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Joint Meeting of the RID Committee of Experts and the
Working Party on the Transport of Dangerous Goods

Geneva, 11-21 September 2007
Item 5 of the provisional agenda

**HARMONIZATION WITH THE UN RECOMMENDATIONS
ON THE TRANSPORT OF DANGEROUS GOODS */**

Report of the Ad Hoc Working Group on the Harmonization of RID/ADR/ADN with the UN
Recommendations on the Transport of Dangerous Goods

GENERAL

1. The Ad Hoc Working Group on the Harmonization of RID/ADR/ADN with the UN Recommendations on the Transport of Dangerous Goods met in Geneva, Palais des Nations, from 22 to 24 May 2007 under the chairmanship of Mr. C. Pfauvadel (France).
2. Representatives of France, Germany, the Netherlands, Norway, Switzerland, United Kingdom and the Intergovernmental Organisation for International Carriage by Rail (OTIF) participated in the session.
3. The session was held in English, without interpretation. The documentation prepared by the secretariat, including the agenda, was issued as informal documents which were made available on the website of the UNECE Transport Division, as follows:

ECE/TRANS/WP.15/AC.1/HAR/3: Provisional agenda

ECE/TRANS/WP.15/AC.1/HAR/2007/1: Proposals for harmonization (UNECE secretariat)

ECE/TRANS/WP.15/AC.1/HAR/2007/2: Comments (OTIF secretariat)

*/ Circulated by the Intergovernmental Organization for International Carriage by Rail (OTIF) under the symbol OTIF/RID/RC/2007/30.

4. The background documents were the report of the UN Economic and Social Council's Committee of Experts on the Transport of Dangerous Goods and on the Globally Harmonized System of Classification and Labelling of Chemicals and annexes thereto, circulated by the secretariat as documents ST/SG/AC.10/34 and -Add.1-2.

5. The Ad Hoc Working Group adopted the provisional agenda prepared by the secretariat.

HARMONIZATION OF RID/ADR/ADN WITH THE UN RECOMMENDATIONS ON THE TRANSPORT OF DANGEROUS GOODS, MODEL REGULATIONS

6. The draft amendments to RID/ADR/ADN proposed by the Ad Hoc Working Group are reproduced in the addendum to this report (ECE/TRANS/WP.15/AC.1/2007/30/Add.1). The Working Group agreed that the comments below should be brought to the attention of the Joint Meeting and some texts were placed between square brackets for decision by the Joint Meeting.

Definition of small containers

7. The Ad Hoc Working Group noted that the definition of small containers in the current RID/ADR/ADN differed from that in the 15th revised edition of the UN Recommendations on the Transport of Dangerous Goods, Model Regulations and the IAEA Regulations on the Transport of Radioactive Material in the sense that RID/ADR/ADN fix a minimum volume of 1 m³ for small containers, contrary to the UN and IAEA Regulations where there is no such lower limit. The Group proposed to align the definition on that of the UN and IAEA Regulations.

8. A member of the secretariat drew attention to the ISO definition of freight container where the minimum internal volume of freight containers is 1 m³. (ISO 830:1981).

9. It was noted that this minimum internal volume limit did not appear in the IAEA Regulations but that containers used as packagings for the carriage of radioactive material as IP-2 or IP-3 packages had to meet certain requirements in accordance with 6.4.5.4.4, which was not the case when used for the carriage in bulk of other dangerous goods. Therefore the Ad Hoc Working Group considered that a minimum internal volume of 1 m³ should be included in the general definition of containers, except for radioactive material.

10. It was agreed that the definitions of open containers, small containers, large containers, closed containers and sheeted containers should be listed under the definition of containers, as for definitions concerning IBCs.

Definition of unilateral approval (Class 7)

11. The Ad Hoc Working Group decided to retain the existing NOTE to the definition whereby a unilateral approval of a design granted by the competent authority of a country of origin which is not a Member State of the COTIF or Contracting Party to ADR or ADN has to be validated by the competent authority of the first COTIF Member State or Contracting Party to ADR/ADN reached by the consignment. In this respect, reference should be made also to 6.4.22.6.

Excepted packages (Class 7)

12. The Ad Hoc Working Group noted that 1.7.1.5.1 contains the list of provisions that apply to the carriage of excepted packages, and that 1.7.1.5.2 contains a list of provisions that do not apply to excepted packages. However, since RID/ADR/ADN contains provisions which are not included in the UN Model Regulations (e.g. chapters 1.5, 1.6, Part 7, etc.), the question was asked whether this list of provisions that applies or do not apply should not be supplemented. Class 7 competent authorities should be consulted in this respect.

