

Economic Commission for Europe

Inland Transport Committee

Working Party on the Transport of Dangerous Goods

Joint Meeting of the RID Committee of Experts and the
Working Party on the Transport of Dangerous Goods

20 February 2019

Bern, 18-22 March 2019

Item 5 (b) of the provisional agenda

**Proposals for amendments to RID/ADR/ADN:
new proposal**

Section 7.1.7 of ADR/ADN: Special provisions applicable to the carriage of self-reactive substances of Class 4.1, organic peroxides of Class 5.2 and substances stabilized by temperature control (other than self-reactive substances and organic peroxides)

Transmitted by the Government of Germany

Summary

- Executive summary:** Section 7.1.7, which has been incorporated into ADR and ADN with effect from 1 January 2019, combines various obligations regarding the technical maintenance of cargo transport units under temperature control as well as possible emergency procedures that were previously regulated in various chapters of the codes. Here, the question has arisen of which obligations fall on the different parties involved.
- Action to be taken:** Deliberate the proper assignment of obligations; identify the need for consequential amendments for ADR 2021 and ADN 2021.
- Related documents:** Document ECE/TRANS/WP.15/AC.2/68 (report of the 33rd session of the ADN Safety Committee), paragraphs 37 to 39. Document ECE/TRANS/WP.15/AC.2/2019/6 (Germany) as well as document ECE/TRANS/WP.15/AC.2/70 (report of the 34th session of the ADN Safety Committee), paragraphs 39-41.

1. Germany would like to inform that the ADN Safety Committee in its 34th session in Geneva from 21 to 25 of January 2019 addressed the question of whom the obligations combined in section 7.1.7 of ADN/ADR regarding the carriage of self-reactive substances of Class 4.1, organic peroxides of Class 5.2 and substances stabilized by temperature control (other than self-reactive substances and organic peroxides) fall to. In particular, these are obligations in connection with the technical control and maintenance of cargo transport units

and the implementation of emergency procedures in the event of a failure of temperature control.

2. In its document ECE/TRANS/WP.15/AC.2/2019/6, Germany made a provisional assignment of obligations to the loader, consignor and carrier, based on chapter 1.4 of ADN, see Annex. Furthermore, Germany proposed a new stowage requirement to position the cargo transport units in the hold of an inland waterway vessel in such a way that technical maintenance can be carried out easily and alarms are readily perceivable in the wheelhouse.

3. In the course of the discussion, differing views in particular with a view to the selection of and information on the refrigeration system including emergency procedures in the event of a failure of the refrigeration system became apparent.

4. The participating representative of CEFIC stated from the point of view of the consignors that these did not have any influence over the selection of the CTUs used for a particular transport operation and did not have any knowledge of the technology of these CTUs for carriage under temperature control nor of the individual transport route and the refrigerant suppliers along this route. What is more, besides the consignor and the carrier, freight forwarders were often also involved. This is why the consignor could not be assigned any obligations in connection with the technical control and maintenance of the CTUs during carriage. Rather, it should be considered to assign the technical obligations mentioned in section 7.1.7, in particular sub-section 7.1.4.7, to the operator of the CTUs in question.

5. While the participating representatives of the inland navigation sector (EBU, ESO) at first did not see any problems with the proposed assignment of obligations to the carrier, the question arose in the further course of the discussion of whether the visual and audible alarms envisaged in paragraph 7.1.7.4.2 were to be signal horns and alarm lights or rather alarm systems that send the alarms electronically/digitally to the wheelhouse.

6. Germany is of the opinion that the questions raised do not only need to be answered for carriage by inland waterway vessel but also for carriage by road and that goods of the carrier are often carried multimodally on the road and later or previously also by inland waterway vessel. Therefore, Germany would like to ask the Joint Meeting to discuss this issue and to decide whether the assignment of obligations as presented within the ADN Safety Committee can be confirmed or whether other enterprises involved in the carriage also need to be assigned obligations.

