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

Report of the Joint Meeting of the RID Committee of Experts and the Working Party on the Transport of Dangerous Goods on its Autumn 2011 session¹

held in Geneva from 13–23 September 2011

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² For practical reasons, annex I has been published as an addendum, with the symbol ECE/TRANS/WP.15/AC.1/124/Add.1.

³ For practical reasons, annex II has been published as an addendum, with the symbol ECE/TRANS/WP.15/AC.1/124/Add.2.

Report

I. Attendance

1. The Joint Meeting of the RID Committee of Experts and the Working Party on the Transport of Dangerous Goods of the United Nations Economic Commission for Europe (ECE) was held in Geneva from 13 to 23 September 2011, with Mr. M.C. Pfauvadel (France) as Chairman and Mr. M.H. Rein (Germany) as Vice-Chairman. Representatives of the following countries took part in the work of the session: Austria, Belgium, Czech Republic, Denmark, Finland, France, Germany, Italy, Latvia, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Spain, Sweden, Switzerland and United Kingdom of Great Britain and Northern Ireland. The European Union was also represented. The following intergovernmental organization was represented: Organization for Cooperation between Railways (OSJD). The following international non-governmental organizations were represented: European Aerosol Federation (FEA), European Chemical Industry Council (CEFIC), European Committee for Standardization (CEN), European Conference of Fuel Distributors (ECFD), European Cosmetic, Toiletry and Perfumery Association (COLIPA), European Cylinder Makers Association (ECMA), European Industrial Gases Association (EIGA), European Liquefied Petroleum Gas Association (AEGPL), International Association for Soaps, Detergents and Maintenance Products (AISE), International Federation of Freight Forwarders Associations (FIATA), Association of the European Rail Industry (UNIFE), International Road Transport Union (IRU), International Tank Container Organisation (ITCO), Sporting Arms and Ammunition Manufacturers' Institute (SAAMI), International Union of Private Wagons (UIP) and International Union of Railways (UIC).

II. Adoption of the agenda (agenda item 1)

Documents: ECE/TRANS/WP.15/AC.1/123 and Add.1

Informal documents: INF.1, INF.2/Rev.1 and INF.5/Rev.1 (Secretariat)

2. The Joint Meeting adopted the agenda proposed by the secretariat in documents ECE/TRANS/WP.15/AC.1/123 and Add.1 (letter A 81-02/502.2011 from OTIF), as updated by informal document INF.2/Rev.1 to take account of informal documents INF.1 to INF.54, and the provisional timetable (INF.5/Rev.1) with some adjustments.

3. The representative of CEFIC withdrew document ECE/TRANS/WP.15/AC.1/2011/45 concerning the transport of blasting explosives of type B (UN No. 0331) in tanks. The representatives of Germany and Switzerland said they would take up the proposals contained therein, and the document was kept on the agenda.

III. Tanks (agenda item 2)

A. Proposals submitted

Documents: ECE/TRANS/WP.15/AC.1/2011/30/Add.1 (Secretariat)
ECE/TRANS/WP.15/AC.1/2011/31 (ECFD)
ECE/TRANS/WP.15/AC.1/2011/32 (France)
ECE/TRANS/WP.15/AC.1/2011/38 (UIP)
ECE/TRANS/WP.15/AC.1/2011/39 (Germany)
ECE/TRANS/WP.15/AC.1/2011/42 (Netherlands)
ECE/TRANS/WP.15/AC.1/2011/43 (Netherlands)
ECE/TRANS/WP.15/AC.1/2011/44 (Sweden)
ECE/TRANS/WP.15/AC.1/2011/45 (see paragraph 3 of this report)
ECE/TRANS/WP.15/AC.1/2011/50 (France)
ECE/TRANS/WP.15/AC.1/2011/51 (France)

Informal documents: INF.4 (Belgium)
INF.6 (Switzerland)
INF.21 (Sweden)
INF.35 (France)
INF.42 (UIP)
INF.47 (France)
INF.49 (Switzerland)

4. After a preliminary discussion in plenary, all the documents were referred for discussion to the Working Group on Tanks, which met from 19 to 21 September 2011 in parallel session, with Mr. A. Ulrich (Germany) in the chair.

B. Report of the working group

Informal document: INF.54

5. The Joint Meeting approved the report of the working group (which would be issued as annex II with the symbol ECE/TRANS/WP.15/AC.1/124/Add.2 with some modifications) and adopted the proposed amendments (see annex I) except as specified below.

1. Item 2: Report of the informal working group on additive devices on tanks

Document: ECE/TRANS/WP.15/AC.1/2011/31 (ECFD)

6. The Joint Meeting could not agree to adopt the texts proposed by the informal working group. A new proposal should be prepared on the basis of the remarks of the tank working group. The necessity and principles behind the proposal also had to be recalled. A new session of the informal working group would be organized from 6 to 7 February 2012 by the Government of Germany.

2. Item 3: Frequency of periodic inspections of tanks for the transport of certain gases

Document: ECE/TRANS/WP.15/AC.1/2011/32 (France)

7. The deletion of the last sentence of 6.8.3.4.6 was accepted subject to an amendment of the first sentence (see annex 1).

3. Item 4: Rules on the modification and reconstruction of tanks whose design type approvals have expired or been withdrawn

Document: ECE/TRANS/WP.15/AC.1/2011/38 (UIP)

Informal document: INF.42 (UIP)

8. The amendments to 6.8.2.3.4 and 1.8.7.2.5 proposed by the working group were adopted with the proviso that requests for a new certificate of approval could only be made to a single competent authority (see annex...).

4. Item 5: Application of standards EN 14432 and EN 14433 listed in 6.8.2.6

Document: ECE/TRANS/WP.15/AC.1/2011/39 (Germany)

Informal document: INF.6 (Switzerland)

9. The representative of Belgium opposed the adoption of the transitional provision proposed by the working group. He considered that the proposal went against the law because it had the effect of retroactively legitimizing infractions of the regulation by manufacturers who had not applied these standards despite 6.8.2.6 which made their application obligatory. This would result in a distortion of competition in relation to manufacturers who had applied them.

