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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

REPORT OF THE SESSION*

held in Bern from 7 to 11 March 2005

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ATTENDANCE

1. The Joint Meeting of the RID Safety Committee and the Working Party on the Transport of Dangerous Goods of the United Nations Economic Commission for Europe (UNECE) held its spring session in Bern from 7 to 11 March 2005. Representatives of the following countries took part in the work of the session: Austria; Belgium; Bulgaria; Croatia; Czech Republic; Denmark; Finland; France; Germany; Hungary; Italy; Latvia; Liechtenstein; Netherlands; Norway; Poland; Portugal; Romania; Slovakia; Slovenia; Spain; Sweden; Switzerland; United Kingdom; United States of America. The European Commission was also represented. The following non-governmental organizations were represented: European Aerosols Federation (FEA); European Battery Recycling Association (EBRA); European Chemical Industry Council (CEFIC); European Cosmetic, Toiletry and Perfumery Association (COLIPA); European Industrial Gases Association (EIGA); European Liquefied Petroleum Gas Association (AEGPL); International Association of the Soap, Detergent and Maintenance Products Industry (AISE); International Federation of Freight Forwarders Associations (FIATA); International Rail Transport Committee (CIT); International Road Transport Union (IRU); International Union of Private Wagons (UIP); International Union of Railways (UIC); Liaison Committee of Coachwork and Trailer Builders (CLCCR);

ELECTION OF OFFICERS

2. On the proposal of the representative of Italy, Mr. C. Pfauvadel (France) was elected Chairman and Mr. H. Rein was elected Vice-Chairman for 2005.

ADOPTION OF THE AGENDA

3. The Joint Meeting adopted the agenda proposed by the secretariat in document TRANS/WP.15/AC.1/97 (A81-02/501.2005), as updated by informal documents INF.1 and INF.2.

NOTE: In this report, unless otherwise indicated, the German version of UNECE documents with the symbol TRANS/WP.15/AC.1/ will carry the OTIF symbol "OCTI/RID/GT-III" followed by the same document number.

TANKS

Documents: TRANS/WP.15/AC.1/96/Add.1-OCTI/RID/GT-III/2004-A, addendum 1
TRANS/WP.15/AC.1/2004/2 (Germany)
TRANS/WP.15/AC.1/2005/2 (Belgium)
TRANS/WP.15/AC.1/2005/5 (United Kingdom)
TRANS/WP.15/AC.1/2005/8 (UIC)
TRANS/WP.15/AC.1/2005/16 (Belgium)
TRANS/WP.15/AC.1/2005/18 (UIC)
TRANS/WP.15/AC.1/2005/21 (United Kingdom)
TRANS/WP.15/AC.1/2005/22 (United Kingdom)
TRANS/WP.15/AC.1/2005/30 (Belgium)
TRANS/WP.15/AC.1/2005/34 (Germany)

Informal documents: INF.4 (United Kingdom)
INF.10 (Germany)
INF.18 (United Kingdom)
INF.19 (Belgium)

4. After a preliminary discussion in plenary session, consideration of the documents submitted under this item was entrusted to a working group which met concurrently with Mr. A.Ulrich (Germany) as Chairman.

Report of the Working Group

Informal documents: INF.27 (Chairman of the Working Group)
INF.10 (Germany)
INF.18 (United Kingdom)
INF.19 (Belgium)

5. The report is reproduced as annex 1 to this report (see TRANS/WP.15/AC.1/98/Add.1). The decisions taken on the items of the report are as follows:

Item 1

6. The text proposed for the transitional measure in 1.6.4.12 was adopted.

Item 2

7. The text proposed for the new definition of the capacity of a shell or a compartment was adopted with an editorial amendment (see annex 2).

Item 3

8. The text of the proposed new transitional measure was adopted with amendments of form (the general transitional period was taken into account) and amendments to the periods proposed by the representatives of Belgium and Spain (see annex 2).

