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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, 15–25 September 2015

Item 3 (b) of the provisional agenda

##### **Proposals for amendments to RID/ADR/ADN: new proposals**

### **Amendments to section 5.4.3 Instructions in writing in RID/ADR/ADN**

**Transmitted by the Government of Romania<sup>1, 2</sup>**

#### *Summary*

<b>Executive summary:</b>	Unified vision of the provisions regarding the Instructions in writing in section 5.4.3.
<b>Action to be taken:</b>	Amend the provisions in section 5.4.3.
<b>Related documents:</b>	ECE/TRANS/WP.15/AC.1/2015/1 and paragraph 61 of the Report of the March 2015 session of the Joint Meeting of the RID Committee of Experts and the Working Party on the Transport of Dangerous Goods (ECE/TRANS/WP.15/AC.1/138).

<sup>1</sup> 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).

<sup>2</sup> Circulated by the Intergovernmental Organisation for International Carriage by Rail (OTIF) under the symbol OTIF/RID/RC/2015/35.

## Introduction

1. The Romanian delegation received comments and observations regarding the topics proposed in paragraphs 10 to 12 of document ECE/TRANS/WP.15/AC.1/2015/1 of the March 2015 session of the RID/ADR Joint Meeting.
2. As mentioned in paragraph 61 of the Report of the March 2015 session, experts were invited to share their experience on a series of questions with regard to the contents of section 5.4.3 in different transport modes.
3. Therefore, some solutions are proposed to solve some of the problems presented in paragraphs 10 and 11 of ECE/TRANS/WP.15/AC.1/2015/1.
4. The idea was not to amend the Instructions in writing without an important reason. The existing texts will be reworded in order to find a unified approach.
5. After their introduction in ADR 2009, the Instructions were amended in the 2011 edition, and again in ADR 2015, with a transitional measure lasting until 2017. After their introduction in RID 2011 and ADN 2011, they were amended in the 2015 edition without a transitional measure.
6. Acknowledging the difficulties that might be caused by another change in the Instructions in writing, the Joint Meeting is nevertheless asked to consider the following arguments in favour of amending the text of section 5.4.3.

## Proposals

7. It is proposed to organize this document in an appropriate manner in order to provide a close link between each argument and the proposal deriving from it.

### Proposal 1

8. Introduce in the hazard characteristics - column (2) of the table of the Instructions in writing according to **RID**: The risk of burns for class 9. In this way all transport modes will have the same hazard characteristics for the dangerous goods classes.
9. Another option is to consider the specified hazard characteristic for the mark sufficient for elevated temperature substances in **RID** and to delete the Risk of burns in **ADR** and **ADN** where it appears against the class 9 label.

#### Option 1

10. Introduce in the hazard characteristics - column (2) of the table of the Instructions in writing according to **RID**: "Risk of burns." before "Risk of fire." for the class 9 danger label and placard in column (1); or

#### Option 2

11. Delete from the hazard characteristics - column (2) of the table of the Instructions in writing according to **ADR** and **ADN**: "Risk of burns." for the class 9 danger label and placard in column (1);

## Proposal 2

12. The following amendments are proposed to eliminate the contradiction between the provisions of paragraph 5.4.3.4 and Note 2 of the Instructions in writing for all transport modes by replacing the term “*adapted*” by “*supplemented by adding a separate sheet*” in Note 2. This would allow the addition of another file with additional guidance if the carrier or the consignor considers it necessary (containing e.g. emergency phone number, contact person, etc.). Consequently, the end of the text in **RID** has to be reworded.

