



Economic Commission for Europe**Inland Transport Committee****Working Party on the Transport of Dangerous Goods****107th session**

Geneva, 11–15 November 2019

Item 5 (b) of the provisional agenda

**Proposals for amendments to Annexes A and B of ADR:
miscellaneous proposals****Dangerous goods exempted from the tunnel restrictions****Transmitted by the Government of Switzerland****Summary*

Executive summary:	More complete information should be included in the texts for consignments containing goods with the mention '(–)' in Chapter 3.2, Table A, column (15), so as to ensure safety and facilitate decisions about passage through tunnels subject to restrictions.
Action to be taken:	Amend the text of 1.1.3.6, 1.9.5.3.6, 5.4.1.1.10, 8.6.3.1, 8.6.3.2, 8.6.3.3 and 8.6.4.
Related documents:	ECE/TRANS/WP.15/2019/8, ECE/TRANS/WP.15/246.

Introduction

1. During the 106th session, various comments were made to document ECE/TRANS/WP.15/2019/8 proposing to clarify how to deal with mixed loading of dangerous goods for which '(–)' is marked in Column (15) of Table A of Chapter 3.2 together with other dangerous goods for which a tunnel restriction code different from '(–)' has been assigned. It had finally been proposed that further consultations should be undertaken with the delegations that had made comments with a view to prepare another proposal.

2. It was suggested that provisions should be introduced not only at 5.4.1.1.1 (k), as proposed in the original document, but also in 1.9.5 or in Chapter 8.6. Some also suggested that it should be mentioned in 1.1.3.6.

* In accordance with the programme of work of the Inland Transport Committee for 2018–2019 (ECE/TRANS/2018/21/Add.1, cluster 9, 9.1).

3. During these consultation one point raised has been that the concept of 1.1.3.6 is about the whole load in a transport unit: the unit is either able to use the concept of 1.1.3.6 or not (as a whole). It has been compared with the case of explosives where if the calculated value for the whole load exceeds 1000 but the calculated value for explosives in the load does not exceed 1000 (separately calculated), the whole transport unit may not apply the relaxation of the use EX-vehicle in the transport unit (7.2.4 V2) which would have been possible if there were only those explosives in the load in a transport unit. Hence, in this transport one needs to use EX-vehicles (even though the value for explosives themselves does not exceed 1000).

4. This is so because in 1.1.3 (1.1.3.6.2) it is not foreseen to apply the exemption of 7.2.4 V2 and, even if the concept of 1.1.3.6 is effectively about the whole load, once an exemption to this concept is introduced in 1.1.3.6 itself, these exempted dangerous goods should not be considered as being part of the load. One example of this approach is found in 1.1.3.6.5 where a list of exempted dangerous goods are defined as not being part of the load to be considered when calculating the maximum total quantity for 1.1.3.6. Thus, by introducing the exemption directly in 1.1.3.6 (1.1.3.6.6) we should obtain the same result as in the case of 1.1.3.6.5 and the exempted dangerous goods in case of tunnel restrictions should no more be taken into account when calculating the maximum total quantity. Because this situation needs to be communicated, it is necessary to adopt some provisions elsewhere in the regulation as well.

5. In the following proposal, we have a complete set of the provisions in a new 1.1.3.6.6, in 1.9.5.3.6, in a new 5.4.1.1.10, in 8.6.3.1, 8.6.3.2, 8.6.3.3 and 8.6.4.

6. Formally, the text introduced in 1.1.3.6.6 should be enough because the mention of the exemption for tunnels is already contained in 1.1.3 (namely in 1.1.3.6.6) and, due to the fact that the exemptions in 1.1.3 are already explicitly exempted from the tunnel restriction in 1.9.5.3.6 and in 8.6.3.3, there should be no need to introduce more text in 1.9.5.3.6, 8.6.3.1, 8.6.3.2, 8.6.3.3 or 8.6.4. Once a dangerous good is exempted according to 1.1.3, other provisions like those about the tunnel restriction code of the load in 8.6.3.2 do not apply anymore. This is already the case for the exemptions mentioned in 1.1.3.6.5 for example. The explicit repetition or reference in 1.9.5.3.6, 8.6.3.1, 8.6.3.2, 8.6.3.3 of the exemption from the calculation of 1.1.3.6 laid down in 1.1.3.6.5 is already covered by the global mention of the 1.1.3 exemptions in 1.9.5.3.6 and 8.6.3.3. It should hence also be the case for the new exemption proposed in 1.1.3.6.6 and there should be no need to repeat specifically the existence of this exemption in addition to the one of 1.1.3. However, even if formally unnecessary, in order to introduce more clarity for the users and tunnel operators, we propose to repeat the specific mention of the exemption of 1.1.3.6.6 in 1.9.5.3.6, 8.6.3.1, 8.6.3.2, 8.6.3.3 and 8.6.3.4.

7. The provisions in the new 5.4.1.1.10 replace the former proposal to amend 5.4.1.1.1 (k). It only applies in case of applying 1.1.3.6.6. That is, where the carriage is known beforehand to pass through a tunnel with restrictions for carriage of dangerous goods. In order to avoid unnecessary delays, it seems useful for the carriers as well for the tunnel operators to have a specific indication in the transport document on how to proceed in case of a transport unit bearing orange plates of a mixed load in quantities of dangerous goods subject to tunnel restriction under the limits of 1.1.3.6. This happens for example in case of UN 3077 and 3082 carried in quantities exceeding the limits in 1.1.3.6 mixed loaded with other dangerous goods subject to tunnel restrictions but in quantities not exceeding the limits of 1.1.3.6. Despite their orange-coloured plate marking, such transport units are not subject to tunnel restrictions when the placarding arises only from the exceeding quantities of dangerous goods assigned with the mention '(—)'.

