

Economic Commission for Europe

Inland Transport Committee

Working Party on the Transport of Dangerous Goods

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Bern, 19–23 March 2012

Item 5(a) of the provisional agenda

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

Carriage of empty uncleaned packaging discards – alternative proposal to 2012/9

Transmitted by the Government of France

Introduction

1. France thanks all the experts for all the comments that have been received about document 2012/9. A majority of the countries are in favor for Option A with several amendments, because Option A gives the best information regarding the actual dangers presented by the load.

2. The present document tries to gather, as much as feasible, the comments or suggestions received, in a way to produce an Option A that would be as accurate and safe as possible (pages 1 to 4). All substantial and even some editorial modifications refer to a numbered note (in bold and red) with corresponding explanatory comments at the end of the document (pages 5 to 9).

Proposal¹

3. In chapter 3.2, Table A add the following new entry:

(1)	(2)	(3a)	(3b)	(4)	(5)	(6)	(7a)	(7b)	(8)	(9a)	(9b)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)	(19)	(20)
7000 ²	EMPTY UN-CLEANED PACKAGING DISCARDS ³	9	M12 [or M11 or nothing] ⁴	9	6xv	0	E0		P7000 IBC7000 LP7000			BK1 BK2					4 ⁵ (E)		VV8/VW8 ⁶ [Or VV1/VW1,V V2/VW2 AP 7*]			90

[* This would be the bulk code assignment if the conclusions of the bulk container working group are adopted.]

4. Add a new special provision to chapter 3.3, to read as follows:

“6xv⁷

Definition:

For the purpose of this special provision, the term “Empty uncleaned packaging discards” is defined by: a conforming or non-conforming⁸ packaging, large packaging or intermediate bulk container (IBC), or a part thereof, which is carried for disposal, recycling or

recovering of its material⁹, and which has been emptied to the extent that only residues stuck the packaging (or parts of packaging)¹⁰ are present when it is handed over for carriage.

¹¹**NOTE 1** for provisions relating to the carriage of empty uncleaned packagings that are still fit for purpose, see 1.1.3.5, 1.1.3.6.3 or 4.1.1.11

Scope:

This entry may exclusively be used for the carriage of Empty Uncleaned Packaging Discards containing residues of hazards of Classes 3, 4.1, 5.1, 6.1, 8 or 9, except solids or liquids:

- assigned to Packing Group I or that have “0” assigned in Column (7a) of Table A of Chapter 3.2;
- classified as desensitized explosive substances of Class 3 or 4.1, or;
- classified as self-reactive substances of Class 4.1.

General requirements¹² :

Unless otherwise specified in this special provision, all the relevant requirements of RID/ADR/ADN shall be met.¹³

Specific requirements for mixed packing and mixed loading¹⁴:

Empty Uncleaned Packaging Discards may be packed or carried in bulk together or with non-dangerous goods, provided they do not react dangerously with each other.

Sorting procedures shall be implemented on the loading site to insure the respect of the mixed packing requirements of 4.1.10 in order to avoid dangerous reactions¹⁵.

Specific requirements for marking and labelling¹⁶:

In addition to the provisions of Chapter 5.2, packagings, IBCs or large packagings containing Empty Uncleaned Packaging Discards shall bear all the labels corresponding to the risks or subsidiary risks related to each residue present in the Empty Uncleaned Packaging Discards.

5. Add a new packing instruction to section 4.1.4.1 as follows:

“

P7000	PACKING INSTRUCTION	P7000
This instruction applies to identification number 7000.		
The following packagings are authorized, provided they meet the provisions of 4.1.1.1, 4.1.1.2, 4.1.1.5,¹⁷4.1.1.6, 4.1.1.8 , the relevant provisions of 4.1.3 and are so designed that they meet the construction requirements of 6.1.4¹⁸ :		
- Leakproof inner packagings placed inside suitable rigid metal or plastic outer packagings.		
Empty Uncleaned Packaging Discards having contained goods presenting a risk or a subsidiary risk of Class 5.1 shall not be packed together with Empty Uncleaned Packaging Discards of any other Class ¹⁹ .		

