

Economic Commission for Europe

Inland Transport Committee

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Item 6 of the provisional agenda

Reports of informal working groups

Editorial corrections to the proposals made by the Informal working group on carriage of live animals

Transmitted by the Government of the Netherlands

1. We welcome the report of the Informal working group on carriage of live animals (INF.15).
2. After close reading we would like to suggest some editorial corrections in order to prevent misinterpretation in future. The underlined text is different compared to the text proposed by the working group.
3. With respect to point 7 (a) of proposals of the working group, concerning footnote 22/17 in relation to NOTE 2:

Original text of footnote 22/17 at NOTE 2 under 2.2.9.1.11:

"See in particular Part C of Directive 2001/18/EC of the European Parliament and of the Council on the deliberate release into the environment of genetically modified organisms and repealing Council Directive 90/220/EEC (Official Journal of the European Communities, No. L 106, of 17 April 2001, pp. 8-14), which sets out the authorization procedures for the European Community."

Proposed new text for footnote 22/17 at NOTE 2 under 2.2.9.1.11:

"See Part C of Directive 2001/18/EC of the European Parliament and of the Council on the deliberate release into the environment of genetically modified organisms and repealing Council Directive 90/220/EEC (Official Journal of the European Communities, No. L 106, of 17 April 2001, pp 8-14) and Regulation (EC) No. 1829/2003 of the European Parliament and of the Council on genetically modified food and feed (Official Journal of the European Union, No. L 268, of 18 October 2003, pp 1-23), which set out the authorization procedures for the European Union."

Justification:

The placing on the market of genetically modified organisms in the EU is not only regulated in the Directive 2001/18, but also in the Regulation 1829/2003. Most of the authorizations of the placing on the market are based on the Regulation 1829/2003. Hence it is essential to mention both regulations.

The words "in particular" before "Part C" are superfluous.

4. With respect to point 7 (a) of proposals of the working group, concerning NEW NOTE 2.1:

Original text of the new proposed NOTE 2.1 under 2.2.9.1.11

"GMO (including live animals) assigned to risk group 1 in accordance with Directive 2001/18/EC* and carried in closed and escape-proof receptacles that are suitable for safely preventing both the escape of the animals and unauthorized access to them are not subject to the provisions of RID/ADR/ADN.

This note only applies to live animals and thus does not include plants.

The regulations laid down by IATA for air transport (Live Animals Regulations, LAR) can be drawn on as guidelines for suitable receptacles."

Proposed new text of the new proposed NOTE 2.1 under 2.2.9.1.11

"Genetically modified live animals which, in accordance with the current state of scientific knowledge, have no known pathogenic effect on humans, animals and plants and are carried in receptacles that are suitable for safely preventing both the escape of the animals and unauthorized access to them, are not subject to the provisions of RID/ADR/ADN. The regulations laid down by IATA for air transport (Live Animals Regulations, LAR) can be drawn on as guidelines for suitable receptacles for the transport of live animals."

Justification

The new text contains three editorial modifications.

The first correction combines the text between brackets (including live animals) with the second sentence (this note only applies to live animals and thus does not include plants). Both the old text and the discussion in the meeting in Berlin restrict the new NOTE to live genetically modified animals. By editing the text between brackets and deleting the second sentence, the resulting text is clearer, and therefore leaves less room for misinterpretation.

The second correction sees to the use of risk group 1. The mentioning of Directive 2001/18/EC is incorrect because the directive does not provide a definition of a risk group. The use of the definition of the risk groups in Directive 2000/54 is not appropriate, because these risk groups only see to micro-organisms, not animals.

Because a workable definition could not be found in regulations, the proposal removes references to other regulations and includes an appropriate description for the course of this NOTE.

The third correction is to delete the phrase "closed and escape-proof" before "receptacles" because it is already explained that these receptacles shall be suitable for safely preventing both the escape of the animals and unauthorized access to them.

5. With respect to point 7 (b) of proposals of the working group:

Original text

"Genetically modified microorganisms and organisms, biological products, diagnostic specimens and intentionally infected live animals shall be assigned to this Class if they meet the conditions for this class.

The carriage of naturally infected animals is subject only to the relevant rules and regulations of the respective departure, transit and receiving states."

Proposed new text

"Genetically modified microorganisms and organisms, biological products, diagnostic specimens and [intentionally] infected live animals shall be assigned to this Class if they meet the conditions for this class.

The carriage of unintentionally infected animals is subject only to the relevant rules and regulations of the respective departure, transit and receiving states."

Justification

The new text contains an editorial correction and a suggestion for correction.

The second correction deals with the word "naturally" in the second sentence. The word "naturally" is not the real opposite of the word "intentionally" in the first sentence. Because this can easily lead to interpretation discussions, it is proposed to use the word "unintentionally".

Last but not least, by inserting the word "intentionally" in the first sentence, classification doesn't seem in alignment with the UN Model Regulations. We wonder whether the word "intentionally" is strictly necessary in the first sentence, looking to the contents of the second sentence.
