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

Report of the Joint Meeting of the RID Committee of Experts and the Working Party on the Transport of Dangerous Goods on its session¹

held in Bern from 8–11 September 2009 and in Geneva from 14–18 September 2009

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² For practical reasons, annexes I and II have been published as addenda, with the symbols ECE/TRANS/WP.15/AC.1/116/Add.1 and ECE/TRANS/WP.15/AC.1/116/Add.2.

Report

I. Attendance

1. The joint meeting of the RID Committee of Experts and the Working Party on the Transport of Dangerous Goods of the United Nations Economic Commission for Europe (ECE) was held in Bern and in Geneva from 8 to 18 September 2009, with Mr. C. Pfauvadel (France) as Chairman and Mr. H. Rein (Germany) as Vice-Chairman. Representatives of the following countries took part in the work of the session: Austria, Belgium, Bulgaria, Canada, Czech Republic, Denmark, Finland, France, Germany, Italy, Latvia, Liechtenstein, Netherlands, Norway, Poland, Portugal, Romania, Serbia, Slovakia, Spain, Sweden, Switzerland, United Kingdom of Great Britain and Northern Ireland and United States of America. The European Commission was also represented. The following intergovernmental organization was represented: the Organization for Cooperation between Railways (OSJD). The following international non-governmental organizations were represented: European Aerosol Federation (FEA), European Battery Recycling Association (EBRA); European Chemical Industry Council (CEFIC); European Committee for Standardization (CEN); European Cosmetic, Toiletry and Perfumery Association (COLIPA); European Cylinder Makers Association (ECMA); European Federation of Waste Management and Environmental Services (FEAD); European Industrial Gases Association (EIGA); European Liquefied Petroleum Gas Association (AEGPL); European Plastics Converters (EuPC); International Association for Soaps, Detergents and Maintenance Products (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); and Sporting Arms and Ammunition Manufacturers' Institute (SAAMI).

II. Adoption of the agenda (agenda item 1)

Documents: ECE/TRANS.WP.15/AC.1/115 and Add.1

Informal document: INF.2 and 6 (Secretariat)

2. The Joint Meeting adopted the agenda proposed by the Secretariat in documents ECE/TRANS/WP.15/AC.1/115 and Add.1 (letter A 81-02/502.2009 from OITF), as updated by informal document INF.2.

III. Standards (agenda item 2)

A. Mandate of the Working Group on Standards

Document: ECE/TRANS/WP.15/2009/2 (Sweden)

Informal document: INF.17 (Sweden)

3. Noting that the Working Party on the Transport of Dangerous Goods (WP.15) had requested the Working Party on Standards of the Joint Meeting to consider certain references to standards relating solely to ADR, the Joint Meeting confirmed that only the Working Group on Standards was in contact with CEN. Since it had access to the EN draft

standards, it should deal with all references to standards, including those relating solely to RID, ADR or ADN.

4. The representative of CEN suggested that a distinction should be drawn between standards referred to for safety reasons and standards used to support regulations. Nevertheless, the Joint Meeting noted that the status of a standard is not linked to the content itself but is determined by the manner in which it is referred to. When RID, ADR or ADN made application of a particular standard compulsory, the contracting Parties should be able to refer to its content and be kept informed of any changes.

5. It was noted that the Working Group currently dealt mainly with standards relating to packaging and tanks, but that it should also cover all other fields where reference was made to the standards. A directory of the standards could be prepared, with CEN keeping the Joint Meeting informed of all work carried out on referenced EN standards.

6. The Working Group on Standards was thus entrusted with preliminary consideration of the two documents submitted by Sweden.

B. Proposals on standards

1. Miscellaneous proposals

Documents: ECE/TRANS/WP.15/AC.1/2009/16, paras. 17 and 19, and Add.1
(Secretariat)
ECE/TRANS/WP.15/AC.1/2009/43 (CEN)
ECE/TRANS/WP.15/AC.1/2009/44 (CEN)
ECE/TRANS/WP.15/2009/2 (Sweden)

Informal documents: INF.17 (Sweden)
INF.26 (CEN)

7. The Joint Meeting asked the Working Group on Standards to consider these documents, with the exception of the question of a reference to standard EN 15507 (chemical compatibility of polyethylene grades), which was discussed in plenary.

8. The Working Group was also invited to prepare an opinion on documents ECE/TRANS/WP.15/AC.1/2009/33 (Belgium) and 34 (UIP), since they concerned transitional measures in the context of type approvals and the application of standards.

2. Draft standard “EN 15507”

Documents: ECE/TRANS/WP.15/AC.1/2009/43 (CEN)
ECE/TRANS/WP.15/AC.1/2009/45 (CEN)

9. Several delegations agreed with the principle of referring to a standard for testing the chemical compatibility of plastics materials. It was questioned, however, whether the reproducibility of the results obtained applying standard EN 15507:2008 was satisfactory. It would also seem that application of the standard would have a negative impact on safety, since certain packagings that passed the tests carried out under that standard failed the tests carried out under the current procedure for testing chemical compatibility.

10. Some delegations also asked for the issue to be discussed by the United Nations Sub-Committee of Experts on the Transport of Dangerous Goods so that a universal solution could be found for all modes of transport. It was pointed out that the approach of some countries was different from the European approach to testing chemical compatibility and that the matter had already been put to the Sub-Committee of Experts, which had decided at the time that it was not necessary to take the matter further.

