

INF. WORKING DOCUMENT

Second meeting of the informal working group dedicated to the transport of (hazardous) waste Utrecht, 3rd and 4th of March 2020

1. Report on this issue in the minutes of the last joint meeting (Geneva, 17-26.09.2019):

B. Informal working group on the transport of hazardous waste: meeting in Brussels (2 to 3 April 2019)

Document: ECE/TRANS/WP.15/AC.1/2019/34 (FEAD)

47. The Joint Meeting noted the information and adopted the list of issues to be considered by the group in future as reflected in the annex to ECE/TRANS/WP.15/AC.1/2019/34. The representative of FEAD pointed out that detailed information about the discussion of the informal working group was available on the FEAD website¹. The Joint Meeting recommended that the carriage of used pressure receptacles such as aerosols and gas cartridges in bulk be added to the list. It was agreed that the informal working group should follow a pragmatic approach and consider first issues of high importance which could result in potential amendments for the 2023 editions of RID/ADR/ADN, but also issues that could easily be resolved. The representative of FEAD announced his intention to organize a meeting of the informal working group. He invited all delegations to consider their possible voluntary commitment for the secretariat servicing of the group or hosting of its meetings.

2. Selection of the issues proposed by FEAD and completed by the suggestions during the joint meeting.

Complete approved list, with marking of the proposed items to be discussed during the 2nd ad-hoc working group in Utrecht on the 3rd and 4th of March 2020.

¹ See <https://www.fead.be/legislative-overview/adr>

Other issues will be discussed during following working group meeting(s) are the following:

- **Yellow marking:** important issue
- **Blue marking:** easy issue

Numbers: reference to the FEAD description in the report of the first working group meeting.

Subject Number	Title	Decision
1	Classification / Description / Exemption	
1.1	Exemption of pharmaceutical products (medicines) ready for use	This issue is selected.
1.2	Criteria for hazardous waste differ from the criteria for dangerous goods	The issue is selected.
1.3	Unidentified waste	This issue is selected.
2	Packaging / Marking - labelling	
2.1	Household dangerous waste collection	This issue is selected. 9- 11
2.2	Transport of packaged waste: inner packagings packed together	This issue is selected. 5-7
2.3	Re-use of packaging	This issue is selected.
2.4	“Empty uncleaned packaging” or “discarded, empty, uncleaned packagings (UN 3509)” Clarification of the scope	This issue is selected. 15-17
2.5	Chemical compatibility	This issue is selected. 25-28
2.6	Packagings of medical waste	This issue is selected.
3	Bulk / Tanks / Placarding, orange plate marking	
3.1	Transport of large volumes of asbestos contaminated objects or soil in bulk	This issue is selected. 39-40
3.2	Transport of UN 3509 in sheeted bulk containers or vehicle (and not only closed)	This issue is selected. 35
3.3	Transport of aerosols and gas cartridges in bulk	This issue has been added during the Joint meeting of September 2019
4	Documentation / Transport / Responsibility	
4.1	Quantity of waste transported in the transport document	This issue is selected. 32-34
4.2	For class 6.2, in addition to the information concerning the consignee, the name and telephone number of a responsible person shall be indicated.	The issue is selected.
6	Specific topic	
6.1	Carriage of polymerizing substances as waste	This issue is selected.
6.2	Presence of hazardous household waste in the (selective) collection of non-hazardous waste (e.g. empty packaging)	This issue is selected. 21 - 22

3. Proposed selection and chronology of the 10 issues for the 2nd ad-hoc working group meeting.

Subject Number	Title	Decision	Timing
2	Packaging / Marking - labelling		
2.1	Household dangerous waste collection	This issue is selected. 9-11	4
2.2	Transport of packaged waste: inner packagings packed together	This issue is selected. 5-7	5
2.3	Chemical compatibility	This issue is selected. 25-28	8
2.4	“Empty uncleaned packaging” or “discarded, empty, uncleaned packagings (UN 3509)” Clarification of the scope	This issue is selected. 15-17	3
3	Bulk / Tanks / Placarding, orange plate marking		
3.1	Transport of large volumes of asbestos contaminated objects or soil in bulk	This issue is selected. 39-40	9
3.2	Transport of UN 3509 in sheeted bulk containers or vehicle (and not only closed)	This issue is selected. 35	2
3.3	Transport of aerosols and gas cartridges in bulk	This issue was added during the joint meeting of September 2019	10
4	Documentation / Transport / Responsibility		
4.1	Quantity of waste transported in the transport document	This issue is selected. 32-34	1
6	Specific topic		
6.1	Carriage of polymerizing substances as waste	This issue is selected.	7
6.2	Presence of hazardous household waste in the (selective) collection of non-hazardous waste (e.g. empty packaging).	This issue is selected. 21 - 22	6

Preliminary remark on the terminology used to cover both legislative acts: ADR and Waste.