10. The representative of Germany considered that this legal principle called “Nulla poena sine lege” is only relevant for punishment of people. This principle only forbids to punish acts before the publication of a law legalizing acts done before.

11. Other delegations stressed that the application of these standards posed practical problems and that a pragmatic approach was needed, since product discharge and air inlet valves and foot valves approved according to earlier national regulations had not manifested any safety problems.

12. The representative of Belgium asked for a recorded vote on the working group's proposal for a transitional provision. The results of the vote were as follows:

In favour: 6 (France, Germany, Latvia, Norway, Switzerland, United Kingdom).

Against: 7 (Austria, Belgium, Czech Republic, Denmark, Finland, Poland, Sweden).

Abstentions: 2 (Romania, Spain).

The proposal was therefore not adopted.

13. The representative of Germany said he would propose a multilateral agreement and that he would take up the issue again.

5. Item 9: Transport in tanks of UN 0331 (Explosive, Blasting, Type B)

Document: ECE/TRANS/WP.15/AC.1/2011/45 (Proposal withdrawn by CEFIC but taken up on its behalf by Germany and Switzerland)

14. The Joint Meeting did not reach a decision on the conclusions of the working group, which were transmitted to the Working Party on the Transport of Dangerous Goods (WP.15) for decision.

6. Item 12

15. The conclusions on this item would be discussed at the next session, if necessary.

IV. Standards (agenda item 3)

A. Work of CEN

Document: ECE/TRANS/WP.15/AC.1/2011/37 (CEN)

Informal document: INF.38 (CEN)

16. The Joint Meeting referred discussion of the documents in question to the Working Group on Standards.

B. Report of the working group

Informal document: INF.51

17. The Joint Meeting approved the report of the working group (INF.51). It adopted the proposed amendments 1 to 8 contained in it with some editorial amendments (see annex 1)

18. The dates of some standards mentioned as reference had been placed in square brackets since the standards had still not been published. In this case, the amendment could only be taken into account for ADR if the standard had been published before the session of WP.15 in May 2012.

19. The Joint Meeting expressed its appreciation of the cooperation it had with CEN through the CEN consultant provided by the European Commission in conformity with section 2.1 (Procedure for the elaboration of specialised standards) of the revised Procedure for cooperation with CEN and CENELEC (ECE/TRANS/WP.15/AC.1/122/Add.2). However, the Joint Meeting hoped, in the interest of this cooperation and the improvement of references to standards in the regulations, in particular references to standards of a general nature according to procedure 2.3, or cooperation in new fields such as telematics, that the secretariat of CEN/CENELEC would be regularly represented at sessions of the Joint Meeting in order to ensure a global and systematic approach covering all the appropriate fields of standardization for RID/ADR/ADN.

20. Concerning proposal No. 6, the Joint Meeting agreed to add to 6.8.2.6.1 a reference to the revised standard EN 12493 (EN 12493:2008 + A1:[2012] (except for annex C)) regarding the design and construction of welded steel tanks for liquefied petroleum gas (road tank vehicles). It indicated however that this updating of the standard EN 12493 did not in all cases respond to the essential requirements of ADR and decided therefore that type approvals issued on the basis of this standard should be withdrawn at the latest by 31 December 2015. CEN was requested to revise the standard one again so that it could be cited in the amended version.

21. CEN also had to be informed that the definition of LPG which it had adopted was not acceptable to the Joint Meeting (section 2.4.3 of the report).

V. Harmonization with the United Nations Recommendations on the Transport of Dangerous Goods (agenda item 4)

A. Report of the Ad Hoc Working Group on the Harmonization of RID/ADR/ADN with the United Nations Recommendations on the Transport of Dangerous Goods

Document: ECE/TRANS/WP.15/AC.1/2011/30 and Add.1 (Secretariat)

22. The Joint Meeting took note of the report of the Ad Hoc Working Group and considered the harmonization proposals contained in the addendum to the report, which it adopted subject to the amendments arising from the discussions described below.

1. Exemption of liquid fuels

23. The representative of Switzerland requested a debate of substance on the introduction of the contents of special provision 363 in 1.1.3.3 (c) since this would restrict the current exemptions in 1.1.3.1 (b). After provided for this debate the Joint Meeting did not feel it necessary to put into question the introduction of these new provisions and decided that special provision 363 of the United Nations Model Regulations should be reflected in RID/ADR/ADN 1.1.3.3 (c). However, it decided to diverge from it as follows:

(a) Labelling was not required if the capacity of the means of containment was 60 litres or less (corresponding to the maximum capacity of portable containers exempted under 1.1.3.3 (a) of ADR);

(b) For means of containment with capacities of more than 60 litres and not more than 450 litres, the label should be shown on the outside of the equipment or machinery, and not necessarily on the means of containment, where it might not be visible;

(c) An entry in a transport document would be required only for capacities exceeding 1,500 litres.

24. A transitional measure was adopted for the application of 1.1.3.3 (c) (i) on the basis of a proposal by Finland (informal document INF.45) (see annex 1).

2. Flexible bulk containers

25. The representative of Germany called for a substantive discussion on whether to introduce provisions relating to such containers into RID/ADR/ADN. He considered that the carriage of such containers was not compatible with other European provisions generally applicable to land transport such as stowage provisions.

26. Several delegations pointed out that the carriage of flexible bulk containers would indeed require the development of safety measures for stowage. However, the measures would be specific to each mode of transport, and should therefore not be discussed at the Joint Meeting.

27. The proposal of Germany not to permit the flexible bulk containers for land transport was put to a vote and rejected.

3. Exclusion of explosives from Class 1

28. The Joint Meeting decided by vote that the exclusion of explosives from Class 1, provided for in 2.2.1.1.8 (2.1.3.6 of the UN Model Regulations), was a matter for the competent authority to decide. However, such a decision had to be taken by a RID/ADR/ADN Contracting Party, and recognized by the other Contracting Parties. It

could also be taken based on an approval issued by the competent authority of a country that was not a Contracting Party to RID/ADR/ADN, without duplicating the tests already carried out by that competent authority (see annex 1).

4. Carriage in tanks

29. Decisions relating to the texts in square brackets concerning carriage in tanks were delegated to the Working Group on Tanks.

