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### Inland Transport Committee

#### 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

### Report of the Joint Meeting of the RID Committee of Experts and the Working Party on the Transport of Dangerous Goods on its autumn 2017 session\*

held in Geneva from 19–29 September 2017

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## I. Attendance

1. The Joint Meeting of the RID Committee of Experts and the Working Party on the Transport of Dangerous Goods of the United Nations Economic Commission for Europe was held in Geneva from 19 to 29 September 2017, with Mr. C. Pfauvadel (France) as Chair and Mr. H. Rein (Germany) as Vice-Chair.
2. In accordance with rule 1 (a) of the rules of procedure of the Joint Meeting, (ECE/TRANS/WP.15/AC.1/112/Add.2), representatives of the following countries participated as full members at the session: Austria, Belgium, Croatia, Czechia, Denmark, Finland, France, Germany, Italy, Latvia, Luxembourg, Netherlands, Poland, Romania, Russian Federation, Slovakia, Spain, Sweden, Switzerland, Turkey, United Kingdom and United States of America.
3. In accordance with rule 1 (b) of the rules of procedure, the Democratic Republic of the Congo was represented in a consultative capacity.
4. In accordance with rule 1 (c) and (d) of the rules of procedure, the following were represented in a consultative capacity:
  - (a) European Union (European Commission and European Union Agency for Railways), Central Commission for the Navigation of the Rhine and Organization for Cooperation between Railways (OSJD);
  - (b) The following international non-governmental organizations: Cosmetics Europe, European Chemical Industry Council (CEFIC), European Committee for Standardization (CEN), European Conference of Fuel Distributors (ECFD), European Industrial Gases Association (EIGA), European Liquefied Petroleum Gas Association (AEGPL), Fertilizers Europe (FE), International Association of the Body and Trailer Building Industry (CLCCR), International Association for Soaps, International Road Transport Union (IRU), International Union of Private Wagons (UIP), and International Union of Railways (UIC).

## II. Adoption of the agenda (agenda item 1)

*Document:* ECE/TRANS/WP.15/AC.1/147 and Add.1

*Informal documents:* INF.1, INF.2/Rev.1 and INF.3 (Secretariat)

5. The Joint Meeting adopted the agenda proposed by the secretariat in documents ECE/TRANS/WP.15/AC.1/147 and Add.1 (letter RID-17005-RC from OTIF) as updated by informal documents INF.1 and INF.2/Rev.1, as well as the provisional timetable, INF.3.

## III. Tanks (agenda item 2)

*Documents:*

- ECE/TRANS/WP.15/AC.1/2017/31 (Russian Federation) (Proposal to add to the list of goods carried in tanks with a protective lining or protective coating)
- ECE/TRANS/WP.15/AC.1/2017/36 (Belgium) (Holding time — Information in transport document)
- ECE/TRANS/WP.15/AC.1/2017/38 (United Kingdom) (Report of the informal working group on the inspection and certification of tanks)

ECE/TRANS/WP.15/AC.1/2017/40 (Netherlands) (Cross sectional shapes of shells)

ECE/TRANS/WP.15/AC.1/2017/43 (Russian Federation) (Miscellaneous proposals of amendments for clarification)

ECE/TRANS/WP.15/AC.1/2017/26 and Add.1 (Secretariat) 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

ECE/TRANS/WP.15/AC.1/146, annex II (Draft amendments to RID/ADR/ADN for entry into force on 1 January 2019, texts in square brackets)

*Informal documents:*

INF.28 (Belgium) (Comment on document -/2017/31)

INF.10 (United Kingdom), INF.23 (Austria), INF.26 (ERA), INF.36 (UIP), INF.38 (European Commission), (Comments on document -/2017/38)

INF.11 (United Kingdom) (Template of a tank plate for RID/ADR tanks)

INF.13 (Germany) (Use of austenitic-ferritic stainless steels)

INF.17 (Netherlands) (EN 14596 — Emergency Pressure Relief Valve (EPRV))

INF.18 (Netherlands) (Fibre Reinforced Plastic (FRP) tanks)

INF.24 (France) (Definition of capacity of shell or shell compartment for tanks)

INF.25 (France) (Application of 4.3.2.3.4)

INF.29 (Belgium) (Transitional measures for the use of tanks with a shell constructed of aluminium with a protective lining for substances with a pH value less than 5.0 and more than 8.0)

INF.30 (Secretariat) (Amendments to transitional measures)

INF.32 (France) (Marking of the date of the most recent test according to 6.8.2.5.1)

INF.35 (United Kingdom) (Tanks: Testing pressure relief valves on LPG road tankers at intermediate inspections)

INF.42 (France) (Cross sectional shape of shells – comments on document TRANS/WP.15/AC.1/2017/40)

6. Consideration of the documents was assigned to a working group that met from 19 to 21 September with Mr. A. Bale (United Kingdom) as Chair.

*Informal document:* INF.46 (Report of the Working Group)

7. The Joint Meeting endorsed the conclusions and recommendations of the Working Group, whose report appears in annex II as addendum 2 to this report. The adopted proposals of amendments to RID/ADR/ADN for entry into force on 1 January 2019 appear in annex I to the present report. Unless otherwise indicated, the adopted texts in square brackets would have to be checked at the next session. The Joint Meeting, however, recommended that WP.15 and the RID Committee of Experts should adopt them as they stood, even if it meant correcting the texts, if necessary, after the spring session of the Joint Meeting.

