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Working Party on the Transport of Dangerous Goods

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

REPORT OF THE SESSION*

held in Geneva from 9 to 12 September 2002

* Circulated by the Central Office for International Carriage by Rail (OCTI) under the symbol OCTI/RID/GT-III/2002-B.

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NOTE: In the report which follows, the symbol “TRANS/WP.15/AC.1/2002/...” is used for documents distributed by UN/ECE. Documents distributed by OCTI carry the symbol “OCTI/RID/GT-III/2002/...” followed by the same serial number.

ATTENDANCE

1. The Joint Meeting of the RID Safety Committee and the Working Party on the Transport of Dangerous Goods of the United Nations Economic Commission for Europe (UN/ECE) held a session in Geneva from 9 to 12 September 2002, with Mr. A. Johansen (Norway) as Chairman and Mr. H. Rein (Germany) as Vice-Chairman. Representatives of the following countries took part in the work of the session: Austria; Belgium; Bulgaria; Croatia; Czech Republic; Denmark; Finland; France; Germany; Hungary; Italy; Latvia; Liechtenstein; Netherlands; Norway; Poland; Portugal; Romania; Russian Federation; Slovakia; Slovenia; Spain; Sweden; Switzerland; United Kingdom; Yugoslavia. The European Commission was also represented. The following non-governmental international organizations were represented: European Industrial Gases Association (EIGA); European Liquefied Petroleum Gas Association (AEGPL); International Association of the Soap, Detergent and Maintenance Products Industry (AISE); European Chemical Industry Council (CEFIC); Liaison Committee of Coachwork and Trailer Builders (CLCCR); European Committee for Standardization (CEN); International Federation of Forwarding Agents' Associations (FIATA); International Union of Railways (UIC); International Union of Private Wagons (UIP); International Road Transport Union (IRU).

ADOPTION OF THE AGENDA

Documents: TRANS/WP.15/AC.1/89 (Circular letter A 82-02/502.2002 of the Central Office for International Carriage by Rail (OCTI))

Informal documents: INF.1 and INF.2 (Secretariat)

2. The Joint Meeting adopted the agenda as prepared by the Secretariat, with the addition of informal documents INF.3 to INF.12.

3. It was recalled that the Joint Meeting had adopted rules concerning the submission of informal documents (TRANS/WP.15/AC.1/84, annex 1) and that in view of these rules new proposals unrelated to the documents already on the agenda could not be submitted as informal documents.

TANKS

Special provision TP13

Document: TRANS/WP.15/AC.1/2002/10 (CEFIC)

4. The proposal to remove special provision TP13 (availability of self-contained breathing apparatus for the crews of vehicles carrying toxic substances in tanks) was adopted, since this measure did not seem appropriate in the context of road or rail transport (see annex 1). The issue

should also be brought to the attention of the United Nations Sub-Committee of Experts on the Transport of Dangerous Goods with a view to restricting the scope of the provision to maritime transport.

5. It was suggested that a multilateral agreement should be drawn up so that this decision could be implemented as from 1 January 2003.

6. It was further suggested that the provision TP13 should be replaced in ADR by provision S7.

Tanks in general

Documents: TRANS/WP.15/AC.1/2002/22 (Switzerland)
TRANS/WP.15/AC.1/2002/23 (Germany)
TRANS/WP.15/AC.1/2002/25 (Report of the Working Group)
TRANS/WP.15/AC.1/2002/26 (Germany)
TRANS/WP.15/AC.1/2002/30 (Germany)
TRANS/WP.15/AC.1/2002/33 (EIGA)
TRANS/WP.15/AC.1/2002/37 (France)
TRANS/WP.15/AC.1/2002/38 (France)

Informal documents: INF.11 (Germany)
INF.12 (Germany)

7. Preliminary consideration of these documents was entrusted to a working group which met from 9 to 10 September 2002. Reservations were expressed with reference to documents TRANS/WP.15/AC.1/2002/22, -/2002/23, -/2002/33 and -/2002/38, since some delegations thought that the proposals had broader implications than appeared at first glance and might require in-depth consideration by the plenary.

8. The representative of Germany requested that the working group should consider the text of multilateral agreement M113 in relation to document TRANS/WP.15/AC.1/2002/38 and said that document TRANS/WP.15/AC.1/2003/1 complemented document TRANS/WP.15/AC.1/2002/26.

