

## **Economic Commission for Europe**

### **Inland Transport Committee**

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

113th session

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Geneva, 15-17 May 2023

Item 6 of the provisional agenda

**Interpretation of ADR**

### **Amendment to 1.1.3.1**

#### **Transmitted by the Government of the Netherlands**

#### **Introduction**

1. It regularly happens that unattended drug waste is found in public areas and that fireworks and cartridges and cylinders with nitrous gas are seized by police while performing their duties in the Netherlands. Besides this, dangerous goods are also found and seized by government officers in public areas.
2. However, these dangerous goods must be recovered and contained as quickly as possible by these officers to ensure public safety and to protect the general public or to limit environmental damage. It is therefore necessary that these dangerous goods should be removed immediately to an appropriate safe place.
3. The officers are well instructed to perform these actions and to move these dangerous goods on road in a safely way from the place of seizure or location of unattended encounter to the nearest appropriate safe place (e.g., police station or intermediate temporary storage depot).

#### **Considerations**

4. These unattended found or seized dangerous goods are within the scope of ADR and they should be carried according to the requirements of ADR.
5. In accordance with European Union (EU) Directive 2008/68/EC, the domestic transport of dangerous goods should comply with the transport requirements of ADR.
6. However, the current practice is that it is not possible to transport these dangerous goods according to ADR, because in most cases the correct classification is not known or is missing and the packagings in which the dangerous goods are found or seized are non-compliant with ADR.
7. Furthermore, it is practically not possible to find appropriate solutions for the classification and the packaging on site where these dangerous goods are seized or found, but at the same time there are substantial grounds to remove the dangerous goods from the public area as soon as possible.
8. The dangerous goods under consideration are transported by the officers or, if it is necessary, by specialized transport enterprises under supervision of these officers to the nearest safe location with the purpose of intermediate temporary storage for further investigation, processing or destruction.
9. Ensuing transport of these dangerous goods in the transport chain from the nearest safe location to a permanent storage location or to an enterprise for destruction always has to comply with all ADR requirements and is carried out in accordance with ADR by specialized transport enterprises.

10. Transport to the nearest safe location of these dangerous goods that were found unattended or seized takes place only on Dutch territory, and national work instructions are available to officers to carry out this transport safely. For this domestic transport the Dutch Government or other competent authorities may require additional provisions, such as working instructions, in accordance with domestic law.

11. Transport of the dangerous goods from the location of seizure or location where found unattended to the nearest safe location cannot be carried out in accordance with EU Directive 2008/68/EC because the transport is not compliant with ADR.

12. To allow these kinds of transport, EU member states need to request the European Commission for a derogation from Directive 2008/68/EC to be notified to the European Commission.

13. However, this course of action involves administrative burdens and increases the regulatory burden, while the afore mentioned transport is limited in scope and nature, and can be carried out safely.

14. If this specific transport is explicitly exempted in ADR, there would be no need for a derogation. Also, other similar derogations in other EU member states will become redundant through a solution via ADR.

## **Conclusions of the Joint meeting**

15. Since 1.1.3.1(d) ADR is mainly harmonized with 1.1.3.1(d) RID/ADN, this was discussed in the spring 2023 session of the Joint meeting. See [ECE/TRAN/WP.15/AC.1/168 § 35-36](#) and [informal document INF.14](#) of that session.

16. Most of the delegates who took the floor were of the opinion that all inland transport modes could be concerned, and that the activities and measures described in informal document INF.14 were covered by exemptions 1.1.3.1 (d) and (e) of RID/ADR/ADN.

17. The Joint Meeting agreed that the provisions in 1.1.3.1 (d) and (e) allow public services (e.g. police, enforcement, customs) to carry dangerous goods in the framework of their duties to protect the public. It was also agreed that the current provisions in RID/ADR/ADN were clear enough and that there was no need for an additional amendment.

## **Request**

18. The Working Party is invited to confirm this interpretation and to request the secretariat to publish it on the Economic Commission for Europe's website.

## **Justification**

19. This proposal enables the continuation of the domestic transport and ensures the safe transport of dangerous goods when they are found unattended or are seized by police and customs officers (civil servants). It also reduces unnecessary administrative and regulatory burdens and is within the scope of United Nations Sustainable Development Goal 11 (Sustainable Transport).

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