

ECONOMIC COMMISSION FOR EUROPE

INLAND TRANSPORT COMMITTEE

Working Party on the Transport of Dangerous Goods

Joint Meeting of the RID Committee of Experts and the
Working Party on the Transport of Dangerous Goods

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Item 5 of the provisional agenda

EXEMPTIONS

Document transmitted by the Government of Belgium
(Copy of INF.15 submitted at the September 2007 session)

Introduction

On the 1st of January 2007, the text of 1.1.3.1 (d), dealing with an exemption related to the nature of the transport operation was changed from :

“The provisions laid down in ADR do not apply to : ...

- (d) the carriage undertaken by, or under the supervision of, the emergency services, in particular by breakdown vehicles carrying vehicles which have been involved in accidents or have broken down and contain dangerous goods ;“

to :

“The provisions laid down in ADR do not apply to : ...

- (d) the carriage undertaken by or under the supervision of the emergency services, insofar as such carriage is necessary in relation to the emergency response, in particular carriage undertaken :
 - by breakdown vehicles carrying vehicles which have been involved in accidents or have broken down and contain dangerous goods; or
 - to contain and recover the dangerous goods involved in an incident or accident and move them to a safe place ;”

(in the French text, the “emergency services” are called “services d’intervention”, the meaning of which is not completely identical).

Problem encountered

Very recently, a container with UN 1408 Ferrosilicon of class 4.3 in bulk, was severely damaged when being unloaded from a ship in the port of Antwerp. Its final destination was Duisburg (Germany). The consignor contacted a private company to solve the problems created by this incident.

After several weeks, this company based itself on the total exemption of the new 1.1.3.1 (d) to carry this container without any *ad hoc* exemption to its normal destination in Duisburg (on the basis of their being an intervention service and the consignee a safe place to move the dangerous goods to). This creative interpretation proved to be unrefutable from the legal point of view.

Proposal

Belgium is very interested in the opinion of the Meeting on this topic, and proposes to better describe the kind of emergency that has been envisaged as follows :

- (d) *the carriage undertaken by or under the supervision of the emergency services, insofar as such carriage is necessary in relation to the urgent emergency response, in particular carriage undertaken :*
- *by breakdown vehicles carrying vehicles which have been involved in accidents or have broken down and contain dangerous goods; or*
 - *to contain and recover the dangerous goods involved in an incident or accident and move them to a safe place ;".*

NOTE : Companies acting on behalf of a participant in the carriage of the dangerous goods involved in the accident or incident are not considered to be an emergency service.

Belgium would of course also welcome other possible solutions to clarify the existing text.