Item 4

9. The texts proposed for columns (11) and (13) were adopted (see annex 2).

Item 5

10. The representative of UIC said the definition of maximum allowable working pressure (MAWP) in Chapter 6.7 was not practicable and was thus never applied. It would therefore be advisable to take what was done in practice (in accordance with the instructions for carriage in tanks) as a basis. The Joint Meeting agreed that this definition caused a problem and wished this problem to be dealt with. The representative of Germany would submit an appropriate new proposal which, would also be submitted to the UN Sub-Committee of Experts on the Transport of Dangerous Goods.

Item 6

11. As the working group had not been able to adopt the proposal of the United Kingdom, the United Kingdom would examine this problem again and submit a new proposal. The Joint Meeting took note.

Item 7

12. As the working group had not been able to agree on this proposal, the representative of the United Kingdom would submit a new proposal. The Joint Meeting took note.

Item 8

13. This matter would be considered again at the next session and, if necessary, submitted to the UN Sub-Committee of Experts on the Transport of Dangerous Goods. The representative of Belgium asked that his proposal, TRANS/WP.15/AC.1/2005/30, and the proposal from UIC (TRANS/WP.15/AC.1/2005/18) under item 5 remain on the agenda.

Item 9

14. With regard to document TRANS/WP.15/AC.1/2005/34, the representative of Germany would submit a relevant proposal to the next session. The Joint Meeting took note.

15. With regard to INF. 10, the text proposed was adopted (see annex 2) and the representative of Germany will submit a proposal for appropriate transitional measures. The representative of the Netherlands would submit a proposal concerning the external gauge pressure.

Item 10

16. Examination of this problem would be continued at the next meeting on the basis, if necessary, of a proposal from the representative of the United Kingdom. The Joint Meeting took note.

Miscellaneous

17. With regard to the first problem raised, no decision was taken by the Joint Meeting and the United Kingdom will submit an official document to the next meeting.

18. For the second problem raised about the status of standards (mandatory application or not), the representative of the United Kingdom will submit an official document at the next session, since the Joint Meeting considered that this was a substantial issue.

Carriage of liquefied gases in tanks with recessed valve chest

Document: TRANS/WP.15/AC.1/2005/19 (United Kingdom)

19. Views were divided on the proposal to authorize valves below the liquid level in recessed chests for the carriage of chlorine or sulphur dioxide. The proposal was based on the specific case of semi-trailer tanks for road vehicles, where the recessed chest is located behind the cab. In the case of tank-containers it could be located at the rear and in the case of tank-wagons for liquid petroleum gases, in the United Kingdom, recessed valve chests were located on the side. The representative of the United Kingdom was invited to prepare a new proposal to take the different transport modes into account.

STANDARDS

Informal document: INF.3 (CEN)

20. It was decided to postpone the question of the standards to which reference should be made in RID/ADR/ADN until the autumn 2005 session.

INTERPRETATION OF RID/ADR/ADN

Transitional measures of 1.6.1.2

Documents: TRANS/WP.15/AC.1/2005/1 (Belgium)
TRANS/WP.15/AC.1/2005/7 (UIC)

Informal document : INF.24 (UNECE secretariat)

21. The Joint Meeting confirmed the interpretation of 1.6.1.2 of the Working Party on the Transport of Dangerous Goods (WP.15) to the effect that the transitional measures were intended only for Class 7 labels and that all other labels must now be in conformity with the requirements of Chapter 5.2, and in particular carry a number in the lower corner.

22. The Joint Meeting decided to amend 1.6.1.2 in order to make this interpretation more obvious and to indicate that it also applied to Class 7 placards (model No. 7D) (see annex 2).

23. Mention was made of the problem of stocks of dangerous goods labelled according to the former requirements, particularly explosives and military ammunition. It was noted that paragraphs 1.6.1.3 and 1.6.1.4 already dealt with packagings for these substances and articles of Class 1, and if the need arose it would be advisable to prepare a proposal for transitional measures relating to their marking and labelling.

