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Joint Meeting of the RID Safety Committee and the
Working Party on the Transport of Dangerous Goods
(Bern, 18 March – 22 March 2002)

PROPOSAL TO AMEND THE TEXT OF THE RID/ADR

PART 1–section 1.1.3 Exemptions

Transmitted by the European Industrial Gases Association (EIGA) */

SUMMARY

<i>Executive summary:</i>	This proposal aims to clarify that enterprises which are exempt according to 1.1.3.1 (c) are also exempt when returning empty receptacles.
<i>Action to be taken:</i>	Add returning empty receptacles as a further example of exempt activity to 1.1.3.1 (c).
<i>Relevant documents:</i>	Restructured RID/ADR; TRANS/WP.15/AC.1/2001/16; TRANS/WP.15/AC.1/84

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Introduction

The problem addressed by this proposal was previously described in an earlier EIGA submission, TRANS/WP.15/AC.1/2001/16, discussed at the Joint Meeting in May 2001 (see paragraph 24 of TRANS/WP.15/AC.1/84). The solution originally proposed by EIGA was considered by many to be too wide-ranging but this proposal is restricted to wording focused on the particular problem experienced by industrial gas users.

Section 1.1.3.1 lists the different cases of carriage where RID and ADR do not apply.

Some of our members have brought to EIGA's attention that their customers have been fined after a roadside check because they did not have a transport document when bringing back empty gas receptacles to the suppliers. These customers thought that they were exempted because the carriage of gas cylinders is "ancillary to their main activity" as provided in 1.1.3.1 (c) but they were fined because returning empty receptacles was considered within the scope of the last sentence of this paragraph:

"Carriage undertaken by such enterprises for their supply or external or internal distribution does not fall within the scope of this exemption".

In practice, the carriage is considered as exempted if the gas receptacles are transported together with other materials (say construction material or pieces of metallic structure) but not when transported alone.

Raising a transport document according to the provisions of chapter 5.4 is routine business for the gas suppliers and all customers collecting gas receptacles leave the gas suppliers with a transport document. It is, however, a significant difficulty for most of the customers to issue a transport document that satisfies the requirements of chapter 5.4. There is therefore a need to state explicitly that returning empty receptacles is within the exemption provided by 1.1.3.1 (c).

Proposal

Modify 1.1.3.1 (c) as follows (new text is underlined):

- (c) the carriage undertaken by enterprises which is ancillary to their main activity, such as deliveries to building or civil engineering sites, or returning empty receptacles, or in relation to surveying, repairs and maintenance, in quantities of not more than 450 liters per packaging and within the maximum quantities specified in 1.1.3.6.
Carriage undertaken by such enterprises for their supply or external or internal distribution does not fall within the scope of this exemption;

Justification

Safety: The existing level of safety will be unchanged.

Feasibility: The proposal will clarify to all that a common activity is exempt.

Enforceability: Enforcement will be made easier because doubts over whether the return of empty receptacles is classed as external or internal distribution will be removed.
