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Working Party on the Transport of Dangerous Goods

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Item 5 (b) of the provisional agenda

Proposals for amendments to RID/ADR/ADN:

New proposals

Exemption 1.1.3.3

Transmitted by the Government of Switzerland^{1,2}

Summary

Executive summary:	Extend the scope of the exemption in 1.1.3.3 to heating appliances that are vehicle equipment and are used during carriage.
Action to be taken:	Replace the term “ <i>carburant</i> ” (fuel) with “ <i>combustible</i> ” (fuel) in 1.1.3.3 of RID/ADR/ADN in the French and German versions.
Reference document:	ECE/TRANS/WP.15/AC.1/128

¹ In accordance with the programme of work of the Inland Transport Committee for 2014–2015 (ECE/TRANS/240, para. 100; ECE/TRANS/2014/23, Cluster 9, para. 9.2.

² Circulated by the Intergovernmental Organisation for International Carriage by Rail (OTIF) under the symbol OTIF/RID/RC/2014/38.



Introduction

1. We have recently encountered the use of heating appliances to prevent snow and ice collecting on the roof of sheeted vehicles. As these are heating appliances, the fuel used cannot be considered as a “*carburant*”/“*Kraftstoff*” and for this reason such appliances are not covered by the exemption under 1.1.3.3, which refers exclusively to “*carburant*”/“*Kraftstoff*”.

2. The following addition was adopted in September 2012:

(ADR) 1.1.3.3 (a) At the end of the first sentence add the following: “used or intended for use during carriage” after “or for the operation of any of its equipment”.

(RID) 1.1.3.3 At the end of the first sentence, before “(e.g. cooling systems)” insert “used or intended for use during carriage”.

(Reference document: informal document INF.40 of the Joint Meeting of September 2012)

Before the above addition and special provision 363 (SP 363) were introduced, the exemption under 1.1.3.3 could be interpreted in such a way that any vehicle on which any equipment was permanently fixed could be covered by the exemption. For example, permanently fixed compressors or generators could be considered eligible for an exemption under ADR 1.1.3.3 (a).

3. The addition of this phrase now more narrowly defines the scope of the exemption under 1.1.3.3. It now applies only to appliances that are part of the vehicle equipment and intended for use during carriage. It is therefore clear that it covers equipment that is an integral part of the vehicle and not any equipment moved for another purpose as might be the case with a compressor, a generator or an emergency heating appliance.

4. The heating appliance for the vehicle sheets mentioned in paragraph 1 above corresponds to the type of equipment that is referred to in 1.1.3.3, as it will be used for the vehicle during carriage, at the stops necessitated by the conditions of carriage. Except for the fact that it does not use “*carburant*” but rather “*combustible*”.

5. Given the clarification mentioned in paragraph 2, introduced for 2015, it no longer seems to us necessary to limit the scope of the exemption under 1.1.3.3 by using the term “*carburant*”. By replacing it with the same word as is used in SP 363, i.e. “*combustible liquide*”, we extend the scope of the exemption under 1.1.3.3 to heating appliances that are mounted on vehicles and used for the vehicle during carriage, without running the risk of extending the exemption to any heating appliance installed on a vehicle for purposes other than use during carriage.

Proposal 1

Does not concern the English version.

Replace “*carburants*” with “*combustibles*” in the title in 1.1.3.3.

Replace “*carburant*” with “*combustible liquide*” in the text of 1.1.3.3 (4 x ADR) (1 x RID).