8. For item 18 and paragraph 40 concerning acceptance of electronic documents and signatures within the framework of inspections, it was found that electronic signatures did not all have the same level of security and that it would be necessary for the assurance level to be sufficient to fulfil the requirements of the ISO 17020 standard concerning the traceability of inspection personnel.

#### **IV. Standards (agenda item 3)**

*Document:* ECE/TRANS/WP.15/AC.1/2017/32 (CEN)  
(Information on work in progress at CEN)

*Informal documents:* INF.34 (Germany) (Transitional provisions for standards referred to in 6.2.4 for the first time)

INF.37 (CEN) (Information on work in progress at CEN)

9. Consideration of the documents was assigned to the Working Group on Standards, which met during the lunch breaks.

*Informal document:* INF.53 (Report of the Working Group on Standards)

10. The Joint Meeting took note of the conclusions of the Working Group on Standards and adopted its proposals (see annex I).

#### **V. Harmonization with the United Nations Recommendations on the Transport of Dangerous Goods (agenda item 4)**

##### **A. 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**

*Documents:* ECE/TRANS/WP.15/AC.1/2017/26 and Add.1 (Secretariat)

11. The Joint Meeting took note of the Working Group's report and considered one by one the proposed amendments for harmonization with the provisions of the Model Regulations annexed to the twentieth revised edition of the UN Recommendations on the Transport of Dangerous Goods, which it adopted subject to a few editorial modifications (see annex I), and the comments which follow. When appropriate, those comments should be brought to the attention of the United Nations Sub-Committee of Experts on the Transport of Dangerous Goods.

12. For new subsection 2.1.4.3, in response to a question raised by the representative of the Russian Federation, it was specified that energetic materials meant organic substances whose functional groups were listed in tables A6.1 and A6.3 of appendix 6 to the Manual of Tests and Criteria, as indicated in 2.1.4.3.1. The question then arose as to whether to introduce a definition in 1.2.1. That question should be posed to the United Nations Sub-Committee of Experts.

13. In 2.1.4.3.1 (b) it was noted that the terminology used to describe the packing groups in the English text (high hazard, medium hazard, low hazard) did not correspond with the usual terminology (high danger, medium danger, low danger). Long discussions ensued on the use of the terms "hazard" and "danger" in the English text. It was proposed to include a NOTE under the definition of "dangerous goods", indicating that the terms were synonyms. Some delegations, however, considered that such a NOTE could have unforeseen consequences and that the problem did not exist in the French text, which in ADR was the

only authentic text for the annexes and should thus serve as a reference for translations. As those inconsistencies came from the UN Recommendations, it was deemed preferable to bring the issue to the attention of the United Nations Sub-Committee of Experts, bearing in mind that certain terms were used differently in various English-speaking countries.

14. With regard to the question posed in paragraph 8 of the report, namely, whether it was advisable to retain in 2.2.8.1.1 the sentence in square brackets, which did not appear in the UN Model Regulations, indicating that Class 8 also covered substances that were not corrosive, according to the criteria, but which became so in the presence of water or moisture, the representative of CEFIC stated that there was no consensus on that subject within his organization. The views of the government representatives were divided, with some favouring harmonization with the UN Model Regulations and GHS, and others a more restrictive approach. The question was put to the vote, and the Joint Meeting decided by a majority to retain a difference with the UN Model Regulations. It would be useful, however, to bring the issue to the attention of the TDG and GHS sub-committees of the United Nations and to revert to it subsequently in the light of the opinions expressed by those bodies.

15. Likewise, regarding the question posed in paragraph 9, the representative of CEFIC stated that his organization could not provide a response, and the government representatives diverged in their views. Several of them considered that the current paragraph 2.2.8.1.9 should be deleted because it could have the effect of exempting mixtures that met the criteria for corrosiveness, even though they were subject to maritime and air transport regulations. The proposal to delete 2.2.8.1.9 was put to the vote and was adopted.

16. For paragraphs 21 and 22 relating to new provisions for the carriage of articles, in particular UN No. 3363, the Joint Meeting decided to delete 1.1.3.1 (b), to assign special provision 301 to UN No. 3363 with the deletion of the last sentence concerning exemptions that could be made by the competent authority, and to deal with the conditions for the exemption of all Contracting Parties in a uniform manner, by means of special provision 672, proposed by the Working Group.

17. It was also decided to provide a four-year transitional measure related to the deletion of 1.1.3.1 (b), specifically to avoid unforeseen problems, as the number and kind of articles concerned had not yet been clearly determined.

18. In connection with the discussions on the marking of lithium batteries, the representative of Switzerland noted a practical problem resulting from the requirement to indicate a telephone number on the mark to obtain additional information. He was often asked whether the indication of a telephone number on the mark was mandatory. It was pointed out that the marking originally arose from aviation regulations, and it was suggested that a note could be added to indicate that the number was not mandatory for land transport. The representative of Switzerland was invited to present the issue in a document, possibly after consulting with the United Nations Sub-Committee of Experts on its intention.

19. For paragraph 15 of the report, the Joint Meeting decided to adopt subparagraph (f) of special provision 392.

20. For UN No. 3536, LITHIUM BATTERIES INSTALLED IN CARGO TRANSPORT UNIT, it was noted that special provision 389 was unclear, insofar as it could be interpreted to mean that the entry applied to batteries contained in a cargo transport unit, while it was in fact applicable to cargo transport units in which batteries were installed as a group. The text was thus changed, on the proposal of the secretariat, as specified in informal document INF.48. The change should be brought to the attention of the United Nations Sub-Committee of Experts.