11. The Joint Meeting agreed in the end that the work should continue over the next biennium in order to enable laboratories to improve the process and the reproducibility of results. Subsequently, improved provisions for reference to an EN standard could be introduced. The representative of Germany mentioned a German research project and invited delegations to share their test results.

C. Report of the Working Group on Standards

Informal documents: INF.41 (Report of the Working Group on Standards)
INF.26/Rev.2 (CEN)

12. The Joint Meeting noted that the Working Group on Standards did not have at its disposal the standards for determining flash-points and initial boiling points and so had been unable to comment on the matters raised in paragraphs 17 and 19 of the report of the Ad Hoc Working Group on the Harmonization of RID/ADR/ADN with the UN Recommendations on the Transport of Dangerous Goods (ECE/TRANS/WP.15/AC.1/2009/16). The Working Group would attempt to consider those matters by correspondence before the next session of Working Party WP.15.

13. The Joint Meeting adopted the amendments to the tables in 6.2.4 and 6.8.2.6, as proposed by the Working Group on Standards (see annex I).

14. The Joint Meeting wished to draw the attention of the RID Committee of Experts to the fact that the Working Group on Standards supported the proposal to refer to standards EN15551:2009 and pr.EN12663-2:2009 in special provision TE 22 in section 6.8.4 of RID (see ECE/TRANS/WP.15/AC.1/2009/43, para. 3, and informal document INF.41, para. 2.2.3).

15. The opinion of the Working Group on Standards on documents ECE/TRANS/WP.15/AC.1/2009/33 and 34 (informal document INF.41, para. 2.3.1), which had been queried by the representative of Belgium, was transmitted to the Working Group on Tanks.

16. The Joint Meeting noted that the Working Group on Standards had not been able to verify whether there was a need to update the references to standards EN 3, EN 141, EN 471 and EN 13 501-1, referred to in paragraphs 8.1.4.3 and sections 5.4.3, 8.1.5, 6.12.5 and 9.3.4.2 of ADR, but that the Working Group supported the principle of updating (see also ECE/TRANS/WP.15/2009/2 and informal document INF.17). The verifications could be made by correspondence before the next session of Working Party WP.15. A member of the secretariat recalled that it was necessary to distinguish between standards referred to as examples and those referred to for mandatory application, the updating of which might necessitate transitional measures.

IV. Reports of the informal working groups (agenda item 3)

A. Report of the informal working group on the safety obligations of unloaders

Documents: ECE/TRANS/WP.15/AC.1/2009/13 (Spain)
ECE/TRANS/WP.15/AC.1/2009/15 (Secretariat)
ECE/TRANS/WP.15/AC.1/2009/46 (IRU)

Informal documents: INF.32 (Sweden)
INF.38 (Belgium and Spain)
INF.39 (Secretariat)

17. The Joint Meeting discussed the document prepared by the Secretariat, which recapitulated the findings of the informal working group, in the light of the new proposals by Spain, Sweden and IRU.
18. The definition of “unloader” proposed by IRU was put to the vote and rejected. The working group’s proposal was adopted, as amended (see annex I). It was noted that a number of parallel amendments would need to be made to the definition of “loader” (see annex I).
19. Paragraph 1.4.3.x.1 (a) proposed by the working group was preferred to that proposed by IRU and was adopted with some amendments (see annex I).
20. After a brief discussion, the representative of Sweden withdrew the proposed amendments to 1.4.3.x.1 (a) contained in informal document INF.32. The term “unloading” included discharging, and the volume of goods to be discharged was not always known in the case of transport by tank, and thus was not indicated on the transport document. It was therefore decided to delete the references to discharging in the new subsection 1.4.3.x and to add an explanatory note (see annex I).
21. The last sentence of 1.4.3.x.1 (b) was placed in brackets for separate consideration for each mode of transport.
22. The IRU proposal concerning 1.4.3.x.1 (c) was not supported.
23. The Joint Meeting noted that the difference in the wording of paragraph 1.4.3.x.1 (d) in RID and ADR was due to the fact that vehicles were accompanied by a driver and that the carrier, according to 1.4.2.2.1 (f), was required to ascertain that the danger labels and appropriate markings had been affixed to the vehicle.
24. The Joint Meeting adopted the text of paragraph (d) as proposed by the working group, as well as paragraphs (e) and (f), except that paragraph (d) was placed last (see annex I).
25. The proposals from IRU for an additional paragraph requesting that the respective obligations of the consignor, the carrier and the consignee be put in writing before the start of the journey were not adopted.
26. 1.4.3.x.2 as proposed by the informal working group was adopted (see annex I).
27. The text of 1.4.2.3.1 proposed for ADR was aligned with the text proposed for RID, as most delegations did not understand clearly why the consignee should check after unloading that the unloader had met the obligations specifically assigned to the unloader (see annex I).
28. The texts proposed by the working group for 1.4.2.3.2 and 1.4.2.3.3 were adopted (see annex I).
29. Based on the proposal from Spain in ECE/TRANS/WP.15/AC.1/2009/13, then on the joint proposal from Belgium and Spain in informal document INF.38, the Joint Meeting adopted a Note, each sentence of which was the subject of separate votes, which is to be included under the heading of section 1.4.2, with some editorial amendments (see annex I).
30. An amendment to the definition of “loader” in 1.2.1 proposed by CIT in informal document INF.40 was adopted (see annex I).

