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**Economic Commission for Europe**

Inland Transport Committee

**Working Party on the Transport of Dangerous Goods**

**Joint Meeting of the RID Committee of Experts and the**

**Working Party on the Transport of Dangerous Goods 3 March 2017**

Bern, 13–17 March 2017

Item 6 of the provisional agenda

**Reports of informal working groups**

Further information and draft proposal related to paper ECE/TRANS/WP.15/AC.1/2017/14

Transmitted by the European Industrial Gases Association (EIGA)

Introduction

1. Paper ECE/TRANS/WP.15/AC.1/2017/14 explained that a submission to the DOT would be made by the Compressed Gases Association (CGA) in the first quarter of 2017. This would request for suitable amendments to be made to 49 CFR to create in the USA use and freedom of carriage for cylinders conforming to RID/ADR similar to that conferred on DOT cylinders under MLA 299.

2. The key part of the text proposed by CGA for inclusion in the USA regulations is reproduced here.

“Pressure receptacles that are marked with a pi mark in accordance with the European Directive 2010/35/EU on transportable pressure equipment (TPED) and that comply with the requirements of Packing Instruction P200 and 6.2.2 of ADR concerning pressure relief device (PRD) use, test period, filling ratios, test pressure, maximum working pressure, and material compatibility for the lading contained or gas being filled, are authorized as follows:

(i) Filled pressure receptacles imported for intermediate storage, transport to point of use, discharge, and export without further filling;

(ii) Pressure receptacles imported for the purpose of filling, intermediate storage, and export;”

A copy of the complete CGA submission is shown on pages 3 to 6 of this paper.

Comments on the CGA proposal

3. The Contracting Parties which have signed MLA 299 have all incorporated the European Directive 2010/35/EU into their national law, so restricting the application of these provisions to pressure receptacles complying with this Directive does cover countries which find a need to import gases in DOT cylinders. Pi-marked pressure receptacles have been entering the EU market for more than 10 years so there is a sufficient supply for this small volume trade with the USA.

4. The proposal covers pressure receptacles imported for the purpose of filling and exporting. This is not a feature of MLA 299 since in the opinion of EIGA exporting of filled DOT pressure receptacles is a matter for IMDG or the ICAO Technical Instructions. If EIGA members needed to fill DOT pressure receptacles it would obtain approval from the maritime or aeronautical competent authority for the export journey and the land part of that journey would be the covered by 1.1.4.2 of RID/ADR/ADN. EIGA would welcome comments on this if our understanding is incorrect.

5. The process of establishing this amendment as USA federal law will take some time, but EIGA asks the Joint Meeting to consider how the principles of MLA 299 might be incorporated into the RID/ADR/ADN. A draft proposal is given below to facilitate this discussion.

Draft Proposal

6. EIGA Suggests that the most appropriate place for this text is in section 1.1.4 –***Applicability of other regulations*** of RID/ADR/ADN as follows.

1.1.4.6 (*Reserved)* (ADR only)

1.1.4.7 Notwithstanding 6.2.3.4, 6.2.3.5, 6.2.3.6, 6.2.3.7, 6.2.3.8 and 6.2.3.9 [of ADR *(ADN only)*] gases and liquids listed in the tables of 4.1.4.1 P200 [of ADR or RID *(ADN only)*] imported in accordance with 1.1.4.2 in refillable pressure receptacles approved by the United States of America Department of Transportation may be carried from the location of the temporary storage to the end-user under the following conditions:

a) When imported from a non-ADR contracting party/non-RID member state/non-ADN contracting party, the conformity of the pressure receptacles to this sub-section shall be verified and recorded by the consignor. The verification record shall be kept for five years to allow for inspection by the competent authority and shall include the identification of the pressure receptacles, the name of the person making the verification and the date.

b) The pressure receptacles shall be marked and labeled in accordance with Chapter 5.2.

c) All relevant requirements [of ADR or RID *(ADN only)*] with regard to filling ratios and periodic testing frequency shall be fulfilled.

d) When the pressure receptacles are empty or when the end-user has no further use for the gas or liquid, the pressure receptacles shall not be refilled and shall be returned to the country from which they were imported.

e) The consignor for the ADR/RID/ADN journey shall include the following entry in the transport document:

“Carriage in accordance with 1.1.4.7".