21. For paragraph 30 of the report, the Joint Meeting would like the question relating to paragraph (1) (a) of packing instruction LP905 to be brought to the attention of the United

Nations Sub-Committee of Experts. A question could be raised as to the meaning of that paragraph, since in practice, packagings were not tested with batteries of a given size, shape or mass inside, but with items simulating such batteries, using additives to simulate the mass.

22. For paragraph 31, the Joint Meeting noted that the United Nations Sub-Committee of Experts had confirmed that the placard to use for cargo transport units containing lithium batteries, including UN No. 3536, was the one corresponding with model No. 9 (and not No. 9A).

23. For paragraph 16 of the report, regarding the assignment of a transport category to chemical kits and first-aid kits under UN No. 3316, the Joint Meeting considered that it would not be simple for a carrier or a vehicle driver to determine the transport category on the basis of the various products contained in a kit and that it would be preferable to find a more pragmatic solution on the basis of the packing group indicated in the transport document. The two options proposed for special provision 671 were thus replaced with a third option proposed by the representative of Belgium in informal document INF.50 (see annex I).

24. For the new presentation of the label models in 5.2.2.2.2, it was noted that the label models related to the primary hazards, but also to subsidiary hazards. It was thus not appropriate in the headings to refer to the class. Instead, reference should be made to the class hazard, as in the current texts. For radioactive substances, in the second column, the indications should be "Category I-White", "Category II-Yellow" and "Category III-Yellow", to ensure coherence with the provisions relating to categories. The representative of Switzerland was invited to bring these changes to the attention of the United Nations Sub-Committee.

## **B. Ammonium nitrate fertilizers**

*Documents:* ECE/TRANS/WP.15/AC.1/2017/26, paras. 11 and 12 (Secretariat)  
ECE/TRANS/WP.15/AC.1/2017/26/Add.1, annex (Secretariat)  
ECE/TRANS/WP.15/AC.1/2017/35 (Sweden)

*Informal documents:* INF.12 (Sweden)  
INF.22 (Fertilizers Europe)

25. The Joint Meeting noted that the secretariat's proposals in the annex to the report of the Ad Hoc Working Group on the Harmonization were aimed at ensuring harmonization with the new provisions of the UN Model Regulations, and specifically classification procedures for ammonium nitrate fertilizers in new section 39 of the Manual of Tests and Criteria. It was, however, noted that the current provisions of RID/ADR/ADN were more restrictive than those of the Model Regulations, as they prohibited the transport of certain compositions, except in the conditions set out for Class 1 explosives.

26. The representative of Fertilizers Europe indicated that the current, more restrictive approach of RID/ADR/ADN would not cause any problems for the industry in Europe, even if that would mean divergence from the regulations applicable to maritime and air transport. He foresaw no negative economic implications for European industry if fertilizers were imported to Europe by sea, possibly with less stringent conditions, in accordance with 1.1.4.2.

27. In the light of the statements by Fertilizers Europe, the Joint Meeting adopted the proposal put forward by Sweden (informal document INF.12, para. 4) to impose more stringent conditions to inland transport in the Contracting Parties to RID/ADR/ADN and to accept the less stringent conditions only for maritime or air carriage, in accordance with 1.1.4.2. The decision was taken, however, with it being understood that the Government of Sweden would propose to the United Nations Sub-Committee of Experts to change the procedures of section 39 of the Manual of Tests and Criteria accordingly. As a consequence



of the decision, it should not be possible under Class 5.1 to classify and transport ammonium nitrate fertilizer compositions under exit boxes 4, 8, 15, 31 and 33, even with the consent of the competent authority of the country of origin, except in the framework of multilateral agreements under Chapter 1.5.

28. The proposal by Fertilizers Europe, in informal document INF.22, to allow an exception (classification in Class 5.1 instead of Class 1) for accidentally contaminated fertilizers raised objections from several delegations, for safety reasons and because exceptions relating to accidents were already provided in 1.1.3.1 (d) of RID/ADR/ADN, and also in European directive 2008/68/EC. The proposal was not adopted.

29. The secretariat's proposal to define more precisely the term "competent authority", used in section 39 of the Manual of Tests and Criteria, in a similar way to the one for classifying explosives under the n.o.s. entries in 2.2.1.1.3, was adopted. It was noted, however, that the procedure for approval by the competent authority of the country of origin or the first country reached by the consignment was restrictive, and that it would possibly be useful to foresee an approval procedure by the competent authority of any other Contracting Party, in a manner similar to the one provided for the exclusion of Class 1, under paragraph 2.2.1.1.8.1.

30. The Joint Meeting noted that the consequential amendments to 2.2.51.1.3, 2.2.51.1.5 and 2.1.3.7 were necessary, but that the secretariat's proposal in the annex to the report of the Ad Hoc Working Group should be adapted, taking into consideration the decision to adopt the proposal by Sweden (see annex I).

### **C. Harmonization of the requirements of RID/ADR and the IMDG Code and UN Model Regulations regarding the interpretation of the term "structurally serviceable" as defined in 7.1.4 for large containers**

*Informal document:* INF.15 (CEFIC)

31. The Joint Meeting considered that CEFIC should first bring its concerns to the attention of the United Nations Sub-Committee of Experts, which would allow it to submit an official proposal for the March 2017 session while taking into account the Sub-Committee's opinion.

