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Item 5 (a) of the provisional agenda

**Proposals for amendments to RID/ADR/ADN:
pending issues**

Updating of references to European Union instruments (toxic substances; corrosive substances; substances hazardous to the aquatic environment)

Transmitted by the European Chemical Industry Council (CEFIC)^{1, 2}

¹ In accordance with the draft programme of work of the Inland Transport Committee for 2016-2017, (ECE/TRANS/WP.15/2015/19 (9.2)).

² Circulated by the Intergovernmental Organisation for International Carriage by Rail (OTIF) under the symbol OTIF/RID/RC/2016/2.

Summary

- Executive summary:** This document is an enhancement of working document ECE/TRANS/WP.15/AC.1/2015/11 which responds to document ECE/TRANS/WP.15/AC.1/2014/39 by the secretariat at the meeting in September 2014, to update references in the ADR/RID/ADN to European Union regulations and directives. In the light of the inconsistent picture for the implementation of national or regional regulations related to classification in supply and use, CEFIC proposes to delete the reference to Regulation 1272/2008/EC (CLP Regulation) regarding the classification of environmentally hazardous substances or mixtures. All other reference may be replaced by a reference to the Globally Harmonized System of Classification and Labelling of Chemicals (GHS) to harmonize with classification in transport instead of deleting them completely.
- Action to be taken:** Replace references in paragraphs 2.2.61.1.14, 2.2.8.1.9 and 2.2.9.1.10.5 b). Delete paragraph 2.2.9.1.10.5 a)
- Related documents:** ECE/TRANS/WP.15/AC.1/2014/39 submitted at the September 2014 session of the Joint Meeting and ECE/TRANS/WP.15/AC.1/2015/11 submitted at the March 2015 session of the Joint Meeting.

1. CEFIC thinks that in general it is difficult to make a reference to European Union regulations or directives in ADR/RID/ADN as these are only valid in 27 countries. The ADR/RID/ADN has been signed by more than 48 countries (depending on which transport mode is looked at) and therefore a relation in classification to these regulations pose an extra burden on countries not belonging to the European Union. In addition, when these countries are not using information coming from these regulations, this leads to discrepancies between the classifications carried out in different countries.

2. Another major issue relating to the use of CLP Regulation for transport issues is the Annex VI of the CLP Regulation, which contains legally binding classifications for substances. These classifications are neither harmonised with binding classification lists in other regions, nor with the entries of Table A of Chapter 3.2 in ADR/RID/ADN. Annex VI had not been created by applying GHS criteria, but by translation into GHS categories based on existing hazard information listed in Directive 67/548/EC, however in a pragmatic but inaccurate manner.

3. Additionally references in ADR/RID/ADN to the CLP Regulation may therefore also lead to discrepancies and problems in classification when multimodal transport chains are considered, since it is rather unlikely that international regulations such as the ICAO Technical Instructions or the IMDG Code will implement references to local classification requirements for supply and use.

4. The latest discussions at the United Nations Sub-Committee of Experts on the Transport of Dangerous Goods have shown that the classification methodology provided by the GHS for supply and use and by the Model Regulations for the purpose of transport are not yet fully harmonized in detail, however they show an extensive area of intersection. Therefore CEFIC is of the opinion that basic information from GHS classification for supply and use is a valid and meaningful source of information, which should be considered

for classification in transport whenever exact test data are not available and information about substances and components of a mixture cannot be gathered from the Dangerous Goods List in Chapter 3.2 of the Model Regulations.

5. Consequently CEFIC proposes to revise the references in ADR/RID/ADN which had been made to the EU regulations, in the following way:

Proposals of amendments

2.2.61.1.14

2.2.61.1.14 Replace “Directives 67/548/EEC³ or 1999/45/EC⁴ as amended” by “GHS”. Replace “as highly toxic, toxic or harmful according to these directives, as amended” by “in Acute Toxicity category 1, 2 or 3 according to GHS”.

2.2.61.1.14 would read:

“Substances, solutions and mixtures, with the exception of substances and preparations used as pesticides, which do not meet the criteria of GHS and which are not therefore classified in Acute Toxicity category 1, 2 or 3 according to GHS, may be considered as substances not belonging to Class 6.1.”.

2.2.8.1.9

Amend to read as follows:

“2.2.8.1.9 Substances, solutions and mixtures, which do not meet the criteria of category 1 according to GHS with regard to skin corrosion and, in case they are of liquid state or may become liquid during transport, do not meet the criteria of category 1 with regard to corrosion to steel and aluminium may be considered as substances not belonging to class 8.”.

The Note at the end of 2.2.8.1.9 remains unchanged.

2.2.9.1.10.5

Amend to read as follows:

“2.2.9.1.10.5 Substances, solutions and mixtures, which do not meet the criteria for hazardous to the aquatic environment, categories Acute 1, Chronic 1 or Chronic 2 according to GHS may be considered as not being an environmentally hazardous substances (aquatic environment), solutions or mixtures.”.

Consequential amendment: Footnotes 3, 4 and 16 are deleted in Chapter 2.2. Renumber the other footnotes of Chapter 2.2 accordingly.