

ECONOMIC COMMISSION FOR EUROPE

INLAND TRANSPORT COMMITTEE

Working Party on the Transport of Dangerous Goods

(Eightieth session,
Geneva, 8-12 May 2006)

Special provision

Part 3

Transmitted by the Government of Switzerland

SUMMARY

Executive Summary:	A new special provision for UN 1266 Perfumery products is proposed
Action to be taken:	
Related documents:	TRANS/WP.15/AC.1/2004/4 and Inf 30 of the Joint meeting from September 2005

Introduction

At the september 2004 session of the Joint Meeting, on the basis of the document TRANS/WP.15/AC.1/2004/4 (Germany) and INF.30, some new entries for medicines were exempted by a new special provision 601 in chapter 3.3. The list of products is the following:

1169, PG II and III,
1170, PG II and III,
1197, PG II and III,
1219, PG II and III,
1293, PG II and III,
1987, PG II and III,
1993, PG II and III,
3077, PG III,
3082, PG III and
3272, PG II and III,

This was done in order to avoid the inconsistency by which toxic and toxic flammable medicines were totally exempted from ADR but medicines, only flammable, were not exempted. Simultaneously the SP 601 was changed as follows:

SP601 Amend to read as follows:

"Pharmaceutical products (medicines) ready for use, which are substances manufactured and packaged for retail sale or distribution for personal or household consumption are not subject to the requirements of ADR."

In the former SP601 the cosmetics were mentioned but the SP601 was not assigned to any other entry except for some toxic medicines. For such reason, and after long discussions, the Joint Meeting decided to restrict the assignment of SP601 only to medicines. However, this seems not to be totally justified from the point of view of the safety. In the list of entries supposed to benefit from the exemption of the SP601 in document TRANS/WP.15/AC.1/2004/4, UN 1266 PERFUMERY PRODUCTS was also mentioned.

Such products are not different from the medicines. There are no safety reasons which justify another treatment as the one for medicines. The possibility of exempting them was included in the original SP601 but was not assigned to any non medicine entry as for example UN 1266.. The cosmetics have been excluded in SP601 by the change introduced in September 2005 by the Joint Meeting. However, there is a real need for the cosmetic branch to benefit in the same way as medicines from the same exemption.

We wonder if it would be possible to reintroduce the possibility of exemption of perfumery products for the following reasons:

Actually the most simple and right classification way for those products is to choose the generic entry UN 1266 PERFUMERY PRODUCTS. However by classifying in the right way the cosmetic branch loses the possibilities offered by specific or general n.o.s. entries for medicines as for example UN1987 ALCOOLS, N.O.S or UN 1993 FLAMMABLE LIQUID, N.O.S.. The two last examples could be used by the cosmetic sector in order to benefit from the exemption given by the new SP601 for medicines. In doing so, they would undergo two infringements: a wrong classification (UN 1987 and UN 1993 are not generic entries) and a wrong assignment to medicines.

As already proposed by Germany in TRANS/WP.15/AC.1/2004/4, considering that these products are less dangerous as the medicines already exempted by the SP601 and in order to avoid unnecessary infringements, we would be in favor of allowing the same exemption as medicines for the entry UN 1266.

We would be interested to know the opinion of the WP.15 on this matter.

If the WP.15 agrees in his majority to this principle, it could be put forward in a formal paper to the Joint Meeting in September 2006 as well as in a new Multilateral Agreement.

For this reason we would propose to introduce a new special provision dedicated to UN 1266 PERFUMERY PRODUCTS as follows:

SP6XX

"Perfumery products ready for use, which are substances manufactured and packaged for retail sale or distribution for personal or household consumption are not subject to the requirements of ADR."

This SP6XX shall only be applied for UN 1266, PG II and III.