“

6. Add a new packing provision to section 4.1.4.2 as follows:

“

IBC7000	PACKING INSTRUCTION	IBC7000
This instruction applies to identification number 7000.		
<p>²⁰ The following IBCs are authorized, provided [the general provisions of 4.1.1, 4.1.2 and 4.1.3 are met]²¹ they meet the general provisions of 4.1.1.1, 4.1.1.2, 4.1.1.5, 4.1.1.6, 4.1.1.8, the relevant provisions of 4.1.3 and are so designed that they meet the construction requirements of 6.5.3 :</p> <ul style="list-style-type: none"> - Metal, rigid plastic or composite IBCs [approved for liquids for packing group III]; - Flexible²² IBCs [for packing group III] and of types 13H3, 13H4 or 13H5, placed in rigid overpacks with complete base and sidewalls. 		
Empty Uncleaned Packaging Discards having contained goods presenting a risk or a subsidiary risk of Class 5.1 shall not be packed together with Empty Uncleaned Packaging Discards of any other Class ²³ .		

“

7. Add a new packing instruction in 4.1.4.3 as follows:

“

LP7000	PACKING INSTRUCTION	LP7000
This instruction applies to identification number 7000.		
<p>The following large packagings are authorized, provided they meet the general provisions of 4.1.1.1, 4.1.1.2, 4.1.1.5, 4.1.1.6, 4.1.1.8, the relevant provisions of 4.1.3 and are so designed that they meet the construction requirements of 6.6.4 :</p> <ul style="list-style-type: none"> - Rigid large packagings capable of retaining liquids, provided Empty Uncleaned Packaging Discards are placed in leakproof inner packagings. 		
Empty Uncleaned Packaging Discards having contained goods presenting a risk or a subsidiary risk of Class 5.1 shall not be packed together with Empty Uncleaned Packaging Discards of any other Class ²⁴ .		

“

8. Add a new title and paragraph to 5.4.1.1.7 as follows (renumber existing paragraph 5.4.1.1.7 as 5.4.1.1.8):

“5.4.1.1.7 Special provision for empty uncleaned packaging discards

5.4.1.1.7.1 For the carriage of Identification number 7000 Empty Uncleaned Packaging Discards, the sequence mentioned in 5.4.1.1.1 shall be complemented with the words ‘having contained’ followed by the Class(es) presenting the risk(s) or subsidiary risk(s) corresponding to the residues.

²⁵ For example, a mix of Empty Uncleaned Packaging Discards having contained a combination of risk of Classes 4.1 or 6.1 together with a subsidiary risk of Class 3 or 8 shall be referred in the transport document as:

‘Identification number²⁶ 7000 EMPTY UNCLEANNED PACKAGING DISCARD, 9, having contained 3, 4.1, 6.1, 8’.”

9. Consequential amendments²⁷ :

- a. At the end of 1.1.3.5, add the following new Note :

“NOTE : This exemption does not apply to Empty Uncleaned Packaging Discards (Empty Uncleaned Packaging Discards). For Empty Uncleaned Packaging Discards, see dangerous goods identification number 7000 and special provision 6xv of Chapter 3.3.”

- b. At the end of 2.2.9.1.2, add the following new subdivision :

“M12 Empty Uncleaned Packaging Discards (Empty Uncleaned Packaging Discards) containing residues presenting risks or subsidiary risks of Classes 3, 4.1, 5.1, 6.1, 8 or 9. See special provision 6xv of Chapter 3.3.”.

- c. In 2.2.9.3, add a new category at the end of the list : “M12 7000 Empty uncleaned packaging discard”.
- d. In 3.2.1, add the following NOTE at the end of the description of “Column (1) ‘UN number’ ” :
“NOTE : In the case of Empty Uncleaned Packaging Discards, number 7000 is an identification number and not a UN number”.
- (e) In 5.4.1.1.1a) replace the existing text by :

“the UN number or the identification number preceded by the letters ‘UN’ ”

Comments corresponding to the notes in the Proposal :