Informal document: INF.17 (Report of the working group)

9. The Chairman of the working group on tanks, Mr. Ludwig (Germany), presented the conclusions of the working group as contained in the report (see annex 2) (TRANS/WP.15/AC.1/90/Add.2). The texts proposed by the working group and adopted by the Joint Meeting can be found in annex 1 to this report.

Document: TRANS/WP.15/AC.1/2002/37 (France)

10. The working group's recommendation for 6.8.2.5.1 and related transitional measures was accepted (see annex 1).

Document: TRANS/WP.15/AC.1/2002/33 (EIGA)

11. The working group's recommendation for 6.8.3.5.6 (a) was rejected.

Document: TRANS/WP.15/AC.1/2002/30 (Germany)

12. For provision TT8, several delegates considered that the tank needed to be examined in its entirety. Following explanations to the effect that cracks in the upper part of the tank were always accompanied by cracks in the lower part, the recommendations of the working group for provision TT8 and the consequent amendment were adopted. The delegates of Belgium, Finland, the Netherlands and the Russian Federation rejected the decision to examine the lower part of the tank only.

Documents: TRANS/WP.15/AC.1/2002/22 (Switzerland)
TRANS/WP.15/AC.1/2002/23 (Germany)

13. The Joint Meeting confirmed the opinions of the working group. The representative of Belgium was invited to submit in writing the text simplifications he had suggested, which were not restricted to paragraphs 6.8.2.2.7 and 6.8.2.2.8. The Joint Meeting went on to give the working group a mandate to continue its work on paragraphs 6.8.2.2.7 and 6.8.2.2.8.

Documents: TRANS/WP.15/AC.1/2002/26 and TRANS/WP.15/AC.1/2003/1 (Germany)

14. The representative of Germany would submit a new proposal.

Document: TRANS/WP.15/AC.1/2002/38 (France)

15. The Joint Meeting followed the working group's recommendation not to approve this proposal although it was the subject of multilateral agreements.

Informal documents: INF.11 and INF.12 (documents of the working group)

16. These documents would be submitted officially to the Joint Meeting at its next session or to the RID Committee of Experts.

Document: TRANS/WP.15/AC.1/2002/25 (Germany)

17. The deletion of special provision TE1 (6.8.4) and its replacement by a new requirement of general scope in paragraph 6.8.2.2.10 was adopted (see annex 1).

STANDARDS

Documents: TRANS/WP.15/AC.1/2002/7 (Switzerland)
TRANS/WP.15/AC.1/2002/14 (CEN)
TRANS/WP.15/AC.1/2002/24 (AEGPL)
TRANS/WP.15/2002/16 (CEN)

Informal documents: INF.4, INF.5, INF.6, INF.8 (CEN), INF.7 (AEGPL)

18. The Joint Meeting regretted that, contrary to the express request made at the previous session (TRANS/WP.15/AC.1/88, para. 94), no EN standard or draft standard had been made available to delegates prior to the session, thus making a decision concerning the introduction of references to EN standards practically impossible at the current session.

19. The representative of CEN said that he was unable to circulate the standards and draft standards publicly because of copyright and the fact that the product of sales of standards was CEN's main source of income. He invited delegates to obtain them from their national standardization bodies.

20. The Joint Meeting considered, however, that CEN should be able to transmit these standards and draft standards confidentially to the Secretariat and to the government representatives of all States which were Contracting Parties to RID and ADR. It would not otherwise be possible to include references to these standards in the rules and regulations; this would not be in CEN's interest either. A working group chaired by the Vice-Chairman was given the responsibility of preparing procedures for cooperating with CEN.

Informal document: INF.15/Rev.2

21. The Chairman of the working group on standards (Mr. Rein, Germany) presented the conclusions of the working group on procedure and terms of reference, as contained in informal document INF.15/Rev.2 (TRANS/WP.15/AC.1/90/Add.3).

