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Working Party on the Transport of Dangerous Goods

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

Geneva, 15–25 September 2015

Item 2 of the provisional agenda

Harmonization with the United Nations Recommendations on the Transport of Dangerous Goods

Report of the Ad Hoc Working Group on the Harmonization of RID/ADR/ADN with the United Nations Recommendations on the Transport of Dangerous Goods

Note by the secretariat^{1, 2}

I. General

1. The Ad Hoc Working Group on the Harmonization of RID/ADR/ADN with the United Nations Recommendations on the Transport of Dangerous Goods met in Geneva from 21 to 22 April 2015 under the chairmanship of Mr. C. Pfauvadel (France).
2. Representatives of France, Germany, Netherlands, Spain, Sweden, Switzerland, United Kingdom, Central Commission for the Navigation of the Rhine (CCNR), Intergovernmental Organisation for International Carriage by Rail (OTIF), European Chemical Industry Council (CEFIC), Federation of European Aerosol Associations (FEA) participated in the session.
3. The session was held in English, without interpretation. The documentation prepared by the secretariat, including the agenda, was issued as informal documents which were made available on the website of the UNECE Transport Division as follows:

¹ In accordance with the programme of work of the Inland Transport Committee for 2014–2015 (ECE/TRANS/240, para. 100, ECE/TRANS/2014/23, cluster 9, para.9.2).

² Circulated by the Intergovernmental Organisation for International Carriage by Rail (OTIF) under the symbol OTIF/RID/RC/2015/23.

ECE/TRANS/WP.15/AC.1/HAR/2015/1/Rev.1	Harmonization with the United Nations Model Regulations on the Transport of Dangerous Goods
ECE/TRANS/WP.15/AC.1/HAR/2015/2	Comments by Spain
ECE/TRANS/WP.15/AC.1/HAR/2015/3	Note by the secretariat

4. The background documents were the report of the United Nations Economic and Social Council's Committee of Experts on the Transport of Dangerous Goods and on the Globally Harmonized System of Classification and Labelling of Chemicals and annexes thereto, circulated by the secretariat as documents ST/SG/AC.10/42 and Add.1-3.

5. The Ad Hoc Working Group adopted the provisional agenda prepared by the secretariat, ECE/TRANS/WP.15/AC.1/HAR/7.

II. Harmonization of RID/ADR/ADN with the United Nations Recommendations on the Transport of Dangerous Goods, Model Regulations

6. The draft amendments to RID/ADR/ADN proposed by the Ad hoc Working Group are reproduced in the addendum to this report (ECE/TRANS/WP.15/AC.1/2015/23/Add.1). The Working Group agreed that the comments below should be brought to the attention of the Joint Meeting and some texts were placed between square brackets pending a decision by the Joint Meeting.

New 2.1.2.8

7. The representative of Germany felt that new paragraph 2.1.2.8 should be applicable not only on the basis of test data but also on the basis of experience. The Ad Hoc Working Group felt that this view could be brought to the attention of the Joint Meeting but that suggested deviations from the UN Model Regulations should be first proposed to the United Nations Sub-Committee of Experts on the Transport of Dangerous Goods.

8. For the reference to the competent authorities, the Ad Hoc Working Group agreed to add a NOTE 1 to specify clearly which competent authority was referred to. It was recalled that reference to the competent authority in multilateral treaties such as ADR were misleading as this could mean the competent authority of each country concerned by the transport operation. This issue had been raised in the past and the secretariat had prepared an informal document in this respect (INF.48 submitted at the autumn session in 2011) but had not yet found the time to prepare a more comprehensive document.

9. For the NOTE 1 to paragraph 2.0.0.2 of the UN Model Regulations (NOTE 2 to paragraph 2.1.2.8 of RID/ADR/ADN), the Ad Hoc Working Group noted that it was expressed in a non-mandatory form (Use of "should" instead of "shall"). Some delegations felt that it was not appropriate to include requirements for competent authorities in regulations such as those contained in RID/ADR/ADN. Others felt that in the context of a multilateral treaty regulating international transport, each Contracting Party was bound to abide by the provisions of the treaty and therefore it was not inappropriate to include such requirements as conditions for allowing competent authorities to authorize unilaterally deviations from RID/ADR/ADN. The Joint Meeting may wish to consider this issue.

Articles/apparatus, which in event of fire, may form dioxins

10. The Ad Hoc Working Group noted that there were some differences between the terminology issued in the UN Model Regulations and RID/ADR/ADN because the word “articles” was used sometimes in the UN Model Regulations when “apparatus” was used in RID/ADR/ADN. The Joint Meeting may wish to consider aligning the terminology in RID/ADR/ADN on that used in the UN Model Regulations. As a consequence the words “articles” and “apparatus” were placed between square brackets in the description of code “M2” in 2.2.9.3, bearing in mind that a change of terminology would mean also consequential amendments in other paragraphs, e.g. 1.1.3.6.3, 2.2.9.1.2, 2.2.9.1.5 and P906 (2).

Engines/Machinery, internal combustion

11. For the introduction of UN Nos. 3528, 3529 and 3530, it was recalled that long debates had already taken place regarding the respective weights of exemptions in section 1.1.3 and those in special provisions of Chapter 3.3 such as special provision 363. The Ad Hoc Working Group felt that the spirit of the UN Recommendations would be better respected if exemptions concerning vehicles, engines and machinery moving independently on the road were placed in section 1.1.3, while those concerning vehicles, engines or machinery carried as cargo were dealt with through special provisions of Chapter 3.3. The Chairman said that the Government of France was intending to submit a comprehensive proposal to solve all these questions of exemption.

