

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

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Global harmonization of transport of dangerous goods regulations with the Model Regulations

Comments on document ST/SG/AC.10/C.3/2013/44

Transmitted by the expert from Switzerland

Introduction

1. According to the approach, in document ST/SG/AC.10/C.3/2013/44, UN 3363 could in the future not be used for machinery and apparatus containing an internal combustion engine owing to the fact that the special provision 301 (DS301) specifies that UN 3363 should not be used for machinery or apparatus for which a proper shipping name already exists. If the proposed SPxxx is introduced for UN 3166 this would exclude to use UN 3363 for machinery and equipment containing an internal combustion engine. Because then UN 3363 would no more be applicable, the end of the SP301 will not apply also. That means that the use of SP363 for machinery and equipment will no more be possible. This approach would invalidate the possibility to use the SP363 for the machinery containing an internal combustion engine, which precisely applies to the machinery and apparatus containing UN 1202, 1203, 1223, 1268, 1863 and 3475.
2. It seems to us that the various modes of transport should better take into account the existence of the new SP363 and its scope, otherwise it will exist three different manners to transport the machinery and apparatus containing a combustion engine: one according to UN 3166, a second according to UN 3363 and the third according to UN entries to which SP363 has been assigned to. Such a diversity in interpretation is not acceptable for a system which wants to be multimodal and worldwide applied.
3. We don't believe UN 3166 corresponds to the actual hazard of machinery containing a combustion engine, so machinery and equipment should not be assigned to UN 3166. The text "(including machinery and equipment powered by such engines)" should not be introduced in SPxxx for UN3166.
4. By not taking account of the existence of UN 3363, of the SP301 and SP363, and by continuing to insist on the fact that the UN 3166 is the entry dedicated to the machinery and apparatus, we will not only maintain a system which was justified only from an historical point of view, but the existence of SP363 will not be justified anymore (see 1. above). In doing so, all the work of explanation which followed the introduction of SP363 recently in the land transport, and which is far from being finished, would have been for nothing and should be started again.
5. Additionally the introduction of SP363 in land transport in Europe has the big advantage to harmonize the interpretations of the exemptions for fuels in machinery and apparatus which was before regulated under 1.1.3.1 b) RID-ADR-ADN in very different ways. It is necessary to bring to completeness the application of SP363 in all the modes of transport before seeking other solutions which add to the confusion which already exists because of the innovation.

6. In addition to the reasons already mentioned before explaining why this option should not be followed, one more reason against this introduction of machinery and equipment in SPxxx for UN3166 is found in the special provision 312 (SP312) which better explains the scope of UN 3166 and where there is no mention of machinery and equipment. We don't see any useful additional information in the new SPxxx compared to the existing SP312 except the introduction in parenthesis of "including machinery or equipment powered by such engines" which introduces more confusion.
