Subject: Special provision for empty means of containment, uncleaned, which are not subject to RID 1.1.3.5

Proposal transmitted by Sweden

Introduction

1. This document tries to resolve two issues for carriers. First, the procedure for reporting the UN numbers for empty uncleaned packagings to the railway infrastructure manager. Second, the extra cost for adapting computer programs for electronic data techniques when different special or additional provisions in section 5.4.1 have to be followed.

2. 1.4.2.2.5 requires that the carrier must ensure that the railway infrastructure manager is able to obtain at any time during carriage rapid and unrestricted access to, among other details, the UN numbers of the dangerous goods carried.

3. For empty means of containment, uncleaned, which contain the residue of dangerous goods of classes other than Class 7, the words "EMPTY, UNEANLINED" or "RESIDUE, LAST CONTAINED" shall be indicated before or after the UN No., proper shipping name, the label model number and packing group. This is in line with both the UN Recommendations and the IMDG Code.

4. However, according to 5.4.1.1.6.2 the special provision of 5.4.1.1.6.1 (sentence above) may be replaced with the provisions of 5.4.1.1.6.2.1 or 5.4.1.1.6.2.2, as appropriate.
5. E.g. for empty packagings, uncleaned, the particulars according to 5.4.1.1.1 (a) to (f) and (j) may be replaced with "EMPTY PACKAGING", "EMPTY RECEPIACLE", "EMPTY IBC" or "EMPTY LARGE PACKAGING", as appropriate, followed by the information of the goods last loaded, as described in 5.4.1.1.1 (c), i.e. the label number(s). The example given in 5.4.1.6.2.1 is "EMPTY PACKAGING, 6.1 (3)". In other words, the UN number is not to be indicated in the transport document.

6. Therefore, if the consignor follows the provisions in 5.4.1.6.2.1 it is not possible for the carrier to give information on the UN number to the railway infrastructure manager.

7. For empty means of containment other than packagings, uncleaned, the UN number has to be included in the transport documentation, therefore the carrier can supply the railway infrastructure manager with the UN number.

8. Also, the carriage of excepted quantities (Chapter 3.5) is exempted not only from the provisions of 5.4.1.1.1, but also from Chapter 1.4. Therefore, this group needs no further consideration.

9. Belgium raised a similar topic during the 47th session (informal document INF.8) and it was further discussed during the 48th session (documents OTIF/RID/CE/2010/2, OTIF/RID/CE/2010/4 and informal document INF.5) of the RID Committee of Experts. This led to a duty for the carrier to inform the railway infrastructure manager of the UN numbers for LQs only if the wagons or large containers had to be marked in accordance with Chapter 3.4.

10. The other problem concerning computer programs also relates to the absence of UN numbers. These programs are designed to handle the general information required in the transport document but not special or additional provisions. The use of telematics as an aid to or instead of paper documentation is a desired development in the transport of dangerous goods.

11. However, to fulfill provisions such as 5.4.1.6.2.1, excluding information from the particulars mentioned in 5.4.1.1.1 creates extra costs for the development of computer programs, which often exceed the income from such transport operations. As a result, a fictitious UN number is filled in when it is not obtained from the consignor.

12. Harmonisation with other transport modes is often given as an argument. The IMDG-Code still requires the four elements in 5.4.1.1.1 (a) to (d) to be in the transport document, including for empty packagings, uncleaned.

13. There are several ways to resolve these two problems e.g:

   – 5.4.1.6.2.1, which is in contradiction with 1.4.2.2.5 and 1.4.3.6, can be amended in such a way that the special provision of 5.4.1.6.2.1 may be replaced by a similar text as in 5.4.1.6.2.2, i.e. the particulars in 5.4.1.1.1 (a) to (d) are preceded by type of packaging.

   – 5.4.1.1.6.2.1 is deleted and also deleted from the sentence in 5.4.1.6.2.

   – 1.4.3.6 can be amended in such a way that empty, uncleaned packagings are exempted. However, this only resolves one of the issues.

   – A contract between the carrier and the consignor can regulate the information on UN numbers carried but this does not resolve the contradiction between 1.4.3.6 and 5.4.1.1.6.2.1.

14. Sweden prefers proposal 1 below. If the standing working group is also of the opinion that 5.4.1.1.6.2.1 should be amended, Sweden would be prepared to submit a document to the RID/ADR/ADN Joint Meeting.
Proposal 1

15. Amend 5.4.1.1.6.2.1 to read as follows (changes underlined or crossed out):

"5.4.1.1.6.2.1 For empty packagings, uncleaned, which contain the residue of dangerous goods of classes other than Class 7, including empty uncleaned receptacles for gases with a capacity of not more than 1000 litres, the particulars according to 5.4.1.1.1 (a) to (b), (c), (d), (e), (f) and (i) are preceded by replaced with "EMPTY PACKAGING", "EMPTY RECEPTACLE", "EMPTY IBC" or "EMPTY LARGE PACKAGING", as appropriate, followed by the information of the goods last loaded, as described in 5.4.1.1.1 (c). Moreover, paragraph 5.4.1.1.1 (f) and (j) shall not apply.

See example as follows: "EMPTY PACKAGING, UN 1098 ALLYL ALCOHOL, 6.1 (3), I".

In addition, in such a case, if the dangerous goods last loaded are goods of Class 2, the information prescribed in 5.4.1.1.1 (c) may be replaced by the number of the class "2".

Proposal 2

16. Amend sub-section 1.4.3.6 to read as follows (changes underlined or crossed out).

"1.4.3.6 Railway infrastructure manager

In the context of 1.4.1, the railway infrastructure manager has in particular the following obligations. The railway infrastructure manager

(a) shall ensure that internal emergency plans for marshalling yards are prepared in accordance with Chapter 1.11;

(b) shall ensure that he has rapid and unrestricted access to the following information at any time during carriage:

– composition of the train by indicating the number of each wagon and the wagon type if this is not included in the wagon number,

– UN numbers of the dangerous goods being carried in or on each wagon, or

– if only dangerous goods packed in limited quantities in accordance with Chapter 3.4 are being carried, information indicating their presence when marking of the wagon or large container in accordance with Chapter 3.4 is required, or

– if empty packagings, uncleaned, according to 5.4.1.1.6.2.1 are being carried, only information indicating their presence is required,

– position of each wagon in the train (wagon order).

This information shall only be disclosed to those parties that require it for safety, security or emergency response purposes.

NOTE: The arrangements by which the data are provided shall be laid down in the rules for using the railway infrastructure."
Justification

17. Safety: No problems are foreseen.

Feasibility No problems are foreseen.

Enforceability: No problems are foreseen.

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