



WORKING PAPER

**DANGEROUS GOODS PANEL (DGP)
WORKING GROUP MEETING (DGP-WG/15)**

Montreal, 27 April to 1 May 2015

Agenda Item 6: Resolution, where possible, of the non-recurrent work items identified by Air Navigation Commission or the Dangerous Goods Panel:

6.4: Consideration of transitional measures for amendments to the Technical Instructions

TRANSITION PERIOD

(Presented by the European Chemical Industry Council (CEFIC), the European Aerosol Federation (FEA) and the International Paint and Printing Ink Council (IPPIC))

SUMMARY

This working paper recommends that for all future editions of the Technical Instructions, a transition period of 90 days be established to allow shipments prepared under the previous edition to be offered for transport and transported.

Action by the DGP-WG: The DGP is invited to consider a new provision for a transitional period in Part 1 of the Technical Instructions as shown in the appendix to this working paper.

1. INTRODUCTION

1.1 Every second year the industry around the globe is faced with the huge task of implementing new dangerous goods regulations for all modes of transport. This includes new international regulations for air (Technical Instructions), sea (International Maritime Dangerous Goods (IMDG) Code) and European road (European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR)), rail (European Agreement Concerning the international Carriage of Dangerous Goods by Rail (RID)) and inland waterways (European Agreement concerning the International Carriage of Dangerous Goods by Inland Waterways).

1.2 It is part of the implementation process that these new international regulations are reflected in national regulations.

1.3 In computerized systems changes cannot be implemented without a rigorous change and validation process, which needs time to accomplish. New national and international regulations are often not available for industry in their final form before the end of November of the year prior to their implementation. This makes it difficult to have the whole change process completed and validated in time. New requirements require a lot of attention:

- New requirements must be identified in the new regulations;
- New data must be accurately entered into computer and EDP-Systems which is very time-consuming; and
- The Technical Instructions also state in Part 1;4.2.1 of the ICAO Technical Instructions “Personnel must be trained in the requirements commensurate with their responsibilities”

1.4 With the exception of the ICAO Technical Instructions, the international regulations referred to above all have transitional periods:

- ADR: 6 months transitional period until end of June following the year of publication (1.6.1.1 ADR)
- RID: 6 months transitional period until end of June following the year of publication (1.6.1.1 RID)
- ADN: 6 months transitional period until end of June following the year of publication (1.6.1.1 ADN)
- IMDG: voluntary application (12 months) until end of the year following publication (MSC-Resolution and Preamble of the Code)
- 49 CFR (Code of Federal Regulation) of the United States – in some cases with no transitional period or with transitional periods of 12 months or longer depending on the subject covered (PHMSA Federal Register Vol. 78, No. 4, Part II)

1.5 In the 2011-2012 Edition of the Technical Instructions, a transition period of three months was provided to shippers to allow packages prepared using the packing instructions in the 2009-2010 Edition to be offered for transport. In 2012 a similar transition period was provided in relation to the revised lithium batteries packing instructions in the 2013-2014 Edition. According to our information these transitional periods did not lead to any problems along the transport-chain. Operators adjusted their dangerous goods handling processes to take into account these transitional periods.

1.6 Dangerous goods shipments may be prepared days before entering the transport system and may not reach the consignee before the coming into force date of the new edition of the Technical Instructions. The use of a transition period allows for flexibility and prevents any delays in the acceptance and transport of dangerous goods. It is therefore proposed to allow a 90-day transition period for future editions of the Technical Instructions so as to allow packages prepared under the previous edition of the Technical Instructions to be offered for transport and transported.

1.7 This matter was discussed at the DGP Working Group of the Whole Meeting in Rio de Janeiro (DGP-WG/14, 20 to 24 October 2014). There was considerable support for the proposal, however

the proposed period of six months was considered to be excessive. A compromise of a 90 day transitional period was proposed and agreed in principle.

1.8 Language versions other than English are usually not available before the entry into force date. Therefore national training programs can neither be developed nor be approved by the competent authorities. Consequently, stakeholders along the transport chain cannot be trained commensurate with their duties.

1.9 We were advised by lawyers that regulations are only legally valid once they are available. This is the case in those countries where a translation into their national language is required. It would be a violation of the law if they were applied!

1.10 Despite all efforts of the Dangerous Goods Panel to develop accurate regulations, it may happen that errors creep in to adopted and published text. A transitional period allows for any errors to be corrected before the entry into force date.

1.11 It is appreciated that there may be changes for which a transition period is not acceptable for safety reasons. In such cases the Dangerous Goods Panel should identify amendments to which the transitional period would not apply.

2. **JUSTIFICATION**

2.1 Transitional periods applied in the past did not lead to problems for shippers. Operators developed procedures to handle dangerous goods shipments made under the earlier edition of the Technical Instructions and acceptance checks were carried without delay. The proposed amendment is in line with regulations for other modes of transport. It is common practice for the industry around the globe, ease the burden in a hectic time of the year and lead to more accurate data in EDP systems.

2.2 In many industries there is a “make-to-order” process to minimize storage costs, which means that goods are produced when they are ordered. Lead-time for orders is typically up to 30 days for finished products, and for certain industries even longer. A transitional period will avoid conflicts with new regulatory requirements for goods produced towards the end of the year.

3. **ACTION BY THE DGP-WG**

3.1 The DGP is invited to consider a new provision for a transitional period in Part 1 of the Technical Instructions as shown in the appendix to this working paper.

APPENDIX

PROPOSED AMENDMENT TO PART 1 OF THE TECHNICAL INSTRUCTIONS

Part 1

GENERAL

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1.5 RELATIONSHIP TO ANNEX 18

ICAO Standards and Recommended Practices related to the transport of dangerous goods are contained in Annex 18 to the Convention on International Civil Aviation. These Instructions contain the detailed technical material needed to support the broad provisions of Annex 18 (Fourth Edition) in order to provide a fully comprehensive set of international regulations.

1.6 TRANSITIONAL PERIOD

Unless otherwise specified, the provisions of the Technical Instructions in force prior in the edition immediately preceding this edition may be used up to 31 March of the year of publication of this edition.

1.67 REQUESTS FOR AMENDMENTS TO THE TECHNICAL INSTRUCTIONS

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