Emergency procedure for Class 7

13. The Joint Meeting should decide whether or not it is relevant to include paragraph 1.7.2.5 and 1.7.2.6 in RID/ADR/ADN.

Radiation protective programme

14. It was agreed that 1.3.2.4 should be replaced by a reference to 1.7.2.7 and that in 1.7.2.7 a reference to the definition of workers in 7.5.11, CW/CV33, NOTE 3 should be added.

Low dispersible radioactive material

15. The Ad Hoc Working Group noted that a NOTE to the current definition of low dispersible radioactive material exists in sub-section 2.2.7.2 of RID/ADR/ADN, referring to carriage by air in type B(U) or B (M) packages, and that the notion of low dispersible radioactive material is linked to carriage by air. As a consequence some provisions relating to low dispersible radioactive material do not appear in RID/ADR/ADN, and the corresponding paragraphs of the UN Model Regulations are reserved (e.g. 6.4.8.14). However, other provisions concerning low dispersible radioactive material are included in RID/ADR/ADN (e.g. in 6.4.22.5, 6.4.23.9). The Ad Hoc Working Group considered that this NOTE should not be included in the new definitions of 2.2.7.1.2 and that all provisions concerning low dispersible radioactive material should be included in RID/ADR/ADN. The secretariat was invited to include the missing texts in the proposal for harmonization with the UN Model Regulations.

Type C packages (Class 7)

16. The addition of a NOTE in 2.2.7.2.4.6.4, corresponding to the current NOTE in 2.2.7.7.1.6, as proposed by the OTIF secretariat, indicating that type C packages may be carried by air for activities exceeding those allowed for carriage by air for types B (U) or B(M) packages was deemed unnecessary because this note simply explains why these type C packages may be carried by air, when, in fact, they may also be carried by inland transport modes before or after carriage by air.

Carriage of animal carcasses infected with Class 6.2, category B, infectious substances

17. It was agreed, rather than introducing special provision 341 for UN No. 3373, to include, as for UN Nos 2814 and 2900, a special entry in table A of Chapter 3.2 for UN 3373 intended for the carriage of animal material.

18. Since the question of alternative packagings for animal material carried under UN Nos 2814, 2900 and 3373 was now addressed in the UN Model Regulations by additional

requirements in P620 and P650 referring to 4.1.3.7, it was agreed that it was no longer necessary to keep a reference to P099 in column (8) of Table A of Chapter 3.2 for UN Nos 2814 and 2900.

19. However, it was noted that the text of 4.1.3.7 in the UN Model Regulations differed from the one in ADR and RID where reference is made to multilateral agreements. Therefore it was agreed to include the provisions of 4.1.3.7 of the UN Model Regulations in a new paragraph 4.1.8.6 which would allow the use of alternative packagings for carriage of animal material in the same conditions as in the UN Model Regulations, and to refer to this paragraph 4.1.8.6 in P620 and P650 (However, see also paras. 40 and 41).

20. A transitional provision should be included in Chapter 1.6 to allow carriage in accordance with EC Regulation No.1774/2002 (Footnote 7 to the second sentence of current 2.2.62.1.12.2), bearing in mind that bulk containers allowed according to BK1 and BK2 may have to be approved by the competent authority if they do not conform to the CSC and that very few bulk containers have been approved in accordance with 6.11.4 up to now.

21. It was also agreed to add in 2.2.62.1.12.2 a second paragraph explaining how to classify animal material affected by pathogens of Category B and that animal pathogens which would not be assigned to Category A if they were not in culture should be assigned to category B, which the Ad Hoc Working Group felt should have been included in the UN Model Regulations as well.

Fertilizer ammoniating solution (UN No.1043)

22. Since UN No.1043 may be used for carriage following air or maritime carriage, the Ad Hoc Working Group felt that the Joint Meeting should decide whether provisions should be added in the various columns of table A of Chapter 3.2.

Tank provisions

23. The Joint Meeting Working Group on tanks should check the consequences of the new UN Recommendations on RID/ADR tanks. The secretariat was requested to prepare an informal document listing the questions to be checked.

Special provisions concerning air transport

24. Since carriage by air is preceded or followed by inland transport, some delegations felt that all special provisions concerning air transport in the UN Model Regulations should also appear in RID/ADR/ADN. The Joint Meeting is invited to consider this issue.

Carriage of solid environmentally hazardous substances in bulk (UN 3077)

25. The Ad Hoc Working Group noted that carriage in closed bulk containers (BK2) of these substances is allowed by the UN Model Regulations. Some delegations considered that, for inland transport, sheeted bulk containers (BK1) should also be allowed. The Joint Meeting is invited to consider this issue. In this respect, it was noted that provision VV/VW 3 is assigned in column (17) of RID/ADR, which means that only sheeted containers with adequate ventilation are currently allowed. The Joint Meeting is invited to consider whether provision VV/VW1 would not be more adequate.