B. Report of the informal working group on the periodicity of testing of refillable welded cylinders for liquefied petroleum gases (LPG)

Documents: ECE/TRANS/WP.15/AC.1/2009/22 (Germany)

Informal documents: INF.4 (Germany)
INF.43 (Editorial Group)

31. The Joint Meeting adopted the principle of harmonizing the conditions for granting an extended periodicity of testing (15 years) for refillable welded steel cylinders for liquefied petroleum gases (LPG), which have previously been decided individually by each member State of OTIF or contracting Party to ADR. The Joint Meeting also adopted the text proposed by the informal working group in annex I to document ECE/TRANS/WP.15/AC.1/2009/22, subject to a number of editorial amendments finalized by an editorial group (see annex I).

32. The Joint Meeting also adopted transitional provisions according to which each ADR contracting Party or member State of OTIF will be able to continue to extend this periodicity in accordance with the methods that it establishes until 31 December 2014. The gas cylinders concerned by these authorizations must not bear the "P15Y" mark and may be used only in the country or countries that have granted these authorizations in accordance with their own methods.

33. The Joint Meeting noted that the informal working group would continue its work to resolve the problems referred to in annex II of document ECE/TRANS/WP.15/AC.1/2009/22, such as the definition of LPG. The informal working group would also study whether it is worth considering extending the periodicity for other types of LPG cylinders and whether LPG type gases other than UN Nos. 1011, 1075, 1965, 1969 and 1978 might be affected.

Document: ECE/TRANS/WP.15/AC.1/2009/31 (EIGA)

Informal document: INF.9 (ECMA)

34. The Joint Meeting noted that EIGA wished to lay down similar measures for industrial gases that could be discussed by an informal group. However, ECMA was opposed to this, as it considered that the periodic inspections in accordance with the periodicity required at present often revealed traces of corrosion in the case of industrial gases and that extending the periodicity might therefore lead to a reduction in the level of safety.

35. It was pointed out that, for industrial gases, the question did not arise in the same terms as for LPG, because the conditions concerning the periodicity of inspections were already harmonized. Those delegates who expressed a view did not support the idea of setting up an informal working group until EIGA provided more detailed justification and convincing evidence and until EIGA and ECMA had brought their respective positions closer together.

36. It was also pointed out that, unlike LPG, which are carried locally, industrial gases are carried in multimodal international transport over large distances and that it would therefore perhaps be preferable for the issue to be discussed by the United Nations Sub-Committee of Experts on the Transport of Dangerous Goods.

37. The representative of EIGA invited delegations to give him their detailed comments and said that he would consider the best way to deal with the issue either in the Joint Meeting or in the United Nations Sub-Committee.

C. Report of the informal working group on telematics

Document: ECE/TRANS/WP.15/AC.1/2009/25 (OTIF)

Informal document: INF.8 (Germany)

38. The Joint Meeting took note of the report of the informal working group on its fourth session, held in Munich on 14 and 15 May 2009.

39. Several delegations stressed the need to take into account the work being done at the European level in the field of intelligent transport systems by various bodies.

D. Report of the informal working group on the inclusion of provisions concerning the period of retention of documents, additional inspection requirements and conformity assessment procedures for gas cartridges

Document: ECE/TRANS/WP.15/AC.1/2009/39 (Germany)

Informal documents: INF.18 (Belgium)

INF.24 (Germany)

INF.27 (United Kingdom)

INF.44 (Editorial Group)

INF.45 and Rev.1 (Finland)

INF.46 (Editorial Group)

INF.53 (Text recapitulating amendments adopted) (Secretariat)

40. With regard to the proposal to revise section 1.8.6 on administrative controls, the representative of Switzerland said that he understood the interest for the member States of the European Union in transferring certain provisions from the so-called “TPED” Directive into ADR and RID, but considered that paragraphs 1.8.6.2.1 and 1.8.6.2.2 concerning the obligations of the competent authorities were not necessary in the context of RID and ADR and asked that they be deleted. This proposal for deletion was put to the vote but was not adopted.

41. The texts proposed in annexes I and II of document ECE/TRANS/WP.15/AC.1/2009/39 for sections 1.8.6, 1.8.7 and 1.8.8 and other consequential amendments were adopted with some amendments to take account of comments made in the informal documents (see annex I).

42. The proposal by Finland for a transitional measure for the accreditation of control bodies was not adopted, since the accreditation procedure under standard EN ISO/IEC 17020:2004 and the last paragraph of 1.8.6.4 (renumbered 1.8.6.8, see annex I) was sufficient to deal with the problem.

V. Interpretation of RID/ADR/ADN (agenda item 4)

Use of cylinders in bundles of cylinders, battery-wagons/battery-vehicles and multiple element gas containers (MEGCs)

Document: ECE/TRANS/WP.15/AC.1/2009/27 (Germany)

43. It emerged from the discussions that:

(a) Only UN pressure receptacles may be used in UN bundles of cylinders or UN multiple element gas containers (MEGCs). The term “bundles of cylinders” appears, however, to refer only to a hypothetical case for the time being, since there are no ISO standards relating to bundles of cylinders;

(b) RID/ADR bundles of cylinders and RID/ADR MEGCs may contain RID/ADR or UN pressure receptacles or both, provided that the cylinders in the bundles are of the same type and have the same test pressure.