Annex



Economic and Social Council

Distr.: General
29 October 2018
English
Original: French

Economic Commission for Europe

Inland Transport Committee

Working Party on the Transport of Dangerous Goods

Joint Meeting of Experts on the Regulations annexed to the European Agreement concerning the International Carriage of Dangerous Goods by Inland Waterways (ADN) (ADN Safety Committee)

Thirty-fourth session

Geneva, 21–25 January 2019

Item 5 (b) of the provisional agenda

Proposals for amendments to the Regulations annexed to ADN:

Other proposals

Section 7.1.7 of ADN — Special provisions applicable to the carriage of self-reactive substances of Class 4.1, organic peroxides of Class 5.2 and substances stabilized by temperature control (other than self-reactive substances and organic peroxides)

Transmitted by the Government of Germany***

Summary

Executive summary:	At its thirty-third session, the Safety Committee adopted a new section 7.1.7 for inclusion in ADN 2019 as part of the process of harmonization with ADR. Germany had raised a number of concerns during the session regarding the proper assignment of the obligations arising from 7.1.7 and was invited to present an official proposal for the thirty-fourth session.
Action to be taken:	Agree a common understanding of the obligations arising from 7.1.7 Supplement the obligations of the consignor in 1.4.2.1.1

* Distributed in German by the Central Commission for the Navigation of the Rhine in document CCNR-ZKR/ADN/WP.15/AC.2/2019/6.

** In accordance with the programme of work of the Inland Transport Committee for 2018–2019 (ECE/TRANS/2018/21/Add.1, cluster 9.3).

Related documents:

Add a mandatory requirement for documentation to 7.1.7.4.2
Add a new stowage requirement “HA11” to 7.1.6.14
Informal document INF.12 (Germany) from the thirty-third session;
ECE/TRANS/WP.15/AC.2/68 (Report of the thirty-third session of the
ADN Safety Committee, paras. 38 and 39)

Introduction

1. Subsection 7.1.7.4 places specific obligations on enterprises participating in the carriage of temperature controlled cargo transport units. The German delegation is of the view that it is not sufficiently clear to which participating enterprises these obligations fall. At the thirty-third session of the Safety Committee, some delegations recommended that the assignment of obligations could be documented with a confirmed interpretation by the ADN Safety Committee.
2. After the thirty-third session, the German delegation followed up on that recommendation, consulting with the delegation of the Netherlands on a common understanding of the assignment of the obligations arising from 7.1.7.
3. It was noted that most of the obligations established under 7.1.7.4 could be assigned to specific enterprises right away, without any specific mention of them in Chapter 1.4. Some obligations, however, would have to be spelled out in the list in Chapter 1.4. This assignment of obligations and the corresponding proposals for amendment are presented in the table below.
4. Because temperature controlled freight containers must, for instance, at all times be accessible on board to allow for temperature checks and, if necessary, repairs to refrigeration systems, a proposal has been made to introduce an additional stowage requirement in ADN and to make it applicable to certain UN numbers.
5. The requirements under 7.1.4.4.4 concerning connecting electric cables have been deemed suitable for the refrigeration systems described in 7.1.7.4.5.

Assignment of obligations

6. Germany invites the ADN Safety Committee to consider and approve its proposal for the assignment of the obligations deriving from 7.1.7 and to make the proposed amendments to Chapter 1.4.

<i>Section</i>	<i>Obligation</i>	<i>Enterprise responsible</i>	<i>Assignment of obligations</i>
7.1.7.4.1	(a) Thorough inspection of the cargo transport unit prior to loading;	Loader	1.4.3.1.1 (c)
	(b) Instructions to the carrier about the operation of the refrigeration system including a list of the suppliers of coolant available en route;	Consignor Carrier	1.4.2.1.1 (b), amended 1.4.2.2.1 (b) Amend 1.4.2.1.1 (b) to read as follows: (b) Furnish the carrier with information and data in a

