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Interpretation of ADR

Exemptions related to the nature of the transport operation: 1.1.3.1 (a) Carriage of dangerous goods by private individuals

Transmitted by the Government of Finland*

I. ADR 1.1.3.1 (a)

1. According to 1.1.3.1 (a), the provisions laid down in ADR do not apply to the carriage of dangerous goods by private individuals where the goods in question are packaged for retail sale and are intended for their personal or domestic use or for their leisure or sporting activities provided that measures have been taken to prevent any leakage of contents in normal conditions of carriage. When these goods are flammable liquids carried in refillable receptacles filled by, or for, a private individual, the total quantity shall not exceed 60 litres per receptacle and 240 litres per transport unit. Dangerous goods in intermediate bulk containers (IBCs), large packagings or tanks are not considered to be packaged for retail sale.

2. It is clear that the provisions of the ADR do not apply to this transport when the driver is a private individual and she/he carries dangerous goods in accordance with this paragraph. However, this paragraph does not determine who is the driver or whether the private individual is a passenger or a driver. Nor does that paragraph determine the type of vehicle.

3. In this paragraph, the general term carriage is also used and the definition of carriage does not take into account who is the driver (or the passenger).

II. Interpretation

4. Dangerous goods sold to consumers at retail level are safe for use by the consumer and therefore similarly they have been considered safe for transport. Thus, the goods are exempted according to 1.1.3.1 (a). In our view, 1.1.3.1 (a) also applies to dangerous goods of passengers (private individuals) in cars and buses, such as goods in passengers' bags, grocery bags, luggage.

* A/78/6 (Sect. 20), table 20.5.



5. Finland would like to ask the Working Party for its opinion on the interpretation of paragraph 4 above.

III. Background

6. This issue was raised at a meeting of the European Union which dealt with national derogations in relation to Directive 2008/68/EC on the inland transport of dangerous goods. The European Union member states need to request a derogation from Directive 2008/68/EC and Finland has the authorised derogation to exempt transport of passengers' goods in buses. However, Finland considers this to be unnecessary as they are already exempted by the ADR.
