

OTIF



**ORGANISATION INTERGOUVERNEMENTALE POUR
LES TRANSPORTS INTERNATIONAUX FERROVIAIRES**

**ZWISCHENSTAATLICHE ORGANISATION FÜR DEN
INTERNATIONALEN EISENBAHNVERKEHR**

**INTERGOVERNMENTAL ORGANISATION FOR INTER-
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Subject: Interpretation of RID/ADR

Communication from the Secretariat of OTIF

This document summarizes the questions of interpretation of RID/ADR/ADN which the UN/ECE Secretariat first submitted to the last Joint Meeting in document INF. 18 and then to the last meeting of WP.15 in document INF. 9. Owing to the lack of time, informal document INF. 18 could not be dealt with at the last Joint Meeting. As the UN/ECE Secretariat was of the view that these problems mainly concern ADR, it submitted informal document INF. 9 to WP.15.

Below are listed the questions of interpretation from informal document INF. 18 and INF. 9 and following each of them are the results of the discussion in WP.15, where they are of relevance to RID.

Marking of packages

Certain RID/ADR special provisions (e.g. 633) require additional markings on packages which are not required for other modes of transport. The question has been asked whether such marking was required prior to or following maritime/air carriage.

Paragraph 17 of the report of the last WP.15:

The additional marking required by RID or ADR (e.g. in accordance with special provision 633) was not necessary if the package was marked in accordance with the IMDG Code or the ICAO Technical Instructions.

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Limited quantities

The question has been asked whether dangerous goods carried in accordance with the limited quantities provisions of the IMDG Code or the ICAO Technical Instructions are accepted under ADR/RID, as limited quantities (i.e. fully exempted from other RID/ADR provisions), prior to or following maritime/air carriage.

Paragraphs 18 to 21 of the report of the last WP.15:

Marking according to ADR of packages containing dangerous goods in limited quantities was not necessary if the package carried the IMDG Code or ICAO Technical Instructions marking for limited quantities.

A problem arose, however, when the IMDG Code or the ICAO Technical Instructions completely exempted these limited quantities from marking or a transport document, since such exemptions were not permitted by ADR. Furthermore, the exemption of 1.1.4.2.1 was not valid for substances of classes 1 to 8 considered as non-dangerous in the IMDG Code or the ICAO Technical Instructions.

The representative of FEA said that where maritime transport was concerned, the container would in any case carry "LIMITED QUANTITIES" placards. It was therefore suggested that these unmarked packages should be accepted for ADR carriage by road when the containers or vehicles carried such placards.

The Working Party did not reach a consensus on this issue which could only be settled on the basis of a written proposal.

Excepted quantities/consumer commodities

The question has been asked whether dangerous goods carried in accordance with the excepted quantity provisions of the ICAO Technical Instructions (Part 1, Chapter 2, section 2.4) may be carried under RID/ADR prior to or following air carriage.

The question has been asked whether dangerous goods classified as "Consumer commodities, ID number 8000, Class 9" for air transport, although they should normally be classified under a UN number in classes 1 to 9 of RID/ADR, may also be carried in the same conditions prior to or following air carriage.

Paragraphs 22 and 23 of the report of the last WP.15:

The marking/labelling of packages in accordance with the ICAO Technical Instructions for excepted quantities or consumer commodities could replace ADR marking/labelling, but this exception was not valid for classification and the transport document must contain the particulars prescribed by ADR for the substances in question.

The representatives of Norway and Denmark expressed a reservation concerning the acceptance of packages marked and labelled in accordance with the ICAO Technical Instructions applicable to consumer commodities for road transport in their countries.

Aquatic pollutants

According to the last sentence of 1.1.4.2.1, the "derogation does not apply in the case of goods classified as dangerous goods in classes 1 to 8 of ADR and considered as non-dangerous goods according to the applicable requirements of the IMDG Code or the ICAO Technical Instructions.

For the secretariat, this sentence is misleading, because if goods are not dangerous according to the IMDG Code or the ICAO Technical Instructions, the conditions of paragraphs a), b) and c) cannot be met and therefore the derogation cannot apply. It has perhaps the merit to clarify the situation for goods of classes 1 to 8 but may lead to different interpretations for goods of Class 9, in

particular for transport of aquatic pollutants prior to or following air transport.

The secretariat notes that all Class 9 UN numbers of RID/ADR are subject to the IMDG Code and the ICAO Technical Instructions, and therefore Class 9 RID/ADR dangerous goods are also subject to the IMDG Code and the ICAO Technical Instructions.

The question has been asked whether, on the basis of this sentence, a substance meeting the aquatic pollutant criteria of RID/ADR but not listed as marine pollutant in the IMDG Code may be exempted from RID/ADR prior to or following maritime carriage.

Paragraphs 24 to 27 of the report of the last WP.15:

Substances known to meet the criteria of 2.3.5 must be carried in the conditions applicable to UN Nos. 3077 or 3082 prior to or following air transport. This was not in contradiction with the ICAO Technical Instructions which provided for that situation.

Packages, containers and tank-containers marked "marine pollutants" in accordance with the IMDG Code prior to or following a maritime transport operation were accepted for carriage by road.

A member of the secretariat said that substances known to meet the criteria of 2.3.5 for aquatic pollutants should, prior to or following a maritime transport operation, be carried either according to the conditions of ADR for UN Nos. 3077 or 3082, or according to the IMDG Code for the same items. In his opinion, a substance that satisfied the existing criteria of 2.3.5 also satisfied the criteria of annex III of the MARPOL Convention and the IMDG Code for marine pollutants, even if the substance was not named as a marine pollutant in the IMDG Code.

The secretariat considered that the last sentence of 1.1.4.2.1 should be simplified so as to apply to all substances that were considered dangerous according to ADR but were not considered dangerous for air or maritime transport. There was, however, no consensus on this question.

Prevention of theft

The Working Party of WP.15 considered that there were no problems of possible interpretation of the intention of the provisions of 1.10.3.3. The phrase "to prevent the theft of the vehicle ... **or** its cargo ..." should be taken to mean "to prevent the theft of the vehicle ... **and of** its cargo...". In the example proposed by Germany, both the vehicle **and** the cargo should be secured and the text of 1.10.3.3 should be corrected.
