

Report of the 2nd meeting of the Joint Meeting working group on the carriage of dangerous wastes (Bonn, 2 and 3 May 2006)

Transmitted by Germany

1. At the invitation of the German Federal Ministry of Transport, Housing and Urban Development (BMVBS), the 2nd meeting of the Joint Meeting working group on the carriage of dangerous wastes was held on 2 and 3 May 2006.
2. The following States took part in the discussions at this meeting: Belgium, Germany, France, Croatia, Austria, Sweden and Switzerland. The European Federation of Waste Management and Environmental Services (FEAD) and the Intergovernmental Organisation for International Carriage by Rail (OTIF) were also represented. See the attached list of participants for details.

General

3. To begin with, the representative of Austria informed the meeting that Liechtenstein had signed agreements M172 and RID 5/2005, which he had proposed.

Visit to a collection point for toxic substances and a HazMobile

4. At the 1st meeting, the representatives of FEAD had offered working group participants the opportunity of visiting a collection point for toxic substances and a HazMobile. Thus after the welcoming speech, the working group visited the collection point for toxic substances and a HazMobile in Swisttal-Miel. It was demonstrated at the collection point for toxic substances and the HazMobile how “derogation No. 20”, which applies to the carriage of wastes in Germany, is implemented in practice.

Presentation of the system for carrying waste in Sweden

5. Sweden had already sent participants its national provisions on the carriage of waste before the working group’s first meeting (see also paragraph 31 of the report of the 1st meeting). However, as the representative of Sweden had not been able to attend that meeting, she was given the opportunity at this meeting of presenting Sweden’s waste transport system. She pointed out that it was not practicable to carry wastes in accordance with the provisions of ADR. The Swedish derogation covered 20 pages and was developed in conjunction with the industry. It was similar to Germany’s derogation 20 and contained 11 different groups of wastes. It also contained simplified classification for assignment to these groups and 6 different types of packaging – primarily combination packagings. Labelling and driver training were carried out in accordance with ADR. Documentation was provided in a simplified form.
6. In reply to a question from the representative of Switzerland, the representative of Sweden informed the meeting that in Sweden, this derogation only applied to private waste collected at public collection points.

Aus Kostengründen wurde dieses Dokument nur in begrenzter Auflage gedruckt. Die Delegierten werden daher gebeten, die ihnen zugesandten Exemplare zu den Sitzungen mitzubringen. Das Zentralamt verfügt nur über eine sehr geringe Reserve.

ITEM 1 – Drafting regulations

7. The representative of Germany proposed the following procedure for drafting regulations on the carriage of wastes: consideration of the problems and of the simplifications undertaken in practice (with the HazMobile) to resolve these problems, followed by editing for inclusion in ADR.

Classification

8. The working group noted again that RID/ADR do not contain any specific provisions for the classification of wastes.
9. With regard to the German derogation No. 20, the representative of Austria asked whether there must not ultimately be assignment to a UN number. According to the principles of RID/ADR, such assignment must be made. The Chairman explained that according to derogation No. 20, there was no assignment to a specific UN number, but the description of the waste groups provided the relevant information, so that they were assigned to a UN number indirectly. Waste groups were formed in such a way that the different wastes in a group could not react dangerously with each other.
10. The representative of Germany was of the view that this subject should be split into small steps. In particular, the question of principle should first be clarified as to whether the following should be provided:
 - an additional system to that of the UN numbers (parallel system) or
 - a system of assignment to n.o.s. entries.

Germany preferred the first alternative, as using the n.o.s. entries required very precise assignment, which meant that considerably more information would have to be made available on site. In addition, consistent use of the n.o.s. entries would require numerous containers.

