

Committee of Experts on the Transport of Dangerous Goods and on the Globally Harmonized System of Classification and Labelling of Chemicals

Sub-Committee of Experts on the Transport of Dangerous Goods

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New proposals for amendments to the Model Regulations on the Transport of Dangerous Goods

Status of standards referenced in the Regulations and of the standards referenced within those standards – paragraph 1.1.1.7

Transmitted by the expert from the United Kingdom

1. The status of standards referenced in the regulations was clarified in the 17th Revision of the Model Regulations in paragraph 1.1.1.7. However, further questions have been raised about how standards shall be applied. The reasoning sometimes seems to be that standards have a lower status than regulations and therefore not all requirements in the standard need to be applied rigorously. In particular, regulators in Europe have been asked if the standards that are referenced within a standard (the normative references) need to be followed or if alternative standards or specifications can be used instead.

2. To the expert from the United Kingdom it seems logical that the standards referenced are part of the regulations and, with the exception of conflicting requirements described in 1.1.1.7, shall be applied with the same rigour. Also, it must be realised that when standards are written, they are constructed to create a safe piece of equipment or to give a safe method of work. It would be potentially unsafe to vary requirements. Standards are based on research and operational experience and are a consensus of experts. The thinking and experience behind the requirements in standards are not explained so the reader does not have the information to make a safe judgement when following alternative solutions.

3. Therefore, it is necessary to state in the Regulations that the standard shall be applied as written and that alternative solutions such as using a standard different from one specified in the standard are not permitted.

Proposal

4. Amend paragraph 1.1.1.7 by adding the sentence shown underlined.

1.1.1.7 Application of standards

Where the application of a standard, or part of a standard, is required and there is any conflict between the provisions of the standard and those of these Regulations, the provisions of these Regulations take precedence. The requirements of the standard that do not conflict with these Regulations shall be applied as specified, including the requirements of any other standard, or part of a standard, referenced within that standard.