

OTIF



**ORGANISATION INTERGOUVERNEMENTALE POUR
LES TRANSPORTS INTERNATIONAUX FERROVIAIRES**

**ZWISCHENSTAATLICHE ORGANISATION FÜR DEN
INTERNATIONALEN EISENBahnVERKEHR**

**INTERGOVERNMENTAL ORGANISATION FOR INTER-
NATIONAL CARRIAGE BY RAIL**

OCTI/RID/CE/41/6c)

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RID: 41st Session of the Committee of Experts on the Transport of Dangerous Goods
(Meiningen, 15 - 18 November 2004)

Subject: 1.10.4

Suggestion transmitted by the Secretariat of OTIF

SUMMARY

Explanatory summary:

In contrast to RID 1.10.4, ADR 1.10.4 also prescribes exemptions from the security provisions for the carriage of limited quantities in tanks and in bulk.

Measure:

Align the wording of RID 1.10.4.

Related documents:

United Kingdom document TRANS/WP.15/2004/30 for WP.15 (see Annex)
WP.15 reports TRANS/WP.15/176 (Geneva, 19 – 23 January 2004) and TRANS/WP.15/179 (Geneva, 3 – 7 May 2004) (see extracts in document)

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The wording adopted for 1.10.4 of the 2005 edition of RID is as follows:

"The provisions of 1.10.1, 1.10.2 and 1.10.3 do not apply when the quantities in each wagon or large container are not greater than those referred to in 1.1.3.6."

In contrast, the wording of 1.10.4 adopted for the 2005 edition of ADR is as follows:

"In accordance with the provisions of 1.1.3.6, the requirements of 1.10.1, 1.10.2, 1.10.3 and 8.1.2.1 (d) do not apply when the quantities carried in packages on a transport unit do not exceed those referred to in 1.1.3.6.3. In addition, the requirements of 1.10.1, 1.10.2, 1.10.3 and 8.1.2.1 (d) do not apply when the quantities carried in tanks or in bulk on a transport unit do not exceed those referred to in 1.1.3.6.3."

While the RID Committee of Experts adopted the RID/ADR Joint Meeting's decision, for ADR WP.15 also adopted a relieving provision for the carriage of limited quantities in tanks and in bulk (see 1.10.4, second sentence). Amongst other things, this was done on the false premise that RID 1.1.3.6.3 related to carriage in tanks and in bulk as well as to carriage in packages. This error of interpretation is based on the fact that the Table in 1.1.3.6.3, which was originally included under 1.1.3.1 (c) and was therefore applicable to packages, was moved as a result of the paragraphs being renumbered to align with ADR and was taken out of its context. 1.1.3.1 (c) does in fact include a reference to 1.1.3.6.3, but 1.1.3.6.3 did not include a reference to 1.1.3.1 (c). In the German version, this was corrected in a corrigendum dated 31 January 2004.

The RID Committee of Experts is asked to check whether the relieving provision referred to should also be implemented for rail transport. RID 1.10.4 would then read:

1.10.4 "The provisions of 1.10.1, 1.10.2 and 1.10.3 do not apply when the quantities carried in packages in a wagon or large container do not exceed those referred to in 1.1.3.6.3. In addition, the provisions of 1.10.1, 1.10.2, 1.10.3 do not apply when the quantities carried in tanks or in bulk in a wagon or container do not exceed those referred to in 1.1.3.6.3."

If the RID Committee of Experts is not able to agree to this wording, this matter will have to be referred to the RID/ADR/ADN Joint Meeting to be dealt with jointly for all European land transport modes.

