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### Economic Commission for Europe

#### Inland Transport Committee

#### Working Party on the Transport of Dangerous Goods

##### Ninety-second session

Geneva, 7–11 May 2012

Item 6 (c) of the provisional agenda

##### Proposals for amendments to Annexes A and B of ADR:

##### New proposals

### Exemptions for the carriage of liquid fuels

#### Transmitted by the Government of Spain<sup>1</sup>

##### *Summary*

**Executive summary:** Increase the limit of the total capacity of the tanks of vehicles to 1,800 litres.

**Action to be taken:** Amend paragraph 1.1.3.3 (a)

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<sup>1</sup> The present document is submitted in accordance with paragraph 1 (c) of the terms of reference of the Working Party, as contained in document ECE/TRANS/WP.15/190/Add.1, which provides a mandate to “develop and update the European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR)”.

## Introduction

1. Paragraph 1.1.3.3 (a) exempts from the provisions laid down in ADR the carriage of 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, provided that:

(a) The tanks are directly connected to the vehicle's engine and/or auxiliary equipment of the vehicle;

(b) The total capacity of the tanks does not exceed 1,500 litres per transport unit and 500 litres when a tank is fitted to a trailer.

2. Currently, the manufacturers of heavy duty towing vehicles commonly used in international transport equip these vehicles with two 700-litre tanks, for a total of 1,400 litres.

3. This is not a problem, except when a refrigerated trailer or semi-trailer is involved. In such cases, there is also a need to take into account the capacity of the tank of the refrigerating machine.

4. The tanks of these refrigerating machines generally have a capacity ranging from 200 to 300 litres.

5. In the case described above, the total capacity of the tanks would reach the 1,800 litres, which means that the exemption provided under 1.1.3.3 (a) would no longer be applicable.

6. It should be noted that the reference here is to the "capacity of the tanks" and not the maximum amount of fuel contained in the tanks.

7. This situation is highly problematic for the international carriage of goods subject to temperature control, i.e. virtually all foodstuffs.

8. As for the checks applicable to this kind of carriage, interpretations vary from country to country. While some view these vehicles as carrying dangerous goods and impose "very serious" penalties on them, others require that they pay fuel taxes because of the capacity of the tanks.

9. This problem arises throughout Europe and affects all refrigerated transport vehicles with heavy duty tractors, which are the ones most used in international carriage.

10. We must also take into account differences in fuel prices in the countries crossed during carriage. Carriers of course buy fuel in the country where it is least expensive, and fill up with as much fuel as possible.

11. There are two ways of addressing this problem:

(a) For refrigerated vehicles only, by increasing the capacity of the tanks to 1,800 litres (proposal 1); or

(b) More generally, by increasing the quantity in paragraph 1.1.3.3 (a) to 1,800 litres for all vehicles (proposal 2).

## Proposal 1

12. Insert a new paragraph at the end of the current 1.1.3.3 (a), to read as follows:

“When the transport unit is made up of a tractor and refrigerated trailer or semi-trailer, the total capacity of the tanks shall not exceed 1,800 litres.”

## **Proposal 2**

13. In the first sentence of the third paragraph under 1.1.3.3 (a) replace “1,500 litres” with “1,800 litres”.

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