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Working Party on the Transport of Dangerous Goods

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Any other business

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FEAD letter on the transport of Hazardous Waste



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The collection of waste becomes a more and more important issue at European level for several reasons:

The European legislation on waste has been extremely developed over the last 30 years

1. A specific waste management industry has been developed to move Europe from a 100% landfill to a minimum % landfill and a maximum % recycling.
2. The Waste Directive (2008/98) fixed a hierarchy of the waste treatment options, considering the prevention of waste better than the reuse, followed by the recycling, the recovery (of energy), ending with the disposal (landfilling)
3. Waste has to be increasingly transported from the place of production to the dedicated/compulsory treatment facility
4. Together with the waste hierarchy, Europe promoted/forced the source separation of the waste produced.
5. Some waste streams, that weren't initially considered as hazardous, have since been considered as hazardous (e.g. asbestos).
6. The CLP-Regulation increased the identification of hazardous waste at the end-user level

The ADR, initially developed for the transport of dangerous goods of commercial nature, took progressively into account the specificity of waste, so that it included its transport into the ADR, with specific rules.

FEAD has been appointed since 2005 as recognized stakeholder by the Joint meeting. From that date, the federation has actively participated in the development of such specific 'waste rules'.

The first modification affected the transport documents. An ad hoc working group was created and, after 3 meetings in Bonn, proposed a modus operandi for the description of hazardous waste on ADR transport documents, referring to the paragraph 2.1.3.5.5. This appeared to be an advantage for the waste sector.

Another modification, also initiated by FEAD, first required the intervention of the UN Committee in order to create a new UN number, 3509, for empty damaged packaging. Only after the creation of such 'empty box', the Joint meeting was able to provide content to this UN number, to cover the bulk transport of damaged packaging of some hazardous categories.

During the Ebola crisis, the Dutch and Belgian waste management federations developed, together with the national authorities and some hospitals, a procedure to package EBOLA-related waste. Such procedure was included in a multilateral agreement, there was undersigned not only by The Netherlands and Belgium, but also by other countries such as Austria, Germany, France, Portugal, Switzerland, etc. (Multilateral agreement M281 replaced by multilateral agreement M305). The treatment of a patient in The Netherlands generated in one week time 100 m³ of packaged waste which was, thanks to the multilateral agreements, safely transported to the licensed waste incineration facility.

Other examples:

- Aerosols: special rules under packing instruction P207, special packing provision PP87 and Special Provision SP327
- Paints and inks: Special Provision SP 650
- Batteries under Special provision SP 636

There are still ongoing issues as the double certification of ASP-containers, and the transport of damaged packaging under UN 3509 in sheeted vehicles (VC1) or, as recently explained in the informal document INF.39, the use of used packagings for the carriage of dangerous goods waste.

In short, several specific aspects related to waste have already been tackled by the Joint meeting and we appreciated the constructive creativity of its members in order to keep the safety of waste transport guaranteed and, at the same time, making it feasible despite the waste complexity.

At national level, some Member States also used the Multilateral Agreement approach to introduce derogations

Here, we are referring, as a non-exhaustive list, to the following multilateral agreements:

- M287 'Carriage of certain wastes containing dangerous goods' (Austria, Czech Republic, Liechtenstein, Italy)
- M303 'Concerning the carriage of Lithium cells or batteries installed in equipment from private households collected and handed over for carriage for depollution, dismantling, recycling or disposal' (Germany, Austria, Italy, Portugal, Luxembourg, France, Switzerland)
- M307 'Carriage of damaged or defective lithium batteries liable to rapidly disassemble, dangerously react, produce a flame or a dangerous evolution of heat or a dangerous emission of toxic, corrosive or flammable gases or vapours under normal conditions of carriage(UN 3090, 3091, 3480, 3481) (Germany, United Kingdom, France)

To overcome still-existing difficulties, most of the Member States have developed special national derogations on transport of waste. These derogations are listed on the COMMISSION IMPLEMENTING DECISION (EU) 2017/695 of 7 April 2017 authorising Member States to adopt certain derogations pursuant to Directive 2008/68/EC of the European Parliament and of the Council on the inland transport of dangerous goods. This text is annually updated.

At the end of 2016, the European Commission started a profound revision of its environmental legislation via the so-called Circular economy package (CEP), revising no less than 6 European Directives: Directive 2008/98 on Waste, 94/62 on Packaging and Packaging Waste, 1999/31 on landfill, 2000/53 on End-of-Life vehicles, 2006/66 on Batteries and accumulators and 2012/19 on Waste Electrical and Electronic Equipment. The proposed directives were adopted by the European Parliament on the 18th of April, by the Council of the EU on the 22nd of May 2018, and published in the European Journal on 14th of June.

The new Directive on Waste foresees a mandatory selective collection of hazardous waste from citizens in all the Member States. Several countries have already organized such selective collection. As such hazardous waste is not offered in its combined packaging (contrary to the initial marketed products), its transport in accordance with the ADR rules is often problematic.

Therefore, some of the member states where the selective collection of household hazardous waste was implemented, developed specific national derogation. These derogations are not always harmonized and does not exist in every country.



The entry into force of the CLP Regulation 1272/2008 on the Classification, Labelling and Packaging of Substances and Mixtures also created additional problems for the waste sector, concerning the legal collection and transport of empty packaging with such new CLP labels. Several products earlier sold without CLP label must now bear CLP labels. An additional problem is that such labelled packaging is not often collected selectively, but in combination with empty packaging without CLP label.

Nowadays, specific hazardous waste streams, including empty packaging of hazardous products, are collected selectively by professional transporters (for industrial waste) or by public services (for household waste). As such collections are governed in first instance by the environmental administration, some transport rules have been set by these administrations, without systematic coordination regarding the ADR aspects with the involved transport administration.

Such transport rules for waste are existing at least in the following countries: Austria, Belgium, France, Germany and the Netherlands.

When such rules have not been developed together with the transport administration, waste transporters may sometimes be confronted with conflicting rules (Environment versus ADR).

As a matter of example/ in France, aerosols for household and/or hygienic use are considered as non-hazardous and are not collected under the ADR rules, even if they wear a GHS symbol (02 flammable, ...). In the same way, in Belgium, the empty packaging wearing a GHS 05 (corrosive) symbol with the hazard property H318 is – in line with the ADR rules – no more considered as hazardous waste. Consequently, the responsible take-back scheme only considers as hazardous the empty packaging of corrosive products marked with the old corrosive symbol, and communicates accordingly to the citizens.

For several years, the general problem of waste transport from end-users to sorting and treatment plants in the ADR legislation has remained under the radar. The entry into force of the CLP Regulation has recently brought it above the radar.

The above-mentioned examples are not only problematic for the waste management sector, but also for the chemical sector as one of the most involved production sectors.

FEAD considers that it is now time to tackle such increasing problems and to anticipate the new ones expected to come with the modifications of the European environmental legislation, through the Circular Economy Package.

FEAD, the federation representing the waste management sector and being recognized as stakeholder by the Joint meeting, decided to take the following initiative:

In order to ensure (1) a correct enforcement of the ADR, (2) a compatibility with the national environmental legislations, (3) a level playing field between all the transporters at European level and (4) in order to combine safety with feasibility for the transport of (hazardous) waste, FEAD proposes to initiate an ad hoc technical working group, which will be first asked to list the above-mentioned problems and to present it to the Joint meeting. In a second stage, the Joint meeting could decide to enlarge the scope of the technical working group.

In case of problems to organize the meetings in the office of ADR administrations, the federation could consider to host such meeting(s) in Brussels in its office or the office of one of its members (Brussels, Paris, etc.).

