

## Economic Commission for Europe

### Inland Transport Committee

#### Working Party on the Transport of Dangerous Goods

Ninety-fifth session

Geneva, 4-8 November 2013

Item 4 of the provisional agenda

**Interpretation of ADR**

24 October 2013

### Exemptions for ancillary carriage pursuant to 1.1.3.1 (c) of ADR

Transmitted by the Government of Hungary

*Summary*

**Related documents:** Informal document INF.6 submitted by the European Union

Hungary welcomes the informal paper submitted by the European Union. The Hungarian control authorities and the courts of justice also had to face this problem.

The text of sub-section 1.1.3.1 (c) refers to two kinds of transport

1. „**ancillary transport**” which is **fully exempted** from the provisions of ADR; and
2. „carriage undertaken by enterprises for their **supply or external or internal distribution**” which is **excluded from** the application of **the exemption**, thus all relevant provisions of ADR shall be complied with.

The text provides no exact definitions of these activities, these are formulated in a rather vague sense.

Nevertheless clear distinction shall be made between the two kinds of transport in order to decide whether the exemption is applicable or not.

The Hungarian answers to the questions put by the EU in INF.6 are the following:

**Question (a)** “*What is considered as ancillary?*”

„*ancillary transport*” is a transport which is **occasional and subsidiary to the main activity of the enterprise**. The main activity of the enterprise must be other than transport, in our interpretation this type of transport does not depend on who is the person performing the carriage.

**Question (b)** “*Lists of work sites and activities preceding the text “such as” are provided as non-exhaustive examples for the application of the provision?*”

In the provisions of ADR the expression “such as” is generally followed by a non-exhaustive list.

**Question (c)** “*Supply, external and internal distribution*”

According to our interpretation  
**„carriage undertaken by enterprises for their supply or external or internal distribution”  
is regular and inevitable part of the main activity.**

Nevertheless Hungary feels that the present text of this subparagraph gives rise to different interpretations so it would be helpful to know the views of the other delegations and finally to have a clear and common interpretation of the Contacting Parties to ADR.

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