



## Problems met by the professionals of hazardous waste in interpreting ADR and FEAD PROPOSALS/COMMENTS for possible solutions

(Results of FEAD Task Force ADR meeting, 25.10.2005, Brussels)

	THEMES	Existing regulation		Other national specific legislation Specific interpretation in different countries			FEAD PROPOSALS and/or COMMENTS
	Problems met by the professionals of hazardous waste in interpreting ADR	ADR (in annex A and B of ADR or in multilateral agreement)	Commission decision of 4 march 2005	Germany	France / Belgium	Austria	
1	<b>Simplified classification criteria</b>	<b>No specific classification for waste:</b> rules for classification criteria of each danger class or rules for mixing must be used	<b>Sweden (RO – LT 14.1)</b> Instead of classifying hazardous waste according to ADR, it is assigned to different waste groups (only used for the carriage of hazardous waste from <i>public recycling sites</i> to hazardous waste disposal plants)	none	Derogation 4-2002 (B)	simplified assignment to a certain UN-number is possible as proposed in the Austrian proposal of Multilateral Agreement M 172 (by notification from authorities)	<b>PROPOSAL:</b> As far as sufficient and adequate information are available an assignment of a certain dangerous waste to the respective UN-Number should be made. Where a classification is not possible due to the special nature of "waste" FEAD agrees to the proposed simplified classification criteria's in the Austrian proposal for multilateral agreement <b>M 172</b>
2	<b>Differences in classification between "HAZARDOUS WASTE" and "DANGEROUS GOODS"</b>	New paragraph <b>2.1.3.9</b> <i>"Wastes that do not meet the criteria for classification in classes 1 to 9 but are covered by the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal may be carried under UN Nos. 3077 or 3082."</i>					<b>COMMENT:</b> What does this new paragraph exactly mean? Does it mean that in the case of numerous different wastes of different classes, UN 3077 or 3082 can be used?

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3	Transport of hazardous waste containing dangerous goods in non UN tested packaging, expired packaging or in damage packaging	Paragraph 4.1.1.18 <i>"Damaged, defective, leaking or non-conforming packages, or dangerous goods that have spilled or leaked may be carried in salvage packaging mentioned in 6.1.5.1.11. This does not prevent the use of a bigger size packaging of appropriate type and performance level under the conditions of 4.1.1.18.2."</i>		none	In France, in certain cases, retention packaging that is non UN tested (over packs) but that meet good technical requirements are used.  Derogation 4-2002 in Belgium	In Austria the use of not-tested packaging for waste containing dangerous goods is principally allowed (through notification by the federal state authority) for certain UN-numbers of class II and III; the used not-tested packaging have to be in compliance with the protection provisions of section 4.1.1. of ADR; so the packaging has to meet good technical requirements. For dangerous goods of packaging group I tested packaging have to be used.	<p><b>PROPOSAL:</b> The use of UN-tested IBC/boxes/ASP to secure barely damaged or not tested packaging instead of "UN-Overpackagings should be allowed.</p> <p><b>PROPOSAL:</b> On principle the use of not tested or expired packaging for dangerous wastes of class III should be discussed, if their condition, contents and manner of carriage do not endanger the compliance with the protection provisions of section 4.1.1 of ADR (for instance facilitations according to the Austrian proposal of Multilateral Agreement M 172 or Belgium derogation 4-2002)</p>
4	Admixture of other material by mistake (that is the main problem in transport of dangerous goods in waste management and the main classification problem).	no regulations in ADR					<p><b>PROPOSAL:</b> Agreement to the Austrian proposal for Multilateral agreement M 172 (chapter 2.2)</p>

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5	<b>Uncleaned empty packaging</b>	Paragraph 4.1.1.11 "Empty packaging, including IBC's and large packaging, 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."	<b>Belgium (RO – SQ 1.2)</b> Indication on the transport document "uncleaned empty packages having contained products of different classes"			Uncleaned empty packaging, which are closed and which have no pollutions outside, are completely excluded from ADR-provisions; uncleaned empty packaging which are not closed and with pollutions outside are allowed to be transported in bulk with an adequate ventilation (by notification from the authority)	<p><b>PROPOSAL for following derogations from ADR:</b></p> <p><b>1. Marking of uncleaned empty packaging:</b> Uncleaned empty packaging don't need to have the same marking and labels as in filled condition; not every empty package needs to have the proper label and safety data sheet.</p> <p><b>2. Transport document:</b> a sufficient distinctive general description of the dangerous load or of a part of it concerned may be indicated instead of specifications according to 5.4.1.1.1.(e) ADR, without indication the number of items (as proposed in chapter 6.3 of the Austrian proposal of Multilateral Agreement M 172)</p> <p><b>COMMENT:</b> the transport in bulk of uncleaned empty packaging is allowed since ADR 2005</p>
6	<b>New paragraph 4.1.1.19 on the testing of chemical compatibility of plastic packaging</b>	Paragraph 4.1.1.19 " Verification of the chemical compatibility of plastics packaging, including IBC's, by assimilation of filling substances to standard liquids"					<b>PROPOSAL:</b> Requirements of more practicable regulations to ensure the compatibility. The producers of packaging have to deliver more precise information.

