

ECONOMIC COMMISSION FOR EUROPE**INLAND TRANSPORT COMMITTEE****Working Party on the Transport of Dangerous Goods**

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

Instructions in writing
Transmitted by the Government of Italy

SUMMARY	
Executive Summary:	Solve the contradiction between subsections 5.4.3.1(a) and 5.4.3.7 regarding the instructions in writing for group of goods presenting the same dangers.
Action to be taken:	A clear statement by WP.15 on the interpretation
Related documents:	TRANS/WP.15/185 - (Secretariat) Report of the Working Group on its 79th session (7 - 11 November 2005)

Introduction

At the 79th session of WP.15, held from 7 to 11 November 2005, an Italian proposal on “Instructions in writing”, as contained in doc. TRANS/WP.15/2005/5, was discussed.

The proposal was aimed to clarify the meaning of subsections 5.4.3.1(a) and 5.4.3.7 of ADR, with regards to the reference to “the names” and “UN numbers”, in the case of groups of goods presenting the same danger (see Annex 1)

The proposal was not adopted.

At the same time it was decided to accept the offer from FIATA and IRU to set up an informal working group to revise the provisions concerning the instructions in writing.

Pending the result of the working group (consequent amendments are expected entering into force with 2009 edition), Italy thinks that a clear interpretation of the existing text of section 5.4.3 is still needed, one reason for that being the different interpretations by different enforcement bodies which result in fines for carriers and other penalties (e.g. halt of the vehicle and sequestration of transported goods).

Proposal

Italy is asking the WP.15 to take a position on the following points, describing specific cases.

NOTE 1: the different cases are illustrated in details in Annex 2

NOTE 2: Italy is in favour of the position printed in bold (the reason for this preference is that we think that “goods presenting the same dangers” means “goods belonging to the same class and with the same classification code”).

- 1) In the case of mixed loads of goods with same class, same classification code, but different UN numbers, in the instructions in writing:
 - a) all UN numbers and all Proper shipping names are to be mentioned in one single instruction in writing
 - b) **only the class and the classification code have to be mentioned in one single instruction in writing**
- 2) In the case of mixed loads of goods with same class, with different classification codes (but with a code which covers the others, in terms of dangers) and different UN numbers, in the instructions in writing:
 - a) one written instruction for each good, with class, UN number and Proper shipping name mentioned on each instruction in writing
 - b) only the class has to be mentioned in a single instruction in writing
 - c) **the class and the different UN numbers and classification codes have to be mentioned in a single instruction in writing**
- 3) In the case of “generic entry” or “n.o.s. entry” or mixture:
 - a) the technical name (in the case of a mixture, the technical names of the two main components) has to be mentioned, following the Proper shipping name
 - b) **the technical name (in the case of a mixture, the technical names of the two main components) need not to be mentioned, following the Proper shipping name**
- 4) In the case of a good with a specific proper shipping name:
 - a) the specific proper shipping name has to be mentioned *or*
 - b) the name of the group which the substance pertains to can be mentioned
NOTE: alternative b) will facilitate the translation in all the languages

Justification

There is a contradiction between subsections 5.4.3.1(a) and 5.4.3.7 about the indication of the name and UN number in the transport of mixed loads of packaged goods. There is also a problem of misunderstanding of what are “goods presenting the same dangers” if it is not specified also the Classification Code.

Safety implications

None.

Feasibility

The proposal will not lead to problems.

Enforceability

The envisaged clarification will enhance enforceability.

Annex 1

“5.4.3.1. *the driver shall be given instructions in writing, specifying concisely for each dangerous substance or article carried or for each group of goods presenting the same dangers to which the substance(s) or article(s) carried belong(s):*

(a)

- *the name of the substance or article or group of goods;*
- *the Class; and*
- *the UN number or for a group of goods the UN numbers*

.....”

i.e.: indication of UN numbers and names

“5.4.3.7 *In case of mixed loads of packaged goods including dangerous goods which belong to different groups of goods presenting the same dangers, the instructions in writing may be restricted to one instruction per class of dangerous goods carried on board of the vehicle. In such case no name of goods, or UN number has to be mentioned in the instructions”*

i.e.: NO indication of UN numbers and names

Annex 2

1) Mixed loads of goods with same class, same classification code, but different UN numbers

UN 1079 SULPHUR DIOXIDE Classification code 2TC

UN 1017 CHLORINE Classification code 2TC

UN 1008 BORON TRIFLUORIDE Classification code 2TC

on the instructions in writing

Option a)

Class 2
UN 1079
UN 1017
UN 1008

Sulphur dioxide
Chlorine
Boron trifluoride

Option b)

**Class 2
2TC**

2) Mixed loads of goods with same class, different classification codes (one code must cover the others), and different UN numbers

UN 1067 NYTROGEN DIOXIDE Classification code 2TOC

UN 1069 NITROSYL CHLORIDE Classification code 2TC

on the instructions in writing

Option a)

Class 2
UN 1067
NITROGEN DIOXIDE

Option b)

Class 2

Option c)

**Class 2
UN 1067 2TOC
UN 1069 2TC**

+

Class 2
UN 1069
NITROSYLCHORIDE

3) Goods classified under n.o.s. entry

Calcium naphtenate

Classified as: UN 3077 ENVIRONMENTALLY HAZARDOUS SUBSTANCE, SOLID, N.O.S.

on the instructions in writing

Option a)

Class 9

UN 3077

ENVIRONMENTALLY HAZARDOUS
SUBSTANCE, SOLID, N.O.S.
(Calcium naphtenate)

Option b)

Class 9

UN 3077

**ENVIRONMENTALLY HAZARDOUS
SUBSTANCE, SOLID, N.O.S.**

4) Goods with a proper shipping name

Benzene

Classified as: UN 1114 BENZENE

Class 3

PG II

Classification code FL

on the instructions in writing

Option a)

Class 3

UN 1114

BENZENE

Option b)

Class 3

UN 1114

FLAMMABLE LIQUID PG II