

Committee of Experts on the Transport of Dangerous Goods and on the Globally Harmonized System of Classification and Labelling of Chemicals

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Sub-Committee of Experts on the Transport of Dangerous Goods

Forty-sixth session

Geneva, 1 – 9 December 2014

Item 2 (a) of the provisional agenda

Recommendations made by the Sub-Committee on its forty-third, forty-fourth and forty-fifth sessions and pending issues: explosives and related matters

Globally harmonized standard for explosives security markings

Comments to ST/SG/AC.10/C.3/2014/62

Transmitted by the Institute of Makers of Explosives (IME)

1. In document ST/SG/AC.10/C.3/2014/62, IME has proposed an addition to Chapter 1.4 of the Model Regulations to establish a globally harmonized standard (format) for explosives security markings. IME has received comments from some experts that should be addressed prior to consideration of IME's proposal at the forty-sixth session. Specifically, this paper addresses:

- What IME would like to achieve, and why
- Expected impact of the proposal
- Implementation issues
- What the country code should mean

What IME would like to achieve, and why

2. IME's sole purpose in proposing the addition to Chapter 1.4 is to establish a single, globally harmonized labeling *format* for explosives security markings. As explained in ST/SG/AC.10/C.3/2014/62, IME is aware that there are already several different labeling formats being used in countries that have implemented traceability. Although these formats are similar, the sequence of information and the meaning of information in these variously formatted markings are so different that they cannot be readily interpreted when the need arises, and especially if products are found outside the country that has implemented a given format. A single, globally harmonized format will significantly improve the efficient and reliable interpretation of these markings.

3. IME has already established, and experts have agreed, that there is a need for explosives security markings and that a harmonized format is desirable. The problem IME faced is where and in which organization should this format be established. After discussion with, and guidance from, several experts, IME is seeking to establish this format within the framework of the Model Regulations because affected explosives must be

transported and the Model Regulations already describe requirements for the security of dangerous goods (including explosives) while being transported.

Expected impact of the proposal

4. Impact upon existing systems. IME is not seeking to change any existing system. IME is only seeking to establish a format to be considered for use by those who do not presently have a labeling system. It is IME's hope that those with existing systems would, at a minimum, adopt the proposed format as an acceptable alternative to whatever has already been established. For example, this is the case in the USA, where the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) of the U.S. Department of Justice has a long-established format for explosives security markings. However, ATF has recently advised the US explosives industry that it will authorize a format, like the one proposed by IME, as an alternative to its established format.

5. Impact upon systems under development. Where a system has not yet been established and is presently under development, IME advocates that the format proposed be used as the preferred format or as an acceptable alternative.

6. Impact where systems don't exist. There would be no impact at present within countries that do not have any systems, except that explosives originating elsewhere may bear the security marking in this proposed format. It would be desirable for countries that don't have explosives security marking requirements to establish such using the format proposed by IME.

7. Impact upon modal systems. IME suggests that, if adopted into the Model Regulations, ICAO and IMO would also adopt a similar requirement, if not as mandatory then as recommendatory. If adopted in the Model Regulations, but not within ICAO and IMO, implementation would be on a country-by-country basis. However if adopted by ICAO and IMO, implementation would be more international in nature, at least to the extent that explosives move across borders by air or vessel and subject to those modal regulations.

8. Impact upon movement of explosives by air. IME believes that immediate implementation within ICAO would have minor impact on transportation of explosives by air. The proposal applies to:

- Division 1.1, 1.2, and 1.5 explosives (except those excluded by proposed section 1.4.4.2). Of the 164 entries identified by IME as subject to the proposal¹, 133 (81%) are in Division 1.1 (107), 1.2 (23), and 1.5 (3). All of these entries are generally forbidden from air transport; therefore, implementation by ICAO would have no effect.
- Division 1.3C explosives (except those excluded by 1.4.4.2). Of the 164 entries subject to the proposal, 20 (12%) are in Division 1.3. Except for 2 entries, all 1.3C explosives are forbidden from air transport; therefore, implementation by ICAO would have no effect. UN0186 (Rocket motors, 1.3C) is allowed for cargo air transport; however, UN0186 is excluded by 1.4.4.2; therefore, ICAO implementation would not effect this entry. UN0275 (Cartridges, power device, 1.3C) is covered by the proposal and implementation by ICAO would require marking these items.