5. Mercury contained in manufactured articles

30. The Joint Meeting confirmed that provisions MP15 and CV28/CW28 should be applicable to the new UN No. 3506 (see annex 1).

6. Salvage pressure receptacles

31. The Joint meeting decided that in accordance with 4.1.1.20.5, periodic inspections and tests should be carried out in accordance with 6.2.3.5 (see annex 1).

32. For marking in accordance with 6.2.3.1.4, harmonized provisions for all RID/ADR/ADN Contracting Parties should be defined, but in the absence of specific proposals it was decided to leave it to the competent authority of the country of approval to determine the appropriate marking elements. Experts on gas cylinders were invited to consider the issue.

7. Special packing provision PP90

33. The representative of Romania said that, in her view, it was inaccurate to specify “inner liners or bags” in the new special packing provision PP90 for UN No. 3506 in packing instruction P003, since the definition of liner in 1.2.1 included bags. She was invited to submit the observation to the United Nations Sub-Committee of Experts.

8. Reference to UN No. 1845 in 5.5.3

34. The representative of the United Kingdom proposed that all references to UN No. 1845 should be deleted from 5.5.3, since dry ice was not subject to the provisions of RID/ADR/ADN, and the indication of a UN number might suggest the opposite.

35. The proposal was not adopted, since a line existed in Table A of Chapter 3.2 for that number, which had been amended by the addition of a note referring to 5.5.3 when UN No. 1845 was used as a coolant. Also, it was considered essential for the purposes of multimodal transport that section 5.5.3 of RID/ADR/ADN should correspond with the appropriate part of the IMDG Code.

B. Proposals relating to the report of the Ad Hoc Working Group

1. Chemicals under pressure

Informal document: INF.11 (CEFIC)

36. The Joint Meeting adopted the amendment of the definition of chemicals under pressure in 2.2.2.1.2, subdivision 8 (see annex 1).

37. As for the second proposal, the Joint Meeting noted that paragraph (c) of special provision 362 in the UN Model Regulations did not clearly specify how to classify chemicals under pressure when they contained components of Class 6.1, packing group II or III, and at the same time components of Class 8, packing group II or III. No UN number had been provided to cover the situation. In order to avoid diverging interpretations,

especially in the light of 2.2.2.1.7 (e), it was considered preferable to maintain the text proposed for note 2 as it stood, meaning that chemicals under pressure with toxic and corrosive components should not be carried under UN numbers 3500 to 3505. Should such a situation arise in practice, it was for the industry to propose a new entry to the United Nations Sub-Committee of Experts.

2. Definition of cartridges for tools, blank

Informal document: INF.32 (Secretariat)

38. The Joint Meeting adopted the proposed definition with the amendments suggested by the representative of SAAMI (see annex 1).

39. The representative of Germany wondered why that definition only concerned a 1.4S UN number and did not cover other entries for similar cartridges for tools, blank, in other divisions or compatibility groups. If cartridges for tools, blank other than 1.4S had to be carried, they would require an appropriate N.O.S. entry. If necessary, proposals for new UN numbers would have to be made to the United Nations Sub-Committee of Experts.

3. Mixed loading of dangerous goods packed in limited quantities

Informal documents: INF.26 (SAAMI)
INF.33 (FIATA)

40. FIATA proposed that the mixed loading of explosives other than those classified as 1.4S with dangerous goods packed in limited quantities should not be prohibited, as such mixed loads were currently authorized by RID/ADR/ADN and by the IMDG Code.

41. It was pointed out that the main objective of the revision of Chapter 3.4 of the UN Model Regulations had been to clearly establish what provisions of the Model Regulations were applicable to transport in limited quantities. At the time of the revision, the United Nations Sub-Committee of Experts had confirmed that limited quantities should not be loaded together with explosives other than those classified as 1.4S.

42. After discussion, a compromise was found. Mixed loading would be authorized for limited quantities with explosives of division 1.4 (as they by definition presented only a minor risk) and as an exception with UN Nos. 0161 and 0499 of division 1.3, compatibility group C (POWDER, SMOKELESS and PROPELLANT, SOLID), as such substances were often carried with cartridges, small arms belonging to division 1.4 (amended proposal adopted by a vote) (see annex 1).

C. Conclusions of the thirty-ninth session of the United Nations Sub-Committee of Experts on the Transport of Dangerous Goods (Geneva, 20–24 June 2011)

Informal document: INF.20 (Secretariat)

43. At the request of the Ad Hoc Working Group on Harmonization (see ECE/TRANS/WP.15/AC.1/2011/30), the secretariat had drawn the attention of the United Nations Sub-Committee of Experts to a number of points requiring clarification. The Sub-Committee had thus adopted corrections or amendments to the UN Model Regulations (see INF.20), included in document ECE/TRANS/WP.15/AC.1/2011/30/Add.1. Other questions called the attention of the Joint Meeting.

1. Consistent usage of the terms “solutions or mixtures” and “mixtures or solutions”

44. The Joint Meeting noted the opinion of the Sub-Committee that the issue was editorial in nature and did not warrant a harmonization that would require amendments. The Joint Meeting therefore decided not to amend the current texts.

45. The representative of Germany noted that according to the Globally Harmonized System of Classification and Labelling of Chemicals (GHS), the term “mixture” included solutions, and that it would perhaps be necessary to revise the transport regulations accordingly. It was noted that in GHS the French term *substance* referred to chemically pure substances, while the term *matière* (“substance” in English) was used in a more generic sense in the transport regulations, and could refer to mixtures, in particular when employed in a context of physical hazards. Aligning the text with the terminology used in GHS would therefore require a detailed, case-by-case examination of the entire body of regulations.

2. Paragraph 3.5.1.4

46. The Joint Meeting noted the opinion of the Sub-Committee that the wording of 3.5.1.4 was consistent with other exemptions provided in the Model Regulations. For legal reasons, the Joint Meeting preferred to maintain the wording proposed in document ECE/TRANS/WP.15/AC.1/2011/30/Add.1, and pointed out that such wording would not entail a deviation from the Model Regulation.

3. Presentation of packing instructions for Class 1

47. The Joint Meeting noted the explanations given by the Sub-Committee and decided to align the wording of the instructions with those of the Model Regulations (see annex 1).

