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INLAND TRANSPORT COMMITTEE

Working Party on the Transport of Dangerous Goods
(Seventy-seventh session, agenda item 5,
Geneva, 25-29 October 2004)

PROPOSALS OF AMENDMENTS TO ANNEXES A AND B OF ADR

“DELIVERY-SALE” TRANSPORT

Transmitted by the Government of Spain

1. At the last meeting, document TRANS/WP.15/2004/28 was presented. The aim of that document was to decide whether the transport document should take care of some peculiarities of the transport of particular products that are delivered to multiple consignees who are not always known at the time the vehicle begins its journey.
2. In the case of the delivery of cylinders of LPG to households, it is a common practice to replace empty cylinders with full ones. Therefore, the number of customers and their individual consignments are unknown at the beginning of the transport operation.
3. The example was also noted of the delivery of home heating oil to domestic customers, where it is a common practice to “top-up” the customer’s storage tank.
4. This type of transport operation, referred to below as “delivery sale”, is mentioned in regulations concerning the distribution of products subject to excise duties (mineral oils, tobacco and alcohol), under certain conditions:

- (a) the consignor and the consignee in the transport document must be the same. The vehicle must, furthermore, return to the loading point within 48 hours of the start of the round.
- (b) the carrier must use a monitoring system enabling the quantities delivered to each individual and the remaining quantity being returned to the point of departure to be known at any time.

5. The Working Party noted that the practices described had in the past essentially concerned domestic transport operations, but that since goods had been permitted to move freely in the European Union, such operations were possible in international transport and were becoming increasingly frequent in the border zones of the countries of the European Union (see TRANS/WP.15/179, para. 26).

6. Following an exchange of views on the proposal, it was decided to revise it, in the light of the various practices which were already the subject of national exemptions.

7. Several participants (from Austria, Denmark, Germany, the Netherlands, Norway, Portugal and CEFIC/AISE) have answered the request for information.

8. Further research on the Draft of Commission Decision at EU level, authorizing Member States pursuant to Directive 94/55/EC, to adopt certain derogations with regard to the transport of dangerous goods by road, adopted, in principle, at the Dangerous Goods Committee meeting on 1 April 2004, has shown, that some Member States already have derogations related to this issue on local transport (Denmark, Finland, Germany, Ireland and Sweden).

9. A summary of both preceding paragraphs is attached in annex 1.

10. Bearing in mind that WP.15 considered that it would be necessary in the future to take account in ADR of situations of this type which to date had seemed specific to domestic traffic and had justified local exemptions (TRANS/WP.15/179, para. 27), and that industry prefers a global, international, harmonized solution in the context of ADR to the various derogations negotiated nationally on a case-by-case basis, a compromise solution is set in the following proposal, based on the following principles:

- (a) There is no need to mention the multiple consignees in the transport document;
- (b) Some form of document should be available with the driver, listing the dangerous goods on board (an example of this is given in annex 2 for UN 1965 cylinders).
- (c) Valid for all classes except class 1, 5 (Division 5.2) and 7.

PROPOSAL

1. Add the following definition to 1.2.1:

“Delivery sale” means a type of transport the purpose of which is to deliver goods of all classes except classes 1, 5 (Division 5.2) and 7 for local distribution at request, under the following conditions:

- (a) the carrier must use a monitoring system enabling the quantities delivered to each individual and the remaining quantity being returned to the loading point to be known at any time;
- (b) the carrier must return to the same loading point after the entire transport operation (loading, delivery and return to the loading point).”

2. Add a new second sentence to 5.4.1.1.1 h) as follows (new text is shown in bold):

“h) the name and address of the consignee(s); **when the transport is “delivery sale”, the name and address of the consignor should replace the name and address of the multiple consignees.**”


ANNEX 1 – SUMMARY OF REMARKS AND NATIONAL DEROGATIONS


Country/NGO	References	Remarks
Austria		The consignor enters his name as the consignee, as there is no contract for carriage (see definition of Consignee in 1.2.1). The system works on its own and does not require changes of the regulations.
Denmark	LT 2.1 ^a	<p>When transporting mineral oil products in class 3, UN 1202, 1203 and 1223 and gases in class 2 in connection with distribution (goods to be delivered to two or more recipients and collection of returned goods in similar situations), transport document is not requisite provided the instructions in writing, besides the information requested in ADR, contain information about UN-No., name and class.</p> <p><i>Comments:</i> The reason for having a national derogation as above-mentioned is the development of electronic equipment making it possible for e.g. the oil companies using electronic equipment continuously to transmit information to the vehicles containing information about the customers. As this information is not available at the beginning of the transport and will be forwarded to the vehicle during the transport, it is not possible – before the transport begins – to draw up the transport documents. These kinds of transports are restricted to limited areas.</p>
Finland	LT 13.2 and 13.3	Same content as Swedish LT 14.2 and 14.7
Germany	LT 3.1 ^a	<p>For all classes except classes 1 (except 1.4S), 5.2 and 7, no indication is needed in the transport document</p> <ul style="list-style-type: none"> a) for the consignee in case of local distribution (except for full load and for transport with certain routings); b) for the amount and types of packagings, if 1.1.3.6 is not applied and if the vehicle is in conformity with all provisions of Annex A and B; c) for empty uncleaned tanks, the transport document of the last load is sufficient. <p><i>Comments:</i> Applying all provisions would not be practicable in certain kinds of traffic</p>

