

**COMMITTEE OF EXPERTS ON THE TRANSPORT OF  
DANGEROUS GOODS AND ON THE GLOBALLY  
HARMONIZED SYSTEM OF CLASSIFICATION  
AND LABELLING OF CHEMICALS**

**Sub-Committee of Experts on the**

**Transport of Dangerous Goods**

**(Twenty-third session, 30 juin-4 July 2003**

**Agenda item 13)**

**OTHER BUSINESS**

**Application for consultative status by the  
European Association of Aluminium Aerosol Container Manufacturers (AEROBAL)**

**Note by the secretariat**

1. The secretariat reproduces below information received from the **European Association of Aluminium Aerosol Container Manufacturers (AEROBAL)** requesting consultative status as a non-governmental organization for participation in the work of the Sub-Committee of Experts on the Transport of Dangerous Goods.
2. The Sub-Committee is invited to decide whether AEROBAL may participate in its work with a consultative status.

# AEROBAL

European Association of  
Aluminium Aerosol Container Manufacturers

Europäische Vereinigung der Hersteller  
von Aluminium – Aerosoldosen

Association Européenne des Fabricants  
de Boîtes en Aluminium pour Aérosols

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**United Nations  
Economic Commission for Europe  
Transport Division  
Dangerous Goods and Special Cargoes Section  
Mr. Olivier Kervella  
Palais des Nations  
CH-1211 Geneva 10**

18.03.2002

Sp/-

**Revision of the UN Model Regulations on the Transport of Dangerous Goods/  
FEA's proposal to allow alternatives to the water bath test (new chapter 6.2.2.2)**

Dear Mr. Kervella,

the European Aerosol Federation (FEA) is currently proposing to revise the UN Model Regulations on the Transport of Dangerous Goods and to take up a new chapter 6.2.2.2 allowing alternative test methods which provide "at least the same level of safety as the water bath".

In this context FEA has commissioned the British consultant Burgoyne Consultants Ltd. to audit and validate one potential alternative system which is currently run at a filler's plant in Germany.

Since AEROBAL members have considered that the projected alternative to the water bath test has not sufficiently been examined under product liability aspects, last year we engaged a German and French legal firm to give us their legal opinions on potential product liability related risks of the planned alternative.

Enclosed we are sending you the Executive Summaries of the legal firms Freshfields Bruckhaus Deringer and De Pardieu Brocas Maffei & Leygonie (**encl.**). The result is that - both under German and French law - the implementation of the projected alternative method would

- increase the overall risk of liability borne by producers in the production process of aluminium aerosol cans and
- leave parts of the production process of aerosol cans uncontrolled concerning the risk of bursting which are currently monitored with the water bath test method.

If you would like to have a copy of the full report of the two legal firms, please let us know.

AEROBAL members firmly believe that the alternative system which is currently audited by Burgoyne Consultants Ltd. cannot live up to the qualitative performance of the current water bath test which guarantees the monitoring of both leakage and burst resistance of the finished product. This performance which

guarantees greatest possible consumer safety cannot be reached with the alternative system, which is currently run at a filler's plant in Germany.

We would like to underline that AEROBAL members are highly interested in innovative alternative test systems which improve the quality and safety of aerosol cans. However, finally any alternative system would have to guarantee the burst resistance of the finished product in order to avoid non-calculable product liability risks for all parties involved in the production chain.

We would be grateful if you could acknowledge receipt of this letter and inform us on the next meetings on this issue within the UN Sub-Committee of Experts on the Transport of Dangerous Goods. This issue is of vital importance for our members and the aerosol industry as such.

AEROBAL would be pleased to be invited to any meetings on this issue on UN level so that we can further explain our legal and technical concerns about the projected alternative test.

We are at your disposal for any further questions you might have.

Yours sincerely,

AEROBAL Secretariate

Gregor Spengler

Encl.

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## Information on AEROBAL ([www.aerobal.org](http://www.aerobal.org))

### a) Purpose of organisation

AEROBAL's activities focus on:

- Representation of the European aluminium aerosol can industry to third parties
- Supply of statistics and packaging market information for its members
- Monitoring of the European packaging, environmental and transport legislation
- Monitoring of the European standardisation of aluminium aerosol cans
- Public relation

### b) Activities relevant to the work of the Sub-Committee

In 2001 AEROBAL commissioned two renowned European lawyers to produce a legal opinion on the targeted alternative to the hot water bath test for filled aerosol cans. The legal opinions are available since March/April 2001 and were sent to the UN-ECE Transport Division Dangerous Goods and Special Cargoes Section (Mr. Kervella) on 18.03.2002. This letter is once again enclosed (**annex 1** without attachments).