44. The representative of Germany invited the representative of the United Kingdom to work with him on a proposal to clarify the existing texts in order to reflect that interpretation.

VI. Tanks (agenda item 5)

A. Proposals submitted

Document: ECE/TRANS/WP.15/AC.1/2009/10 (Germany)
 ECE/TRANS/WP.15/AC.1/2009/18 (UIP)
 ECE/TRANS/WP.15/AC.1/2009/33 (Belgium)
 ECE/TRANS/WP.15/AC.1/2009/34 (UIP)
 ECE/TRANS/WP.15/AC.1/2009/37 (France)
 ECE/TRANS/WP.15/AC.1/2009/38 (France)
 ECE/TRANS/WP.15/AC.1/2009/47 (AEGPL)
 ECE/TRANS/WP.15/AC.1/2009/50 (Austria)
 ECE/TRANS/WP.15/AC.1/2009/16 and Add.1 (paras. 20–22 and 23–24)
 (Secretariat)

Informal documents: INF.5 (Sweden)
 INF.22 (Belgium)
 INF.29 (Germany)
 INF.34 (UIP)
 INF.35 (Portugal)
 INF.41 (Report of the Working Group on Standards)
 INF.47 (Italy)

45. After a preliminary discussion in plenary, all the documents were referred for discussion to the Working Group on Tanks, which met from 14 to 16 September in parallel session, with Mr. J. Ludwig (Germany) in the chair, on the understanding that consideration of the official documents would take priority over discussion of the informal documents.

46. On the issue of limitation of tank volumes (informal document INF.5, Sweden), several delegations pointed out that limiting the volume could have considerable repercussions and that it would therefore be desirable for the question to be taken up in detail in an official document.

47. With regard to a comparison of the safety levels of UN portable tanks and RID/ADR tank-containers (informal document INF.22, Belgium), the Joint Meeting noted that it would entail a considerable amount of work and asked the Working Group to suggest an approach to the exercise.

B. Report of the Working Group on Tanks

Informal document: INF.55

48. The Joint Meeting approved the report of the Working Group and the proposed amendments (see annex II of this report), with some editorial changes, apart from the observations below:

1. Period of validity of type approvals and transitional measures for standards (ECE/TRANS/WP.15/AC.1/2009/33 and 34)

49. In the view of some delegations, there were conflicts between the texts proposed for 1.8.7.2.4, 6.8.2.3.3 and the new transitional measures. New compromise texts were drafted and adopted (see annex I).

50. The representative of Belgium underlined that some consequential amendments would need to be made to the transitional measures currently applicable to other types of receptacle. The Joint Meeting agreed that proposals could be submitted at the next session, once the need for such adjustments had been ascertained.

2. Instant-closing internal safety devices on tanks (ECE/TRANS/WP.15/AC.1/2009/47)

51. The representative of Germany agreed that AEGPL should continue its work but that the devices should be instant-closing and capable of being remotely activated.

3. Flame arrester requirements (ECE/TRANS/WP.15/AC.1/2009/10)

52. The Chairman drew attention to Sweden's reservation, as reflected in the report.

4. UN portable tanks – RID/ADR tank-containers (informal document INF.22)

53. The Joint Meeting noted that the Working Group on Tanks was not in a position to do much about reconciling the rules governing UN portable tanks and RID/ADR tank-containers.

54. With regard to the inspection problems raised by Belgium, it was pointed out that, in future, portable tanks should be marked with a T code. If a tank was marked with two codes (a T code and a RID/ADR code), it was allowed to carry substances authorized under either code.

5. EN standards

55. The Joint Meeting requested the secretariat to draw the attention of CEN to its comments regarding EN standards 13094 (paras. 5 and 9 of the report), 16852 and 12874 (para. 7 of the report) and 14025 (para. 13 of the report) for possible action by Technical Committee CEN/TC296.

6. Transitional measures connected with modification of tank codes for toxic by inhalation materials

56. The Joint Meeting noted that transitional measures had been envisaged for changes in portable tank code usage (see document ECE/TRANS/WP.15/AC.1/2009/16/Add.1, Chapter 4.2, TP37). Such transitional measures should also be envisaged in the event that changes were made to the RID/ADR tank codes. The representative of the Netherlands indicated, moreover, that there were at least five not otherwise specified (n.o.s.) entries for toxic by inhalation materials to which the code T22 applied but for which the RID/ADR tank code had not been amended. The Joint Meeting agreed that the RID/ADR tank codes for such entries should be the same as those under the entries covered by the code TP37 or L15CH (see annex I). The representative of France would draft a proposal for transitional measures, detailing the numbers in question, for submission to sessions of Working Party WP.15 and the RID Committee of Experts.

57. The Joint Meeting was informed that Mr. J. Ludwig was retiring and could therefore no longer chair the Working Group. It thanked him warmly for his contribution to the work of the Joint Meeting and the safety of the transport of dangerous goods throughout his

career and wished him a long and happy retirement. It also approved his replacement by Mr. A. Ulrich (Germany) to chair the Working Group on Tanks.

