

Economic Commission for Europe

Inland Transport Committee

Working Party on the Transport of Dangerous Goods

9 August 2023

Joint Meeting of the RID Committee of Experts and the
Working Party on the Transport of Dangerous Goods

Geneva, 19–27 September 2023

Item 5 (a) of the provisional agenda:

Proposals for amendments to RID/ADR/ADN:

Pending issues

5.4.0.1 Documentation – Transport documents

Submitted by the International Road Transport Union (IRU)

Introduction

1. At its March 2023 session the Joint Meeting adopted the following amendment to subsection 5.4.0.1 (based in informal documents INF.36/Rev.1 and INF.43) and agreed to keep it in square brackets:

In 5.4.0.1, after the first sentence, add the following second sentence:

["The information prescribed in this Chapter related to the dangerous goods carried shall be available during carriage in such a way that the goods per wagon/vehicle/vessel and the wagon/vehicle/vessel which is carrying them can be identified in the documentation."]

2. This amendment leads to the following consequences:

- Each transport unit (motor vehicle plus trailer, both loaded with dangerous goods) must be accompanied by two separate transport documents;
- the registration numbers of the motor vehicle carrying dangerous goods and the trailer or the swap body ID must be indicated in each transport document.

Background

3. This amendment was based on France's previously submitted proposal¹, which contained the same addition - however - to 5.4.0.2 with the following justification: "When using material paper documents, this link is automatically ensured by the presence of the documents on board and it was never necessary to specify this in Chapter 5.4, where the rules on documentation are defined. When using dematerialised methods to transmit transport information, this link is no longer ensured by the "material construction". Therefore, this needs to be clearly specified in the regulations; especially now that dematerialised systems are being developed for transport in general, but also include dangerous goods, by developers who are not dangerous goods experts. This is a fundamental improvement enabled by electronic data interchange and is very important for safety in the event of an emergency situation where responders need to receive information remotely."

The proposed amendment for 5.4.0.2 ADR was comprehensible and, in the case of electronically transmitted dangerous goods data, it should serve to ensure that these data can be clearly assigned to the respective vehicle.

¹ <https://unece.org/sites/default/files/2023-03/ECE-TRANS-WP15-AC1-2023-BE-INF.36.pdf>

4. However subsequently the original proposal was changed² and has led to an amendment of 5.4.0.1 (instead of 5.4.0.2 exclusively) with affect to paper documentation regulation as such.

The representative of Finland argued that the amendment should also affect the paper document regulations. This justified by stating that there were transport cases where a consignor intends to transport a specified amount of dangerous goods which cannot be transported with one vehicle. As a consequence dangerous goods must be divided between several vehicles. From their standpoint the wording of ADR 2023 allows that these vehicles carry the same transport document with the total quantity of dangerous goods. Therefore, a separate transport document would be needed for each vehicle.

5. WP.15 has already adopted a corresponding amendment to 5.4.0.1 at its May 2023 session.

Proposal

6. In the view of massive practical implications of this amendment, IRU believes that there is an urgent need to discuss this issue again at the next Joint Meeting in the light of the fact that France's original proposal was drafted only on the basis of the electronic transport document. IRU therefore proposes a withdrawal of this amendment. The following options could be considered:

Option 1: The amendment decided for subsection 5.4.0.1 shall be made in 5.4.0.2 (as originally proposed by France):

After the first sentence, add the following second sentence:

["The information prescribed in this Chapter related to the dangerous goods carried shall be available during carriage in such a way that the goods per wagon/vehicle/vessel and the wagon/vehicle/vessel can be identified in the documentation."]

Option 2: Insert a new transitional provision in 1.6.1.58 of RID/ADR/ADN 2025:

"By derogation from the second sentence of 5.4.0.1 of ADR/RID/ADN, the wagon/vehicle/inland waterway vessel in which the dangerous goods are carried need not be identifiable in the documents referred to in 5.4.1 until 30 June 2031."

Justification

7. The new regulation has no safety implication and causes massive additional operational effort and bureaucratic burden, and we consider that the issue raised by Finland has not practical application.

ADR 8.1.2.1 (a) clearly describes:

"In addition to the documents required by other regulations, the following documents shall be carried in the transport unit³: (a) The transport documents prescribed in accordance with 5.4.1 for all dangerous goods carried."

8. The cases in which separate transport documents must be issued are already exhaustively regulated in 5.4.1.4.2. According to the current legal situation, it is therefore not permissible to carry a transport document in a transport unit that may contain a larger quantity of dangerous goods than is actually being carried in this transport unit. In the case a transport unit - consisting of a motor vehicle and a trailer - is separated, the definition of two different transport units already applies so that two separate transport documents are required anyway.

9. IRU doesn't see any benefit in additionally regulating a "theoretical" case.

² <https://unece.org/sites/default/files/2023-03/ECE-TRANS-WP15-AC1-2023-BE-INF.43.pdf>

³ "Transport unit" means a motor vehicle without an attached trailer, or a combination consisting of a motor vehicle and an attached trailer.

10. An obligation to indicate the registration number of the vehicle or the registration numbers of the motor vehicle and trailer on a paper-based transport document means:

- high administrative effort, as it is possible to switch between different vehicle combinations and, in the case of a motor vehicle with an attached trailer, it is irrelevant for documentation purposes which dangerous goods are on which vehicle. This information often only arises in the course of loading and not in the context of a line disposition;
 - high IT costs and efforts, as the creation of paper documents is done via transport management systems and today only refers to the transport unit;
 - no additional safety benefits.
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