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Minutes - Informal Working Group on ADR and Waste

07 October 2020 Online

Participants

Name	Organisation
Hennie van der Stokker	The Netherlands
Soedesh Mahesh	The Netherlands
Jan Van Der Heyden	Belgium
Francois Pondant	Belgium
Philippe Raucq	Belgium
Jean-Michel Piquion	France
Claude Pfauvadel	France
Maessama Cherhabil	France
Yvonne Adebahr-Lindner	Germany
Wonett Hall	United Kingdom
Mihai Cuciureanu	Romania
Camilla Oscarsson	Sweden
Anu Hakkinen	Finland
Othmar Krammer	Austria
Baudouin Ska	FEAD
Jan Goedhart	FEAD
Willy Van Praet	FEAD
Roland Schueler	FEAD
Eddy Schuer	FEAD
Federica Pozzi	FEAD
Kristof Bogaert	FEAD

1. Introduction

A quick virtual tour de table was initiated by FEAD (Baudouin Ska), together with a short history of the informal working groups organized by FEAD.

The objective of the meeting consists in:

- **Fine-tuning of** documents discussed and supported during the Joint Meeting in September (Geneva & online, 14-18 September 2020).
- Presentation of **two new issues** (not discussed for time constraints):
  - Issue 2.2: "transport of packaged waste – inner packagings packed together";
  - Issue 2.5: "chemical compatibility".

2. Issue 4.2: additional information responsible person for class 6.2

Context

The current requirement for class 6.2 prescribed that the name and telephone number of the responsible person shall be indicated. This causes problems in large hospitals with several departments.

FEAD proposal for modification

FEAD proposes the following modification: "additional provision for class 6.2, except for UN 3291".

Remarks by participants:

- **Romania**: stresses that the amendments for ADR 2021 will create, near the existing UN 3291, a new UN number 3539 for class A waste belonging to packing group 1.
- **Belgium**: informs that the basic text in Belgium is a multilateral agreement and it is meant only for waste of clothing for people entering the room of a sick individual. But, in case of a category B, it is exempted from rules requiring additional information. This leads to a minimized possibility for mistakes.
- **Sweden**: states that the usefulness and purpose of the requirement should be addressed. Mentions the need to identify a responsible person reachable 24/7.
- **Finland**: supports the comments made by Sweden. Adds that this provision comes from the UN Regulation and the issue must be raised within the adequate sub-committee.
- **The Netherlands** and **UK**: support previous comments and consider the mention of such name as bringing no added value to safety.
- **France**: highlights that, in France, requirements (i.e. indication of the precise service) are present in the relevant health and safety regulation and not only in the transport regulation, requiring an overall waste traceability. Belgium has the same system under the umbrella of environmental regulation.

Conclusion and further actions

- There is a **general support** for the proposal by FEAD.
- A paper with clear information should be addressed to the Joint Meeting. This paper should compare member states' systems that have similar regulations in place.

  ➔ ***Check whether it is a EU requirement deriving by Regulation 2000/54/EC on biological agents at work.***

  ➔ ***Launch a call for information on national legislations on the matter to be proposed to the next informal working group.***

3. **Issue 1.1: exemption of pharmaceutical products (medicines) ready for use**

Context

In support of this proposal, there is currently a **multilateral agreement (M329)** proposed by Austria.

Remarks by participants

- **Sweden** and **UK**: additional comments will be provided after further consideration. Sweden refers to exemption under 1.1.3.1.c.
- **Finland**: informs that the proposal seems acceptable but needs to further check with relevant authorities. Suggests considering exemptions for private health care professionals and not only for individuals.
- **Chair**: suggests a clarification of the scope – post-consumer as pre-consumer material encountering the two following conditions:
  - final product, packed and ready for distribution/consumption;
  - no longer fit for consumption.
- **Austria**: confirms the description made by the chair.

Conclusion and further actions

The proposal will be **reconsidered** in the next informal working group meeting.