VII. Harmonization with the UN Model Regulations on the Transport of Dangerous Goods (agenda item 6)

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

Documents: ECE/TRANS/WP.15/AC.1/2009/16 and Add.1 (Report of the Ad Hoc Working Group)

Informal document: INF.7 (UIC/CIT)

58. The Joint Meeting considered the proposals of the Ad Hoc Working Group and adopted the proposed texts, some subject to editorial correction, others as amended to take account of the specific comments below (see annex I).

1. Definition of transport unit (1.2.1) (see also document ECE/TRANS/WP.15/AC.1/2009/16, para. 7)

59. The new definition would require an amendment to RID clarifying that the term “wagon” covered tank wagons and battery wagons. It would need to be discussed by the RID Committee of Experts.

2. Amendments to 1.3.1 (see also document ECE/TRANS/WP.15/AC.1/2009/16, paras. 9 and 10)

60. The proposal by CIT and UIC (informal document INF.7) not to add the new second sentence, or at least to omit the second part of the sentence, or to use the word “personnel” instead of the word “employees”, was not adopted.

3. Prime responsibility for safety in respect of radioactive substances (1.7.1.1) (see also document ECE/TRANS/WP.15/AC.1/2009/16, para. 11)

61. The Joint Meeting considered that the final sentence proposed for 1.7.1.1 was not easy to interpret and was not necessary for RID or ADR, although the secretariat had not yet checked with the International Atomic Energy Agency (IAEA) on the purpose of the sentence.

4. Title of Class 9 (see also document ECE/TRANS/WP.15/AC.1/2009/16, paras. 12 and 13)

62. The Joint Meeting agreed not to insert the words “including environmentally hazardous substances” in the title of Class 9.

5. Subsection 2.1.2.3

63. The square brackets in the second sentence were deleted for the sake of user-friendliness.

6. Criteria for environmentally hazardous substances (section 2.2.9)

64. The Joint Meeting noted that, given the procedures for amending the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (MARPOL), the application of the new criteria of the Globally Harmonized System of Classification and Labelling of Chemicals (GHS) to substances hazardous to the aquatic environment might be delayed in the case of maritime transport (International Maritime Dangerous Goods (IMDG) Code).

65. Some delegations considered, however, that harmonization of those criteria with the criteria applied in sectors other than transport in Europe, notably in the use and distribution of chemical products, was also desirable.

66. The Joint Meeting agreed that, if the International Maritime Organization was not able to reflect in the forthcoming edition of the IMDG Code the criteria set out in the third revised edition of GHS, transitional measures would have to be envisaged so that multimodal transport was not impeded.

7. Determination of flashpoint (see also document ECE/TRANS/WP.15/AC.1/2009/16, paras. 15–17)

67. The Joint Meeting decided to adopt the solution proposed by the secretariat, namely to refer to the standards stipulated in GHS and the UN Model Regulations for determining the flashpoint, while retaining the existing paragraph 2.3.3.1.2 to indicate the standards to be used for viscous substances (with the amendments proposed by Germany) and paragraphs 2.3.3.1.6 to 2.3.3.1.8, which enabled disputes to be resolved when the application of different standards gave different results.

68. The United Nations Sub-Committee of Experts on the Transport of Dangerous Goods should be informed of the problems created by references to undated standards and of the RID/ADR/ADN procedures for resolving disputes.

8. Determination of initial boiling point (see also document ECE/TRANS/WP.15/AC.1/2009/16, paras. 18 and 19)

69. The Joint Meeting noted that the insertion in 2.3.3.2 of references to ISO standards 3924 and 3405 and ASTM standard D86-07a for determining the initial boiling point of petroleum products could create an inconsistency with special provision 649, under which ASTM standard D86-01 alone was to be used.

70. The representative of Germany stated that ISO standard 3405 and ASTM standard D86-07a were acceptable but ISO standard 3924 would have to be checked. If the three standards were acceptable, special provision 649 could be deleted.

9. Chapter 5.4

71. The proposal by CIT and UIC (informal document INF.7) not to adopt the amendment relating to 5.4.1.1.6.1 was rejected.

10. UN No. 1510, tetranitromethane (see also document ECE/TRANS/WP.15/AC.1/2009/16, paras. 25 and 26)

72. The Joint Meeting decided that the attribution of tunnel codes was a matter for WP.15 alone.

73. The Joint Meeting agreed that UN No. 1510 should be assigned the hazard identification No. 665 and UN Nos. 1810, 1834 and 1838 No. X668. 5.3.2.3.2 should be amended to define the new No. X668.

11. UN No. 1838, titanium tetrachloride, and UN No. 2668, chloroacetonitrile (see also document ECE/TRANS/WP.15/AC.1/2009/16, para. 27)

74. The Joint Meeting confirmed that the carriage of these materials in intermediate bulk containers (IBCs) would no longer be allowed and that there would be no transitional measure other than the general measure of six months.

12. Special provision 589 (see also document ECE/TRANS/WP.15/AC.1/2009/16, para. 28)

75. The Joint Meeting decided to dispense with special provision 589, since the descriptions in the various items relating to calcium hypochlorite ought to give indication enough of the appropriate classification under the rules in Part 2.