Provisions concerning security

Document: TRANS/WP.15/2004/30 (United Kingdom)

34. The representative of the United Kingdom proposed that new paragraph 1.10.4 adopted at the previous session should be deleted because the Joint Meeting had not made provision for exempting from security provisions substances carried in bulk or in tanks in smaller quantities than specified in 1.1.3.6. He considered that the decision to exempt these substances had been taken in a concern to ensure harmonization with the provisions of RID adopted in November 2003, but in his opinion the table in 1.1.3.6.3 of RID did not concern transport in bulk or in tanks, and consequently the interpretation of the decisions of the RID Committee of Experts by the Working Party in January 2004 was incorrect.
35. The representative of OCTI said that in principle 1.1.3.6 3 of RID applied only to the carriage of packages.
36. It was recalled that the Working Party's decision in January 2004 had been a conscious one taken after lengthy discussion bearing in mind the spirit of the decision taken by the RID Committee of Experts (see TRANS/WP.15/176, para. 25*). In RID, 1.10.4 referred to the exemption thresholds of 1.1.3.6.3 of RID and there was no provision in this reference for distinguishing between carriage in packages, in bulk or in tanks.
37. The United Kingdom's proposal was put to the vote but was not adopted.

* Paragraph 25 of report TRANS/WP.15/176:

On the proposal of the representative of Switzerland, the Working Party agreed to add a paragraph 1.10.4, as in RID, in order to exempt from the application of 1.10.1, 1.10.2, 1.10.3 and 8.1.2.1 (d) carriage in tanks or in bulk in quantities smaller than those set out in 1.1.3.6.3 (see annex 1).

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Working Party on the Transport of Dangerous Goods
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agenda item 5)

PROPOSALS FOR AMENDMENTS TO ANNEXES A AND B OF ADR

Security

Transmitted by the Government of the United Kingdom

Introduction

The United Kingdom proposes that the new paragraph 1.10.4 adopted at the January 2004 meeting of WP.15 be deleted to maintain harmony with RID and ensure a consistent approach for road and rail in relation to the exemption thresholds for security provisions as agreed at the Joint Meetings held in September and October 2003.

Proposal

Delete the text of the new paragraph 1.10.4, provisionally adopted for the 2005 edition of ADR, and enter (Reserved) against it, to maintain the paragraph numbering system.

Background and Justification

At its sessions in September and October 2003, the Joint Meeting decided that the new security provisions in 1.10.1, 1.10.2 and 1.10.3 did not apply when the quantities of dangerous goods carried in packages in each transport unit/wagon or large container, were not greater than those referred to in 1.1.3.6.

Originally the text proposed for ADR for this exemption was the same as for RID in a new 1.10.4 as follows:

“1.10.4 The provisions of 1.10.1, 1.10.2 and 1.10.3 do not apply when the quantities in each wagon or large container (RID)/transport unit (ADR) are not greater than those referred to in 1.1.3.6”

The usual way of dealing with exemptions linked to the quantities referred to in 1.1.3.6 in ADR, is by including the relevant provision in an indent in 1.1.3.6.2.

So, for ADR, it was subsequently decided for consistency to use this same approach in relation to security, i.e. reference to chapter 1.10 was added to 1.1.3.6.2. This also confirmed the Joint Meeting’s intention that the exemption for RID and ADR was applicable only to dangerous goods in packages and not to carriage in tanks or in bulk.

At the RID Committee of Experts meeting in November 2003, there was no proposal to amend this or discussion of the nature of the exemptions in relation to the new security provisions. The Committee of Experts adopted the text of 1.10.4 as agreed by the Joint Meeting as reproduced above.

To remove any possible ambiguity in RID, the United Kingdom is putting forward a proposal to the next RID Committee of Experts meeting in November 2004.

As well as the new security provisions (1.10.4), reference is made to the exemption thresholds in 1.1.3.6/1.1.3.6.3 in the context of the appointment of a safety adviser (1.8.3.2(a) in ADR and 1.8.3.2(b) in RID) and exemption related to the nature of the transport operation (1.1.3.1(c)), where as in ADR, the quantities relate to dangerous goods in packages.

To make the RID text clearer, the proposal is that reference is made in the title to 1.1.3.6 and the text of 1.1.3.6.3 and 1.1.3.6.4 to “dangerous goods in packages”.