As there is no similitude nor a 1 to 1 correlation between the definition of dangerous goods and hazardous waste (some hazardous wastes are not classified as dangerous goods for the transport and *vice versa*), we propose to use the following terminology in the proposals as for clarity:

‘dangerous goods that have a waste status’

The terminology expresses the predominance of the ADR approach and does not interfere with the classification of the waste as hazardous or not.

→ FEAD asks the working group to decide whether to include this new definition in the ADR.

4. Proposal of modifications/solutions

4.1	Quantity of waste transported in the transport document
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Description of the issue

For practical reasons, it is sometimes not feasible to put the exact weight of the waste in the transport document. There should be a certain degree of tolerance by having an estimated quantity for waste, as it is allowed on the specific waste consignment note set by environmental legislation. The exact weight is always measured and recorded in the waste register of the treatment plant. It is only during transport that it is not always possible to know the exact weight of the waste as the loader does not always provide this information. A solution within the ADR is desirable, for packaged waste as well as for bulk transport of waste.

Current solutions at national level

- Germany

German exemption 18 (free translation): *Exception 18 (S)*
transport document

1 *Contrary to § 1 paragraph 3 number 1 of the GGVSEB in connection with section 5.4.0 and 5.4.1 ADR*

(a) *dangerous goods may be carried without a transport document; or*

(b) **the following may be omitted from the transport document:**

(aa) *consignee,*

(bb) **the total quantity of dangerous goods,**

if the following provisions are complied with.

2 *Exemption from the transport document*

2.1 *Dangerous goods in packages and empty uncleaned packagings intended for carriage by road may be carried without a transport document if the goods are not handed over to third parties. the maximum permissible total quantity per transport unit in accordance with 1.1.3.6 ADR is not exceeded and an exception to this Regulation, in accordance with § 5 of the GGVSEB or a multilateral agreement under section 1.5.1 of the ADR is not applied. For dangerous goods in*

accordance with 1.1.3.6, transport category 4 of ADR, the quantities in transport category 3 in conjunction with 1.1.3.6.4 are used to determine the maximum permissible total quantity. ADR to be applied.

2.2 For the carriage of empty uncleaned tank-vehicles, empty uncleaned vehicles, uncleaned empty demountable tanks, uncleaned empty portable tanks, uncleaned empty tank-containers, uncleaned empty containers, uncleaned empty bulk containers, uncleaned Empty Battery Vehicles, Uncleaned Empty MEGC or Uncleaned Empty MEMU, the transport document for the goods last contained therein may be carried.

3 Waiver of information in the transport document

3.1 In the case of local transport operations (distribution transport, including groupage transport), the following may be applied to the statement

a) of the consignee, if the carriage is not required to be carried as a closed load in accordance with ADR and not in accordance with §§ 35 and 35a of the GGVSEB is performed,
(b) the total quantity is waived if ADR 1.1.3.6 is not applied and the other provisions of the ADR are complied with.

Sentence 1 shall not be applied to the carriage of goods

(a) Class 1, other than those of classification 1.4S, and

(b) Class 5.2.

3.2 In addition to the information otherwise prescribed, the transport document shall contain a note:

"Exception 18".

4 Other provisions

This derogation shall not apply to the carriage of goods of Class 7.

5 Time limit

The exception 18 is limited until 30 June 2021.

- **Austria:** multilateral agreement M 287

6.1: The quantity of dangerous goods according to 5.4.1.1.1. (f) may be estimated.

Suggested amendment to the ADR

Current provision 5.4.1.1.1.f of the ADR:

“(f) the total quantity of each item of dangerous goods bearing a different UN number, proper shipping name or, when applicable, packaging group (as a volume or as a gross mass, or as a net mass as appropriate);

NOTE 1: in the case of intended application of 1.1.3.6, the total quantity of dangerous goods for each transport category shall be indicated in the transport document in accordance with 1.1.3.6.3.

NOTE 2: for dangerous goods in machinery or equipment specified in this Annex, the quantity indicated shall be the total quantity of dangerous goods contained therein in kilograms or litres as appropriate”.

Proposal

Addition of a note and a sentence.