The representative of Germany therefore proposed

- to apply the normal system, without derogations, to industrial wastes, as precise information on the wastes was already available and
 - to apply a simplified system of assigning household wastes, e.g. the German derogation No. 20.
11. The representative of Belgium was also of the view that for industrial wastes, an RID/ADR classification should in principle be made, but the time from which the wastes should be investigated more closely should be specified (higher costs!) as well as when and how the tests had to be carried out. In his view, sampling would have to be carried out if the properties were not known. In Belgium, derogations were only permitted for quantities in accordance with 1.1.3.6. If the quantities in 1.1.3.6 were exceeded, case-by-case derogations had to be applied for. In addition, 1.1.3.6 could only be used approximatively, as not all the properties would be known.
 12. The representative of France was also of the view that a distinction should be made between industrial wastes and household wastes. However, he pointed out that it might not be possible to classify all industrial wastes precisely. Wastes should be assigned on the basis of the n.o.s. entries, albeit in a more general form. The advantage of this would be that the normal carriage provisions could then be applied and no additional training was necessary.
 13. The representative of Germany pointed out that the result of France's proposal would be that "over classification" should take place: the less was known about a substance, the higher it

should be classified. This meant that a waste would always first be assigned to packing group I unless certain properties could be identified more precisely.

14. In this connection, the representative of France pointed out that in many cases, it was practically impossible to determine the packing group to which the waste actually belonged. In his view, it should in many cases be possible to assume that the waste belonged to PG II. The n.o.s. entry should relate to the main hazard.
15. The representative of Austria asked the meeting to consider that the advantage of a parallel system would be that it would enable a waste to be assigned in accordance with the law on wastes. If such waste groups were to be used though, they should also be included in RID/ADR. In addition, classifying a waste in such a way as to achieve financial savings must be prevented. In this respect, the representative of Belgium emphasised that where there was really no information available on a waste, the most stringent classification must be chosen.
16. The representatives of FEAD said that a new classification system for wastes must be an international system that could be applied uniformly. At the moment, classification depended on whether enough information was available. In this case, classification was made under the appropriate UN number. If, owing to a lack of information, classification was not possible, different systems were applied in different States, e.g. systems in conformity with Austria's multilateral special agreement M 172 or RID 5/2005. However, a discussion within FEAD had also shown that assigning waste to waste groups (as laid down in German derogation No. 20) also made it possible to assign a waste to n.o.s. entries. As a rule, the main hazards (flammable, corrosive) were known, but not the individual components. Only in certain cases (e.g. waste group 15) was this not possible.
17. Following these expressions of opinion, the Chairman concluded that for the classification of wastes, the majority of the States represented did not wish to have a parallel, self-standing system over and above the dangerous goods regulations.
18. However, there would need to be further discussion on Switzerland's proposal suggesting that a definite classification should be made as soon as the quantities in 1.1.3.6 are exceeded, and that relaxations could only be applied as long as the quantity limits in 1.1.3.6 were not exceeded.

Discussion on the principle of adding a column showing the "UN number" to the table of dangerous wastes in derogation No. 20

19. The Chairman proposed that Germany could try to assign the UN numbers of the relevant n.o.s. entries to the waste groups in the table of dangerous wastes in derogation No. 20, so that if they were incorporated into the regulations, it would be clear which UN number could be used for which wastes.
20. The representative of FEAD agreed with this proposal, but saw no major advantage as compared with the current version of derogation No. 20. In addition, he preferred Austria's approach to this matter in the multilateral agreements, according to which it was not necessary to give the technical name.
21. The representative of Belgium was of the view that for systematic reasons, the UN number should be assigned. If different possibilities were available (e.g. flammable toxic substance or toxic flammable substance), a provision should be included in RID/ADR to the effect that for wastes for which insufficient data were available, a particular UN number should be used.
22. The representative of France also considered that an additional reference to the UN number was useful, particularly with a view to carriage in tanks. A new paragraph for wastes using

the wording of derogation No. 20 could then be included in 2.1.3 (and 2.1.x respectively), in which the UN numbers were assigned accordingly.