22. He specified the following:

(a) Representatives of States which were not members of CEN or had no national representative in CEN's working groups, which had technical comments to make on draft CEN standards, could send them to the CEN consultant (Mr. P. Wolfs) who would transmit them to CEN;

(b) States interested in participating in the working group were asked to nominate their representatives by 30 November 2002 and to send the secretariats their particulars (e-mail addresses);

(c) A first meeting would take place exceptionally in January 2003, before the next Joint Meeting, to consider standards relating to tanks;

(d) The CEN consultant would transmit the draft standards to the members of the working group with their assessment;

(e) The members of the working group would check the standards and send their comments in writing to the Chairman of the working group and, if necessary, also to the other members of the working group;

(f) In order to avoid long discussions in the Joint Meeting, the working group would, after discussion, submit its proposals to it;

(g) All countries which were Contracting Parties to RID/ADR could be represented in the working group by experts;

(h) UIC and ISO, as standardization organizations, would be able to participate in the working group;

(i) The Joint Meeting had, at the proposal of the Chairman of the working group, appointed Mr. Schulz-Forberg (Germany) as Chairman and Mr. P. Wolfs (CEN) as Vice-Chairman of the working group.

23. The Joint Meeting approved all these proposals.

ISSUES PENDING

Carriage of PCBs and PCTs in bulk

Documents: TRANS/WP.15/AC.1/2002/2/Rev.1 (Germany)
TRANS/WP.15/AC.1/2002/27 (Switzerland)

24. The proposed new provision VWxx/VVxx (document TRANS/WP.15/AC.1/2002/2/Rev.1) in Chapter 7.3 for the carriage in bulk of solids contaminated with PCBs and PCTs of UN Nos. 2315, 3151 and 3152 was entrusted to an ad hoc working group for the purpose of revising the text to take account of the comments made and in particular to restrict its application to solids contaminated with concentrations but excluding pure substances. It was also considered that it would be preferable to reword the existing VV10/VW10.

Informal document: INF.14 (Ad hoc working group)

25. On behalf of the ad hoc working group the representative of Germany proposed a reworded text of special provision VWxx/VVxx with a limitation of concentration of 1,000 mg/kg of PCBs/PCTs for the authorization of carriage in bulk. The new text was adopted (see annex 1).

UN Nos. 3132 and 3133

Document: TRANS/WP.15/AC.1/2002/8 (Switzerland)

26. The question of authorizing the carriage of UN Nos. 3132 and 3133, currently prohibited by RID/ADR, contrary to the Model Regulations and the IMDG Code, would be the subject of a

new proposal by Germany which would be extended to other United Nations numbers the transport of which was also prohibited by RID/ADR. It was noted that the prohibition was no longer justified for UN No. 3132; however, UN No. 3133 posed problems because of the combination of hazards of Classes 4.3 and 5.1 and recourse to the competent authority should be envisaged.

Marking of overpacks

Document: TRANS/WP.15/AC.1/2002/34 (CEFIC)

27. This proposal to remove the current requirement to mark overpacks with the different United Nations numbers of each of the dangerous substances contained in the overpack did not have a favourable reception, since it would create disharmony with the United Nations Model Regulations and also with the provisions applicable to packages. The representative of CEFIC was invited to submit his proposal to the United Nations Sub-Committee of Experts if he wished to maintain it.

Exemptions

Document: TRANS/WP.15/AC.1/2002/18/Rev.1 (EIGA)

28. This proposal to add a phrase “or returns from” (building or civil engineering sites) in 1.1.3.1 (c) was adopted by the Joint Meeting (see annex 1).

UN Nos. 1268, 2319 and 3295

Document: TRANS/WP.15/AC.1/2002/19 (CEFIC)

29. The Joint Meeting adopted this proposal to remove special provision 274 for UN Nos. 1268, 2319 and 3295 (see annex 1). It was, however, noted that this could concern other United Nations numbers (for example, 1564). The suggestion by the representative of Germany to keep provision 274 for UN No. 2319 was not accepted and the representative of UIC was invited, if necessary, to submit to the United Nations Sub-Committee of Experts his suggestion that “n.o.s” should accordingly be deleted (from the names of these entries), since special provision 274 normally applied to all n.o.s entries.

Lighters

Document: TRANS/WP.15/AC.1/2002/20 (Norway)

30. The representative of Norway withdrew his proposal following the comments made, particularly with reference to the maintenance of certain provisions for the manufacture of lighters (UN No. 1057) for which packing instruction P205 provided and the alignment of provision LQ30 on this packing instruction. The representative of Norway would submit a new proposal and a new multilateral agreement.

