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Economic Commission for Europe**Inland Transport Committee****Working Party on the Transport of Dangerous Goods****Ninety-ninth session**

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Item 6 (b) of the provisional agenda

Proposals for amendments to Annexes A and B of ADR:**Miscellaneous proposals****Proposal for a definition of transport by private individuals according to 1.1.3.1 (a)****Transmitted by the Government of Switzerland¹***Summary*

- Executive summary:** Specify the scope of 1.1.3.1 (a) and establish quantitative limits for exemptions using the quantities in 1.1.3.6.3.
- Action to be taken:** Amend the text of 1.1.3.1 (a) and in 1.1.3.6.5 delete “(a)” after “1.1.3.1”.
- Related documents:** ECE/TRANS/WP.15/226 and ECE/TRANS/WP.15/2014/10

Introduction

1. At the November session of the Working Party (WP.15), the question of the interpretation of the scope of 1.1.3.1 (a) was raised, as reflected in paragraphs 17 to 19 of the report, ECE/TRANS/WP.15/226. WP.15 invited the representative of Switzerland to continue discussions on this subject in the Joint Meeting so that a harmonized approach could be adopted if necessary. Discussions were held with the Swiss competent authority responsible for rail transport (RID) and inland navigation (ADN) to see whether a more specific definition of transport by private individuals in 1.1.3.1 (a) would be relevant. In the authorities' view, there was no need to specify the scope of the exemption more fully for those two modes of transport. The cases raised in document ECE/TRANS/WP.15/2014/10 would probably not be encountered in the modes in question. It is apparently an issue specific to road transport carried out by

¹ In accordance with the programme of work of the Inland Transport Committee for 2014-2015 (ECE/TRANS/240, para. 100, ECE/TRANS/2014/23, cluster 9, para. 9.1).



private individuals. By agreement with those authorities, we are therefore presenting this document only to WP.15.

2. The law on road traffic relates to drivers of vehicles. It is thus the driver who is the person responsible for compliance with the road traffic rules and who must, if necessary, bear the consequences of breaches of those rules. Thus, the exemption under 1.1.3.1 (a) relates only to drivers.

3. The text of 1.1.3.1 (a) reads “carriage of dangerous goods **by private individuals** ... intended for **their personal** or domestic use”. This can only cover the person “carrying out” the transport for “his personal use” — drivers carrying such goods, for themselves. For the text to cover another beneficiary of the exemption, it would have had to be worded more generally, for example as “carriage of dangerous goods by private individuals ... intended for **a** private or domestic use”. Nonetheless, at the November 2014 meeting, as noted in paragraphs 17 and 18 of ECE/TRANS/WP.15/226, several delegations considered that interpretation to be too restrictive. Thus, in the opinion of some, it would be admissible for 1.1.3.1 (a) to apply to carriage for all the members of a family or a group of several individuals travelling in the same vehicle (see paragraph 17 of ECE/TRANS/WP.15/226). On the other hand, others considered that the current wording could lead to abusive practices regarding the quantities of dangerous goods carried by large groups and that it could be useful to set reasonable and practical limits for all dangerous goods that might enter into the scope of 1.1.3.1 (a) (see paragraph 18 of ECE/TRANS/WP.15/226).

4. We believe the text of 1.1.3.1 (a) should be amended to reflect the desire to extend its scope to individuals other than vehicle drivers. Proposal 1, below, continues to cover the driver, but extends the exemption to carriage performed by the driver for other private individuals.

Proposal 1

Amend the first part of 1.1.3.1 (a) as follows:

“(a) The carriage of dangerous goods by private individuals **for themselves or for other private individuals present during carriage** where the goods in question”

5. In meeting the need to set quantitative limits for the exemption, we should bear in mind that the limits currently appearing in the second sentence of 1.1.3.1 (a) are not applicable to all dangerous goods other than the ones indicated, nor to non-refillable packages or those that are sealed when purchased for retail sale.

6. Setting quantity limits for the scope of the exemption makes it easier to implement. Currently, even if an outlandish quantity of goods is carried, the police on the road do not have the legal instruments that would allow them to simply prohibit a continuation of carriage on the basis of quantity limits. That is another reason why limits have been introduced in Switzerland to make it possible to better define the scope of the exemption under 1.1.3.1 (a). Abusive practices, which some have expressed concern about, can thus be avoided.

