

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

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REVISION OF CHAPTER 6.2 – DOCUMENT ECE/TRANS/WP.15/AC.1/2007/18

Comments transmitted by the Government of Belgium

Introduction

During the discussions in the working group on the revision of chapter 6.2, it became clear that the competent authorities that were present did not agree on a very fundamental issue : the field of application of RID/ADR.

The problem – reduced to its most simple formulation – is the following : what is allowed when dangerous goods are in complete agreement with all applicable provisions of RID/ADR ? More concretely, can the receptacles (tanks, packagings, containers, load compartments, etc.) be

- carried,
- filled,
- emptied ?

For carriage, the answer of course is yes (from the legal point of view as well as in practice). But where filling and emptying are concerned, the situation is less straightforward. Legally, RID/ADR only allow for the “change of place” of the dangerous goods, the stops during carriage and the intermediate temporary storage (based on the definition of “carriage” in 1.2.1)¹.

In practice, however, and although the answer ought to be the same in all cases, huge differences exist in function of the action undertaken (filling vs. emptying), the type of containment (packagings vs. tanks), the country of approval of these containments and the dangerous goods concerned (gases vs. the others).

¹ *At least in the French version of ADR. In the English version, “international transport” of dangerous goods is allowed according to the text of the agreement itself. This “transport” is not defined in the annexes, because there “carriage” is systematically being used. This discrepancy ought to be remedied.*

Emptying is always permitted, as there would be no benefit in carrying receptacles with dangerous goods all around Europe, without being allowed at their destination to take those goods out of the receptacle to use them.

For filling, the situation at the moment is the following :

1. In the country of approval of the containment : always allowed.
2. In another country ²
 - a) in packagings : gases : not allowed.
other dangerous goods : allowed.
 - b) in tanks : allowed.
 - c) in bulk : allowed.

The exception for gases in packagings was based on the absence of uniform provisions for the construction of gas receptacles ; up till very recently, they were all built according to national technical codes. As from 1-1-2009 at the latest, the new gas receptacles will have to be built according to the referenced international standards, and the use of national codes will no longer be allowed. The reason for not allowing to fill these receptacles in another country than the country of approval will therefore disappear.

Belgium is of the opinion that filling and emptying should always be allowed within the RID/ADR framework (with an exception of course for the old gas receptacles, built according to national codes). This can be achieved by adding to the definition of *carriage* in 1.2.1 the activity of loading, unloading, filling and emptying, covered by Annexes A and B.

² Only ADR/RID are taken into account, not other legal frameworks (e.g. the TPED-directive of EU).