

Economic Commission for Europe

Inland Transport Committee

Working Party on the Transport of Dangerous Goods

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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 amendment of the exemption 1.1.3.1 (c)

Transmitted by the Government of Luxembourg

Summary

- Executive summary:** To enhance safety, it is proposed to add a reference to the general requirements for packaging to the exemption of 1.1.3.1 (c) ADR and to add a remark concerning the obligation of training according to 1.3 of ADR.
- Action to be taken:** Amend paragraph 1.1.3.1 (c)

Introduction

1. During roadside checks, inspection authorities frequently observe that during carriage, exempted from the ADR application according to 1.1.3.1 (c), packaging is used which is not suitable for safely enclosing dangerous goods, as the regulation does not impose any requirements on the used packaging.
2. Often packaging is used which, by its nature or condition, is not in compliance to the general essential requirements, which is not conform to an approved design type or which has not undergone the required inspection.
3. Although 1.1.3.1 (c) ADR is an exemption, we are of the opinion, in order to avoid potential hazards, that there should be basic requirements for the use and selection of the packaging used.
4. In addition, a further amendment to the exemption of 1.1.3.1 (c) seems to be unavoidable.
5. Yet, the reference in 1.1.3.1. (c) to the maximum quantities specified in 1.1.3.6 of ADR allows the conclusion that an extensive knowledge is required, as otherwise the exempted quantity could not be determined and subsequently to know if the exception does apply. Therefore, we propose to add a remark inducing the obligation to provide training according to 8.2.3 and 1.3 to carriage exempted in line with 1.1.3.1 (c).

Proposal I

6. “1.1.3.1 Exemptions related to the nature of the transport operation

The provisions laid down in ADR do not apply to:

...

(c) The carriage undertaken by enterprises which is ancillary to their main activity, such as deliveries to or returns from building or civil engineering sites, or in relation to surveying, repairs and maintenance, in quantities of not more than 450 litres per packaging, including intermediate bulk containers (IBCs) and large packaging, and within the maximum quantities specified in 1.1.3.6. Measures shall be taken to prevent any leakage of contents in normal conditions of carriage. In addition, the general packing requirements according to 4.1.1.1, 4.1.1.2, 4.1.1.3, 4.1.1.6, 4.1.1.9, 4.1.1.15 and 4.1.6.8 shall be applied. All packaging used shall be in conformity to the applicable requirements of construction and testing. These exemptions do not apply to Class 7.

Carriage undertaken by such enterprises for their supply or external or internal distribution does not fall within the scope of this exemption; The obligation of training according to 1.3 and 8.2.3 ADR is not affected by this exemption. “

Proposal II

7. “1.1.3.1 Exemptions related to the nature of the transport operation

The provisions laid down in ADR do not apply to:

...

(c) The carriage undertaken by enterprises which is ancillary to their main activity, such as deliveries to or returns from building or civil engineering sites, or in relation to surveying, repairs and maintenance, in quantities of not more than 450 litres per packaging, including intermediate bulk containers (IBCs) and large packaging, and within the maximum quantities specified in 1.1.3.6. The before mentioned packaging shall be used according to 4.1.1 and shall be in conformity to the applicable requirements of construction and testing according to 6.1, 6.2, 6.5 and 6.6. These exemptions do not apply to Class 7.

Carriage undertaken by such enterprises for their supply or external or internal distribution and the obligation of training according to 1.3 and 8.2.3 ADR do not fall within the scope of this exemption.

Justification

8. The exemption according to 1.1.3.1 (c) in practice often leads to a careless handling of dangerous goods. In particular, the lack of requirements for the packaging to be used represents a potential hazard, since it seems not apparent to all users that risks, such as product leakage and damage to people and the environment, could be significantly reduced already in the selection and use of suitable packaging.

9. It can also not be concluded, solely by using the term "packaging" in 1.1.3.1 (c) ADR, that "packaging" at this point is to be understood as a „terminus technicus“ of the dangerous goods regulations which contains corresponding basic requirements and that a usage of any other possibly unsuitable package is not covered by the scope of the exemption.

10. The particular references proposed were chosen, because they were seen as the most relevant one to be taken into account in practice.

11. The proposed amendment clarifies situation concerning the requirements for the packaging to be used and the additional remark to the training obligation enhances safety.
