



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**

Bern, 15-19 March 2021

Item 5 (b) of the provisional agenda

**Proposals for amendments to RID/ADR/ADN:
new proposals****Container/vehicle packing certificate****Transmitted by the Government of the Netherlands^{*}, ^{**}, ^{***}****Introduction**

1. During the spring session of the Joint Meeting in 2019 the Netherlands raised in informal document INF.15 the issue of the obligation for containers according to paragraph 5.4.2 of RID/ADR/ADN to provide the container/vehicle packing certificate with the transport document. This obligation applies when the carriage of dangerous goods in a container precedes a voyage by sea. The container/vehicle packing certificate ensures that the operation of packing or loading of dangerous goods in the container is fully in accordance with paragraph 5.4.2 of the IMDG Code.
2. The Netherlands concluded in informal document INF.15 that the container/packing certificate could not be considered as a safety improving measure for the carriage of dangerous goods for inland modes, because such a certificate is not necessary when a subsequent voyage by sea will not take place.
3. Furthermore, it is also possible to distribute the certificate directly to the maritime carrier. The loader or the packer who is responsible for drafting the certificate can provide directly the maritime carrier with the certificate by using electronic data processing (EDP) or electronic data interchange (EDI) techniques and is not obliged to send it together with the transport document as mentioned in paragraph 5.4.2 of RID/ADR/ADN.
4. The Joint Meeting agreed in principle with the proposal by the Netherlands to delete the requirement to provide the container/packing certificate with the transport document during the inland transport part of a container's journey (see the report of the Joint Meeting,

^{*} A/75/6 (Sect.20), para 20.51.

^{**} Circulated by the Intergovernmental Organisation for International Carriage by Rail (OTIF) under the symbol OTIF/RID/RC/2021/22.

^{***} This document was scheduled for publication after the standard publication date owing to circumstances beyond the submitter's control.

ECE/TRANS/WP.15/AC.1/154, para. 48). The Netherlands has offered to submit a document with possible suggestions based on this discussion.

Considerations

5. A possibility to amend paragraph 5.4.2 in RID/ADR/ADN is to provide on a voluntary basis the container/vehicle certificate with the transport document when the carriage of dangerous goods in a container precedes a voyage by sea. This is the same approach as for carriage of dangerous goods in a vehicle if such a vehicle precedes a voyage by sea. This is mentioned in the last paragraph of paragraph 5.4.2. This option is proposed in proposal 1.

6. Another possibility to clarify this issue is to amend paragraph 5.4.2 in such a way that it is clearly mentioned that the "container/vehicle packing certificate" shall be provided to the maritime carrier by those responsible for packing the container. This option is proposed in proposal 2.

7. The provision in the second paragraph in paragraph 5.4.2 unnecessarily excludes the use of electronic data processing (EDP) or electronic data interchange (EDI) techniques for transmitting the "container/vehicle packing certificate". Because it is proposed not to provide the certificate with the transport document the second paragraph in paragraph 5.4.2 also become superfluous and can be deleted as is proposed in proposal 3.

8. Because of the proposed amendment in paragraph 5.4.2 the container/vehicle certificate is not mandatory to be carried on the transport unit with other transport documents and the relevant requirement in paragraph 8.1.2.1 has become superfluous and can be deleted as it is proposed in proposal 4.

9. Finally, a stringent approach could be considered whereby the requirements for and the cross references to the "container/vehicle packing certificate" are completely deleted from RID/ADR/ADN. If so, it is proposed to delete paragraphs 5.4.2, 5.4.5 (Example of a multimodal dangerous goods form) and the cross references in the relevant (sub)paragraphs as it is proposed in proposals 4 to 10.

10. The Netherlands has a slight preference for proposal 1 and the amended provisions in proposals 3 and 4, because the amended provision for containers in proposal 1 is not mandatory and it is in line with the current provisions for vehicles in paragraph 5.4.2.

