

OTIF



ORGANISATION INTERGOUVERNEMENTALE POUR  
LES TRANSPORTS INTERNATIONAUX FERROVIAIRES

ZWISCHENSTAATLICHE ORGANISATION FÜR DEN  
INTERNATIONALEN EISENBAHNVERKEHR

INTERGOVERNMENTAL ORGANISATION FOR INTER-  
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**Paragraph 5.4.1.2.1 g) and section 3.3.1 Special Provision 645 – new certificate of approval**

**Proposal submitted by Germany**

**SUMMARY**

***Explanatory Summary:*** On the approval of the competent authorities of the use of the classification code in accordance with special provision 645 a certificate is to be issued which is to be enclosed with the transport document.

***Action to be taken:*** Supplement Special Provision 645 and amend paragraph 5.4.1.2.1 g)

- obligation to carry a copy of the certificate in accordance with special provision 645
- thus, the inscription into the transport document "classification recognized by the competent authority of ..." can be foregone.

***Related documents:*** None.

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## Introduction

In accordance with special provision 645 of section 3.3.1 ADR/RID for fireworks, the classification code may be used only with the approval of the competent authority of a Contracting Party to ADR/RID prior to carriage. As proof of the approval, currently, the following inscription is to be additionally entered in the transport document in accordance with section 5.4.1.2.1 g) ADR/RID: "CLASSIFICATION RECOGNIZED BY THE COMPETENT AUTHORITY OF ... (state according to Special Provision 645 in section 3.3.1)".

When fireworks are imported which are in most cases first carried by sea from the Far East, this inscription for the following onward journey is entered into the transport document by the ocean port based forwarding agent only when the consignee (mainly in other European countries) informs him that the competent authority of the Contracting Party to ADR/RID has recognized the classification. The author of the transport document (ocean port based forwarding agent) does not require the presentation of this classification approval (nor a copy of it) because there currently is no such obligation in accordance with ADR/RID.

This procedure, which currently does not stipulate that a copy of the approval of the classification society in accordance with special provision 645 is to be submitted in writing to the author of the transport document (ocean port based forwarding agent), has resulted in many imported container loads being carried onwards although a final classification approval has not or not yet been obtained according to information of the Hamburg Water Guard.

The current inscription into the transport document does not guarantee the correctness of the information. This does not make it possible to satisfactorily prevent the onward movement of falsely classified fireworks devices.

## Proposal

1. Amend Special Provision 645 by inserting the following after the first sentence:

"A certificate shall be issued confirming the approval. It shall be in an official language of the forwarding country, and also, if that language is not German, English (Italian), or French, in German, English (Italian) or French."

2. Amend paragraph 5.4.1.2.1 g) as follows:

- a) Delete

"g) When fireworks of UN Nos. 0333, 0334, 0335, 0336 and 0337 are carried, the transport document shall bear the inscription:  
"CLASSIFICATION RECOGNIZED BY THE COMPETENT AUTHORITY OF ... (state according to Special Provision 645 of section 3.1.1)".

- b) Insert:

"g) When fireworks of UN Nos. 0333, 0334, 0335, 0336, and 0337 are carried, a copy of the approval certificate in accordance with special provision 645 of section 3.3.1 shall be enclosed with the transport document."

## Justification

The obligation to carry the approval certificate on the correct classification of the fireworks will reduce the possibility of falsely classified imports.

For all parties involved in the carriage it is easier to track the compliance with the safety requirements. The same holds true for the controls carried out by the competent authorities. The current mere inscription in the transport document in accordance with paragraph 5.4.1.2.1 g) does not provide an adequate and reliable guarantee. Currently, the inscription virtually has the effect of a "Document of Compliance".

## **Feasibility**

No problems. Since the certificate has to be submitted for the import anyway, a copy of it can also be enclosed with the transport document.

## **Additional information**

The Hamburg Water Guard observes time and again that on the occasion of the importation and the onward movement of containers containing fireworks the classification approval required in accordance with special provision 645 of Chapter 3.3 ADR/RID and the subsequent inscription into the transport document in accordance with paragraph 5.4.1.2.1 g) ADR/RID is not carried out properly.

Every year about 5000 containers containing fireworks from the Far East (China) are imported through the port of Hamburg. About 30 per cent of the consignees are in countries in Eastern Europe (e. g. Poland, Russia, Ukraine etc). Section 3 paragraph 7 of the German Transport of Dangerous Goods by Sea Regulations stipulates that documents on the fireworks have to be submitted to the dangerous goods authority of the port at the latest 72 hours prior to the arrival of the vessel. With these documents the Hamburg Water Guard carries out a plausibility check based on the default list for the classification of the fireworks. If there are any doubts regarding the classification the containers in question are temporarily banned from onward movement until there is a proper classification approval (in most cases by the Federal Institute for Materials Research and Testing, BAM) in accordance with Special Provision 645. Approximately 10 per cent of all containers containing fireworks in Hamburg are detained in this way and with the help of the confirmations by the BAM identified as falsely declared and classified fireworks. Then corresponding measures are taken for an onward carriage by land in due form.

For the remaining 90 per cent of the imported fireworks containers, which were inconspicuous during the plausibility check and therefore are not subject to an onward movement ban, this does not mean, however, that the declaration and the information on the contents of the fireworks containers are correct and comply with the requirements.

