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**Joint Meeting of the RID Committee of Experts and the
Working Party on the Transport of Dangerous Goods**
Bern, 10 and 11 September and Geneva, 14-18 September 2020
Item 6 of the provisional agenda
Reports of informal working groups

Informal working group on the transport of hazardous waste: meeting in Utrecht (3-4 March 2020)

**Transmitted by the European Federation of Waste Management and
Environmental Services (FEAD) on behalf of the informal working
group on the transport of hazardous waste^{*}, ^{**}**

Summary

Executive summary: Information for the Joint Meeting on the work progress concerning the transport of hazardous waste.

Introduction

1. The meeting of the informal working group was opened by the FEAD representatives and by Claude Pfauvadel as Chair of the Joint Meeting. It was recalled that the spring session of the Joint Meeting would be the last meeting to agree on new issues to be introduced in the 2021 editions of RID/ADR. The agenda was heavy. FEAD had a few minutes to summarise the work performed during this informal working group.
2. It was agreed that, if an agreement was reached during the meeting, FEAD would prepare separate documents (working or informal documents) for each issue and submit them to the Joint Meeting at its autumn session of 2020 or its spring session of 2021. It was recalled that working documents for the autumn session of 2020 should be submitted before end of June.

* 2020 (A/74/6 (Sect.20) and Supplementary, Subprogramme 2).

** Circulated by the Intergovernmental Organisation for International Carriage by Rail (OTIF) under the symbol OTIF/RID/RC/2020/59.



Preliminary work on the definition

Introduction

3. The environmental legislation refers to hazardous waste, while RID/ADR refers to dangerous goods. In order to define the scope of the problem, FEAD suggests referring to « dangerous goods that have a waste status ».
4. Conclusion of the short discussion: RID/ADR cannot refer to definitions in other legislation. It is also important to avoid referring to European Union legislation as the scope of RID/ADR is wider than applicable European Union legislation.
5. Final decision:
 - (a) When referring to the scope of the informal working group, we will refer to: “Waste falling under RID/ADR classification;
 - (b) No need to modify the definition of waste in RID/ADR;
 - (c) Necessary attention must be paid to avoiding any misuse of suggested RID/ADR modifications for waste: it must be strictly applied to waste and not to non-waste streams.

It is important to note that the waste status in each country is defined by environmental legislation. Such legislation is developed to control the management of waste (e.g. traceability) and has other goals than the legislation on goods/substances. There is therefore no opportunity to « use » the waste status in order to avoid rules (the same is valid for RID/ADR).

6. The next issues are the 10 points on the agenda of the informal working group. We refer here to the working document developed for the meeting.

Point 4.1: Quantity of waste transported in the transport document

7. Note 3: Where dangerous goods have a waste status and there is no possibility to weight the waste at the place of loading, the weight will be estimated in function of the nominal volume of each container, tank or packaging. In the latter case, a list of packaging including the type and the nominal volume will be added.
8. The meeting agreed with the addition of a Note 3 with the following restrictions:
 - (a) An estimation of the weight (based on the nominal volume) is acceptable for waste falling under RID/ADR classification and when the whole RID/ADR is applied, except in case an exemption is applied (1.1.3.6);
 - (b) Is not applicable to classes 1 and 7;
 - (c) For tanks there is enough information available on the degree of filling;
 - (d) For vacuum tanks an estimation is justified.
9. The proposal to add a sentence under 5.4.1.4.1 was rejected by the informal working group as RID/ADR cannot interfere with other (e.g. environmental) national legislation.

Point 3.2: Transport of UN 3509 in sheeted bulk containers or wagons/vehicles (and not only closed)

10. The meeting supported¹ the proposal of FEAD:
 - (a) Addition of VC1 in Table A of Chapter 3.2 in column 17 for UN 3509.

¹ The delegate of the United Kingdom will consult her administration before giving her formal position.

