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**ECONOMIC COMMISSION FOR EUROPE**

**INLAND TRANSPORT COMMITTEE**

**Working Party on the Transport  
of Dangerous Goods**  
(Seventy-fourth session,  
Geneva, 19-23 May 2003)

**PROPOSALS OF AMENDMENTS TO ANNEXES A AND B OF ADR**

**Inclusion of new paragraph 1.1.4.2.3 or of amended note under paragraph 5.3.1.5.2**

**Transmitted by the International Federation of Freight Forwarders Associations  
(FIATA)**

<b>SUMMARY</b>	
<b>Executive Summary:</b>	Include reference to placarding as well as marking stipulated by the IMDG Code in new para. 1.1.4.2.3 as alternative 1 or amendment of the Note under para. 5.3.1.5.2 as alternative 2.
<b>Action to be taken:</b>	Inclusion of a new paragraph 1.1.4.2.3 or amend the Note under paragraph 5.3.1.5.2.
<b>Related documents:</b>	None

### **Introduction/Justification**

1. During the work prior to the entering into force of the restructured version of ADR 2001, some minor changes were made to the Note under paragraph 5.3.1.5.2 in order to facilitate the carriage of dangerous goods after and prior to a sea voyage. The additional text that was inserted in the Note was: "Placards may remain affixed to both sides and at the rear of the vehicle after a sea voyage". Unfortunately the text is still somewhat unclear and gives rise to a number of questions. The Note needs to be further improved by allowing also markings according to the IMDG Code to be affixed prior to and after a sea voyage. There have been several cases when a carrier has marked a vehicle with e.g. a Marine Pollutant mark in conjunction with loading of the vehicle and that enforcement personnel have required that the marking must be removed from the vehicle before the transport is allowed to move on.

2. The current text under the Note requires placards belonging to other classes than class 1 and 7 to be affixed to both sides and at the rear of a vehicle when loaded on board a ship for sea transport or precedes a voyage by sea. Furthermore, it is said that the placards may remain affixed after a sea voyage. Such a requirement for the road transport for the purpose of fulfilling the provisions in the IMDG Code seems somewhat irrational.

3. Furthermore, in the Note the text "is loaded on board a ship for sea transport" is redundant. The provisions of the IMDG Code clearly state what kind of placarding/markings shall be affixed on a vehicle for a sea transport and in relation to the loading of a vehicle on board, the IMDG Code applies.

4. The IMDG Code requires placards as well as markings to be affixed on a vehicle for a sea voyage and states that the best solution would therefore be to refer to the placarding and marking requirements of the IMDG Code in the ADR without making it mandatory for an ADR transport. Furthermore, bearing in mind the unclear legal situation by having a legal text with the word "shall" in a Note, the Note should be amended in order to (a) remove the word "shall", (b) make it possible for a carrier to leave the placards and the markings according to the IMDG Code on the vehicle after the sea voyage. It should also be possible to affix placards and markings according to the IMDG Code prior to the sea voyage without making this mandatory during the road carriage.

5. However, still the legal obscurity will remain having the text in a Note but if the mandatory situation is replaced by an intention, it will send a clear signal to the enforcement authorities as well as to the carrier that placarding/markings according to the IMDG Code is allowed but not mandatory for an ADR journey prior to and after a sea voyage. Whether placarding/markings that comply with the provisions of the IMDG Code should be affixed prior to a sea transport already at the beginning of the ADR journey should be agreed upon between the contractual partners, e.g. carrier/consignor/shipping company.

The present text in the **Note** under para. 5.3.1.5.2 of the ADR is as follows:

**NOTE:** If, during an ADR journey, a vehicle carrying packages containing dangerous goods of classes other than Classes 1 and 7 is loaded on board a ship for sea transport or if the ADR journey precedes a voyage by sea, placards shall be affixed to both sides and at the rear of the vehicle. Placards may remain affixed to both sides and at the rear of the vehicle after a sea voyage.

6. Also marking in relation to transport of class 1 and 7 should be allowed.
7. Instead of amending the Note under paragraph 5.3.1.5.2 the inclusion of a new paragraph 1.1.4.2.3 will in a better way solve the problem. In chapter 1.1.4.2 "Carriage in a transport chain including maritime or air carriage", the relation to the IMDG Code is already reflected. By adding a new paragraph under 1.1.4.2 the users will find all the relations with the IMDG Code concerning placarding/markings under the same heading. The new paragraph should be inserted after the Note in order to make it clear that a statement in the transport document is not stipulated.

#### **Proposal – alternative 1**

Insert a new paragraph under 1.1.4.2 after the Note as follows:

**1.1.4.2.3** For carriage in a transport chain including maritime carriage, if vehicles carrying packages containing goods of classes 1 to 9 are not marked and placarded in accordance with chapter 5.3 of this Annex they shall be marked and placarded in accordance with chapter 5.3 of the IMDG Code. Orange colour plates shall always be affixed to the transport unit during a road transport if not exempted in accordance with paragraph 1.1.3.6.2.

Delete Note under paragraph 5.3.1.5.2.

#### **Proposal – alternative 2**

Amend Note under paragraph 5.3.1.5.2 to read:

**NOTE:** If, during an ADR journey, a vehicle carrying packages containing dangerous goods of classes 1 to 9 precedes a voyage by sea, markings and placards according to the provisions of the IMDG Code may replace the markings and placards required by the ADR. The placards and markings may remain affixed to the vehicle after a sea voyage to the final destination.

#### **Safety implications**

None.

#### **Feasibility**

No problem.

#### **Enforceability**

No problem.

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