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**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

Thirtieth session  
Geneva, 4-12 (a.m.) December 2006  
Item 2(a) of the provisional agenda

**PROPOSALS OF AMENDMENTS TO THE RECOMMENDATIONS  
ON THE TRANSPORT OF DANGEROUS GOODS**

Model Regulations on the Transport of Dangerous Goods

Packing Instruction P099

Transmitted by the expert from Australia

**Introduction**

1. During the 29<sup>th</sup>, session Australia submitted UN/SCETDG/29/INF.48 detailing concerns related to the application of P099 in regards to international multimodal transport of dangerous goods. As noted in paragraphs 106 to 108 of the report of the 29<sup>th</sup> session of the Sub-Committee (ST/SG/AC.10/C.3/58) questions were raised in respect of the legal recognition of Competent Authority approvals by administrations other than that from where the shipment originated, noting this is handled differently in the ADR. There was general agreement at the meeting on the need to amend P099, and Australia was asked to resubmit the proposal, allowing other experts time to provide additional comments.

## **Implementation of P099**

2. In respect of sea transport, regulation VII/3 of the SOLAS convention makes all dangerous goods transported by sea subject to the IMDG code. This code is structured on the UN Model Regulations and copies its provisions. However, additional requirements are included that relate to sea transport, in the same manner as the ADR is modified for land transport requirements. In regards to P099 the IMDG code copies directly from the UN Model Regulations while the ADR includes all of the text with the exception of the text in parentheses, “(see 4.1.3.7)”.
3. Similarly, the IMDG code copies section 4.1.3.7 directly from the UN Model Regulations, while the ADR has modified the text to reflect that packagings or IBC’s not specifically authorised in the particular packaging instruction shall not be used unless specifically allowed under a temporary approval agreed between contracting parties. Arrangements to deal with variations to the IMDG code are contained in chapter 7.9. This chapter states that approvals issued under the IMDG code by a contracting party to the SOLAS convention, other than multilateral approvals, will normally be accepted by other contracting administrations. However, where an exemption is issued (such as an alternative packaging) it is subject to the discretion of any contracting party that may be affected by it.

## **Background**

4. As noted in UN/SCETDG/29/INF.48, a number of shipments of Nitromethane (UN1261) have been received in Australia and subsequently transhipped to other countries after being stored for a period. When the consignments were being prepared for their subsequent shipment the consignor approached the Australian competent authority for sea transport seeking clarification of the requirements in respect of packing instruction P099.
5. Subsequent investigations revealed that no documentation had been provided in respect of the original shipment as required by Packing Instruction P099. This seems contrary to the intent of the wording in UN Model Regulations, the IMDG Code and the ADR. Further the Australian consignor was unable to obtain any evidence that the country of origin had approved the packages as required by Packing Instruction P099. As a result, the Australian Competent Authority had to conduct its own investigations and issue an approval for the subsequent shipment of these goods.

## **Issues**

6. The situation in respect of the Nitromethane (UN1261) shipments are used as examples but there are other incidents involving other commodities. Since UN/SCETDG/29/INF.48 was submitted Australia has been targeting UN1261 and has found that the approach to P099 is very inconsistent, depending on the origin of the shipment. It appears that some consignors consider that any approval in respect of a package for the carriage of dangerous goods, issued in respect of chapter 6.1, is sufficient in respect of complying with Packing Instruction P099.

7. While this approach is inconsistent with the wording of Packing Instruction P099 and its reference to section 4.1.3.7, it is possible that consignors are misconstruing the wording of 4.1.3.7 given the reference to ‘alternative packaging’ and as such do not believe a specific approval is required. It is also noted, as raised during discussions in the 29th session that the same issues exist for IBC99 and TP9. However, it is not an issue for tank instructions as special tank instruction TP9, as written in the UN Model Regulations, already makes specific reference to the substance and a specific approval. Australia believes that a simple amendment to Packing Instruction P099 and IBC 99 would clarify the requirement for the approval to accompany the shipment and result in fewer incidents of confusions regarding such shipments.

### Proposal

8. As proposed in UN/SCETDG/29/INF.48 it is recommended Packing Instruction P099 be modified to remove any doubt that a specific Competent Authority approval is required. Noting the comments made at 106 to 108 of ST/SG/AC.10/C.3/58, it is recommended that P099 be modified to add a requirement that the approval for the packaging must be specific to the commodity being carried and evidence of such an approval must be demonstrated in the transport document or must accompany the shipment. This addresses the intent of the reference to 4.1.3.7. While this repeats the request mentioned in 4.1.3.7, it should provide further clarity to consignors. Proposed text is as follows:

<b>P099</b>	<b>PACKING INSTRUCTION</b>	<b>P099</b>
Only packagings which are approved <i>for these goods</i> by the competent authority may be used (see 4.1.3.7). A copy of the competent authority approval is to accompany each consignment or the transport document includes an indication that the packaging was approved by the competent authority.		

9. Noting the comments made during discussions in the 29th session, it is also proposed that IBC99 be modified in the same manner as proposed for Packing Instruction P099. Proposed text is as follows:

<b>IBC99</b>	<b>PACKING INSTRUCTION</b>	<b>IBC99</b>
Only packagings which are approved <i>for these goods</i> by the competent authority may be used (see 4.1.3.7). A copy of the competent authority approval is to accompany each consignment or the transport document includes an indication that the packaging was approved by the competent authority.		

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