Safety adviser

Document: TRANS/WP.15/AC.1/2002/21 (Belgium)

31. This document on the renewal of the professional training certificate for the safety adviser (1.8.3.16) and in particular the choice between the refresher course and an examination gave rise to a lengthy discussion during which the following was noted:

- the legal context (provisional coexistence of two legal contexts - European Directive and RID/ADR);
- harmonization of the provisions for renewal;
- minimum requirements as regards duration (in terms of the changes to the regulations), the contents and the lists of questions;
- the adviser's role, also with reference to the security of the transport operation.

32. As regards the coexistence of different legal frameworks, it was noted that the European Directive containing the texts of the restructured ADR and RID, and therefore of section 1.8.3, had still not been published, and that the European Directive concerning safety advisers could not be repealed until a new "ADN" directive for transport by inland waterway had been prepared and adopted by the European Commission.

33. Several delegations considered that this administrative and procedural blockage should not prevent the development of the provisions of 1.8.3 relating to the safety adviser so that any practical problems of application in international transport could be settled, in particular because paragraph 1.8.3.17 would, if these provisions were developed, enable the countries of the European Union to continue to apply those of the European Directive.

34. As far as the basic principle was concerned, the Joint Meeting confirmed that the renewal of the certificate could be based on a training course or on an examination, and that the examination was not compulsory if the refresher course had been taken.

35. The Joint Meeting decided by a large majority that a set of minimum requirements should be established in respect of measures for harmonizing training courses and examinations. The representative of Belgium said that these requirements should be made available as rapidly as possible so that they could be applied at the country level as from 2004 although the corresponding amendments to RID/ADR could not enter into force until 1 January 2005. Noting that Germany and Portugal already had basic requirements and that IRU was also working on the question, he said that he would submit a proposal at the next session.

CORRECTIONS TO RID/ADR/ADN

Exemption of articles impregnated with pesticides

Document: TRANS/WP.15/AC.1/2002/32 (Netherlands)

36. The proposed amendment concerning articles impregnated with pesticides was adopted with some drafting changes (see annex 1).

Definition of nominal capacity

Informal document: INF.9 (Austria)

37. It was recalled that this definition had been adopted by the Working Party on the Transport of Dangerous Goods (WP.15) and had already been the subject of lengthy discussion (TRANS/WP.15/145, paras. 5 to 13; TRANS/WP.15/R.434 and TRANS/WP.15/147, para. 51; TRANS/WP.15/1997/19 and TRANS/WP.15/150, para. 32). Where liquids were concerned, the definition referred to the volume of the content and not to that of the receptacle. Some delegations considered, however, that the use of the expression “nominal volume” in the definition was still confusing, particularly in the case of packagings such as drums or jerricans when they were not completely full.

38. Some delegations also considered that there should be a global discussion on this question, taking into account the terminology used in the packing instructions in Chapter 4.1.

39. The Joint Meeting’s final opinion was that the discussion could only take place on the basis of an official proposal in writing in the four working languages.

Examples for the transport document

Informal document: INF.10 (Austria)

40. The Joint Meeting agreed that 5.4.1.1.3 should be amended as proposed by Austria, and noted that the existing example for waste containing methanol was incorrect since the subsidiary risk “6.1” should appear in brackets after the primary hazard 3.

41. A proposal in writing would be preferable for the examples concerning 5.4.1.1.6, since some delegations considered that the existing requirement for instances in which the last load must be indicated should be amended. It would in fact be more practical to indicate the last load in accordance with requirements for the other dangerous goods. UIC would submit a proposal at the next session.

NEW PROPOSALS

Definitions

Document: TRANS/WP.15/AC.1/2002/28 (Belgium)

42. The proposal to introduce definitions for IAEA and EN and ISO standards was adopted with some drafting changes (see annex 1).

43. It was noted that this should be done more systematically since definitions could also be introduced for IEC, ASTM, etc., standards.

2.1.3.4

Document: TRANS/WP.15/AC.1/2002/29 (Germany)

44. The proposal by Germany was adopted with some drafting changes (see annex 1).

Document: TRANS/WP.15/AC.1/2002/31 (CEFIC)

45. The Joint Meeting did not accept this proposal to bring classification provisions for substances of Class 3 into line with the United Nations Model Regulations. It was pointed out that if the provisions of Class 3 were changed, the general provisions of Part 2, Chapter 2.1, would no longer conform to these new provisions. It would be preferable to bring all of Part 2 into line with the Model Regulations.

