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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

Thirty-fourth session
Geneva, 1-9 December 2008
Item 7 of the provisional agenda

**MISCELLANEOUS PROPOSALS OF AMENDMENTS TO THE MODEL
REGULATIONS ON THE TRANSPORT OF DANGEROUS GOODS**

Interpretation of marking exemptions under 5.2.1.6.1

Submitted by the observer for Switzerland¹

Introduction

1. Further to the introduction into the regulations of provisions on the marking of environmentally dangerous goods and the publication thereof, we have already received the first comments on a specific point: interpretation of 5.2.1.6.1 of the Model Regulations. The interpretation given to these provisions by some users is clearly not in keeping with the intention of the authors. The phrase:

¹ In accordance with the programme of work of the Sub-Committee for 2007-2008 approved by the Committee at its third session (refer to ST/SG/AC.10/C.3/60, para. 100, and ST/SG/AC.10/C.3/34, para. 14).

“5.2.1.6.1 ... with the exception of single packagings and combination packagings containing inner packagings with:

- contents of 5 l or less for liquids; or
- contents of 5 kg or less for solids.”

has been interpreted by some as meaning that the contents of 5 l or kg refers only to the inner packagings of combined packagings, and not to single packagings. From a purely grammatical standpoint, they are correct. However, we believe that this does not correspond to the meaning that should be given to these provisions. We believe that the 5 l or kg restriction is applicable both to single packagings and to the inner packagings of combined packagings. We are therefore putting forward proposal 1 to eliminate any possibility of confusion.

2. Another point that emerged during consideration of the above issue was the following: there is a difference between the English and French terminology in these texts. The French version uses the term “*contenance*”, while the English refers to “contents”. In the regulations, the French term “*contenance*” is normally translated into English as “capacity”. We believe the notion of “capacity” better reflects the meaning that the authors wanted to give to these provisions than does “contents”. The English term “contents” (or “*contenu*” in French) could mean that a packaging of 450 l containing less than 5 l would be exempted, which would lead to problems in applying the regulations. How can the contents be verified if the packaging cannot be opened? We do not believe that was the intention of the authors. We believe that the intention was indeed to exempt packagings with a capacity of less than 5 l or 5 kg from marking. We are therefore also putting forward proposal 2 for the English version, to clarify the situation and bring the English into line with the French.

Proposal 1

(a) A simple solution would consist in adding a comma in 5.2.1.6.1 after the term “inner packagings”. While neat, this solution is apparently not the clearest for the majority of people who will read these texts. We are therefore proposing under (b) a rewording of the end of 5.2.1.6.1.

(b) In 5.2.1.6.1, replace the text:

“5.2.1.6.1 ... with the exception of single packagings and combination packagings containing inner packagings with:

- contents of 5 l or less for liquids; or
- contents of 5 kg or less for solids.”

with the following:

“5.2.1.6.1 ... with the exception of single packagings and combination packagings where such single packaging or the inner packaging of such combination packaging has:

- a capacity of 5 l or less for liquids; or
- a maximum net mass of 5 kg for solids.”

Proposal 2

In 5.2.1.6.1, in the English version, replace the term “contents” with “capacity”.