1. An additional note:

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.

2. An additional sentence under 5.4.1.4.1.

Where dangerous goods have a waste status, the information in 5.4.1.1. and 5.4.1.2. may be included in the document required by environmental legislation.

Justification

This proposal clarifies the situation faced in waste management and has no significant effect on the Current risk level.

3.2	Transport of UN 3509 in sheeted bulk containers or vehicle (and not only closed)
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Description of the issue

In several countries, closed transport units are not the usual way of working. Sheeted transport is authorized for UN 3175 and UN 3243 (both UN numbers are often used to cover waste transport), but not for UN 3509, only via certain national derogations including the multilateral agreement M287 initiated by Austria. The potential risk in case of the transport of UN 3509 discarded, empty, uncleaned packaging is not higher than for the transport of e.g. UN 3243 solids containing toxic liquids, for which the use of a VC1 container is allowed.

Current solutions at national level

- **Austria:** multilateral agreement M287:
4.2 UN 3509 packagings, discarded, empty, uncleaned, may be carried under the terms of BK1 or VC1 instead of BK2 or VC2, provided all the other conditions remain the same.
- **Belgium :** national derogation 15-2016
'En dérogation au paragraphe 7.3.2.1 de l'ADR, le transport de UN 3509 emballages au rebut, vides non nettoyés en conteneur pour vrac bâché est autorisé.'
Free translation:
By way of derogation from paragraph 7.3.2.1 of ADR, the transport of UN 3509 "discarded, empty uncleaned packaging" is authorized in a sheeted bulk container.

Suggested amendment to the ADR:

Addition of VC1 in Table 3.2.1 in column 17 under UN 3509.

Justification

- The use of VC1-containers is a standard way of working in the waste management sector.
- Open containers facilitate the loading of waste and limit the manipulation of waste.
- Risk during the loading/unloading is reduced as top loading is possible and has no significant effect on the Current risk level.

2.4	<i>“Empty uncleaned packaging” or “Packagings, discarded, empty, uncleaned” (UN 3509)</i> Clarification of the scope
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Description of the issue

UN 3509 was developed to cover the transport of damaged packaging that no longer fulfills the definition of packaging. Specific conditions have been set out in the ADR special provision 663. The ADR 4.1.1.11 deals with empty packaging that still fulfills the definition of packaging in case of recycling or recovery and is for that reason in contradiction with the scope of UN 3509, generating misinterpretations. The note under the ADR 4.1.1.11 is, for this reason, source of misunderstanding/misinterpretations and thereby not relevant in this paragraph. As this type of packaging is not damaged, it is not justified to apply the ADR special provision 663. A clarification of the wording of the ADR’s text was discussed during the Informal Working Group, considering also the issue of the 5-year lifespan of packaging under the ADR 4.1.1.15.

Moreover, ambiguity remains as to the definition of “empty.” Defining this term is complex, particularly in the case of liquids, the remnants of which have solidified.

In special provision 663 of the ADR, the following wording can be misunderstood: *“Packagings, discarded, empty, uncleaned with 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”*. It would be desirable to amend the sentence in order to clearly distinguish what is permitted in packaging and bulk transport. This issue was also raised by the Finnish delegation during the first ad-hoc working group in Brussels (02/03.04.2019)

Current solutions at national level

- **Switzerland**: recently introduced proposal ECE/TRANS/WP.15/AC.1/2020/25 (Spring session Joint meeting 16 – 20.03.2020).
- **Austria**: Multilateral agreement M287:
“3.4 By derogation from special provision 663, 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”.

Suggested amendments to the ADR

1. Delete the note under 4.1.1.11.

2. At the end of the first § of Special Provision 663, add the sentence:

In case packaging, large packaging or intermediate bulk containers (IBC) are not damaged, art. 4.1.1.11 may also be applied.

3. Add the sentence of Multilateral agreement 287 in special provision 663:

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

4. Modify the above selected sentence of the special provision 663 as follows:

- 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”.*
- Proposed 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 risk of other classes. Packagings, discarded, empty, uncleaned with residues presenting a risk or a subsidiary risk 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”.*

5. Delete AP10 in table A, column (17) under UN 3509.

Justification

This proposal clarifies the situation faced in waste management and avoids misinterpretation during roadside checks. It has no significant effect on the Current risk level.

