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**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**

Bern, 10 and 11 September and Geneva, 14-18 September 2020

Item 6 of the provisional agenda

**Reports of informal working groups****“Empty uncleaned packaging” or “Packagings, discarded,  
empty, uncleaned” (UN 3509) – Clarification of scope****Transmitted by European Federation of Waste Management and  
Environmental Services (FEAD) on behalf of the informal working  
group on the transport of hazardous waste<sup>\*</sup>, <sup>\*\*</sup>***Summary*

**Executive summary:** The present document considers the need for clarification of the scope of RID/ADR 4.1.1.11, dealing with empty packaging that still fulfils the definition of packaging in case of recycling or recovery. It is considered that the latter is in contradiction with the scope of UN No. 3509, thus generating misinterpretations.

**Action to be taken:** Amendments to RID/ADR special provision 663 are proposed.

**Introduction**

1. This proposal is the result of the informal working group dedicated to the transport of (hazardous) waste of the Joint Meeting. It is relevant to note that the informal working group met in two different occasions: a first meeting in April 2019 in Brussels (see ECE/TRANS/WP.15/AC.1/2019/34), and a second one in March 2020 in Utrecht (see ECE/TRANS/WP.15/AC.1/2020/59). The modifications proposed in the present document are the result of the second meeting and agreed by its participants in that occasion.

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\* 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/2020/60.

## Background

2. UN No. 3509 was developed to cover the transport of damaged packaging that no longer fulfils the definition of packaging. Specific conditions have been set out in special provision 663. 4.1.1.11 deals with empty packaging that still fulfils the definition of packaging in case of recycling or recovery and is for that reason in contradiction with the scope of UN No. 3509, generating misinterpretations.

3. The note under 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 special provision 663. A clarification of the wording of the RID/ADR text was discussed during the informal working group meeting, considering also the issue of the 5-year lifespan of packaging under 4.1.1.15.

4. In special provision 663, the following wording can be misunderstood: “Packagings, discarded, empty, uncleaned with residues presenting a primary or subsidiary hazard 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, wagon/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 meeting of the informal working group in Brussels in March 2019.

## Proposal

5. Amend RID/ADR special provision 663 as follows:

(a) Add the following sentence at the end of the first paragraph:

*“In case empty uncleaned packaging, large packaging or intermediate bulk containers (IBC) are still in the condition of approval as required by 4.1.1.3, 4.1.1.11 may also be applied”.*

(b) Modify the following sentence as follows:

Original text: *“Packagings, discarded, empty, uncleaned with residues presenting a primary or subsidiary hazard 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, wagon/vehicle or bulk container”.*

Proposed text: *“Packagings, discarded, empty, uncleaned with residues presenting a primary or subsidiary hazard of Class 5.1 shall not be **loaded in bulk containers together with packaging, discarded, empty, uncleaned with residues presenting a hazard of other classes. Packagings, discarded, empty, uncleaned with residues presenting a primary or subsidiary hazard of Class 5.1 shall not be packed with other packagings, discarded, empty, uncleaned with residues presenting hazards of other classes in the same outer packaging**”.*

## Justification

6. 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.

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