**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

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**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.

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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. 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 The secretariat has noticed that some of the directives referred to were repealed a few years ago and have been replaced by directives that are themselves under revision. Directives 2006/12/EC and 91/689/EEC have been repealed by article 41 of Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008, with effect from 12 December 2010.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:


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 2.2.6.1.14, 2.2.8.1.9 and 2.2.9.1.10.5 need be amended.