

Economic Commission for Europe

Inland Transport Committee

Working Party on the Transport of Dangerous Goods

104th session

19 April 2018

Geneva, 15-17 May 2018

Item 6 of the provisional agenda

Interpretation of ADR

4.1.3.8 Unpackaged articles other than Class 1 articles – Competent authority approval

Transmitted by the Government of Sweden

Summary

Executive summary: What is intended with the “competent authority of *the country of origin*” in case of application of sub-section 4.1.3.8?

Action to be taken: Interpretation of the term “country of origin”.

Introduction

Under certain conditions, sub-section 4.1.3.8 allows for the carriage of large and robust articles, other than Class 1 articles, to be carried empty, uncleaned and unpackaged after approval from the competent authority of the country of origin. The Government of Sweden finds the term “country of origin” unclear and would like to know what is intended.

Background

Recently, we had a case in Sweden where the Swedish Armed Forces lent out drop tanks to another country (“Country B”). Since these tanks are not approved in accordance with ADR a competent authority approval is required for their carriage. The tanks are used for the carriage of UN 1863 (aircraft fuel). When transported between missions, as from Sweden to

other countries and in return, these are always carried empty. However, for practical reasons the tanks are uncleaned and therefore the provisions in ADR applies.

The tanks belong to a Swedish authority and, originally, the tanks come from Sweden. For the initial carriage (air transport) from Sweden to Country B, the competent authority approval was issued by the Swedish Transport Agency.

After completed mission in Country B the drop tanks should be returned to Sweden. Since a new transport took place, a new competent authority approval had to be issued for this carriage. The Swedish authority had provided Country B with consignment procedures for the return transport. Nevertheless, since the transport was arranged in, and by, Country B without any further involvement or insight from the Swedish carrier, we did not find it completely clear that this would authorise a Swedish Competent Authority to issue an approval. However, the safety adviser at the Swedish Defence Material Administration was informed by the contact person in Country B that the Swedish Competent Authority had to issue the approval.

Eventually, the situation was solved in good co-operation but because of the uncertainties around the issuing of the approval, the transport became quite delayed. In order to eliminate a similar future situation, Sweden would like to have a clarification on what is intended with “the country of origin” in sub-section 4.1.3.8.

To facilitate the discussion, the above mentioned situation could serve as a basis, where Sweden is “Country A”, and the other country is “Country B”. See also extract from ADR below.

Is “the country of origin”:

- Country A, where the tanks originate from, (irrespective of the situation such as consignment procedures issued by the owner or by the new consignor), or
- Country B, where the consignment is prepared and where the new carriage begins?
- Sweden would welcome other delegations’ view on how these provisions should be interpreted.

Extract from ADR**4.1.3.8** *Unpackaged articles other than Class 1 articles*

4.1.3.8.1 Where large and robust articles cannot be packaged in accordance with the requirements of Chapters 6.1 or 6.6 and they have to be carried empty, uncleaned and unpackaged, the competent authority of the country of origin² may approve such carriage. In doing so the competent authority shall take into account that:

- (a) Large and robust articles shall be strong enough to withstand the shocks and loadings normally encountered during carriage including trans-shipment between cargo transport units and between cargo transport units and warehouses, as well as any removal from a pallet for subsequent manual or mechanical handling;
- (b) All closures and openings shall be sealed so that there can be no loss of contents which might be caused under normal conditions of carriage, by vibration, or by changes in temperature, humidity or pressure (resulting from altitude, for example). No dangerous residue shall adhere to the outside of the large and robust articles;
- (c) Parts of large and robust articles, which are in direct contact with dangerous goods:
 - (i) shall not be affected or significantly weakened by those dangerous goods; and
 - (ii) shall not cause a dangerous effect e.g. catalysing a reaction or reacting with the dangerous goods;
- (d) Large and robust articles containing liquids shall be stowed and secured to ensure that neither leakage nor permanent distortion of the article occurs during carriage;
- (e) They shall be fixed in cradles or crates or other handling devices or to the cargo transport unit in such a way that they will not become loose during normal conditions of carriage.

² *If the country of origin is not a contracting party to ADR, the competent authority of the first country contracting party to the ADR reached by the consignment.*