4. Packing instruction P201, paragraph (1)

48. The Joint Meeting noted the opinion of the Sub-Committee that the appropriate packaging in paragraph (1) were cylinders and gas receptacles, and that tubes and pressure drums were inappropriate for the transport of gas samples.

49. It was pointed out that the term “gas receptacle” was undefined. The Joint Meeting noted, however, in relation to paragraph (2), that the receptacles in question were not necessarily pressure receptacles, and it therefore adopted the text proposed by the Sub-Committee (see annex 1).

5. Packing instruction P903, paragraph (4)

50. The Joint Meeting noted that the conditions of transport of devices such as radiofrequency identification tags, when active, should be the subject of further discussion. It considered that the last sentence of the paragraph essentially related to air transport, and could be deleted from the inland transport regulations (see annex 1).

6. “Filling ratio” in portable tank instruction T50

51. The Joint Meeting decided to align RID/ADR with the UN Model Regulations, noting, however, that the French version of the Model Regulations had to be corrected (see annex 1).

7. Stacking symbol on large packagings

52. The Joint Meeting noted the opinion of the Sub-Committee that the stacking symbol should be displayed on large packagings repaired after 1 January 2014. However, it considered that in the absence of a definition of “repaired large packaging”, that provision

might lead to problems of interpretation in practice and during checks. It therefore decided (by a vote) not to introduce the requirement for repaired large packaging. It was suggested that the Sub-Committee might wish to define the concept of “repaired large packaging”, as it had done for “repaired IBC”.

Informal document: INF.22 (Secretariat)

8. Classification of Class 3 viscous liquids in packing group III

53. The Joint Meeting noted the request by the Sub-Committee for opinions on amendments to 2.3.2.2, 2.3.2.3 and 2.3.2.5 of the Model Regulations. The Joint Meeting noted that the limit of 450 litres per package in 2.3.2.5 was also applicable to RID/ADR. On the other hand, no limit per package was currently set by the texts corresponding with 2.3.2.2.

54. It would thus be advisable to consult the industry to ascertain the economic consequences of a 450 litre limit per package, bearing in mind that for the time being no safety problems had been reported with the application of the current requirements.

55. Similarly, a reduction of the limit to 30 litres per package could have major economic consequences. If the Sub-Committee wished to adopt the limits set by the IMDG Code and the ICAO Technical Instructions, such a reduction must therefore be justified from the point of view of safety.

9. Minimum size of the letters “UN” and of UN numbers on gas cylinders

56. The Joint Meeting accepted the request by the Sub-Committee to reduce the minimum size of such markings to 6 mm on gas cylinders with a maximum water capacity of 60 litres, with effect from 1 January 2013. Paragraph 5.2.1.1 was modified accordingly, on the basis of informal document INF.46 from the secretariat (see annex 1).

57. The Joint Meeting considered that, in the light of the large number of cylinders in circulation, the length of their use and the frequency with which they were inspected, in the case of gas cylinders with a maximum water capacity of 60 litres a transitional measure was necessary. Taking into consideration the scheduling for periodic inspections, the expiry date of the transitional period was set at 30 June 2018 (see annex 1).

D. Other harmonization proposals

1. Note 1 of 2.2.3.1.1

Document: ECE/TRANS/WP.15/AC.1/2011/46 (CEFIC)

58. The Joint Meeting agreed to delete the terms “non-toxic and non-corrosive” from Note 1, so as to bring RID/ADR/ADN into line with the United Nations Model Regulations (see annex 1).

2. Definitions of salvage packaging and salvage pressure receptacle

Informal document: INF.16 (Romania)

59. The Joint Meeting agreed to harmonize the definition of salvage packaging in RID/ADR/ADN with the one in the United Nations Model Regulations (see annex 1).

60. As for harmonizing the definitions of “salvage packaging” and “salvage pressure receptacle”, the Joint Meeting pointed out that the differences were perhaps justified. It therefore invited the representative of Romania to first submit a proposal to the United

Nations Committee of Experts, so as to avoid discrepancies with the regulations applying to other modes of transport.

3. UN Nos. 1169, 1197, 1266, 1286 and 1287

Informal document: INF.12 (United Kingdom)

61. The Joint Meeting took note of the opinion of the United Nations Sub-Committee of Experts that there was no need to provide a packing group I for the substances covered by the UN numbers in question. It therefore decided for those substances to delete the entries corresponding to packing group I in Table A of Chapter 3.2 (see annex 1).

VI. Interpretation of RID/ADR/ADN (agenda item 5)

A. Application of 4.1.10 to dangerous goods packed in limited quantities

Informal document: INF.15 (France)

62. The Joint Meeting considered that, notwithstanding the note at the end of 4.1.1.6 that referred to 4.1.10, the fact that 4.1.10 was not mentioned in 3.4.1 (d) meant that the provisions of 4.1.10 did not apply. It was for the consignor to ensure that dangerous goods packed together did not react dangerously with each other, in line with 4.1.1.6; however, the quantity limits established in 4.1.10 for mixed packing did not apply in situations covered by Chapter 3.4.

B. Articles classified as environmentally hazardous substances (aquatic environment)

Informal document: INF.31 (Sweden)

63. The Joint Meeting considered that the current provisions on substances hazardous to the aquatic environment did not apply to articles, since the criteria of 2.2.9.1.10 clearly referred to substances, mixtures and solutions. In order for the current provisions to apply to articles, criteria would have to be defined that referred to the different substances or components contained in the article and to the article itself. The texts would also have to be amended accordingly.

C. Placards corresponding to label model No. 7E (fissile material)

Informal document: INF.17 (United Kingdom)

64. To clarify interpretation of 5.3.1.1.3, the United Kingdom proposed specifying that no placard corresponding to label model No. 7E was required.

65. Some delegations considered that such a specification was unnecessary, as there were currently no provisions for a placard of that model. Such a stipulation could lead to confusion.