13. New UN No. 3495 for iodine

76. The Joint Meeting noted that iodine had been classified as a corrosive and toxic substance on the basis of its observed effects on humans. That classification was not consistent with Regulation (EC) No. 1272/2008, but several delegations pointed out that during the early days of GHS there were very likely to be some contradictions among the current different classifications, and those would need to be resolved as time went on. There was no reason for the Joint Meeting to reopen discussion on this carriage classification. Any delegation wishing to challenge it should request a fresh discussion, supported by the appropriate data, in the United Nations Sub-Committee of Experts on the Transport of Dangerous Goods.

14. Special provision 356 (see also document ECE/TRANS/WP.15/AC.1/2009/16, paras. 31 and 32)

77. The Joint Meeting agreed that, in the case of special provision 356, concerning hydrogen in a metal hydride storage system (UN No. 3468), the term “competent authority” meant the competent authority of the country of manufacture. If the country of manufacture was not a party to ADR or a State member of the Convention concerning International Carriage by Rail (COTIF), the approval by the competent authority of the country of manufacture must be recognized by the competent authority of a State party to ADR or a State member of COTIF.

15. Packing Instruction P200, paragraph (10), special packing provision “k” (see also document ECE/TRANS/WP.15/AC.1/2009/16, para. 37)

78. It was decided that the current provision of RID/ADR setting out requirements for the compatibility of plugs or caps fitted on valve outlets with the contents should be retained.

16. Packing Instruction P203 (cryogenic receptacles) (see also document ECE/TRANS/WP.15/AC.1/2009/16, paras. 38 and 39)

79. The Joint Meeting decided by a vote that paragraph (8) of the proposed new Packing Instruction P203 for closed cryogenic receptacles (existing paragraph (9) of P203) concerning periodic inspections was unnecessary and could be deleted. As a result, paragraph 6.2.3.5.2 and the last sentence of 4.1.6.10 of RID/ADR were also deleted.

17. Chapter 5.4, Electronic data interchange (EDI) (see also document ECE/TRANS/WP.15/AC.1/2009/16, paras. 43 and 44)

80. The Joint Meeting welcomed the introduction of new provisions in the UN Model Regulations facilitating the use of electronic data interchange (EDI) techniques. It noted, however, that RID/ADR and ADN already contained such provisions.

81. Some delegations were not in favour of inserting into the Model Regulations a new paragraph 5.4.1.4.3 requiring the consignor to be able to produce the information required in the transport document without delay as a paper document; such a requirement seemed difficult to comply with during transport and was not in line with the spirit of facilitation through the use of EDI.

82. A lunchtime working group met to resolve the issue (informal document INF.53) and ultimately agreed that the consignor should only be required to be in a position to give the information to the carrier on paper.

83. The working group's deliberations (informal document INF.53) led to the adoption of other amendments to chapter 5.4 and paragraph 1.4.2.2.1 (b).

84. The Joint Meeting noted that the amendments to section 5.4.2 of the IMDG Code, as contained in footnote 4 to 5.4.2 of RID/ADR/ADN, would need to be checked by the secretariat after consideration by the International Maritime Organization (IMO).

18. Excepted packages of radioactive material (see also document ECE/TRANS/WP.15/AC.1/2009/16, para. 42)

85. Following the decision of the United Nations Sub-Committee of Experts on the Transport of Dangerous Goods at its June 2009 session (ST/SG/AC.10/C.3/70, para. 65), the Joint Meeting decided to maintain the requirement to include the names and addresses of the consignor and the consignee in the documentation relating to excepted packages.

B. Carriage of dangerous goods packed in limited quantities

Document: ECE/TRANS/WP.15/AC.1/2009/16, paras. 33–36
ECE/TRANS/WP.15/AC.1/2009/28 (Secretariat)
ECE/TRANS/WP.15/AC.1/2009/40 (CEFIC)

Informal documents: INF.16 (CEPE, AISE)
INF.30 (FEA)
INF.42 (FEA)
INF.48 (Secretariat)
INF.49 (FEA)
INF.56A and INF.56B (Editorial Group, Secretariat)

86. The Joint Meeting noted that the proposal by the secretariat was intended to align the provisions of Chapter 3.4 of RID/ADR/ADN relating to the transport of dangerous goods packed in limited quantities with those of Chapter 3.4 of the UN Model Regulations, in accordance with the following principles established by the Ad Hoc Working Group on the Harmonization of RID/ADR/ADN with the UN Recommendations on the Transport of Dangerous Goods (see also document ECE/TRANS/WP.15/AC.1/2009/16, paras. 33–36):

(a) The text of Chapter 3.4 should conform to the extent possible to the corresponding text in the Model Regulations when the quantity limits per inner packaging correspond to those established in the Model Regulations and should become applicable as soon as possible, with no transitional measures other than the general measure of six months;

(b) The current provisions of RID/ADR/ADN could continue to be applied when the quantities per inner packaging exceed those prescribed in the Model Regulations, but only for a limited time, for example until 31 December 2017.

87. In informal documents INF.16, INF.30 and INF.42, CEPE, AISE and FEA had requested an additional transitional period for limited quantities conforming with the

quantities established in the UN Model Regulations, running until 31 December 2011 for AISE and CEPE and until 30 June 2017 for FEA.

