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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-seventh session**

Geneva, 30 November-8 December 2020

Item 7 of the provisional agenda

**Global harmonization of transport of dangerous goods   
regulations with the Model Regulations**

Use of footnotes in the Model Regulations

Submitted by the International Maritime Organization (IMO)[[1]](#footnote-2)

Introduction

1. The thirty-second session of the Editorial and Technical Group (E&T) of the Sub‑Committee on Carriage of Cargoes and Containers (CCC) met from 16 to 20 September 2019 and was chaired by Mr. Steven Webb (United States of America).

2. The E&T Group provided an update on the work done to complete draft amendment 40-20 of the International Maritime Dangerous Goods (IMDG) Code (see informal document INF.27 of the fifty-sixth session). After consideration, the Sub-Committee, at its fifty-sixth session, agreed that for any decisions to be taken based on this report, a formal proposal to a future session would be required.

3. One of the actions undertaken by the E&T Group was a comprehensive review of all the footnotes contained in the IMDG Code. The group was instructed to perform this review by its parent CCC Sub-Committee, noting advice from the Maritime Safety Committee and the secretariat that authentic texts of IMO instruments do not include footnotes, and that regulatory requirements should not appear in footnotes to the IMDG Code.

4. It should be noted that the authentic texts of IMO instruments are the legally binding versions of documents that are often to be incorporated by reference into national legislation and thus the legal basis for utilizing and enforcing the IMDG Code requirements in many states. Thus, it is very important that regulatory requirements do not appear in footnotes.

5. Before embarking on the review, the E&T Group had a discussion on the method of work and agreed, in general, to:

(a) retain a footnote when containing references to other instruments;

(b) inform UNTDG about a footnote when containing regulatory text found in the UN Model Regulations;

(c) delete a footnote when containing outdated transitional references;

(d) update a footnote if appropriate; and

(e) move text in a footnote to the appropriate regulatory part of the IMDG Code if the footnote contains IMDG Code-specific regulatory requirements.

6. After the comprehensive review of the footnotes and based on the above principles, the Group agreed to include the corresponding amendments into the draft amendment (40‑20) to the IMDG Code.

7. This document proposes changes to the UN Model Regulations, where indicated, based on the methodology provided above. New text is shown as underlined and proposed text for deletion is shown in strikethrough below.

Proposals

8. The Sub-Committee is invited to consider the proposals below, noting that footnotes in the IMDG Code are not considered part of the authentic text and are therefore not carried over in many states’ national incorporation process, and make, if appropriate, the corresponding amendments.

Proposal 1

9. In 1.4.3.2.3 delete the footnotes and revise the paragraph to read as follows:

“For radioactive material, the provisions of this chapter are deemed to be complied with when the provisions of the Convention on Physical Protection of Nuclear Material~~1~~ (INFCIRC/274/Rev.1, IAEA, Vienna (1980)) and the IAEA circular on The Physical Protection of Nuclear Material and Nuclear Facilities~~2~~ (INFCIRC/225/Rev.4 (Corrected), IAEA, Vienna (1999)) are applied.

~~1~~ ~~INFCIRC/274/Rev.1, IAEA, Vienna (1980).~~

~~2~~ ~~INFCIRC/225/Rev.4 (Corrected), IAEA, Vienna (1999)~~.”

Justification

10. The footnote provides information that helps the user make a determination of compliance with regulatory requirements. This information is better suited to be within the regulatory text and would facilitate the requirement carrying over to the authentic text of the IMDG Code. It is worth noting that informal document INF.27 (fifty-sixth session) or the IMO secretariat inquired if the most recent version of the standard (INFCIRC/274/Rev.1/Mod.1) referenced in footnote 1 of this section should be incorporated, but confirmation is still required.

Proposal 2

11. In 5.4.1.5.9.2, 5.4.1.5.15, 6.1.3.8 (h), 6.2.2.7.2 (c), 6.2.2.7.4 (n), 6.2.2.7.7 (a), 6.2.2.9.2 (c), 6.2.2.9.4 (a), 6.3.4.2 (e), 6.4.23.11 (a), 6.5.2.1.1.5, 6.6.3.1 (e), 6.7.2.18.1, 6.7.3.14.1, 6.7.4.13.1, 6.7.5.11.1 and 6.9.5.5.1 (e) delete the footnote concerning the “Distinguishing sign of the State of registration used on motor vehicles and trailers in international road traffic, e.g. in accordance with the Geneva Convention on Road Traffic of 1949 or the Vienna Convention on Road Traffic of 1968” and create a new definition for distinguishing sign used on vehicles in international road traffic in section 1.2.1 to read as follows:

*“Distinguishing sign used on vehicles in international road traffic* means a sign in accordance with the Geneva Convention on Road Traffic of 1949 or the Vienna Convention on Road Traffic of 1968.”

