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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, 18–22 March 2013

Item 5 (b) of the provisional agenda

Proposals for amendments to RID/ADR/ADN: New proposals

Scope of 5.5.3

Transmitted by the Government of Switzerland^{1,2}

Summary

Executive summary:	Defining the scope of section 5.5.3 to avoid needless measures being taken
Action to be taken:	Add an explanatory NOTE in 5.5.3.6
Related documents:	INF.8 from the RID/ADR/ADN Joint Meeting in September, ECE/TRANS/WP.15/2012/16, ECE/TRANS/WP.15/217, UN/SCETDG/42/INF.32 and ST/SG/AC.10/C.3/84, paras. 69–70

¹ In accordance with the programme of work of the Inland Transport Committee for the period 2010–2014 (ECE/TRANS/208, para. 106, and ECE/TRANS/2010/8, activity 02.7 (c)).

² Distributed by the Intergovernmental Organisation for International Carriage by Rail (OTIF) in document OTIF/RID/RC/2013/25.

Introduction

1. The provisions of 5.5.3 which entered into force in 2013 have already raised queries and concerns from users responsible for the distribution of refrigerated shipments. Currently the wording of 5.5.3 allows no room for manoeuvre. The heading reads: “Special provisions applicable to packages and vehicles and containers containing substances presenting a risk of asphyxiation ...”. By definition, the substances concerned present a risk of asphyxiation. If the substances are used as cooling agents or for conditioning purposes, the mark of 5.5.3.6 will have to be affixed on the vehicle, irrespective of the quantity in which they are present.

2. In the users’ opinion, however, the absolute nature of this measure is excessive. In many cases (e.g. sending a small package over a short distance in an urban environment), carriage presents no risk of asphyxiation and the measures required are thus disproportionate. The needless multiplication of the marking in line with 5.5.3.6.2 would, furthermore, be likely to alarm the population unnecessarily. If it then must be placed even in cases where there is no risk of asphyxiation, the marking will lose all credibility and the objective will not be met.

3. The Working Party on the Transport of Dangerous Goods discussed the matter in November (ECE/TRANS/WP.15/2012/16, paragraphs 12 to 14 of the report ECE/TRANS/WP.15/217). It considered that section 5.5.3 applied only when there was a demonstrable confirmed risk of asphyxiation in the transport unit and that it was for the parties concerned (in particular the consignor) to assess this risk, taking into consideration the hazards presented by the substances used for refrigeration or conditioning, and also the quantities concerned and types of containment used (in bulk or in packages). The Sub-Committee of Experts on the Transport of Dangerous Goods took note of this and several experts supported the approach.

4. The Sub-Committee also considered the issue on the basis of a proposal from Switzerland (document ST/SG/AC.10/C.3/2012/59). It was not, however, able to agree on the proposed texts. A proposal calling for a specific exemption for dry ice was also submitted by the Global Express Association (GEA) in an informal document (UN/SCETDG/42/INF.32). The Sub-Committee did not support that proposal either, although some of the delegations were favourable to it. Some experts expressed objections, particularly in respect of air traffic, and said that it would be better to resolve the issue through modal regulations.

5. We also consider that the interpretation formulated by the Working Party could be included in RID/ADR/ADN. To that end, we propose adding a note to 5.5.3.6. The clarifications must allow flexibility in using the marking, which must not be required when it is unnecessary from the point of view of safety.

Proposal

6. Add a NOTE to 5.5.3.6 to read as follows:

“The marking of vehicles and wagons and containers in accordance with this subsection is not necessary when there is no risk of dangerous accumulation of asphyxiant gas, as for example when the maximum volume of asphyxiant gas that could be released is small in relation to the volume of the vehicle or wagon or container or when the unit is open or is sufficiently well ventilated to prevent any dangerous accumulation of asphyxiant gas.”