24. Document INF.24 was adopted with the replacement of the phrase “until stocks are exhausted” by “until 31 December 2010” so as to avoid a requirement without a finite date and in order to be in line with the December decision of the United Nations Sub-Committee of Experts on the Transport of Dangerous Goods with reference to label of model No. 5.2 which would be replaced.

Obligations of the packer with regard to overpacks

Document: TRANS/WP.15/AC.1/2005/14 (Austria)

Informal document: INF.25 (Austria/Germany)

25. The text of informal document INF.25, containing a proposal for an addition to 1.4.3.2 and an addition to the definition of the packer in 1.2.1, was the subject of a very lengthy debate. It was pointed out that these additions were necessary in the wake of the new requirement that had entered into force for 5.1.2.2 in 2005 and had created a new obligation.

26. It was also considered that the definition of the “overpack” would have to be modified since it currently only concerned the consignor and there was speculation as to whether it might not be necessary to include a new definition for the “overpacker”. It was also noted that the definition of the overpack did not cover all possibilities and that it was not clear whether the marking “overpack” should always be applied, as the IMDG Code provided.

27. It was also proposed that the clause, “he may rely on information and data made available to him by other participants,” should be included in the obligations of the packer so that he may rely on information provided by the consignor.

28. It was further noted that if only 1.4.3.2 was amended and not the definition of the packer, only the participant who both packed and loaded the packages into the overpack would be concerned. It would be appropriate to settle the case of the participant who only loaded packages into the overpack. In this context it was observed that the overpacker’s obligations must resemble those of the loader.

29. The Joint Meeting finally concluded that a working group should apply itself to settling these questions. FIATA agreed to organize this working group at Göteborg during the week of 13 to 17 June 2005 with the following participants: Austria, Belgium, France, Germany, Netherlands, Norway, Poland, United Kingdom. In order that there should be no distancing from the other transport modes, it was agreed that any proposed modification of the definition of the overpack would be sent to the United Nations Sub-Committee of Experts on the Transport of Dangerous Goods for its December session.

Limited quantities, excepted quantities and consumer commodities

Informal document: INF.9 (OTIF secretariat)

30. The Joint Meeting agreed to discuss these differences of interpretation between WP.15 and the RID Committee of Experts on the basis of an official document containing the standpoints of both organizations. Delegations were invited to transmit any comments on these questions.

HARMONIZATION WITH THE UNITED NATIONS MODEL REGULATIONS ON THE TRANSPORT OF DANGEROUS GOODS

Aquatic pollutants

Documents: TRANS/WP.15/AC.1/2003/56/Add.2 (Report of the Ad hoc Working Group on the Harmonization of RID/ADR/ADN with the United Nations Recommendations (2003))

TRANS/WP.15/AC.1/2005/28 (Secretariat)

Informal document: INF.14 (Belgium)

31. The aim of the secretariat document was to include in RID/ADR/ADN the provisions of the United Nations Model Recommendations concerning aquatic pollutants adopted by the United Nations Committee of Experts on the Transport of Dangerous Goods and on the Globally Harmonized System of Classification and Labelling of Chemicals in 2002 and 2004, essentially in the context of harmonization with the Globally Harmonized System of Classification and Labelling of Chemicals (GHS).

32. Several delegations were not in favour of this proposal because they were not satisfied with the way in which the question had been settled by the United Nations Committee of Experts. They considered that, according to the GHS, all substances meeting the criteria of aquatic pollutants, whatever their class, should be subject to the marking and documentation requirements of the Model Regulations for aquatic pollutants allocated to UN Nos. 3077 and 3082. They were also of the opinion that the prescription of conditions of carriage for these two entries alone would not be acceptable to the International Maritime Organization (IMO) and that harmonization with the United Nations Model Regulations was liable to perpetuate the existing discrepancy with the IMDG Code, which was not desirable for multimodal transport. This would also in part perpetuate the existing discrepancy with European Directives 67/548/EEC and 1999/45/EC which prescribed labelling as aquatic pollutants for all substances or preparations that met the criteria.

