

**Economic and Social Council**Distr.: General  
7 June 2019English  
Original: French**Economic Commission for Europe****Inland Transport Committee****Working Party on the Transport of Dangerous Goods****Joint Meeting of Experts on the Regulations annexed to the European Agreement concerning the International Carriage of Dangerous Goods by Inland Waterways (ADN) (ADN Safety Committee)****Thirty-fifth session**

Geneva, 26–30 August 2019

Item 4 (b) of the provisional agenda

**Proposals for amendments to the Regulations annexed to ADN: Other proposals****ADN 1.1.3.6 and 1.10.4 – Exemptions related to the carriage of Class 7 dangerous goods****Transmitted by the Governments of France and Germany\*\*\*****Related documents:**

Informal document INF.19 (France), presented at the thirty-fourth session;

ECE/TRANS/WP.15/AC.2/70, para.18

“18. The Safety Committee agreed that the security training provisions in ADN applicable to UN 2908 and UN 2909 excepted packages as well as to UN 2910 and 2911 excepted packages with an activity level not exceeding the A<sub>2</sub> value should be harmonized with the applicable provisions in other modes. The representative of Germany also pointed out a contradiction between the provisions of 1.1.3.6 and 1.10.4 of ADN related to the excepted quantities carried on-board vessels. The representatives of France and Germany volunteered to submit a proposal addressing these issues to the next session.”

**Introduction**

1. During the thirty-third session, the delegation of France had informed the Safety Committee, by informal document INF.19, that the provisions relating to **security training (ADN section 1.10.2)** for excepted packages bearing the following UN numbers

\* Distributed in German by the Central Commission for the Navigation of the Rhine in document CCNR-ZKR/ADN/WP.15/AC.2/2019/19.

\*\* In accordance with the programme of work of the Inland Transport Committee for 2018-2019 (ECE/TRANS/2018/21/Add.1, (9.3)).



- UN No. **2908**, RADIOACTIVE MATERIAL, EXCEPTED PACKAGE - EMPTY PACKAGING;
- UN No. **2908**, RADIOACTIVE MATERIAL, EXCEPTED PACKAGE - EMPTY PACKAGING;
- UN No. **2909**, RADIOACTIVE MATERIAL, EXCEPTED PACKAGE - ARTICLES MANUFACTURED FROM NATURAL URANIUM or DEPLETED URANIUM or NATURAL THORIUM;
- UN No. **2910**, RADIOACTIVE MATERIAL, EXCEPTED PACKAGE - LIMITED QUANTITY OF MATERIAL, with an activity level not exceeding the A<sub>2</sub> value;
- UN No. **2911**, RADIOACTIVE MATERIAL, EXCEPTED PACKAGE - INSTRUMENTS or ARTICLES, with an activity level not exceeding the A<sub>2</sub> value,  
(all belonging to Class 7)

should also **not** be applicable to ADN, as that is the case for the Model Regulations, ADR, RID and the IMDG Code.

2. According to ADN (1.10.4), the security provisions, including those relating to training in accordance with ADN section 1.10.2, must apply to all Class 7 radioactive materials, i.e., both to packages bearing UN Nos. 2908 and 2909, and also to packages bearing UN Nos. 2910 and 2911. This also applies when transportation is exempted in accordance with ADN subsection 1.1.3.6.

3. In accordance with the adopted version of ADN paragraph 1.1.3.6.1, which will enter into force on 1 January 2021, the following exemption applies to Class 7:

“... when the gross mass of all the dangerous goods carried does not exceed 3,000 kg and for the individual classes does not exceed the quantity that is indicated in the Table below.”

<i>Class</i>	<i>Substances or articles in packages</i>	<i>Exempted quantities in kg:</i>
7	Substances and articles of Class 7 bearing UN Nos. 2908, 2909, 2910 and 2911	3000
	Other substances and articles of class 7	<b>0</b>

4. In ADN paragraph 1.1.3.6.2, which remains unchanged and which contains the **provisions of ADN that remain applicable** in the event of the use of exemptions for quantities carried, **no reference is made** to Chapter 1.10, on security. This means that, up to an exempted quantity of 3,000 kg by vessel of packages bearing UN Nos. 2908 and 2909, and also UN Nos. 2910 and 2911, the security provisions (Chapter 1.10), including those related to training, **are not** applicable.

5. Regarding the applicability of the security provisions, there is a **contradiction** in the **specifications** in ADN subsection 1.1.3.6 and section 1.10.4.

6. According to ADR and RID (1.10.4), ADR sections 1.10.1, 1.10.2 and 1.10.3 on security **are not** applicable to UN Nos. 2910 and 2911 if the activity level **does not exceed** the A<sub>2</sub> value and if the quantities carried do not exceed the quantities specified in ADR/RID paragraph 1.1.3.6.3.

7. This derogation under ADR/RID paragraph 1.10.4 for UN Nos. 2910 and 2911 with an activity level not exceeding the A<sub>2</sub> value does not appear in ADN paragraph 1.10.4.