In Hamburg there are findings that fireworks containers were cleared for onward movement although a final classification approval of a competent authority of a Contracting Party to ADR/RID had not or not yet been obtained. In most cases, the inscription into the transport document in accordance with 5.4.1.2.1 g) ADR/RID is effected based on false statements and instructions by the (Eastern European) consignee in his function as the client of the shipper/carrier in the port of Hamburg.

For example, in November/December 2007 seven fireworks containers were carried by rail to the consignee in Slovenia although the certificates in accordance with special provision 645 of the BAM had not yet been submitted. The applications for approval of the classification had indeed been submitted to the BAM, at that point, however, the BAM had not yet carried out the concluding examination and certification. The result of the examination of the documents by the BAM was that two of the seven fireworks containers should have been classified under 1.3 G instead of 1.4 G. In the present case, the consignee in Slovenia had notified

to the shipper in Hamburg against better knowledge that a classification approval had been obtained and that the corresponding inscription into the transport document in accordance with 5.4.1.2.1 g) ADR/RID could be effected.

Moreover, it can be noted that in most cases the applications to the competent authorities (e. g. BAM) for classification certificates are submitted tardily, that is shortly before or after the arrival of the vessel, and that the required time for processing (1 week to up to 4 weeks if the documents are incomplete or ambiguous) may result in relatively long standing times of class 1 containers in the port terminals. First, the long standing times of the containers lead to additional costs to be incurred by the consignee, and second, the capacity of places for class 1 containers in the terminals during peak times (September to December) is limited (and this with potentially unclear classification) so that it is in the interest of both the terminal operator and the consignee to carry on the containers as quickly as possible by land, possibly also in circumvention of the proper obtaining of the certificate in accordance with special provision 645.

Since the Hamburg shippers/carriers do not require submission of the official classification approval (SP 645) and do not need to do so according to the existing provision, falsely classified fireworks containers are carried on by land and the inscription in the transport document "Classification ... recognized" misleadingly suggests that everything is in order – as indications and findings confirm. In the further course of carriage it is very difficult to detect such falsely declared firework transports by checks and furnishing proof thereof requires time-consuming investigations. The mere inscription into the transport document under 5.4.1.2.1 g) ADR/RID virtually has the effect of a "Document of Compliance".

**Cases of lacking classification approval in accordance with SP 645 ADR/RID, 1<sup>st</sup> half of 2008 (non exhaustive)**

Consignee	Container	arrival of vessel/check of documents	result of plausibility check	certificate according to SP 645	certificate according to SP 645 submitted on	Fireworks declared as	Classification of the articles in accordance with certificate under SP 645	Comments
Russia	3	05.12.2007	deficiencies	not yet applied for	15.04.2008	1.4G UN 0336	1.2G UN0334	out of a consignment of 13 defective containers/ when fireworks were unpacked grave deviations from the declared data became apparent
Russia	1	05.12.2007	deficiencies	not yet applied for	22.01.2008	1.4G UN 0336	1.3G UN0335	out of a consignment of 13 defective containers/ when fireworks were unpacked grave deviations from the declared data became apparent
Russia	2	09.12.2007	deficiencies	not yet applied for	15.04.2008	1.4G UN 0336	1.2G UN0334	out of a consignment of 13 defective containers/ when fireworks were unpacked grave deviations from the declared data became apparent
Russia	3	09.12.2007	deficiencies	not yet applied for	22.05.2008	1.4G UN 0336	1.1G UN0333	out of a consignment of 13 defective containers/ when fireworks were unpacked grave deviations from the declared data became apparent
Ukraine	1	06.01.2008	deficiencies	not yet applied for	06.02.2008	1.4G UN 0336	1.2G UN 0334	
Poland	1	10.01.2008	no objection	applied for	15.01.2008	1.4G UN 0336	1.4G UN 0336	Polish 645
Romania	1	08.03.2008	no objection	beantragt	11.03.2008	1.4G UN 0336	1.4G UN 0336	
Griechenland	1	15.03.2008	no objection	applied for	31.03.2008	1.3G UN 0335	1.3G UN0335	
Switzerland	1	06.04.2008	deficiencies	not yet applied for	02.06.2008	1.4G UN 0336	1.1G UN0333	when unpacking the fireworks grave deviations from the declared data became apparent
Lithuania	1	24.04.2008	no objection	applied for	30.04.2008	1.4G UN 0336	1.4G UN 0336	

Hungary	1	24.04.2008	no objection	applied for	08.05.2008	1.4G UN 0336	1.4G UN 0336	
Poland	1	24.04.2008	no objection	applied for	06.05.2008	1.4G UN 0336	1.4G UN 0336	
Belgium	1	25.04.2008	no objection	not yet applied for	26.05.2008	1.4G UN 0336	1.4G UN 0336	
Switzerland	1	25.04.2008	deficiencies	not yet applied for	06.05.2008	1.4G UN 0336	1.3G UN0335	well-known major importer of fireworks from Switzerland/ imports now via Rotterdam
Slovenia	2	27.04.2008	no objection	not yet applied for	03.06.2008	1.4G UN 0336	1.4G UN 0336	