

Economic Commission for Europe

Inland Transport Committee

Working Party on the Transport of Dangerous Goods

112th session

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Item 4 of the provisional agenda

Interpretation of ADR

25 October 2022

Scope of ADR

Note by the secretariat

Introduction

1. During its Autumn 2022 session, the Joint Meeting discussed provisions related to overpacks for direct delivery of dangerous goods to end consumers. During the discussion, some delegates felt that a clarification concerning the applicability of ADR to carriage done with vehicles with less than four wheels would be useful, and the secretariat offered to submit a document to discuss this issue at the next sessions of the Working Party on the Transport of Dangerous Goods (WP.15) and the Joint Meeting.

Analysis

2. Article 1 of ADR indicates that, for the purpose of ADR, the term “vehicle” shall mean motor vehicles, articulated vehicles, trailers and semi-trailers, as defined in article 4 of the Convention on Road Traffic of 19 September 1949, other than vehicles belonging to or under the orders of the armed forces of a Contracting Party.

3. The following definitions may be found in article 4 of the Convention on Road Traffic of 19 September 1949:

“*Motor vehicle*” means any self-propelled vehicle normally used for the transport of persons or goods upon a road, other than vehicles running on rails or connected to electric conductors. Any State bound by annex 1 shall exclude from this definition cycles fitted with an auxiliary engine of the type described in that annex;

“*Articulated vehicle*” means any motor vehicle with a trailer having no front axle and so attached that part of the trailer is superimposed upon the motor vehicle and a substantial part of the weight of the trailer and of its load is borne by the motor vehicle. Such a trailer shall be called a “semi-trailer”;

“*Trailer*” means any vehicle designed to be drawn by a motor vehicle;

“*Cycle*” means any cycle not self-propelled. Any State bound by annex 1 shall include in this definition cycles fitted with an auxiliary engine of the type described in that annex.

4. Annex 1 of the Convention on Road Traffic indicates that “Cycles fitted with an auxiliary internal combustion engine having a maximum cylinder capacity of 50 cm³ shall not be considered as motor vehicles, provided that they retain all the normal characteristics of cycles with respect to their structure.”.

A. International transport on the territory of at least two Contracting Parties

5. In view of the above, the secretariat considers that:

- Cycles with an auxiliary engine with a maximum cylinder capacity of less than 50 cm³ auxiliary engine (i.e. you can move the cycle by pedalling without using the engine) are not motor vehicles according to the definition and are not covered by the scope of ADR. Each country may prohibit or regulate the carriage of dangerous goods by such cycles as deemed appropriate in another regulation instrument. If not regulated otherwise, transport of dangerous goods in these cycles is permitted. Motorcycles and scooters with engines of less than 50 cm³ and without other propulsion means would not fall within this category.
- Cycles with an auxiliary engine of 50 cm³ or more, or cycles with no other means of propulsion than an engine, are motor vehicles, and the international carriage of dangerous goods under ADR is permitted if the requirements of ADR are complied with.

6. This applies for international transports in all contracting parties to ADR, including European Economic Area's Members States.

B. Domestic transport in the European Union (EU) including European Economic Area (EEA)

7. Annexes A and B of ADR have also been adopted by EU Member States as the basis for regulation of the carriage of dangerous goods by road within and between their territories (Directive 2008/68/EC of the European Parliament and of the Council of 24 September 2008 on the inland transport of dangerous goods, as amended). Directive 2008/68/EC also applies to EEA countries.

8. Directive 2008/68/EC indicates that: “*vehicle*’ shall mean any motor vehicle intended for use on the road, having at least four wheels and a maximum design speed exceeding 25 km/h, and any trailer, with the exception of vehicles which run on rails, mobile machinery and agricultural and forestry tractors that do not travel at a speed exceeding 40 km/h when transporting dangerous goods;”.

9. With this, we can conclude that vehicles with less than four wheels would not fall into the scope of directive 2008/68/EC. Countries in the European Union and European Economic Area could prohibit domestic carriage of dangerous goods in vehicles with less than four wheels or regulate it separately, outside ADR. If not regulated otherwise, transport of dangerous goods in these vehicles is permitted.

10. However, for carriage between Member States, the conditions listed in A apply since all EU and EEA Member States are also ADR Contracting Parties.

C. Protocol amending article 1 (a), article 14 (1) and article 14 (3) (b) of ADR

11. Note that the protocol amending article 1 (a), article 14 (1) and article 14 (3) (b) of ADR contains an amendment to the definition of “vehicle” in article 1:

Amendment to Article 1 (a) of the Agreement

Article 1 (a) of the Agreement shall be amended to read as follows:

“(a) The term “vehicle” shall mean any motor vehicle, other than a vehicle belonging to or under the orders of the armed forces of a Contracting Party, intended for use on the road, being complete or incomplete, having at least four wheels and a maximum design speed exceeding 25 km/h, and its trailers, with the exception of vehicles which run on rails and of agricultural and forestry tractors and all mobile machinery”.

12. This amendment was adopted by the Conference of Parties following a proposal from Austria to replace the reference to Article 4 of the Convention on Road Traffic of 19 September 1949, which had been superseded, by a full definition corresponding to that used

in Directive 92/53/EEC¹. See the Report of the Conference of the Contracting Parties to the ADR (28 October 1993) ([TRANS/WP.15/CD/6](#)).

13. This Protocol has not yet entered into force. It will come into effect only when all contracting parties to ADR will also have ratified it or acceded to it.

14. The restriction of “at least 4 wheels” will also apply to ADR when the 1993 Protocol of amendment will come into force.

Follow-up

11. The Working Party may wish to discuss and endorse this interpretation and provide clarification as necessary.

12. The secretariat will inform the Joint Meeting of the outcome of this discussion.

¹ *Directive 92/53/EEC of the Council of the European Communities of 18 June 1992 amending Directive 70/156/EEC on the approximation of the laws of the Member States relating to the type-approval of motor vehicles and their trailers, published in the Official Journal of the European Communities, No. L225, of 10 August 1992.*