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Working Party on the Transport of Dangerous Goods

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Item 7 (a) of the provisional agenda

MISCELLANEOUS PROPOSALS FOR AMENDMENTS TO RID/ADR/ADN

Pending issues

5.4.1.2.1 (g) – Certificate concerning classification

Proposal transmitted by the Government of Germany and the United Kingdom^{1,2}

SUMMARY

Explanatory summary:

In the carriage of fireworks in international transport, there are still major contraventions in their classification and compliance with the requirements concerning marking, packing and other transport requirements. For safety reasons, this is unacceptable.

¹ In accordance with the programme of work of the Inland Transport Committee for 2006-2010 (ECE/TRANS/166/Add.1, programme activity 02.7 (c)).

² Circulated by the Intergovernmental Organisation for International Carriage by Rail (OTIF) under the symbol OTIF/RID/RC/2009/23.

Action to be taken:	Include clear information in the transport document on each of the competent authorities' classification approval certificates. This certificate must be available at the request of the control authorities. Amend 5.4.1.2.1 (g).
Related documents:	INF.4 from September 2008, OTIF/RID/RC/2008-B ECE/TRANS/WP.15/AC.1/112, paras. 35-37, ST/SG/AC.10/C.3/2009/10

Introduction

1. In accordance with special provision 645 of RID/ADR, section 3.3.1, for fireworks, the classification code may only be used if the approval of the competent authority of an OTIF Member State/a Contracting Party to ADR is obtained prior to carriage. As proof of the approval, currently, the following inscription is to be additionally entered in the transport document in accordance with RID/ADR 5.4.1.2.1 (g): "CLASSIFICATION RECOGNIZED BY THE COMPETENT AUTHORITY OF ... (state referred to in special provision 645 of 3.3.1)".
2. When fireworks are imported, which are in most cases first carried by sea from the Far East, this inscription for the following onward journey is entered into the transport document by the sea port based forwarding agent only when the consignee (mainly in other European countries) informs him that the competent authority of the OTIF Member State/Contracting Party to ADR has recognised the classification. The author of the transport document (sea port based forwarding agent) does not require the presentation of this classification approval (or a copy of it) because there is currently no such obligation in accordance with RID/ADR.
3. The enforcement bodies are aware that this procedure has resulted in many imported container loads of fireworks being carried onwards, although the existence of a final classification approval had only been claimed, whereas in fact it did not (or did not yet) exist.
4. The current inscription in the transport document does not guarantee the accuracy of the information and the existence of a classification approval certificate, so subsequent enquiries cannot be made. This does not make it possible satisfactorily to prevent the onward movement of wrongly classified fireworks.
5. Containers of fireworks whose contents are not properly classified also arrive each year at ports in the United Kingdom, Germany and other RID/ADR States. One particular shipment that arrived in the United Kingdom was not classified and could also not be classified under the default system according to 2.2.1.1.7 because the firework details were not available. The shipping line agreed to destroy the fireworks at a cost to them of over £100,000. In other cases the fireworks containers were sent to a licensed explosives site and treated as Division 1.1 until the fireworks could be classified properly.
6. A full description of the same problem in German ports (using the example of Hamburg) is contained in informal document INF.4 submitted to the Joint Meeting in September 2008.

7. Most competent authorities already issue classification approval certificates with a unique reference number for each series or type of firework and many of these are already available in searchable databases available on the internet. By including these firework classification reference numbers in the dangerous goods transport document, it should give those involved in the transport of fireworks evidence that the classification assignment is correct. This should help to ensure that wrongly classified or unclassified fireworks are recognised in advance and cannot be transported.

8. Most containers of fireworks have fewer than 8 tonnes gross of fireworks with between 5 and 20 different firework products. The additional classification information proposed below should not impose much additional work for the consignor of the fireworks.

Proposals

9. 5.4.1.2.1 (g) should read as follows:

"(g) When fireworks of UN Nos. 0333, 0334, 0335, 0336 and 0337 are carried, the transport document shall bear the inscription:

"Classification of fireworks by the competent authority of ZZ with the firework reference number(s) XX/YYYY".

The classification approval certificate need not be carried with the consignment, but shall be made available by the consignor to the carrier or the competent authorities for control purposes. The classification approval certificate shall be in an official language of the forwarding country, and also, if that language is not German, English, French or Italian/ German, English or French, in German, English, French or Italian/in German, English or French."

Existing Note to 5.4.1.2.1 becomes Note 1.

Add a new Note 2 to read as follows:

"2. ZZ is the OTIF Member State/ADR/ADN Contracting Party in which the classification code according to special provision 645 of 3.3.1 was approved, XX is the distinguishing sign for motor vehicles in international traffic and YYYY is the unique reference number for each firework issued by that country's competent authority."

10. Amend special provision 645 by inserting the following after the first sentence:

"The approval shall be given in writing and shall be provided with a unique reference number."

Existing second sentence becomes third sentence.

Justification

11. The obligation to provide the reference number to confirm classification and the associated classification approval for fireworks will reduce the possibility of falsely declared imports.

12. For all parties involved in the carriage it is easier to track compliance with the safety requirements. The same holds true for the controls carried out by the competent authorities in which, if necessary, providing the classification approval certificate will be evidence that the information in the transport document is correct. The current mere inscription in the transport document in accordance with paragraph 5.4.1.2.1 (g) does not provide an adequate and reliable guarantee of safety. Currently, the inscription virtually has the effect of a "Document of Compliance".

13. The procedure envisaged will be simplified if, as already mentioned, all the competent authorities were to publish their approvals in a list available on the internet.

Feasibility

14. No problems, as the classification approval certificate has to be submitted anyway.
