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## **Economic Commission for Europe**

### **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, 19–29 September 2017

Item 11 of the provisional agenda

**Reports of informal working groups**

**19 September 2017**

### **Further information and draft proposal related to paper ECE/TRANS/WP.15/AC.1/2017/34**

**Transmitted by the European Industrial Gases Association (EIGA)**

#### **Introduction**

1. Paper ECE/TRANS/WP.15/AC.1/2017/34 gave a brief update on the progress of the submission to the United States Department of Transport, (DoT) made by the Compressed Gases Association (CGA) in the first quarter of 2017. As a reminder, this submission is to request for suitable amendments to be made to 49 CFR to create in the USA use and freedom of carriage for cylinders conforming to RID/ADR similar to that conferred on DOT cylinders under MLA 299.
2. Informal paper 19 submitted to the Joint Meeting in March 2017 gave details of this submission and a suggested text for the RID/ADR.
3. EIGA understands that substantial progress has been made with the submission with the DoT and that an update shall be provided at the September 2017 Joint Meeting by the DoT.

#### **Draft Proposal**

4. Considering the progress that has been made with this work EIGA would like to ensure that due consideration is given to how this new situation will be recognised in the RID/ADR/ADN. We have therefore drafted the following proposal so that any difficulties that might arise can be identified and addressed in good time following the acceptance of the CGA/EIGA petition by the DOT. EIGA does not request the adoption of this text at this time, only reassurance that our suggested approach is valid. The text is based on the ADR multilateral agreement M299 with one new provision in paragraph e).
5. The petition from the CGA included the option of importing empty European cylinders into the USA and filling them for export. EIGA requests that it too would be allowed a similar ability to be able to import empty DOT cylinders for export to countries which allow the use of such cylinders.
6. The proposal has been drafted for inclusion in ADN as well as RID and ADR. EIGA is not aware of any need to transport of DOT cylinders by waterway, but has included this option for the sake of keeping the different modes aligned.

7. EIGA Suggests that the most appropriate place for this text is in section 1.1.4 – *Applicability of other regulations* of RID/ADR/ADN as follows.

1.1.4.6 (Reserved) (ADR only)

1.1.4.7 Notwithstanding 6.2.3.4, 6.2.3.5, 6.2.3.6, 6.2.3.7, 6.2.3.8 and 6.2.3.9 of ADR/RID/RID or ADR gases and liquids listed in the tables of 4.1.4.1 P200 of ADR/RID/RID or ADR imported in accordance with 1.1.4.2 in refillable pressure receptacles approved by the United States of America Department of Transportation may be carried from the location of the temporary storage to the end-user under the following conditions:

- a) When imported from a non-ADR contracting party/non-RID member state/non-ADN contracting party, the conformity of the pressure receptacles to this sub-section shall be verified and recorded by the consignor. The verification record shall be kept for five years to allow for inspection by the competent authority and shall include the identification of the pressure receptacles, the name of the person making the verification and the date.
- b) The pressure receptacles shall be marked and labelled in accordance with Chapter 5.2 of RID/ADR/ADN.
- c) All relevant requirements of RID/ADR/ADR or RID with regard to filling ratios and periodic testing frequency shall be fulfilled.
- d) When the pressure receptacles are empty or when the end-user has no further use for the gas or liquid, the pressure receptacles shall not be refilled and shall be returned to the country from which they were imported.
- e) Empty imported pressure receptacles approved by the United States of America Department of Transportation may be filled with gases and liquids listed in the tables of 4.1.4.1 P200 of ADR/RID provided they are exported to countries which are not member states of RID/ADR contracting parties/ADN contracting parties. All relevant requirements of RID/ADR/ADR or RID with regard to filling ratios and periodic testing frequency shall be fulfilled. The pressure receptacles shall be marked and labelled in accordance with Chapter 5.2 of RID/ADR/ADN.
- f) The consignor for the ADR/RID/ADN journey shall include the following entry in the transport document:

“Carriage in accordance with 1.1.4.7”.

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