33. In view of the uncertainty with regard to the decisions that would be taken by IMO for the IMDG Code and by the European Union to bring Directives 67/548/EEC and 1999/45/EC into line with the GHS, and any new discussions that might take place in the United Nations Sub-Committee of Experts on the Transport of Dangerous Goods, these delegations wished to defer the decisions on the changes required until the next series of amendments, which would enter into force in 2009, in order to incorporate a consistent set of provisions.

34. Other delegations were on the contrary in favour of the secretariat's proposal, considering that the proposed criteria for classification are in line with the GHS and that RID/ADR/ADN should be harmonized with the UN Model Regulations. It was also noted that classification and labelling and marking of substances as aquatic pollutants is not required by the existing ADR/RID/ADN when such substances present other hazards. The representative of the United Kingdom felt that there was no reason to postpone the complete implementation of the UN Model Regulations through RID/ADR/ADN.

35. It was proposed specifically to adopt the secretariat's proposal but keep the existing exceptions in 2.2.9.1.0 referring to Directives 67/548/EEC and 1999/45/EC and, if there was not sufficient agreement to introduce new conditions of carriage, possibly at least to bring the classification criteria of 2.3.5 into line with those of the GHS as the United Nations Model Regulations provided.

36. The representative of CEFIC said that the European chemical industry organizations supported this last proposal.

37. The Chairman observed that no consensus was emerging on the question overall and requested the Joint Meeting to take a decision on just one of the secretariat's proposals, specifically the replacement of the criteria of 2.3.5 of RID/ADR/ADN by those of the GHS, as they appeared in the United Nations Model Regulations. This replacement was rejected by a small majority.

38. In view of this decision, the Chairman said that there was no need for the Ad hoc Working Group on the Harmonization of RID/ADR/ADN with the United Nations Recommendations to consider the texts concerning aquatic pollutants at its May 2005 session.

NEW PROPOSALS FOR AMENDMENTS TO RID/ADR/ADN

Limited quantities

Document: TRANS/WP.15/AC.1/2005/3 (AISE)

39. The two proposals to replace the code LQ 19 by LQ 7 for all the substances to which it was assigned, except for UN No. 2809 (mercury) and to make the LQ 19 limit 5 kg for both combination packagings and shrink-wrapped trays were adopted (see annex 2).

Carriage effected by the emergency services

Document: TRANS/WP.15/AC.1/2005/6 (Austria)

40. The discussion showed that the States had adopted different approaches in implementing the exemption of 1.1.3.1 (d). It also revealed a mistake in the German version of ADR.

41. The representative of Austria was invited to prepare a new proposal if he judged it necessary once the mistake was corrected, taking into account a number of comments, specifically that it would be advisable to define what was meant by emergency services, the scope of a revised exemption and the equipment in question (equipment involved in an accident or equipment belonging to or intended for the emergency services).

Chemical compatibility testing

Document: TRANS/WP.15/AC.1/2005/9 (Netherlands)

Informal document: INF.6 (EuPC)
INF.26 (Netherlands)

42. The Joint Meeting adopted the proposed amendments to the texts concerning the chemical compatibility testing of plastics IBCs or packagings and option 2 for transitional measures which would also concern IBCs (see annex 2).

43. The amendment to 6.1.6.1 (a) was, however, placed in square brackets, since the representative of Germany pointed out that alkyl benzene sulphonates were not ideal standard liquids since they could have different properties (neutrality or acidity).

44. The representative of Germany was requested to set out a detailed version of his arguments in writing for the next session.