88. After a lengthy discussion, the Joint Meeting decided that Chapter 3.4 of RID/ADR/ADN would be brought into line with the UN Model Regulations but that the current RID/ADR/ADN system could continue to be used in parallel until 30 June 2015 by virtue of a transitional provision inserted in Chapter 1.6, except in the case of the chlorosilanes referred to in document ECE/TRANS/WP.15/AC.1/2009/40, which it would no longer be permissible to carry under the provisions of Chapter 3.4 (see annex I).

89. The Joint Meeting requested that the ECE and OTIF secretariats should keep the 2009 versions of ADR, ADN and RID available on their websites until 30 June 2015 so that users could check the applicable provisions during the transitional period.

90. FEA also questioned the principle of bringing the form of RID/ADR/ADN into alignment with that of the UN Model Regulations, preferring instead that Chapter 3.4 should spell out exactly which provisions were applicable.

91. The Joint Meeting shared the view of FEA that setting out only the RID/ADR/ADN provisions applicable to the carriage of dangerous goods packed in limited quantities in Chapter 3.4 would be more user-friendly than the approach of the UN Model Regulations (informal documents INF.56B), which gave some applicable measures and some inapplicable ones. It therefore adopted the option put forward in informal document INF.56A, whereby the provisions of Chapter 3.4 of RID/ADR/ADN could be aligned in a different form with those of Chapter 3.4 of the UN Model Regulations.

C. Miscellaneous proposals for harmonization with the UN Model Regulations

1. Waste – Information on the transport document

Document: ECE/TRANS/WP.15/AC.1/2009/19 (United Kingdom)

92. The proposal to align RID/ADR 5.4.1.1.3 with 5.4.1.1.3 (c) of the UN Model Regulations was adopted (see annex I).

2. Hazard identification numbers for toxic by inhalation substances

Document: ECE/TRANS/WP.15/AC.1/2009/35 (Switzerland)

93. The representative of Switzerland withdrew his proposal.

3. Carriage in bulk and in bulk containers

Document: ECE/TRANS/WP.15/AC.1/2009/48 (United Kingdom)

Informal document: INF.12 (United Kingdom)

94. Several delegations supported the proposal of the United Kingdom to review the provisions concerning carriage in bulk with a view to retaining a single system based on the multimodal system of the UN Model Regulations rather than the two systems currently in use, subject to a more thorough review of the question in order to take into account the conditions currently stipulated in RID/ADR.

95. It was pointed out, however, that using BK1 and BK2 codes could be misleading in the context of multimodal transport. Furthermore, some delegations were not in favour of adding administrative measures for the approval of vehicles or containers for carriage in bulk, which were currently unnecessary under the RID/ADR system.

96. The representative of the United Kingdom said that he would prepare a new document setting out the proposed provisions more clearly and he invited interested delegations to transmit their comments to him in writing so that he could draft a new formal proposal for submission at the next session.

4. Official designation of transport for UN No. 2447

Informal document: INF.10 (OTIF)

97. The Joint Meeting noted that the designation “PHOSPHORUS, WHITE” or “PHOSPHORUS, YELLOW” in the UN Model Regulations was acceptable when the substance was dry, in solution or under water (UN No. 1381), but that only the designation “PHOSPHORUS, WHITE” was authorized when the substance was molten (UN No. 2447), even though there was no difference between white and yellow phosphorus. It was decided to align the designation for UN No. 2447 in RID/ADR/ADN with the designation contained in the UN Model Regulations (see annex I).

5. Special provision W12/V12 in 7.2.4

Informal document: INF.11 (United Kingdom)

98. The Joint Meeting decided to retain special provision W12/V12 for all substances covered by packing instructions IBC03 and IBC100, taking into account paragraph 4.1.2.3 of the UN Model Regulations, which required that IBCs of type 31HZ2 must be carried in closed transport units.

6. Lithium batteries

Informal documents: INF.25 (Switzerland)
INF.50 (United States)
INF.54 (Secretariat)

99. The Joint Meeting noted that, at its session in June 2009, the United Nations Subcommittee of Experts on the Transport of Dangerous Goods had adopted provisional amendments to special provision 188 (b) and (c), permitting lithium batteries that did not display a Watt-hour rating to continue to be carried after 31 December 2010 and to exempt certain devices that were intentionally active in transport.

100. The Joint Meeting decided, exceptionally, to introduce these amendments into RID/ADR/ADN, even though they had not yet been ratified by the United Nations Committee of Experts on the Transport of Dangerous Goods. In order to avoid inconsistencies of wording with special provision 188, as contained in the sixteenth revised edition of the United Nations Model Regulations, a special provision on the subject would be inserted in RID/ADR/ADN (special provision 656).

VIII. Miscellaneous proposals for amendments to RID/ADR/ADN (agenda item 7)

Pending issues

1. Used batteries and nickel-metal hydride batteries

Document: ECE/TRANS/WP.15/AC.1/2009/7 (Sweden)

Informal documents: INF.33 (France)
INF.37 (Portugal)

101. The representative of Sweden having withdrawn her proposal, the representative of Portugal did likewise.

102. The Joint Meeting adopted the proposal of France to introduce in advance UN No. 3496 for nickel-metal hydride batteries, indicating that such batteries were not subject to RID/ADR/ADN, and to amend Special Provision 304 by specifying the scope of UN No. 3028, in accordance with the decisions taken by the United Nations Sub-Committee of Experts at its session in June 2009 (see annex I). That would prevent any misunderstandings in the event that IMO decided to introduce any provisions regarding the carriage of nickel-metal hydride batteries in the IMDG Code.

