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INLAND TRANSPORT COMMITTEE

Working Party on the Transport of Dangerous Goods
(Seventy-ninth session, agenda item 3,
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**INTERPRETATION OF THE EUROPEAN AGREEMENT CONCERNING THE
INTERNATIONAL CARRIAGE OF DANGEROUS GOODS BY ROAD (ADR)**

Dangerous goods in machinery

Transmitted by the Government of the United Kingdom

SUMMARY	
Executive Summary:	To seek the opinion of ADR Contracting Parties on the scope of Chapter 1.1.3.1 (b), 1.1.3.2 and UN3363 in ADR.
Background Documents:	ST/SG/AC.10/1998/7 TRANS/WP.15/AC.1/84, paragraph 18.

Background

The United Kingdom Competent Authority is increasingly being approached by industry regarding the applicability of the exemptions in 1.1.3.1 (b), 1.1.3.2 (c) and the classification of goods under UN No.3363 to a variety of machinery including generators of varying size, containing dangerous goods in their attached fuel tanks, or in their operational equipment.

The exemption in 1.1.3.1 (b) of ADR states:

“1.1.3.1 Exemptions related to the nature of the transport operation

The provisions laid down in ADR do not apply to:

- (b) the carriage of machinery or equipment not specified in this 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;”

ADR also allocates a UN number, UN No. 3363, to dangerous goods in machinery or dangerous goods in apparatus which is then not subject to ADR.

There are also specific exemptions related to the carriage of liquid fuels some of which refers to a maximum capacity per transport unit and trailer, and for the carriage of gases. However, the limit for liquid fuels relates specifically to vehicles performing a transport operation would seem to exclude machinery. There is also a possible overlap between the exemptions in 1.1.3.1 (b) and 1.1.3.2 (c), for example would gases in machinery which exceed the pressure criteria for the exemption in 1.1.3.2 (c) still be able to claim an exemption under 1.1.3.1 (b)?

The exemptions in 1.1.3.1 (b) and 1.1.3.2 (c) have long been RID/ADR text, having been derived from marginal 2009 (b) and 2201a (b) in the unstructured text. Discussions at the UN Sub Committee of Experts on a proposal from the United States on dangerous goods in machinery (ST/SG/AC.10/1998/7) resulted in the inclusion of UN No. 3363, which in the UN text attracts SP301 which gives guidance on the volume of dangerous goods (up to limited quantity volumes) allowed in the machinery for classification under UN No. 3363, albeit with flexibility for Competent Authorities to approve alternative arrangements. The Joint Meeting (TRANS/WP.15/AC.1/84, paragraph 18) accepted the inclusion of UN No. 3363 but made the goods “not subject to ADR [see also 1.1.3.1 (b)]”, and therefore did not adopt SP301. This decision had the effect of exempting all of the dangerous goods in machinery without imposing any limits on volume.

In the annex to this paper there are examples of some of the types of portable generators and other machinery that the United Kingdom has been approached by industry for clarification as to if these qualify under the exemption in 1.1.3.1 or if they could be classified as UN No.3363 and therefore in either scenario be completely exempt from ADR. Typically the machinery has integral fuel tanks ranging in size from a few litres to in a few cases 19,000 litres.

The United Kingdom is currently unclear about the scope of 1.1.3.1 (b), 1.1.3.2 (c) and UN No. 3363, therefore we welcome the views of other delegations on this matter.

For WP.15's consideration

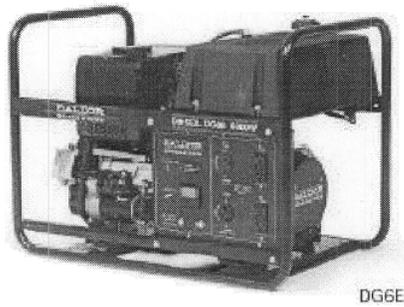
The United Kingdom would like to hear other delegations' answers to the following questions:

- (a) Is machinery containing dangerous goods, especially those containing large quantities of fuel in attached fuel tanks, exempted under 1.1.3.1 (b) or UN No. 3363 regardless of the volume of the tanks?
- (b) Can a gas contained in machinery which exceeds the exemption in 1.1.3.2 (c) still be exempt under 1.1.3.1 (b)?
- (c) Are the current texts in 1.1.3.1 (b) and 1.1.3.2 (c) clear?
- (d) If not, what changes to the text should be made?

Annex

Portable Diesel Generators

Fuel Tank capacity typically ranges from 12 to 21 litres



Fuel Tank capacity typically 19,000 litres



Fuel Tank capacity typically 1,500 litres



Fuel Tank capacity typically 300 litres