- ¹ Several parties have produced papers regarding document 2012/9 : Austria, Belgium, Denmark, the Netherlands, Switzerland, the United Kingdom and the OTIF Secretariat.
Option A is obviously the most widely accepted among the working group. It enables, through marking and labelling specific requirements, to communicate all the risks presented by the load. Option B is the less safe, as number 7001 does not take account for all the risks presented by the load: there is a lack of communication of the risks. Option C, like Option A, enables to describe all the risks presented by the load, but through an exhaustive list of identification numbers : it would be more complicated to implement.
- ² The identification number 7000 was chosen because it is not a UN number, and by choosing 3xxx we would risk to choose a UN number that could be added soon in the Model Regulations (answer to the UK comments).
- ³ There is a misunderstanding about the object we are dealing with. This entry only covers packagings or parts thereof that are not intended to be reused in the dangerous goods business (e.g. repaired or reconditioned according to the definition of TDG Regulations). They are intended to be discarded by their holder.
Under EU law, the vocabulary concerning waste is subject to very precise definitions under Directive 2008/98/EC. Words like “disposal” would be problematic since operations such as recovery of the packaging material (which should not be confused with reparation or reconditioning of the packaging itself) are not taken into account.
We have understood that the word “waste” would pose problem in the context of the UNSCETDG.
That is why looked for a word that would embrace the whole notion without any possible confusion. The definition for “waste” in Directive 2008/98/EC offers such a concept : “ ‘waste’ means any substance or object which the holder discards or intends or is required to discard”. Therefore we propose to use the word “discard”, which is a general enough concept in the Directive and covers disposal as well as recovery or recycling.
- ⁴ For Column (3b), other options have been proposed :
 - existing M11 (UK). Yet M11 does not seem to be appropriate because this category explicitly mentions that it applies to goods that do not belong to any other class, which is not the case here, or ;
 - nothing (Switzerland).In any case if we choose M11 or a new M12, consequential amendments are also needed in 2.2.9.3.
- ⁵ In Column (15), we need to add number “4” (Category of transport), as proposed by the UK.
- ⁶ VW8 has been added as suggested by the OTIF Secretariat.

The UK suggested to put directly VV8/VW8 in column (17), which is more restrictive than the initial proposal 2012/9 : then even when Empty Uncleaned Packaging Discards do not contain any substance of Class 5.1, the vehicles should satisfy to VV8/VW8. Yet this option may be safer.

As a consequence the corresponding text of VV8/VW8 is not required in the special provision, whereas if we put a VV10/VW10 in Column (17), we need to add a special requirement for vehicles carrying substances of Class 5.1 inside the special provision.

⁷ The UK has proposed this kind of simplified layout of Option A, suggesting to include the specific requirements for mixed packing of Class 5.1 directly inside the Packing instructions, as well as to include provisions for documentation directly in 5.4. Indeed, this is more in line with the logics of the ADR. But some delegations might not agree with approach. In that case we could come back to our initial proposal of including all the provisions inside the special provision. Then the special provision would appear as the following :

“6xv

Definition:

For the purpose of this special provision, the term “Empty uncleaned packaging discards” is defined by: a conforming or non-conforming packaging, large packaging or intermediate bulk container (IBC), or a part thereof, which is carried for disposal, recycling or recovering of its material, and which has been emptied to the extent that only residues stuck the packaging (or parts of packaging) are present when it is handed over for carriage.

NOTE 1 for provisions relating to the carriage of empty uncleaned packagings that are still fit for purpose, see 1.1.3.5, 1.1.3.6.3 or 4.1.1.11

Scope:

This entry may exclusively be used for the carriage of Empty Uncleaned Packaging Discards containing residues of hazards of Classes 3, 4.1, 5.1, 6.1, 8 or 9, except solids or liquids:

- assigned to Packing Group I or that have “0” assigned in Column (7a) of Table A of Chapter 3.2;
- classified as desensitized explosive substances of Class 3 or 4.1, or;
- classified as self-reactive substances of Class 4.1.

General requirements :

Unless otherwise specified in this special provision, all the relevant requirements of RID/ADR/ADN shall be met.

Specific requirements for mixed packing and mixed loading:

Empty Uncleaned Packaging Discards may be packed or carried in bulk together or with non-dangerous goods, provided they do not react dangerously with each other.

Sorting procedures shall be implemented on the loading site to insure the respect of the mixed packing requirements of 4.1.10 in order to avoid dangerous reactions.

Specific requirements for carriage of Empty Uncleaned Packaging Discards having contained goods with a risk or subsidiary risk of Class 5.1:

Empty Uncleaned Packaging Discards having contained goods presenting a risk or a subsidiary risk of Class 5.1 shall not be packed or carried in bulk together with Empty Uncleaned Packaging Discards of any other Class.

Specific requirements for marking and labelling:

In addition to the provisions of Chapter 5.2, packagings, IBCs or large packagings containing Empty Uncleaned Packaging Discards shall bear all the labels corresponding to the risks or subsidiary risks related to each residue present in the Empty Uncleaned Packaging Discards.

Specific requirements for documentation:

The sequence mentioned in Chapter 5.4 shall be complemented with the words: “having contained” followed by the Class(es) presenting the risk(s) or subsidiary risk(s) corresponding to the residues.