➔ ***Member States should check the situation in their respective country and send the relevant information to the FEAD Secretariat*.**

4. Working document 61 on weight estimation: review of adjusted proposal

Context

Following discussions and comments received during September's Joint Meeting, **new modifications and clarifications** are proposed by FEAD.

New proposal

- Exclusion of TP category 0
- Clarification of estimation based on degree of filling

Remarks by participants

- Eddy Schuer (**FEAD**): explains that companies dealing with the reconditioning of used packaging still fit for a potential reuse are

transported under 1.1.3.6 *cat. 4*. This is the reason why this category is not taken in the exemption proposed.

- **Finland**: suggests the wording "weight" to be replaced with "mass". Adds that this proposal, introduced under *par.f*, is rather long and specific to waste only. Wonders if this can be added under par. 5.4.1.1.3 which deals with special provisions for waste transport documents.
- **Sweden**: suggests changing the wording "when the full ADR is applied" with the appropriate ADR legal terminology.

Conclusion and further actions

➔ ***The document will be circulated after checking the correct wording as well as placement for introducing the new proposal in the ADR.***

5. Working document 51 on polymerizing substances: review of adjusted proposal

Context

The document has been introduced **by Germany** and discussed during September's Joint Meeting.

Remarks by participants

- **Germany**: informs that the relevant documents have been shared with the Netherlands and Belgium. The first has approved without further comments. Clarifies that the "ambient temperature" is to be understood as "storage temperature".
- **UK**: raises concerns on the fact that this form of transport is rare, and a national derogation could be sufficient. A further check with national authorities is needed.
- **France**: stresses that tank and/or bulk transport is not considered in this document. This clarification needs to be added.
- **Sweden**: suggests changing the wording "these conditions should be met" to bring it in line with ADR jargon. Confirms that questions will be asked by the Joint Meeting on the temperature.
- **Romania**: suggest checking the verbal tenses in certain provisions.
- **Switzerland**: notes that, in the French text of SP 6XX, the verb "ne doivent pas etre" with "il n'est pas necessaire d'appliquer".

Conclusion and further actions

➔ ***Suggestion is made to Germany to foresee an interpretation text and some textual modifications proposed in the present meeting.***

➔ ***Germany will share an updated document and FEAD will share it with all participants to the informal working group.***

6. Working document 57 on transport of asbestos: review of adjusted proposal

Context

France has introduced a document on the transport of asbestos to the September's Joint Working. Some comments on the scope have been received. Relevant to note is that this way of transport is also common several countries (i.e. Belgium, Germany, the Netherlands, Ireland).

Remarks by participants

- **France**:
  - gives further explanations on the issues by sharing a video document to illustrate resistance of the material and its unloading (here).
  - is still working on better defining some problems on the containers themselves as well on the definition of the scope.
  - proposes to speak about "liner bag" and no longer about "container bag".
  - insists on the need for an efficient closure to avoid dust dissemination (zip system instead of flap).
- **Sweden**: remarks that there is currently no transport of asbestos in bulk and/or containers. Yet, bulk containers in big bags are imported from Ireland. These bags are used due to legislation for workers' safety.
- **UK**: affirms that a specific type of container should not be mandated as it could be costly. Raises concerns on how these bags would be cleaned after they are emptied.
- **Sweden**: asks to be provided more photos with the relevant health and safety authorities.

Conclusion and further actions

➔ ***France requests help from other participants and FEAD to improve the proposal in terms of scopes as well as defining "containers" in a more technical way.***

➔ ***France suggests creating a sub-group with FEAD (waste management companies), involved countries and manufactures of liners to bring in the technical knowledge.***

➔ ***FEAD to ask its French member – FNADE – to provide a presentation showing the advantages in terms of health and safety.***

➔ ***FEAD will check common practices within its members as well as any contacts with producers.***

7. Proposal for multilateral agreements for proposal 60 and 62

Remarks by participants

- **Austria**: remarks that **a multilateral agreement could be reached for document 62**, but it would be more difficult for document 60.
- **France**: agrees and adds that some countries already have provisions from proposal 62 in place, but they will not propose the agreement but will support it. Stresses that a multilateral agreement is only allowed if it proposes an exemption to the actual ADR. Adds that restrictions to the ADR must be directly integrated in the text.