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7	Household dangerous waste		<p><b>Denmark (RO – SQ 2.1)</b> Packaging containing wastes or residues of dangerous substances collected from households and certain enterprise for the purpose of disposal Derogation from the provisions concerning classification, marking, and labelling, documentation and training</p> <p><b>Netherlands (RO – LT 10.1 to 10.12)</b> Every prescription of ADR concerning identification, packaging, documentation, vehicles, formation are adapted to the particular case of the household dangerous waste</p>	Exception No. 20, grouping of dangerous waste in 15 groups, based on their chemical behaviour	No such specific legislation in <b>France</b>  Derogation 4-2002 in <b>Belgium</b>	simplified assignment to a certain UN-number is possible as proposed in the Austrian proposal of Multilateral Agreement M 172 (by notification from authorities)	<b>PROPOSAL:</b> As far as sufficient and adequate information are available an assignment of a given dangerous waste to the respective UN-Number should be made. Where a classification is not possible due to the special nature of "waste" FEAD agrees to the proposed simplified classification criteria's in the Austrian proposal for multilateral agreement M 172 and Belgian derogation 4-2002
8	Batteries	New <b>special provision 636</b> and <b>packing instruction P903b</b> for collection of used lithium batteries, together with used non-lithium batteries : simplified packing instruction in order to be applicable			In <b>France</b> , professionals think that using plastic packaging is not very good (if a fire occur, the plastic melt and the consequences are worse). An alternative would be using metal drums with inner plastic bag.		<b>PROPOSAL:</b> Special provision 636 should be applied in general for all battery transports within the waste industry, not just between merchant and collector, but only if lithium batteries are collected together with other batteries; Separated lithium batteries should be transported according to ADR

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9	Aerosols	Classification of aerosols : UN 1950 with packing instruction P902		Transport of waste aerosols according to exception No. 20. Aerosols with caps and possibly binder in UN-tested packaging with ventilation valve according to chapter 4.1.1.8 ADR	<b>Multilateral agreement M115</b> authorize transport of used aerosols in a full load in IBC type 11A/X or 11A/Y	Aerosols of UN-Number 1950 of all classification codes are allowed to be transported in bulk with adequate ventilation without caps (by notification from the authority)	<b>PROPOSAL:</b> Agreement to Austrian proposal of Multilateral Agreement M172 (chapter 4.1) according to carriage of aerosols of all classification codes in bulk without caps with adequate ventilation
10	Waste from care activity: UN 2840		<b>France (RO-SQ 6,2)</b> Specific dispositions for vehicles Exemption from the requirements of the ADR for the transport of waste from care activity (UN 3291) with a mass less than 15 kg		In France, this kind of waste has a specific treatment and the system is well organized. Specific UN tested packaging are used		<b>COMMENT:</b> Germany has made a proposition to WP15 joint meeting group to exclude in certain condition waste from care activity to the prescription of ADR (TRANS/WP15/AC1/2005)
11	Dangerous goods transport document	Paragraph 5.4.1.1.3 Special provisions for wastes "If waste containing dangerous goods (other than radioactive wastes) is being carried, the UN number and the proper shipping name shall be preceded by the word "WASTE", unless this term is part of the proper shipping name,"			Derogation 4-2002 in <b>Belgium</b>	Derogations from ADR as proposed in the Austrian proposal in the Multilateral Agreement M 172 are applied (by notification from the authority)	<b>PROPOSAL:</b> Agreement to Austrian proposal of Multilateral Agreement M172 (chapter 6) to use the proper waste name instead of the technical name for n.o.s.-positions. The quantity of the dangerous goods may be estimated.

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12	Transport of PCB-containing waste (UN 2315 and 3432) with more than 1000 ppm PCB in bulk	Not allowed according to regulations of ADR 2005					<b>PROPOSAL:</b> Integration of PCB-containing waste to UN 3077 or 3082 according to 67/548/EWG (environmentally hazardous substances)
13	Marking of packages - labels on packaging: very often it is not possible to fix them on the packaging.	chapter 5.2 ADR					<b>PROPOSAL:</b> Agreement to Austrian proposal for Multilateral agreement M 172 (chapter 5) according that the labels may be attached to the package as prescribed in 5.2.2.1.6 ADR last sentence, including in such cases, where the requirements specified in the provisions referred to are not met.
14	Marking of packages - indicating the UN-Number in the lower half of the danger label should be possible.	chapter 5.2 ADR					<b>PROPOSAL:</b> Agreement to Austrian proposal for Multilateral agreement M 172 (chapter 5) according that the marking indicating the UN-number may also appear in the lower half of the danger label