Justification

12. The footnote is replicated 17 times in the UN Model Regulations and can be addressed through a definition once. Such an amendment would facilitate the defining criteria for this phrase being carried over to the authentic text of the IMDG Code.

Proposal 3

13. Amend the second paragraph of 5.4.1.6.1 to read as follows:

“I hereby declare that the contents of this consignment are fully and accurately described ~~above~~~~4~~ herein by the proper shipping name, and are classified, packaged, marked and labelled/placarded, and are in all respects in proper condition for transport according to applicable international and national government regulations.”

~~“~~~~4~~ ~~or below”~~

Justification

14. The footnote provides an acceptable alternative to a regulatory requirement (i.e., specific text). These regulatory alternatives are better addressed in regulatory text. Using a more general term such as “herein” covers scenarios where the information required is located either above or below the certification on the transport document. If this is undesirable because of the need for changes to existing preprinted documents or possible software updates, it should be considered if the text from the footnote could be made a note instead.

Proposal 4

15. In 6.2.4.3 (c) amend to read as follows:

“For pharmaceutical products according to (a)(i) and (iii) above, they are manufactured under the authority of a national health administration. If required by the competent authority, the principles of Good Manufacturing Practice (GMP) established by the World Health Organization (WHO)~~3~~ shall be followed (see WHO publication: Quality assurance of pharmaceuticals. A compendium of guidelines and related materials. Volume 2: Good manufacturing practices and inspection).”

~~“~~~~3~~ ~~Refer to WHO publication: Quality assurance of pharmaceuticals. A compendium of guidelines and related materials. Volume 2: Good manufacturing practices and inspection.”~~

Justification

16. While contingent on the competent authority (CA) making use of the document a requirement, if the CA does make such a determination, then the reference is more appropriately placed within the regulatory text. The placement of the reference should have no impact on shippers or carriers but would facilitate the reference carrying over to the authentic text of the IMDG Code.

Proposal 5

17. In 6.7.2.20.1, 6.7.3.16.1, 6.7.4.15.1, and 6.7.5.13.1 replace each instance of footnote “3” with “the unit shall be indicated” and delete existing footnote “3”.

Justification

18. Each instance of footnote “3” requires the user to indicate the correct unit of measure (e.g., bar gauge or kPa gauge) on various data plates for portable tanks or MEGCs. This information is regulatory in nature and is better suited for inclusion within the section and would facilitate the requirement carrying over to the authentic text of the IMDG Code.

Proposal 6

19. In 6.7.3.8.1.1 delete footnote “4” and move existing footnote text to the end of the section to read as follows:

“*Note: This formula applies only to non-refrigerated liquefied gases which have critical temperatures well above the temperature at the accumulating condition. For gases which have critical temperatures near or below the temperature at the accumulating condition, the calculation of the pressure-relief device delivery capacity shall consider further thermodynamic properties of the gas (see, e.g. CGA S-1.2-2003 Pressure Relief Device Standards – Part 2 – Cargo and Portable Tanks for Compressed Gases).*”

Justification

20. The information noted in the footnote is required for the user to make a determination on the applicability of the formula to their shipment. Moving the text from a footnote to a note should have no impact on shippers or carriers but would facilitate the information and associated reference carrying over to the authentic text of the IMDG Code.

Proposal 7

21. In 7.1.5.3.2(b) (7.3.7.2.3 of the IMDG Code) delete the footnote to read as follows:

“(b) The self-accelerating decomposition temperature (SADT) or the self-accelerating polymerization temperature (SAPT)~~1~~determined for the substance (with or without chemical stabilization) as offered for transport is:

(i) 50°C or less for single packagings and IBCs; or

(ii) 45°C or less for portable tanks.

When chemical inhibition is not used to stabilize a reactive substance, which may generate dangerous amounts of heat and gas, or vapour, under normal transport conditions, these substances need to be transported under temperature control. These provisions do not apply to substances which are stabilized by the addition of chemical inhibitors such that the SADT or the SAPT is greater than that prescribed in paragraphs 7.3.7.2.3.2.1 or 7.3.7.2.3.2.2.

~~1~~ ~~The SAPT shall be determined in accordance with the test procedures established for the SADT for self-reactive substances in accordance with part II, section 28 of the Manual of Tests and Criteria~~.”

Justification

22. The definition of self-accelerating polymerization temperature in section 1.2.1 already contains this exact wording and applies to any use of the term.

1. 2020 (A/74/6 (Sect.20) and Supplementary, Subprogramme 2) [↑](#footnote-ref-2)