



Economic and Social Council

Distr.: General
31 December 2013
English
Original: French

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

Bern, 17–21 March 2014

Item 4 of the provisional agenda

Interpretation of RID/ADR/ADN

Interpretation of exemptions

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

Summary

Executive summary:	The aim is to interpret the exemptions in RID/ADR/ADN by specifying the relationship between the exemptions themselves and between exempted and non-exempted dangerous goods.
Decision to be taken:	Find an answer to the questions raised by the exemptions. Decide whether it is necessary to form an ad hoc working group.
Reference documents:	ECE/TRANS/WP.15/AC.1/2013/60 ECE/TRANS/WP.15/AC.1/132/Add.2

¹ In accordance with the programme of work of the Inland Transport Committee for 2012–2016 (ECE/TRANS/224, para. 94, ECE/TRANS/2012/12, programme activity 02.7 (A1c)).

² Circulated by the Intergovernmental Organisation for International Carriage by Rail (OTIF) under the symbol OTIF/RID/RC/2014/26.



Introduction

1. The Joint Meeting of September 2013 amended the text of 1.1.3.6.5 as follows (added text in bold and underlined):

“1.1.3.6.5 For the purposes of this sub-section, dangerous goods exempted in accordance with **1.1.3.1 (a), (b) and (d) to (f)**, 1.1.3.2 to 1.1.3.5, **1.1.3.7, (RID 1.1.3.8) and 1.1.3.9** shall not be taken into account.”

1.1.3.1 (c) is not mentioned in the expanded list in 1.1.3.6.5. That means that dangerous goods that are carried ancillary to a main activity and exempted under 1.1.3.1 (c) should be taken into account in calculating the maximum total quantity per transport unit under 1.1.3.6.3. At the same time, joint transport of dangerous goods subject to ADR and goods exempted under 1.1.3.1 (c) is authorized.

2. The following question arises: what happens when the maximum quantities set in 1.1.3.6.3 are exceeded? Two answers are possible:

- The dangerous goods that are exempted under 1.1.3.1 (c) are still exempted and the other dangerous goods being carried are subject to ADR (orange-coloured plates, requirement for a safety adviser, instructions in writing, driver training, etc.);
- Carriage of dangerous goods exempt under 1.1.3.1 (c) together with other dangerous goods is prohibited if the total under 1.1.3.6 is exceeded. All the dangerous goods are subject to ADR.

3. 1.1.3.6.5 regulates the relationship between exemptions under 1.1.3.6 and other exemptions in section 1.1.3 in a clear way. The relationships among the other exemptions and between those other exemptions and the remainder of the regulations is not defined so clearly, however. Here are some examples of questions to which the answer is, in our view, not obvious:

- Is it permitted to load on a single transport unit goods that are exempt under 1.1.3.1 (b), special provision 363, chapter 3.4 and 1.1.3.1 (c), without restrictions on the total quantity? The same question could be asked for other combinations of exemptions.
- Are dangerous goods purchased for personal use by the driver of a consignment of dangerous goods (e.g., cleaning products for the vehicle, insecticide, cigarette lighter, matches, etc.) exempt under 1.1.3.1 (a) even though the driver is using them during transport?
- Is a mixed load of dangerous goods and exempted dangerous goods permitted?
- Is it permissible to load together, without quantity limitations, dangerous goods and dangerous goods packed in limited quantities in accordance with chapter 3.4 (LQ), while maintaining the exemption for the latter?
- Is it permissible to load together, without quantity limitations, dangerous goods packed in limited quantities in accordance with chapter 3.4 (LQ) with machinery exempted under special provision 363, while maintaining the respective exemptions?

4. The same question arises for other exemptions such as 1.1.3.1 (f) and 1.1.3.2 (c) and (f) to (h). Unlike fuel and power sources used for the vehicle and its equipment, objects, receptacles and vessels of that kind are taken to the destination and one is entitled to ask if they can still be exempt when there are non-exempted dangerous goods on the same

vehicle. What is their relationship with other exemptions under 1.1.3? For example, is it permitted to transport a static tank in accordance with 1.1.3.1 (f) together with non-exempted dangerous goods and a machine exempted under special provision 363?

5. As regards the maximum exemptions under chapter 3.3, we have found several in respect of which doubts can justifiably be raised regarding authorization of loading without quantity limitations together with non-exempted dangerous goods.

Conclusions

6. The questions raised here are only examples. Switzerland would like to know if other delegations are interested in finding answers to these questions and if the Joint Meeting would be prepared to set up an ad hoc working group to look into them, with the aim of arriving at a standard interpretation of these exemptions.