13. Amend the text of Note 2 on page 3 of the Instructions in writing for all transport modes to read as follows:

### ADR and ADN:

**“NOTE 2:** *Additional guidance shown above may be ~~adapted~~ supplemented by adding a separate paper to reflect the classes of dangerous goods to be carried and their means of transport.”.*

### RID:

**“NOTE 2:** *Additional guidance shown above may be ~~adapted~~ supplemented by adding a separate paper to reflect the classes of dangerous goods to be carried and their means of transport and, if necessary, ~~to supplement them according to the~~ existing national specifications.”.*

## Proposal 3

14. The change of the term “*adapted*” in Note 2 on page 3 of the Instructions in writing of **RID** necessitates a change of the text in 5.4.3.4 in order to establish not only the contents, but also the form of the Instructions in writing. The proposal has no intention to limit or to impose a size for the document containing the Instructions in writing according to **RID/ADR/ADN**.

15. In paragraph 5.4.3.4 of **RID**, it is also proposed to replace “*should*” by “*shall*”.

16. Amend the text of paragraph 5.4.3.4 of **RID**, to read as follows:

“5.4.3.4 The instructions in writing ~~should~~ shall correspond to the following four page model as regards their form and contents.”;

## Proposal 4

17. The change proposed for the introductory text for the equipment on page 4 of the Instructions in writing according to **RID** is meant to regulate the use of the equipment. The current text is so worded that it does not require its use: “*The following equipment<sup>a</sup> shall be carried in the driver’s cab:*”. The provisions of 5.4.3.2 and 5.4.3.3 do not refer to the use of the equipment and the actions to be performed with the equipment carried in the driver’s cab are obligations for drivers.

18. Amend the introductory text for the equipment on page 4 of the Instructions in writing, according to **RID**, to read as follows:

*“Equipment<sup>a</sup> for personal protection to be carried in the driver’s cab for personal use:”.*

The text of note **a** remains unchanged.

## Proposal 5

19. The change proposed for the introductory text for the equipment on page 4 of the Instructions in writing according to **ADR** is meant to regulate the use of the *transport unit*. The current wording uses the term *vehicle* which is in contradiction with the next phrase where the equipment is introduced and the provisions of paragraph 8.1.5.2: “*The following equipment shall be carried on board the transport unit:*”.

20. Amend the introductory text for the equipment on page 4 of the Instructions in writing according to **ADR**, to read as follows:

“*Equipment for personal and general protection to carry out general actions and hazard specific emergency actions to be carried on board the ~~vehicle~~ transport unit in accordance with section 8.1.5 of ADR*”.

## Justification

21. Safety: Clear text improves safety across all transport modes.

Feasibility: The proposals aim to facilitate implementation and enforcement. Carriers already comply with these obligations anyway. The proposed amendments clarify and unify existing provisions. They facilitate the activity of regulators, safety advisers and enforcement bodies.

No disadvantages are envisaged.

Considering the contents of paragraph 6 above and the necessity of introducing also the new lithium battery mark in 5.2.1.9 and label No. 9A (as proposed in document 2015/23/Add.1), a transitional measure may be required and the Romanian delegation could draft that proposal.

Enforceability: The presence of separate obligations for the carrier regarding the Instructions in writing and equipment carried would facilitate the enforceability of the regulations. The absence of the Instructions in writing according to ADR is subject to sanctions, e.g. in Directive 95/50/EC on uniform procedures for checks on the transport of dangerous goods by road. The checklist in Annex I of the Directive includes the instructions in writing in the documents to be checked if they are present onboard (point 14), and the classification of infringements in Annex II includes the absence of the instructions in writing as a Risk category II infringement.

## Future work

22. The questions related to the use of the terms: “*emergency situation*”, “*incident*” or “*accident*”, “*occur or arise*” and “*member of the crew*” (**ADR** and **ADN**) or “*crew member*” (paragraph 1.10.1.4 of RID/ADR/ADN) will be treated in another document at a future session of the Joint Meeting. In this respect, experts are invited to express their opinion.

23. A short working group meeting during the September 2015 session of the Joint Meeting might identify some options for a unified approach in 5.4.3 (for all modes of transport) in relation with 1.8.5 or the desired characteristics of the accident data base. This

would be an opportunity for the representatives of all transport modes to express their solutions for this problem.

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