



**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****Forty-seventh session**

Geneva, 22 – 26 June 2015

Item 3 of the provisional agenda

Listing, classification and packing.**Application of the criteria for environmentally hazardous
substances to articles****Submitted by the expert from Germany¹****Introduction**

1. In its meeting in autumn 2011, based on an informal document submitted by the Swedish expert (see informal document INF.31 of the September 2011 session of the RID/ADR/ADN Joint Meeting), the RID/ADR/ADN Joint Meeting addressed the question of whether the criteria for environmentally hazardous substances were applicable also to articles. The report of the Joint Meeting (document ECE/TRANS/WP.15/AC.1/124) states the following on this issue:

"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."

2. Germany also raised this issue within the framework of the IMO Sub-Committee DSC 17 (document DSC 17/3/7) and proposed not to classify articles as marine pollutants. For this purpose, amendments to Chapter 2.10 of the IMDG Code were proposed, as there – unlike in the classification criteria – articles are mentioned. In the discussion, it was noted

¹ In accordance with the programme of work of the Sub-Committee for 2015-2016 approved by the Committee at its seventh session (refer to ST/SG/AC.10/C.3/92, paragraph 95 and ST/SG/AC.10/42, para. 15).

that this matter was a multimodal issue and Germany agreed to submit the issue to the United Nations TDG and GHS Sub-Committees (see para. 3.5 of document DSC 17/17).

3. In the meantime, the TDG Sub-Committee has addressed the issue of the classification of vehicles and engines. In the forthcoming 19th revision of the Recommendations on the Transport of Dangerous Goods, Model Regulations, there will be an entry UN 3530 ENGINE, INTERNAL COMBUSTION or MACHINERY, INTERNAL COMBUSTION which applies to internal combustion engines and machinery with fuels that meet the classification criteria for environmentally hazardous substances but not the criteria of any other class (see ST/SG/AC.10/42/Add.1). In this context, the Sub-Committee thus explicitly decided that the provisions for environmentally hazardous substances also apply to articles containing such substances. This issue also arises in connection with the discussion regarding dangerous goods in apparatus and articles.

Conclusions

4. The German expert draws the following conclusions from the above:
- (a) The criteria for environmentally hazardous substances are applicable to articles if these are vehicles and internal combustion engines and machinery that are powered by environmentally hazardous fuels.
 - (b) If these fuels only meet the criteria under 2.9.3 but are not to be assigned to any other class, vehicles are to be assigned to UN number 3166 and engines and machinery to UN number 3530.
 - (c) The criteria for environmentally hazardous substances are also applicable to articles if these are other machinery, apparatus or articles containing environmentally hazardous substances.
 - (d) If the substances contained in machinery, apparatus and articles only meet the criteria under 2.9.3 but are not to be assigned to any other class, UN number 3363 is assigned.
 - (e) For articles not to be assigned to UN 3166, UN 3528, UN 3529, UN 3530, UN 3363 or to one of the entries for machinery, apparatus and articles to be newly created, the criteria for environmentally hazardous substances need not be applied. Thus, the wording in 2.9.3 does not need to be amended.
 - (f) Whether articles which are to be assigned to UN 3166, UN 3528, UN 3529 or one of the entries for machinery, apparatus and articles to be newly created and contain environmentally hazardous substances which also meet the criteria of another class (e.g. fuel of Class 3 with environmentally hazardous properties) must additionally be declared and marked as environmentally hazardous, has to be decided by the bodies responsible for the individual modes of transport.
5. These conclusions do not have an impact on the GHS; for this reason, it is currently not necessary to involve the GHS Sub-Committee.

Proposal

6. The Sub-Committee is invited to discuss the above issues and agree on an interpretation.
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