### **D. Special provision 376**

*Informal document:* INF.16 (Switzerland)

32. The proposal to keep the current last sentence of special provision 376 was adopted (see annex I).

### **E. Amendment to special provision 392**

*Informal documents:* INF.27 (Germany)  
INF.49 (Germany)  
INF.54 (Germany)

33. The representative of Germany explained that his proposal to extend the scope of special provision 392 to non-flammable and non-toxic gases (groups A and O) was a response to the needs of the automobile industry, as the fuel gas containment systems designed for installation on automobiles could also contain gases other than flammable ones.

34. Several delegations considered that it would be appropriate first to submit a proposal to the United Nations Sub-Committee of Experts, to ensure multimodal harmonization. However, the representative of Germany indicated that it was necessary to respond to the needs of the automobile industry with urgency, and he prepared a new proposal (INF.49), taking into account the comments made on informal document INF.27.

35. Several delegations indicated that they in principle had no problem for gases of group A, but some doubts were expressed concerning oxidizing gases of group O, in particular UN Nos. 1070, 1072, 2451, 3156 and 3157, and ammonia solutions under UN No. 2073.

36. The representative of Germany eventually drafted a new proposal (INF.54) during the session aimed at resolving the issue by means of special provision 660. The proposal was adopted.

## **F. Articles containing lithium metal batteries or lithium ion batteries**

*Document:* ECE/TRANS/WP.15/AC.1/2017/39 (Germany, Sweden)

37. Opinions were divided on the proposal not to require label 9A to be affixed to articles containing both dangerous goods and lithium batteries. On the one hand the provisions of 1.1.3.1 (b) currently allowed such an exemption. On the other hand, the danger presented by lithium batteries was not represented by the other danger labels. The provisions of the new section 2.1.5 applied only if the dangerous goods contained in the articles were an integral part of them, and it was not clear from the UN Model Regulations how to deal with articles containing removable lithium batteries.

38. The proposal was put to the vote and adopted (see annex I), but the decision should be brought to the attention of the United Nations Sub-Committee of Experts.

## **G. Use of terms “risk” and “hazard”**

*Informal document:* INF.4 and INF.4/Add.1 (Romania, UIC and IRU)

39. The Joint Meeting noted with interest the work of Romania, UIC and IRU concerning the use and definition of the terms “risk” and “hazard”. The Joint Meeting confirmed that such work could continue in the informal working group, with the following terms of reference:

(a) To draw up draft definitions of the concepts of risk and hazard in the context of RID/ADR/ADN, taking into account relations with other contexts, such as GHS, international standards relating to risk evaluation and assessment methods such as EN ISO 12100/2010, the glossary for the guideline drawn up as part of the work of the ERA workshop, and Commission Implementing Regulation (EU) No. 402/2013 of the European Commission on the common safety method for risk evaluation and assessment;

(b) To check how such definitions were applied throughout the texts of RID/ADR/ADN.

40. The Joint Meeting would validate such concepts at a forthcoming session and the informal group would be able to meet again on the basis of the Joint Meeting’s decisions.

41. The informal working group should meet in Valenciennes, France, from 15-16 January 2018. Delegations interested in the work were invited to make themselves known to the representatives of Romania, UIC or IRU.

## H. Assignment of obligations of the participants

*Document:* ECE/TRANS/WP.15/AC.1/2017/25 (Romania)

42. The proposal of Romania to clarify the text of 1.4.1.1 did not receive support at this session. Several delegations expressed the wish to await the results of the work of the informal working group on the definitions of hazard and risk before taking a decision.

## I. Consequential amendments

*Informal document:* INF.9 (Germany)

43. The Joint Meeting confirmed the consequential amendments for the amendments proposed for 7.1.7 in document ECE/TRANS/WP.15/AC.1/2017/26/Add.1 (see annex I). The Joint Meeting requested the secretariat to bring those consequential amendments to the attention of WP.15.

## J. Explanatory notes for assigning articles to UN No. 3363

*Informal document:* INF.47 (United Kingdom)

44. The Joint Meeting considered that the reference to proper shipping names in 2.1.5 could be confusing when deciding whether an article could be assigned to UN 3363 since this entry could not be used for articles which have a proper shipping name and new proper shipping names covering UN Nos 3537 to 3548 had now been included in Table A of Chapter 3.2. The representatives of Sweden and the United Kingdom proposed to clarify the situation in INF.47 through notes to be included in 2.1.5 and in special provision 301.

45. A member of the secretariat suggested another solution, but as a specific proposal could not be proposed during the course of the session, it was agreed to include the notes proposed in INF.47 in square brackets in the adopted texts listed in annex I pending the submission of a new proposal that the secretariat could prepare in consultation with the representatives of the United Kingdom and of Sweden for discussion at the forthcoming sessions of WP.15 and the RID Committee of Experts or, otherwise, at the next session of the Joint Meeting.

## VI. Proposals for amendments to RID/ADR/ADN (agenda item 5)

### A. Pending issues

#### 1. Extending the scope of application of the provisions of Chapter 5.2 regarding weather-resistance to placards, orange-coloured plates and marks

*Document:* ECE/TRANS/WP.15/AC.1/2017/1 (UIC)

*Informal documents:* INF.31 and INF.31/Rev.1 (UIC)

46. The Joint Meeting adopted the proposed amendments contained in informal documents INF.31 and INF.31/Rev.1 (see annex I).