Ireland	LT 7.1	Exemption from the requirement of 5.4.1.1.1, to have (i) the names and addresses of the consignees, (ii) the number and description of the packages, and (iii) the total quantity of dangerous goods in the transport document, where kerosene, diesel fuel or liquefied petroleum gas bearing the respective substance identification numbers UN 1223, UN 1202 and UN 1965 are being carried to the end user
The Netherlands		Some particular cases for pesticides distribution and for deliveries of gasoil and petroleum to end users.
Norway		Unknown practice in Norway
Portugal		For empty uncleaned tanks and packaging the transport document of the last load is sufficient
Sweden	LT 14.2 ^a	National legislation states that the name and address of the consignor is not required if empty, uncleaned packaging is returned as a part of a distribution system. <i>Comments:</i> Empty uncleaned packaging being returned will in most cases still contain small quantities of dangerous goods. This derogation is mainly used by industries when returning empty uncleaned gas receptacles in exchange for full ones.
	LT 14.7 ^a	Local distribution of UN 1202, 1203 and 1223 in tankers: For empty, uncleaned tanks or tank-containers the description in the transport document according to 5.4.1.1.6 is not needed if the amount of the substance in the loading plan is marked with 0. The name and address of the consignees is not required in any document on board the vehicle.
CEFIC/AISE	2002/INF 6 73 rd session WP15	Transport from depots to retailers: <ul style="list-style-type: none"> - All goods should be loaded at 1 single point. - Some form of document should be available with the driver listing the dangerous goods on board.

a EU OJ L 221/17, 4.9.2003

ANNEX 2
DANGEROUS GOODS ON BOARD, FOR UN 1965
CYLINDERS

30 TELLAS DE PROPANO (UD-110) Y BUTANO (UD-125) LLENAS	<i>jaula 4ª</i>	3500 140	3475 139	3450 138	3425 137	3400 136	3375 135	3350 134	2625 105	2600 104	2575 103	2550 102	2525 101	2500 100	2475 99	<i>jaula 3ª</i>									
	3325 133	3300 132	3275 131	3250 130	3225 129	3200 128	3175 127	2450 98	2425 97	2400 96	2375 95	2350 94	2325 93	2300 92	2275 91	2250 90	2225 89	2200 88	2175 87	2150 86	2125 85	peso neto 			
	3150 126	3125 125	3100 124	3075 123	3050 122	3025 121	3000 120	2100 84	2075 83	2050 82	2025 81	2000 80	1975 79	1950 78	1925 77	1900 76	1875 75	1850 74	1825 73	1800 72	1775 71				
	2975 119	2950 118	2925 117	2900 116	2875 115	2850 114	2825 113	1750 70	1725 69	1700 68	1675 67	1650 66	1625 65	1600 64	875 35	850 34	825 33	800 32	775 31	750 30	725 29				
	2800 112	2775 111	2750 110	2725 109	2700 108	2675 107	2650 106	1575 63	1550 62	1525 61	1500 60	1475 59	1450 58	1425 57	700 28	675 27	650 26	625 25	600 24	575 23	550 22				
	1750 70	1725 69	1700 68	1675 67	1650 66	1625 65	1600 64	525 21	500 20	475 19	450 18	425 17	400 16	375 15	350 14	325 13	300 12	275 11	250 10	225 9	200 8				
	1575 63	1550 62	1525 61	1500 60	1475 59	1450 58	1425 57	1050 42	1025 41	1000 40	975 39	950 38	925 37	900 36	775 31	750 30	725 29	700 28	675 27	650 26	625 25		600 24	575 23	550 22
	1400 56	1375 55	1350 54	1325 53	1300 52	1275 51	1250 50	1000 41	975 40	950 39	925 38	900 37	875 36	875 35	850 34	825 33	800 32	775 31	750 30	725 29					
	1225 49	1200 48	1175 47	1150 46	1125 45	1100 44	1075 43	700 28	675 27	650 26	625 25	600 24	575 23	550 22	525 21	500 20	475 19	450 18	425 17	400 16	375 15				
	1050 42	1025 41	1000 40	975 39	950 38	925 37	900 36	350 14	325 13	300 12	275 11	250 10	225 9	200 8	175 7	150 6	125 5	100 4	75 3	50 2	25 1				
1050 42	1025 41	1000 40	975 39	950 38	925 37	900 36	175 7	150 6	125 5	100 4	75 3	50 2	25 1	175 7	150 6	125 5	100 4	75 3	50 2	25 1					