5.4.1.1.1 Certification

Document: TRANS/WP.15/AC.1/2005/10 (Italy)

45. The meeting was reminded that the lack of harmonization the representative of Italy wished to remedy was due to the fact that a new Chapter 1.4, specific to RID/ADR, had been introduced in the context of the restructuring. The consignor's obligations in 1.4.2.1.1 thus replaced the declaration required by the Model Regulations, the IMDG Code and the ICAO Technical Instructions. The representative of Italy withdrew his proposal provisionally, but reserved the right to come back to it at a later stage.

5.4.1 Particulars in the consignment note/transport document

Informal document: INF.15 (Germany)

46. In correlation with the previous document, the representative of Germany drew attention to his document INF.15 concerning the indication of the date and signature in the transport document and requested a clarification in order to find a way round the differing interpretations.

47. It was pointed out that neither RID nor ADR required the transport document/consignment note to be dated and signed. For RID, this question was regulated by the CIM. For ADR, if the carriage took place in accordance with the CMR, this convention applied when road carriage was not subject to a contract of transport, a transport document containing the informations required by ADR was nevertheless necessary, but in such a case only the requirements of ADR applied. It was also stressed that national law should not take precedence over international law applicable to international traffic, even when it stipulated that a document without a date or signature had no legal value and that the carrier bore the responsibility for such situations.

48. It was also considered that the transport document had nothing to do with the RID/ADR obligations of participants. The information required by RID/ADR were related to safety only as a safety issue. The Chairman said that if this situation was to be changed, a written proposal to amend ADR would have to be submitted.

5.4.1 Additional information for substances carried under special packing provision PP1

Document: TRANS/WP.15/AC.1/2005/13 (Italy)

49. The Joint Meeting did not accept this proposal, which recommended that the situation prior to the restructuring should be restored for checking purposes. The meeting was reminded of the efforts made by the informal working group on harmonization on items of information to be included in the transport documents and the fact that all proposals were first to be submitted to the United Nations Sub-Committee of Experts on the Transport of Dangerous Goods in order to prevent any new lack of accord. The representative of Italy announced that he would reflect on the follow-up to be given to this matter.

Chapter 1.5 Derogations

Document: TRANS/WP.15/AC.1/2005/15 (Poland)

50. The removal of the limitation “for the purpose of adapting the requirements of ADR to technological and industrial developments” in 1.5.1.1, also included in the EU framework directives, was approved by the Joint Meeting.

51. The representative of the European Commission said that, in the context of the reform of the framework directives, the Commission could envisage amending the directives accordingly if the member States agreed, probably for 2007.

52. The Chairman, while pointing out that the non-renewal of the special agreements was still not applied, said that this would bring European law into line.

Chapter 3.3 Special provisions

Document: TRANS/WP.15/AC.1/2005/17 (UIC)

53. The duplication of certain entries of Table A to take account of different marking and labelling requirements had a favourable reception, as did the deletion of the special provisions relating to them, namely: 162, 204, 282, 298 and 634 (see annex 2).

54. With regard to special provision 634 and the second line for UN No. 2900, BK1 and BK2 were deleted. The Working Group on the Harmonization of RID/ADR/ADN with the UN Recommendations on the Transport of Dangerous Goods, Model Regulations (23-25 May 2005) would have to take a position on the same deletion in the second line of UN No. 3291 following the Sub-Committee’s decision of December 2004.

55. As for special provision 271 (UN No. 0143), the Joint Meeting kept it and therefore rejected the creation of a second line.

56. With reference to the remark by Belgium that substances of UN No.2030, packing group II could possess a flammable liquid subsidiary risk, the Joint Meeting recommended that this issue should first be referred to the UN Sub-Committee in order not to diverge from the Model Regulations (special provision 298).

57. The representative of the United Kingdom pointed out that in the context of the 2007 amendments, the Working Group on Harmonization would have to take into account the new provisions of 5.2.2.1.2 and 5.3.1.1.3 adopted by the Sub-Committee in December 2004.

