

Economic Commission for Europe

Inland Transport Committee

Working Party on the Transport of Dangerous Goods

Joint Meeting of the RID Committee of Experts and the

Working Party on the Transport of Dangerous Goods

Bern, 22–26 March 2010

Item 5 (a) of the provisional agenda

Proposals for amendments to RID/ADR/ADN: pending issues

Dangerous goods packed in limited quantities – transitional measures

Transmitted by the International Road Transport Union (IRU)

Introduction

1. This paper contains proposals for amending the text concerning the transitional measures of chapter 1.6 allowing two different markings for limited quantities from 1 January 2011 until 30 June 2015.

2. In the consolidated version of the amendments for ADR 2011, the Joint Meeting has adopted a new transitional measure, sub-section 1.6.1.20, which concerns chapter 3.4:

"1.6.1.20 Notwithstanding the requirements of Chapter 3.4 applicable as from 1 January 2011, dangerous goods packed in limited quantities, other than those which are assigned figure "0" in column (7a) of table A of Chapter 3.2, may continue to be carried until 30 June 2015 in accordance with the requirements of Chapter 3.4 in force up to 31 December 2010."

Justification for proposals

3. The requirements of new section 3.4.7 concern the new marking of transport units and/or containers with a diamond shape with top and bottom portions and the surrounding line in black and the central area in white, or a suitable contrasting background color, for any mode of transport except that of air transport. If air transport is included, a Y-shape must be added in the white portion of the diamond shape.

4. With the new adopted text of section 1.6.1.20, implementation of all the current provisions of Chapter 3.4 in force until 31 December 2010 is allowed until 2015.

5. However, due to the transitional provision 1.6.1.18 in ADR 2009, most transport companies have not yet implemented the requirements concerning the LTD QTY marking on containers and/or transport units. This transitional provision expires on 31 December 2010, and as a consequence transport companies will have to mark containers and transport units carrying dangerous goods packed in limited quantities as from 1 January 2011. In a sense this requirement may be considered as a new requirement, and for this reason IRU regrets that due to the combined effects of the general transitional measure of 1.6.1.1 and the new transitional provision 1.6.1.20, transport companies will have to implement two different systems. This is most likely to entail confusion, not only on the side of transport companies but also on that of transport controllers. To avoid the additional unjustified costs

linked to this dual markings, and the expected fines for non-compliance with one or another system, IRU strongly urges the Joint Meeting and WP.15 to impose one single system (the new one) as from 1 January 2011.

6. With the new 1.6.1.20, as drafted, the following problems are likely to occur:

(a) During four and an half years, dangerous goods in limited quantities may be offered for transport in accordance with the current provisions of Chapter 3.4. It is not clear from the text whether in such a case, containers and/or transport units would have to be marked "LTD QTY" or may be marked with the new diamond-shaped placard, and it is not easy for a carrier to know whether such goods are offered for transport in accordance with the new or old provisions, and what to do if a load comprises goods packed in limited quantities according to the current system or the new one. Past experience, e.g. with instructions in writing, shows that when provisions are implemented differently by consignors and carriers during a transitional period, many problems may be expected with control authorities.

(b) It is not clear, when a container is marked "LTD QTY" and the markings are not visible from outside the carrying unit, whether the marking "LTD QTY" would have to be affixed on the carrying unit, or the new diamond-shaped mark could be affixed instead.

(c) In international transport according to ADR, the transitional provisions allows the use of both systems, with the problems mentioned above. However, the provisions entering into force on 1 January 2011 will not be reflected, in many cases, before 1 July 2011 in the national legislations applicable to domestic traffic. This means that transport companies would have to apply the "LTD QTY" marking between 1 January and 30 June 2011, when operating at national level. Once they have invested in this marking system, they will be reluctant to apply the diamond-shaped mark later on, and this is not an incentive for fast application of the new marking. In addition, it is not clear whether they would be allowed to use this "LTD QTY" marking when the dangerous goods are offered for carriage by the consignor according to the new Chapter 3.4.

(d) According to draft amendment 35-10 to the IMDG Code, the "LTD QTY" marking required on containers, vehicles and wagons for maritime carriage will have to be replaced by the new diamond-shaped marking at the latest by 1 January 2012. It will also be possible to apply the new marking as from 1 January 2011.

Proposals

7. In order to solve all these problems, IRU proposes:

(a) To require the application of the diamond-shaped mark on container and/or transport units as from 1 January 2011; Governments applying ADR to domestic traffic should then take the appropriate measures to reflect this requirement in their national legislation as from 1 January 2011; or, alternatively:

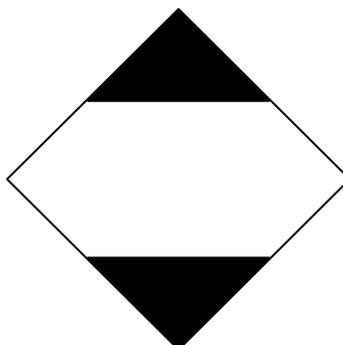
(b) To require the application of the diamond-shaped mark as from 1 July 2011 and to extend the validity of current transitional provision 1.6.1.18 until 30 June 2011. Governments applying ADR to domestic traffic should then take the appropriate steps to reflect this extension of validity in their national legislation as from 1 January 2011.

Proposal 1 (corresponding to alternative (a) in para.7 above)

Amend the end of the new 1.6.1.20 to read " ... in accordance with the provisions of paragraphs 3.4.1 to 3.4.8 of Chapter 3.4 in force up to 31 December 2010. However, in such a case, the provisions of 3.4.12 to 3.4.15 in force as from 1 January 2011 shall be applied as from 1 January 2011."

Should this amendment be accepted, governments are invited to issue, before 1 January 2011, an amendment to their national legislation applicable to domestic traffic that would read as follows:

"For carriage of dangerous goods packed in limited quantities according to Chapter 3.4, the marking prescribed in 3.4.12 and 3.4.13 shall be replaced, as from 1 January 2011, by the marking shown below, with minimal dimensions of 250 mm x 250 mm.



This marking shall be readily visible, legible and able to withstand open weather exposure without a substantial reduction in effectiveness. The top and bottom portions and the surrounding line shall be black. The centre area shall be white or a suitable contrasting background."

Proposal 2 (corresponding to alternative (b) in para.7 above)

Amend the end of 1.6.1.20 to read as follows: "... in accordance with the provisions of paragraphs 3.4.1 to 3.4.8 of Chapter 3.4 in force up to 31 December 2010. However, in such a case, the provisions of 3.4.12 to 3.4.15 shall be applied as from 1 July 2011."

Reintroduce a paragraph 1.6.1.18 to read as follows:

"The provisions of 3.4.12 to 3.4.15 need only be applied as from 1 July 2011".

Should this proposal be adopted, governments are invited to issue, before 1 January 2011, an amendment to their national legislation applicable to domestic traffic reading as follows:

"Paragraph 1.6.1.18 is amended to read:

The provisions of sections 3.4.9 to 3.4.13 need not be applied until 1 July 2011 pending the application of amended provisions".
