

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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Item 7 of the provisional agenda

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

Explanatory note for assigning articles to UN No. 3363 – comments on document ST/SG/AC.10/C.3/2017/34

Transmitted by the expert from Switzerland

Summary

Executive summary: This proposal intends to clarify the provisions concerning classification of articles in 2.0.5.

Introduction

1. Switzerland will support option 1 in the German proposal in document ST/SG/AC.10/C.3/2017/34, because it clarifies some doubts about classification of articles:

(a) It will no more be necessary to reclassify as UN 3363 articles when carried empty uncleaned which were originally classified as UN 3537 to 3548 when full of dangerous goods.

(b) It becomes even more clear and without the NOTE in 2.0.5 that UN 3363 is not permitted for articles eligible as UN 3537 to 3548.

2. Besides the fact that the use of a simple word “article” is preferable to the enumeration of words of option 2, the option 1 solves the following doubts about the classification of articles. It appears that different views exist about how to apply the classification principles. Some experts believe that for these entries, which have an existing proper shipping name, it is not possible to use UN 3363 when those articles contain quantities not exceeding the permitted limited quantity amounts specified in Column 7a of the Dangerous Goods List.

3. We believe on the contrary that applying the classification principles of 2.0.2.8 only UN 3363 is allowed in case of small amounts of dangerous goods and UN 3537 to 3548 are not permitted in that case.

4. The discussions during the Joint Meeting RID-ADR-ADN of the September session in relation to document INF.47 exemplify the kind of doubts arising from the new provisions. The solution proposed by the delegations of Sweden and the United Kingdom in that document to explain that articles may be assigned to UN 3363 when containing permitted quantities was to add a further note of explanation to paragraph 2.1.5 in ADR

(2.0.5 of the Model Regulations) and a note to special provision 301. See report of the Joint Meeting ECE/TRANS/WP.15/AC.1/148.

5. Following this discussion the Working Party on the Transport of Dangerous Goods (WP.15) in the November session decided not to adopt NOTE 2 but adopted instead the following change in the Note in 2.1.5 (see ECE/TRANS/WP.15/2017/CRP.4/Add.1):

“NOTE: For articles which do not have ~~an existing~~ a proper shipping name, other than UN 3537 to 3548, and which contain only dangerous goods within the permitted limited quantity amounts specified in Column 7a of the Dangerous Goods List, see UN No. 3363 and special provision 301 of Chapter 3.3.”

[Special provision 301 At the end of this special provision, insert the following new note:

“NOTE: In this special provision the reference to “a proper shipping name which already exists” excludes specific n.o.s. entries for UN Nos. 3537 to 3548.”.]”

6. Those doubts could however be easily solved by adopting the Option 1.

7. The explanations which precede show the kind of doubts that the texts for the new entries UN 3537 to 3548 raise. The adoption for UN 3363 of a N.O.S. proper shipping name (corresponding to a specific entry of type (c) according to 2.0.2.2) as proposed in option 1 of the proposal of Germany in document ST/SG/AC.10/C.3/2017/34, reduces the level of precedence for the classification from the actual type (b) for UN 3363 DANGEROUS GOODS IN MACHINERY to a type (c) entry. The new proper shipping name has then the same level (type (c)) as articles of UN 3537 to 3548. This avoids the problem of automatic change of classification from entries UN 3537 - 3548 to UN 3363 when the actual quantities of dangerous goods in articles not exceed the permitted limited quantity amounts specified in Column 7a of the Dangerous Goods List. Moreover, because the proper shipping name of UN 3363 is less specific than the names of UN 3537 – 3548, and because following 2.0.2.8 the article shall be classified under the “N.O.S.” entry in the Dangerous Goods List which most appropriately describes the article, UN 3363 is not allowed for entries eligible as UN 3537 to 3548.

8. For example, with the actual proper shipping name of UN 3363 (type (b)) in case of an article originally filled with a cleaning product and classified at the beginning of the journey as UN 3537 to 3548 (type (c)), for the return journey, after the cleaning product has been used at destination, according to 2.0.2.8 the quantity of dangerous good being less than the limited amounts in Column 7a forces the use of the more specific entry of UN 3363 (type (b)) instead of the original UN 3537 to 3548 (type (c)). This kind of automatic and obligatory change of name is not practicable. This obligatory change is not only not obligatory but it is forbidden if option 1 is adopted. With option 2, or with the actual situation, on the contrary the change of name is obligatory.

9. Even if we believe the doubts raised by Sweden and UK do not exist with the actual proper shipping name of UN 3363, because the change from UN 3537 – 3548 to UN 3363 is obligatory when the quantities are less than those of column 7a, the interpretation of those delegations that it is not allowed to use UN 3363 once an article is eligible as UN 3537-3548 is justified in case the option 1 is adopted. Because following 2.0.2.8 the article shall be classified under the “N.O.S.” entry in the Dangerous Goods List which most appropriately describes the article, then with option 1 UN 3363 will no more have precedence in front of UN 3537 – 3548. This means even in case of dangerous goods in articles containing quantities not exceeding the permitted limited quantity amounts specified in Column 7a of the Dangerous Goods List the entry which most appropriately describes the article will never be UN 3363 but one of the entries UN 3537 to 3548.

10. If however no changes in the proper shipping name of UN 3363 were adopted or if the option 2 would be adopted, then in order to avoid in practice the obligation to change the classification depending on the degree of filling of the article we would propose to add the following provision.

Proposal

11. Add the following sentence in 2.0.5.3:

“In case of articles eligible as entries UN Nos. 3537 to 3547 the classification as UN No. 3363 is not necessary by transports of those articles empty uncleaned in quantities not exceeding the quantity specified in column (7a) of Table A of Chapter 3.2.”