11. The Joint Meeting is invited to give their opinion on this approach, the proposals for amending RID/ADR/ADN and to express their preference to modify RID/ADR/ADN. The Netherlands is willing to submit an updated official document with proposals for the next meeting according to the outcome of this discussion.

Proposals

12. Amend the first paragraph of paragraph 5.4.2 in RID/ADR/ADN (new text is marked in bold underlined and deleted text in strikethrough):

Proposal 1

“If the carriage of dangerous goods in a container precedes a voyage by sea, a "container/vehicle packing certificate" conforming to paragraph 5.4.2 of the IMDG Code^{5,6} shall may be provided with the transport document.”

Proposal 2 (alternative for proposal 1)

“If the carriage of dangerous goods in a container precedes a voyage by sea, a "container/vehicle packing certificate" conforming to paragraph 5.4.2 of the IMDG Code^{5,6} shall be provided ~~with the transport document~~ to the maritime carrier by those responsible for packing the container.”

13. Amend the second paragraph of paragraph 5.4.2 in RID/ADR/ADN (deleted text is marked in strikethrough):

Proposal 3 (delete the second paragraph)

~~“The functions of transport document required under 5.4.1 and of the “container/vehicle packing certificate” as provide above may be incorporated into a single document; if not, these documents shall be attached one to the other. If these functions are incorporated into a single document, the inclusion in the transport document of a statement that the loading of the container or vehicle has been carried out in accordance with the applicable modal regulations together with the identification of the person responsible for the “container/vehicle packing certificate” shall be sufficient.”~~

14. Amend subparagraph 8.1.2.1 (a) in ADR and subparagraph 8.1.2.1 (b) in ADN (deleted text is marked in strikethrough):

Proposal 4

~~“The transport documents prescribed in 5.4.1 covering all the dangerous goods carried and, when appropriate, the container/vehicle packing certificate prescribed in 5.4.2;”~~

15. Delete the provisions in paragraphs 5.4.2 and 5.4.5 in RID/ADR/ADN and amend these paragraphs as is proposed in proposal 5:

Proposal 5

~~“5.4.2 (Deleted)~~

~~5.4.5 (Deleted)”~~

16. Amend subparagraph 1.1.4.2.2 in ADN (NOTE only), 1.1.4.2.3 in RID/ADR and the subparagraphs 1.4.2.2.2, 3.4.1 (e) and 5.1.5.4.2 (c) in RID/ADR/ADN (deleted text is marked in strikethrough):

Proposal 6

ADN: 1.1.4.2.2 (NOTE only)

~~“NOTE: For carriage in accordance with 1.1.4.2.1, see also 5.4.1.1.7. For carriage in containers, see also 5.4.2.”~~

Proposal 7

RID/ADR: 1.1.4.2.3

~~“For carriage in a transport chain including maritime or air carriage, the information required under 5.4.1 and 5.4.2 and under any special provision of Chapter 3.3 may be substituted by the transport document and information required by the IMDG Code or the ICAO Technical Instructions respectively provided that any additional information required by ADR is also included.~~

~~NOTE: For carriage in accordance with 1.1.4.2.1, see also 5.4.1.1.7. For carriage in containers, see also 5.4.2.”~~

Proposal 8

RID/ADR/ADN: 1.4.2.2.2

“The carrier may, however, in the case of 1.4.2.2.1 (a), (b), (e) and (f), rely on information and data made available to him by other participants. ~~In the case of 1.4.2.2.1 (c) he may rely on what is certified in the "container/vehicle packing certificate" provided in accordance with 5.4.2.~~”

Proposal 9

RID/ADR/ADN: 3.4.1 (e)

“Part 5, 5.1.2.1(a) (i) and (b), 5.1.2.2, 5.1.2.3, 5.2.1.10, ~~5.4.2;~~”

Proposal 10

RID/ADR/ADN: 5.1.5.4.2 (c)

“The requirements of ~~5.4.2~~ and 5.4.4 shall apply.”

Justification

17. Safety: the amendments in the (sub)paragraphs and the cross references do not enhance safety of transport.

18. Feasibility: it promotes and clarifies the practicability of the provisions.