Note to 6.2.1.7.6

Document: TRANS/WP.15/AC.1/2005/4 (EIGA)

58. The Joint Meeting agreed that the amendment that had entered into force on 1 January 2005 and replaced the text of 6.2.1.7.6 of the 2003 version by a new text was not intended to delete the NOTE at the end of this text. It therefore requested the secretariat to issue a corrigendum to the published versions of RID and ADR 2005.

6.2.1.7.7 Marking of refillable pressure receptacles

Document: TRANS/WP.15/AC.1/2005/20 (United Kingdom)

59. After the safety concerns of several delegations had been addressed, in particular with reference to the loss of past data, the extension of the provision to gases other than acetylene, the discussions of the United Nations Sub-Committee of Expert and procedures based on standards (valve difficult to disconnect, other types of rings), and after the representative of the United Kingdom had confirmed that the receptacles in question were RID/ADR receptacles, the Joint Meeting accepted the proposal by the United Kingdom by a small majority (see annex 2).

The 15-year interval between two periodic inspections (P200 (10)v)

Document: TRANS/WP.15/AC.1/2005/23 (AEGPL)

Informal document: INF.12 (Sweden)

60. This proposal for an extension from 10 to 15 years for LPG cylinders was rejected by the Joint Meeting, in particular because it made it possible to omit the obligation of recourse to the competent authority. The amendment to the text proposed orally by the representative of AEGPL to delete the phrase “where the periodic inspection and the carriage take place”, in order to avoid purely administrative problems, was not accepted either. The representative of AEGPL would come back to this problem with a new proposal.

6.2.1.7.2 Marking of refillable pressure receptacles

Document: TRANS/WP.15/AC.1/2005/25 (United Kingdom)

61. This proposal to specify that the minimum guaranteed thickness concerned the parallel section of the wall was not adopted by the Joint Meeting. It was pointed out that no reference to the parallel section necessarily appeared in 6.2.1.5.1 and 6.2.1.6.1 or in 6.1.3.2. The representative of the United Kingdom withdrew her proposal.

Rectification of 6.2.1.7.2 (f)

Document: TRANS/WP.15/AC.1/2005/33 (AEGPL)

62. Since the rectification proposed in the alternative offered greater clarity in the form of wording based on subparagraph (g), it was adopted by the Joint Meeting (see annex 2). Since this was a provision that had entered into force in 2003, the Joint Meeting did not agree to include this rectification in an Erratum/Corrigendum to the 2005 edition. It was, however, decided to propose a multilateral agreement to be submitted by France until the provision entered into force in 2007.

Report of the informal working group on Chapter 6.2 (Brussels, 12 January 2005)

Informal documents: INF. 5 (EIGA)
INF. 20 (EIGA)
INF. 22 (Germany)

63. The Joint Meeting approved the principle of continuing the work on the basis of a new structure of Chapter 6.2 as proposed in the report of the informal working group, although some editorial questions had still to be resolved. EIGA would organize a second session of the group in Brussels on 18 April 2005.

64. The working group would be able to compare the texts and suggest simplifications, but would have to consider all the cases covered by RID/ADR, keeping in mind that not all gas receptacles are constructed in accordance with standards, but may be constructed in accordance with a code recognized by the competent authority, provided they meet the requirements of RID/ADR. Thus these should not be simplified without justification.

65. The working group would also be able to examine the question of the mutual recognition of approval certificates, particularly with a view to the future inclusion in RID and ADR of provisions from the so-called "TPED" European Directive, which would mean this Directive could be taken into account and revoked, as it partly duplicates the RID and ADR Directives, which are also being revised.

66. The representative of Germany said that he would also submit a proposal to the Joint Meeting to take account of the provisions of the TPED Directive for the mutual recognition of approvals for gas tanks.

Harmonization of the provisions of P 200 (3) (d), P 200 (9) and P 203

Informal document: INF. 23

67. The Joint Meeting agreed that it was advisable to refer to the "competent authority which has approved the receptacles", as prescribed in P 200 (3)(d), in the equivalent provisions of P200 (9) and P 203 (instead of the competent authority which has approved the technical code).

