

## COMMITTEE OF EXPERTS ON THE TRANSPORT OF DANGEROUS GOODS AND ON THE GLOBALLY HARMONIZED SYSTEM OF CLASSIFICATION AND LABELLING OF CHEMICALS

Sub-Committee of Experts on the Transport of Dangerous Goods

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### GUIDING PRINCIPLES FOR THE MODEL REGULATIONS Comments to ST/SG/AC.10/C.3/2006/86 of the United Kingdom

Transmitted by the expert from Belgium

#### **Introduction**

In his document ST/SG/AC.10/C.3/2006/86, the expert of the United Kingdom has taken into account most of the remarks made by Belgium to the previous version of this paper (ST/SG/AC.10/C.3/2006/48). Some difficulties, however, remain.

#### **Points of discussion and proposals**

1. The numbering system used in these guiding principles is difficult and confusing (especially in part 4), mainly because it mixes the reference numbers of the model regulations to which the guiding principles apply (part 1 to 7) with others, that are specific to the guiding principles themselves (part I to IV in part 4).

Belgium proposes to align the numbering within part 4 as much as possible to the one used in the model regulations, as follows:

#### Part 4. Packing and tank provisions

##### 4.1. Packing provisions

- A. Basic principles for developing packing instructions for the model regulations
- B. Rationalised approach for the assignment of IBC packing instructions to substances of classes 3, 4, 5, 6, 8 and 9

##### 4.2. Guidelines for assigning portable tank requirements to substances listed in the dangerous goods list

- A. General guidelines
- B. Guidance for groups of substances based on class or division, packing group and subsidiary risk
- C. Guidelines for assigning portable tank special provisions (TP notes) to individual substances

##### 4.3. Use of Bulk Containers

2. The guidance given on the significance of the indicative list in table 1.4.1 (high consequence dangerous goods for security reasons) could lead to serious problems. It would be detrimental to international transport if competent authorities can consider, at will, that some substances, which are not in the indicative list, are nevertheless high consequence dangerous goods. Moreover, the indicative list should (and to the opinion of Belgium does) contain all dangerous goods that need to be envisaged. If not, the missing substances should be included in the indicative list itself.

Belgium therefore proposes to change the last sentences of Part 1, Chapter 1.4 – security from “*An indicative list of such substances is included in Table 1.4.1 as guidance. It is open to competent authorities to add or remove substances from such a list depending on their own national circumstances or the perceived level of threat at any particular time, but it is suggested that the current list of substances offers sound guidance on the minimum applicability of such measures.*” into “*An indicative list of such substances is included in Table 1.4.1. This list offers sound guidance on the applicability of such measures in general, but it is open to competent authorities to remove substances from it, depending on their own national circumstances or the perceived level of threat at any particular time.*”

3. When discussing document ST/SG/AC.10/C.3/2006/15 of Austria on the assignment of responsibilities to persons involved in the transport of dangerous goods, it became clear that the Model Regulations should not deal with responsibilities (implying liabilities) ; instead, they ought to provide guidance on who has to do what (cfr. ST/SG/AC.10/C.3/58, points 109-112). To reflect this, Belgium proposes to change the last sentence of paragraph 5 of part 0 (the principles for the work on reformatting) from “*The regulations should also identify responsibilities*” to “*The regulations should also provide guidance for the assignment of responsibilities to parties involved in the transport of dangerous goods by international and national legislators.*”
4. The general guidelines for assigning portable tank requirements to substances (part 4, 3, part I) are rather confusing. They state that (the subsequent) Part II of the guidelines provide guidance for assigning minimum thicknesses and minimum test pressures, but the derogation in the next sentence refers not to this Part II, but to the portable tank instructions in 4.2.5.2.6 without saying so. “

For the sake of clarification, Belgium proposes the following editorial change: “Granular or powdered solid substances of packing groups II or III may be transported in tanks with minimum shell thicknesses of 5 mm in the reference steel regardless of the tank diameter when 6.7.2.4.2 of the Model Regulations on the Transport of Dangerous Goods is specified in the portable tank instructions in 4.2.5.2.6 relevant to a given substance.”