46. The representative of CEFIC invited delegations to send him their comments so that he could continue his work.

Carriage of radioactive materials in bulk

Document: TRANS/WP.15/AC.1/2002/36 (United Kingdom)

47. This proposal to permit the carriage in bulk of UN Nos. 2912 and 2913 (Class 7) in accordance with 4.1.9.2.3 was adopted.

Definition of the initial boiling point

Document: TRANS/WP.15/AC.1/2002/39 (UIC)

48. On the basis of a straw poll, the Joint Meeting agreed to encourage UIC to continue its work and to submit to the Joint Meeting and to the United Nations Sub-Committee of Experts a proposal concerning the introduction of a definition of the initial boiling point according to the ASTM D 86 standard, so as to settle the problem of the carriage in tanks of flammable mixtures containing small quantities of dissolved gases with an initial boiling point of less than 35° C but a vapour pressure of 110 kPa or less, for which no provision was made in RID/ADR.

HARMONIZATION WITH THE UNITED NATIONS MODEL REGULATIONS

Manufacture of partially exempted aerosol dispensers

Document: TRANS/WP.15/AC.1/2002/35 (United Kingdom)

49. This proposal to amend LQ2 in Chapter 3.4 and to transfer paragraph 3 of packing instruction P204 to Chapter 6.2 for construction tests was favourably received. It was suggested, however, that the same action should be taken for toxic aerosols of LQ1 and for the prohibition of pyrophoric gases in aerosols in packing instruction P204, paragraph 4, and for gas cartridges (UN No. 2037).

50. In the light of these comments, the representative of the United Kingdom announced that he would submit a new improved proposal for the next session.

Risks posed by the carriage of dangerous goods in small quantities

Document: ST/SG/AC.10/C.3/2002/47 (France)

51. The representative of France introduced a document he had submitted to the United Nations Sub-Committee of Experts on the Transport of Dangerous Goods, containing a study on the relevance of the system of exemptions for the transport of dangerous goods packed in small quantities, with a view to reinstating the debate on the risks posed by this type of transport.

52. He explained that where flammability was concerned, the study showed that splitting up a quantity of dangerous substances into small packages did not systematically lead to a proportional reduction of the risk, since a fire in a single pallet of such goods generated a considerable heat flow and could be more difficult to control than a fire involving the same quantity in large packagings.

53. As for toxicity, the study showed that the leakage of a small quantity of substances of Class 6.1 could have as serious ecological consequences as a large quantity of environmentally hazardous material of Class 9.

54. He recalled that the rules of the IMDG Code, the ICAO Technical Instructions and RID/ADR/ADN were not harmonized in this area. France would seek a solution acceptable for all transport modes with the United Nations Sub-Committee of Experts, in particular with regard to the labelling of packagings, but if it were not possible to find a solution at that level, the Government of France would submit proposals for amendments to RID/ADR/ADN at least for the marking of vehicles since it considered that existing provisions did not take sufficiently into account the hazards posed by such transport operations. These amendments could be taken for domestic transport operations at the regional level.

55. Several delegates approved the steps France was taking and stressed the difficulties currently encountered, which included a lack of conformity among the rules applicable to the various transport modes and the ensuing problems in ports and airports, lack of a transport

document and problems of information for the emergency services. Two solutions could be envisaged; these were to reduce the limits for small quantities so as to eliminate unacceptable risks, or to take action on information and labelling arrangements so as to inform the parties involved of the risks.

56. Other delegates considered that maritime rules were not adapted to the economic situation of land transport in Europe, but that the situation could be improved not by requiring a transport document but by making provision for a consistent system of appropriate marking for packages and transport equipment.

57. The Joint Meeting addressed the question of the specific regimes for consumer goods which existed in the regulations of some transport modes and noted that the United Nations Sub-Committee of Experts had also considered proposals in that regard.

58. Delegations were invited to reflect on these questions.

Transport of dangerous goods and security

Informal document: INF.13 (United Kingdom)

59. The representative of the United Kingdom introduced a document (ST/SG/AC.10/C.3/2002/65) which he had submitted, along with Namibia, the European Commission and the International Association of the Soap, Detergent and Maintenance Products Industry, to the Sub-Committee of Experts on the Transport of Dangerous Goods for consideration at its next session (2-6 December 2002).