66. It was pointed out that the interpretation of the current texts was the following. For fissile material of Class 7, when the regulations required that both labels according to Chapter 5.2 and placards according to Chapter 5.3 be affixed on vehicles, containers, tank-containers, portable tanks or MEGCs, then either:

(a) A label of model No. 7A, 7B or 7C must be affixed, as appropriate, along with a label of model 7E of the size required under Chapter 5.2, with a placard of model 7D; or

(b) A label of model No. 7A, 7B or 7C must be affixed, as appropriate, corresponding with the model in Chapter 5.2, but enlarged to the size stipulated in Chapter 5.3, along with a label of model No. 7E, also enlarged to the size stipulated in Chapter 5.3. In such cases a placard of model No. 7D was not required.

67. If the representative of the United Kingdom wished to amend the texts to clarify that situation, she should submit an official proposal.

VII. Proposals for amendments to RID/ADR/ADN (agenda item 6)

A. Pending issues

1. Special provision 653

Document: ECE/TRANS/WP.15/AC.1/2011/34 (EIGA)

68. The proposals by EIGA to apply special provision 653 also to ARGON, COMPRESSED and HELIUM, COMPRESSED and to increase the test pressure capacity product were adopted (see annex 1). The view was expressed, however, that EIGA might usefully consider dealing with such issues in a more systematic and comprehensive manner in order to avoid having to deal with specific cases on the basis of commercial requirements.

2. Transport of damaged lithium batteries

Informal document: INF.9 (Germany)

69. The Joint Meeting considered that it would be premature to introduce provisions for the transport of damaged lithium batteries, as the United Nations Sub-Committee of Experts was working on that issue. If the Sub-Committee found a solution soon, it would be possible to conclude a multilateral agreement on the basis of that solution.

3. Test period for certain gases under packing instruction P200

Informal document: INF.3 (EIGA)

70. The Joint Meeting noted the information provided by EIGA on the progress made in its work. A proposal should be submitted at the next session.

4. Carriage of heavy fuel oils

Informal documents: INF.25 and INF.25/Rev.1 (Belgium)

71. Several delegations were in favour of the principle of systematically classifying heavy fuel oils under UN No. 1202. Others considered that such a step would lead to a deviation from the UN Model Recommendations or that it would amount to classifying as dangerous goods some substances that did not always meet the criteria, in particular those of Class 3. Such a principle was also incompatible with the decisions taken for carriage in tank vessels by the ADN Safety Committee.

72. After a lengthy discussion, it was decided not to amend the current texts and thus to leave it for the industry to classify such goods, according to the criteria applicable for RID and ADR, and independently of carriage in tank-vessels under ADN, as:

- (a) UN No. 1268, PETROLEUM PRODUCTS, N.O.S., if the heavy fuel oils had a flash point at or below 60° C;
- (b) UN No. 3256 if they had a flash point above 60° C and at or below 100° C and if they were carried or handed over for carriage at a temperature greater than the flash point;
- (c) UN No. 3257, Class 9, if they were carried or handed over for carriage at a temperature greater than 100° C and less than the flash point;
- (d) UN No. 3082 if they did not meet the conditions for (a) to (c), above, and they met the criteria to be considered a hazard to the aquatic environment;
- (e) Non-dangerous, if they met none of the conditions for (a) to (d), above.

73. If the petroleum industry wished to adopt a more pragmatic approach and a systematic assignment to a given UN number regardless of the properties of such oils, it should submit appropriate proposals, taking into consideration the three modes of inland transport and the consequences for those modes.

5. Empty uncleaned packaging wastes

Document: ECE/TRANS/WP.15/AC.1/2011/49 (France)

Informal documents: INF.34 (Sweden)
INF.39 (Denmark)
INF.53 (Drafting group)

74. The Joint Meeting adopted the following principles:

(a) As it was unlikely that a solution would be found quickly by the United Nations Sub-Committee of Experts for the carriage of uncleaned packaging wastes previously used for the carriage of dangerous goods, and since the collection for elimination of such waste posed a regulatory problem at the European level, such waste should be assigned to three specific identification numbers in RID/ADR/ADN, UN Nos. 7001, 7002 and 7003, corresponding to three categories:

- (i) Uncleaned packaging waste previously used only for Class 5.1 substances, to be classified as Class 5.1, which must not be mixed with other packaging wastes or other substances liable to react dangerously;
- (ii) Uncleaned packaging waste previously used for substances of Class 3, 4.1, 8 or 9, to be classified as Class 9;
- (iii) Uncleaned packaging waste previously used for substances of Class 6.1, requiring special precautions owing to the risk of toxicity, but capable of being mixed with packaging wastes previously used for Class 3, 4.1, 8 or 9, excluding the most dangerous substances as stipulated in informal document INF.53, to be classified as Class 6.1.

(b) Specific provisions would be introduced for bulk carriage and carriage in packaging and including IBCs.

75. The Joint Meeting felt that some more drafting work was needed on the proposal contained in informal document INF.53, the Government of France would prepare a new official proposal for the next session on the basis of informal document INF.53, thus allowing Governments to consult the parties involved in such transport. Any proposal for fundamental modifications of that proposal should be submitted in writing.

6. Description of pollutants in the transport document

Informal document: INF.27 (CEPE)

76. The Joint Meeting agreed in principle to modify the description of pollutants in the transport document but the amendment would depend on the decision taken by IMO on proposal DSC 16/3/12. The secretariat was requested to introduce the amendment in the adopted texts, if necessary, once IMO's decision was known.

B. New proposals

1. Modifications to 1.1.3.1 (c)

Document: ECE/TRANS/WP.15/AC.1/2011/33 (Sweden)

77. Opinions differed regarding the proposal to modify 1.1.3.1 (c). Some delegations acknowledged that there had been some misinterpretation of the provision. Some other delegations had not noticed any problems in their countries, and asked for appropriate justification to make the regulations more stringent. Others considered that the problem could be addressed by insisting on the use of the approved packagings.

78. The representative of Sweden said that she would reconsider the question in the light of the comments made and would submit a new proposal.

