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**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****Exemption in special provision 375 for environmentally  
hazardous substances of UN Nos. 3077 and 3082****Transmitted by the expert from Switzerland\****Summary*

**Executive summary:** Is it permitted to transport dangerous goods of UN Nos. 3077 and 3082 in packagings not exceeding 5 litres or kilograms without applying the exemption in special provision 375 in Chapter 3.3? If so, the same changes are proposed for all special provisions permitting exemptions from the application of the Model Regulations.

**Action to be taken:** Amend the text of SP 375.

**Introduction**

1. The topic presented in this document has already been discussed, in December 2014 (forty-sixth session) on the basis of informal document INF.25, and leading to the introduction of new text at 2.0.0.2, as proposed in document ST/SG/AC.10/C.3/2014/74. WP.15 considered this issue at its November 2014 session. The results of the discussions can be found in paragraphs 20 and 21 of its report (ECE/TRANS/WP.15/226). The Sub-Committee confirmed the interpretation given by WP.15. This is summarized in paragraph 19 of the report on its December 2014 session (ST/SG/AC.10/C.3/92) as follows:

“19. The Sub-Committee confirmed that the application of special provision 375 was optional, i.e., that a consignor could choose not to take advantage of the

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\* 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, para. 98 and ST/SG/AC.10/44, para. 14).



exemption, in which case all the provisions for such substances had to be met. If the expert from Switzerland considered that the wording of special provision 375, or of other similar special provisions, could lead to confusion, he should submit a proposal with improved wording during the next biennium.”

2. A question regarding the application of special provision 375 in Chapter 3.3 has arisen. The question is whether companies are prohibited from transporting as dangerous goods environmentally hazardous substances of UN Nos. 3077 and 3082 that may be eligible for exemption under special provision 375.

3. Companies carry the same products in the same shipments at the same time, in packagings of less than 5 litres or kilograms capacity together with packagings of over 5 litres or kilograms. Separate handling of the same shipments according to whether the same product is exempted or not incurs extra costs for changes to IT systems and logistics management, which creates problems at all stages of the distribution chain. This applies to large companies, but the financial impact of this more complicated administration is greater on the small and medium-sized companies at the end of the transport chain.

4. In addition, the inspecting authorities’ practice is often very simple: goods that are not subject to the regulations should not be transported as dangerous goods and any indication, labelling or marking must be removed because in the event of an accident it could incur disproportionate intervention costs and make for unnecessarily complicated inspections.

5. Another point that does not help users is the description of column (6) given in Chapter 3.2:

“Column 6 “Special provisions” — this column contains a number referring to any special provision(s) indicated in 3.3.1 that are relevant to the article or substance. Special provisions apply to all the packing groups permitted for a particular substance or article unless the wording makes it otherwise apparent.”

In SP 375 the wording does not indicate that the special provision is optional, which means that the exemption stipulated in this special provision is binding.

6. In light of the discussions that took place during the biennium 2013-2014, leading to the adoption of the text in 2.0.0.2, on stricter classification than that provided for in the Regulations, by analogy and for the same reasons it would not be possible, without the approval of the competent authority, to carry dangerous goods of UN Nos. 3077 and 3082 in packagings not exceeding 5 litres or kilograms without regard to special provision 375 and applying all provisions of the Model Regulations (classification, labelling, marking, documentation, etc.)

7. In response to the Sub-Committee’s request, we submit the following proposal, which solves the particular problem relating to special provision 375 and at the same time addresses all other cases that might arise in respect of other exemptions in the Model Regulations.

8. We have decided not to follow the suggestion put forward in the report of the December 2014 session, namely to analyse all the other exemptions in the Model Regulations one by one, because to do that one has to know, for each shipment, the specific context that warrants the non-application of the exemption. Just as it is left up to the consignor to properly classify goods as dangerous goods, it seems equally appropriate to give the consignor the responsibility of dispatching as dangerous goods, subject to all the provisions of the Regulations, goods that the Model Regulations define as dangerous but that are simultaneously exempted under a special provision.

9. It may be that the general solution put forward in proposal 1 (a) has no effect in most cases under Chapter 3.3, or that it creates confusion in some cases. We therefore submit another proposal, 1 (b), which applies only to UN Nos. 3077 and 3082.

**Proposal 1 (a)**

10. Add the following sentence at the end of 2.0.0.1:

“In the case of consignments of dangerous goods eligible for exemption from these Regulations, a consignor is authorized to dispatch them without regard to any exemptions that may be provided for elsewhere in these Regulations and applying all other provisions of the Regulations.”

**Proposal 1 (b)**

11. Amend the text of SP 375 as follows (added text appears in bold and underlined, deleted text is shown in strikethrough):

“These substances, when carried in single or combination packagings containing a net quantity per single or inner packaging of 5 l or less for liquids or having a net mass per single or inner packaging of 5 kg or less for solids, ~~are not subject to any other provisions~~ **may be exempt from all other provisions** of the present Regulations provided the packagings meet the general provisions of 4.1.1.1, 4.1.1.2 and 4.1.1.4 to 4.1.1.8.”

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