

Multilateral Agreement M343

Under paragraph 1.5.1 of ADR, concerning environmentally hazardous substances of UN 3082 and the requirement for performance testing of the packaging

- (1) This agreement shall apply only to adhesives, paint and paint related materials, printing inks and printing ink related materials and resin solutions assigned to UN 3082 environmentally hazardous substance, liquid, n.o.s., packing group III in accordance with 2.2.9.1.10.6 as a consequence of 2.2.9.1.10.5¹ containing 0.025 % or more of the following substances, on their own or in combination:
 - 4,5-dichloro-2-octyl-2H-isothiazol-3-one (DCOIT);
 - octhiline (OIT); and
 - zinc pyrithione (ZnPT)
- (2) Notwithstanding the requirements of ADR, these substances in (1) may be carried in steel, aluminium, other metal or plastic packagings, which do not meet the requirements of 4.1.1.3, when carried in quantities of 30 litres or less per packaging as follows:
 - (a) In palletized loads, a pallet box or unit load device, e.g. individual packagings placed or stacked and secured by strapping, shrink or stretch-wrapping or other suitable means to a pallet; or
 - (b) As inner packagings of a combination packagings with a maximum net mass of 40 kg.
- (3) All other relevant provisions of ADR shall apply.
- (4) This agreement shall be valid until 30 June 2023 for carriage on the territories of those ADR Contracting Parties signatory to this agreement. If it is revoked before then by one of the signatories, it shall remain valid until the above-mentioned date only for carriage on the territories of those ADR Contracting Parties signatory to this agreement which have not revoked it.

Tonsberg, 18 October 2021

For The Norwegian Directorate for Civil Protection
The competent authority for ADR in Norway

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¹ Commission Delegated Regulation (EU) 2020/1182 of 19 May 2020 amending, for the purposes of its adaptation to technical and scientific progress, Part 3 of Annex VI to Regulation (EC) No 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures (fifteenth ATP to the CLP), applicable from 1 March 2022.

Explanatory letter

In ADR 2.2.9.1.10.5, substances and mixtures are classified as environmentally hazardous substances (aquatic environment) on the basis of Regulation (EC) No 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures (CLP Regulation).

Fifteenth ATP to the CLP, applicable from 1 March 2022, has adopted changes in classification with the result that mixtures containing 0.025 % or more of the preservatives DCOIT, OIT and ZnPT will be classified as environmentally hazardous.

Water-borne paints and high flash-point products that contain biocides are mixtures that will fall into the classification of environmentally hazardous substances. Under EU CLP, companies have 18 months to make labelling changes in response to a change in classification.

As dangerous goods, these products will be assigned to UN 3082 environmentally hazardous substances, liquid, n.o.s., PG III, and will come within the scope of the packaging requirements for dangerous goods. In table A in Chapter 3.2 of ADR, there is already a special packing provision PP1 under packing instruction P001 concerning adhesives, printing inks and printing ink related materials, paints and paint related materials and resin solutions assigned to UN 3082. For quantities of 5 litres or less, the packagings are not required to meet the performance tests in Chapter 6.1 as specified in PP1.

UN approved packagings required to carry these products in quantities above 5 litres are not yet available for all product types as they are not very well suited to the paint industry, due to the type of closure used, which allows the product to be reopened and closed for in-store tinting. Previously, the requirement for UN approved packagings for water-borne decorative paints has been very limited and availability of this type of packaging in the market reflects this.

The current timeframe to make these changes to ensure products can continue to be carried under ADR is insufficient. It is technically challenging throughout the whole value chain to develop UN packaging to meet the requirement for decorative paints, both in plastic and metal, within 18 months. The packaging industry needs time to adapt to changes in the regulations and develop new packaging solutions. A transitional period for paints, printing inks and related materials which will now be assigned to UN3082, following the changes explained above, would ensure that the industry can continue to transport these materials whilst the necessary changes are made to the formulation or packaging without prejudicing safety or the work of emergency responders.

The Joint Meeting of the RID Committee of Experts and the Working Party on the Transport of Dangerous Goods held 21 September-1 October 2021 adopted a draft amendment for a transitional measure in 1.6.1.51 to RID and ADR for entry into force on 1 January 2023.