



**Economic and Social
Council**

Distr.
GENERAL

ECE/TRANS/WP.15/AC.1/2009/9
9 January 2009

Original: ENGLISH

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

Geneva, 23 - 27 March 2009

Item 5 of the provisional agenda

**HARMONIZATION WITH THE UN MODEL REGULATIONS
ON THE TRANSPORT OF DANGEROUS GOODS**

Worldwide multimodal harmonization

Note by the secretariat^{1, 2}

SUMMARY

| | |
|---------------------|--|
| Executive summary: | Request by the UN Sub-Committee of Experts on the Transport of Dangerous Goods (TDG Sub-Committee) to provide feedback in order to improve global harmonization of national and international legal instruments. |
| Action to be taken: | Consideration of the request Provide feedback .../... |

¹ In accordance with the programme of work of the Inland Transport Committee for 2006-2010 (ECE/TRANS/166/Add.1, programme activity 02.7 (c)).

² Circulated by the Intergovernmental Organisation for International Carriage by Rail (OTIF) under the symbol OTIF/RID/RC/2009/9.

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| Related documents: | ST/SG/AC.10/C.3/2008/65 Informal document INF.20 (Netherlands) and INF.73 (working group) submitted at the 34 th session of the TDG Sub-Committee ST/SG/AC.10/C.3/2008/CRP.3/Add.9, paras. 97-100 |
|--------------------|--|

1. At its thirty-fourth session, the United Nations Sub-Committee of Experts on the Transport of Dangerous Goods (TDG Sub-Committee), considering a document submitted by 14 non-governmental organizations (ST/SG/AC.10/C.3/2008/65) agreed that additional efforts had to be made to improve the harmonization of transport of dangerous goods regulations at worldwide level, since there were still divergences that impeded international and multimodal transport operations.

2. Some experts felt nevertheless that it would be necessary to assess more precisely the problems mentioned by the industry since a lot of efforts had been made in the past few years to harmonize all major international instruments with the UN Model Regulations, and the few remaining divergences might be well justified. The international organizations concerned were invited to provide feedback to the Sub-Committee, by drawing attention to requirements in their international instruments that deviated from the UN Model Regulations and explaining why such deviations had been introduced.

3. Similarly, governments should provide the same kind of feedback to the Sub-Committee as regards their own national regulations.

4. The different modal, regional and national bodies were invited to send their feedback to the Sub-Committee regarding the table in the annex hereto and the following issues in particular:

- (a) Developing a common understanding on what is meant by harmonization;
- (b) Identifying existing substantial international modal, regional, and national differences with the aim of reducing differences to the greatest extent practicable, and ensuring that where differences are necessary that they do not pose an impediment to the safe and efficient transport of dangerous goods;
- (c) Establishing cooperative guidelines for enhancing consistency between the requirements of international modal, regional, and national bodies and reducing unnecessary impediments;
- (d) Undertaking a technical editorial review to identify inconsistencies of use of language with the goal of ensuring that the text of each regulation is user-friendly and clear, and is easily translated into other languages.

5. The Joint Meeting may wish to consider the above requests from the Sub-Committee of Experts on the Transport of Dangerous Goods and decide as deemed appropriate.

Annex

| No | Issue | Potential solution | Action |
|----|---|--|---|
| 1 | Editorial differences | Editorial working groups | |
| 2 | Differences of substance (by regulators and industry) | Document reasons for controversial decisions | |
| 3 | Inter-modal differences | Identify the differences, develop agreed procedures between modes to cooperate | Expert from the United Kingdom to circulate list of differences |
| 4 | Unclear text | Editorial working group | |
| 5 | National laws inconsistent with the UN Model Regulations | | |
| 6 | Changes to the UN Model Regulations not always justified in a way that can be adopted by status | Proposals to be accompanied by cost benefit analysis | |
| 7 | Unrealistic time pressures | Editorial working group | |
| 8 | Difficult to identify inter-modal differences | Working group to review | Expert from the United Kingdom to circulate list of differences |
| 9 | Modal organizations sometimes identify problems that the Sub-Committee will not accept/resolve | Develop agreed procedures between modal organizations to cooperate | |
| 10 | Experts of the Sub-Committee may not have authority to effect changes nationally/regionally | | |
| 11 | Not clear what is meant by "harmonization" | | |
| 12 | Ease of access to decision making (not always possible for other bodies to understand decisions of the Sub-Committee) | | |
| 13 | Inadequate breadth of participation - countries, industry, modes | | |
| 14 | Duplication of work on classification | Develop agreed procedures between modal organizations to cooperate | |
| 15 | Different opinions from national representatives at different forums | Develop agreed procedures between modal organizations to cooperate | |

| No | Issue | Potential solution | Action |
|----|--|--|--------|
| 16 | Some delegations do not have multimodal view (not always possible to do this for some delegations) | Enhance the documentation of reasons for decisions for modal organizations | |
| 17 | Inadequate procedure to resolve differences other than voting | Rules of procedure minimal amount of support before proposal can be introduced (like ICAO Dangerous Goods Panel and RID/ADR/ADN Joint Meeting) | |
