

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

Bern, 16-20 March 2020

Item 5 (b) of the provisional agenda

Proposals for amendments to RID/ADR/ADN:

new proposals

12 February 2020

Container/vehicle packing certificate

Transmitted by the Government of the Netherlands

Introduction

1. During the spring session of the Joint Meeting in 2019 the Netherlands raised in informal document INF.15 the issue of the obligation for containers according to section 5.4.2 of RID/ADR/ADN to provide the container/vehicle packing certificate with the transport document. This obligation applies when carriage of dangerous goods in a container precedes a voyage by sea. The container/vehicle packing certificate ensures that the operation of packing or loading dangerous goods in the container is fully in accordance with section 5.4.2 of the IMDG Code.

2. The Netherlands concluded in informal document INF.15 that the container/packing certificate could not be considered as a safety improving measure for the carriage of dangerous goods for inland modes, because such a certificate is not necessary when a subsequent voyage by sea will not take place.

3. Further, it is also possible to distribute the certificate directly to the maritime carrier. The loader or the packer who is responsible for drafting the certificate can provide directly the maritime carrier with the certificate by using electronic data processing (EDP) or electronic data interchange (EDI) techniques and is not obliged to send it together with the transport document as mentioned in section 5.4.2 of RID/ADR/ADN.

4. The Joint Meeting agreed in principle with the proposal by the Netherlands to delete the requirement to provide the container/packing certificate with the transport document during the inland transport part of a container's journey (see the report of the Joint Meeting, ECE/TRANS/WP.15/AC.1/154, para. 48). The Netherlands has offered to submit a document with possible suggestions based on this discussion.

Considerations

5. A possibility to amend section 5.4.2 in RID/ADR/ADN is to provide on a voluntary basis the container/vehicle certificate with the transport document when the carriage of dangerous goods in a container precedes a voyage by sea. This is the same approach as for carriage of dangerous goods in a vehicle if such a vehicle precedes a voyage by sea. This is mentioned in the last paragraph of section 5.4.2. This option is proposed in proposal 1.

6. Another possibility to clarify this issue is to amend section 5.4.2 in such a way that it is clearly mentioned that the "container/vehicle packing certificate" shall be provided to the maritime carrier by those responsible for packing the container. This option is proposed in proposal 2.

7. The provision in the second paragraph in section 5.4.2 unnecessarily excludes the use of electronic data processing (EDP) or electronic data interchange (EDI) techniques for

transmitting the "container/vehicle packing certificate". Because it is proposed not to provide the certificate with the transport document the second paragraph in section 5.4.2 also become superfluous and can be deleted as is proposed in proposal 3.

8. Because of the proposed amendment in section 5.4.2 the container/vehicle certificate is not mandatory to be carried on the transport unit with other transport documents and the relevant requirement in section 8.1.2.1 has become superfluous and can be deleted as it is proposed in proposal 4.

9. Finally, a stringent approach could be considered whereby the requirements for and the cross references to the "container/vehicle packing certificate" are completely deleted from RID/ADR/ADN. If so, it is proposed to delete sections 5.4.2, 5.4.5 (Example of a multimodal dangerous goods form) and the cross references in the relevant (sub)sections as it is proposed in proposals 4 to 10.

10. The Netherlands has a slight preference for proposal 1 and the amended provisions in proposals 3 and 4, because the amended provision for containers in proposal 1 is not mandatory and it is in line with the current provisions for vehicles in section 5.4.2.

11. The Joint Meeting is invited to give their opinion on this approach, the proposals for amending RID/ADR/ADN and to express their preference to modify RID/ADR/ADN. The Netherlands would be willing to submit an official document with proposals for the next meeting according to the outcome of this discussions.

Proposals

12. Amend the first paragraph of section 5.4.2 in RID/ADR/ADN (new text is in bold underlined print and deleted text is stricken trough):

Proposal 1

If the carriage of dangerous goods in a container precedes a voyage by sea, a "container/vehicle packing certificate" conforming to section 5.4.2 of the IMDG Code^{5,6} ~~shall~~ **may** be provided with the transport document.

Proposal 2 (alternative for proposal 1)

If the carriage of dangerous goods in a container precedes a voyage by sea, a "container/vehicle packing certificate" conforming to section 5.4.2 of the IMDG Code^{5,6} shall be provided ~~with the transport document~~ **to the maritime carrier by those responsible for packing the container.**

13. Amend the second paragraph of section 5.4.2 in RID/ADR/ADN (deleted text is stricken trough):

Proposal 3 (delete the second paragraph)

~~"The functions of transport document required under 5.4.1 and of the "container/vehicle packing certificate" as provide above may be incorporated into a single document; if not, these documents shall be attached one to the other. If these functions are incorporated into a single document, the inclusion in the transport document of a statement that the loading of the container or vehicle has been carried out in accordance with the applicable modal regulations together with the identification of the person responsible for the "container/vehicle packing certificate" shall be sufficient."~~

14. Amend subsection 8.1.2.1 (a) in ADR and subsection 8.1.2.1 (b) in ADN (deleted text is stricken trough):

Proposal 4

The transport documents prescribed in 5.4.1 covering all the dangerous goods carried ~~and, when appropriate, the container/vehicle packing certificate prescribed in 5.4.2;~~

15. Delete the provisions in sections 5.4.2 and 5.4.5 in RID/ADR/ADN and amend these sections as is proposed in proposal 5:

Proposal 5

5.4.2 *(Deleted)*

5.4.5 *(Deleted)*

16. Amend subsection 1.1.4.2.2 in ADN (NOTE only), 1.1.4.2.3 in RID/ADR and the subsections 1.4.2.2.2, 3.4.1 (e) and 5.1.5.4.2 (c) in RID/ADR/ADN (deleted text is stricken through):

Proposal 6

ADN : 1.1.4.2.2 (NOTE only)

NOTE: For carriage in accordance with 1.1.4.2.1, see also 5.4.1.1.7. ~~For carriage in containers, see also 5.4.2.~~

Proposal 7

RID/ADR: 1.1.4.2.3

For carriage in a transport chain including maritime or air carriage, the information required under 5.4.1 ~~and 5.4.2~~ and under any special provision of Chapter 3.3 may be substituted by the transport document and information required by the IMDG Code or the ICAO Technical Instructions respectively provided that any additional information required by ADR is also included.

NOTE: For carriage in accordance with 1.1.4.2.1, see also 5.4.1.1.7. ~~For carriage in containers, see also 5.4.2.~~

Proposal 8

RID/ADR/ADN: 1.4.2.2.2

The carrier may, however, in the case of 1.4.2.2.1 (a), (b), (e) and (f), rely on information and data made available to him by other participants. ~~In the case of 1.4.2.2.1 (c) he may rely on what is certified in the "container/vehicle packing certificate" provided in accordance with 5.4.2.~~

Proposal 9

RID/ADR/ADN: 3.4.1 (e)

Part 5, 5.1.2.1(a) (i) and (b), 5.1.2.2, 5.1.2.3, 5.2.1.10, ~~5.4.2;~~

Proposal 10

RID/ADR/ADN: 5.1.5.4.2 (c)

The requirements of ~~5.4.2~~ and 5.4.4 shall apply.

Justification

17. Safety: the amendments in the (sub)sections and the cross references do not enhance safety of the transport.

18. Feasibility: it promotes and clarifies the practicability of the provisions.
