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Working Party on the Transport of Dangerous Goods

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

Geneva, 11-15 September 2006
Agenda item 5

PROPOSALS OF AMENDMENTS TO RID/ADR/ADN */

Carriage prior to or following maritime or air carriage
Amended provisions of 1.1.4.2.1

Transmitted by the European Chemical Industry Council (CEFIC)

Summary: The purpose of this paper is to seek a temporary derogation for the application of the amended provisions in 1.1.4.2.1 until 01.01.2009, when the GHS criteria for the classification of aquatic pollutants will have been adopted by all modal transport regulations.

Related documents: TRANS/WP.15/AC.1/2005/68 TRANS/WP.15/AC.1/100 (para.13-17).

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Introduction

1. In RID/ADR 2005 the last paragraph of 1.1.4.2.1 on derogations for the carriage in a transport chain including maritime or air carriage, currently reads as follows:

“This derogation does not apply in the case of goods classified as dangerous goods in classes 1 to 8 of ADR / RID and considered as non-dangerous goods according to the applicable requirements of the IMDG Code or the ICAO Technical Instructions.”

2. At its meeting of 13-23 September 2005 the Joint Meeting decided, based on document TRANS/WP.15/AC.1/2005/ Secretariat/OTIF, to extend the existing provisions in 1.1.4.2.1 from classes 1-8 to classes 1-9. (TRANS/WP.15/AC.1/100/Para. 13-17). The amendment was taken over by both WP.15 for ADR 2007 and by the RID Committee of Experts for RID 2007.

3. In order to facilitate the global application of common criteria to all modal transport regulations IMO intends to incorporate in 2009, like RID/ADR the GHS criteria for the classification of Environmentally Hazardous Substances in the IMDG Code, via an amended MARPOL Annex III (Ref DSC 10/17: Para 3.69-3.86 and Annexes 2 and 3).

4. Up to now Hazard Profiles developed by GESAMP (Joint Group of Experts on the Scientific Aspects of Marine Environmental Protection) have been used to identify those substances which are harmful to the marine environment and these criteria differ somewhat from the Environmentally Hazardous Substances criteria in ADR/RID. This means that substances may be classified as environmentally hazardous in RID/ADR whereas they are not according to the IMDG Code.

5. A similar situation exists for air transport: the ICAO Dangerous Goods Panel decided at its full-panel-meeting 24 October – 4 November 2005 that it would be premature to introduce these GHS provisions, as they had been informed that IMO had decided to introduce the new criteria from 2009 onwards only. Until then it will remain up to the shipper to decide on the classification of a substance as an Environmentally Hazardous Substance under UN 3077 or UN 3082 (as per amended Special Provision A97 in the ICAO TI 2007-08).

6. This could mean that, from 2007 onwards, a conflict may arise for environmentally hazardous substances between the provisions of IMDG and ICAO Technical Instructions on the one hand, and RID/ADR on the other hand, whereby the current provision for derogation in 1.1.4.2.1 will no longer apply.

Proposal

7. It is proposed to defer the implementation in practice of the amended paragraph 1.1.4.2.1 until 1st January 2009 i.e. to agree upon a temporary derogation for its application for as long as the differences between the regulations of the different transport modes remain. We kindly invite the members of the Joint Meeting to support the issue of a multilateral agreement catering for this issue.

Justification

8. For inbound traffic of goods, arriving by ship or airplane from overseas in Europe, this amended provision will lead to many practical obstacles:

- Containers and Tanks arriving in a European Seaport, have to be placarded for the onward journey by road or rail;
- Goods arriving in a Sea- or Airport in non-UN tested packagings have to be transfilled, transhipped and/or repacked;
- Packagings have to be labelled and marked;
- Necessary documents (DG Transport document and instructions in writing) have to be issued and sent to the air- or seaport;
- No or limited information on the imported goods may be available to classify them as environmentally hazardous substances.

9. Outbound traffic will also encounter problems, when labels have to be removed by carriers from packages or containers in the port before they are loaded on board ships or planes.

10. The small gain in safety will be offset by additional risks occurring during transshipment or repacking of goods and does not justify the huge costs for industry during a limited period of 2 years.