## 2. Amendment to 1.6.1.30

*Informal documents:* INF.52 and INF.57 (France)

47. The representative of France requested in INF.52 to postpone the deadline for compliance with the new provisions of 5.2.2.2.1.1 from 30 June 2019 to 30 June 2021 in order to allow the use of existing stocks of labels for which the width of the line inside the edge forming the diamond was less than the new prescribed width of 2 mm.

48. Attention was drawn to the fact that this problem had been discussed by the United Nations Sub-Committee of Experts at its July 2017 session. The Sub-Committee had agreed that specifying a minimum width for this line was not necessary and invited the organizations responsible for modal regulations to drop this requirement (ST/SG/AC.10/C.3/102, para.69). Therefore the Joint Meeting agreed to adopt the amendment to 5.2.2.2.1.1.2 contained in INF.57 in square brackets (see annex I) and to invite WP.15 and the RID Committee of Experts to apply the same principle to these texts in square brackets as the one described in paragraph 7 of this report, i.e. on the understanding that the texts they would adopt at the end of this year could still be revisited if deemed necessary by the Joint Meeting at its March 2018 session.

## B. New proposals

### 1. Special provision 666

*Document:* ECE/TRANS/WP.15/AC.1/2017/27 (Switzerland)

49. The proposed amendment of special provision 666 was adopted with some changes (see annex I).

### 2. Languages used for marks

*Document:* ECE/TRANS/WP.15/AC.1/2017/28 (Sweden)

50. The document once again cast light upon the problems posed by marking requirements in international transport when the marks were not pictograms and included texts. The languages used were not necessarily understood in all countries of origin, transit and destination, and a requirement that the marks should be written in several languages would be understandable from the safety standpoint, but would undeniably pose problems for the facilitation of transport. In some cases, the languages to be used were specified, but not always, which posed problems of interpretation for consignors and the authorities. Sweden thus proposed harmonizing the approach along the lines of the one used for documentation, i.e., marking in the language of the country of origin, and if that language was not English, French or German, in one of those three languages, unless otherwise specified in multilateral agreements between the countries in question.

51. Opinions differed on that question. Some thought that the current provisions were acceptable for international transport and that possibly requiring an additional language that would not always be understood in all the countries of transit would complicate transport operations without significantly improving safety. Some delegations feared that the proposal would keep them from using languages currently in use, for example in the Russian-speaking countries. Others were in favour of the proposal. It was also suggested to use only English, as was done for the marking of radioactive substances. It was also recalled that the question could always be settled through multilateral agreements for regional international transport in countries using the same language.

52. The representative of Sweden said that she would present a new proposal, taking into account the opinions expressed.

**3. Table 1.10.3.1.2 — List of high consequence dangerous goods (flammable corrosive gases of Class 2)**

*Document:* ECE/TRANS/WP.15/AC.1/2017/29 (Germany)

53. The proposal to include flammable corrosive chemicals under pressure in the list of high consequence dangerous goods in the line of the table relating to flammable gases was put to the vote and adopted. The proposal to clarify that it related to non-toxic gases was also put to the vote and it too was adopted (see annex I).

**4. Marking of cargo transport units carrying packages with goods of Classes 1 to 9 (except UN numbers 3077 and 3082) with additional environmentally hazardous properties in small quantities in accordance with RID/ADR/ADN 5.2.1.8.1**

*Document:* ECE/TRANS/WP.15/AC.1/2017/30 (Germany)

54. The proposal to exempt such cargo transport units from marking as environmentally hazardous substances, put to the vote, was adopted (15 for, 2 against) (see annex I). Following the intervention of the delegate of Switzerland, the Joint Meeting discussed the potential impact of the absence of the mark for environmentally hazardous substances on local water protection measures. However, the Joint Meeting considered that the quantities per packaging justified the exemption and noted that the maritime transport had already adopted the same exemption.

**5. Clarification regarding “gross mass”**

*Document:* ECE/TRANS/WP.15/AC.1/2017/37 (Austria)

55. Option 2 of the proposal from Austria was adopted, without reference to the words “and handling devices”, as they could pose a problem of interpretation (see annex I). The Joint Meeting confirmed that the handling devices for which provision was made in the packing instructions should not be taken into account for the calculation of the gross mass, unlike devices attached to the articles, such as handles.

**6. Miscellaneous proposals of amendments for clarification**

*Document:* ECE/TRANS/WP.15/AC.1/2017/43 (Russian Federation)

56. The Joint Meeting expressed the wish that the proposals for 2.2.7.2.4.6.1 and 4.2.1.19.2 should first be discussed by the United Nations Sub-Committee of Experts on the Transport of Dangerous Goods.

57. The proposed amendment of 2.2.9.1.3 was adopted (see annex I).

58. After discussion, the proposal relating to 5.3.2.2.1 was withdrawn.

59. The proposal relating to 6.1.1.1 (b) was adopted, as amended (see annex I).

60. The proposal on 6.4.11 was withdrawn to maintain consistency with the United Nations Model Regulations and after a reminder that 6.4.11.11 was normally used for air transport only.

61. The question concerning 6.6.5.1.6 should be brought to the attention of the United Nations Sub-Committee of Experts.

62. The proposals on paragraphs 6.9.3.1, 6.10.1.2.1 and 6.8.3.2.21 were dealt with by the Working Group on Tanks (see annex II).

