



INF. 6

14 November 2016

Original: English/French

RID: 7th Session of the RID Committee of Experts' standing working group
(Prague, 22 – 24 November 2016)

Subject: Texts adopted by the 101st session of WP.15 (Geneva, 8 – 10 November 2016)

Transmitted by the Secretariat

Extracts from the draft report of the 101st session of WP.15 (Geneva, 8 – 10 November 2016)

I. Attendance

1. The Working Party on the Transport of Dangerous Goods held its 101st session from 8 to 11 November 2016 under the chairmanship of Mr. J.A. Franco (Portugal) and the vice-chairmanship of Ms. A. Roumier (France).
2. Representatives from the following countries took part in the session: Austria, Belgium, Czech Republic, Denmark, Finland, France, Georgia, Germany, Hungary, Israel, Italy, Latvia, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Russian Federation, Slovakia, Spain, Sweden, Switzerland, Turkey and United Kingdom.
3. Representatives of Algeria, Jordan and Tunisia also took part in the session in accordance with paragraph 11 of the terms of reference of the Economic Commission for Europe. Tunisia took part in the session as a full member 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).

6. The following non-governmental organizations were represented: European Chemical Industry Council (CEFIC), European Conference of Fuel Distributors (ECFD), International Organization of Motor Vehicle Manufacturers (OICA), 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

Informal documents: INF.5 and INF.15 (Secretariat)

12. The Working Party noted that the amendments adopted in the preceding two years (ECE/TRANS/WP.15/231 and Corr.1 and ECE/TRANS/WP.15/231/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 2017 (depository notifications CN.443.2016-Treaties of 12 July 2016 and CN.744.2016-Treaties of 10 October 2016).
13. The Working Party noted with satisfaction that Georgia had acceded to ADR on 19 September and that consequently ADR had entered into force for that country on 19 October 2016.

(...)

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

A. Amendments proposed by the Joint Meeting at its spring 2016 session

Document: ECE/TRANS/WP.15/AC.1/142/Add.2, section IV

15. The amendments were adopted for entry into force on 1 January 2019 (see annex...)¹.

B. Corrections proposed by the Joint Meeting at its autumn 2016 session

Informal document: INF.8/Rev.1 (Secretariat)

16. The Working Party confirmed that the corrections proposed by the Joint Meeting at its autumn 2016 session and the other corrections proposed by the secretariat were purely technical in nature and were intended to correct discrepancies between the English and Russian texts and the authentic French version or to correct typographical errors or numbering or cross-referencing problems.
17. The Working Party, considering that such corrections did not change the substance of the provisions of ADR, adopted the corrections proposed by the Joint Meeting and requested the secretariat to take the necessary steps to publish a corrigendum as soon as possible (see annex ...)².

¹ *Note by the OTIF Secretariat:* These amendments are not reproduced here. For RID, these texts, together with the amendments from the RID/ADR/ADN Joint Meetings in September 2016, March 2017 and September 2017, will be compiled in a document for the 8th session of the RID Committee of Experts' standing working group.

² *Note by the OTIF Secretariat:* Amendments from informal document INF.8/Rev.1 which also concern RID are set out in informal document INF.4 of the RID Committee of Experts' standing working group.

VIII. Any other business (agenda item 9)

A. Presentation of the EuroMed projec

Informal document: INF.21 (EuroMed)

18. A representative of the EuroMed project presented the various activities carried out as part of the EuroMed transport project so as to harmonize the national and international regulations of the partner countries following the model of ADR.
19. The Working Party welcomed the activities currently under way in Algeria, Israel and Jordan with a view to accession to ADR in the near future.
20. The Working Party also welcomed the participation of the representative of Tunisia (a Contracting Party to ADR) in the Working Party for the current session and the representative's intention to take part in future sessions.

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

B. Miscellaneous proposals

(...)

7. Special provision 636

Informal document: INF.19 (Switzerland)

28. The Working Party noted that the Joint Meeting had at its autumn 2016 session adopted an amendment aimed at specifying that lithium cells and batteries falling under the scope of special provision 636 (b) could be mixed with non-lithium cells or batteries.
29. Such a specification had already figured in the 2015 editions of RID/ADR/ADN but had not been taken up in the amended text of special provision 636 adopted for entry into force on 1 January 2017.
30. The representative of Switzerland proposed reintroducing the specification in the texts entering into force in 2017 as a correction. A member of the secretariat recalled that the Joint Meeting had discussed and adopted the deletion of that text and that a reversal of that decision would require the adoption of a new amendment rather than a correction.
31. The representative of Switzerland withdrew his proposal.

(...)

VII. Interpretation of ADR (agenda item 6)

A. Entry into force of a Polish law to indicate the owner of the dangerous goods in documents in accordance with ADR Chapter 5.4

Informal document: INF.7 (IRU)

37. The Working Party noted that a new law had entered into force in Poland requiring that those involved in the transport of dangerous goods indicated in the documents required by RID/ADR/ADN the name and address of the owner of the dangerous goods when they were handed over to the carrier.

38. The Working Party also noted that the transport for which such a requirement was not observed could be subject to a fine and prohibited from Polish territory.
39. The representative of Poland specified that the objective was to combat black market transport of certain dangerous goods, and thus was for reasons other than safety during transport.
40. The Working Party confirmed that in the case in question, article 4 (1) of the ADR agreement was applicable, but regretted that the decision was an obstacle to international trade in dangerous goods.
41. Some delegations raised a problem of interpretation of the concept of the owner of goods.
42. The representative of Poland indicated that his Government had taken note of the problems in question and that studies were under way to find the best solution both in respect of the economic aspects and for the facilitation of international trade. In the meantime, the Ministry of Transport had recommended that the inspection authorities refrain from applying penalties to when infractions of the law were committed during transport. However, that recommendation had no legal bearing and the inspection authorities were free to penalize or to not penalize infractions of the law.
43. The representative of the European Union said that several members had filed complaints about the law and that an official procedure was under way between the European Union and Poland.

X. Any other business (agenda item 9) (continued)

B. Amendments to annex 2 of the Agreement concerning International Freight Traffic by Rail (SMGS)

Informal document: INF.18 (OTIF)

44. The Working Party noted that the proposed amendments to annex 2 of SMGS, aimed in particular at bringing SMGS into line with the 2017 edition of RID, had been rejected at the preceding meeting of the OSJD Commission on Transport Law. The Russian Federation had opposed the adoption of such amendments, some of which had included references to European standards or European Union directives that had not been translated into Russian.
45. The Working Party expressed its concern about that decision, which would give rise to differences between SMGS and RID, ADR and ADN. It encouraged OTIF and OSJD to continue work on harmonization. It invited OSJD to try to find a solution to limit the differences that would exist between annex 2 of SMGS and the other international regulations as from 1 January 2017.

(...)

VII. Interpretation of ADR (agenda item 6) (continued)**C. Scope of the special provision 601**

Informal document: INF.6 (Switzerland)

49. The representative of Austria stated that, in Austria, special provision 601 was only used for products packed in their retail packaging. The representative of CEFIC confirmed that members of CEFIC apply this special provision in the same situation.
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