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Proposals for amendments to RID/ADR/ADN
new proposals

Clarification and amendment of the provisions for the carriage of genetically modified live animals

Transmitted by the Government of Germany [1, 2]

Summary

Executive summary:	The provisions of RID/ADR/ADN concerning the conditions of carriage for genetically modified live animals and for infected animals should be made clearer.
Action to be taken:	To set up an international working group to discuss clarification and amendment of the provisions for the carriage of genetically modified live animals, with a view also to amend the UN Model Regulations, if necessary.
Related documents:	None.

[1] In accordance with the programme of work of the Inland Transport Committee for 2012–2016 (ECE/TRANS/224, para. 94, ECE/TRANS/2012/12, programme activity 02.7 (A1c)).

[2] Circulated by the Intergovernmental Organisation for International Carriage by Rail (OTIF) under the symbol OTIF/RID/RC/2014/10.

Introduction

1. Working with genetically modified organisms ("GVO" in the sense of the German Act on Genetic Engineering (*Gentechnikgesetz*), which corresponds to GMO in accordance with RID/ADR/ADN) is of major significance, both nationally and internationally, for example in universities and research and diagnostic laboratories. The external transport of transgenic animals (e.g. genetically modified mice) may also be necessary and this is quite normal in practice. There is also the import of genetically modified animals from commercial suppliers.

Background

2. Transgenic animals are genetically modified organisms (GMO). In practice, the carriage of transgenic live animals (e.g. genetically modified mice) in conformity with RID/ADR/ADN raises substantial questions, particularly the extent to which dangerous goods law should apply when genetically modified animals are being carried.

3. As an example, we would mention genetically modified mice. As a rule, these are genetically modified organisms of risk group 1, which do not release any contagious micro-organisms and are not therefore infectious. Therefore, according to RID/ADR/ADN, they come under Class 9 (UN number 3245). For this UN number, packing instruction P 904 prescribes hermetically sealed double packagings, which are not suitable for carrying live animals.

4. There is also the question as to the competent authority in relation to the second sentence of Note 3 to RID/ADR/ADN 2.2.9.1.11. Note 3 reads as follows:

"3. Live animals shall not be used to carry genetically modified micro-organisms classified in Class 9 unless the substance can be carried no other way. Genetically modified live animals shall be carried under terms and conditions of the competent authorities of the countries of origin and destination."

5. In connection with this, the question has arisen as to which authority is responsible for laying down the conditions for the carriage of genetically modified animals. Does this mean a competent authority for dangerous goods law or some other authority, such as a genetic engineering or veterinary authority?

6. Questions also arise in connection with the carriage of infected animals.

(a) According to 2.2.62.1.12.1, live animals may not be used to consign infectious substances unless an infectious substance cannot be consigned by any other means.

(b) If live animals that have deliberately been infected, and which are known or which are suspected of containing an infectious substance, are used to consign infectious substances, the procedure according to the footnote to 2.2.62.1.12.1 must be followed:

"Regulations governing the carriage of live animals are contained in, e.g. Directive 91/628/EEC of 19 November 1991 on the protection of animals during transport (Official Journal of the European Communities No. L 340 of 11 December 1991, p. 17) and in the Recommendations of the Council of Europe (Ministerial Committee) on the carriage of certain animal species."

(c) This provision in RID/ADR/ADN applies explicitly only to live animals that have deliberately been infected and which are known or are suspected to contain an infectious substance. This provision does not prescribe how "infected" or "sick" animals are to be carried.

(d) According to Note 1 to 2.2.62.1.1, live infected animals must be assigned to Class 6.2 if they meet its conditions, so no distinction is drawn between deliberately infected animals and other infected animals. This raises the question as to what conditions of carriage should apply to animals that have not been deliberately infected.

7. In addition, the reference in the footnote to 2.2.62.1.12.1 is no longer current. Directive 91/628/EEC was revoked by a European Council Regulation on 5 January 2007. The reference should be updated as follows:

"Applicable version of the Regulations governing the carriage of animals are contained in, e.g. Regulation (EC) No. 1/2005 of the Council of 22 December 2004 on the protection of animals during transport (Official Journal of the European Communities No. L 3 of 5 January 2005)."

This wording takes account of any future amendments to the Regulations referred to.

8. As genetically modified micro-organisms (GMMO) in live animals and GMO can also be carried under the conditions of UN number 3245, the same footnote should be included in Note 3 to 2.2.9.1.11:

") Applicable version of the Regulations governing the carriage of animals are contained in, e.g. Regulation (EC) No. 1/2005 of the Council of 22 December 2004 on the protection of animals during transport (Official Journal of the European Communities No. L 3 of 5 January 2005)."*

Proposal

9. The problems that need to be dealt with should be discussed in depth in a special group of experts in order to clarify and, if necessary, draft amendments to the regulations. If an international working group is set up, Germany offers to organise a meeting of the working group in Germany.