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Economic Commission for Europe**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**

Bern, 18–22 March 2019

Item 5 (b) of the provisional agenda

Proposals for amendments to RID/ADR/ADN:**New proposals****Explanatory notes for classification under entry UN No. 3363**

Transmitted by the Government of Switzerland*, **

Summary

Executive summary: This proposal aims to clarify the provisions in 2.1.5 relating to classification.

Action to be taken: Amend the text of 3.4.11

Introduction

1. The implementation of the new entries UN Nos. 3537 to 3548 raises some doubts among users and authorities. It is not clear how to classify the articles.
2. In 2.1.5.1 a choice is given for classifying these articles either under the proper shipping name for the dangerous goods they contain or in accordance with section 2.1.5. In 2.1.5.3 it is made clear that section 2.1.5 does not apply to articles for which a more specific shipping name already exists in Table A of Chapter 3.2.
3. The NOTE under the heading of 2.1.5 was drafted to emphasize this rule and to explain that, in cases with articles which do not have a proper shipping name and which contain only dangerous goods in limited quantities under Chapter 3.4, UN No. 3363 shall be used. This is in accordance with the precedence rules set out in 2.1.2.5.

* In accordance with the programme of work of the Inland Transport Committee for 2018–2019 (ECE/TRANS/WP.15/237, annex V (9.2)).

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4. The phrase “other than UN Nos. 3537 to 3548” and the NOTE in special provision 301 introduced on the basis of informal document INF.47 during the September 2017 session of the Joint Meeting are extremely difficult to understand and do not achieve the objective sought by the authors. From reading these texts, it is understood that it is not possible to use UN No. 3363 for articles that already correspond to one of the entries of UN Nos. 3537 to 3548. It seems to us that the purpose of informal document INF.47, namely to allow the use of UN No. 3363 even in the cases with entries of UN Nos. 3537 to 3548, is not served by this text, quite the opposite.

5. UN No. 3363, DANGEROUS GOODS IN MACHINERY, is a generic entry of type B according to 2.1.1.2. In accordance with the classification principles set out in 2.1.2.5, it has precedence over UN Nos. 3537 to 3548, which are specific entries of type C. This prohibits the use of UN Nos. 3537 to 3548 when the quantities contained in these articles do not exceed those specified in column (7a) of Table A in Chapter 3.2. In this case, only UN No. 3363 may be used when the articles contain dangerous substances of these hazard classes.

6. In addition, the current wording of the NOTE does not solve problems that may be of more importance to participants. Participants who use machinery fill the machinery with dangerous goods (cleaning agents for example) before carriage, ensure the product reaches its destination and return with empty uncleaned machinery. For the first journey, one of the entries UN Nos. 3537 to 3548 may be used but for the return journey (empty, uncleaned), according to 2.1.2.5, only entry UN No. 3363 is permitted. Such a reclassification for the same article based on the quantity contained is far from practical.

7. With regard to the NOTE to special provision 301, it is not clear what sense to make of the exclusion of entries UN Nos. 3537 to 3548 from the phrase “for which a proper shipping name already exists”. The repeated exclusion of these entries from the phrase “It shall not be used for machinery or apparatus for which a proper shipping name already exists in Table A of Chapter 3.2” leads to the conclusion that the entry UN No. 3363 should be used instead of the entries UN Nos. 3537 to 3548. This is not the purpose of this NOTE.

8. For this reason, we propose to amend the NOTE to 2.1.5 and the NOTE to special provision 301.

Proposal 1

9. Delete the phrase “other than UN Nos. 3537 to 3548” from the NOTE under the heading of 2.1.5 and number the NOTE as NOTE 1 as follows:

“NOTE 1: For articles which do not have a proper shipping name, ~~other than UN 3537 to 3548~~, and which contain only dangerous goods within the permitted limited quantity amounts specified in Column (7a) of Table A of Chapter 3.2, see UN No. 3363 and special provisions 301 and 672 of Chapter 3.3.”

Add the following NOTE 2:

“NOTE 2: Notwithstanding the classification principles of 2.1.2.5, articles which have a proper shipping name under a specific entry [of UN Nos. 3537 to 3548] and which contain only dangerous goods within the permitted limited quantity amounts specified in column (7a) of Table A of Chapter 3.2 may be classified and carried under the relevant specific entry instead of the generic entry of UN No. 3363.”

10. If this proposal is adopted, it seems to us that the NOTE to special provision 301 is superfluous. The text of NOTE 2 above could possibly replace the current text in the NOTE to special provision 301.

Proposal 2a

11. Delete the NOTE to special provision 301.

Proposal 2b

12. Replace the text of the NOTE to special provision 301 with the following text: “**NOTE:** **Notwithstanding the classification principles of 2.1.2.5, articles which have a proper shipping name under a specific entry [of UN Nos. 3537 to 3548] and which contain only dangerous goods within the permitted limited quantity amounts specified in column (7a) of Table A of Chapter 3.2 may be classified and carried under the relevant specific entry instead of the generic entry of UN No. 3363.**”