60. The aim of this proposal was to include in the United Nations Model Regulations a Chapter 1.4 on security provisions (with a table listing the most sensitive dangerous goods) and a Chapter 7.2 on provisions specific to the different modes of inland transport (by road, rail and inland waterway).

61. The representative of the United Kingdom stressed the importance his Government attached to a rapid international implementation of these security measures and asked delegations attending the Joint Meeting to send him their preliminary comments.

62. The representative of Germany approved the proposal in principle but said that it differed from the draft recommendation prepared by a working group and under discussion in the European Union and tended to reflect the provisions of Anglo-Saxon law, in particular in assigning responsibilities to transport companies which they could not assume because they did not dispose of the necessary information and because those responsibilities were rather the domain of the competent authorities.

63. He stressed the need to consider the cost/effectiveness ratio of the measures proposed and the practical and legal difficulties relating to their implementation, in particular the compilation of a register of carriers (para. 1.4.2), the elements of a security plan (1.4.3.2), checks of the criminal records of staff by the employer (1.4.5), etc.

64. He hoped that the secretariats would check with their respective legal services whether security provisions of this nature could be included in the annexes to COTIF and ADR, bearing in mind the objectives of these legal instruments.

65. The representative of France supported most of the reservations put forward by Germany and pointed out the differences between the security recommendations and their transposition to binding legal instruments.

66. The representative of the Russian Federation considered that the proposal by the United Kingdom was very much to the point. He said that the majority of the measures proposed were already in force in his country, but that the problem of routes remained to be settled. He therefore welcomed the fact that the Government of the United Kingdom had rekindled the discussion and that it could take place officially.

67. The representative of Belgium considered that the measures proposed were neither realistic nor in keeping with the goal pursued. He hoped that the meeting would keep to its agenda.

68. The representative of Portugal recalled the discussions on "Transport and security" at the last session of the Inland Transport Committee which had invited its subsidiary bodies to reflect on these questions (see ECE/TRANS/139, paras. 18 and 19), and the follow-up provided by the Working Party on the Transport of Dangerous Goods.

69. The representative of Spain stressed the important role of the competent authorities in checks, such as those to which Chapter 1.8 of RID/ADR referred.

70. The representative of Switzerland recalled that security requirements already existed in RID/ADR (see Chapter 8.4 of ADR, e.g. concerning supervision of vehicles). He said that they should be used as a basis if necessary in order to facilitate the introduction of new provisions and their implementation by the various participants in the transport chain.

71. The representative of IRU considered that the register of carriers of sensitive dangerous goods referred to in 1.4.2 should concern all participants in the transport chain and not only carriers. While his organization was not opposed to security measures with a reasonable cost/efficiency ratio, it feared that this might lead to situations of unfair competition and discrimination among carriers from different countries.

FUTURE WORK

72. The calendar of meetings and the work proposed for 2003 by the UN/ECE Secretariat in document TRANS/WP.15/AC.1/89 and A 81-02/502.2002, point 9, were adopted.

ELECTION OF OFFICERS FOR 2003

Tribute to Mr. Johansen (Norway), Chairman of the Joint Meeting

73. Since Mr. Johansen who had acted as Chairman of the Joint Meeting for seven years had declared his intention of giving up his post, the Joint Meeting thanked him for the excellent manner and the competence with which he had handled the discussions, particularly during the difficult period of the restructuring of RID/ADR. It wished him every success for the future and hoped that he would continue to take part in the work of the Joint Meeting as the delegate of Norway.

Election

74. At the proposal of Germany, Mr. Pfauvadel (France) was elected Chairman of the Joint Meeting for 2003 and Mr. Rein (Germany) was re-elected Vice-Chairman.

ADOPTION OF THE REPORT

75. The Joint Meeting adopted the report and its annexes 1 and 3 (see TRANS/WP.15/AC.1/90/Add.1 and -/Add.3) on the basis of a draft prepared by the secretariats. For the report of the working group on tanks which appears in annex 2 (TRANS/WP.15/AC.1/90/Add.2), reference may be made to paragraphs 7 to 17 of this report.
