



**WORKING PAPER**

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

**Rio de Janeiro, Brazil, 20 to 24 October 2014**

**Agenda Item 2: Development of recommendations for amendments to the *Technical Instructions for the Safe Transport of Dangerous Goods by Air (Doc 9284)* for incorporation in the 2017-2018 Edition**

**2.1: Part 1 — General**

**TRANSITION PERIOD**

(Presented by the European Chemical Industry Council (CEFIC) and the European Aerosol Federation (FEA))

**SUMMARY**

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

**Action by the DGP-WG:** The DGP-WG is invited to agree to 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 to implement new dangerous goods regulations for all modes of transport. This includes new international regulations for air (*Technical Instructions for the Safe Transport of Dangerous Goods by Air (Doc 9284)*), sea (International Maritime Dangerous Goods — IMDG-Code) and, in Europe, 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 — ADN).

1.2 It is part of the process that these new international regulations are associated with new national rules which are equally binding.

1.3 In validated computerized systems, changes cannot be made without a rigorous change process, which needs some time. Normally these new national and international regulations are not

available for industry in their final form before the end of October of the year prior to their implementation which makes it difficult to have the whole change process done in time. All these new requirements require a lot of attention:

- a) the new requirements must be identified in the new regulations;
- b) the new data must be accurately entered into EDP-systems which is very time-consuming;
- c) in accordance with Part 1;4.2.1 of the Technical Instructions “Personnel must be trained in the requirements commensurate with their responsibilities”.

1.4 Most of these international regulations have a transitional period:

- a) ADR: six months transitional period until end of June (1.6.1.1 ADR);
- b) RID: six months transitional period until end of June (1.6.1.1 RID);
- c) ADN: six months transitional period until end of June (1.6.1.1 ADN);
- d) IMDG: voluntary application (12 months) until end of the year (MSC-Resolution and Preamble of the Code); and
- e) 49 CFR (Code of Federal Regulation) of the United States: voluntary compliance for 12 months (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.

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 prevents any delays in the acceptance and transport of dangerous goods. Consequently, we recommend that for all future editions of the Technical Instructions, a transitional period of six months be established to allow packages prepared under the previous edition of the Technical Instructions to be offered for transport and transported.

## 2. JUSTIFICATION

2.1 Transitional periods applied in the past did not lead to any problems. Acceptance checks were performed without delays. This amendment is in line with regulations for other modes of transport. It is common practice for the industry around the globe, to ease the burden in a hectic time of the year and leads to more accuracy of the data in EDP-Systems.

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

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

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

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## APPENDIX

### PROPOSED AMENDMENT TO PART 1 OF THE TECHNICAL INSTRUCTIONS

#### Part 1

#### GENERAL

#### Chapter 1

#### SCOPE AND APPLICABILITY

*Parts of this Chapter are affected by State Variations AE 3, AE 8, BE 2, BE 4, BE 5, BR 4, CA 6, CA 12, CH 3, DE 1, DE 4, DK 2, FR 2, GB 2, HR 2, HR 3, HR 4, HR 5, IN 1, IR 1, IT 1, IT 5, NL 3, NL 6, RO 1, RO 3, US 1, VC 1, VC 2, VC 3, VU 2, ZA 4; see Table A-1*

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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

In a year when a new edition of the Technical Instructions enters into force on 1 January, substances and articles may, unless otherwise provided, be transported until 30 June of that year in accordance with the requirements of the Technical Instructions applicable up to 31 December of the preceding year.

When this transitional provision is being used, the shipper must indicate on the dangerous goods transport document that the transport is in accordance with the most recent previously applicable Technical Instructions.

#### ~~1.6~~ 1.7 REQUESTS FOR AMENDMENTS TO THE TECHNICAL INSTRUCTIONS

Any request for an amendment to the Technical Instructions must be submitted to the appropriate national authority. Requests for amendments should include the following information:

- a) the text or substance of the amendment proposed or identification of the provision the petitioner seeks to have repealed, as appropriate;
- b) a statement of the interest of the petitioner in the action requested; and
- a) any information and arguments to support the action sought.

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