.
24. The Working Party also adopted the draft amendments in annex III of informal document INF.21/Add.1, already adopted by the Joint Meeting for entry into force on 1 January 2021.

(...)

¹ Note by the Secretariat of OTIF: This guideline is reproduced in informal document INF.3 of the 10th session of the standing working group.

VI. Proposals for amendments to Annexes A and B of ADR (agenda item 5)

(...)

B. Miscellaneous proposals

(...)

4. Amendment to the text of 6.8.2.5.1

Document: ECE/TRANS/WP.15/2018/11 (Belarus)²

47. Several delegations expressed the wish to keep this discussion on hold at the level of the Working Party and to entrust the work to the Tanks Working Group of the Joint Meeting since this amendment would apply to all modes of transports. The representative of Belarus will submit a proposal to the spring 2019 session of the Joint Meeting.

(...)

VII. Interpretation of ADR (agenda item 6)

1. Proposal for clarification of the terminology in 1.1.3.1 (c)

Informal document: INF.5 (Georgia)³

57. The delegations that took the floor considered that transports of dangerous goods to or returns from working sites (for example building or civil engineering sites) by the workers who use them are exempted. Carriage undertaken by enterprises for their own supply or external or internal distribution, e.g. with dedicated drivers and vehicles, does not fall within the scope of this exemption.
58. The representative of Switzerland informed the Working Party that he will share the interpretation used at national level in his country. The Working Party invited other delegations to send their interpretations to the representative of Georgia.
59. In light with the discussions related to the publication of questions of interpretation of ADR (see paragraphs 67 and 68), the representative of Georgia was invited to prepare a document for the 106th session.

2. Proposal for clarification of the terminology in 1.4.3.1.1 (e)

Informal document: INF.6 (Georgia)⁴

59. Most of the delegations that took the floor agreed that the existing text lacked clarity and could be interpreted in different ways. Since it was also relevant to other modes of transport, the representative of Georgia was invited to submit a document to the spring 2019 session of the Joint Meeting.

(...)

² Note by the Secretariat of OTIF: Document ECE/TRANS/WP.15/2018/11 is attached to this report as Annex I.

³ Note by the Secretariat of OTIF: Informal document INF.5 is attached to this report as Annex II.

⁴ Note by the Secretariat of OTIF: Informal document INF.6 is attached to this report as Annex III.

IX. Any other business (agenda item 8)

2. Publication of questions of interpretation of ADR

Document: ECE/TRANS/WP.15/2018/9 (France)⁵

67. The Working Party considered several options put forward during the discussions to improve its methods of work. It was suggested to publish the questions of interpretation of ADR on the UNECE website.
68. It was also suggested that, after consideration of interpretation issues by the Working Party, the authors of the proposal could prepare a consolidated detailed text of the outcome of the discussion for publication on the UNECE website using the paragraphs from the session report and any additional comments.

⁵ Note by the Secretariat of OTIF: Document ECE/TRANS/WP.15/2018/9 is attached to this report as Annex IV.

Document ECE/TRANS/WP.15/2018/11 of the 105th session of WP.15

Economic Commission for Europe

Inland Transport Committee

Working Party on the Transport of Dangerous Goods

105th session

Geneva, 6–9 November 2018

Item 5 (b) of the provisional agenda

Proposals for amendments to Annexes A and B of ADR:

Miscellaneous proposals

Amendment to the text of 6.8.2.5.1

Submitted by the Government of Belarus*

Summary

Executive summary: Alignment of 6.8.2.5 with 6.8.2.4 with respect to tank marking.

Action to be taken: Introduce amendments to 6.8.2.5.1.

Introduction

1. Sub-sections 6.8.2.4.1–6.8.2.4.3 state that shells and their equipment shall undergo an **initial inspection** before being put into service and **periodic** and **intermediate inspections** during service.
2. Sub-section 6.8.2.4.4 states that, when the safety of the tank or of its equipment may have been impaired as a result of repairs, alterations or accident, an **exceptional check** shall be carried out.
3. These types of inspections or checks all include **tests**, which can take the form of hydraulic pressure tests or leakproofness tests.
4. Sub-section 6.8.2.5.1 states that the corrosion-resistant metal plate should be marked with the date and type of the most recent **test**: “month, year” followed by a “P” when the **test** is the **initial test** or a **periodic test** in accordance with 6.8.2.4.1 and 6.8.2.4.2, or “month, year” followed by an “L” when the test is an **intermediate** leakproofness **test** in accordance with 6.8.2.4.3.
5. We consider it essential to indicate in 6.8.2.5.1 that the information to be displayed concerns the most recent **inspection** rather than **test**.

* In accordance with the programme of work of the Inland Transport Committee for 2018–2019 (ECE/TRANS/WP.15/237, annex V (9.1)).

