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REFERENCE: C.N.310.1998.TREATIES-1 (Depositary Notification)

EUROPEAN AGREEMENT CONCERNING THE INTERNATIONAL
CARRIAGE OF DANGEROUS GOODS BY ROAD (ADR)
DONE AT GENEVA ON 30 SEPTEMBER 1957

AMENDMENTS PROPOSED BY PORTUGAL TO ANNEXES A AND B
AS AMENDED, TO THE ABOVE AGREEMENT

The Secretary-General of the United Nations, acting in his capacity as depositary, communicates the following:

The Government of Portugal, in accordance with paragraph 1 of article 14 of the above Agreement, has transmitted to the Secretary-General the text of the proposed amendments to annexes A and B as amended, to the above Agreement. (It will be recalled that the text of these proposed amendments had been approved by the Working Party on the Transport of Dangerous Goods of the Economic Commission for Europe, at its 63rd and 64th sessions.)

The procedure for the amendment of annexes to the Agreement is set forth in its article 14, in particular, in paragraphs 2 and 3, which read as follows:

"2. The Secretary-General shall transmit any proposal made under paragraph 1 of this article to all Contracting Parties and inform thereof the other countries referred to in article 6, paragraph 1.

"3. Any proposed amendment to the annexes shall be deemed to be accepted unless, within three months from the date on which the Secretary-General circulates it, at least one-third of the Contracting Parties, or five of them if one-third exceeds that figure, have given the Secretary-General written notification of their objection to the proposed amendment. If the amendment is deemed to be accepted, it shall enter into force for all the Contracting Parties, either on the expiry of a further period of three months or, in cases where similar amendments have been or are likely to be made to the other international agreements referred to in paragraph 1 of this article, on the expiry of a period the duration of which shall be determined by the Secretary-General in such a way as to allow, wherever possible, the simultaneous entry into force of the amendment and those that have been or are likely to be made to such other agreements; such period shall not, however, be of less than one month's duration."

Consequently, unless the proposed amendments to the Annexes are deemed rejected pursuant to article 14 (3) within three months from the date of the notification, i.e. on 1 October 1998, the Secretary-General proposes that the amendments in question enter into force on 1 January 1999.

..... A copy of the English and French texts of the proposed amendments to annexes A and B of the Agreement, as amended, is attached. (Document TRANS/WP.15/151, Part 3, pp. 17-85 and Document TRANS/WP.15/153, Annex 2, pp. 1-3.)

1 July 1998



Attention: Treaty Services of Ministries of Foreign Affairs and of international organizations concerned

Annex 2

Draft amendments to Annexes A and B of ADR for entry into force on 1 January 1999

1. Modifications to Part 3 (Draft 1999 amendments) of document TRANS/WP.15/151

Marginal

- 2201** 2°A (The modification does not apply to the English version)
- 2° F 1965: Replace "Insert after MIXTURE A0" with "Insert after MIXTURE A:"
- Replace "Insert after MIXTURE B:" with "Insert before MIXTURE B:"
- Replace "Insert before 1965:" with "Insert after 1965:"
- 6°A NOTE 1: Replace "a gas or a mixture of compressed gases" with: "a compressed gas or a mixture of compressed gases".
- 2201a (3), 2301a (7), 2401a (3), 2471a (2), 2501a (2), 2551a (2), 2601a (3), 2801a (6) and 2901a (2)**
- In sub-paragraphs (a) and (b): Delete the comma after "therein".
- Footnote: (The modification does not apply to the English version)
- 2250** 2°A The second line to be inserted for identification number 3220, should read: "(1), (2), (3), (5), /-3.6/10/0.72/g".
- 2300** (9) Amend the beginning to read:
- "Nitroglycerin mixture desensitized, liquid, flammable, with not more than 30% nitroglycerin, by mass which has been ..." (remainder unchanged).
- 2482** (4) Insert "1411" before "lithium aluminium hydride, ethereal,"
- 2650** (8) Amend the end of the paragraph to read as follows: "... specified by the competent authority of the country of origin^{5/}."
- For "Insert a new footnote 4/ as follows:" read "Insert new footnotes 4/ and 5/ as follows."
- Add a new footnote 5/:
- ^{5/} If the country of origin is not contracting party to ADR, the competent authority of the first ADR country reached by the consignment."
- 3510** (3) Replace at the end "static load testing" with "the stacking test of marginal 3555".

10 281 At the end of the amended paragraph, add:

“When the base vehicle has been type-approved in accordance with this marginal, compliance with marginal 220 536 (2) shall be verified on the completed vehicle.”

In footnote 6/, delete "are listed in document TRANS/WP.29/1998/39 and"

10 316(1) (The modification does not apply to the English version)

11 108 Add: “Delete ‘(1)’ before the remaining paragraph”.

41 105 (8) (c) (The modification does not apply to the English version)

52 105 (6) (c) (The modification does not apply to the English version)

215 131 (The modification does not apply to the English version)

220 536 Replace the text of paragraph (1) by "[reserved]".

Delete footnote 4/.

2. Additional draft amendments to Annexes A and B of ADR (Draft 1999 amendments)

Marginal

2704 In Schedules 1 to 4, paragraph 8, replace the phrase “See marginal 2702.” by “No provisions.”.

2901a (4) Amend the last two sentences of paragraph (4) to read:

“The apparatus shall, however, be packed in conformity with marginal 2905 (1)(a). Each package shall be marked according to paragraph (2) above.”

10 385(4) Amend to read as follows:

“These instructions shall be kept readily identifiable in the driver’s cab.”

10 507 Delete, at the beginning of marginal 10 507:

“Without prejudice to the measures prescribed in marginal 10 505 above,”.

Add the following new marginals 10 606 and 10 607:

“10 606 Tank-vehicles, vehicles carrying demountable tanks and vehicles intended for the carriage of tank-containers registered before 1 January 1995, which were used, before that date, for the carriage of substances of marginal 2301, 61°(c) and which do not fully comply with the requirements of marginals 10 220, 10 221, 10 251 and 10 261 may continue to be used until 31 December 2004.

When a certificate of approval is required in accordance with marginal 10 282 (2), this certificate shall bear a mention indicating that the vehicle has been approved on the basis of marginal 10 606.

10 607 Tank-vehicles, vehicles carrying demountable tanks and vehicles intended for the carriage of tank-containers registered before 1 January 1997, which were used, before that date, for the carriage of substances of marginal 2901, 20°(c) and which do not fully comply with the requirements of marginals 10 220, 10 221, 10 251 and 10 261 may continue to be used until 31 December 2006.

When a certificate of approval is required in accordance with marginal 10 282 (2), this certificate shall bear a mention indicating that the vehicle has been approved on the basis of marginal 10 607.”

11 205 (1) Replace "transport units of Types II and III" with "EX/II and EX/III transport units".

(3) Replace "type III transport unit" and "type II transport unit" with "EX/II transport unit" and "EX/III transport unit" respectively.

11 281 Insert the following new marginal:

"Type approval of vehicles

11 231 For EX/II and EX/III vehicles of which the base vehicle has been type approved in accordance with marginal 10 281, compliance with marginals 220 533 and 220 534 shall be verified on the completed vehicle.”

11 282 Replace "Type II and Type III" with "EX/II and EX/III".

220 301 In the designation for "FL" after "61°C", insert: "(with the exception of diesel fuel complying with standard EN 590: 1993, gas oil, and heating oil (light) - identification number 1202 - with a flashpoint as specified in standard EN 590: 1993)".