2. Orientation arrows on packages

Document: ECE/TRANS/WP.15/AC.1/2011/29 (Germany)

79. The proposed amendment to 7.5.1.5 (RID/ADR) and 7.1.4.14.1.4 (ADN) was adopted (see annex 1).

3. Approval of intervals for periodic inspection (P200, paragraph (9))

Document: ECE/TRANS/WP.15/AC.1/2011/36 (Finland)

80. The proposal to specify at the end of paragraph (9) of packing instruction P200 that the competent authority responsible for determining intervals for periodic inspections was the one that approved the type of receptacle was adopted (see annex 1).

4. Placards on vehicles/wagons when labels on containers or tank-containers are not visible

Document: ECE/TRANS/WP.15/AC.1/2011/47 (Austria)

81. The proposed amendment to 5.3.1.7.3 was adopted (see annex 1).

5. Classification of radioactive substances as hazardous for the aquatic environment

Document: ECE/TRANS/WP.15/AC.1/2011/41 (Germany)

82. The Joint Meeting shared the view of Germany that for the time being there was not sufficient data available to apply the criteria of 2.2.9.1.10 to radioactive substances, and that it was difficult to differentiate between the environmental effects resulting from the chemical hazards posed by such substances and those related to radioactivity. As Regulation 1272/2008/EC was not applicable to radioactive substances falling under the scope of EURATOM Directive 96/29, it was also not possible to refer to 2.2.9.1.10.5 for the use of Regulation 1272/2008/EC.

83. The proposal by Germany to amend 2.1.3.8 to exclude Class 7 from its scope was thus adopted (see annex 1).

84. Several delegations noted that to meet the needs of multimodal transport it would be desirable for IMO to take a similar decision for the IMDG Code, but no proposal to that effect was made for the time being. The representative of Germany would prepare a proposal for the next session of the IMO Sub-committee on Dangerous Goods, Solid Cargoes and Containers, but it was unlikely that it would be possible to amend the IMDG Code in time for the next version.

6. Marking of wagons, transport units and containers carrying dangerous goods in limited quantities

Document: ECE/TRANS/WP.15/AC.1/2011/48 (Sweden)

Informal document: INF.50/Rev.1 (Secretariat)

85. The proposal by Sweden followed a decision by WP.15 against authorizing the use of orange-coloured plates in place of the “limited quantities” marking on transport units when they carried only dangerous goods packed in limited quantities (ECE/TRANS/WP.15/208, para. 32). The text of ADR 3.4.13 (a) left some doubt about the procedure applicable when at the start of a voyage a transport unit contained dangerous goods fully subject to regulation and at the same time carried limited quantities, and when the former were unloaded during the journey. Some Governments considered that in such circumstances the orange-coloured plates could remain affixed after the partial unloading. It was also unclear whether in such circumstances orange-coloured plates could be displayed at the same time as the marking for limited quantities. Some delegations believed that should not be the case.

86. After discussion, the secretariat prepared a text reflecting the conclusions (INF.50/Rev.1) which, when put to the vote, was adopted (see annex 1). According to the text:

(a) Only the “limited quantities” marking, if required, should be visible on the transport unit when it contained only limited quantities;

(b) The orange-coloured plate should be affixed, if required, when the transport unit contained dangerous goods fully subject to regulation and at the same time limited quantities; in such circumstances the “limited quantities” marking was not mandatory;

(c) If the transport unit contained dangerous goods fully subject to regulation in quantities requiring an orange-coloured plate and at the same time limited quantities in quantities requiring the display of a “limited quantities” marking, affixing of the orange-coloured plate at the same time as the “limited quantities” marking was permitted;

(d) The same principles governed the affixing of “limited quantities” markings and placards insofar as they were required for containers or wagons.

7. Amendment of 7.5.1

Informal document: INF.13 (France)

87. The proposed amendments to 7.5.1 were adopted (see annex 1).

VIII. Reports of informal working groups

A. Report of the informal working group on telematics

1. Group reports

Informal documents: INF.7 (OTIF) (Report on the eighth session)
 INF.40 (CEN) (Report on the ninth session)
 INF.28, INF.29, INF.30 (CEN) and INF.36 (France)
 (Documents submitted to the informal group at its ninth session)

88. The Joint Meeting took note of the progress of the informal working group, particularly on cooperation with CEN in developing the eCall project. The work would continue and another session was scheduled at the offices of UIC in Paris during the third week in January 2012. The Joint Meeting also encouraged France to continue its work on modelling along the lines of informal document INF.36.

2. Identification of dangerous goods in telematic applications

Document: ECE/TRANS/WP.15/AC.1/2011/35 (European Union)
 (proposed by the European Commission)

Informal documents: INF.8 (Germany)
 INF.19 (UIC/CIT)
 INF.23 (Netherlands)
 INF.37 (France)

89. Opinions differed regarding the proposal by the European Commission. Several delegations considered that the proposed definition for identification did not correspond with what was required in the transport document. It was explained that the aim of the proposal was to define a primary key for the identification of information, providing unequivocal access to each line of Table A of Chapter 3.2. Such identification was required to draw up European Railway Agency (ERA) technical documents for the technical specification for interoperability relating to telematic applications for rail freight, in particular for the exchange of information between carriers and those responsible for managing the infrastructure. The proposal would not exclude the selection, as needed, of other, additional identification elements tailored for specific purposes, such as the provision of the data required in the transport document for the exchange of information between consignors and carriers.

90. Several delegations pointed out that many companies were developing different telematic application systems, and that it would be preferable for the identification key to be developed in a multimodal context, taking into account in particular the IMDG Code and the ICAO Technical Instructions and avoiding, if possible, aspects specific to European inland transport.

91. One possible solution could involve the designation of a single numerical code for each line of the Table. That could be discussed by the United Nations Sub-Committee of Experts on the Transport of Dangerous Goods.

92. It was agreed:

(a) To request that ERA refrain from introducing in the identification key any elements not required in the transport document, and thus to draw on 5.4.1.1.1 in defining the identification key;

(b) To bring the question to the attention of the United Nations Sub-Committee of Experts on the Transport of Dangerous Goods. The representatives of France and the United Kingdom, working together, would raise the issue.

B. Informal working group on definitions

Informal documents: INF.10 and Add.1 (Romania)

93. The Joint Meeting welcomed the outcome of the work done by the informal working group on definitions at its meeting held from 12 to 14 April 2011 in Bucharest, at the invitation of the Government of Romania. The outcome cast light on a number of inconsistencies in the terminology of the various language versions of RID and ADR. The Joint Meeting noted that the work was not finished, and that another session would be necessary.

