

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

29 November 2016

Fiftieth session

Geneva, 28 November-6 December 2016

Item 8 of the provisional agenda

Programme of work for the biennium 2017-2018

Programme of work

Note by the Secretariat

1. At the 49th session, the Secretariat informed the Sub-Committee of the results of the questionnaire that had been circulated in relation to the “Evaluation of the global and regional impact of UNECE regulations and United Nations Recommendations on the transport of dangerous goods (2005-2014) (see ST/SG/AC.10/C.3/98, para. 140 and informal document INF.74 of the 49th session).
2. Since then, the Secretariat has published on the UNECE website the evaluation report drafted by a consultant, the management response relating to the consultant’s conclusions, and a progress report on follow-up action undertaken or to be undertaken (www.unece.org/info/open-unece/evaluation.html, click on “Transport”).
3. The evaluation report prepared by the consultant contained a number of recommendations or suggestions resulting from discussions between the consultant and delegations of the Sub-Committee that would have to be discussed in relation to the future programme of work since they concern the Sub-Committee rather than the Secretariat. These recommendations by the consultant are identified in the report as “secondary conclusions”. The Secretariat reproduces hereafter the relevant paragraphs of the report and, if any, of the management response.

A. Dangerous goods in mail

Consultant findings

Finding 26: Consumer issues

147 “There needs to be a better alignment with current consumer trends in online ordering, in particular, the need for exemptions of minimal quantities of dangerous goods”¹

148 Although this does appear to be an issue with goods in postal services the solution is not really in the hands of the SCETDG. Many consumer products do contain small quantities of dangerous goods and the regulations have not always addressed them but now the issue is being addressed in a number of ways:

- De minimus quantities
- Excepted quantities and
- Limited quantities

¹ Quote from an IGO questionnaire

149 It is not clear immediately what other actions could be taken by the SCETDG .

150 Many post offices now have dangerous goods rules for national transport and provide notices and leaflets on conditions for carriage.

151 The UPU international postal conditions permit certain dangerous goods in the international mail. There have been very initial discussions between UPU and ICAO to consider allowing “consumer quantities” of dangerous goods in international mail, commensurate with quantities allowed in airline passenger carry-on baggage. Such consumer commodities are likely to be addressed by the procedures above (150)

152 The SCETDG should be kept informed both because most mail will travel in vehicles but also by railways and sea and contributions from the other modes might be of assistance. Once a scheme has been identified it should be included as appropriate in the Model Regulations and the various modal documents.

Consultant conclusion

165 Secondary conclusions

Some attention needs to be given to goods in the mail whether for international or domestic post. It is sensible that UPU and ICAO take a lead on this as a good starting point for such items are the passenger allowances in the ICAO TIs. The SCETDG should be kept informed because most mail will travel not only in vehicles but also railways and ships. Once a scheme has been identified it should be included as appropriate in the Model Regulations and the various modal documents (151)

Management response

Consumer issues

(Paragraph 77) The various kinds of dangerous goods that are authorized in international transport by UPU are extremely limited. It is the understanding of the UNECE secretariat that when such international transport is authorized by UPU, it has to be in conformity with the international regulations applicable to the mode(s) of transport concerned.

Regarding the whole finding, it must be underlined that the main cooperating international organizations are missing: these are the International Maritime Organization (IMO), the International Civil Aviation Organization (ICAO) and the Intergovernmental Organization for International Carriage by Rail (OTIF). Their role is better acknowledged under finding 20.

As mentioned in paragraph 148, there are already quite a number of possible exemptions for dangerous goods packaged in small quantities, and besides this, quite a number of exemptions that are intended to deal with some situations involving non-professional carriers in a pragmatic way. Paragraphs 147 to 152 seem to be addressing the problem of delivery of dangerous goods that are ordered by individuals from internet sites. According to the UPU regulations, only very few dangerous goods may be carried internationally by postal services. For domestic postal services, it is up to each country to decide what may be offered for shipment by post. Nevertheless, it is the understanding of the secretariat that when dangerous goods are authorized for shipment by post, all relevant regulations applicable to the mode(s) of transport concerned must be complied with. Therefore, the secretariat believes that this is more a problem of enforcement than a problem of regulation.

Follow up actions and responsibilities:

Draw the attention of the ECOSOC Sub-Committee of Experts on the TDG to this recommendation

B. Customs tariffs**Consultant findings****Finding 25: Customs tariffs**

145 Many States have implemented a requirement for advance information related to the transport of cargo to be submitted to the customs authority at ports of origin and destination on security grounds. This information would be presented mainly in the form of descriptions in terms of customs tariff references for data collection purposes (dangerous goods documentation would accompany shipments but only limited data is collected through these) This information has the potential to better identify dangerous goods that are not prepared in accordance with the relevant regulations if there was improved coordination between Customs and the agencies responsible for security and safety for mutual benefit.