Mixtures of non-dangerous solids and environmentally hazardous substances (special provision 335)

26. The Ad Hoc Working Group noted that special provision 335 did not solve the question of how to carry such mixtures when free liquid is visible at the time the substance is loaded or the packaging or the vehicle/wagon is closed. It was agreed to propose a new special provision 654 which would indicate that in such a case, the mixture should be classified under UN No.3082.

ADR tunnel code for articles

27. The Ad Hoc Working Group considered that, since the carriage in bulk of articles assigned to UN No. 3478 is not allowed, the tunnel code D in column (15) of Table A of Chapter 3.2 of ADR would be more suitable than tunnel code B1D. It was noted that this question had been raised by the Government of Poland in relation to articles such as aerosols and that this issue would be discussed at the next session of the UNECE Working Party on the Transport of Dangerous Goods (WP.15).

Fuel cell cartridges

28. It was noted that the last sentence of special provision 328 of the UN Model Regulations, which applies generally to all fuel cell cartridges entries (UN Nos 3476, 3477, 3478 and 3479) applies only to fuel cell cartridges containing hydrogen in metal hydride (UN No.3479), and appeared also in special provision 339 which applies specifically to UN No.3479. Therefore it was considered that this last sentence of special provision 328 should be deleted and that the UN Sub-Committee of Experts on the Transport of Dangerous Goods should be informed accordingly.

New chapter 3.5 (Excepted quantities)

29. Comparing the titles of chapters 3.4 and 3.5, the Ad Hoc Working Group considered that the titles of chapter 3.4 should be amended to read “Dangerous goods packed in limited quantities”. The fact that these chapters deal with partial exemptions is reflected in 1.1.3.4, where a new paragraph 1.1.3.4.3 should be added for excepted quantities.

30. The question was raised whether paragraphs equivalent to 3.5.1.1 (a) and (b) should be introduced in Chapter 3.4, i.e. whether general training requirements of Chapter 1.3 and requirements concerning classification should apply to carriage of dangerous goods in limited quantities. In addition, the question was raised whether the requirements of Chapter 1.8 (Safety advisers) should apply to carriage according to Chapter 3.5, since carriage below the limits of 1.1.3.6 and carriage under exemptions provided for in Chapters 3.3 and 3.4 could be exempted (see 1.8.3.2 (a)). The Joint Meeting may wish to discuss these issues.

31. The Ad Hoc Working Group felt that the table concerning E0 to E5 in 3.5.1.2 may lead to problems of interpretation because it is unclear whether the units “g” and “ml” in the column “Maximum quantity per inner packaging” apply to solids and liquids respectively or whether the consignor may choose whatever unit irrespective of the physical state of the substance. The same problem occurs with the column “Maximum quantity per outer packaging”, where in addition it is not indicated whether the quantity is a net or gross quantity and where it is not indicated how to deal with mixed packing of solids and liquids. The secretariat was invited to

seek clarification from the UN Sub-Committee of Experts on the Transport of Dangerous Goods at its July 2007 session so that the RID/ADR/ADN texts may be amended to avoid such problems of interpretation.

32. It was agreed that Figure 3.5.1 of the UN Model Regulations should appear under 3.5.4.2 with no figure number.

33. For 3.5.5, it was felt that, in the case of road transport, the maximum number of packages of 1000 applies to each single vehicle and not to the transport unit (e.g. drawing vehicle plus trailer).

34. For 3.5.6 (Documentation), some delegations felt that, for inland transport, there was no need to include a statement nor to indicate the number of packages in any document which could possibly accompany the shipment. The Joint Meeting may wish to discuss this issue.

P903 and P903a

35. It was noted that certain packagings listed in P903 and P903a need not comply with 4.1.1.3 and this should be indicated in these packing instructions. It was also noted that the word “otherwise” was missing in 4.1.1.3 between the words “Unless” and “provided” and this should be corrected in the English version (also in the UN Model Regulations).

IBC99

36. It was noted that some specific IBC packing instructions have been assigned in RID/ADR/ADN to certain entries to which IBC99 is assigned in the UN Model Regulations. However, the corresponding relevant V/W provisions had not been assigned in column (16) (see also ECE/TRANS/WP.15/AC.1/2007/6). The OTIF secretariat will submit a document to the Joint Meeting to solve another problem, which is that for certain substances special provisions exist for the carriage of IBCs, in closed or sheeted wagons/vehicles, but not for the carriage of packagings.

