



**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-second session**

Geneva, 27 November-6 December 2017

Item 7 of the provisional agenda

**Global harmonization of transport of dangerous goods
regulations with the Model Regulations****Name and description of UN 3363****Transmitted by the expert from Germany*****Introduction**

1. At its fiftieth session, the Sub-Committee accepted new provisions concerning the carriage of articles containing dangerous goods, not otherwise specified. The Joint Meeting ad hoc Working Group on the Harmonization of RID/ADR/ADN with the United Nations Recommendations on the Transport of Dangerous Goods, meeting from the 25 to 27 April 2017 in Geneva, noted that, according to the NOTE under the title of 2.0.5 of the Model Regulations, articles containing dangerous goods within the permitted limited quantity amounts specified in column (7(a) of Table A of Chapter 3.2 of ADR/RID/ADN could be carried under UN No. 3363 as indicated in special provision 301 of the Model Regulations, as “dangerous goods in machinery” or “dangerous goods in apparatus”.

2. Although, such machinery and apparatus are currently not subject to RID/ADR/ADN as they are exempted by 1.1.3.1 (b), the Working Group felt that, since new entries had been added in the Dangerous Goods List for articles containing dangerous goods, n.o.s., UN No. 3363 should be regulated and paragraph 1.1.3.1 (b) could be deleted. All possible provisions concerning UN No. 3363 were placed between square brackets for final decision by the Joint Meeting, including a draft transitional provision related to the deletion of 1.1.3.1 (b).

* 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, paragraph 14)

3. The working group proposes the following text for ADR/RID/ADN 2019:

[2.1.5 Add the following new section 2.1.5 and renumber existing 2.1.5 as 2.1.6:

“2.1.5 Classification of articles as articles containing dangerous goods, N.O.S.

NOTE: For articles which do not have an existing proper shipping name and which contain only dangerous goods within the permitted limited quantity amounts specified in Column (7a) of Table A of Chapter 3.2, see UN No. 3363 and special provisions 301 and 672 of Chapter 3.3.

2.1.5.1 Articles containing dangerous goods may be classified as otherwise provided by RID/ADR/ADN under the proper shipping name for the dangerous goods they contain or in accordance with this section.

*For the purposes of this section “article” means machinery, apparatus or **other devices** containing one or more dangerous goods (or residues thereof) that are an integral element of the article, necessary for its functioning and that cannot be removed for the purpose of carriage.*

An inner packaging shall not be an article.]

4. The representative of Germany noted that the proper shipping name for UN No. 3363: “DANGEROUS GOODS IN MACHINERY or DANGEROUS GOODS IN APPARATUS” should be extended to “**or DANGEROUS GOODS IN DEVICES**” to be in line with the new 2.1.5.1 which defines for the new entries for articles “article” as “machinery, apparatus or **other devices**”. However, the Working Group was of the opinion that this should be decided beforehand by the United Nations Sub-Committee of Experts on the Transport of Dangerous Goods and requested Germany to propose the change of the name.

5. The expert from Germany submitted informal document INF.14 for the fifty-first session of the Sub-Committee, suggesting an amendment to the proper shipper name of UN 3363. Some delegations felt that rather than adding a proper shipping name “DANGEROUS GOODS IN DEVICES” for UN No. 3363, the word “device” could also be deleted from 2.0.5.1. The question then was whether all articles containing dangerous goods defined in 2.0.5.1 could be assimilated only to “apparatus” or to “machinery”. As the deletion of the word “device” could lead to unintended consequences, no decision was taken in this respect.

6. A review of the concerned documents presented during the last biennium revealed that the term “devices” was chosen intentionally and should not be deleted from 2.0.5.1. Examples for the application of the new provisions on dangerous goods in articles were given in informal document INF.24 at the forty-seventh session and informal document INF.17 at the forty-ninth session. These examples refer among others to gearboxes and kitchen or office containers. German authorities also received requests on pistons, axes or wire coils containing dangerous goods. For these articles it is not clear whether they can be defined as machinery or apparatus though there is no objective reason to exclude such articles from the scope of the new provisions.

7. Consequentially, there are two possible ways to remove the inconsistencies between 2.0.5.1. The first option would be to amend the proper shipping name of UN 3363 in order to align it with the new entries for articles. A consequential amendment of the proper shipping name of UN 3363 was already contained in the original proposals from the United Kingdom (see ST/SG/AC.10/C.3/2015/33 and ST/SG/AC.10/C.3/2016/34), but it was dropped to avoid impact on documentation for goods which will continue to be shipped as UN 3363. The second option would be to follow the approach as presented by Germany during the last session and to add just another variation of the proper shipping name.

Proposal

Option 1:

8. Amend the name and description of UN 3363 in column (2) to read as follows:

“ARTICLES CONTAINING DANGEROUS GOODS IN LIMITED QUANTITIES, N.O.S.”

Amend SP 301 as follows:

“This entry only applies to articles containing dangerous goods as a residue or an integral element of the article. It shall not be used articles for which a proper shipping name already exists in the Dangerous Goods List of Chapter 3.2. Articles transported under this entry shall only contain dangerous goods which are authorized to be transported in accordance with the provisions of Chapter 3.4 (Limited quantities). The quantity of dangerous goods in articles shall not exceed the quantity specified in Column 7a of the Dangerous Goods List of Chapter 3.2 for each item of dangerous goods contained. If the article contains more than one item of dangerous goods, the individual substances shall be enclosed to prevent them reacting dangerously with one another (see 4.1.1.6).When it is required to ensure liquid dangerous goods remain in their intended orientation, package orientation labels meeting the specifications of ISO 780:1997 shall be affixed on at least two opposite vertical sides with the arrows pointing in the correct direction.

The competent authority may exempt from regulation articles which would otherwise be transported under this entry.

Option 2:

9. Amend the name and description of UN 3363 in column (2) to read as follows:

“DANGEROUS GOODS IN MACHINERY or DANGEROUS GOODS IN APPARATUS or DANGEROUS GOODS IN DEVICES”

Amend SP 301 as follows:

“This entry only applies to machinery, apparatus or devices containing dangerous goods as a residue or an integral element of the machinery, apparatus or device. It shall not be used for machinery, apparatus or devices for which a proper shipping name already exists in the Dangerous Goods List of Chapter 3.2. Machinery, apparatus or devices transported under this entry shall only contain dangerous goods which are authorized to be transported in accordance with the provisions of Chapter 3.4 (Limited quantities). The quantity of dangerous goods in machinery, apparatus or devices shall not exceed the quantity specified in Column 7a of the Dangerous Goods List of Chapter 3.2 for each item of dangerous goods contained. If the machinery, apparatus or device contains more than one item of dangerous goods, the individual substances shall be enclosed to prevent them reacting dangerously with one another (see 4.1.1.6).When it is required to ensure liquid dangerous goods remain in their intended orientation, package orientation labels meeting the specifications of ISO 780:1997 shall be affixed on at least two opposite vertical sides with the arrows pointing in the correct direction.

The competent authority may exempt from regulation machinery, apparatus or devices which would otherwise be transported under this entry. “