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Inland Transport Committee

Working Party on the Transport of Dangerous Goods

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Work of the RID/ADR/ADN Joint Meeting

Exemption 1.1.3.3 c) in ECE/TRANS/WP.15/AC.1/2011/30/Add.1

Transmitted by the expert of Switzerland¹

1. During the last session of the RID-ADR-ADN JM it was decided to insert the exclusion "other than those covered under (a) and (b) above" in the parenthesis of the first paragraph in 1.1.3.3 c). For the purpose of clarity we reproduce the subsection 1.1.3.3.3 as it will appear in the ADR 20013. The new text appears in italics:

1.1.3.3 Exemptions related to the carriage of liquid fuels

The provisions laid down in ADR do not apply to the carriage of:

- (a) Fuel contained in the tanks of a vehicle performing a transport operation and destined for its propulsion or for the operation of any of its equipment.

The fuel may be carried in fixed fuel tanks, directly connected to the vehicle's engine and/or auxiliary equipment, which comply with the pertinent legal provisions, or may be carried in portable fuel containers (such as jerricans).

The total capacity of the fixed tanks shall not exceed 1500 litres per transport unit and the capacity of a tank fitted to a trailer shall not exceed 500 litres. A maximum of 60 litres per transport unit may be carried in portable fuel containers. These restrictions shall not apply to vehicles operated by the emergency services;

- (b) Fuel contained in the tanks of vehicles or of other means of conveyance (such as boats) which are carried as a load, where it is destined for their propulsion or the operation of any of their equipment. Any fuel cocks between the engine or equipment and the fuel tank shall be closed during carriage unless it is essential for the equipment to remain operational. Where appropriate, the vehicles or other means of conveyance shall be loaded upright and secured against falling.

¹ In accordance with the programme of work of the Sub-Committee for 2011-2012 approved by the Committee at its fifth session (refer to ST/SG/AC.10/C.3/76, para. 116 and ST/SG/AC.10/38, para. 16).

"(c) *Liquid fuels of UN Nos. 1202, 1203, 1223, 1268, 1863 and 3475 above the quantity specified in Column (7a) of Table A of Chapter 3.2 in means of containment **other than those covered under (a) and (b) above** integral to equipment or machinery (e.g. generators, compressors, heating units, etc) as part of their original design type, provided they meet the following requirements:*

(i) *The means of containment are in compliance with the construction requirements of the competent authority of the country of manufacture**;

(ii) *Any valves or openings (e.g. venting devices) in the means of containment containing dangerous goods are closed during carriage;*

(iii) *The machinery or equipment are loaded in an orientation to prevent inadvertent leakage of dangerous goods and secured by means capable of restraining the machinery or equipment to prevent any movement during carriage which would change the orientation or cause it to be damaged;*

(iv) *Where the means of containment has a capacity of more than 60 litres but not more than 450 litres, the machinery or equipment is labelled on the external side in accordance with 5.2.2 and where the capacity is greater than 450 litres but not more than 1 500 litres the machinery or equipment is labelled on all four external sides in accordance with 5.2.2;*

(v) *Where the means of containment has a capacity greater than 1 500 litres, the machinery or equipment is placarded on all four external sides in accordance with 5.3.1.1.1, the requirement of 5.4.1 applies and the transport document includes the following additional statement: "carriage in accordance with 1.1.3.3 (c)."*

2. Through this exclusion, vehicles covered by the exemption in 1.1.3.3 (a) and (b) cannot benefit from the exemption under (c). What are those vehicles in 1.1.3.3 (a) and (c)?

1.1.3.3. (a) those containing fuel in the tanks of a vehicle for its propulsion or for the operation of any equipment in quantities not exceeding 1500 Litres.

1.1.3.3 (b) those containing fuel in tanks of a vehicle or of other means of conveyance (such as boats) which are carried as a load. In that case no limitation of the maximum allowed quantity is prescribed.

3. Thus the paragraph 1.1.3.3 (c) is applicable for equipments and machinery containing means of containment which are not in tanks of a vehicle (1.1.3.1 (a)), or of vehicles or other means of conveyance carried as a load (1.1.3.1 (b)). Equipment on board of a vehicle is not exemptible following 1.1.3.3 (c).

4. Contrary to 1.1.3.3 (c) an equipment in a vehicle not carried as a load can only be exempted in quantities of less than 1500 Litres without any other conditions (no marking and no documentation).

5. Contrary to 1.1.3.3 (c) an equipment in a vehicle carried as a load is exempted in unlimited quantities and without any other conditions (no marking, no documentation is required).

* For example, compliance with the relevant provisions of Directive 2006/42/EC of the European Parliament and of the Council of 17 May 2006 on machinery, and amending Directive 95/16/EC (Official Journal of the European Union No. L 157 of 9 June 2006, pp. 0024-0086).

6. In the most cases a vehicle with an equipment will be used as described under 1.1.3.3 (a). This vehicle cannot benefit from the exemption in 1.1.3.3 (c) because of the exclusion introduced in the parenthesis in the first paragraph in 1.1.3.3 (c).
 7. Simplifying the intention of 1.1.3.3, it seems like only equipment and machinery having no wheels are the subject of 1.1.3.3 (c) and equipment and machinery on wheels are the subject of 1.1.3.3 (a) and (b). (In this simplified description we don't consider other means of conveyance like boats).
 8. Summarizing the rules:
 - a. For equipment installed on vehicles (equipment with wheels) the same exemptions as before continues to apply: They are exempted only under the conditions laid down in 1.1.3.3 (a) and (b).
 - b. For equipment and machinery not installed on vehicles (equipment without wheels) the carriage is exempted under the conditions laid down in the new 1.1.3.3 (c).
 9. It may happen that the same equipment could eventually not be exemptible under 1.1.3.3 if it is installed on wheels because of the quantity exceeds 1500 litres but the same equipment without wheels could be exempted under 1.1.3.3 (c) if it is simply carried as a load. We want to know if this interpretation is shared by the WP.15. If not something should be done in order to avoid any misunderstanding.
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