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Item 7 (a) of the provisional agenda

PROPOSALS FOR AMENDMENTS TO RID/ADR/ADN

Pending issues

Section 5.4.2: Container packing certificate

Transmitted by the Government of Sweden^{1, 2}

SUMMARY

Executive summary: In the International Maritime Dangerous Goods (IMDG) Code, the requirements in 5.4.2 apply to both containers and vehicles (wagons). If the text in section 5.4.2 in RID/ADR/ADN should be maintained, it should be harmonized with the requirements in the IMDG Code and only include information about what is required in those provisions.

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/2009/17.

Action to be taken: Clarify the text to make sure that the container packing certificate is not required during land transport. Insert the word “vehicle” (“wagon”) in section 5.4.2 where appropriate, and clarify that the documentation may be presented electronically, in order to bring the text in line with the text in the IMDG Code.

Related documents: Informal document INF.13 submitted at the March 2009 session.

Introduction

1. In sub-section 5.4.2.1 of the IMDG Code, conditions for a container packing certificate, as well as a vehicle packing certificate, are specified. Still, section 5.4.2 in RID/ADR/ADN refers to containers only. This could be misleading and, actually, the text has been misinterpreted, which has been uncovered several times by the Swedish Coast Guard; the enforcement body for maritime carriage in Sweden.
2. In the current text of 5.4.2 in RID/ADR/ADN, the IMDG Code is referred to through footnotes. The main reason for having the text in RID/ADR/ADN is to inform the consignor especially about the responsibility to provide a packing certificate for the maritime carriage.
3. For maritime carriage, packing certificates are required for both containers and vehicles (wagons). Thus, the Government of Sweden believes it would be appropriate to include the entire scope of the maritime requirement in RID/ADR/ADN, to avoid misunderstandings. For this reason the word “vehicle” (“wagon”) should be inserted in section 5.4.2 where appropriate, in order to clarify that a vehicle (wagon) packing certificate is required for maritime carriage. Furthermore, the word “large” before “container” should be removed, because the IMDG Code refers to all containers.
4. Nevertheless, Sweden is aware that the packing certificate is not an issue for land transport safety, and believes it is unnecessary to require that the container packing certificate be attached to the transport document or incorporated into the transport document during land transport as stated in the current editions of RID/ADR/ADN. Generally, when a container is prepared and consigned for transport, the consignor furnishes the road/rail carrier with the container packing certificate. However, it should also be possible to distribute the packing certificate directly to the maritime carrier.
5. Concerning vehicles (wagons), the procedure is slightly different. Especially vehicles may be loaded and unloaded several times, and a number of changes can be made to the packing certificate before the final vehicle packing certificate can be made available for the maritime carriage. According to Chapter 1.4, there are no specific obligations for the carrier to provide a packing certificate, but the vehicle packing certificate is often prepared by the driver(s), and provided to the maritime carrier when the vehicle is taken on board.
6. In conclusion, the packing certificate is only needed for maritime carriage and Sweden believes that there should be no obligation to carry this document during land transport.
7. Furthermore, facsimile signatures are acceptable, and the documentation may be presented electronically, which has been clarified in the 2008 edition of the IMDG Code. This is

not reflected appropriately in section 5.4.2 in RID/ADR/ADN and, to avoid misinterpretation, text about facsimile signatures corresponding to the last sentence in 5.4.2.2 and text about electronic documentation corresponding to 5.4.2.3 in the IMDG Code, should be inserted in 5.4.2.

Proposal

8. For the reasons mentioned above, Sweden would like to amend the text in section 5.4.2 “Container packing certificate” and proposes the following amendments:

(a) **Amend section 5.4.2 to read as follows (new text underlined):**

“ 5.4.2 Container/vehicle (wagon) packing certificate

If the carriage of dangerous goods in a ~~large~~ container or in a vehicle (wagon) precedes ~~a voyage by sea~~ maritime carriage, a container/vehicle (wagon) packing certificate conforming to section 5.4.2 of the IMDG Code^{3, 4} shall be provided to the maritime carrier [by those responsible for packing the container or vehicle (wagon)] [at the latest when the goods are delivered for maritime carriage].

The functions of the transport document required under section 5.4.1 and of the container/vehicle (wagon) packing certificate as provided above may be incorporated into a single document; if not, these documents shall be attached one to the other. If these functions are incorporated into a single document, the inclusion in the transport document of a statement that the loading of the container or vehicle (wagon) has been carried out in accordance with the applicable modal regulations together with the identification of the person responsible for the container/vehicle (wagon) packing certificate shall be sufficient. Facsimile signatures are acceptable where applicable laws and regulations recognize the legal validity of facsimile signatures.

If the dangerous goods documentation is presented to the maritime carrier by means of electronic data processing (EDP) or electronic data interchange (EDI) transmission techniques, the signature(s) may be replaced by the name(s) (in capitals) of the person(s) authorized to sign.

NOTE: The container/vehicle (wagon) packing certificate is not required for portable tanks, tank-containers and MEGCs.”

(b) The footnotes remain unchanged.

Consequential amendments

(c) Amend the note in 1.1.4.2.3 to read as follows:

“**NOTE:** For carriage in accordance with 1.1.4.2.1, see also 5.4.1.1.7. For carriage in containers and vehicles (wagons), see also 5.4.2.”

Justification

9. These amendments are in line with the requirements of the IMDG Code and will clarify that the provisions apply for the part of the transport chain that concerns maritime carriage and that packing certificates are required for containers and vehicles (wagons).
