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INLAND TRANSPORT COMMITTEE

**Working Party on the Transport
of Dangerous Goods**
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Agenda item 5 (a))

INF 10

REVISED PROPOSAL OF AMENDMENT TO ANNEX A OF ADR

Amendments to paragraph 1.1.4.2.1

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

SUMMARY	
Executive Summary:	Include a reference to vehicles in paragraph 1.1.4.2.1, first sub paragraph and in paragraph 1.1.4.2.1(c) in order to allow for marking of a vehicle according to the provisions of the IMDG Code.
Action to be taken:	Inclusion of the word “vehicles” in paragraph 1.1.4.2.1, first sub paragraph and in paragraph 1.1.4.1.1(c). Deletion of Note under paragraph 5.3.1.5.2
Related documents:	TRANS/WP.15/2003/5

Introduction/Justification

1. At the seventy-fourth session of WP.15, the FIATA paper TRANS/WP.15/2003/5 regarding marking of vehicles prior to a sea voyage was discussed. The representative of FIATA was invited to give the matter further thought and to submit a new proposal to the RID/ADR/ADN Joint Meeting (See TRANS/WP.15/174, paragraph 28).
2. After the matter has been investigated it has been noted that RID has dealt with wagons in paragraph 1.1.4.2.1 of RID and thus taken care of the problem addressed in this paper for vehicles. It is therefore noted that submission of a proposal to the RID/ADR/ADN Joint Meeting is unnecessary when marking of a wagon in accordance with the provisions of the IMDG Code prior to a sea voyage is already allowed for a RID transport.
3. In the IMDG Code a clear distinction is made between “placarding” and “marking”. An example of a marking according to the code is the MARINE POLLUTANT mark. While placarding of a vehicle according to the provisions of the IMDG Code prior to a sea transport has been considered, marking has not. It is therefore proposed in this paper to correct this in ADR by amending paragraph 1.1.4.2.1 of ADR.
4. This proposal is part of the harmonisation process between the modes. There is no sense in excluding marking of a vehicle according to the IMDG Code when placarding according to the IMDG Code is allowed.
5. A consequential amendment would be to delete the Note under paragraph 5.3.1.5.2 for two reasons. The first reason is that a note cannot be regarded as a proper legal text. Confusion arises when a text containing the word “shall” is placed in a note. The second reason is that the note is superfluous. There is no need for a mandatory requirement (note that the legal value is questioned) in ADR for vehicles to be placarded according to the IMDG Code during a road voyage even if it is prior to a sea voyage. It is sufficient with the proposed inclusion of the word “vehicles” in paragraph 1.1.4.2.1 making it possible, but not mandatory, for carriers to placard and mark a vehicle when an ADR journey precedes a sea voyage.

Proposal

- (a) Insert the word “vehicles” in paragraph 1.1.4.2.1, first sub paragraph, to read as follows:

Packages, containers, portable tanks, tank-containers and **vehicles** which do not entirely meet the requirements for packing, mixed packing, marking, labelling of packages or placarding and orange plate marking, of ADR, but are in conformity with the requirements of the IMDG Code or the ICAO Technical Instructions shall be accepted for carriage in a transport chain including maritime or air carriage subject to the following conditions:

- (b) Insert the word “vehicles” in paragraph 1.1.4.2.1(c) to read as follows:

(c) For carriage in a transport chain including maritime carriage, if the containers, portable tanks, tank-containers or **vehicles** 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. In such case, only 5.3.2.1.1 of this Annex is applicable to the marking of the

vehicle itself. For empty, uncleaned portable tanks and tank-containers, this requirement shall apply up to and including the subsequent transfer to a cleaning station.

Consequential amendment

Delete Note under paragraph 5.3.1.5.2

Safety implications

None

Feasibility

No problem

Enforceability

No problem