94. Several delegations underscored the importance of the principles set out in paragraph 36 of the report and noted that some of the differences were related either to historical factors or the specificities of each language. Efforts should concentrate on those differences that could lead to diverging interpretations, leaving aside those that had no influence on the interpretations of the texts and bearing in mind that non-essential editorial changes might lead to requests for non-essential amendments in numerous other national or international regulations, such as the United Nations Model Regulations, the IMDG Code, the ICAO Technical Instructions, the GHS and all the national laws or standards that derived from them. Furthermore, some of the identified issues should be submitted first to the United Nations Sub-Committee of Experts. The representative of Romania therefore requested that the Joint Meeting address only some of the proposals.

1. Definition No. 3, “animal material”

95. The United Nations Sub-Committee of Experts should be requested to explain the meaning of the term “animal foodstuffs”, specifying whether the term referred to:

- (a) Food intended for consumption by animals;
- (b) Food of animal origin; or
- (c) Food of animal origin intended for consumption by animals (as in the French text).

The term should be adapted accordingly.

2. Definition No. 4, “applicant”

96. The Joint Meeting agreed that the term “operator” in the note to the definition of the term “applicant” should be replaced by “tank-container operator” (see annex 1). A reference to “exceptional cases” would not be clear; it was apparently not advisable to introduce requirements into a definition. The definition should be reconsidered in the light of the experience gained in implementing the revised TPED European directive.

3. Definition No. 7, “bag”

97. The amendment proposed for the French text was adopted (see annex 1).

4. Definition No. 8 – “battery-vehicle”

98. The question of whether the definition of battery-vehicle should refer to vehicles or to transport units should be submitted to WP.15.

5. Definition No. 10 – “box”

99. The amendment to the French version (para. 94 of the report) was adopted (see annex 1).

100. The amendment to the French version of the UN Model Regulations (para. 95 of the report) would be made by the secretariat as a corrigendum.

6. Definition No. 11 – “bulk container”

101. The English version of the definition would be aligned with that of the UN Model Regulations (see annex 1).

7. Definition No. 12 – “bundle of cylinders”

102. In French, the words “*capacité*” and “*contenance*” were synonymous, but capacity was conveyed as “*contenance*” in ISO standards. It was decided not to change the texts, even if they used the two terms (*capacité* for tanks and *contenance* for packagings).

103. The representative of Romania would bring other questions to the attention of the United Nations Sub-Committee of Experts.

8. Definition No. 20 – “closure”

104. The issue should be brought to the attention of the Working Group on Tanks.

9. Definition No. 21 – “collective entry”

105. The amendment to the definition was adopted, but not the proposal concerning 2.1.1.2 (see annex 1).

10. Definition No. 22 – “combination packaging”

106. The amendments proposed in paragraphs 135 and 136 were adopted (see annex 1).

C. Informal working group on reduction of the risk of a BLEVE

Informal document: INF.14 (Netherlands)

107. The Joint Meeting took note of the outcome of the work done by the informal working group at its ninth session, held in Oslo from 8 to 10 June 2011.

108. It noted in particular that further work would depend on the development by Germany of a testing programme including the following items:

- (a) A definition of the test conditions for a representative pool fire;
- (b) A description of the criteria for the selection of coatings to be tested;
- (c) A description of the criteria for the selection of the safety valves to be selected, including evaluation of negative effects on such valves (e.g., radiant heat);
- (d) An evaluation of the tests already performed by the BAM and TNO testing laboratories and of tests described in the literature, which left a list of questions unanswered;
- (e) A list of tests to be performed to address such questions.

109. Despite the comment by the representative of Austria that a database with a small number of events would not be useful, the Joint Meeting also approved the recommendation of the group to improve the reporting of accidents, not only in the context

of accidents involving a BLEVE, and to develop an accident statistics database at the international level, based on France's proposals. The analysis of accidents on the basis of international statistics was regarded as essential for further work.

110. A new date for a meeting could be set when more was clear about the testing programme.

D. Informal working group on gas tanks of motor vehicles

Document: ECE/TRANS/WP.15/AC.1/2011/40 (Germany)

Informal document: INF.52 (Germany)

111. The Joint Meeting adopted the proposed amendments to Chapter 3.2 and a new special provision in Chapter 3.3, on the basis of the conclusions of the informal group, which had met in Munich on 10 May 2011, and informal document INF.52, with some corrections (see annex 1).

IX. Election of officers for 2012 (agenda item 8)

112. On the proposal of the representative of Belgium, Mr. C. Pfauvadel (France) and Mr. H. Rein (Germany) were respectively re-elected as Chairman and Vice-Chairman of the Joint Meeting for 2012.

X. Future work (agenda item 9)

A. Outcome of the seventy-third session of the Inland Transport Committee

Informal documents: INF.18 (Secretariat)

INF.24 (OTIF)

113. A member of the secretariat presented the conclusions of the Chair of the Inland Transport Committee following the round table on "Transport of dangerous goods: Global and regional dimensions", held on 1 March 2011, during the seventy-third session of the Committee (ECE/TRANS/221, annex), along with a summary of the deliberations of WP.15 on that subject (ECE/TRANS/WP.15/210, paras. 64–73).

1. Multimodal harmonization

114. A member of the OTIF secretariat gave a progress report on the work to harmonize annex 2 of SMGS with RID (INF.24). He pointed out that the structure of annex 2 and most of its provisions were now compatible with RID and were regularly updated. However, major differences for transport in tank-wagons and tank-containers remained, and they still represented obstacles to Euro-Asian rail transport, at least in respect of transport according to Chapters 4.3 and 6.8, insofar as the reference temperatures were in the -40° C to +50° C range according to SMGS (as for UN portable tanks), while according to RID/ADR they were in the -20° C to +50° C range. There were also serious differences in labelling and placarding, as SMGS required that emergency card numbers be indicated on placards.

