

Multilateral Agreement M368

under 1.5.1 ADR

on the carriage of certain wastes containing dangerous goods

1. Introduction

- 1.1 This Agreement shall apply only in connection with the collection and carriage of wastes in accordance with the applicable waste legislation framework.
- 1.2 By derogation from the provisions of ADR, the carriage of wastes which are dangerous goods or which contain dangerous goods is allowed under the conditions of sections 2 to 7 below.
- 1.3 This Agreement shall not apply to the carriage of wastes of
- a) Class 1,
 - b) Class 7,
 - c) Classes 4.1 and 5.2, if requiring temperature control (classification code SR2, PM2 or P2), and
 - d) Genetically modified microorganisms and organisms of UN No. 3245
 - e) Damaged or defective lithium or sodium cells or batteries (UN Nos. 3090, 3091, 3480, 3481, 3551, 3552) according to special provision 376 ADR.
- 1.4 a) For the carriage of wastes of Class 2 that have to be marked as toxic with label 2.3 or 6.1, only 2.1.2 of this Agreement shall apply.
- b) For the carriage of wastes of Class 6.2, only 4.4 and 6.6 of this Agreement shall apply.

2 Classification

2.1 Simplified Assignment

2.1.1 The assignment according to 2.1.3.5.5 ADR may also be applied to:

- a) UN 1950 waste aerosols and
- b) the classification as a liquid substance, if the development of a liquid phase cannot be excluded.

2.1.2 Compressed gases that cannot be clearly classified may be assigned to UN 1953 Compressed gas, toxic, flammable, n.o.s. for carriage to the location of their determinability, when they are contained in pressure receptacles, which are intended for disposal or recycling but do not show any obvious defects or damage.

2.2 Admixture of other material by mistake

Where, according to ADR, wastes are assigned to a UN number or are not subject to the provisions of ADR, an admixture by mistake of items of waste with a different

classification need not be taken into account if no dangerous reaction and no essential impact on the degree of danger of the total load is to be expected from the admixed material.

This does not apply for wastes and admixtures that are assigned to packing group I.

3 Packaging

Packagings may be used with the following derogation from the provisions of ADR, as long as their condition and content, as well as the manner of carriage, do not jeopardize the compliance with the protection provisions for packagings of section 4.1.1 ADR

3.1 The packagings may have buckles, dents and contaminations.

3.2 For wastes of packing group II and III the following packagings may be used:

- a) tested packagings which have exceeded their permissible period of use,
- b) packagings which have not been tested, and
- c) mobile waste containers of EN 840-1 to 840-4 only for solid wastes or as outer packaging in derogation of 4.1.1.5.3 b (i), (ii) and (vi) ADR

Lit. b) and c) do not apply for wastes of packing group II of the following classes and classification codes:

Class 3, with the exception of UN Nos. 1090, 1133, 1170, 1193, 1203, 1228, 1263, 1268, 1274, 1294, 1307, 1866, 1986, 1988, 1992, 1993, 2478, 2733, 2924, 2985, 3021, 3248, 3273, 3274, 3286, 3469

Class 4.1 FO, FT, FC, SR1, PM1

Class 4.2 SW1, SO, ST1 to 4, SC1 to 4

Class 4.3

Class 5.1 OF, OS, OW, OT1, OT2, OC1, OC2, OTC

Class 5.2 P1

Class 6.1 TS, TW1, TW2, TO1, TO2, TC1-4, TFC, TFW

Class 8, with the exception of UN Nos. 1719, 1759, 1760, 1789, 1791, 1824, 1832, 2683, 2734, 2735, 2789, 2796, 2920, 2921, 2922, 2923, 2986, 3084, 3093, 3094, 3095, 3096, 3244, 3260, 3264, 3265, 3266, 3301, 3470, 3471

Class 9 M1.

Lit. a) to c) do not apply to wastes of packing group II of classes 3 and 4.1 with classification code D or DT.