## **7. Carriage of prohibited dangerous goods by post**

*Informal document:* INF.8 (United Kingdom)

63. Several delegations shared the concerns of the United Kingdom about the fact that dangerous goods were transported by post in unacceptable conditions, while their carriage by post was normally prohibited. They supported the idea of taking up, in RID/ADR/ADN, the provisions of the UN Model Regulations reflecting the prohibitions stemming from the Acts of the Universal Postal Union (UPU) and the derogations to those prohibitions.

64. It was emphasized that there was no apparent need to prohibit the international transport of dangerous goods by post if such transport was carried out in accordance with applicable safety regulations, such as RID, ADR, ADN, the IMDG Code or the ICAO Technical Instructions. From the legal standpoint, the prohibition stemmed solely from the UPU Acts, owing to the difficulty of checking what was presented by individuals for carriage by post. For the few dangerous goods authorized under the UPU Acts, it seemed to go without saying that there must be compliance with the relevant requirements of international regulations such as RID, ADR and ADN. Some delegations thus did not see how the proposal of the United Kingdom would improve the situation, as the main problem for the postal services was ensuring compliance with the prohibitions stemming from the UPU Acts.

65. It was also recognized that the exponential growth of Internet purchases posed problems: many products were ordered over the Internet, and the distribution companies often showed no concern as to whether the ordered goods were dangerous or not. They did not use just postal services, though; they could also use the services of express courier companies, which for their part were not obliged to comply with the prohibitions of the UPU Acts. The question thus arose of why such services, which were generally in the private sector, should be placed at an advantage over public sector postal services, when the problem in essence was how to ensure that the transport of dangerous goods, under whatever service, would comply with the applicable safety regulations. It was not clear that the addition of a reference to the UPU Acts in RID/ADR/ADN would solve the problem, which was ultimately the result of a failure on the part of the actual consignor to make a declaration and ensure conformity.

66. The representative of the United Kingdom said that he would reconsider the question in the light of the comments.

## **8. IMO “Guidance on the Continued Use of Existing IMO Type Portable Tanks and Road Tank Vehicles for the Transport of Dangerous Goods”**

*Informal document:* INF.14 (United Kingdom)

67. The Joint Meeting noted that circular DSC.1/Circ.12 had been replaced with circular CCC/Circ.3 and agreed to change footnote 1 to paragraph 1.1.4.3 accordingly.

## **9. Conformity assessment of non-refillable pressure receptacles**

*Informal document:* INF.20 (Germany)

68. The Joint Meeting adopted the proposed amendments to 6.2.3.6.1 (see annex I).

## **10. Classification of wastes**

*Informal document:* INF.21 (Secretariat)

69. The Joint Meeting confirmed that footnote 2 to 2.1.3.5.5 should be updated to take account of the changes in European Union legislation. The Joint Meeting felt that the new references should be checked by the European Commission before the next session of WP.15 (see annex I).

**11. Transitional measures**

*Informal document:* INF.30 (Secretariat)

70. The Joint Meeting adopted the proposed amendments and deletions to some transitional measures (see annex I).

**12. Amendment to 4.1.6.8**

*Informal document:* INF.33 (Germany)

71. The representative of Germany was invited to submit the proposal to the next session as an official document, together with supporting arguments explaining the need for and consequences of the proposal.

**VII. Interpretation of RID/ADR/ADN (agenda item 6)****A. Interpretation of RID/ADR 7.5.1.2 and ADR 7.5.1.1: “Equipment used”**

*Document:* ECE/TRANS/WP.15/AC.1/2017/23 (Germany)

72. Some delegations thought that the paragraphs concerned all the equipment that was, or could be, used during loading or unloading, including that referred to in 8.1.4 and 8.1.5 of ADR. Others thought that they referred only to the equipment needed for loading or unloading.

73. Another question was whether the loader, the unloader the carrier was responsible for carrying out the checks. In that regard, it was noted that there could be very different situations, such as self-loading, contracts signed between loaders, unloaders and carriers, etc., and that they should be considered carefully before any new provisions were introduced.

74. The representative of Germany said that he would draw up a new proposal in the light of the discussions.

**B. Interpretation of the definition of “carriage” in 1.2.1**

*Document:* ECE/TRANS/WP.15/AC.1/2017/24 (Romania)

75. The Joint Meeting thought it was unnecessary to amend 5.4.1.1 to include information on the place of dispatch and the place of reception, as that information could usually be deduced from the transport documents required for the carriage of goods in general, such as a CIM or CMR consignment note.

**C. Consequences of 1.8.1 for competent authorities**

*Document:* ECE/TRANS/WP.15/AC.1/2017/41 (France)

76. The proposal had been submitted pursuant to the discussions at the last session (ECE/TRANS/WP.15/AC.1/146, paras 17-20) and aimed at introducing in RID and ADR the ADN article 4(3) concept according to which Contracting Parties are bound to monitor the observance of prohibitions of carriage and conditions of carriage.

77. Some delegations were not in favour of the proposal because it implied obligations for competent authorities. Others considered that, in the context of international carriage, the competent authorities of Contracting Parties were bound, vis-à-vis other Contracting Parties, to ensure that transport operations starting on their territories meet the conditions of RID and

ADR, and that this could be done through checks. Similarly, competent authorities in transit and destination countries could legitimately check that vehicles originating from other countries were running in full conformity with the required conditions.

78. Some delegations feared that the proposed provision, as drafted, be interpreted as a systematic check obligation rather than as an obligation for spot checks.

