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
Geneva, 21 September – 1 October 2021
Item 6 of the provisional agenda
Interpretation of RID/ADR/ADN

31 August 2021

Competent authority approvals for organic peroxides and self-reactive substances not listed and interpretation of "not listed" and "country or origin"

Transmitted by the European Chemical Industry Council (Cefic)

Summary

Executive summary: Clarify the term "not listed" in the self-reactive substances and organic peroxide tables in relation to competent authority approvals and the "country of origin".

Introduction

1. In RID/ADR the carriage of self-reactive substances and organic peroxides is allowed (in RID only the non-temperature-controlled substances are allowed to be carried) when they are included in the list of currently assigned self-reactive substances (2.2.41.4) or organic peroxides (2.2.52.4) in packagings or in IBC 520 or T23.

2. When a self-reactive substance or organic peroxide is not listed, the classification of organic peroxides and assignment to a collective entry shall be made by the competent authority of the country of origin. The statement of approval shall contain the classification and the relevant conditions of carriage. If the country of origin is not a Contracting Party/State to RID/ADR, the classification and conditions of carriage shall be recognized by the competent authority of the first country Contracting Party/State to RID/ADR reached by the consignment (2.2.41.1.13 and 2.2.52.1.8).

3. It appeared that in discussion with Belgium authorities the interpretation of "not listed" is ambiguous and needs further clarification.

4. Further, for this type of approvals, the competent authority approval in relation to the country of origin may need further consideration.

Not listed

5. In the list of currently assigned self-reactive substances (2.2.41.4) or organic peroxides (2.2.52.4) in packagings or in IBC 520 or T23, products are listed as pure substances and as diluted products with the respective classification Type B – Type F (reflected by the UN number). The classification dictates the maximum packaging size allowed.

6. Two cases of "not listed" where interpretation may diverse, are described below:

Case 1: When a product has to be carried in larger packagings the usual procedure is to dilute a product to a concentration at which the classification (as determined by testing according to Manual of Tests and Criteria, Part II) allows carriage in larger packagings. For carriage of this "not listed" lower concentration and related classification a competent authority approval is required.

Case 2: Another possibility of "not listed" can be a product that is listed based on old test data or read-across with similar products in the early days and new test data show another classification (e.g. a Type E product becomes a Type F product). This new classification of an already listed product can also be carried on the basis of a competent authority approval.

7. The usual follow-up procedure is that Cefic submits, each biennium when needed, a proposal to UN SCE TDG with new to be listed products, new formulations or changes needed (with reference to competent authority approvals for the product and classification as proposed).

8. For both cases 1 and 2 the reasoning could be that the products are "already listed" and a different classification cannot be used until the substances are included in the lists.

9. Cefic is of the opinion, that the term "not listed" applies to cases 1 and 2 and therefore the carriage is allowed once a competent authority approval has been granted.

10. After discussion with a competent authority of Belgium it was agreed to ask for the opinion of this interpretation by the Joint Meeting.

Competent authority approval of country of origin

11. As indicated (in 2.2.41.1.13 and 2.2.52.1.8), for not listed products, the classification of organic peroxides and assignment to a collective entry shall be made by the competent authority of the country of origin.

12. The interpretation of "country of origin" and the validity of the competent authority approval is open for interpretation.

13. The question is whether the approval has to be issued by the country of manufacturing or if an approval issued by another country for the same product is valid.

Questions on interpretation

14. Question 1:

Can the Joint Meeting agree with the interpretation that "not listed" is applicable for the situations as explained in paragraph 6 above, Cases 1 and 2?

Question 2:

a) Has the competent authority approval to be issued by the country of manufacturing of one of the Contracting Parties to ADR/Contracting States to RID; and

b) Is the competent authority approval issued only valid in that particular country of origin or is it valid in all Contracting Parties/States.