



**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****Fifty-first session**

Geneva, 3-7 July 2017

Item 3 of the provisional agenda

Listing, classification and packing**Interpretation of special provision 366****Submitted by the expert from Germany*****Introduction**

1. In accordance with special provision 366, manufactured instruments and articles containing not more than 1 kg of mercury are not subject to the Model Regulations. For air transport, this exemption applies to instruments and articles containing not more than 15 g of mercury. Further requirements for making use of the exemptions are not stipulated.
2. The exemption is interpreted differently with regard to its scope of application. The German expert infers from the term “containing” that special provision 366 exempts instruments and articles where the mercury is enclosed in the instrument and/or article. However, if the instruments and articles are damaged in such a way, when handed over for transport, that mercury is released or if they are damaged during transport in such a way that dangerous goods are released, this is no longer covered by the exemption.

Background

3. From 1.1.1.9 of the Model Regulations it can be inferred that special provision 366 also applies to the transport of lamps containing mercury. In the March session of the Joint Meeting of the RID Safety Committee and the UNECE Working Party on the Transport of

* In accordance with the programme of work of the Sub-Committee for 2017–2018 approved by the Committee at its eighth session (see ST/SG/AC.10/C.3/100, paragraph 98 and ST/SG/AC.10/44, para. 14).

Dangerous Goods (RID/ADR/ADN Joint Meeting), a proposal to clarify the exemption for such lamps was discussed (ECE/TRANS/WP.15/AC.1/2017/9 and informal document INF.32). In Germany too, used fluorescent lamps containing mercury were, in practice, often transported unpackaged (on post pallets) or in boxes for the purpose of disposal or recycling; during these transport operations, part of the fluorescent lamps were often damaged resulting in mercury being released. Moreover, the lamp parts are also contaminated with Hg residues.¹ For this reason, Germany had assumed that in accordance with the current legal situation only lamps not damaged during transport were exempted by special provision 366 and that in all other cases 1.1.1.9 (c) of the Model Regulations was to be applied. Following discussion, the Joint Meeting agreed to first submit the question of the interpretation of special provision 366 to the Sub-Committee for decision (see report ECE/TRANS/WP.15/AC.1/146, paragraphs 24-26).

4. If the Sub-Committee agrees with the opinion that special provision 366 is not so far reaching that the release of up to 1 kg of mercury is to be accepted, the provision should be amended. The amendment should clarify that the exemption is only applicable if the mercury is permanently enclosed in the device or, in cases where this cannot be ensured by the device, if the release of solid or liquid dangerous goods including the contaminated device is prevented by an outer packaging.

Proposal

5. If the Sub-Committee agrees with the argument in paragraph 4, a wording on outer packagings similar to 1.1.1.9 (c) should be added to special provision 366:

“366 For land and sea transport, manufactured instruments and articles containing not more than 1 kg of mercury are not subject to these Regulations. For air transport, articles containing not more than 15 g of mercury are not subject to these Regulations. Damaged or defective manufactured instruments and articles shall be packed in outer packagings sufficient for preventing release of the contents under normal conditions of transport.”

¹ cf. HUG, E.; RENNER, N. (2010): Erhebung von Quecksilberkonzentrationen in Fraktionen der Leuchtmittelverarbeitung unter Berücksichtigung von Aspekten zur Probenahme und Analytik. Technische Kontrollstelle SENS. Zurich.
TESAR; DENNER (2014): Lampenbehandlung: Ist-Stand in Österreich mit besonderer Berücksichtigung der Anforderungen der Abfallbehandlungspflichtenverordnung, Zusammenfassung; UBA Vienna