8. According to ADR/RID paragraphs 1.1.3.6.2 and 1.1.3.6.3, goods bearing UN Nos. 2908 and 2909 may be carried in unlimited quantities without applying Chapter 1.10, on security. As for UN Nos. 2910 and 2911, this exemption from the provisions of Chapter 1.10 **applies only if** the activity level does not exceed the A<sub>2</sub> value.

9. Unlike in ADN, in ADR/RID, paragraphs 1.1.3.6 and 1.10 are coherent. Therefore, the mandate given by the Safety Committee (see above) requires that ADN be amended so that the security provisions

- (a) Do not apply to UN Nos. 2908 and 2909; and
- (b) Do not apply to UN Nos. 2910 and 2911 if the activity level of the packages does not exceed the  $A_2$  value.

10. While the rules of exemption covered by ADN section 1.1.3.6 set out the conditions that nonetheless **must be respected**, ADR and RID specify the requirements that **are not applicable**.

## II. Request

11. Germany proposes that the Safety Committee adopt the text used in ADR and RID for use in ADN. Exemptions from application of the security requirements for radioactive substances bearing UN Nos. 2908 to 2911 should be included both in subsection 1.1.3.6, on exemptions related to quantities carried on board vessels, and in subsection 1.10.4, on exemptions from security requirements.

12. It is proposed to amend ADN paragraph 1.1.3.6.2 to read as follows:

Insert a new subparagraph (b), to read as follows:

“(b) The requirements of sections 1.10.1, 1.10.2 and 1.10.3 apply to packages bearing UN Nos. 2910 and 2911 of Class 7 if the activity level (per package) exceeds the  $A_2$  value.”

Renumber subparagraphs (b) to (e) as (c) to (f).

Subparagraph (f) becomes subparagraph (g) and the words “under (d) and (e)” are replaced with the words “under (e) and (f)”.

13. It is proposed to amend ADN section 1.10.4 to read as follows (the text to be inserted is underlined):

“1.10.4 Except for radioactive material bearing UN Nos. 2910 and 2911, if the activity level (per package) exceeds the  $A_2$  value, the requirements of 1.10.1, 1.10.2 and 1.10.3 do not apply when the quantities carried in packages on a vessel do not exceed those referred to in 1.1.3.6.1. In addition, the provisions of this Chapter do not apply to the carriage of UN No. 2912 RADIOACTIVE MATERIAL, LOW SPECIFIC ACTIVITY (LSA-I) and UN No. 2913 RADIOACTIVE MATERIAL, SURFACE CONTAMINATED OBJECTS (SCO-I).”

## III. Rationale

14. The RID/ADR/ADN Joint Meeting in September 2011 proposed, on the basis of document ECE/TRANS/WP.15/AC.1/2011/30/Add.1, making the following amendment to the three ADR/RID/ADN regulations:

“1.1.3.6.2 *In the first indent, at the end, add*

*“and except for Class 7 excepted packages of UN Nos. 2910 and 2911 if the activity level exceeds the  $A_2$  value.”*

*[Consequential amendment related to 1.10.4]*

1.10.4 *Add after “class 1/sub-class 1.4” after “0500”:*

*“and except for UN Nos. 2910 and 2911 if the activity level exceeds the  $A_2$  value.”*

*[Consequential amendment, see 1.1.3.2.6]*

*Add the following sentence at the end:*

*“In addition, the provisions of this Chapter do not apply to the carriage of UNNo.2912 RADIOACTIVE MATERIAL, LOW SPECIFIC ACTIVITY (LSA-I) and UN No. 2913 RADIOACTIVE MATERIAL, SURFACE CONTAMINATED OBJECTS (SCO-I).”*

15. The last sentence was added to the 2013 version of ADN. The amendments relating to UN Nos. 2910 and 2911 were not adopted. According to the research done by the German delegation, there was no specific justification, so it may be assumed that this was done in error.

16. The amendment to the 2013 versions of ADR and RID should therefore also be accepted – with this delay – for ADN.

17. It is not necessary to apply ADN as a whole, apart from Chapter 1.10, or to provide more conditions than previously applied (ADN 1.1.3.6.2), to materials bearing UN Nos. 2910 and 2911 with an activity level (per package) exceeding the A<sub>2</sub> value.

## **IV. Safety**

18. There are no safety concerns, as the exemption from security provisions for the transport of substances bearing UN Nos. 2908 to 2911 by road and by rail has not raised any serious problems.

19. Contradictions in the requirements liable to lead to diminished safety owing to problems of interpretation will be eliminated.

## **Applicability**

20. The request will result in no organizational changes or changes to shipbuilding for the transport of Class 7 packages.

21. There will be facilitation, as the security requirements applicable to UN Nos. 2908 and 2909 and to UN Nos. 2910 and 2911, if the activity level does not exceed the A<sub>2</sub> value, will not (or will no longer) have to be met.

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