¹ ST/SG/AC.10/C.3/2014/62, paragraph 12

- Division 1.4 explosives. Of the 164 entries subject to the proposal 13 (7%) are in Division 1.4. Most, if not all, of these entries are transported by air and would be affected by ICAO mandatory implementation. Two Division 1.4 entries, UN0365 and UN0366 are excluded by 1.4.4.2 and ICAO implementation would not apply.

Implementation issues

9. As stated above, IME's sole purpose for the current biennium is only to establish the globally harmonized ***format*** for explosives security markings. At present, IME prefers and suggests that, once established, matters of implementation of explosives security marking requirements are best left to the authorities responsible for such implementation. The IME proposal is directly based upon the system undergoing implementation within the EU. IME notes that implementation issues are yet to be completely worked out within the EU, as certain implementation aspects are yet to come into effect (beginning in April 2015). IME suggests that it would be beneficial to monitor the progress of implementation within the EU before the sub-committee determines whether it should address implementation issues. If the sub-committee disagrees and believes that implementation issues should also be considered sooner, IME requests that the sub-committee approve the labeling format now and defer investigation of implementation issues to the next biennium.

What the country code should mean

10. The IME proposal includes a 2-digit code for the "country of production" ("country code" for this discussion). This has created concern for some experts, especially those that are members of the European Union (EU). The implementing Directive within the EU, upon which the IME proposal is based, requires a similar "country code", but, as per the Directive, it is two letters identifying the Member State (place of production or place of import into the EU). As stated above, it is not IME's desire or intent to change existing systems. Although IME believes that basing the country code solely upon the country of production is the most efficient and beneficial method, IME recognizes and supports the EU's right to take a different approach. Furthermore, IME's proposal is not so much for the EU, which already has a working system, as it is for those countries outside the EU that may not have a system yet and are looking for guidance as to how to establish one.

11. Given the apparent disparity between the requirements of the EU and the proposal by IME with respect to the country code, IME suggests that conflict might be avoided if the process followed for shipping a product into the EU is:

- The non-EU manufacturer obtains or uses a previously obtained three digit code for the manufacturing site that has been obtained from its national authority in the place of production, and presents it along with the country code to the EU importer.

Note that the two digit country code plus the three digit code for the manufacturing site form a unique global manufacturer's identification that can be used for traceability purposes throughout a product's life cycle, as intended by both the EU Directive and the globally harmonized IME proposal.

- The EU importer contacts the appropriate national authority within the EU and submits the two digit country code plus the three digit code for the manufacturing site, in accordance with Directive 2008/43/EC Chapter 2, Article 3, Item 5.

- The EU national authority accepts and assigns the two digit country code plus the three digit code for the manufacturing site. This effectively “registers” this unique country of production code plus manufacturing site code in the EU by the importing country. If desired, this “registration” could be made available throughout EU Member States.

12. Why this is important. The IME proposal utilizes “the country of production” and not “the country of production or of import” to better accomplish harmonization. If the proposal allows either, the situation of different markings for different countries continues.

13. For example, if countries choose to require country of import instead of country of production, then a manufacturer in (for example) Germany shipping explosives articles to a country outside the EU that requires country of import marking, would have to mark differently than they do in the EU. If fact, they would have to have different markings for any country that requires country of import. This does not achieve harmonization, has greater potential to create confusion, hinders traceability (both within and outside the EU) and potentially puts the manufacturer at a competitive disadvantage because special marking (by that manufacturer) will be required.

Conclusion and proposal

14. IME has welcomed requests for further clarification of its proposal for a globally harmonized format for explosives security markings. IME hopes that this paper is responsive to those request and that it will useful in considering adoption of the IME proposal.

15. IME proposes adoption of the proposal in ST/SG/AC.10/C.3/2014/62 be accomplished during the 46th Session. IME further proposes, if the sub-committee finds that implementation issues also be considered, that it adopt the proposed format this session and add implementation issues to the work plan for the coming 2015 – 2016 biennium. IME would be happy to lead such work if desired by the sub-committee.