Description of the issue

The European Waste Framework Directive requires each country to organize a selective collection of hazardous household waste by 2025. However, the European Waste Framework Directive does not integrate the ADR's rules. Current ADR provisions do not address this issue, for which several countries have developed their own national derogations. Such a situation could create an increasingly uneven playing field in Europe. There is an urgent need for harmonization in order to anticipate such a multiplicity of national rules. Consequently, it is necessary for the ADR to better take into account the specificity of household hazardous waste transport.

There are two different approaches:

- (1) Each country applies its Current system via national derogations (or multilateral agreements) and countries without such a specific approach will develop their own national derogation. The ADR foresees such specific approach under art. 4 and it can be mentioned under a new section 1.8.9.
- (2) The ADR develops specific rules covering the issue of household dangerous waste collection in order to maximize the harmonization of the rules and to avoid the need to update the national rules and multilateral agreements every 5 years. It can be developed as partial exemption under 1.1.3.11, e.g. as proposed hereafter.

Current solutions at national level

- **Belgium**: Derogation 4-2014
- **Denmark**: Bekendtgørelse 828 dd 10.06.2017 om vejtransport af farligt gods.
- **Germany**: Ausnahme 20.
- **Sweden**: ADR-S-2017 bilaga16.
- **Switzerland**: SDR appendice 1.11.3.11.
- **The Netherlands**: Regeling Vervoer huishoudelijke gevaarlijk afval 2015.

Suggested amendment to the ADR

- **If approach 1 is applied**: for the countries having already developed their own system of collection for household chemical waste, it would be difficult to solve such wide range of specific rules via a unique ADR text. It is important that each country foresees specific ADR rules in order to ensure conformity/compatibility between the ADR and the national environmental legislation. To be created under new section 1.8.9 of the ADR. For other countries still required to develop their specific collection system in accordance with the requirements of the updated Waste framework Directive EC/2008/98, the inclusion of minimum requirements under the abovementioned section 1.8.9 would be helpful.
- **If approach 2 is applied**: addition of a new subsection in the ADR:

1.1.3.XX Exemptions related to the carriage of hazardous waste from households.

1.1.3.XX.1 The collection of hazardous waste from households in small quantities or comparable waste from enterprises (maximum 60 l) may be carried in packaging in one transport unit without application of the following provisions:

- Section 4.1.1.3
- Section 4.1.1.8.1
- Section 5.2.1 the various packaging shall bear a label appropriate to the class of contents and an indication of the collective name of the substances contained in the packaging.
- Section 5.4.1.1.1 The entry in 5.4.1.1.1 concerning the transport document may be replaced by the following: "The indication "Route collection of packaged hazardous waste from classes 2, 3, 4.1, 5.1, 6.1, 8 and 9 (E),"

1.1.3.XX.2 The following measures should be taken:

- The cargo space is provided with a properly functioning ventilation with sufficient capacity to prevent the accumulation of any hazardous fumes that may be released in the cargo space.
- It is forbidden to smoke inside or near the vehicle.

Description of the issue

Original chemicals are packed in a combined packaging, specifically tested for that purpose (see ADR 6.1.5). For waste collection, only the inner packaging remains available. This waste must be sorted, according to its hazardous properties, and be repacked fulfilling all the requirements of the ADR, which is not possible. There is a lack of a simple legal solution available to replace the missing outer packaging.

This issue is a daily problem faced by the waste management industry and is therefore of high priority in the transport of packed waste.

Several countries have developed national derogations dealing with this issue, proposing a facilitated approach of combination packaging. There is a need for further harmonization at the ADR level. The challenge remains to verify that transported goods are not incompatible.

Current solutions at national level

- **Austria**: multilateral agreement M287:

“The packagings specified in Table A of Chapter 3.2 for the relevant UN number shall be used.

3.2 For the following wastes, packagings which have expired or have not been tested may also be used:

a) Dangerous wastes of Packing Group III.

b) Dangerous wastes of Packing Group II, which correspond to the wastes defined in the table in the Annex to this Agreement according to their UN number and description.

3.3 The packagings may have buckles and dents. Their condition and content as well as the manner of carriage shall not endanger the compliance with the protection provisions of section 4.1.1 of ADR.

- **Belgium**

For the packaging of materials and objects listed under article 3, except for dangerous goods included in point (a) of article 5, the following provisions must be respected: Inner packaging which contains waste as described in article 3 must be placed in outer receptacles. To this end, the outer receptacles can be opened by the driver/conductor or his assistant. All outer receptacles must be closed during transport, except for during door-to-door collections of small hazardous waste from municipal sources. The receptacle must also be closed during the journeys preceding or following a round of collection. With exception for class 8, an individual outer receptacle must be used for each class. For materials and objects in class 8, individual receptacle must be used for acids, bases and batteries. In conformity with sub-section 4.1.1.6 ADR, goods shall not be packaged in the same outer packaging as other goods if they react dangerously with one another.