Reference to the competent authority in P099, IBC99 and LP99

37. The addition of a requirement for a copy of the competent authority approval to accompany each consignment or for including an indication that the packaging was approved by the competent authority when these packing instructions are used entailed a long debate as to the interpretation of the reference to the competent authority in the context of international transport.

38. It was recalled that when RID/ADR/ADN does not specify the competent authority of which country, the reference to the competent authority may be interpreted, in accordance with the definition in 1.2.1, as a reference to the competent authority designated in each State concerned by the transport operation. This would imply in fact a multilateral agreement procedure (as confirmed by the reference to 4.1.3.7 in LP99) and the question was asked whether there was any need to keep these packing instructions if carriage had to be performed under multilateral agreements.

39. It was suggested to add a reference to 4.1.3.7 in each of these three packing instructions and to amend 4.1.3.7 to use the text of the UN Model Regulations instead of a requirement for

multilateral agreement, notably because 4.1.3.7 of the UN Model Regulations defines more precisely under which conditions alternative packagings may be approved.

40. Certain delegations felt nevertheless that these packing instructions were assigned to very dangerous substances and that it was appropriate to request approval of the packagings to be used by each country concerned. In any case they felt that if reference was made to paragraph 4.1.3.7 of the UN Model Regulations, this paragraph should specify which competent authority is meant (all competent authorities, competent authority of the country of origin (of transport or of consignment)) and how to deal with packagings originating from non RID/ADR countries.

41. The Joint Meeting is invited to decide whether the use of packagings under P099, IBC99 or LP099 requires multilateral agreement or unilateral agreement. In the latter case, the decision taken with respect to a new 4.1.8.6 (see para. 19) to be referred to in P620 and P650 should be revisited, since reference could be made to 4.1.3.7 instead.

Title of 4.1.8

42. Since it is proposed in paragraph 19 above to add a new paragraph 4.1.8.6, this section would not be applicable only to Category A substances of Class 6.2. One solution could be not to amend the title, and to keep existing 4.1.8.5 which would become 4.1.8.6, and paragraph 4.1.8.6 proposed in paragraph 19 above would become 4.1.8.7.

43. The secretariat was invited to place all options between square brackets.

Chapter 6.3

44. The Ad Hoc Working Group noted that RID/ADR paragraph 6.1.1.2 differed from the equivalent paragraph in the Model Regulations, in the sense that RID/ADR/ADN requires that alternative methods of testing are recognized by the competent authority. It was agreed that this difference should also be reflected in 6.3.2.1.

45. In considering 6.3.5.1.1, it was noted also that the English text of 6.1.5.1.1 did not correspond to the original French text where it is required that the design type of each packaging (and not only the testing procedures) be approved by the competent authority.

46. This led to a long debate, since certain delegations felt that the section dealing with tests was not the appropriate section for including design type approval requirements. It was agreed, for the time-being, to align the English text on the French and German text of 6.1.5.1.1, and to reflect the same requirement in 6.3.5.1.1. Other proposals could be submitted to the Joint Meeting for a more logical location of this requirement in each chapter concerned.

Carriage of LSA material in RID/ADR tank-containers

47. The Ad Hoc Working Group noted that the logical consequence of the amendments to 6.4.5.4.2 and 6.4.5.4.3 which were intended to harmonize with the provisions of paragraphs 625 and 626 of the IAEA Regulations and the corresponding interpretation in the IAEA Advisory Material was that RID/ADR tank-vehicles and tank-containers meeting the requirements of Chapter 6.8 could be used as type IP-2 or IP-3 packages only for carrying LSA-I and LSA-II liquid and gases, but not for carrying LSA-III liquid and gases, and therefore the tank codes of RID/ADR should be deleted against UN No. 3322 in columns (12) and (13) of table A of

Chapter 3.2. Class 7 experts should check this consequence before the next Joint Meeting session.

OTHER BUSINESS

48. The question was raised whether harmonization of the provisions of RID/ADR/ADN concerning substances harmful to the aquatic environment with the UN Model Regulations should also be addressed. It was recalled that the secretariat had prepared a proposal for harmonization in 2005 (TRANS/WP.15/AC.1/2005/28), but there was no consensus on this issue (TRANS/WP.15/AC.1/98, paras. 31-38).

49. It was noted that the International Maritime Organization had taken decisions in this respect as regards MARPOL Annex III and the IMDG Code, and that new proposals that would take account of these developments might be submitted by several governments at the Autumn session of the Joint Meeting.

ADOPTION OF THE REPORT

50. The Ad Hoc Working Group adopted the report on its session by correspondence on the basis of a draft prepared by the secretariat.
