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## 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

#### Sixty-sixth session

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Item 11 of the provisional agenda

#### Listing, classification, and packing

### Articles containing dangerous goods, n.o.s. entries

#### Transmitted by the Council on the Safe Transportation of Hazardous Articles (COSTHA)\*

## I. Introduction

1. COSTHA has identified situations in the use of ARTICLES CONTAINING DANGEROUS GOODS N.O.S. entries becoming cumbersome and impractical. Currently shippers have three options when determining the most accurate proper shipping name that will also allow them to ship their material in the most efficient and appropriate modes:

(a) Shippers may select to use the proper shipping name listed in the list of Dangerous Goods for their material, apparatus or device by specific name;

(b) They may select to identify their material by using UN 3363, DANGEROUS GOODS IN APPARATUS OR MACHINERY; or

(c) If the material is not authorized for limited quantities or the amount exceeds the limited quantity amount, they may choose to utilize the ARTICLES N.O.S. entries.

2. The use of alternate entries, we believe, was intended to provide shippers with options for substances that were part of or contained in the article and reduce the number of required approvals. However, introduction of these entries has led to some confusion for shippers and inconsistent interpretations by competent authorities.

## II. Background

3. The ARTICLES CONTAINING DANGEROUS GOODS N.O.S. entries were intended to reduce the volume of competent authority approval requests from shippers and provide entries that clearly identify the applicable hazards. A shipper's previous options to describe articles containing dangerous goods were to use the description of the substance as identified in the dangerous goods list, or by using UN 3363, DANGEROUS GOODS IN APPARATUS/ARTICLES/MACHINERY. If neither of these were options, the shipper

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\* A/79/6 (Sect. 20), Table 20.6.



could request approval from a competent authority. This is often a cumbersome and lengthy process that does not guarantee approval in all regions or modes. The addition of the ARTICLES, N.O.S. entries provided a solution to shippers, adding several entries based on the class of the material in the article. With these entries, authorized quantities were increased and reduced the need an approval in many situations.

4. UN *Model Regulations* authorize the use of the descriptions ARTICLES CONTAINING [XXX] N.O.S. Currently there are 12 entries, one for each class/division for classes 2, 3, 4, 5, 6.1, 8 and 9. The same entries are found in the modal regulations (regulations annexed to the Agreement concerning the International Carriage of Dangerous Goods by Road (ADR), ICAO Technical Instructions (TI), International Maritime Dangerous Goods (IMDG) Code). The ICAO TI allow shipment using these entries, in most cases with prior approval (special provision A2). Entries UN3548 ARTICLES CONTAINING MISCELLANEOUS DANGEROUS GOODS, N.O.S. and UN3538, ARTICLES CONTAINING NON-FLAMMABLE, NON-TOXIC GAS, N.O.S. allow the transportation on passenger and cargo aircraft irrespective of the indication of “forbidden” in the list of dangerous goods provided they meet the requirements laid down in special provisions A224 and A225.

5. ICAO entries for articles under UN numbers 3547, 3537, 3540, 3541, 3548, 3538, are forbidden for transportation by aircraft unless prior approval has been obtained from the competent authority. Other entries, such as UN 3542 and UN 3543 are forbidden for transportation by aircraft with no approval by special provision available.

6. Under the IMDG Code, UN entries assigned special provision 391 and containing Divisions 2.3, 4.2, 4.3, 5.1, 5.2, and certain 6.1 substance meeting inhalation toxicity values require an approval.

### III. Example

7. UN 1428, SODIUM is eligible to be transported without the requirement of approval from a competent authority by all modes of transport. The UN *Model Regulations* lists authorized packing instructions and packagings that may be used for pure substances. *Model Regulations* contain similar but often more detailed packing instructions. However, the material is not authorized to be shipped as a limited quantity.

8. In air transport, UN 1428 is eligible to be transported by cargo aircraft without approval when packed accordingly. For transportation on passenger aircraft, prior approval from the state of origin and state of the operator is required.

9. Because UN 1428 is not eligible for transportation as a limited quantity, this prevents the ability to offer the material as a UN3363 (UN special provision 301, ICAO TI packing instruction 962).

10. Using UN 3543 ARTICLES CONTAINING A SUBSTANCE WHICH IN CONTACT WITH WATER EMITS FLAMMABLE GASES, N.O.S. requires approval to be transported by special provision 391.

11. Special provision 391 states:

*“Articles containing dangerous goods of Division 2.3, or Division 4.2, or Division 4.3, or Division 5.1, or Division 5.2 or Division 6.1 for substances of inhalation toxicity requiring Packing Group I and articles containing more than one of the hazards listed in 2.0.3.1 (b), (c), or (d) shall be transported under conditions approved by the competent authority.”*

12. Thus, if the article containing sodium may be identified as the pure substance and properly packed using the authorized packing instruction, the product may be transported by air without an approval. However, if the substance entry is not permitted to be used (because the substance is contained within an article), the article would require an approval.

## IV. Request

13. COSTHA requests the Sub-Committee confirm whether the provisions of 2.0.5.1 permit the use of the description of the substance contained within an article when the article can be safely and properly packed in the appropriate packaging authorized for the pure substance. COSTHA believes this is clearly stated in the first two paragraphs of 2.0.5 (see below) but would prefer to see this opinion confirmed by the Sub-Committee:

**“2.0.5 Classification of articles as articles containing dangerous goods, N.O.S.**

***NOTE:** For articles which do not have an existing proper shipping name and which contain only dangerous goods within the permitted limited quantity amounts specified in Column 7a of the Dangerous Goods list, see UN 3363 and special provision 301 of chapter 3.3.*

*2.0.5.1 Articles containing dangerous goods may be classified as otherwise provided by these regulations under the proper shipping name for the dangerous goods they contain or in accordance with this section. For the purposes of this section "article" means machinery, apparatus or other devices containing one or more dangerous goods (or residues thereof) that are an integral element of the article, necessary for its functioning and that cannot be removed for the purpose of transport. An inner packaging shall not be an article.”*

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