68. The representative of the United Kingdom pointed out that this question should be reviewed in more detail in future and said that he might submit a document on this matter.

Carriage of dangerous wastes

Informal document: INF. 16 (FEAD)

69. The Joint Meeting agreed to grant FEAD consultative status for the examination of questions relating to the carriage of dangerous wastes.

Document: TRANS/WP.15/AC.1/2004/26 (Austria)

70. The Joint Meeting noted the representative of Austria's intention to propose to the Member States of COTIF and to the Contracting Parties of ADR a multilateral agreement to allow simplified conditions for the carriage of dangerous wastes, the text of which he had prepared after lengthy discussions in his country with the authorities concerned and with waste management professionals.

71. This document gave rise to numerous comments attesting to the difficulties in connection with finalizing rational conditions for the carriage of wastes while ensuring the level of safety. Some delegations would have preferred a working group to be set up, tasked with carrying out an overall review of the provisions of RID/ADR relating to wastes, particularly for classification. Others pointed out that RID/ADR already prescribed specific conditions on a case by case basis, for example for hospital wastes, aerosols, lithium batteries, accumulators etc. and that there was thus no need to apply a multilateral agreement to the cases that were already regulated. Lastly, a multilateral agreement had the disadvantage of letting waste management professionals finalize practices and invest in material on the basis of provisions which ran the risk of subsequently being revoked.

72. Finally, the representative of Austria invited all delegations to send their detailed comments on this draft agreement to him by 15 April 2005, which would enable him to take a decision on how to follow the matter up.

73. The representative of Germany said that he intended setting up a working group to discuss these questions.

Carriage of used batteries and accumulators

Document: TRANS/WP.15/AC.1/2005/24 (EBRA)

Informal documents: INF. 13 (EBRA)
INF. 21 (Netherlands)

74. After the authors had introduced the documents, it emerged that a number of inaccuracies and misinterpretations had been noted. The chairman and the representatives of Germany and Belgium were of the view that the current situation with regard to the regulations was correctly regulated and that if the conditions of special provision 636 were not met, the carriage of used batteries would be made very difficult. It would be incorrect to consider that the carriage of these used cells and batteries even containing small amounts of lithium batteries is exempted from the regulations. What could be done was to examine the current exemptions or facilitated conditions and to develop additional facilitated conditions.

75. The Joint Meeting was of the opinion that the consumer batteries referred to in special provision 304 are not covered by UN No. 3028 of Class 8. If it is considered that if the present text of special provision 304 is not clear enough, a proposal to the UN Sub-Committee of Experts should be made.

76. The representative of EBRA said that his organisation would continue its work, having noted what was done at present. He would draw the conclusion from this in order to finish with these questions and in anticipation of this, he withdrew his documents.

5.3.2 Harmonization of the provisions on the orange coloured plate marking

Document: TRANS/WP.15/AC.1/2005/27 (Germany)

77. The representative of Germany asked delegations to send him their comments on this proposal in order that he could, if necessary, revise it and so that a final discussion in the Joint Meeting in September would be possible.

MISCELLANEOUS

Safety adviser

Documents: TRANS/WP.15/AC.1/2005/12 and Add.1 (France)

78. The Joint Meeting took note of the record of the Forum on the provisions concerning the safety adviser and their implementation in States members of COTIF, Contracting Parties to ADR and States applying ADN, held in Paris and Le Creusot from 15 to 17 June 2004 at the invitation of the Government of France.

79. It considered the conclusions contained in annex 1 and decided the following:

Point 1: Conditions for sitting the examination

80. The Joint Meeting accepted the conclusion of the Forum.

Point 2: Organization of the examination

81. The principle was acknowledged of the need for independence when the same body was responsible both for teaching and examining.

Point 3: Examination arrangements

82. The Joint Meeting acknowledged that the competent authority must take all appropriate steps to ensure that the examination was impartial, consistent and held successfully, but there was no consensus on the questions of the anonymity of the papers and the use of a laptop computer which should be discussed in greater depth in a working group.