Point 2.4: “Empty uncleaned packaging” or “Packagings, discarded, empty, uncleaned” (UN 3509) - Clarification of the scope

11. The informal working group rejected the deletion of the note under 4.1.1.11.

12. The informal working group approved the proposed addition of the following sentence at the end of the first paragraph of special provision 663 but modified it as follows:

*“In case **empty uncleaned** packaging, large packaging or intermediate bulk containers (IBC) are ~~not damaged~~ still in the condition of approval as required by 4.1.1.3, 4.1.1.11 may also be applied.”*

13. The informal working group considered that the addition of the following sentence coming from Multilateral Agreement 287 in special provision 663 is not necessary:

“UN 3509 packagings, discarded, empty, uncleaned, may contain residues, which remain in the packaging after proper discharging and which cannot be removed without major effort.”

14. The informal working group approved the modification of the following sentence of special provision 663 as follows:

(a) Original text: “Packagings, discarded, empty, uncleaned wit residues presenting a risk or a subsidiary risk of class 5.1 shall not be packed together with other packagings, discarded, empty, uncleaned, or loaded together with other packagings, discarded, empty, uncleaned in the same container, vehicle or bulk container”;

(b) Modified text: “Packagings, discarded, empty, uncleaned with residues presenting a risk or a subsidiary risk of Class 5.1 shall not **be loaded in bulk containers** together with packagings, discarded, empty, uncleaned **with residues presenting a danger of other classes. Packagings, discarded, empty, uncleaned with residues presenting a danger or a subsidiary danger of Class 5.1 shall not be packed with other packagings, discarded, empty, uncleaned with residues presenting risks of other classes in the same outer packaging**”.

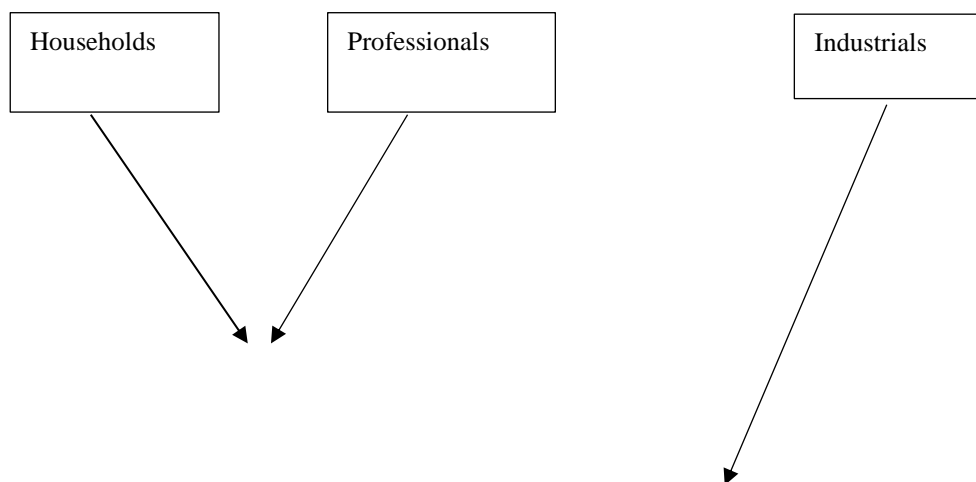
15. The deletion of AP10 in table A, column (17) under UN 3509 was rejected by the informal working group.

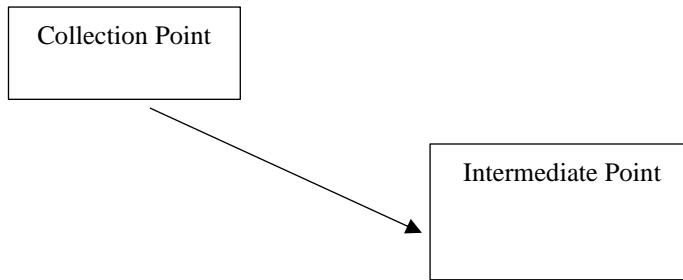
Point 2.1: Household dangerous waste collection

16. The informal working group considered that:

(a) The 2 approaches proposed by FEAD, being (1) national derogation and (2) general rules in RID/ADR are not incompatible. It will in the long term improve the level playing field between countries that currently have national derogations and countries that still have to develop such specific rules;

(b) Both aspects of collection of packaged waste, being (1) the collection of household waste falling under RID/ADR and (2) the collection of professionals/industry falling under RID/ADR can be tackled in RID/ADR as they are linked (similar problem of packaging compatibility, inner packaging/combined packaging, see also next point 2.2), but requires a specific approach in function of the origin (producer) of the waste. A suggested solution is the introduction of a new or more exemption(s) under 1.1.3.xx as such exemptions define clearly their scope. The initial proposal of FEAD must be fine-tuned.