Conclusion and further actions

➔ ***Participants should ask around which countries would like to propose a multilateral agreement. It could be proposed that they could work with FEAD's support in addressing potential countries.***

8. Working document 02: waste batteries/used storage batteries, carriage in bulk

Context

Several countries have bulk transport of batteries as a common practice (among the participants: Austria, Belgium, Germany, Finland, France, Sweden).

Presentation by Finland:

- UN 2794 and other provisions mention 2020/2. Special provision 598 gives the conditions from provisions. Exemption is safe enough if provisions against short circuits are included.
- Finland has experienced a few accidents (fires) during bulk transport operations.

Remarks by participants

- **The Netherlands**: suggests sharing accident reports and other related documents.
- **Sweden**: confirms that this type of bulk transport is common is Sweden as well. Yet, no specific issues have arisen since now. Adds that they interpret this provision in a way that this transport does not require any provision against short circuit. Raises concerns on the Swedish industry's reaction to new packaging instructions.
- **Austria**: explains that no problems have been encountered to this day. No protection against short circuit currently exists. Adds that there is no requirement for protection, as there is no reaction between several streams, but only in the same stream.

- **Germany**: indicates that no problems from carriage in bulk has been encountered. Confirms that it is a practical way of transporting. Adds that there is a need for clarifying what is allowed or not in the protection against short circuits.
- **UK**: indicates that still need to check their position and will come back to FEAD once formulated.
- **Belgium**: notes that such transport exists but the common interpretation is that protection against short circuit is mandatory.
- **France**: mentions the existence of an ongoing working group on the improvement of reporting of accidents.
- **Switzerland**: does not believe that it is useful to ban the bulk transport due to the lack of adequate short circuit protection.

Conclusion and further action

➔ ***Participants should share their experiences on incidents' reports.***

➔ ***FEAD and participants should get in contact with batteries treatment installations, which are often also in charge of transportation, to have their feedback and their experience on how they manage the risk during the transport of bulk material.***

9. Issue 3.3: transport of aerosols and gas cartridges in bulk

Context

Presentation by Austria

- Austria has a former multilateral agreement and is currently attempting an update version on UN 1950 waste aerosols (M3289).
- The latter allows not only to use a whole container to be filled with aerosols, but to possibly use waste containers according to standard 840 and to put them in vehicle containers.
- The formal multilateral agreement (under reference M287 and dated 2015) was undersigned by 4 or 5 countries, but the content is very similar.
- Austria has already sent the document to the UNECE Secretariat to seek support from other countries.

Remarks by participants

- **Belgium**: highlights that the problem arises from the wrong separation of aerosols by costumers, which potentially causes fires. Asks Austria to explain the difference between "aerosols" and "gas cartridges".
- **Austria**: reaffirms that even if there is potentially no risk during the transport, the unloading, intermediate storage and reception at the treatment facility also must remain safe.

Conclusion and further actions

➔ ***Austria to clarify some points raised by Belgium.***

10. Working document 54: removable dumpster placarding

Context

The document has been introduced in September's Joint Meeting by France.

Presentation by France:

- France has been asked by FNADE to provide interpretation. France has responded that, strictly speaking, the interpretation by the Joint Meeting is the common understanding of the text. Nonetheless, France has opted for an official answer by the Joint Meeting.
- The Joint Meeting has responded that the latter is the interpretation according to the current text, but it is not excluded that the text could be modified.

Conclusion and further actions

➔ ***France stresses that it is up to the industry to coordinate this issue and it is up to FEAD to inquire if it is necessary to change the regulation and put forward a proposal*.**

11. Conclusion and next meeting

- For time constraints, two new issues (proposals by FEAD) have not been discussed during the meeting, as follows:
  - Point 2.2: transport of packaged waste – inner packagings packed together;
  - Point 2.5: chemical compatibility;
- **These topics will be discussed in the upcoming meeting.**

➔ An additional meeting will be potentially organized on **Thursday, 19 November 2020 (9h00-13h00)**.