79. The representative of France said that he would submit a new proposal to take account of the comments made.

## **VIII. Reports of informal working groups (agenda item 7)**

### **A. Informal working group on the reduction of the risk of a BLEVE**

*Document:* ECE/TRANS/WP.15/AC.1/2017/42 (France)

*Informal documents:* INF.41 and Add.1 (France)

80. The Joint Meeting was informed of the progress of the modelling done by the French National Institute on the Industrial Environment and Hazards (INERIS) at the request of the Government of France in the context of the work of the informal working group on reducing the risk of a BLEVE during the transport of dangerous goods.

81. The Joint Meeting welcomed the results and highlighted the quality and usefulness of the modelling tool used.

82. The Joint Meeting confirmed the need first to reconvene the informal working group on the basis of the current mandate.

83. The working group was invited to redefine the mandate to take into account the comments made at the session, particularly when it came to the following matters:

- Need to adopt a risk management approach for further work and carry out a cost-benefit analysis of the solutions explored;
- Consideration of solutions and scenarios that different methods could have in common and those that would need a differentiated approach, particularly in cases where protection against fires caused by equipment specific to the means of transport (e.g. tyres and engines in the case of road vehicles) was envisaged. To that end, the working group could go by the guidelines on decision-making prepared within the framework of the work of the ERA workshop.

84. It was also recalled that the work of the informal working group should concern all dangerous goods that might cause a BLEVE and not only LPG.

85. The next session would be held in Madrid, Spain from 20–22 February 2018. Interested delegations were invited to contact the representative of Spain.

### **B. Report of the working group meeting to update the architecture for dangerous goods telematics**

*Informal document:* INF.19 (Germany)

86. The Joint Meeting noted the initiatives of France, Germany and Italy to use the solutions proposed by the informal working group on telematics. The idea was to decentralize the function of “Trusted Party 1” (TP1) to duly accredited public or private bodies interlinked with each other; international organizations would thus only have to manage the list of



authorized TP1s, in accordance with specific criteria, without having to intervene in the computerized management of the system.

87. The representatives of Austria, Belgium, the Netherlands and the United Kingdom stated that they were interested in taking part in the meeting that will take place in Bonn from 13-15 November 2017.

### **C. Informal working group on alternative methods for periodic inspections**

*Document:* ECE/TRANS/WP.15/AC.1/2017/33 (AEGPL)

*Informal documents:* INF.55 and INF.56 (AEGPL)

88. The Joint Meeting adopted the texts proposed in informal document INF.55, as modified by informal document INF.56, with some amendments (see annex I). Further additions could be made in the future as new alternative methods were developed for other specific designs of pressure receptacles.

## **IX. Accidents and risk management (agenda item 8)**

*Informal documents:* INF.5 (ERA) (Report of the tenth workshop of the road map on risk management in the context of rail, road and inland waterway transport of dangerous goods)

INF.6 (ERA) (Second phase of the TDG road map)

INF.7 (ERA) (Overview of the future framework of guides on risk management)

89. The Joint Meeting took note of the results of the ERA workshop, in particular the finalization of a framework guide on risk management, a risk estimation guide, a decision-making guide and a framework glossary. A guide on data was also envisaged, but it had not been possible to finalize it thus far. Part of the guide on data was therefore included, provisionally, in the risk estimation guide.

90. The Joint Meeting also took note of the detailed information provided by the representative of ERA on the intended use of the guides. He explained that, once the guides are finalised and published a second phase might involve the development of a risk calculation engine, provided that appropriate budgetary resources were made available.

91. Several delegations indicated that they supported the publication of the guides. However some delegates expressed reservations about the scope of the future use of the guides and tools. They did not wish transport operations to be subject to the conduct of systematic and mandatory preliminary risk analyses based on those instruments.

92. The representative of ERA stated that any interested parties will be invited to use the guides voluntarily and that there would first be a test phase. The use of the instruments as part of the legal framework was not an end in itself and that option would be considered only after the test phase, if at all. In addition, he explained that it was not planned to use the current developments in the context of security or of Chapter 1.10.

93. It was suggested that the tools should be used by States individually in determining traffic restrictions, as provided for in Chapter 1.9, but it was also suggested, on the contrary, that Chapter 1.9 was not the only context in which the tools could be used, in particular for the purpose of avoiding conflicts between local and global analyses. One of the guides gives

examples of implementation situations that are foreseen by the framework, including the use by individual companies, associations or agencies.

94. A further session was scheduled for 10 to 12 October 2017 at the headquarters of ERA, and the Joint Meeting noted that the texts of the guides should be available in time for the next session, along with specific proposals for the second phase of the project.

95. The Chair noted that the workshops had also been requested to reflect on the issue of revising the content of the model reports on accidents/incidents.

## **X. Election of officers for 2018 (agenda item 9)**

96. On a proposal by the United Kingdom, Mr. C. Pfauvadel (France) and Mr. H. Rein (Germany) were re-elected Chairman and Vice-Chairman respectively for 2018. Mr. Rein said that, as he intended to retire in 2018, it might be necessary to elect a new Vice-Chairman for the Autumn 2018 session.

## **XI. Future work (agenda item 10)**

97. The next session would be held in Bern from 12 to 16 March 2018.

## **XII. Any other business (agenda item 11)**

### **A. Tribute to Mr. Jacques Marmy (IRU)**

98. The Joint Meeting was informed that Mr. Jacques Marmy was leaving IRU and would therefore no longer represent this organization at its sessions. The Joint Meeting thanked him warmly for his contribution to its work and wished him all success in the pursuit of his career.