Outer receptacle for waste which belong to the packaging group I must satisfy the requirements for packaging group I in conformity with § 4.1.1.3 of the ADR. The outer receptacle must be labelled with the correct labels and with appropriate markings.

- Denmark

Summary

Inner packagings and articles containing waste or residues of dangerous goods of certain classes collected from private households or enterprises for the purpose of disposal may be packed together in certain outer packagings and/or overpacks and carried under special consignment procedures including special packing and marking restrictions. The quantity of dangerous goods per inner packaging, per outer packaging and/or per transport unit is restricted.

Detailed text (free translation)

4) In accordance with the packaging group, see paragraph 7, the waste must be packed in an outer packaging, which according to section 6.1.3 of the ADR is marked with an X or Y.

a) Inner packagings with up to 5 liters of liquid waste must be packed in an outer packaging of one of the following types:

i) Plastic drum with removable lid (1H2)

ii) Steel drum with removable lid (1A2)

iii) Homogeneous plastic box (4H2) in accordance with the provisions of Chapter II

iv) Steel box (4A) in accordance with the provisions of Chapter II;

b) Inner packagings of up to 5 kg of solid waste shall be packed in an outer packaging of one of the following types:

i) Plastic drum with removable lid (1H2)

ii) Steel drum with removable lid (1A2)

iii) Solid plastic box (4H2)

iv) Steel case (4A)

v) Large rigid plastic packaging (50H)

vi) rigid plastic IBC (11H2)

c) Empty, uncleaned inner packagings packaged in an outer packaging of one of the following types:

i) Plastic drum with removable lid (1H2)

ii) Steel drum with removable lid (1A2)

iii) Case of homogeneous plastic (4H2)

iv) Steel case (4A)

v) Large packaging of rigid plastic (50H)

vi) rigid plastic IBC (11H2)

vii) Woven plastic bag, waterproof (5H3)

5) In the case of outer packagings, unless a plastic drum with a removable lid (1H2) is used as outer packaging or the outer package contains only empty, uncleaned packages; packages should be placed in a plastic bag

which encloses all the inner packagings. The plastic bag must be laced shut before closing the outer packaging.

6) Inner packagings, except for empty, uncleaned packages, must be packed in the outer packaging by means of inert shock absorbing material in sufficient quantity to fill any excess space and to prevent the inner packagings from moving substantially under normal transport conditions. In addition, inner packaging containing liquid waste must be packed in the outer package by means of liquid-absorbent material in sufficient quantity to allow the liquid waste in the two inner packages containing the largest quantities to be absorbed.

7) The total content of the individual outer packaging must be attributed to a UN number, the freight designation and the packaging group that best cover the most important hazard properties, cf. section 2.1.3 of the ADR on classification of mixtures and solutions.

8) The outer packaging must be marked with inscriptions and labels in accordance with the classification, cf. item 7. In addition, it must be labeled with the text 'Hazardous waste'. The label must have A5 format (210 mm × 148 mm) and must be orange with black text and with a 5 mm wide edge also in black. IBCs with a capacity of more than 450 liters and large packagings must bear inscriptions, markings and labels on two opposite sides”.

- **Germany:** Ausnahme 20 (see updated free English translation in annex I and the table in annex II)

Classes 2 to 6.1, 8 and 9: combined packaging and transportation of hazardous waste in packs and IBCs; waste must be packaged in internal packaging (as collected) and categorized in specific waste groups (avoidance of dangerous reactions within a waste group); use of special written instructions relating to the waste groups and as a waybill; collection of domestic and laboratory waste, etc.

- **Sweden**

Small packaging (less than 30 kg) of dangerous goods as waste may be packed in packaging, including IBCs and large packagings, without complying with the provisions of sub-sections 6.1.5.2.1, 6.1.5.8.2, 6.5.6.1.2, 6.5.6.14.2, 6.6.5.2.1 and 6.6.5.4.3 of Annex I, Section I.1 to this Directive. Packaging, including IBCs and large packaging need not be tested as prepared for carriage with a representative sample of small inner packages.