23. The Chairman summed up that the working group wished in each case to add the UN number for the various waste groups in a table modelled on derogation No. 20. This table should be structured in such a way that it could be included in RID/ADR 2.1.3 (and 2.1.x respectively). Germany would try to prepare a draft.

Discussion on the table of dangerous wastes, including the "UN number" column, from derogation No. 20

24. On the 2nd day of the meeting, the Chairman submitted an amplified table of dangerous wastes from derogation No. 20, in which he had assigned the UN number in each case to the existing entries. The working group examined this revised table in detail.
25. In reply to a question from Belgium, the representative of France and the Chairman made clear that as discussed, the result of this detailed examination was to be included in section 2.1.3 (and 2.1.x) of RID/ADR. For wastes where it was not known exactly how they should be classified, a corresponding assignment would be carried out here. The relevant procedure should be described in the introduction to the table.

Waste group 1

26. The working group established that for waste group 1, aerosol dispensers and small receptacles containing gas (gas cartridges), there could be no difficulties with regard to classification, as they could always be recognised as such.

Waste group 2

27. With regard to waste group 2, the representative of Austria pointed out that UN 1263 should be included as an alternative in 2.1, 2.2 and 2.3 if need be, if it is known that the waste is paint. This entry could then be used if sufficient information were available.
28. The representative of Switzerland considered that including the specific UN number 1263 brought with it further uncertainty. In addition, the table was not usually used by people with precise knowledge of wastes. If it were known that UN 1263 was involved, SP 650 could also be used.
29. The representative of France was of the view that this table was supposed to give predetermined classifications when various information was not available. Thus UN 1263 should not be included.
30. However, the representative of Austria thought it also created uncertainty if the specific UN number 1263 was not referred to. This special case must at least be referred to in a Note, e.g.:

"Note. For wastes consisting of packaging residues, solidified residues and liquid residues of paint, see also special provision 650."

31. The representative of Belgium considered that the table could only be used if insufficient data were available. Particular cases were known of in practice where specific information was available. He proposed the following procedure: consideration of the data available and of unknown data. List of examples. Lastly, assignment to a UN number that also encompassed the unknown data.

32. The representative of France proposed that in addition, a principle from special provision 650 should be included in the table: if the PG were not known, it should be assumed that it is sufficient to assign the waste to PG II. With regard to this, the Chairman pointed out that for normal wastes in original packagings that accumulate in the household, it may be assumed that these do not come under PG I, as these packagings are not permitted for this PG. For this reason, he too considered that such wastes should be assigned to PG II. The representative of Switzerland also thought that PG II was sufficient. The representative of Germany thereupon proposed that in the planned new proposal, the packing group should first be placed in square brackets and this question should then be clarified at the next meeting.
33. The representative of Austria also thought it would be helpful if the relevant EWC numbers were also to be included in this table for the examples to be listed. These had been included in Austria's multilateral agreements. Only wastes with EWC numbers could be disposed of anyway. The representative of Germany then proposed that a comparison with EWC numbers should be submitted to the Joint Meeting. However, prescribing them as mandatory should be avoided. Each State could undertake assignment to EWC numbers in its national explanatory notes. The representative of France supported this proposal. He also pointed out that there was no systematic correlation between the EWC numbers and the UN numbers. For this reason, assignment should indeed only be made in national explanatory notes in order to facilitate the work of the waste disposal companies.