3.3 Packagings in accordance with packing instruction P207b) PP87 ADR may be closed with a film or a close-meshed plastic net which prevents any loss of UN 1950 waste

aerosols under normal conditions of carriage. The film may be pierced for the purpose of required ventilation.

4 Carriage of certain wastes

4.1 Machinery or equipment which happen to contain dangerous goods in their internal or operational equipment

The carriage of machinery or equipment which happen to contain dangerous goods in their internal or operational equipment and which are therefore assigned to UN Nos. 3537, 3538, 3540, 3541, 3544, 3546, 3547 or 3548, is exempted from the provisions of ADR provided that measures have been taken to prevent any leakage of contents in normal conditions of carriage.

4.2 Medicines

Special provision 601 ADR shall also apply if the pharmaceutical products (medicines) are no longer packed in packagings of a type intended for retail sale or distribution, or are no longer intended for consumption.

4.3 Fire extinguishers

Special provision 594 ADR shall also apply for the carriage of fire extinguishers with UN No. 1044 if the fire extinguishers are carried:

- In a strong rigid outer packagings (lattice box, pallet box, etc.) or
- lying secured on a pallet

in such a way that inadvertent discharge is prevented in normal conditions of carriage.

4.4 Medical devices or equipment

Medical devices or equipment that should be assigned to UN-No. 3291 as per 2.2.62.1.11.2 ADR may be carried for recycling in accordance with the requirements of 2.2.62.1.5.9 ADR.

5 Marking of packages

The provisions of 5.2 ADR on marking of packages shall apply with the following derogations:

- 5.1 The labels may be attached to the package as prescribed in 5.2.2.1.6 ADR, last sentence, including in such cases where the requirements specified in the provision referred to are not met.
- 5.2 The environmentally hazardous substance mark is not required.
- 5.3 The packages do not have to bear marks and labels in accordance with the latest ADR in effect if they bear different ones according to previous versions of ADR.

5.4 Packages in overpacks in accordance with 5.1.2 ADR do not need to be marked according to special provision 377 ADR if the overpacks are marked with the appropriate markings.

6 Information in the dangerous goods transport document

The provisions of 5.4.1 ADR on the information in the transport document shall apply with the following derogations:

- 6.1 The supplemented technical name according to 5.4.1.1.1 (b) ADR is not required.
- 6.2 For packages in accordance with 3.2 c), a term which is sufficient for identification but different from the ADR typology may be used for the description in accordance with 5.4.1.1.1 e) ADR.
- 6.3 For empty uncleaned packagings in accordance with 5.4.1.1.6.2.1 ADR, the information "EMPTY PACKAGING" also includes IBCs or large packagings and all packagings permitted under this Agreement. Empty pressure receptacles for gases with a capacity of not more than 1000 litres shall be indicated as "EMPTY RECEPTACLE".
- 6.4 The additional inscription "ENVIRONMENTALLY HAZARDOUS" according to 5.4.1.1.18 ADR is not required.
- 6.5 When applying the packaging facilitation in accordance with 3.2 of this Agreement, the additional statement according to 5.4.1.1.3.3 ADR shall read "Classification in accordance with 4.1.1.5.3 ADR".
- 6.6 By derogation of 5.4.1.2.4 ADR, when carrying packages with UN no. 3291, the indication of the name and telephone number of a responsible person may be omitted.
- 6.7 The following additional entry shall be made in the transport document: "Carriage agreed under the terms of 1.5.1 ADR (M368)".

7 Other Provisions

- 7.1 The total gross mass of dangerous goods according to 3.4.12 ADR may be estimated, unless otherwise required by the carrier.
- 7.2 All other relevant provisions of ADR shall apply.

8 Scope

This Agreement shall be valid for the carriage on the territories of those ADR Contracting Parties signatory to this Agreement from their signature but at the earliest from 21 September 2025 until 20 September 2030. 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.

The competent authority for ADR in Portugal:

Instituto da Mobilidade e dos Transportes

(Portuguese Agency for Mobility and Transport)

Chairperson of the Board

João de Jesus Caetano