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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**

Geneva, 15–19 September 2014

Item 5 (a) of the provisional agenda

**Proposals for amendments to RID/ADR/ADN:
pending issues****Updating of references to European Union instruments
(hazardous wastes; toxic substances; corrosive substances;
substances hazardous to the aquatic environment)****Note by the secretariat^{1,2}***Summary*

Executive summary:	This document is intended to point out some current and possible future inconsistencies between ADR/RID/ADN and European Union legislation concerning hazardous wastes, toxic substances, corrosive substances and substances hazardous to the aquatic environment due to references to obsolete or soon obsolete directives.
Action to be taken:	Amend or consider amending some references in paragraphs 2.1.3.5.5, 2.2.61.1.14, 2.2.8.1.9 and 2.2.9.1.10.5.
Related documents:	Informal document INF.11 submitted at the spring 2014 session of the Joint Meeting.

¹ In accordance with the programme of work of the Inland Transport Committee for 2014–2015 (ECE/TRANS/240, para. 100, ECE/TRANS/2014/23, cluster 9, para.9.2).

² Circulated by the Intergovernmental Organisation for International Carriage by Rail (OTIF) under the symbol OTIF/RID/RC/2014/39.

1. Paragraph 2.1.3.5.5 of RID/ADR/ADN indicates that “if the substance to be carried is a waste, with a composition that is not precisely known, its assignment to a UN number and packing group in accordance with 2.1.3.5.2 may be based on the consignor’s knowledge of the waste, including all available technical and safety data as requested by safety and environmental legislation in force².”

² Such legislation is for instance the Commission Decision 2000/532/EC of 3 May 2000 replacing Decision 94/3/EC establishing a list of wastes pursuant to Article 1(a) of Council Directive 75/442/EEC on waste (replaced by the Directive 2006/12/EC of the European Parliament and of the Council (Official Journal of the European Union No. L 114 of 27 April 2006, page 9)) and Council Decision 94/904/EC establishing a list of hazardous wastes pursuant to Article 1(4) of Council Directive 91/689/EEC on hazardous wastes (Official Journal of the European Communities No. L 226 of 6 September 2000, page 3).

2. Footnote 2 refers to a number of decisions and directives issued under the authority of various bodies of the European Union (Commission, European Parliament and Council). The secretariat has noticed that some of the directives referred to were repealed a few years ago and have been replaced by directives that are themselves under revision. Directives 2006/12/EC and 91/689/EEC have been repealed by article 41 of Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008, with effect from 12 December 2010. It means that currently, the assessment of the hazardousness of waste in the European Union is done on the basis of Decision 2000/532/EC on the List of Wastes, and on Annex III to Directive 2008/98/EC on waste, which defines the properties that render wastes hazardous.

3. For these reasons, the secretariat suggests that footnote 2 should be revised to read as follows:

Such legislation is for instance the Commission Decision 2000/532/EC of 3 May 2000 replacing Decision 94/3/EC establishing a list of wastes pursuant to Article 1(a) of Council Directive 75/442/EEC on waste (replaced by the Directive 2006/12/EC of the European Parliament and of the Council (Official Journal of the European Union No. L 114 of 27 April 2006, page 9)) and Council Decision 94/904/EC establishing a list of hazardous wastes pursuant to Article 1(4) of Council Directive 91/689/EEC on hazardous wastes (Official Journal of the European Communities No. L 226 of 6 September 2000, page 3); and Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (Official Journal of the European Union No. L312 of 22 November 2008, pages 3-30).

4. The secretariat draws also the attention of the Joint Meeting to the fact that these instruments are currently under revision because the criteria used therein are based on Council Directive 67/548/EEC of 27 June 1968 and Directive 1999/45/EC of the European Parliament and of the Council of 31 May 1999, which have been repealed by Regulation (EC) N. 1272/2008 with effect from 1 June 2015. It is therefore expected that the hazardous waste directives will soon refer to Regulation (EC) N. 1272/2008, thus requiring the use of GHS criteria for classification of hazardous wastes. Information in this respect may be found on the site of the European Commission at http://ec.europa.eu/environment/waste/framework/pdf/Technical_proposal_tc.pdf

It is therefore possible that the references proposed in para 3 above need be amended again, depending on whether the decision and directive in question are replaced or simply amended, but it seems that so far, the intent is to amend them.

5. As Directives 67/548/EC and 1999/45/EC will be obsolete on 1 June 2015, the Joint Meeting may also wish to consider whether paragraphs 2.2.61.1.14, 2.2.8.1.9 and 2.2.9.1.10.5 need be amended.