Aluminium smelting by-products

12. The Ad Hoc Working Group agreed, on the basis of the information provided by Spain, that the code “BK1” should not be deleted against UN No. 3170, packing groups II and III, because special provision 244 in the UN Model Regulations specifies that sheeted bulk containers may be used for inland transport. The Group agreed also to amend CV37/CW37 to avoid redundancy with special provision 244. The Group agreed to align the wording of CV37/CW37 with SP244 as amended in the 19th revised edition of the UN Model Regulations. The Joint Meeting may wish to consider to also delete the requirement for a warning mark in CV37/CW37 as this is not required in the UN Model Regulations.

Polymerizing substances

13. For the new entries in Class 4.1 for polymerizing substances (UN Nos. 3531, 3532, 3533, 3534), the Ad Hoc Working Group decided to apply the same logic for the assignment of transport conditions as for type F self-reactive substances (UN Nos. 3229, 3230, 3239 and 3240). However the Joint Meeting should consider whether this approach is acceptable for the transport category since it would lead to transport categories 1 or 2 when flammable solids of packing group III are usually assigned to transport category 3. The transport conditions for carriage in RID/ADR tanks should also be checked by the Working Group on Tanks.

Paragraph 2.2.9.1.7

14. For the amendments to the last note of 2.2.9.1.7 (corresponding to special provision 240 in the UN Model Regulations) it was recalled that the Government of France already presented a proposal concerning lithium batteries contained in vehicles and equipment

assigned UN Nos. 3166 and 3171, as invited by the joint meeting during its session of March 2014 in document ECE/TRANS/WP.15/AC.1/2014/51 (see also ECE/TRANS/WP.15/AC.1/134 para. 27 and ECE/TRANS/WP.15/AC.1/136, para.33). The Joint meeting agreed to deal with these provisions in a special provision. However noting that the United Nations Sub-Committee of Experts would discuss these issues in a more general context the proposal would have to be taken up again in the light of the recommendations of the Sub-Committee. These amendments have to be considered in the light of the proposal expected from France, dealing globally with engines machinery vehicle and special provision 363, to be discussed at the September session of the joint meeting together with other points concerning harmonisation with the UN Model Regulations.

Cargo transport units

15. When discussing Packing Instruction P910, paragraph (3) (a), it was noted that the text referred to “transshipment between cargo transport units” while similar text, e.g. in 4.1.1.1 referred to transshipment between transport units. It was noted also that the term in 4.1.1.1 of the UN Model Regulations was “cargo transport unit “ and therefore the meaning was transshipment between different cargo transport units such as containers, vehicles or wagons and not only between transport units as defined in ADR. The question was then raised whether the term “cargo transport unit” should be replaced by “vehicle/wagon or container”, but since the term “cargo transport unit” was defined in Chapter 1.2, the Ad Hoc Working Group decided that the text should be the same as in the UN Model Regulations. As certain delegations felt that this might justify a more comprehensive review of the current text for the purpose of consistency, the secretariat offered to prepare such a review to check whether this term “cargo transport unit” could be used in other places. It was noted that the NOTE under the definition of “cargo transport unit” should then be deleted.

Special provision 363

16. The Ad Hoc Working Group felt that this amended special provision would have to be considered in the light of the proposal expected from France (see also para. 11). For paragraph (g), the question was asked whether an orange-coloured plate marking should be required when placarding is required. However it was noted that this was not required in the UN Model Regulations. The need for a transport document was also questioned, since this is not currently required.

P200 (3) (d) Note

17. The Ad Hoc Working Group considered that the words “if approved by the competent authority of the country of use” should be replaced by “if approved by the competent authority or body designated by this authority which issued the type approval”:

P200 (11), Table

18. The Ad Hoc Working Group agreed to add a NOTE under the title of certain ISO standards stating that the EN version fulfils the requirements and may also be used. This statement was placed between square brackets in the case of ISO 24431:2006 as the Group was not certain that an equivalent EN standard existed.

Marking/mark

19. The Ad Hoc Working Group noted that the use of the words “marking” and “mark” had been rationalized in the UN Model Regulations. The secretariat had reflected the changes accordingly in the draft proposal of harmonization, but it was pointed out that there were some parts specific to RID/ADR/ADN where this rationalization exercise should be carried out as well. The secretariat was invited to prepare a specific proposal accordingly.

Minimum size of marks on tanks

20. Regarding the possibility of reducing the minimum size of the sides of the elevated temperature substance mark and of the environmentally hazardous substance mark from 250 mm to 100 mm when the available surface area is insufficient to affix the prescribed marks, the Ad Hoc Working Group assumed that what is permitted for portable tanks should be permitted for tank-containers as well, but the question arose whether this should concern all types of tanks, including tank-wagons and tank-vehicles. The alternatives were placed between square brackets in 5.3.3 and 5.3.6.2.

6.2.2.7.4 (q) and (r); new marks for composite cylinders

21. The Ad Hoc Working Group felt that the new markings required in 6.2.2.7.4 (q) and (r) might not be relevant for non-UN composite cylinders, and, if they were not, paragraph 6.2.3.9.2 should be amended. The Joint Meeting is invited to check this issue.

Mentions in the transport document

22. For the new 5.4.1.1.20, the Ad Hoc Working Group felt that the secretariat should draw the attention of the United Nations Sub-Committee of Experts on a drafting problem in the corresponding paragraph of the UN Model Regulations.

23. For the new 5.4.1.1.21, the question arose whether duplication of the provision of special provision 363 was necessary in section 5.4.1, bearing in mind that this duplication did not seem to be systematic (e.g. no similar paragraph for the mention in the transport document in the case of the application of special provisions 373 or 378).

III. Adoption of the report

24. The Ad Hoc Working Group adopted the report on its session by correspondence on the basis of a draft prepared by the secretariat.