BOTELLAS DE PROPANO (UD-110) Y BUTANO (UD-125) VACÍAS	<i>jaula 4ª</i>	1750 70	1737 69	1725 68	1712 67	1700 66	1687 65	1675 64	1312 53	1300 52	1287 51	1275 50	1267 49	1250 48	1237 47	<i>jaula 3ª</i>								
	1667 63	1650 62	1637 61	1625 60	1612 59	1600 58	1587 57	1228 49	1212 48	1200 47	1187 46	1178 45	1162 44	1150 43	1137 41	1125 40	1112 39	1100 38	1087 37	1078 36	1062 35	Peso neto 		
	1575 63	1567 62	1550 61	1537 60	1528 59	1512 58	1500 57	1050 42	1037 41	1025 40	1012 39	1000 38	987 37	975 36	1050 42	1037 41	1025 40	1012 39	1000 38	987 37	975 36			
	1400 56	1387 55	1378 54	1367 53	1350 52	1337 51	1325 50	875 35	850 34	825 33	800 32	775 31	750 30	725 29	875 35	850 34	825 33	800 32	775 31	750 30	725 29			
	1225 49	1200 48	1175 47	1150 46	1125 45	1100 44	1075 43	700 28	687 27	675 26	662 25	650 24	637 23	625 22	616 21	604 20	594 19	587 18	572 17	550 16	528 15		506 14	484 13
	1050 42	1025 41	1000 40	975 39	950 38	925 37	900 36	525 21	500 20	475 19	450 18	425 17	400 16	375 15	462 14	440 13	418 12	396 11	374 10	352 9	330 8			
	1400 56	1387 55	1378 54	1367 53	1350 52	1337 51	1325 50	350 14	325 13	300 12	275 11	250 10	225 9	200 8	308 12	286 11	264 10	242 9	220 8	198 7	176 6		154 5	132 4
	1225 49	1200 48	1175 47	1150 46	1125 45	1100 44	1075 43	175 7	162 6	150 5	137 4	125 3	112 2	100 1	154 7	132 6	110 5	88 4	66 3	44 2	22 1			
	1050 42	1025 41	1000 40	975 39	950 38	925 37	900 36	87,5 7	75 6	62,5 5	50 4	37,5 3	25 2	12,5 1	87,5 7	75 6	62,5 5	50 4	37,5 3	25 2	12,5 1			
	1050 42	1025 41	1000 40	975 39	950 38	925 37	900 36	87,5 7	75 6	62,5 5	50 4	37,5 3	25 2	12,5 1	87,5 7	75 6	62,5 5	50 4	37,5 3	25 2	12,5 1			

LLENAS	<i>jaula 1ª</i>	1228 35	1190 34	1155 33	1120 32	1088 31	1050 30	1018 29	770 35	748 34	726 33	704 32	682 31	660 30	638 29	VACÍAS
		980 28	945 27	910 26	875 25	840 24	805 23	770 22	616 28	594 27	572 26	550 25	528 24	506 23	484 22	
		735 21	700 20	665 19	630 18	595 17	560 16	525 15	462 21	440 20	418 19	396 18	374 17	352 16	330 15	
		490 14	455 13	420 12	385 11	350 10	315 9	280 8	308 14	286 13	264 12	242 11	220 10	198 9	176 8	
		245 7	210 6	175 5	140 4	105 3	70 2	35 1	154 7	132 6	110 5	88 4	66 3	44 2	22 1	
		1228 35	1190 34	1155 33	1120 32	1088 31	1050 30	1018 29	770 35	748 34	726 33	704 32	682 31	660 30	638 29	
		980 28	945 27	910 26	875 25	840 24	805 23	770 22	616 28	594 27	572 26	550 25	528 24	506 23	484 22	
		735 21	700 20	665 19	630 18	595 17	560 16	525 15	462 21	440 20	418 19	396 18	374 17	352 16	330 15	
		490 14	455 13	420 12	385 11	350 10	315 9	280 8	308 14	286 13	264 12	242 11	220 10	198 9	176 8	
		245 7	210 6	175 5	140 4	105 3	70 2	35 1	154 7	132 6	110 5	88 4	66 3	44 2	22 1	