

(Seventy-seventh session,
Geneva, 25-28 October 2004,
agenda item 7)

ALIGNMENT OF CHAPTER 1.9 OF ADR WITH RID 2005

Transmitted by the Chairman of the Working Party

Following the discussion by the RID/ADR/ADN Joint Meeting (13-17 September 2004) of the document TRANS/WP.15/AC.1/2003/71 (OCTI), aiming at the harmonization of RID and ADR, the Chairman of WP.15 announced that the working party would examine, during its next session, the possibility of alignment of ADR with RID (par.73 of the report).

In order to facilitate a first approach of this question, it has been prepared an exercise of alignment of ADR with RID 2005. The new texts are underlined, the texts to be deleted are ~~stroked~~, and the texts to be maintained are in normal letters.

ADR (aligned with RID 2005)

CHAPTER 1.9
TRANSPORT RESTRICTIONS BY THE
COMPETENT AUTHORITIES

1.9.1 In accordance with Article 4, paragraph 1 of ADR, the entry of dangerous goods into the territory of Contracting Parties may be subject to regulations or prohibitions imposed for reasons other than safety during carriage.

Furthermore, a Contracting Party may apply to vehicles engaged in the international carriage of dangerous goods by road on its territory certain additional provisions not included in ADR, provided that these additional provisions

- are in accordance with 1.9.2,
- do not conflict with Article 2, paragraph 2 of the Agreement,
- are contained in the Contracting Party's domestic legislation applying equally to vehicles engaged in the domestic carriage of dangerous goods by road on the territory of that Contracting Party,
- do not result in the prohibition of carriage by road of the dangerous goods covered by these provisions in the territory of the Contracting Party.

~~Such regulations or prohibitions shall be published in an appropriate form.~~

RID 2005

CHAPTER 1.9
TRANSPORT RESTRICTIONS BY THE
COMPETENT AUTHORITIES

1.9.1 A Member State may apply to the international carriage of dangerous goods by rail on its territory certain additional provisions not included in RID, provided that these additional provisions

- are in accordance with 1.9.2,
- do not conflict with the provisions of 1.1.2 (b),
- are contained in the Member State's domestic legislation applying equally to the domestic carriage of dangerous goods by rail on the territory of that Member State,
- do not result in the prohibition of carriage by rail of the dangerous goods covered by these provisions in the territory of the Member State.

~~1.9.2 Subject to the provisions of 1.9.3, a Contracting Party may apply to vehicles engaged in the international carriage of dangerous goods by road on its territory certain additional provisions not included in ADR, provided that those provisions do not conflict with Article 2, paragraph 2 of the Agreement, and are contained in its domestic legislation applying equally to vehicles engaged in the domestic carriage of dangerous goods by road on the territory of that Contracting Party.~~

~~The additional provisions referred to in 1.9.1 are:~~

(a) additional safety requirements or restrictions concerning vehicles
- using certain structures such as bridges or tunnels,
- using combined transport modes such as ferries or trains,
or
- entering or leaving ports or other transport terminals.

(b) requirements for vehicles to follow prescribed routes to avoid commercial or residential areas, environmentally sensitive areas, industrial zones containing hazardous installations or roads presenting severe physical hazards;

(c) emergency requirements regarding routing or parking of vehicles carrying dangerous goods resulting from extreme weather conditions, earthquake, accident, industrial action, civil disorder or military hostilities;

(d) restrictions on movement of dangerous goods traffic on certain days of the week or year.

1.9.3 (Reserved)

~~Additional provisions falling within the scope of 1.9.2 are as follows:~~

~~(a) Additional safety requirements or restrictions concerning vehicles using certain structures such as bridges or tunnels, vehicles using combined transport modes such as ferries or trains, or vehicles entering or leaving ports or other transport terminals;~~

~~(b) Requirements for vehicles to follow prescribed routes to avoid commercial or residential areas, environmentally sensitive areas, industrial zones containing hazardous installations or roads presenting severe physical hazards;~~

~~(c) Emergency requirements regarding routing or parking of vehicles carrying dangerous goods resulting from extreme weather conditions, earthquake, accident, industrial action, civil disorder or military hostilities;~~

~~(d) Restrictions on movement of dangerous goods traffic on certain days of the week or year.~~

1.9.4 The competent authority of the Contracting Party applying on its territory any additional provisions within the scope of 1.9.3 (a) and (d) above shall notify the Secretariat of the United Nations Economic Commission for Europe of the additional provisions, which Secretariat shall bring them to the attention of the Contracting Parties.

1.9.2 The additional provisions referred to in 1.9.1 are:

(a) additional safety requirements or restrictions on carriage
– using certain structures such as bridges or tunnels⁽¹⁾,
– using combined transport installations such as transshipment installations, or
– where the transport operation begins or ends in ports, railway stations or other transport terminals.

(b) provisions according to which the carriage of certain dangerous goods on sections with special and local risks is prohibited, such as sections in residential areas, environmentally sensitive areas, economic centres or industrial zones containing hazardous installations, or to which special conditions, e.g. operational measures (reduced speed, specified journey times, prohibition on trains meeting each other, etc.) apply. Where possible, the Competent Authorities shall establish alternative routes which may be used for each prohibited route or each route subject to special provisions.

(c) exceptional provisions specifying the excluded or prescribed routing or provisions to be observed for temporary storage resulting from extreme weather conditions, earthquake, accident, demonstrations, civil disorder or military hostilities.

1.9.3 Application of the additional provisions in accordance with 1.9.2 (a) and (b) presupposes that the competent authority provides evidence of the need for measures.

1.9.4 The competent authority of the Member State applying on its territory any additional provisions within the scope of 1.9.2 (a) and (b) above shall notify the Central Office, in general in advance, of the additional provisions. The Central Office shall bring them to the attention of the Member States.

1.9.5 Notwithstanding the preceding paragraphs, Contracting Parties may lay down specific safety requirements for the international carriage of dangerous goods by road, in so far as ADR does not cover that area, in particular as regards

- road traffic,
- operating rules for operations ancillary to transport such as parking,
- management of information concerning the dangerous goods transported,

provided they are contained in its national legislation and are also applicable to the national carriage of dangerous goods by road in the territory of the said Contracting Party. These specific requirements shall not concern the areas covered by ADR, in particular those listed in Article 2, paragraph 2 of the Agreement.

1.9.5 Notwithstanding with preceding paragraphs, Member States may lay down specific safety requirements for the international carriage of dangerous goods by rail, in so far as RID does not cover that area, in particular as regards

- the running of trains,
- operating rules for operations ancillary to transport such as marshalling and stabling,
- management of information concerning the dangerous goods transported,

provided they are contained in its national legislation and are also applicable to the national carriage of dangerous goods by rail in the territory of the said Member State. These specific requirements shall not concern the areas covered by RID, in particular those listed in 1.1.2 (a) and 1.1.2 (b).

⁽¹⁾ For carriage through the Channel Tunnel and through tunnels with similar characteristics, see also Articles 5 § 2 (a) and (b) of Council Directive 96/49/EC on the carriage of dangerous goods by rail, published in the Official Journal of the European Communities, L 235, 17 September 1996, p. 25.