**Point 2.2: Transport of packaged waste: inner packaging packed together**

17. The informal working group considered that the FEAD proposal to include new provisions under Chapter 3.6 was not appropriate and suggested rewriting the proposal under 1.1.3.xx, in line with the position taken by the informal working group under the above point 2.1.

18. Both subjects (2.1 and 2.2) will be addressed in the Joint Meeting, supported by an initial document drafting some options in order to allow the further development of specific solutions (exemptions 1.1.3.xx).

Point 6.2: Presence of hazardous household waste in the (selective) collection of non-hazardous waste (e.g. empty packaging)

19. The informal working group rejected the proposal of FEAD to include a paragraph in new section 1.8.XX requiring the formal approval of each environmental waste legislation by the RID/ADR competent authorities as far as transport of dangerous goods with a waste status is involved.

20. But the participants recognized the existence of the problem: wrong sorting instructions for waste producers (household as professionals) are included in environmental legislation. ADR roadside checks of transports loaded with such type of waste (aerosols, empty packaging of chemicals mixed with e.g. residual waste or empty beverage packaging, etc.) would systematically generate non-conformities.

21. The informal working group asked FEAD to address the issue documented by a clear summary during the Joint Meeting in order to collect the position of the administrations in different countries.

Point 6.1: Carriage of polymerizing substances as waste

22. Document ECE/TRANS/WP.15/AC.1/2019/8 introduced by Germany was discussed and the informal working group was in principle in favor with the proposal.

23. The informal working group asked Germany to amend the initial proposal by:

- (a) Deleting the tanks from the scope in the new special provision 6xx;
- (b) Including the conditions specified under point 4 of the above-mentioned document in the proposed special provision 6xx;
- (c) Introducing a maximum capacity for packagings and IBCs up to 1000 liters.

Point 2.3: Chemical compatibility with plastic packaging for liquids

24. The informal working group was open for an inclusion in 4.1.1.21 of a sub-paragraph 4.1.1.21.X dealing with waste, including a simplified table keeping the following data: class, classification code, packing group, name and standard liquids.

Point 3.1: Transport of large volumes of asbestos contaminated objects or soil in bulk

25. In the present situation, there are only 2 possibilities to transport waste containing asbestos, being (1) under full RID/ADR or (2) under special provision 168.

26. In the first option, bulk transport is not allowed, and the maximum volume of packaging is 3 m³ (UN-tested IBCs).

27. In the second option, unlimited quantity is allowed even in bulk, but no hazard communication is available in case of accident with loading, as special provision 168 provides a full RID/ADR exemption.

28. The informal working group recognised the need of an intermediate solution between the full RID/ADR reducing the requirements on packaging and SP 168 (absence of communication on the hazardous properties of the loading) ensuring e.g. the availability of information on the type of loading in case of road accident.

29. The French delegation suggested submitting a proposal to the joint meeting. (See ECE/TRANS/WP.15/AC.1/2020/57).

Point 3.3: Transport of aerosols and gas cartridges in bulk

30. As no documents were submitted by the Austrian delegation, this point was postponed to the next informal working group meeting.

31. The informal working group is to convene on 6-7 October 2020 and the delegation of the Netherlands has kindly offered to provide their premises for this meeting. The location will be confirmed soon (Utrecht or The Hague).

32. The eight remaining points selected for discussion by the Joint Meeting will constitute the agenda of this third informal working group meeting.

33. FEAD would like to thank the Netherlands' administration on behalf of all attendees for its excellent organisation, hospitality and support.