In addition we are in general closely monitoring transport regulations which might affect our industry.

### c) Confirmation of interest in the goals and objectives of the Sub-Committee

We confirm that we are supporting the goals of the UN-ECE Sub-Committee, especially the aim to secure a safe international transport of aerosol containers. This topic touches vital interests of our industry.

### d) Copy of annual report and financial statement of our organisation

AEROBAL does not produce any annual report. A copy of our current financial statement is enclosed (**annex 2**)

### e) List of members

The current list of members is enclosed (**annex 3**)

**f) Description of the membership and total number of members as well as geographical distribution**

AEROBAL is a non-profit association. Membership is voluntary and limited to European manufacturers of Aluminium Aerosol Containers. AEROBAL represents about 80 % of the European market of aluminium aerosol container production.

The plants of our members are located in the following countries: Austria, Czech Republic, France, Germany, Hungary, Italy, Netherlands, Slovenia, Spain, Switzerland, United Kingdom.

**g) Copy of by-laws**

A copy of our statutes is enclosed (**annex 4**)

**European Association of Aluminium Aerosol Container Manufacturers**

**Europäische Vereinigung der Hersteller von Aluminium-Aerosoldosen**

**Association Européenne des Fabricants de Boîtes en Aluminium pour Aérosol**

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## **S T A T U T E S**

01 December 2001

- Official Version -

### **I. FOUNDING ACT**

The companies/professional associations listed in the enclosure founded at Neu-Isenburg/Frankfurt a. M. on September 22, 1976 an Association with the following denomination:

European Association of Aluminium Aerosol Container Manufacturers

Europäische Vereinigung der Hersteller von Aluminium-Aerosoldosen

Association Européenne des Fabricants de Boîtes en Aluminium pour Aérosol

### **II. Legal Form and Office**

The Association is a non-registered organisation. The Association's office is based in Düsseldorf.

The purpose of the Association is not directed towards a commercial activity. Gaining of a financial profit is excluded.

### **III. OBJECT**

The purpose of the Association is:

- a. to defend the common interests of European aluminium aerosol container manufacturers and to promote activities of these through
  - information
  - exchange of thoughts and experience
  - cooperation and
  - elaboration and carrying through of joint actions;
- b. in order to reach these goals, to establish contacts or to cooperate with all national and international companies, authorities, officials, associations or organisations whose activities serve the interests of the Association could serve the common interests of aluminium aerosol container manufacturers.

#### **IV. MEMBERSHIP**

1. The companies/associations listed in the enclosure are the founding and present members of the Association.
2. Manufacturers of aluminium aerosol containers may become a member of the Association. Written applications have to be submitted to the Secretary's office of the Association.
3. The General Assembly decides about applications for membership
4. Each member is obliged to respect the statutes of the Association and the decisions of the General Assembly.
5. Each member is obliged to participate in AEROBAL statistics
6. Each member may withdraw from the Association by the 31st December of the current year observing a six months' notice. This must be announced by registered letter to the Secretary.
7. A member may be excluded if he/it acts in a destructive way against the interests of the Association or if he/it does not fulfil his/its obligations.

#### **V. ADMINISTRATION OF THE ASSOCIATION**

The Association is administered by:

- A) The General Assembly
- B) The Executive Committee
- C) The Secretary

##### **A) General Assembly**

1. The General Assembly consists of the entity of the members.
2. The General Assembly is chaired by a President. The President is elected for a period of two years. Re-election is possible.

The President of the Association is at the same time Chairman of the Executive Committee and has to act in the interest of the Association. He has to remain impartial.

3. The Vice-President represents the President in case of his impediment. The Vice-President is elected for a period of two years. Re-election is possible. He does not automatically succeed the President.

If the President resigns from his job or leaves the Association, the Vice-President takes over the function of the President until the next General Assembly.

