

INF. 7

Working Party on the Transport of Dangerous Goods

(Seventy-eight session, agenda item 6,
Geneva, 9 -12 May 2005)

Opening of packages

Comments on document TRANS/WP.15/2005/13

Transmitted by the Government of Norway

1. Discussion

It is proposed in document TRANS/WP.15/2005/13 to allow the driver or any member of the crew to open packages containing dangerous goods of all classes except class 7 if the carrier has authorized him to do so in writing. This is meant to allow for expansion of a national practice within UK to occur also locally across borders in frontier zones between ADR member states.

Norway understands the rationale behind the UK proposal, but sees several problems in opening up for such activities under the ADR, in particular for classes 1, 6.1 and 6.2. Even though the European Commission has expressed the aim of harmonisation of the national legislations to avoid national derogations, this is not fully implemented in all aspects outside the transport regime, and is not affecting the 13 ADR member states not party to the EEA agreement.

In spite of the fact that the transport of dangerous goods is regulated by a directive that allows for the free transport between the EEA member states, there still exists national regulations for the sale/handing over of many products classified as dangerous goods under the ADR (in particular goods of classes 1, 6.1 and 6.2). Norway would therefore rather prefer that this issue is dealt with by the ADR- Directive (94/55/EC) than by the Annexes to the ADR agreement.

Norway also sees issues of safety in connection with the proposal. In particular in connection with the broad scope of the proposal. The way the new text is proposed, it will also open up the possibility for deliveries of various products straight from IBCs. In its outmost consequence, the delivery of petrol directly to vehicles without any safety features normally associated with such activity.

Furthermore, the issue of packaging integrity must also be taken into account, specially concerning class 1. For this class, the classification of the product may be governed by the integrity of the packaging. This will often be the case for the kind of explosives most likely to be handled in this way, i.e. small arms munitions and pyrotechnical articles. The opening of the packaging may lead to the situation that the packaging no longer fullfills the criteria under which the approval certificate was given, and further transport will then not be allowed.

There is also the question of how such a system will relate to the new provisions of Chapter 1.10, in particular as regards high consequence dangerous goods, such as goods of class 1, gases with classification codes T, TF, TC, TO, TFC or TOC, as well as desensitised explosives of classes 3 and 4.1, and classes 6.1 and 6.2.

2. Proposal

Norway asks the working party not to adopt the proposal in its present form. If the Working Party nevertheless finds that such a relaxation of the present regulations regarding the possibility to open packagings while still on the transport unit is necessary under the ADR, that it asks the United Kingdom to have a second look at the text to make sure that it will not lead to a lowering of the level of safety and security throughout the ADR area, in particular for the classes mentioned above.
