



Economic and Social Council

Distr.: General
3 July 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

Geneva, 17–27 September 2013

Item 5 of the agenda

Interpretation of RID/ADR/ADN

Paragraph 1.1.3.6.5 – Interpretation of exemptions

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

Summary

Executive summary: For the purposes of 1.1.3.6.5, it seems that only the goods exempted under 1.1.3.2 to 1.1.3.5 shall not enter into the calculation of the total quantities per transport unit under 1.1.3.6. Consequently, the dangerous goods transported under the exemptions provided for in 1.1.3.1 and 1.1.3.7 to 1.1.3.9 should be taken into account.

We believe, however, that the goods exempted under 1.1.3.1 (a), (b) and (d) to (f) and 1.1.3.7, 1.1.3.8 (RID) and 1.1.3.9 should also be excluded from the calculation under 1.1.3.6.

Decision to be taken: The Joint Meeting is invited to clarify how the text in 1.1.3.6.5 is to be interpreted and to amend its wording as appropriate.

¹ In accordance with the programme of work of the Inland Transport Committee for 2010–2014 (ECE/TRANS/208, para. 106, and ECE/TRANS/2010/8, programme activity 02.7 (c)).

² Circulated by the Intergovernmental Organisation for International Carriage by Rail (OTIF) under the symbol OTIF/RID/RC/2013/60.

Introduction

1. It is necessary to clarify and specify how exemption limits are calculated under 1.1.3.6. For the reasons set out below, we believe that some of the dangerous goods carried under the various exemptions provided for in 1.1.3 should not be included in this calculation.
2. 1.1.3.1 (a) covers the carriage by private individuals of dangerous goods which are packaged for retail sale and are intended for personal use. The simultaneous application of 1.1.3.1 (a) and other ADR provisions does not seem possible given that, by definition, the dangerous goods in question are not put on the market to meet carriage provisions. Although products intended for personal use (aerosols, lighters, appliances containing lithium batteries, cleaning products) may well be present on the same transport unit as dangerous goods being carried, it does not seem feasible to include quantities of dangerous goods loaded for personal use in the calculation of 1.1.3.6.5.
3. 1.1.3.1 (b) concerns the transport of machinery and equipment that is not specified in the texts of RID/ADR/ADN. For the same reasons as above, it seems difficult to fulfil the requirement set out under 1.1.3.6.5 for a calculation to be performed. In addition, ascertaining the quantity of dangerous goods contained in the internal or operational equipment of machines and materials to be included in the calculation of 1.1.3.6 may prove difficult, if not impossible. Lastly, the quantities of the dangerous goods in question are relatively small and therefore pose a limited risk.
4. In order to enforce 1.1.3.1 (c), enterprises should be capable of calculating the total quantity of dangerous goods carried so as not to exceed the limits set by 1.1.3.6. Consequently, it would seem plausible that they should also be capable of calculating these quantities when they carry goods for purposes other than their internal use. They should therefore take into account the goods exempted under 1.1.3.1 (c) when calculating the quantities under 1.1.3.6.
5. With regard to exemptions under 1.1.3.1 (d) and (e), for practical reasons, it seems out of the question to require those who undertake carriage for emergency response (1.1.3.1 (d)) or transport intended to save human lives (1.1.3.1 (e)) to take into account at the same time the requirements of ADR, particularly the requirements under 1.1.3.6.
6. With regard to exemptions under 1.1.3.1 (f), it is conceivable to include in the calculation of 1.1.3.6 the quantities contained in the uncleaned empty static storage vessels. However, as the vessels are by definition “empty”, it may be assumed that any remaining residual quantity is small. Furthermore, this residual quantity is difficult, if not impossible, to determine precisely in order for it to enter into the calculation of 1.1.3.6. It does not, therefore, seem necessary or possible to take it into account.
7. To conclude, only dangerous goods exempted under 1.1.3.1 (c) should, in our view, be taken into account under 1.1.3.6.
8. We would like to know whether this interpretation is shared by the Joint Meeting. If so, this should be reflected in 1.1.3.6.5 in the following manner.

Proposal 1

In 1.1.3.6.5, before “1.1.3.2”, insert “1.1.3.1 (a), (b) and (d) to (f)”.

9. Since the introduction of 1.1.3.6.5, other exemptions have been introduced in section 1.1.3, namely 1.1.3.7, 1.1.3.8 (RID) and 1.1.3.9. Given that it does not seem relevant to take

into account these quantities of exempted dangerous goods, these more recent subsections should be added to the list in 1.1.3.6.5.

Proposal 2

In 1.1.3.6.5, after “1.1.3.5”, insert “1.1.3.7, 1.1.3.8 (RID) and 1.1.3.9”.
