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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-fifth session**

Geneva, 1–5 July 2019

Item 3 of the provisional agenda

**Listing, classification and packing**

**Carriage of packagings for disposal or recycling**

**Transmitted by the expert from Switzerland\***

*Summary*

**Executive summary:** Introduce a general rule authorizing the transport of empty packagings, including empty intermediate bulk containers (IBCs) and large packagings, for disposal, recycling or recovery of their material, even if they are not in compliance with the provisions of the Model Regulations.

**Action to be taken:** Amend the text of 4.1.1.11.

**Related documents:**

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\* In accordance with the programme of work of the Sub-Committee for the biennium 2019–2020 approved by the Committee at its ninth session (see ST/SG/AC.10/C.3/108, para. 141, and ST/SG/AC.10/46, para. 14).



## Introduction

1. The transport for disposal or recycling of packagings that have contained or contain dangerous goods and that do not meet the requirements of 4.1.1.3 is not authorized by the Model Regulations.
2. Expired packagings cannot be transported for disposal with the markings and in the conditions of transport for the dangerous goods that they contain or have contained. When large quantities of such expired packagings are shipped, it is not always in the user's interest to reclassify the shipments under UN No. 3509, PACKAGINGS, DISCARDED, EMPTY, UNCLEANNED. Users may choose to transport them in the conditions of transport applicable to the goods that the receptacle contains or contained, provided the packaging meets all the Regulations' requirements. Even if the user chooses to reclassify the shipment under UN No. 3509, there is nothing in the Model Regulations that specifies that the transport of empty, uncleaned packagings that do not meet the requirements of 4.1.1.3 is authorized under that entry number.
3. The example of the entry UN No. 3509, PACKAGINGS, DISCARDED, EMPTY, UNCLEANNED and special provision 374, which is assigned to it, is a step in the right direction, but the texts as they stand do not offer a solution for packagings that are not in compliance. According to special provision 374, the entry is intended for the transport of packagings, large packagings or intermediate bulk containers (IBC), or parts thereof, which have contained dangerous goods, other than radioactive material, which are transported for disposal, recycling or recovery of their material, other than reconditioning, repair, routine maintenance, remanufacturing or reuse, and which have been emptied to the extent that only residues of dangerous goods adhering to the packaging parts are present when they are handed over for transport.
4. While it refers to the authorization of the competent authority, the text of special provision 374 does not exempt packagings from having to comply with the other provisions of the Model Regulations for the approval, testing and inspection of packagings. The words "or parts thereof" are, in this context, difficult to understand, as it would seem impossible for part of a packaging to meet a design type specification and to pass tests and inspections. We must thus conclude that the intention was to permit the carriage of packagings that no longer comply with the Model Regulations, for the purpose of their disposal.
5. If the authors' intent was to permit the carriage of packagings for disposal without their meeting the requirements of the Model Regulations, then rather than implying that meaning in the phrasing ("parts thereof"), it would seem more appropriate to say so directly in the Model Regulations, without expecting the competent authorities to go beyond the scope of what is allowed by the Model Regulations.
6. Thus, both in the case of UN No. 3509 and in the case mentioned above, where transport is carried out under the entry for the product that is or was originally contained, it would seem necessary to authorize the transport of the packagings for disposal as well, even if they do not comply with the regulatory provisions. If this is not done, such transport will still be subject to special authorizations, which does nothing to facilitate the disposal of expired packagings. In respect of the transport of empty, uncleaned packagings in accordance with the provisions applicable to the dangerous goods that they originally contained, it does not appear necessary to require the prior authorization of the competent authority for such transport, as called for in special provision 374 in the case of UN No. 3509, provided, however, that certain risks are excluded.
7. If the experts consider it useful to permit this type of transport, we propose introducing it as a general rule for all packagings, taking up the approach already introduced in provision 374. Given that there are certain risks that should not be covered by this possibility, we have adopted the approach drawn up for UN No. 3509 in ADR special provision 663, where a series of risks and hazard classes are automatically excluded.

## Proposal

8. Amend 4.1.1.11 to read as follows (new text **underlined in bold**); deleted text in ~~strikethrough~~:

“4.1.1.11 **Carriage of uncleaned empty packagings, including empty IBCs and large packagings, that have contained a dangerous substance**

4.1.1.11.1 Empty packagings, including IBCs and large packagings, that have contained a dangerous substance are subject to the same requirements as those for a filled packaging, unless adequate measures have been taken to nullify any hazard.

4.1.1.11.2 **It is not necessary for the provisions of 4.1.1.3 to be met for packagings, large packagings or intermediate bulk containers (IBCs), or parts thereof, that have contained dangerous goods and that are transported for disposal, recycling or recovery of their material, provided they have been emptied so that they contain only residues of dangerous goods adhering to the packaging parts when they are handed over for transport and are in compliance with the following provisions:**

- **Residues present in the packagings, discarded, empty, uncleaned shall only be of dangerous goods of Class 3, of Divisions 4.1, 5.1 and 6.1, and of Classes 8 or 9. In addition, they shall not be:**
- **Substances assigned to packing group I or that have “0” assigned in Column (7a) of the Dangerous Goods List; nor**
- **Substances classified as desensitized explosive substances of Class 3 or Division 4.1; nor**
- **Substances classified as self-reactive substances of Division 4.1; nor**
- **Radioactive material; nor**
- **Asbestos (UN No. 2212 and UN No. 2590), polychlorinated biphenyls (UN No. 2315 and UN No. 3432) and polyhalogenated biphenyls, halogenated monomethyldiphenylmethanes or polyhalogenated terphenyls (UN No. 3151 and UN No. 3152); and**
- **Packagings, discarded, empty, uncleaned with residues presenting a risk or a subsidiary risk of Division 5.1 shall not be packed together with other packagings, discarded, empty, uncleaned, or loaded together with other packagings, discarded, empty, uncleaned in the same container, vehicle or bulk container;**
- **Documented sorting procedures shall be implemented on the loading site to ensure compliance with the applicable provisions.”**

9. Amend special provision 374 as follows (added text **underlined in bold**):

“374 This entry may only be used [, as authorized by the competent authority,] for packagings, large packagings or intermediate bulk containers (IBCs), or parts thereof, **which are not transported** for reconditioning, repair, routine maintenance, reconstruction or reuse, **in the conditions set out in 4.1.1.11.2.**”

*(Note: The bracketed words “[, as authorized by the competent authority]” are apparently unnecessary in the context of ADR since the proposed texts take up the full content of ADR special provision 663.)*