8. In the new 1.1.3.6.6, we explain how to determine the calculated value this kind of mixed loading.

9. In 1.9.5.3.6, 8.6.3.1, 8.6.3.3 and 8.6.4 we added the necessary explanations to decide on the permit to cross a restricted tunnel with such mixed loadings.

Proposal

10. Add a sub-section 1.1.3.6.6 as follows:

k“1.1.3.6.6 For the purposes of applying the tunnel restrictions of 1.9.5.3.6, dangerous goods for which ‘(–)’ is marked in column (15) of Table A of Chapter 3.2 should not be taken into account when calculating limit quantities allowed in tunnels. In case of mixed loading of such dangerous goods with other dangerous goods having another tunnel restriction code, only the last ones shall be taken into account when calculating the limit quantities allowed in tunnels for the purposes of applying the tunnel restrictions of 1.9.5.3.6.

For those dangerous goods with a tunnel restriction code other than ‘(–)’ the restrictions in tunnels apply when the calculated value for them taken alone according to the 1.1.3.6.4 exceeds "1000".”

11. Amend 1.9.5.3.6 as follows (added text in **bold and underlined**):

“1.9.5.3.6 Tunnel restrictions shall apply to transport units for which an orange-coloured plate marking in accordance with 5.3.2 is required, except for the carriage of dangerous goods for which ‘(–)’ is marked in Column (15) of Table A of Chapter 3.2 **even in case of mixed loading with quantities of dangerous goods subject to a tunnel restriction code other than ‘(–)’ according to 1.1.3.6.6.** For the dangerous goods assigned to UN Nos. 2919 and 3331, restrictions to the passage through tunnels may, however, be part of the special arrangement approved by the competent authority(ies) on the basis of 1.7.4.2. For tunnels of category E, they shall apply also to transport units for which a marking in accordance with 3.4.13 is required or carrying containers for which a marking in accordance with 3.4.13 is required.

Tunnel restrictions shall not apply when **the quantity in a transport unit of dangerous goods in packages to which tunnel restriction codes have been assigned does not exceed that referred to in 1.1.3.6.3 [calculated without taking into account any dangerous goods for which ‘(–)’ is marked in column (15) of Table A of Chapter 3.2] and** dangerous goods are carried in accordance with 1.1.3, except when transport units carrying such goods are marked in accordance with 3.4.13 subject to 3.4.14.”

12. Add the following text in 5.4.1.1.10:

“5.4.1.1.10 *Special provisions for exemptions related to quantities carried per transport unit*

In the case of exemptions provided for in 1.1.3.6.6, the transport document shall bear the following inscription: **“Load not exceeding the exemption limits prescribed in 1.1.3.6.6”**.

NOTE 1: In the case of intended application of 1.1.3.6, the total quantity and the calculated value of dangerous goods for each transport category shall be indicated in the transport document in accordance with 1.1.3.6.3, 1.1.3.6.4 and 1.1.3.6.6.

13. Amend 8.6.3.1 as follows (added text in **bold and underlined**):

“8.6.3.1 The restrictions for the transport of specific dangerous goods through tunnels are based on the tunnel restriction code of these goods, indicated in Column (15) of Table A of Chapter 3.2. The tunnel restriction codes are put between brackets at the bottom of the cell. When ‘(–)’ is indicated instead of one of the tunnel restriction codes, **these dangerous goods are not subject to any tunnel restriction and should not be taken into account for tunnel restrictions even in case of mixed loading with dangerous goods subject to a tunnel restriction code other than ‘(–)’.** For the dangerous goods assigned to UN Nos. 2919 and 3331 restrictions to the passage through tunnels may, however, be part of the special arrangement approved by the competent authority(ies) on the basis of 1.7.4.2.”

14. Amend 8.6.3.2 as follows (added text in **bold and underlined**):

“8.6.3.2 When transport unit contains dangerous goods to which different tunnel restriction codes have been assigned, the most restrictive of these tunnel restriction codes shall be assigned to the whole load. **When the quantity in a transport unit of dangerous goods in packages to which tunnel restriction codes have been assigned does not exceed that referred to in 1.1.3.6.3 [calculated without taking into account any dangerous goods for which ‘(–)’ is marked in column (15) of Table A of Chapter 3.2], there is no tunnel restriction code for the whole load**”.

15. Amend 8.6.3.3 as follows (added text in **bold and underlined**):

“8.6.3.3 Dangerous goods carried in accordance with 1.1.3 are not subject to the tunnel restrictions and shall not be taken into account when determining the tunnel restriction code to be assigned to the whole load of a transport unit, except if the transport unit is required to be marked in accordance with 3.4.13 subject to 3.4.14. **In accordance with 1.1.3.6.6 only dangerous goods subject to a tunnel restriction code other than ‘(-)’ shall be taken into account when calculating the limit quantities allowed in tunnels for the purposes of applying the tunnel restrictions of 1.9.5.3.6.**”

16. Amend the text for the last row “-“in column “Restriction” of the table in 8.6.4 as follows (added text in **bold and underlined**):

Tunnel restriction code of the whole load	Restriction
.....	
-	Passage allowed through all tunnels (For UN Nos. 2919 and 3331, see also 8.6.3.1). <u>In the case of mixed loading with dangerous goods subject to another tunnel restriction code, only those dangerous subject to a restriction code other than “(-)” shall be taken into account for the restrictions of passage</u>