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Reference: C.N.804.2006.TREATIES-2 (Depositary Notification)

EUROPEAN AGREEMENT CONCERNING THE INTERNATIONAL CARRIAGE
OF DANGEROUS GOODS BY ROAD (ADR)

GENEVA, 30 SEPTEMBER 1957

SWITZERLAND: OBJECTION TO THE AMENDMENTS PROPOSED
BY PORTUGAL TO ANNEXES A AND B, AS AMENDED¹

The Secretary-General of the United Nations, acting in his capacity as depositary and with reference to depositary notification C.N.482.2006.TREATIES-1 of 1 July 2006 transmitting the text of the amendments proposed by the Government of Portugal to annexes A and B, as amended to the above Agreement, communicates the following:

On 27 September 2006, i.e., within three months from the date of the above depositary notification, the Government of Switzerland notified the Secretary-General of its objection to the proposed amendments which reads as follows:

(Original: English)

“The Swiss Confederation rejects the proposed amendment because it could lead to a lessening of road safety on Swiss sovereign territory. By contrast with existing Swiss legislation, the proposed new international regulations relating to tunnels will not apply to exempted dangerous goods. This is especially problematic with respect to exempted limited quantities, since the new regulations will permit the carriage of considerable quantities of dangerous goods. Furthermore, a comparison between existing Swiss legislation and the new ADR tunnel regulations shows that it would only be possible to maintain the current standard of safety in Switzerland if extensive support measures were to be introduced relating to transport through tunnels, and these measures would in turn result in considerable additional costs.

We also question whether from a legal point of view the introduction of "compelling regulations" relating to tunnels at the international level is reconcilable with the provisions of the ADR.”

In accordance with the provisions of article 14 (3) of the Agreement, the proposed amendments to Annexes A and B, will be deemed accepted only if, before the expiry of a period of

¹ Refer to depositary notification C.N.482.2006.TREATIES-1 of 1 July 2006 (Proposal of amendments by Portugal to Annexes A and B, as amended)

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three months as indicated in the said article (i.e., before 1 October 2006), 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 amendments.

Consequently, and in accordance with article 14 (3), the amendments are deemed accepted and will enter into force on the date proposed, i.e., on 1 January 2007.

22 January 2007

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