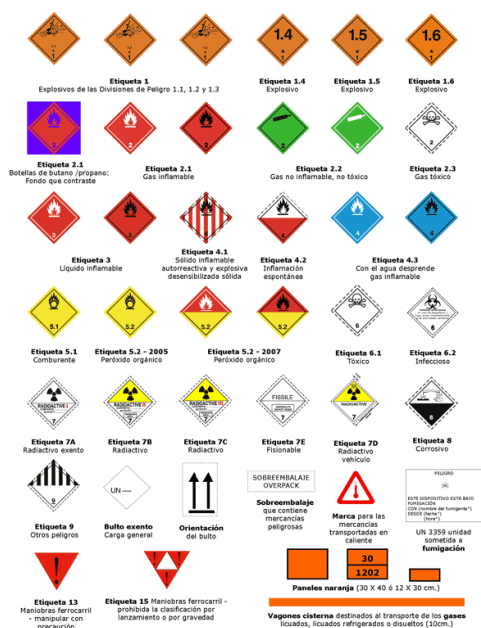




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## TECHNICAL REPORT

DESCRIPTION OF THE MARKERS  
MANUFACTURED IN MONTANA WHICH  
CONTAIN SOLVENT-BASED AND  
WATER-BASED INKS.

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**CLIENT:**

**MONTANA COLORS, S.L.**

P.I. Les Vives Nau 6  
08295 St. VICENÇ DE CASTELLET

**MEMORY:**

INF5008/15

**DATE:**

April 1<sup>st</sup>, 2022

## 1. OBJECTIVE:

Define the description of the water-based marker and solvents according to ADR and REACH normative in order to transport them.



## 2. LEGAL BASIS

The report is based according to the following laws:

- The current ADR normative (2021), RID 2021, IMDG 40-20, ICAO/IATA 2022
- REACH – EC Regulation 1907/2006

## 3. DEVELOPMENT

### - REACH

The definition of “Article” is specified in article 3, point 3, and indicates:

*«Article»: means an object which during production is given a special shape, surface or design which determines its function to a greater degree than does its chemical composition;*

Therefore, according to REACH normative, the markers manufactured by MONTANA are considered articles, since for a marker is more important the shape/design than its chemical composition.

### - ADR

In part 3, Table B of the Annex A of the ADR code, all substances to which this Regulation applies are listed.

The markers manufactured in Montana and containing solvent-based and water-based inks, are not included in this table, so they are not specified in the ADR.

Among the exemptions that ADR applies, we found the b) which applies in this case and it is indicated below:

#### 1.1.3 Exemptions

##### 1.1.3.1 Exemptions related to the nature of the transport operations

*The provisions laid down in ADR do not apply to:*

*b) the carriage of machinery or equipment not specified in the Annex and which happen to contain dangerous goods in their internal or operational equipment, provided that measures have been taken to prevent any leakage of contents in normal conditions of carriage;*

As indicated in this exemption, the ADR normative has **no effect to solvent-based and water-based markers** when the proper measures to prevent any leak or spill are undertaken,

#### 4. CONCLUSION

Markers are considered an article under REACH normative so, consequently, they should not be labeled and classified according to CLP. Furthermore, ADR, RID, IMDG and IATA normative does not apply to these markers, (solvent and water based base) since, under normal conditions of transport, its own design prevents any possible leakage.

Barcelona, April 1<sup>st</sup>, 2022



**Marc de Gomis Font**

ADR Safety Adviser, 242.032