

INLAND TRANSPORT COMMITTEE

Working Party on the Transport of Dangerous Goods
(Eighty-first session, agenda item 3,
Geneva, 25-27 October 2006)

**INTERPRETATION OF THE EUROPEAN AGREEMENT CONCERNING THE
INTERNATIONAL CARRIAGE OF DANGEROUS GOODS BY ROAD (ADR)**

Proposal for amendment to 1.1.3.1 (c)

Exemptions related to the nature of the transport operation,

Transmitted by the Government of Portugal

Introduction

According to the existing provisions in 1.1.3.1 (c), ADR does not apply to the carriage undertaken by enterprises which is ancillary to their main activity, such as deliveries to or returns from building or civil engineering sites, or in relation to surveying, repairs and maintenance, in quantities of not more than 450 litres per packaging and within the maximum quantities specified in 1.1.3.6.

It is our understanding that the wording “not more than 450 litres per packaging” means that substances must be carried in packagings of 450 litres maximum nominal capacity. However, as the provision is stated today some problems have arisen in Portugal.

During enforcement, Portuguese police discovered a transport not in accordance with ADR of 200 litres of UN 1202 Diesel fuel in an IBC having 1500 litres of capacity. The carrier declared that 1.1.3.1 c) was applicable. The case was forwarded to trial where a sentence was passed that the exemption of 1.1.3.1 (c) is applicable for the transport of not more than 450 litres per packaging, and not for the transport of dangerous goods in packagings with a maximum nominal capacity of 450 litres.

Justification

The expert from Portugal is of the opinion that the sentence of the trial is not in line with the intent of the provision. Therefore we would like to know the opinion of the WP.15 and, if necessary, to make for the next meeting a proposal to change to this provision as follows:

1.1.3.1 (c) the carriage undertaken by enterprises which is ancillary to their main activity, such as deliveries to or returns from building or civil engineering sites, or in relation to surveying, repairs and maintenance, in **packagings with not more than 450 litres of nominal capacity** and within the maximum quantities specified in 1.1.3.6.