This is permitted provided that:

- packaging, IBCs and large packaging conform to a type which has been tested and approved according to packing group I or II of the applicable provisions of Sections 6.1, 6.5 or 6.6 of Annex I, Section I.1 to this Directive;
- the small packagings are packed with absorbent material that retains any free liquid that might escape into the outer packaging, IBCs or large packaging during carriage; and

- the packaging, IBCs or large packaging as prepared for carriage have a gross mass of no more than the permitted gross mass stated on the UN design type marking for packing groups I or II for the packaging, IBCs or large packaging; and
- the following sentence is included in the transport document 'Packed according to part 16 of ADR-S'.

Suggested amendment to the ADR

See annex III

Justification

This proposal clarifies the situation faced in waste management and has no significant effect on the Current risk level.

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

This problem is increased by the introduction of the CLP-classification: and the increase of household products bearing hazardous CLP-labels (GHS 02, 05, 07), which is considered in certain conditions as non-hazardous waste by local environmental legislations. How can such legislation be harmonized with the ADR?

Examples of such issues include aerosol containers with remnants of gas within, which are considered dangerous. Likewise, bleach containers with small remnants of liquid have the potential to be dangerous, particularly with consideration to the burdensome nature of checking each container for small amounts of dangerous substances. Batteries mixed with residual waste generate similar problems (increasing fire risk due to lithium batteries).

Current solutions at national level

- **Belgium**

Transport of uncleaned empty packaging having contained products of different classes. Reference to Annex I, Section I.1, to Directive 2008/68/EC: 5.4.1.1.6

Initial reference to the national legislation: derogation 6-97. Expiry date: 31 December 2022 Content of the national legislation: Indication on the transport document "uncleaned empty packages having contained...".

VLAREMA, Article 4.1.6. (Flanders)

By way of derogation from Article 4.1.3, insofar as this selectively collected household packaging waste does not fall under Article 5.2.2.1, 10 °, the following are not considered to be hazardous waste:

1 ° the selectively collected waste from emptied, emptied or scraped packages of household origin that have contained cleaning or maintenance products that can only be used in an aqueous phase, and that have contained one or more hazardous substances indicated by the GHS07 pictograms (exclamation mark) , GHS05 (corrosive), subcategory

H318, in accordance with Regulation (EC) 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labeling and packaging of substances and mixtures amending and repealing Directives 67/548 / EEC and 1999/45 / EC and amending Regulation (EC) 1907/2006 or by the pictograms Xi-irritant and C-corrosive in accordance with Council Directive 67/548 / EEC of 27 June 1967 on the adaptation of the laws, regulations and administrative provisions relating to the classification, packaging and labeling of dangerous substances and Directive 1999/45 / EC of the European Parliament and the Council of 31 May 1999 on the approximation of the laws, regulations and administrative provisions of the Member States relating to the classification, packaging and labeling of dangerous preparations;

2 ° the selectively collected waste from emptied, emptied or scraped packages of household origin that have contained food or cosmetics, and that have contained one or more hazardous substances that are indicated by the GHS02 pictogram (flammable) in accordance with Regulation (EC) 1272/2008 of the European Parliament and of the Council of 16 December 2008 on the classification, labeling and packaging of substances and mixtures amending and repealing Directives 67/548 / EEC and 1999/45 / EC and amending Regulation (EC) 1907 / 2006 or by the F icon flammable in accordance with Council Directive 67/548 / EEC of 27 June 1967 on the approximation of laws, regulations and administrative provisions relating to the classification, packaging and labeling of dangerous substances and Directive 1999/45 / EC of the European Parliament and of the Council of 31 May 1999 on the approximation of laws, regulations and administrative provisions of the Member States concerning the classification, packaging and labeling of dangerous preparations.

Suggested amendment to the ADR

Inclusion of a paragraph in new section 1.8.XX requiring the formal approval of each environmental waste legislation by the competent ADR authorities as far as transport of dangerous goods with a waste status is involved.

Justification

To avoid inconsistency between the ADR and environmental waste legislation, ensure a level playing field at international level and to reduce risk.

Description of the issue

A prerequisite for the transport of polymerizing substance is sufficient stabilization. A large amount of this polymerizing substances is also carried as waste. In that case, the information required for complying with the provisions is often not available or the properties have changed. Cases have occurred in which outside heat has caused reactions within the waste-containing tank, despite the contained substances not being inherently dangerous.

Current solution at national level

Does not exist.

Suggested amendment to the ADR

This issue was already raised in the joint meeting by the government of Germany via working document ECE/TRANS/WP.15/AC.1/2019/8: See annex IV.

