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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

Geneva, 27 - 23 March 2015

Item 5 (a) of the provisional agenda

Proposals for amendments to RID/ADR/ADN: pending issues

Updating of references to European Union instruments (toxic substances; corrosive substances; substances hazardous to the aquatic environment)

Transmitted by the European Chemical Industry Council (CEFIC)^{1, 2}

¹ In accordance with the programme of work of the Inland Transport Committee for 2014–2015 (ECE/TRANS/240, para. 100, ECE/TRANS/2014/23, cluster 9, para.9.2).

² Circulated by the Intergovernmental Organisation for International Carriage by Rail (OTIF) under the symbol OTIF/RID/RC/2015/11.

Summary

- Executive summary:** This document responds to document 2014/39 by the secretariat at the meeting in September 2014, to update references in the ADR/RID/ADN to European Union regulations and directives. In the light of the latest discussions in the United Nations Sub-Committee of Experts on the Transport of Dangerous Goods in December 2014 CEFIC proposes to delete all references to European Union regulations, which are not linked to the transport of dangerous goods. Also the reference to the GHS should be just for information, as the classification criteria are not harmonized with those of ADR/RID/ADN. The issue of waste transports is not covered by this proposal.
- Action to be taken:** Delete references in paragraphs 2.2.61.1.14, 2.2.8.1.9 and 2.2.9.1.10.5.
- Related documents:** ECE/TRANS/WP.15/AC.1/2014/39 submitted at the September 2014 session of the Joint Meeting.

1. CEFIC thinks that in general it is difficult to make a reference to European Union regulations or directives in ADR/RID/ADN as these are only valid in 27 countries. The ADR/RID/ADN has been signed by more than 48 (depending on which transport mode is looked at) and therefore a relation in classification to these regulation poses an extra burden on the countries not belonging to the European Union. In addition, when these countries are not using information coming from these regulations, this leads to discrepancies between the classifications carried out in different countries.

2. Another major issue relating to the use of the CLP regulation for transport issues is the Annex VI of the CLP regulation, which contains legally binding classifications for substances. These classifications are not harmonised with the entries of table 3.2 in ADR/RID/ADN. This again may leads to differences between classifications and may cause misleading classifications, as the information from ADR/RID/ADN is not be taken into account.

3. Besides this, the latest discussions at the United Nations Sub-Committee of Experts on the Transport of Dangerous Goods have shown that the classification criteria are not yet harmonized between supply and use and transport regulations. This is valid for the CLP regulation, which is the regional implementation of the GHS. Especially regarding the classification criteria for classes 6.1 and 8 there are significant differences. The same applies regarding the assignment of packing groups for these classes. This is also described in the draft report of the 46th session of the Sub-Committee in December 2014 (ST/SG/AC.10/C.3/2014/CRP.3/Add.11, para 70) where the following key difficulties are described:

- (a) The application of methodology for the additivity approach;
- (b) The assignment of packing groups and the unresolved concern whether there should be a default classification;
- (c) The form of wording for transposing GHS text into the regulatory provisions of the Model Regulations.

4. Therefore references to the GHS may also lead to discrepancies and problems in classification, especially when transports in a transport chain are considered. One main reason is that other countries also have implemented legally binding lists of classifications of substances, which are not harmonized – neither with other country lists nor with the internationally valid transport list in chapter 3.2 of the United Nations Model Regulations. Within the transport modes these lists are widely harmonized, which is not the case in supply and use.

5. As the current references to the Directives 67/548/EC and 1999/45/EC will be obsolete on 1 June 2015, CEFIC proposes to delete these references.

6. If a reference to the GHS is seen as necessary, the text already provided in the ICAO Technical Instructions 2015-2016 Edition would be a good alternative, as it guarantees harmonization between different transport modes and it therefore avoids confusion. The text of Note 1 to paragraph 1.1.2 of Part 7 is as follows:

“Diamond-shaped GHS pictograms on packages may indicate the presence of dangerous goods. While some pictograms identify substances that only pose a hazard for supply and use, other GHS pictograms contain symbols that are largely equivalent to the hazard labels used in transport, and which may therefore be classified as dangerous goods. For more information, see ~~Appendix B, Table B.4.A~~ and http://www.unece.org/trans/danger/publi/ghs/ghs_welcome_e.html.”
