

## Economic Commission for Europe

### Inland Transport Committee

Working Party on the Transport of Dangerous Goods

3 September 2024

Joint Meeting of the RID Committee of Experts and the  
Working Party on the Transport of Dangerous Goods

Geneva, 10-13 September 2024

Item 5 (a) of the provisional agenda

Reports of informal working groups

### **Dangerous goods in machinery, apparatus or articles - used articles**

**Transmitted by the Government of Germany and by the European  
Chemical Industry Council (Cefic)**

#### *Summary*

**Executive summary:** The provisions on the carriage of dangerous goods cause difficulties when applied to used articles, machinery and apparatus containing residues which cannot be removed for the intended carriage.

**Action to be taken:** Discussion of possible regulatory options

**Related documents:** Informal document INF.21 of the Joint Meeting (Geneva, 12-16 September 2022); report ECE/TRANS/WP.15/AC.1/166 para. 29; document ECE/TRANS/WP.15/AC.1/2023/24; informal documents INF.42 and INF.42/Rev.1 of the Joint Meeting (Geneva, 19-29 September 2023); report ECE/TRANS/WP.15/AC.1/170; paras. 39 and 40.

## I. Introduction

1. At its autumn session in 2017, the Joint Meeting decided to delete the exemption in 1.1.3.1 (b) for the "carriage of machinery or equipment not specified in RID/this Annex and which happen to contain dangerous goods in their internal or operational equipment, provided that measures have been taken to prevent any leakage of contents in normal conditions of carriage". For a transitional period, this exemption could still be applied, but the transitional measure in 1.6.1.46 expired on 31 December 2022.
2. This meant that the provisions were broadly harmonised with the United Nations *Model Regulations*. In addition, special provision 672 was created for UN number 3363, which has the effect of largely exempting it from the provisions of RID/ADR/ADN, provided the conditions of this special provision are met.
3. After Cefic pointed out problems with implementation in connection with used articles and machinery in informal document INF.21 at the RID/ADR/ADN Joint Meeting from 12 to 16 September 2022, the RID/ADR/ADN Joint Meeting addressed the issue again at its autumn session in 2023 on the basis of document ECE/WP.15/AC.1/2023/24; however, opinions on the proposal were divided, and a modified transitional provision (informal documents INF.42 and INF.42/Rev.1) did not receive a sufficient majority either.

## II. Background

4. Application of the provisions on the classification of articles (including machinery and apparatus) and compliance with the conditions of carriage does not cause any fundamental problems, provided the products are newly manufactured. In this case, it is usually known exactly which and how many dangerous goods are present in the article.
5. However, the situation is different for used articles. For example, there are particular problems for articles, machinery and apparatus which are removed from production plants for the purpose of repair, maintenance or use in another plant. These parts, such as e.g. pressure regulators, pumps, flowmeters, valves, etc. may contain dangerous goods in dead spaces which cannot be removed completely, even by cleaning. These residues can also be mixed with rinsing water, which may affect their properties. In addition, it is not possible to determine exactly what quantities are present in the articles, so that no final decision can be made on an assignment to UN number 3363, which depends on compliance with the limits for limited quantities, or to the other UN numbers.
6. Document ECE/TRANS/WP.15/AC.1/2023/24 contained a proposal for a special provision to be assigned to the UN numbers for articles containing a dangerous substance. This approach was supported by some delegations, while others did not consider the UN numbers for articles to be relevant here.
7. Germany and Cefic continue to believe that a regulatory solution must be found for these transport operations. In the meantime, the applicability of multilateral agreement M350 needs to be extended. Carriage in accordance with the applicable provisions is not possible due to the insufficient information on the residues contained in the article. It is safe to assume that in practice the residues in such articles are very often ignored and carriage takes place without dangerous goods provisions being observed.
8. Two options for a possible solution are proposed below. Germany and Cefic intend to submit a new working document for the next session, taking into account the delegations' comments.
9. This proposal supports Sustainable Development Goal 8, *Decent work and economic growth*.

### III. Proposal

#### Option 1

10. The first option is assigning a special provision. The fact that it may not be possible to determine the exact relevant UN number has no practical effect, as the special provision will be assigned to all pertinent UN numbers.

11. In Chapter 3.2, Table A, column (6), for UN Nos. 3363, 3537, 3538, 3539, 3540, 3541, 3542, 3543, 3544, 3545, 3546, 3547 and 3548, insert a new special provision "xxx".

In Chapter 3.3, insert the following new special provision to read as follows:

“xxx Used articles, machinery or apparatus that contain dangerous goods and therefore shall be assigned to UN number 3363, 3537, 3538, 3539, 3540, 3541, 3542, 3543, 3544, 3545, 3546, 3547 or 3548 but for which assignment to the appropriate UN number is not possible on the basis of the information available shall not be subject to the other provisions of RID/ADR/ADN if the following provisions are met:

(a) The articles, machinery or apparatus are carried for disposal, recycling, repair, inspection or maintenance; and

(b) measures have been taken to prevent any leakage of contents in normal conditions of carriage.”

#### Option 2

12. A specific provision is included in the classification provisions for articles, similar to the provision on medical devices and equipment in 2.2.62.1.5.9.

13. Add the following new sub-section 2.1.5.7:

“2.1.5.7 Used articles that may be contaminated with dangerous goods on the inside or contain such goods shall not be subject to the other provisions of RID/ADR/ADN if the following provisions are met:

(a) The articles, machinery or apparatus are carried for disposal, recycling, repair, inspection or maintenance; and

(b) measures have been taken to prevent any leakage of contents in normal conditions of carriage.”

14. Consequential amendment:

In the second sentence of 2.1.5.1, replace the words "For the purposes of this section" by the words "For the purposes of 2.1.5.1 to 2.1.5.6".