Waste group 3

34. Waste sub-group 3.1 was retained without amendment, i.e. it is assigned UN number 1992, while only UN 2929 is maintained from waste sub-group 3.2.
35. In reply to the question by the representative of France as to whether the PCBs should be deleted from the table, the Chairman explained that UN 1992 could only be used if the waste did not contain any PCB. He proposed to delete the PCBs from the list. If it were known that particular wastes contained PCBs, a precise analysis must be carried out.
36. The working group agreed that a separate solution must be found for PCBs. The representative of Belgium was of the view that the transport document must in every case indicate whether UN 1992 contained PCB, as the presence of PCB had an influence on the type of disposal.
37. The Chairman proposed to deal with this problem later when the information in the transport document was discussed in connection with indicating the technical name.
38. Various participants thought this problem could be resolved by including a note in Chapter 5.4 to deal with this. For example, instead of the technical name, a general description (e.g. from the Waste Code Catalogue) could be included and if PCBs were present, an appropriate note could be included.
39. The representative of Switzerland was of the view that this was a general problem that was not restricted just to wastes. He therefore proposed that this problem should be resolved by a proposal from Belgium to the Joint Meeting.
40. According to the Chairman's proposal, UN number 1992 alone should also be listed for waste sub-groups 3.4 and 3.5, as pesticides are dissolved in a flammable solvent. Thus the corresponding substances could be subsumed into waste sub-group 3.1 and waste sub-groups 3.4 and 3.5 would be dropped.

Waste group 4

41. UN numbers 2924 and 3286 were assigned.

Waste group 5

42. This waste group should be deleted as it is already covered by other waste groups.

Waste group 6

43. UN number 3175 in waste sub-group 6.1 was deleted. UN numbers 1325 and 3178 were kept, as it can usually be ascertained whether the substance involved is organic or inorganic.
44. Instead of UN 3089, UN 3178 could be listed in waste sub-group 6.2. The corresponding substances would then be covered by waste group 6.1.
45. Waste sub-groups 6.3 and 6.4 should be included with no change, i.e. UN numbers 2926 or 3179, or 2925 or 3180 would be assigned.
46. In reply to a question from Belgium as to what use the distinction between organic and inorganic was, the Chairman explained that there was no entry for "flammable solid", only for "flammable solid, organic" or "flammable solid, inorganic".
47. On a proposal from the representative of France, a note should be included to say that in cases of doubt, wastes should be classified as organic substances.
48. For waste sub-groups 6.5 and 6.6, UN 3088 should be given for organic substances and UN 3189 for inorganic substance, with the same note as in paragraph 47.

Waste group 7

49. Waste sub-groups 7.1 and 7.2 were not changed, i.e. UN numbers 2813 or 3134 were assigned and waste sub-groups 7.3 and 7.4 were deleted.

Waste group 8

50. Waste sub-groups 8.1, 8.2 and 8.3 were not changed, i.e. UN numbers 1479 or 3087 or 3085 were assigned and waste sub-group 8.4 should be deleted, as too much information was needed to make the correct assignment.

Waste group 9

51. In waste sub-group 9.1, UN 2026, 2024 and 2025 should be deleted. This left UN numbers 2810, 2811, 3287 and 3288. Waste sub-group 9.2 could be dispensed with, because equipment containing mercury or mercury itself did not require special classification and could be easily recognised as such. Waste sub-group 9.3 could be deleted because here, too much information would be needed. Other substances that belong to waste sub-group 9.3 would already be covered in other waste sub-groups. Waste sub-group 9.4 was covered by waste sub-group 9.1 and UN numbers 2927, 2928, 3289 and 3290 or 1992 and 2930 were assigned to waste sub-groups 9.5 and 9.6. Waste sub-group 9.7 should be deleted as the substances it covers were already covered by other waste sub-groups.

Waste group 10

52. Waste group 10 could be dispensed with.

Waste group 11

53. Waste sub-groups 11.1 and 11.2 could be dispensed with and covered by waste sub-group 11.3, to which UN number 2922 was assigned. Waste sub-group 11.5 could be dispensed with, because provisions already existed for the carriage of batteries as waste and these could also be recognised as such and did not therefore require any special classification.

Waste group 12

54. UN 3260 was assigned to waste sub-group 12.1 and UN 2923 was assigned to waste sub-group 12.2.

Waste group 13

55. In waste group 13, only sub-group 13.2 was necessary, to which UN numbers 3262, 3263, 3266 and 3267 were assigned. Waste sub-group 13.4 could be dispensed with, because provisions already existed for the carriage of batteries as waste and these could also be recognised as such and did not therefore require any special classification.

