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**INLAND TRANSPORT COMMITTEE**

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

**Joint Meeting of the RID Safety Committee  
and the Working Party on the Transport  
of Dangerous Goods  
(Bern, 25-28 May 1999)**

**EXEMPTIONS RELATING TO THE NATURE OF THE TRANSPORT OPERATION**

**Transmitted by the Government of Netherlands \*/**

**SUMMARY**

**Analytical summary:**

This document outlines a proposal to set some minimum safety requirements for carriage according to paragraph 1.1.3.1 of draft Part 1 of RID/ADR (existing marginals 17 of RID and 2009 and 10 603 of ADR).

**Action to be taken:**

Amendment of paragraph 1.1.3.1 of RID/ADR (as laid down in version OCTI/RID/GT-III/1998/31/Rev.2-TRANS/WP.15/AC.1/1998/Rev.2)

**Related documents:**

Report of the Joint Meeting RID/ADR (15-25 September 1998), OCTI/RID/GT-III/1998/B, TRANS/WP.15/AC.1/74, paragraphs 138 to 149: dealing with a discussion based on documents -/1997/17 (Germany), -/1997/62 (Austria), -Informal document INF.20 (Netherlands).

**\*/** Distributed by the Central Office for International Carriage by Rail (OCTI) under the symbol OCTI/RID/GT-III/1999/20.

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## INTRODUCTION

At the last Joint Meeting the Netherlands announced that they would submit a proposal to the Joint Meeting to adapt marginal 17 RID and 2009 / 10 603 ADR, based on the discussion that took place on our document INF. 20 and documents 1997/17 and 1997/62.

At the last meeting, we noted in general the following comments on the subject of exempted carriage according to marginals 17 RID / 2009 and 10 603 ADR:

Carriage under the scope of these marginals lacks some minimum safety requirements that would ensure a minimum degree of safety for carriage which could be maintained by enforcement bodies.

Private individuals under the scope of these marginals are not really aware of the provisions of RID/ADR. Any kind of additional text for safety purposes should take this aspect into account.

A general additional provision that packagings should be manufactured, closed, handled and stowed so as to prevent any leakage of contents, runs into problems with respect to implementation, especially with respect to carriage by private individuals.

In the context of carriage by private individuals open to interpretation the phrase "packaged for retail sale" in the English version was felt to be open to interpretation, especially when looking at the French version "conditionnées pour la vente": our suggestion made in INF. 20 to link the exemption for private individuals to carriage in ORIGINAL retail sale packagings was felt to be too restrictive.

Taking into account the above mentioned points we reformulated our proposal, in INF. 20 in the following restructured way. The amendments (additions to the existing text of RID/ADR) are given in **bold** characters.

## PROPOSAL

### Proposal 1:

Read sub (a) of paragraph 1.1.3.1 as follows:

- (a) The carriage of dangerous goods by private individuals where the goods in question are packaged for retail sale, **in their original or other suitable packagings** and are intended for their personal or domestic use or for their leisure or sporting activities **in quantities which are considered reasonable for this use, and provided that the packagings do not leak in normal conditions of carriage;**

### Proposal 2:

Read sub (b) of paragraph 1.1.3.1 as follows:

- (b) The carriage of machinery or equipment not specified in RID/this Annex and which happen to contain dangerous goods in their internal or operational equipment, **provided that measures are taken to prevent any leakage of contents in normal conditions of carriage and handling;**

Proposal 3:

**Add** at the end of sub (c) of paragraph 1.1.3.1. the following sentence:

**Measures shall be taken to prevent any leakage of contents in normal conditions of carriage and handling.**

**JUSTIFICATION**

Safety

The aim of the proposed amendments to the existing text of RID/ADR is that - despite the fact that exemptions have been arranged for certain kinds of carriage - a certain minimum level of safety should be maintained for the carriage of dangerous goods. The proposed minimum level for carriage by private individuals is that leakage of contents does not occur. For carriage by enterprises the minimum level is formulated in a different way, expressing the idea that enterprises are expected to have a better understanding of and a more professional attitude to safety when carrying dangerous goods.

Furthermore the introduction of a reference to the use of original or other suitable packagings by private individuals is to avoid the use of packagings which are not even acceptable as consumer packagings.

In general terms a restriction of the quantities of dangerous goods that can be carried by private individuals has been introduced in order to prevent obvious cases of abuse.

Feasibility

The proposed amendments concern minimal transport requirements. These requirements are quite easy to fulfil. The application of these amendments does not entail additional costs for the user.

Enforceability

With regard to enforcement, the proposed amendments form at least an instrument to maintain a certain minimum guarantee of safety. The proposed minimum guarantee of safety (no leakage of contents) can be enforced quite easily.

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