

Economic Commission for Europe

Inland Transport Committee

Working Party on the Transport of Dangerous Goods

9 September 2013

Joint Meeting of the RID Committee of Experts and the Working Party on the Transport of Dangerous Goods

Geneva, 17-27 September 2013

Item 3 of the provisional agenda

Standards

Interpretation of 1.1.5, Application of standards

Transmitted by the Government of Spain

Summary

Executive summary:	The aim of this proposal is to clarify the meaning of “standard” in 1.1.5
Action to be taken:	Inclusion of a note in ADR/RID/interpretation in report
Related documents:	UN/SCETDG/36/INF/53 (Working group on materials compatibility requirements for gases in pressure receptacles) ST/SG/AC.10/C.3/72 (report 36 th session) ECE/TRANS/WP.15/AC.1/2013/18 (United Kingdom) ST/SG/AC.10/C.3/2013/4 (United Kingdom) ECE/TRANS/WP.15/AC.1/2013/51 (CEN)

Background

1. In 2009, an informal lunch time working group on materials compatibility requirements for gases in pressure receptacles (UN/SCETDG/36/INF/53) under the chairmanship of Jeff Hart (UK) proposed the UN Sub-Committee of Experts on the Transport of Dangerous Goods to include into the Model Regulations a paragraph clarifying the application of standards.

2. The text was adopted (ST/SG/AC.10/C.3/72) and included into RID/ADR in 2013 under 1.1.5 (1.1.1.7 Model Regulations):

“Where the application of a standard is required and there is any conflict between the standard and the provisions of ADR, the provisions of ADR take precedence.”

3. This text has been modified on the March 2013 meeting of the Joint Meeting, as well as in the last meeting of the UN Subcommittee of Experts on the Transport of Dangerous Goods, to read:

“Where the application of a standard is required and there is any conflict between the standard and the provisions of ADR, the provisions of ADR take precedence. The requirements of the standard that do not conflict with these Regulations shall be applied as specified, including the requirements of any other standard, or part of a standard, referenced within that standard as normative.”

Meaning of “standard”

4. From the original proposal made by the working group on materials compatibility requirements for gases in pressure receptacles (UN/SCETDG/36/INF/53), as well as from the discussion on ECE/TRANS/WP.15/AC.1/2013/18 (United Kingdom) and ST/SG/AC.10/C.3/2013/4 (United Kingdom) and the text presented in ECE/TRANS/WP.15/AC.1/2013/51 (CEN), the meaning of “standard” in 1.1.5 seems to be limited to standards related to technical specifications on industrial processes, construction, manufacture, inspections, controls, etc (for example ISO norms).

5. The alternative interpretation would be to consider “standard” in this context as all kind of regulations adopted by different countries (or even EU-directives), and make ADR and RID prevail over all other regulations.

Interpretation conflict

6. The concrete conflict point that triggered the presentation of this document is the definition, in Spanish regulations, of the “unloader” as the consignee of the goods, independently on whom really is physically involved in the unloading process.

7. In RID/ADR “unloader” would be the person that effectively is involved in the unloading process, as defined in 1.2.1. For ADR/RID, the unloader can be the crane operator, or the driver if he unloads a tank vehicle,... creating several different possibilities on who is the unloader.

8. Both differing definitions generate a conflict, creating doubts on who is the unloader and making inspections or sanctions difficult.

9. The conflict in between both regulations could be solved by applying paragraph 1.1.5, and determining that ADR/RID takes precedence over any other kind of regulation. Nevertheless, Spain would prefer to clarify that the meaning of “standard” in 1.1.5 solely applies to technical norms.

10. If not limited to technical norms, the application of 1.1.5 could create also other important conflicts even with European norms, contradicting even the Directive 2008/68/CE on the inland transport of dangerous goods, which permits Member States to grant certain derogations from ADR and RID.

Proposal

11. Spain would like the interpretation given in the paragraph 4 of this document to be confirmed and a clarification to be included in the report.

12. Alternatively, a note could be included in paragraph 1.1.5, clarifying the ADR/RID text. If this last option is adopted, Spain would also approach the UN Subcommittee of Experts on the Transport of Dangerous Goods to include the same note into the Model Regulations.