Waste group 14

56. Waste sub-groups 14.1 and 14.2 were assigned UN 1760 and UN 3139. In sub-group 14.3, UN 2014 and 2984 were deleted, so only UN 3089 remained. Waste sub-group 14.4 was assigned UN 3099.

Result of the examination

57. The table, thus reduced, would be submitted to the Joint Meeting.

Proposed text for the introduction to the table

58. The Chairman proposed the following wording for the introductory sentence: "The following table may be used if too much time, cost and effort was involved in analysing the data."
59. In addition, the representative of Austria proposed not to differentiate between household and industrial wastes, as the purpose of carriage should not lead to different carriage provisions. It would be better to gear matters to the quantity.
60. The representative of Belgium again pointed out that it must be ensured that carriage under simplified conditions was more expensive than determining the substances contained in the waste, otherwise every participant would use the simplified conditions and known information would be suppressed.

In addition, the table should be self-explanatory. In other words, it should be formulated in such a way that the known properties could be retrieved. If a particular hazard could not be ruled out, it must be assumed that this hazard exists.

61. The representative of France suggested that a recommendation also be included in the introduction to cover cases where the properties of the waste were not known. In this case, the hazards should be decided on the basis of the origin or source of the waste. The next step would be to decide how the correct packing group should be determined.
62. The representative of Austria wanted the principle of overclassification to be established, inasmuch as the logic of the table structure did not already reflect this. A statement on the applicability of section 2.1.4 (samples) should also be made.
63. The Chairman explained how he imagined the structure of the table. In his view, the wastes should be ranked, with the table beginning at the top with the UN number having the greatest

hazard and ending at the bottom with the UN number having the least hazard. In addition, certain substances should be excepted from the simplified conditions of classification: explosives, radioactive material, infectious substances, self-reactive substances, pyrophoric substances, organic peroxides, gases with the exception of aerosols and gas cartridges.

64. The representative of Germany offered to revise the table accordingly and to draft an introductory text. For the time being, the corresponding packing groups would be placed in square brackets, as mentioned earlier. This document would then be sent to the participants to give them the opportunity of sending in any comments they might have before the next meeting.

October/November 2006 was suggested as the date of the next meeting. However, BMVBS could not guarantee at the moment that it would be possible to provide interpretation into English.

65. The representative of France announced that he would also be prepared to organise the next meeting. However, this meeting would also probably have to be held without interpretation, in which case the meeting would have to be held in English only.

As France had offered to the Joint Meeting to organise a working group on limited quantities, it was conceivable that the date of both meetings could be dovetailed.

66. The representatives of Germany and France agreed to clarify among themselves who would send out the invitation to the next meeting of the working group.

Any other business

67. The representative of Austria again pointed out that the multilateral agreements also contained a rule on medicines. He asked whether this should also be included in the new table in order to avoid an overly restrictive classification. A representative of FEAD replied that for medicines returned from consumers, the simplification of SP 601 should apply.
68. The representative of France proposed that the report of this meeting should be submitted to the Joint Meeting in order to obtain the latter's endorsement of the progress achieved so far.
69. The representative of Germany offered to submit the reports of both meetings to the Joint Meeting, together with a proposed text for a new paragraph in 2.1.x.
70. As the report of the first meeting was very extensive, following a brief discussion, the working group came to the view that this report should not be submitted as an official document, but only as an annex to the report of the 2nd meeting. The decisions of principle taken so far should be summarised under main points in order that the Joint Meeting could give its view on them. The proposals by FEAD, the proposed text with the revised table for a new paragraph 2.1.x, document INF. B1 Rev.1, Austria's multilateral agreements and documentation concerning the collection point for toxic substances should also be attached as annexes.

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