7. It still has to be decided what limits would be appropriate to ensure safety and identification in transport. In Switzerland, for the application of ADR 1.1.3.1 (a), over 15 years ago we introduced the limits presented hereunder, in proposal 2 (a). These limits are lower than the ones in ADR 1.1.3.6 so as to avoid encouraging transport outside of the framework of the legislation and prevent unfair competition with those who abide by it. Apparently, such quantities are fully sufficient to meet the needs of private individuals. If WP.15 is prepared to take the question up, we would propose introducing these texts in ADR.

Proposal 2 (a)

8. Introduce at the end of 1.1.3.1 (a) the following text:

“For the application of these provisions, the following rule shall be observed:

The total quantity per transport unit shall not exceed the values established in the table below.

In the table below, “maximum total quantities per transport unit” means:

- For articles, gross mass in kilograms (for articles of Class 1, net mass in kilograms of the explosive substance);
- For solids, liquefied gases, refrigerated liquefied gases and dissolved gases, net mass in kilograms;
- For liquids, the total quantity of dangerous goods contained, in litres;
- For compressed gases and chemicals under pressure, the water capacity of the receptacle in litres.

Table 1.1.3.1

Substances or articles	Maximum total quantities per transport unit
Class 1: 1.1A, 1.1L, 1.2L, 1.3L, 1.4L, UN No. 0190 Class 3: UN No. 3343 Class 4.2: Substances belonging to packing group I Class 4.3: Substances belonging to packing group I Class 5.1: UN No. 2426 Class 6.1: UN Nos. 1051, 1600, 1613, 1614, 2312, 3250 and 3294 Class 6.2: UN Nos. 2814 and 2900 Class 7: UN Nos. 2912 to 2919, 2977, 2978, 3321 to 3333 Class 8: UN No. 2215 (MALEIC ANHYDRIDE, MOLTEN) Class 9: UN Nos. 2315, 3151, 3152 and 3432 and apparatus containing such substances or mixtures and empty uncleaned packagings, except those classified under UN No. 2908, having contained substances classified in this transport category.	0
Class 1: Substances of Divisions 1.1C to 1.5D and articles of Divisions 1.1B and 1.2B Class 4.1: UN Nos. 3221 to 3224 and 3231 to 3240 and substances of packing group I Class 4.2: Substances of packing group II Class 4.3: Substances of packing group II or III Class 5.1: Substances of packing group I Class 5.2: UN Nos. 3101 to 3104, 3111 to 3120	1
Substances and articles of packing group I and not classified in maximum authorized quantities 0 or 1 and substances and articles of the following classes or groups: Class 1: Articles of Divisions 1.1C to 1.1J, 1.2C to 1.2J, 1.3C to 1.3J, 1.4B to 1.4S, 1.6N Class 2: Groups T, TC, TO, TF, TOC and TFC Aerosols: groups C, CO, FC, T, TF, TC, TO, TFC and TOC Class 4.1: UN Nos. 3225 to 3230	5

Class 5.1: Substances of packing group II Class 5.2: UN Nos. 3105 to 3110 Class 9: UN No. 3245	
Substances and articles of packing group II and not classified in maximum authorized quantities 0, 1 or 5 and substances and articles of the following classes or groups: Class 2: Group F, aerosols: group F Class 5.1: Substances of packing group III Class 6.1: Substances of packing group III	100
Substances and articles of packing group III and not classified in maximum authorized quantities 0, 1, 5 or 100 and substances and articles of the following classes or groups: Class 2: Groups A and O, aerosols: groups A and O Class 3: UN No. 3473 Class 4.3: UN No. 3476 Class 7: UN Nos. 2908 to 2911 Class 8: UN Nos. 2794, 2795, 2800, 3028 and 3477 Class 9: UN Nos. 2990 and 3072	300

When dangerous goods of different transport categories, as defined in Table A, are carried in the same transport unit, the sum of:

- The quantity of substances and articles of maximum total quantity 1 multiplied by 300;
 - The quantity of substances and articles of maximum total quantity 5 multiplied by 60;
 - The quantity of substances and articles of maximum total quantity 100 multiplied by 3; and
 - The quantity of substances and articles of maximum total quantity 300;
- shall not exceed 300.”

9. Another option would consist in referring to the quantities established in 1.1.3.6.3, as in proposal 2 (b), below. While the advantageous because of its simplicity, we believe that option would have the disadvantage of encouraging transport outside of ADR rules instead of compliance with them.

Proposal 2 (b)

10. Introduce a second sentence in 1.1.3.1 (a) with the following text:

“In this case the total carried quantities shall not exceed those established in 1.1.3.6.”

Consequential amendment

11. For proposals 2 (a) and 2 (b), in 1.1.3.6.5, delete “(a)” after “1.1.3.1”.