- FEAD supports the German proposal
- Is the working group prepared to support this proposal?

2.3	Chemical compatibility with plastic packaging for liquids
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Description of the issue

The rule for collective entries (figure ADR 4.1.1.21.2) requires the exact composition of liquid waste. In most cases, it leads to a declaration of “further testing requested”, which means it will be stored at room temperature for 6 months or on a test piece for 3 weeks under conditions, which is in practice inapplicable for waste as it is too variable and as we often do not know the exact composition/hazard of the content.

Rules concerning compatibility for chemical packaging were simpler and more practical in ADR 2003.

Such an approach could be relevant for the ADR.

ADR 2003 version:

List of substances to which the standard liquids may be regarded as being equivalent for the purpose of 6.1.5.2.6.

Class 3

<u>Substance</u>	<u>Standard Liquid</u>
Flammable liquids of packing group II, without subsidiary risk (classification code F1, packing group II)	
Substances having a vapour pressure at 50 °C of not more than 110 kPa (1.1 bar)	
- Crude petroleum and other crude oils	Mixture of hydrocarbons
- Hydrocarbons	Mixture of hydrocarbons
- Halogenated substances	Mixture of hydrocarbons
- Alcohols	Acetic acid
- Ethers	Mixture of hydrocarbons
- Aldehydes	Mixture of hydrocarbons
- Ketones	Mixture of hydrocarbons
- Esters	Normal butyl acetate where the swelling effect is up to 4 % (mass): other cases, mixture of hydrocarbons.
Mixtures of above-mentioned substances having a boiling point or initial boiling point exceeding 35 °C, containing not more than 55 % nitrocellulose with a nitrogen content not exceeding 12.6 % (UN No. 2059).	Normal butyl acetate/normal butyl acetate-saturated wetting solution <u>and</u> mixture of hydrocarbons.
Viscous substances that meet the classification criteria of 2.2.3.1.4	Mixture of hydrocarbons
Flammable liquids of packing group II, toxic (classification code FT1, packing group II)	
Methanol (UN No.1230)	Acetic acid
Flammable liquids of packing group III, without subsidiary risk (classification code F1, packing group III)	
- Petroleum, solvent naphtha	Mixture of hydrocarbons
- White spirit (turpentine substitute)	Mixture of hydrocarbons
- Hydrocarbons	Mixture of hydrocarbons
- Halogenated substances	Mixture of hydrocarbons

- Alcohols	Acetic acid
- Ethers	Mixture of hydrocarbons
- Aldehydes	Mixture of hydrocarbons
- Ketones	Mixture of hydrocarbons
- Esters	Normal butyl acetate where the swelling effect is up to 4 % (mass): other cases, mixture of hydrocarbons.
- Nitrogenous substances	Mixture of hydrocarbons
Mixtures of above-mentioned substances containing not more than 55 % nitrocellulose with a nitrogen content not exceeding 12.6 % (UN No. 2059).	Normal butyl acetate/normal butyl acetate-saturated wetting solution <u>and</u> mixture of hydrocarbons.

Class 5.1

Oxidizing liquids, corrosive (classification code OC1)	
Hydrogen peroxides, aqueous solutions with not less than 20 % but not more than 60 % hydrogen peroxide (UN No. 2014) ⁴	Water
Perchloric acid with more than 50 % but not more than 72 % acid (mass) (UN No. 1873)	Nitric acid
Oxidizing liquids, without subsidiary risk (classification code O1)	
Hydrogen peroxide, aqueous solutions with not less than 8 % but less than 20% hydrogen peroxide (UN No. 2984) ⁴	Water
Calcium chlorate solution (UN No.2429) Potassium chlorate solution (UN No. 2427) Sodium chlorate solution (UN No. 2428)	Water Water Water

Class 5.2

NOTE: <i>tert-butyl hydroperoxide with more than 40 % peroxide content and peroxyacetic acids are excluded.</i>	
All organic peroxides in a technically pure form or in solution in solvents which, as far as their compatibility is concerned, are covered by the standard liquid "mixture of hydrocarbons" in this list (UN Nos. 3101, 3103, 3105, 3107, 3109, 3111, 3113, 3115, 3117, 3119).	Normal butyl acetate/ wetting solution with 2% normal butyl acetate <u>and</u> mixture of hydrocarbons <u>and</u> nitric acid at 55%.
Compatibility of vents and gaskets with organic peroxides may be verified, also independently of the design type test, by laboratory tests with nitric acid.	