Proposal

6. Amend the tenth subparagraph of 6.8.2.5.1 to read:

“- date and type of the most recent inspection: “month, year” followed by a “P” when the inspection is the initial inspection or a periodic inspection in accordance with 6.8.2.4.1 and 6.8.2.4.2, or “month, year” followed by an “L” when the inspection is an intermediate inspection in accordance with 6.8.2.4.3;”

Justification

7. The proposed amendments to 6.8.2.5.1 will align the marking requirements with 6.8.2.4.1–6.8.2.4.4.

Informal document INF.5 of the 105th session of WP.15**Economic Commission for Europe****Inland Transport Committee****Working Party on the Transport of Dangerous Goods****105th session****10 October 2018**

Geneva, 6-9 November 2018

Item 6 of the provisional agenda:

Interpretation of ADR**Proposal for clarification of the terminology in 1.1.3.1 (c)****Transmitted by the Government of Georgia***Summary*

Executive summary: In implementing ADR in our national legislation, we have been facing a problem of interpretation of the terminology of paragraph 1.1.3.1 (c).

Action to be taken: Clarification of terminology in 1.1.3.1 (c)

1. *The paragraph 1.1.3.1(c) of ADR states the following: “The carriage undertaken by enterprises which is ancillary to their main activity, such as deliveries to or returns from building or civil engineering sites, or in relation to surveying, repairs and maintenance, in quantities of not more than 450 litres per packaging, including intermediate bulk containers (IBCs) and large packagings, and within the maximum quantities specified in 1.1.3.6. Measures shall be taken to prevent any leakage of contents in normal conditions of carriage. These exemptions do not apply to Class 7.*

2. Carriage **undertaken by such enterprises for their supply or external or internal distribution** does not fall within the scope of this exemption;”.

3. We would like to seek clarification for the text in bold and italics above.

Informal document INF.6 of the 105th session of WP.15

Economic Commission for Europe

Inland Transport Committee

Working Party on the Transport of Dangerous Goods

105th session

10 October 2018

Geneva, 6-9 November 2018

Item 6 of the provisional agenda:

Interpretation of ADR

Proposal for clarification of the terminology in 1.4.3.1.1 (e)

Transmitted by the Government of Georgia

Summary

Executive summary: In implementing ADR in our national legislation, we have been facing a problem of interpretation of the terminology of paragraph 1.4.3.1.1 (e).

Action to be taken: Clarification of terminology in 1.4.3.1.1 (e)

1. The paragraph 1.4.3.1.1 (e) of the ADR states the following: “He shall, when loading packages, comply with the prohibitions on mixed loading taking into account dangerous goods already in the vehicle or large container and requirements concerning the separation of foodstuffs, *other articles of consumption* or animal feedstuffs.”

2. We believe that “*other articles of consumption*” is rather broad and covers foodstuffs, medicine, etc. and would like to seek the opinion of the Working Party on a more accurate definition for this paragraph.

Document ECE/TRANS/WP.15/2018/9 of the 15th session of WP.15**Economic Commission for Europe****Inland Transport Committee****Working Party on the Transport of Dangerous Goods****105th session**

Geneva, 6–9 November 2018

Item 8 on the provisional agenda**Other business****Publication of questions of interpretation of ADR****Transmitted by the Government of France****Summary*

Executive summary: How to publish the questions of interpretation addressed by the Working Party to facilitate the implementation of ADR.

Background documents: Document: ECE/TRANS/WP.15/242, paras. 50–51

1. At the 104th session of the Working Party, in May 2018, discussions were held on the future of the Working Party and how its work could contribute to the achievement of the Sustainable Development Goals.
2. A number of ideas were put forward for the improvement and development of the work of the Working Party, for example better assisting with the implementation of ADR by means of more visible information on the questions of interpretation raised during sessions.
3. The best medium for the widest possible dissemination of these questions of interpretation is in our view the ECE website. However, a good deal of work upstream would be needed to enable publication and facilitate user searches, for example by defining topics, headings and keywords.
4. The Working Party has for many years dealt with a range of matters of interpretation under a specific agenda item, and it is thus relatively easy to extract them from the various reports. However, a comprehensive review would almost certainly be needed, not least in order to check that they were still valid in the light, for example, of possible developments in the regulations, and to ensure that they were self-explanatory in the given context.
5. For example, at its 104th session, the Working Party considered a matter relating to the interpretation of the terminology used in 5.4.1.1.1 (f) in the transport document, reflected in the report as follows:

“Informal document: INF.28 (France)

40. The representative of France said she wished to hear the Working Party’s opinion on the way quantities were expressed in the transport document, in accordance with 5.4.1.1.1 (f).

* In accordance with the programme of work of the Inland Transport Committee for 2018–2019 (ECE/TRANS/WP.15/237, annex V (9.1)).

The question was whether the units required under 1.1.3.6 should be used, i.e., the quantities should be expressed in volume for liquids, gross mass for articles and net mass for solids, or whether 5.4.1.1.1 (f) allowed alternatives, such as the expression of quantities of liquid in terms of mass. The delegations that expressed a view considered that 5.4.1.1.1 (f) allowed for the free choice of the appropriate units and that the information in 1.1.3.6.3 concerning the quantity applied only to exempted transport, in accordance with 1.1.3.6.”

6. The report extract covering this particular issue seems sufficiently clear and self-explanatory, but this is not always the case for more complicated topics, which in many cases would require reading the relevant reference document.

7. We would like to know the Working Party's views on how to go about this quite substantial task: set up a special working group on the matter, set aside a certain amount of time at each session, etc.
