

**Working Party on the Transport of Dangerous Goods**

**Joint Meeting of the RID Safety Committee and the  
Working Party on the Transport of Dangerous Goods  
(Geneva, 1-10 September 2003)**

**Harmonization with the UN Recommendations on the Transport of Dangerous Goods,  
pollutants to the aquatic environment.**

**Transmitted by the Government of the Netherlands**

**1. Introduction**

New provisions for the classification of substances and mixtures as pollutants to the aquatic environment are being proposed for inclusion in RID/ADR/ADN as discussed by the ad hoc Working Group on the harmonization of RID/ADR/ADN with the UN Recommendations on the Transport of Dangerous Goods that met from 26-28 May 2003.

The results of the discussions on this subject are recorded in paragraphs 24 to 28 of the report of the ad hoc Working Group TRANS/WP.15/AC.1/2003/56.

**2. Proposal and justification**

The Netherlands are of the opinion that it is too early to include the new provisions for the classification of substances and mixtures in the RID/ADR/ADN because:

- Within IMO the discussion on the implementation of the Globally Harmonized System of classification and labeling (GHS) for environmentally hazardous substances in Annex III of MARPOL 73/78 and the IMDG Code (taking into account the new UN TDG provisions) still has to start. The subject will be discussed at DSC (IMO Sub-Committee on Dangerous Goods, Solid Cargoes and Containers) end of September 2003. The Netherlands expect that the new provisions for pollutants to the aquatic environment in the IMDG Code will not enter into force before 1-1-2007 since in any case an amendment of Annex III of MARPOL 73/78 will be necessary.

In the opinion of the Netherlands it would be preferable that the new provisions for pollutants to the aquatic environment will enter into force throughout the transport chain at the same time.

- Within the UN Sub-Committee of Experts on the Transport of Dangerous Goods the application of the criteria for pollutants to the aquatic environment (in particular their application to substances and mixtures in classes 1 to 8) and the label to be used for pollutants to the aquatic environment is still under discussion. Depending on the outcome of these discussions the new provisions for pollutants to the aquatic environment in the UN Recommendations might be amended.

In the opinion of the Netherlands it would be preferable to wait for the final results of these discussions at the UN level on the provisions for pollutants to the aquatic environment before implementing these provisions into the RID/ADR/ADN.

- It has been argued that it is urgent to implement the new provisions since the present provisions in ADR/RID/ADN are not satisfactory because mixtures are not adequately addressed. Although the Netherlands agree that the present provisions are not satisfactory for mixtures we do not agree that it is

therefore urgent to implement the new provisions at this stage. In view of the Netherlands there is no harm in applying the current system for another two years.

- It has also been argued that it is urgent to implement the new provisions since the present list in paragraph 2.2.9.4 of the RID/ADR/ADN is not up-to-date. In view of the Netherlands this problem is not solved by implementing the new provisions. Furthermore it is not clear to the Netherlands what the reasons are for the proposal by the ad hoc Working Group to delete paragraph 2.2.9.4 entirely (TRANS/WP.15/AC.1/2003/56/Add.2, page 18). In our opinion more time is needed to thoroughly discuss this subject before a decision can be made. For this discussion it is important to know how other organizations such as the IMO and EU will deal with this subject.

- Germany has offered to prepare a consolidated list based on risk phrases R50, R50/53 and R51/53 according to the EU directives. It should however be noted that the EU directives have not yet been amended according to the new GHS criteria. This means that the current EU criteria are not yet in line with the new provisions for pollutants to the aquatic environment which are now proposed to be included in RID/ADR/ADN. The consolidated list suggested by Germany could therefore contain substances or mixtures of which the classification is not in line with the new provisions proposed for RID/ADR/ADN. After the amendment of the EU directives according to the new GHS criteria this problem will be solved.

- In view of the Netherlands it would be preferable, especially for the industry, if the entry into force date of the new GHS criteria (such as the proposed new provisions for pollutants to the aquatic environment) will be as much as possible harmonized for the regulations for inland transport and the regulations closely related to inland transport such as IMO and EU regulations as long as the GHS deadline for implementation (2008) will not be jeopardized.

Based on the above mentioned arguments the Netherlands propose to delay the inclusion of the new provisions for pollutants to the aquatic environment in the RID/ADR/AND for two years.

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