5. As it is stated explicitly, the Guiding Principles are developed as an aide memoire for the regulators that develop the provisions of the UN Model Regulations from revision to revision. A lot of text, taken directly from the Model Regulations, does not serve this purpose and is not necessary for the Guiding Principles to be readily understood. As there is disagreement on whether or not the Guiding Principles should repeat text that is already present in the model regulations, a decision in principle on this topic should be taken. A lot of text in the “Principles for the work on reformatting the recommendations on the transport of dangerous goods into a model regulation” is only of interest to historians, and should be eliminated in any case, independent of the outcome of the decision in principle. The

text of these “Principles” is repeated below, with the parts proposed for elimination being barred :

~~Reference was made above to the re-formatting of the UN Recommendations as Model Regulations. The following is a reproduction of a paper outlining the reasons for the re-formatting and the principles to be followed in the re-formatting (ST/SG/AC.10/21, Annex 6). The re-formatted version was adopted by the Sub-Committee in 1996 and was approved by the Economic and Social Council.~~

**“PRINCIPLES FOR THE WORK ON REFORMATTING THE RECOMMENDATIONS ON THE TRANSPORT OF DANGEROUS GOODS INTO A MODEL REGULATION**

- ~~1. The 9<sup>th</sup> edition of the Recommendations on the Transport of Dangerous Goods should be revised in the form of a model regulation.~~
- ~~2. The purposes of *presenting* ~~revising~~ the Recommendations on the Transport of Dangerous Goods into the form of a model regulation are as follows:~~
  - (a) to provide a basis for internationally harmonized regulations governing the multimodal transport of dangerous goods, and in doing so, enhance the international harmonization already attained through the current Recommendations;
  - (b) to “recommend” the Recommendations on the Transport of Dangerous Goods to modal organizations, regional bodies and national governments (in particular those governments considering the development of national regulations affecting the transport of dangerous goods) in a form that can be adopted with little or no modification directly into modal, regional or national regulations.
  - ~~(c) 3. The goals of this effort are to improve the understanding of dangerous goods transport regulations affecting international transport and in doing so, improve compliance and dangerous goods transport safety and facilitate the international transport of dangerous goods.~~
- ~~4. Noting the purpose in 2(b) the model regulation should be in a simplified form that is understood by users of the modal dangerous goods regulations, for example in a form similar to the ICAO Technical Instructions for the Safe Transport of Dangerous Goods by Air.~~
5. Whenever possible, a clear distinction should be made between general requirements (i.e. marking, labelling, documentation and packing requirements) and technical requirements (i.e. specifications and test requirements for packagings, Intermediate Bulk Packagings (IBCs) and tanks). [The regulations should also identify responsibilities.]
- ~~6. In order to provide the greatest international consistency, the model rule should be as comprehensive as possible. For example, the provisions of the current Recommendations should be expanded to include provisions prescribing specific types of packagings and Intermediate Bulk Packagings (IBCs) (defined in Chapter 9 and Chapter 16).~~
7. If areas or requirements needing substantial changes are identified ~~in the course of the work~~, they should be brought to the attention of the Sub-Committee (including if appropriate, proposed solutions).
8. Specifications for single mode transport units (i.e. rail tank cars, tank vehicles) and modal

specific operational requirements should in general not be provided in the model regulation. However, provision for their insertion by modal, regional or national authorities should be made (i.e. additional columns in the Table of dangerous goods).

~~9. The model regulation should provide a level of safety equivalent to that provided by the current Recommendations.~~

~~10. Representatives from all modes of transport should participate.~~

~~11. Existing efforts to restructure regulations such as those of the Working Group on restructuring RID/ADR (see ST/SG/AC.10/R.449), existing documents (INF.40 and Add.1) and existing modal regulations should be taken into account."~~

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