4. The General Assembly has to take place at least once a year. Each member present has one vote. A vote delegation is not permitted.
5. The General Assembly treats among other things the following matters:
  - a. Election of President and Vice-President
  - b. Election of Executive Committee

- c. Approbation of the annual report of the Association
  - d. Approbation of the annual balance sheet
  - e. Fixation of the membership fee
  - f. Designation of Working Committees
  - g. Decisions on suggestions made by the Executive Committee or the Working Committees
  - h. Decisions concerning the acceptance of new or the exclusion of existing members
  - i. Modification of the statutes
  - j. Dissolving of the Association
6. The General Assembly is summoned by the President. The invitations should be sent out with the agenda at least one month before the date of the meeting.
  7. An orderly summoned General Assembly has quorum if at least half of the members are present. Decisions are taken by a simple majority, except those on applications for membership which have to be taken unanimously.
  8. Extraordinary General Assemblies have to be summoned if the Executive Committee regards it necessary for the interests of the Association or if half of the members ask for it with indication of reasons.

#### **B) Executive Committee**

1. The Executive Committee consists of the President, the Vice-President as well as five further members. The Committee is elected by the General Assembly for the period of two years. Re-election is possible.
2. The Executive Committee decides on matters which are not definitely subject to the General Assembly. The decisions of the Executive Committee have to be taken unanimously. Vote delegation is only possible among Executive Committee members.
3. The Executive Committee mainly has to work out suggestions to be submitted to the General Assembly for decision.
4. Members of the Executive Committee have the right to participate at the meeting of the Working Committees.
5. The Executive Committee is to be summoned by the President on demand.



**C) Secretary**

1. The Secretary of the Association is designated by the General. In the interest of continuity, the Secretary's office is a permanent one.
2. The Secretary organises the meetings of the Association in cooperation with and on instructions of the President. He prepares the meetings in collecting and evaluating information from members.
3. He is responsible for the minutes of the meetings. For this purpose he participates in all meetings of the Association.
4. He is charged with the orderly and objective administration of the membership fees. To justify expenses, he has to submit the annual balance sheet to the General Assembly.
5. He is obliged to treat figures and documents confidentially which are entrusted to him by members.

**VI. Elected members remain in their job after end of period until the next election.**

**VII. PROCEEDING LANGUAGE**

The proceeding language of the Association is English.

**VIII. MEMBERSHIP FEE**

The annual subscription of each member is fixed by the General Assembly. The subscription has to cover the current costs of the Secretary's office including travel and other expenses of the Secretary and if necessary of an assistant.

The business year corresponds to the calendar year.

**IX. MODIFICATION OF STATUTES OR DISSOLVING OF THE ASSOCIATION**

Modifications of the statutes or dissolving of the Association can only be decided on by the General Assembly with a  $\frac{2}{3}$  majority of the members present.

If less than  $\frac{2}{3}$  of the members are present, a new General Assembly has to be called with a four months notice. This General Assembly has a quorum with a simple majority.

In case of a dissolving, the General Assembly decides on the storage, the forwarding or the destruction of the files and documents as well as on the use of existing funds.

**FOUNDING MEMBERS:**

<b>Austria:</b>	Karl Höll
<b>Finland:</b>	Printal Oy
<b>Germany:</b>	Boxal Höll Lechner Tubex Vereinigte Deutsche Metallwerke
<b>Greece:</b>	Aluminoplastiki
<b>Italy:</b>	Avial Sia Minmetal Tubettificio Ligure Assomet-Anfiba (national association)
<b>Netherlands:</b>	Boxal
<b>Norway:</b>	Metallemballasje
<b>Portugal:</b>	Previdente
<b>Spain:</b>	Envases Metalúrgicos Aerosoles Schilt
<b>Switzerland:</b>	Nussbaum & Guhl Boxal

**PRESENT MEMBERS (01.12.2001):**

<b>Austria:</b>	Karl Höll
<b>Finland:</b>	Cebal
<b>France:</b>	Cebal Lawson Mardon Boxal (Alcan Packaging)
<b>Germany:</b>	Lawson Mardon Boxal (Alcan Packaging) Cebal Lechner Tubex
<b>Italy:</b>	Cebal Tubettificio Europeo
<b>Netherlands:</b>	Lawson Mardon Boxal (Alcan Packaging)
<b>Slovenia:</b>	Tuba
<b>Spain:</b>	Cebal
<b>Switzerland:</b>	Nussbaum & Guhl

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