Point 4: Databank

83. Different practices among States and the databanks in question were not necessarily segmented according to 1.8.3.11 and 1.8.3.12, since some questions might cover several different points.

84. The Joint Meeting approved the principle of collecting a list of queries and case studies for all modes of transport that would be transmitted on a voluntary basis and of making them available on the UNECE website, with protected access, initially to make it possible to compile the questions posed in each State and then compare them and endeavour to harmonize examination standards.

85. It was noted, however, that bearing in mind the variety of languages, it might be difficult to compare these questions. In certain cases the question of copyright also arose for the organizations which drew up the questions. In this respect the representant of the European Commission recalled that, anyway, Member States of the European Union were required by directive No. 2000/18/EC to communicate their questions to the Commission.

86. Participants were requested to transmit their examination questions and topics for case studies to the UNECE secretariat (sabrina.mansion@unece.org) as soon as possible so that the work of comparison could begin.

Points 5 and 7: Examination standards and correction of examinations

87. Some delegations were not in favour of the immediate constitution of a training and examinations group, and considered that it was necessary first of all to ensure that the databanks of questions had been transmitted to the secretariat and that they could be efficiently used. It would then be appropriate to decide whether it was desirable to set up a group and assign it a specific mandate. This would not prevent a second meeting of the Forum meanwhile to discuss questions still pending.

88. Others considered that a group of this nature should be established as soon as possible in order to bring into line the competence of safety advisers in all countries implementing RID, ADR and ADN.

89. The Chairman and Vice-Chairman prepared and presented to the Joint Meeting a draft mandate for the training and examinations group (informal document INF.28). After considering this draft mandate the Joint Meeting accepted the offer by the representative of Spain to host a working group in Madrid on 6 and 7 June 2005, and established a final mandate for this group (see annex 3).

Relation between classification and conditions of carriage

Document: TRANS/WP.15/AC.1/2004/14 (Netherlands)

Informal document: INF. 3 (Netherlands) (From the September 2004 meeting)

90. The UN/ECE and OTIF secretariats agreed to place the table contained in INF. 3 on their websites. The table should make it possible to detect inconsistencies in the safety philosophy, for example with regard to carriage in bulk.

FUTURE WORK

91. With regard to aquatic pollutants, the representative of the United Kingdom asked that the UN/ECE Secretariat's document (TRANS/WP.15/AC.1/2005/28) be placed on the agenda of the next meeting. For his part, he would inform the Joint Meeting of the decisions IMO would take for the IMDG Code.

TRIBUTES

92. The Joint Meeting, on being informed that Mr. W. Visser (UIC), Mr. M. Fokker (Netherlands) and Mr. K. Loacker (Liechtenstein) would be retiring soon, expressed its appreciation for their long-lasting contribution to its work and wished them a long and happy retirements.

ADOPTION OF THE REPORT

93. The Joint Meeting adopted the report and its annexes on the basis of a draft prepared by the secretariats.

Annex 1

Report of the Working Group on tanks
(see TRANS/WP.15/AC.1/98/Add.1)

Annex 2

Texts adopted by the Joint Meeting
(see TRANS/WP.15/AC.1/98/Add.2)

Annex 3

Terms of reference for the working group on the examination of the safety adviser
in accordance with 1.8.3

1. Exchange of information and elaboration of proposals to amend the regulations regarding the following points:
 - organization of the examination (independence of the examining body)
 - examination arrangements.
 2. Consider the possibility of setting up conditions for the use and organization of national data bases of questions and case studies.
 3. Organizing future work on achieving a harmonized level of difficulty for examinations (both questions and case studies). Each competent authority wishing to participate in the working group is invited to send examination topics including questions and case studies previously set (selection of 2 or 3 significant examinations) and a description of the conditions of the examination, preferably in English, to the Spanish competent authority.
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