146 Transport security is still an important issue for many states and a closer liaison with customs administrations has been raised in the past (particularly in the air mode) and would probably be welcomed by many. Such a proposal may well be helpful but it would require an initiative from the customs side as well as the TDG/SCEGHS. The UN provisions do not correlate to the customs tariff nomenclature. Such an initiative would need to be raised by the SCETDG and then the Secretariat would need to liaise with the WCU

Consultant conclusion:

No conclusion

Management response

The secretariat does not understand very well what is meant by paragraphs 145 and 146. In accordance with relevant IMO Recommendations, most port authorities require advance (24 H) notification of dangerous goods on board before the ship may call in the port, and this notification is normally based on the information contained in dangerous goods transport documents. Some customs authorities may also require advance information in relation to customs tariffs, but the secretariat does not see the problem since the customs tariff code has also to be included in the customs documentation. If this question had to be studied by the SCETDG, it would have to be raised by a government or NGO concerned and better explained. The UN transport of dangerous goods codes are mainly intended for transport safety and emergency response, while the customs codes are mainly intended to specify the applicable customs tariff, and the criteria are different. Should this issue be raised at UN SCETDG level, the secretariat has good relationship with the secretariat of the World Customs Organization in charge of chemicals and cooperation should not be a problem once the problems, if any, have been clearly identified

C. Development of guidance for implementation**Consultant findings:****Adopting the regulations national or internationally**

134 The Model Regulations can be described as “ready-made” legislation i.e. not a great deal of extra work needs to be done to make it applicable in any territory. To

do so a country would have to establish competent authorities for the approval of certain containment systems, some classification (explosives) and deal with operational systems such as placarding vehicles and specific training for all personnel and in particular drivers. Finally any domestic regulations would have to set down an enforcement regime including penalties.

135 The UNECE have produced “ADR - Road Map for accession and implementation” this document provides an outline of certain aspects of ADR to aid governments who wish to accede to the Convention:

136 Identification of the competent authority can prove difficult. There is no comprehensive world-wide list. Such a list based on questions 19 -26 in the government questionnaire (Annex B) included as part of the Evaluation questionnaire for this project is a starting point.

137 However as identified in responses to the questionnaire a simple guide to the basic regulations and how they work on a day to day basis. Such a guide could be based on the principles set out in Paragraph 88 such a guide could be very simple and unless fundamental changes to the basic “system” are made updating would not be onerous. It could also ensure that training is essential.

Consultant conclusion

No conclusion

Management response

No response

D. Guiding principles

Consultant findings

Guiding principles²

153 About 10 years ago the SCETDG decided to ensure that future generations participating in the discussions knew how and why principal decisions were made e.g. marks and labels including their use, packing instructions when proposed how they should be constructed. Not only does it provide background material for the regulations it is also a useful training aid when students ask why certain things have occurred. Many trainers do not follow in detail or have access to the reasons for certain decisions.

This has proved a useful document over the years and the 5th edition was published in 2015.

154 A Guiding Principles document for those parts of ADR and ADN which are not addressed in the Model Regulations would be very helpful where they could explain:

- Why they have rejected or not adopted completely UN Recommendations
- Why additional provisions have been adopted (e.g. Instructions in writing, driver training etc.)and
- This would not only assist the regulators but also the users.

This principle could now be adopted by the other modes in relation to:

- Explanations of UN text that had not been adopted
- Deviations from the UN provisions

² http://www.unece.org/trans/danger/publi/unrec/guidingprinciples/guidingprinciplesrev15_e.html

Operational requirements e.g. emergency response guidelines, instructions in writing and the Emergency Schedules/Medical First Aid Guide

Consultant conclusion

Guiding principles documents (153) for the modal regulations should be produced to ensure stakeholders understand the reasons for variations and additions in modal requirements (151)

Management response

No management response

4. The Sub-Committee may wish to consider whether any of the above recommended action should be included in its work programme. It is the understanding of the Secretariat that should this be the case, the work would have to be carried out under the lead of a Member of the Sub-Committee or any other interested delegation.

5. The Sub-Committee may also wish to consider whether the evaluation report as a whole should be more closely considered in the next biennium with a view to improving the global impact of its work, if deemed necessary.
