



**WORKING PAPER**

**DANGEROUS GOODS PANEL (DGP)  
MEETING OF THE WORKING GROUP OF THE WHOLE**

**Beijing, China, 25 October to 3 November 2006**

**Agenda Item 5: Resolution, where possible, of the non-recurrent work items identified by the Air Navigation Commission or the panel**  
**5.4: Intermodal harmonization**

**INTERMODAL HARMONIZATION**

(Presented by the Secretary)

**SUMMARY**

This paper offers suggestions for consideration by the working group which would help harmonize the special provisions in the Technical Instructions with the special provisions in the UN Model Regulations.

Action by the DGP-WG is in paragraph 22.

**1. INTRODUCTION**

1.1 At the last UN SCOE Meeting (July 2006), discussions on intermodal harmonization took place. An extract from the report is presented below.

**OPTIONS TO FACILITATE GLOBAL HARMONIZATION OF TRANSPORT OF DANGEROUS GOODS REGULATIONS WITH THE UN MODEL REGULATIONS**

Documents: ST/SG/AC.10/C.3/2006/15 (WNTI)  
ST/SG/AC.10/C.3/2006/38 (Netherlands)

118. Some experts agreed with the expert from the Netherlands that the provisions currently reflected in international legal instruments specific to each mode of transport could be made applicable to all modes of transport through a single legal instrument when these provisions are relevant for all modes, and that this would avoid the deviations which currently complicate multimodal transport operations. This would also simplify the implementation tasks of governments and the related administrative burden.

119. Nevertheless, several experts reiterated their views that a world convention was not necessarily the best solution and that the need for such a convention had not been demonstrated. Some of them felt that there were not so many variations, and when variations existed they were justified either by modal or regional considerations. Reflecting such variations in a world

convention would require a complex system of cooperation with the international organizations concerned. In addition, the existing international legal instruments would still be needed for requirements which concern one mode of transport only.

120. The representative of IMO said that this issue was likely to be discussed by his organization in September 2006.

#### **First steps in resolving outstanding issues**

Document: ST/SG/AC.10/C.3/2006/65 (ICAO)

121. The Sub-Committee noted that ICAO supported efforts for further harmonization and would revisit this issue during 2006-2007.

Document: ST/SG/AC.10/C.3/2006/43 (United Kingdom)

122. The Sub-Committee discussed the various proposals submitted by the expert from the United Kingdom in items 3 to 9 as follows.

#### ***Item 3***

123. Several experts supported the idea to review the text of the Model Regulations to identify inconsistencies in language and format. Others recalled that since many provisions of the Model Regulations are integrated without any change in certain instruments such as the IMDG Code, RID, ADR, ADN and national regulations of many countries, editorial reviews imply subsequent changes in all these instruments and are not necessarily welcome by governments and international organizations such as IMO which has repeatedly expressed the wish to avoid frequent editorial changes which are not justified for safety reasons.

124. A member of the secretariat drew the attention to the costs of these changes, since an editorial review of the English text would imply corresponding reviews of the other versions in the five other UN official languages. He recalled that, in the process of reformatting the UN Recommendations into Model Regulations and in the parallel adaptation of the IMDG Code, ADR, RID and ADN, all the provisions had been reviewed and he doubted that there would remain many inconsistencies in the language. He recalled also that since the Sub-Committee is an expert body, expert work is normally carried out by the Sub-Committee itself, and not by the secretariat or experts paid by the secretariat. If the work to be done were mainly editorial, it could be done by the secretariat within the available resources and in accordance with the applicable administrative rules. He invited all delegations to bring to the secretariat's attention any inconsistency in the existing text.

125. The expert from the United Kingdom said that he would consult the secretariat and would prepare a more precise proposal describing the proposed tasks.

#### ***Item 4***

126. Some experts felt that essential requirements concerning classification should remain in the Model Regulations and should not be transferred to the Manual of Tests and Criteria. If the Sub-Committee decided that the classification criteria should be made mandatory through references to other texts, referring to the GHS might be a more appropriate solution than amending the Manual of Tests and Criteria. Some experts mentioned also that referring to the Manual of Tests and Criteria might cause legal problems in their country if the Manual contained essential requirements to be known by all users rather than very technical provisions of interest to specialized bodies only, since they would then have to translate the Manual and include it in their legislation.

***Item 5***

127. It was recalled that the Economic and Social Council coordinates the work of its specialized agencies and regional commissions. The UN Recommendations are addressed to governments, specialized agencies and regional commissions through its resolutions, but the way to amend legal texts remains the prerogative of Member States for national regulations and of Contracting Parties to conventions for international legal instruments. The public accessibility of documents and legal texts depends also on the policy decided by the governing body of each organization.

***Item 6***

128. The representative of IAEA said that certain governments use directly the IAEA Regulations and some of them have expressed reluctance to changing the IAEA format. The issue had been considered, but for the time-being the IAEA had decided to keep the existing format, decision which could be revisited in the future when the new UN format for Class 7 provisions are discussed by IAEA. The representative of ICAO recalled that closer harmonization with the UN Model Regulations format would also be discussed by her organization, e.g. numbering of special provisions, etc.

***Item 7***

129. The Sub-Committee agreed that it would be useful to indicate where changes have been made when revised editions are published. The secretariat will study the practices followed by different publishers and will consider how this can most easily be done in the most cost effective way. The secretariat said also that this might not be possible for all linguistic versions and that this will entail delays for issuing the publication. It was also recalled that the list of changes was issued in all official languages whenever a new publication was published.

***Item 8***

130. The secretariat was invited to consult the Universal Postal Union about the existing provisions regarding the consignment of dangerous goods by mail in order to provide a basis for the future work of the Sub-Committee on this issue and to inform the Sub-Committee accordingly.

***Item 9***

131. The Sub-Committee agreed that when a transitional period is deemed necessary for the effective implementation of new or revised provisions, the recommended date of application should be mentioned in the Model Regulations.

**2. DISCUSSION**

2.1 With regard to paragraph 121, the following suggestions are offered for consideration by the working group:

- a) dividing of special provisions into two groups — those which are identical to the UN equivalent and those which are either unique to air transport or which have been modified significantly from their UN equivalent.

It should be noted that the original intent of the DGP when developing the Technical Instructions was to have two tables, based on the above rationale. However, at DGP/6

(24 March to 7 April 1982), it was agreed to consolidate the two tables so that it would be “possible to change the wording of some of the UN special provisions to align them with ICAO usage”;

- b) aligning the paragraph numbering as closely as possible to that in the UN Model Regulations; and
- c) consider any other amendment to the Technical Instructions which would result in closer harmonization with the UN Model Regulations.

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

3.1 The DGP-WG is invited to consider the suggestions given in paragraph 1.2. Based on comments from the working group a paper will be developed for the next Working Group Meeting and/or the UN Subcommittee.