2. Provision of 6.4.22.6 (a)

Document: ECE/TRANS/WP.15/AC.1/2009/12 (Switzerland)

103. The proposal to stipulate a certificate for the model of package rather than for the package in 6.4.22.6 (a) was adopted (see annex I).

3. Transport document for environmentally hazardous substances

Document: ECE/TRANS/WP.15/AC.1/2009/21 (Sweden)

104. The proposal that the transport document should bear the inscription “ENVIRONMENTALLY HAZARDOUS” or, as appropriate, “MARINE POLLUTANT” for substances meeting the criteria of 2.2.9.1.10 was adopted (see annex I). Use of the term “AQUATIC POLLUTANT” was considered premature.

4. Classification of fireworks

Document: ECE/TRANS/WP.15/AC.1/2009/23 (Germany and United Kingdom)

Informal document: INF.57 (Germany)

105. The proposal relating to 5.4.1.2.1 (g) was adopted with some changes to take account of the decisions taken by the United Nations Sub-Committee of Experts at its June 2009 session (ST/SG/AC.10/C.3/70, para. 22 and annex, amendment to 5.4.1.5.10) (see annex I).

5. Amendments to 2.2.9.1.10.5.2

Document: ECE/TRANS/WP.15/AC.1/2009/41 (CEFIC)

106. The proposal by CEFIC was adopted (see annex I). It was pointed out, however, that, since Regulation 1272/2008/EC reproduces the criteria of GHS and thus of RID/ADR/ADN for materials that are dangerous for the aquatic environment, it would be appropriate in the future to consider deleting paragraph 2.2.9.1.10.5.2, at least when the transitional periods for the application of Directives 67/548/EEC and 1999/45/EC have expired.

6. Limits on exemptions under subsection 1.1.3.1 (c)

Document: ECE/TRANS/WP.15/AC.1/2009/49 (Austria)

107. Opinion was divided on the examples put forward by Austria in 1.1.3.1 (c). At the request of the representative of Austria, the proposal was put to the vote, as it stood but without the fourth indent, and was not adopted.

IX. Future work (agenda item 8)

108. The consideration of document ECE/TRANS/WP.15/AC.1/2009/26 (agenda item 4) and all the new proposals submitted under agenda item 7 (b) has been put forward to the next session, which will be held in Bern from 22 to 26 March 2010.

109. Delegations wishing proposals that have been presented in informal documents at the current session to be officially submitted for the next session are requested to inform the secretariat.

X. Election of officers for 2010 (agenda item 9)

110. The Joint Meeting re-elected Mr. C. Pfauvadel (France) and Mr. H. Rein (Germany) Chairman and Vice-Chairman, respectively, for 2010.

XI. Any other business (agenda item 10)

Railway accident in Viareggio, Italy, 29 June 2009

111. A member of the OTIF secretariat informed the Joint Meeting of the results of the conference on rail safety organized by the European Commission in Brussels on 8 September 2009. With regard to the accident in Viareggio, possible solutions for improving safety had been mentioned, such as speed reduction, avoiding built-up residential areas, more frequent maintenance and inspection of rolling stock and automatic braking mechanisms.

112. The Chairman noted that the accident had been attributed to a rolling-stock defect and that RID did not contain any provisions concerning this rolling stock. He considered that, even if the conclusions did not reveal a problem of conformity with the provisions of RID, the loss of human life and the damage caused were directly linked to the dangerous goods being carried. The question should therefore also be considered by the RID Committee of Experts, which should try to find ways in which such disastrous accidents could be avoided.

113. As Chairman of the RID Committee of Experts, the representative of Germany reminded the Joint Meeting that the RID Committee of Experts had decided to introduce provisions into RID requiring derailment detectors to be fitted to tank wagons. He greatly regretted that at the forty-fourth session of the Committee in November 2007, the European Commission had required that the decision should be suspended, on the advice of the European Railway Agency (ERA), which, on the basis of a cost-benefit analysis on safety, had considered that the costs were disproportionate (document OTIF/RID/CE/2007-A, paras. 88–104).

114. It was recalled that, by contrast with RID, ADR also contained provisions relating to the safety of vehicles and that Working Party WP.15 had checked the provisions on the construction and safety of vehicles intended for the carriage of dangerous goods. However, it cooperated very productively with another UNECE body responsible for matters relating to vehicle construction, the World Forum for Harmonization of Vehicle Regulations (WP.29). WP.29 provided its expertise on the basis of the safety requirements determined by WP.15. Several delegations therefore expressed the hope that a similar mechanism could be set up for RID, namely better cooperation between the technical bodies responsible for the safety of railway rolling stock, such as UIC, CIT, ERA and the RID Committee of Experts.

115. The representative of the Commission pointed out that the Commission considered the RID Committee of Experts to be the competent body for matters relating to safety in the carriage of dangerous goods and assured the Joint Meeting that the European institutions responsible for the safety of rolling stock or railway safety in general would cooperate fully with the RID Committee of Experts.

XII. Adoption of the report (agenda item 11)

116. The Joint Meeting adopted the report on its session of autumn 2009 and the annexes on the basis of a draft prepared by the secretariat.