### **B. Carriage of pressure receptacles approved by the Department of Transportation of the United States of America (DOT)**

*Document:* ECE/TRANS/WP.15/AC.1/2017/34 (EIGA)

*Informal documents:* INF.40 (EIGA)

INF.51 (United States of America)

99. The Joint Meeting noted with satisfaction the progress made in the efforts to ensure that United States regulations would recognize approvals issued by the Contracting Parties to RID/ADR/ADN for pressure receptacles, which should lead to the reciprocal acceptance in the Contracting Parties to RID/ADR/ADN of receptacles approved in the United States in accordance with the requirements of 49 CFR of the United States Department of Transportation (DOT).

100. The Joint Meeting recognized the need to comply with the legal procedures applicable in the United States and hoped that the cooperation would lead to the simultaneous amendment of regulation 49 CFR, of the United States, and of RID/ADR/ADN, with effect from 2021.

## C. Corrections to the 2017 version of ADR

*Informal document:* INF.43 (European Commission)

101. The Joint Meeting noted that at its 102nd session, held in May 2017, the ECE Working Party on the Transport of Dangerous Goods (WP.15) had adopted corrections to ADR on the basis of decisions taken by the Joint Meeting at its March 2017 session concerning RID, ADR and ADN (ECE/TRANS/WP.15/AC.1/146, annex III), along with other corrections that concerned only ADR. All the corrections were contained in annex III to report ECE/TRANS/WP.15/237.

102. It also noted that the Treaties Section of the United Nations Office of Legal Affairs had found that corrections 1 to 6 from annex III to the report of the Joint Meeting did not meet the criteria for correction established by the United Nations Secretary-General for treaties for which he was depositary.

103. As was customary, and as WP.15 had requested in case such situations arose, the Chair of WP.15 had decided, following consultation with the secretariat, to submit a proposal for amendment in his Government's name, on behalf of WP.15, so as to make those amendments effective as quickly as possible. The proposal was contained in depositary notification C.N.345.2017-TREATIES-XI.B.14, of 3 July 2017.

104. In informal document INF.43, the representative of the European Union explained that the change of status of those modifications from "corrections" to "amendments" posed a problem for the European Union. In the opinion of the legal experts of the European Commission, in accordance with Decision 2016/1795 of the Council of the European Union, the States members of the European Union were authorized to accept only formal and minor changes to the proposed amendments made to ADR and ADN on 1 January 2017, but not the new amendments that were planned. He therefore expressed the wish that the proposal for amendment should be withdrawn, to avoid legal complications.

105. A member of the secretariat indicated that the 13 proposals had been grouped as amendments to avoid administrative complications, but that among those 13 proposals, 6 had been accepted by the Treaty Section as being corrections. In his opinion, 3 others (the third, fifth and tenth) too were corrections, but there would be no practical effect if the corrections were not performed immediately. In his view, 3 other corrections (addition of special provisions 368, 325 and 326, respectively to UN Nos. 2908, 2913 and 3326) were important from the point of view of safety, as they addressed the transport of radioactive substances in accordance with the IAEA Regulations and were aimed at ensuring that empty packagings or surface contaminated objects (SCOs) containing uranium hexafluoride would be transported under the entries applicable to uranium hexafluoride, an extremely toxic and corrosive substance, rather than under the entries for "empty packagings" or "SCO". For all modes of transport, the corrections had been ordered by the United Nations Sub-Committee of Experts in document ST/SG/AC.10/C.3/100/Add.1, annex III.

106. The sixth correction concerned the marking of packages containing lithium cells exempted under special provision 188. The United Nations Sub-Committee of Experts had corrected the UN Model Regulations to allow such markings not only on white backgrounds, but also on backgrounds providing sufficient contrast, as was normally the case for all hazard markings. Failure to take that correction into account in RID/ADR/ADN was likely to place European manufacturers at a disadvantage in comparison with manufacturers outside of Europe who exported their cells in accordance with the maritime or air transport regulations, which for their part had already been or had to be corrected in accordance with the recommendations of the United Nations Sub-Committee of Experts.

107. The Joint Meeting confirmed that there were legal alternatives available to give effect to the proposed amendments contained in the depositary notification, by means of corrections or multilateral agreements.

108. The Joint Meeting considered that it would be necessary:

- For the ECE secretariat to consult the United Nations Office of Legal Affairs to devise a correction procedure for all possible cases if the proposal for amendments was withdrawn or if it was not accepted owing to objections;
- In the case of corrections relating to radioactive substances, which were ultimately aimed at clarifying interpretation of the current texts, for the industry and supervision bodies to interpret the texts according to the proposed corrections;
- In case the modifications could not be taken into consideration in accordance with the procedures already under way or contemplated above, for them to be taken into account in the set of amendments whose entry into force was planned for 1 January 2019.

109. The Joint Meeting recommended, when the Council of the European Union drew up draft decisions and considered them, that such decisions should provide the flexibility required to allow for possible corrections or, if necessary, changes, without it being necessary to resort to taking a new decision during the two-year period.

### **XIII. Adoption of the report (agenda item 12)**

110. The Joint Meeting adopted the report on its autumn 2017 session and its annexes on the basis of a draft prepared by the secretariat.

## **Annex I**

### **Draft amendments to RID, ADR and ADN for entry into force on 1 January 2019**

(see ECE/TRANS/WP.15/AC.1/148/Add.1)

## **Annex II**

### **Report of the Working Group on Tanks**

(see ECE/TRANS/WP.15/AC.1/148/Add.2)

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