<i>Section</i>	<i>Obligation</i>	<i>Enterprise responsible</i>	<i>Assignment of obligations</i>
			traceable form and, if necessary, the required transport documents and accompanying documents (authorizations, approvals, notifications, certificates, etc.), taking into account in particular the requirements of Chapter 5.4, <u>of 7.1.7</u> and of the tables in Part 3;
7.1.7.4.1	(c) Procedures to be followed in the event of loss of control;	Consignor	1.4.2.1.1 (b) as amended above
	(d) Regular monitoring of operating temperatures;	Carrier	1.4.2.2.1 (i)
		Consignor	1.4.2.1.1 (b) + <u>new subparagraph (f)</u>
		Loader	1.4.3.1.1 (c)
	English: (e) Provision <u>Availability</u> of a back-up refrigeration system or spare parts;		Add the following new subparagraph 1.4.2.1.1 (f): <u>(f) make the back-up refrigeration systems and spare parts required under 7.1.7.4 available to the carrier</u>
7.1.7.4.2	Any control and temperature sensing devices in the refrigeration system shall be readily accessible and all electrical connections weather-proof. The temperature of air space within the cargo transport unit shall be measured by two independent sensors and the output shall be recorded so that temperature changes are readily detectable. The temperature shall be checked every four to six hours and logged. When substances having a control temperature of less than +25 °C are carried, the cargo transport unit shall be equipped with visible and audible alarms, powered independently of the refrigeration system, set to	Consignor: 1st, 2nd and 4th sentences Carrier: 1st and 3rd sentences	1.4.2.1.1 (c) 1.4.2.2.1 (i) 1.4.2.2.1 (c) In 7.1.7.4.2, amend the third sentence to read as follows: <u>The temperature shall be checked every four to six hours, recorded and logged in writing in the book described in 8.1.2.1 (g).</u>

<i>Section</i>	<i>Obligation</i>	<i>Enterprise responsible</i>	<i>Assignment of obligations</i>
	operate at or below the control temperature.		
7.1.7.4.3	<p>If during carriage the control temperature is exceeded, an alert procedure shall be initiated involving any necessary repairs to the refrigeration equipment or an increase in the cooling capacity (e.g. by adding liquid or solid refrigerants).</p> <p>The temperature shall also be checked frequently and preparations made for implementation of the emergency procedures.</p> <p>If the emergency temperature is reached, the emergency procedures shall be initiated.</p>	Carrier	1.4.2.2.1 (i)
7.1.7.4.7	Where substances are required to be carried in insulated, refrigerated or mechanically-refrigerated vehicles or containers, these vehicles or containers shall satisfy the requirements of Chapter 9.6 of ADR.	Consignor Carrier	1.4.2.1.1 (c) 1.4.2.2.1 (c) (Visual inspection)
7.1.7.4.8	<p>If substances are contained in protective packagings filled with a coolant, they shall be loaded in closed or sheeted vehicles or closed or sheeted containers.</p> <p>If the vehicles or containers used are closed they shall be adequately ventilated.</p> <p>Sheeted vehicles and containers shall be fitted with sideboards and a tailboard.</p> <p>The sheets of these vehicles and containers shall be of an impermeable and non-combustible material.</p>	Consignor Carrier	1.4.2.1.1 (c) 1.4.2.2.1 (c) (Visual inspection)

Additional stowage requirement

7. Germany proposes that the following stowage requirement should be added specifically for temperature controlled cargo transport units. It is based on stowage

requirement HA01 and stowage code SW1 under 7.1.5 of the IMDG Code, with the addition of 7.1.7.1, 7.1.7.4.2 and 7.1.7.4.3. The following selection of affected UN numbers is based on the carriage prohibitions in RID.

8. At the end of 7.1.6.14, add the following stowage requirement:

“HA11: Cargo transport units containing materials to be transported under temperature control in accordance with 7.1.7 of these regulations must be kept at least 3.00 m from all sources of heat and stowed in such a way that:

- it is possible to regularly monitor service temperatures,
- visible and audible alarms are noticeable in the wheelhouse,
- any necessary repairs to the refrigeration system, increases in refrigeration capacity and other steps of the emergency procedure can be carried out.

The requirements established under 7.1.4.4.4 remain applicable.”

9. In Table A, Column (11), for UN Nos. 3111, 3112, 3113, 3114, 3115, 3116, 3117, 3118, 3119, 3120, 3231, 3232, 3233, 3234, 3236, 3237, 3238, 3229, 3240, 3533 and 3534, insert “HA10, HA11”.

Safety

10. Transport safety is improved where ADN requirements are written clearly and make unequivocally clear to whom they apply.

Implementation

11. No existing obligation has been amended. No amendment is necessary in relation to shipbuilding nor in relation to the cargo transport units to be transported. Operational requirements for loading and carriage may be easily observed through organizational measures.