Class 6.1

Toxic organic liquids without subsidiary risk (classification code T1)	
Aniline (UN No.1547)	Acetic acid
Furfuryl alcohol (UN No. 2874)	Acetic acid

Phenol solution (UN No. 2821, packing group III)	Acetic acid
Toxic organic liquids, corrosive (classification code TC1)	
Cresols (UN No. 2076) or cresylic acid (UN No. 2022)	Acetic acid

Class 6.2

All infectious substances (UN Nos. 2814 and 2900, risk group 2, and UN No.3291) considered to be liquids in accordance with 2.1.2.6	Water
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Class 8

Corrosive acid inorganic liquids, without subsidiary risk (classification code C1)	
Sulphuric acid (UN Nos. 1830 and 2796)	Water
Sulphuric acid, spent (UN No. 1832)	Water
Nitric acid (UN No. 2031) with not more than 55 % acid	Nitric acid
Perchloric acid with not more than 50 % acid, by mass in aqueous solution (UN No. 1802)	Nitric acid
Hydrochloric acid (UN No. 1789) with not more than 36 % pure acid Hydrobromic acid (UN No. 1788) Hydriodic acid (UN No. 1787)	Water
Hydrofluoric acid (UN No. 1790) with not more than 60 % hydrogen fluoride ⁵	Water
Fluoroboric acid (UN No. 1775) with not more than 50 % pure acid	Water
Fluorosilicic acid (UN No. 1778)	Water
Chromic acid solution (UN No. 1755) with not more than 30 % pure acid	Nitric acid
Phosphoric acid (UN No. 1805)	Water
Corrosive acid organic liquids (classification code C3)	
Acrylic acid (UN No. 2218), formic acid (UN No. 1779), acetic acid (UN Nos. 2789 and 2790), thioglycolic acid (UN No. 1940)	Acetic acid
Methacrylic acid (UN No. 2531), propionic acid (UN No. 1848)	Acetic acid
Alkylphenols, liquid, n.o.s. (UN No. 3145, packing group III)	Acetic acid
Corrosive basic inorganic liquids, without subsidiary risk (classification code C5)	
Sodium hydroxide solution (UN No. 1824), potassium hydroxide solution (UN No. 1814)	Water
Ammonia solution (UN No. 2672)	Water
Other corrosive liquids (classification code C9)	

Chlorite solution (UN No. 1906) and hypochlorite solution ⁶ (UN No. 1791, packing group III)	Nitric acid
Formaldehyde solutions (UN No. 2209)	Water
Corrosive liquids toxic (classification code CT1)	
Hydrazine, aqueous solutions with more than 37 % hydrazine, by mass (UN No. 2030)	Water

Current solution at national level

- **Germany**

The sole national derogation dealing with this issue is Ausnahme 20 in Germany. This derogation is based on “Abfallgruppe” (“waste groups”), and not on UN numbers. The chemical compatibility must be tested with the standard liquid mentioned under column (8) for each ‘Abfallgruppe’

Suggested amendment to the ADR

- **Option 1:** re-writing of specific parts based on the 2003 version.
- **Option 2:** completion of the ‘Ausnahme 20’-table with the list of the dangerous substances with waste status and the standard liquids used to test the plastic packaging, with the UN-numbers (see annex II).

Justification

To improve the practical applicability of the ADR for the transport of dangerous goods with a waste status without significantly modifying the risk level.

3.1	Transport of large volumes of asbestos contaminated objects or soil in bulk
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Description of the issue

Special provision 168 generates diverging interpretations regarding the emission of free fibres (no quantitative limit) and how to avoid free asbestos emissions UN 2590 and 2212 do not allow the bulk transport of free asbestos.

Current solutions at national level

- **France:** arrêté du 29 mai 2009 modifié – annexe I, §3.9.

Suggested amendment to the ADR

- **Option 1:** clarification of the wording of special provision 168.
- **Option 2:** to allow the bulk transport under certain conditions e.g. as provided for in the French decree (e.g. using non UN-tested big-bags or “container-bags”).

Justification

To avoid diverging interpretations from country to country and to ensure a level playing field at international level, without significantly modifying the Current risk level.

3.3	Transport of aerosols and gas cartridges in bulk
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Description of the issue

This point was raised by the Austrian delegation during the joint meeting of September 2019. The waste sector is interested in raising this issue but asks for more clarification regarding the Current multilateral agreement and how it is to be included in the ADR.

Current solutions at national level

Multilateral agreement M287

Proposition to amend the ADR

To be proposed by Austria.