For example, a mix of Empty Uncleaned Packaging Discards having contained a combination of risk of Classes 4.1 or 6.1 together with a subsidiary risk of Class 3 or 8 shall be referred in the transport document as:

‘Identification number 7000 EMPTY UNCLEANED PACKAGING DISCARD, 9, having contained 3, 4.1, 6.1, 8’.

- ⁸ As Belgium suggested, we added “non-conforming”. We also added “conforming” in case there is a load of broken Empty Uncleaned Packaging Discards with a few packagings that are still conforming (but are also discarded). Then you can use this special provision as well. As the special provision is more restrictive than the provisions from 1.1.3.6 for empty uncleaned packagings (that are not discarded), this will not result in using this special provision systematically for empty uncleaned packagings (that are not discarded).
- ⁹ Belgium has suggested to replace the term “disposal” by “treatment” as defined in the Directive. Indeed we need to take into account of all waste packaging, for disposal, recycling, recovery, etc. But it is better to list all those operations since many contracting parties do not use the European Directive definitions.
- ¹⁰ As suggested by the Netherlands, “its internal or external walls” have been replaced by “the packaging” and “part of walls” by “parts of the packaging”.
- ¹¹ As suggested by the UK. Indeed this would clarify the issues of packagings still used in the dangerous goods business (raised by INF.28).
- ¹² For the General requirements and the Specific requirements, we have taken up mostly the editorial layout suggested by the document from Belgium, which clearly defines the different specific requirements.
- ¹³ Denmark has raised the issue of which provisions in ADR may be deviated from. That is why we have those “Specific requirements” which apply only in the special provision and for this specific identification number 7000. To us, all the provisions that are not otherwise specified in the special provision should be met (if they are relevant for the carriage of Empty Uncleaned Packaging Discards).
- ¹⁴ We decided to keep this inside the special provision instead of including it in P7000, IBC7000, LP7000, VW/VV7 because it also deals with the loading site responsibility.
- ¹⁵ Modification suggested by the Netherlands.
- ¹⁶ This was not in the UK proposal but we think it is necessary to show the labels corresponding to each risk or subsidiary risk on the packaging carrying the Empty Uncleaned Packaging Discard.
- ¹⁷ Conformity to 4.1.1.5 should not lead to any confusion between Empty Uncleaned Packaging Discards, inner packagings and outer packagings (as discussed with Switzerland).

- ¹⁸ As suggested by the UK, we think it is not too demanding to ask to meet the construction requirements of 6.1.4 (it is also required for DG packed in limited quantities or in P003). However, the packing instruction proposed by Belgium demands a conform packaging (or an IBC, or a LP). We think this would be against all the work already done, which consists in carrying Empty Uncleaned Packaging Discards in packagings that are not conform (as it is widely done nowadays), but with precise requirements described in the special provision, that would prevent any accidents to happen. Plus it would not be possible to use a conform packaging to carry Empty Uncleaned Packaging Discards, as it is not possible to test a packaging for Empty Uncleaned Packaging Discards as we do not know in advance the mass & density of the Empty Uncleaned Packaging Discards carried.
To finish with, Austria would be in favour for the carriage of Empty Uncleaned Packaging Discards in open boxes similar to P801a but up to 3m³ (with additional leakproofness characteristics). We decided not to include this possibility as we thought open containers wouldn't be a safe enough option to carry Empty Uncleaned Packaging Discards.
- ¹⁹ As suggested by the Netherlands, "hazard" has been replaced by "risk".
- ²⁰ The UK suggested to use IBC08. This is less restrictive than our solution, but we prefer to keep IBC7000 because we think it would not be safe to carry Empty Uncleaned Packaging Discards for example in flexible IBCs, with no overpacks (allowed in IBC08, but not in IBC7000).
- ²¹ The packing instructions in proposal 2012/9 stem from the compromise made by the last Joint Meeting. An option to use non-approved IBCs has been suggested by the UK in INF.29, and we think this would be more consistent with the other packing instructions (P7000 and LP7000) and in line with the low risk of this kind of carriage.
- ²² As suggested by the Netherlands, we add "Flexible" to be more precise.
- ²³ As suggested by the Netherlands, "hazard" has been replaced by "risk".
- ²⁴ As suggested by the Netherlands, "hazard" has been replaced by "risk".
- ²⁵ We chose to use the example in the UK paper, which is more consistent and explains a situation with mixed packing of Empty Uncleaned Packaging Discards.
- ²⁶ As suggested by the OTIF Secretariat, we changed "UN number" by "Identification number".
- ²⁷ The OTIF Secretariat noticed that consequential amendments in 3.2 and 5.4 was necessary, but this could be done in another way.