115. A member of the ECE secretariat pointed out that several States parties to SMGS were also Contracting Parties to ADR and ADN. Therefore, in addition to the problem of harmonization between SMGS and RID, there was also a need to harmonize SMGS with ADR and ADN. RID/ADR/ADN harmonization was considered essential for economic

development in the Contracting Parties, and the same should apply to SMGS/ADR/ADN harmonization. To what extent could an SMGS container or tank-container be transported in multimodal or intermodal transport under ADR or ADN?

116. The Joint Meeting welcomed the efforts made by the Governments of Poland and especially Latvia to move ahead with SMGS/RID harmonization. It would be useful if the Joint Meeting had a document detailing the differences between SMGS on the one hand and RID/ADR on the other. The fact that the Joint Meeting working languages included Russian, German, English and French was a major advantage facilitating harmonization.

117. The representative of Latvia said that he could submit such a document as soon as possible, but that it would be necessary to take into consideration that decisions were taken by consensus within OSJD.

118. The Joint Meeting noted that, while the SMGS countries that were members of the European Union were well represented at its sessions, few of those that were not members of the European Union took part. It would be useful for such countries to be better represented for the discussion of such questions. The expertise available in the Working Group on Tanks would make it possible to discuss issues relating to differences in the treatment of tanks.

119. The Joint Meeting also noted with interest a suggestion by IRU to consider whether in the long term it would be possible to have a single regime for transport in tank-wagons, based on the requirements for UN portable tanks, possibly amended. To do so, it would be necessary to consult with both the operators and the manufacturers of the tank-containers so as to determine the economic advantages or disadvantages in a context of globalization of trade.

2. Accession to legal instruments/implementation/technical assistance

120. The Joint Meeting noted the measures planned by WP.15 to facilitate accession to ADR.

121. The representative of Germany indicated that generally the technical assistance procedure for a country wishing to become a Contracting Party began with an assessment of its administrative structures. That required funding from donor countries or organizations.

122. Several delegations pointed to the lack of any mechanism to measure the degree of actual implementation of RID/ADR/ADN provisions by the Contracting Parties. IMO, ICAO and IAEA, for instance, had set up auditing systems for the instruments under their responsibility. It was emphasized that the establishment of such auditing systems would require (a) political will on the part of the Contracting Parties or legislative bodies (ECE, OTIF), along with a mandate; (b) a clear request from a Contracting Party to RID/ADR/ADN for it to be subject to an audit, in conformity with that mandate; and (c) funds to finance such audits.

3. Training

123. The Joint Meeting considered that it would be advantageous to draw the attention of the United Nations Sub-Committee of Experts to the concept of safety advisers, but that for air transport there were already effective alternative systems. It noted that problems had been reported by IRU in port areas owing to interpretation of provisions of the IMDG Code relating to the training of on-shore personnel. The problems related in particular to recognition of the ADR certificate for circulation in European port areas. It was suggested that the competent authorities responsible for inland transport should discuss such problems with the maritime or port authorities so as to avoid an accumulation of inappropriate

training requirements for road vehicle drivers holding ADR certificates and operating in port areas. The secretariat could consult IMO to clarify the meaning of the relative IMDG Code requirements.

4. Clarification of the term "competent authority"

Informal document: INF.48 (Secretariat)

124. This document had been prepared by the secretariat, for Parts 1 to 3 of ADR, at the request of the Joint Meeting, and aimed to clarify each time the term "competent authority" was used, the country or countries concerned in international transport, including when the transport operation concerned countries which were not Contracting Parties to RID or ADR.

125. The Joint Meeting congratulated the secretariat on its work and confirmed that the presentation was appropriate. The secretariat was requested to complete the work for the other parts of RID/ADR and to submit official documents which could if necessary also be examined first by an informal working group. The documents should also contain explanations regarding the meaning of the terms "country of origin", "country of carriage", etc.

B. Next session

126. The next session would be held in Bern from 19 to 23 March 2012. The deadline for the submission of documents was 19 December 2011.

127. In the mean time, informal working groups will meet as indicated in this report. The Government of France will also organize in Paris a session of the informal working group on telematics from 16-18 January 2012 and a session of the informal working group on definition from 19-20 January 2012.

XI. Other matters (agenda item 10)

Safety measures for transport in tanks by rail: Recording of safety checks

Informal document: INF.41 (Italy)

128. The Joint Meeting took note of the information provided by Italy regarding the measures put in place following the Viareggio accident. Following the annual safety reports prepared in Italy in 2007 and 2009, which showed an increase in incidents related to the transport of dangerous goods in Italy, including leakage from tanks, the Italian authorities required fillers of tank-wagons, tank-containers and tank-vehicles loaded onto wagons to provide a checklist that must be attached to transport documents. For imports, checks must be conducted by Italian operators at the border and the checklist filled in accordingly for each tank.

129. Several delegations noted that such measures were aimed at the "drip-leakage" problem on which the RID Committee of Experts had been working for several years, but which were not relevant to the Viareggio accident and did not entail serious consequences in terms of safety. The measures imposed by the Italian authorities resulted in considerable disruptions and delays for freight trains at the border. It was therefore hoped that the RID Committee of Experts would discuss harmonized measures for checks that could be applied uniformly to all RID Contracting States and that it would not cause hindrances to international traffic.

130. The Joint Meeting noted that CEFIC had prepared four model checklists, which would be discussed by the RID Committee of Experts at its session from 5 to 6 October 2011 in Hamburg. It would be useful for Italy to participate in the work of the RID Committee of Experts in that area and to present detailed information on the subject, including the discovered irregularities.

131. It was noted that the road side checks procedures were harmonized in the European Union. Experience shows that it is useful and that such procedures could be of interest to the other modes in a broader multimodal context.

132. The RID Committee of Experts was invited to communicate the results of its work to the Joint Meeting if it considered that they might also concern road transport.

XII. Adoption of the report (agenda item 11)

133. The Joint Meeting adopted the report on its session of autumn 2011 and its annexes on the basis of a draft prepared by the secretariat.

Annex I

Draft amendments to RID, ADR and ADN for entry into force on 1 January 2013

(See ECE/TRANS/WP.15/AC.1/124/Add.1)

Annex II

Report of the Working Group on Tanks

(See ECE/TRANS/WP.15/AC.1/124/Add.2)
