



## **Economic and Social Council**

Distr.: General  
8 February 2016

Original: English

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### **Economic Commission for Europe**

#### **Inland Transport Committee**

#### **Working Party on the Transport of Dangerous Goods**

##### **Hundredth session**

Geneva, 9–13 May 2016

Item 6 b) of the provisional agenda

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

#### **Amendments to sub-section 1.4.2.2 Carrier**

**Transmitted by the Government of Romania<sup>1</sup>**

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<sup>1</sup> In accordance with the draft programme of work of the Inland Transport Committee for 2016-2017, (ECE/TRANS/WP.15/2015/19 (9.2)).

## Summary

<b>Executive summary:</b>	The main obligations of the carrier must be placed in paragraph 1.4.2.2.1 from (a) to (g), in order to use the instruments provided by the introductory and ending phrases of the paragraph.
<b>Action to be taken:</b>	<ol style="list-style-type: none"> <li>1. Relocation of the obligation of 1.4.2.2.6 (adopted in May 2015 for ADR 2017) to sub-paragraph (g) of 1.4.2.2.1; and</li> <li>2. Introduction of the obligation for the carrier to provide fire-fighting equipment on board the transport unit carrying dangerous goods.</li> </ol>
<b>Reference documents:</b>	<p>Informal document INF.7 (ninety-seventh session of WP.15 – November 2014), ECE/TRANS/WP.15/2015/1 (May 2015), Para. 25 and 26 of ECE/TRANS/WP.15/228 (ninety-eighth session of WP.15 – May 2015), Para.47 of ECE/TRANS/WP.15/AC.1/140, ECE/TRANS/WP.15/AC.1/2015/34 and informal document INF.3 of the Autumn 2015 Session of the Joint Meeting RID/ADR/ADN, Informal document INF.6 (ninety-ninth session of WP.15 – November 2015), para.33 and 34 of ECE/TRANS/WP.15/230 (ninety-ninth session of WP.15 – November 2015).</p>

## Introduction

1. After the analysis of sub-section 1.4.2.2 of RID/ADR/ADN at the autumn 2015 session of the Joint Meeting some outcomes must be taken into consideration regarding the obligations of carrier in the road transport of dangerous goods.
2. Informal document INF.3 of the September 2015 session of the Joint Meeting provides (in parallel) the text of the sub-section 1.4.2.2 for all three regulations (RID/ADR/ADN) and revealed the specific differences of each mode of transport.
3. As stipulated in the report of the September 2015 session of the Joint meeting:
 

*“Several delegations said that the obligations of the carrier differed according to the mode of transport and that the differences were justified. It was not necessary to harmonise the wording of RID, ADR and ADN.”*
4. The current obligation of the carrier to provide the vehicle crew with the instructions in writing as prescribed in ADR adopted in May 2015 and placed in 1.4.2.2.6 (see ECE/TRANS/WP.15/228, annex I) must be relocated to 1.4.2.2.1 as the representative of the International Road Union (IRU) proposed during the reading of the report at the May 2015 session of WP.15.
5. There is no reason to keep the obligation mentioned before in 1.4.2.2.6 because the introductory phrase of 1.4.2.2.1 is different in ADR in comparison with RID and the harmonisation is not relevant in this case. The relevance of the harmonisation must be analysed in comparison to ADN where the instructions in writing has a similar regime as in ADR. The introductory text of 1.4.2.2.1 of RID is the following: *In the context of 1.4.1, the*

*carrier who takes over the dangerous goods at the point of departure shall in particular: .... This formula is less comprehensive than the one used in ADR and ADN: In the context of 1.4.1, where appropriate, the carrier shall in particular: ...).*

6. It must be said that in 1.4.2.2.1 of ADN there are further particular obligations for inland waterways transport of dangerous goods in sub-paragraphs (h) to (j).

7. In this context we propose the relocation of the obligation of the carrier to provide the vehicle crew with the instructions in writing as prescribed in ADR from 1.4.2.2.6 to 1.4.2.2.1 (g), reworded to the specific of the place.

8. The second decision to be taken consists in the need of the introduction of an obligation for the carrier to provide fire-fighting equipment on board the transport unit carrying dangerous goods.

9. This obligation is not covered by the current text of 1.4.2.2.1 (c):

*(c) ascertain visually that the vehicles and loads have no obvious defects, leakages or cracks, missing equipment, etc.;*

10. This obligation might be considered covered by the current text of the sub-paragraph (g) adopted in May 2015 (see ECE/TRANS/WP.15/228, annex I):

*(g) ascertain that the equipment prescribed in ADR for the vehicle, vehicle crew and certain classes is on board the vehicle.*

11. If the Working Party considers necessary to emphasize the fact that sub-paragraph (g) of 1.4.2.2.1 includes the fire-fighting equipment, we propose to introduce an explanatory parenthesis. An interpretation of the Working Party is useful in this regard.

12. Whichever solution is chosen, the term “vehicle” must be replaced by the term “transport unit” twice for the consistency with the section **8.1.4 Fire-fighting equipment** and the new adopted text of: 8.1.5.3 and 5.4.3.4 - the 4 pages model of the Instructions in writing (twice on last page): the heading after the table and the first indent after “Additional equipment required for certain classes”.

## Proposal

13. Amend the text of 1.4.2.2.1 (g) to read as follows (new text is in bold underlined print and deleted text is stricken through):

(g) ascertain that **the instructions in writing are in the vehicle crew’s cab and** the equipment prescribed in ADR for the ~~vehicle~~ **transport unit (including fire-fighting equipment)**, vehicle crew and certain classes is on board the ~~vehicle~~ **transport unit**.

## Consequential amendment

14. Delete paragraph 1.4.2.2.6.

## Justification

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|-----------------|---|
| 15. Safety:     | Improves safety.                                      |
| Feasibility:    | Avoids any confusion when interpreting the ADR texts. |
| Enforceability: | Facilitates the application of the provisions.        |