



**Economic and Social
Council**

Distr.
GENERAL

TRANS/WP.15/2005/7
16 February 2005

Original: ENGLISH

ECONOMIC COMMISSION FOR EUROPE

INLAND TRANSPORT COMMITTEE

Working Party on the Transport of Dangerous Goods
(Seventy-eighth session, agenda item 5,
Geneva, 9-13 May 2005)

**INTERPRETATION OF THE EUROPEAN AGREEMENT CONCERNING THE
INTERNATIONAL CARRIAGE OF DANGEROUS GOODS BY ROAD (ADR)**

Transport of dangerous goods by motor-cycle

Transmitted by the Government of the United Kingdom

SUMMARY

Executive Summary:	The paper seeks the opinion of other delegations on whether ADR permits the transport of dangerous goods by motor-cycle, what measures, if any, Competent Authorities have applied to carriage by motor-cycles and if the provisions of ADR should be reviewed to accommodate carriage by motor-cycle.
---------------------------	--

Background

As a result of certain queries from industry, the United Kingdom Competent Authority has recently been giving consideration as to whether the ADR requirements permit the carriage of packaged dangerous goods on motor-cycles. Within the United Kingdom it has become an increasingly widespread practice for courier companies and others to transport by motor-cycle low volume high value goods (such as small quantities of specialist chemicals for particular high cost processes in IT applications) or time-critical substances (such as medicines or pharmaceutical products). This type of carriage operation is increasing as it can be a quick, flexible and economic option for carriage of small time-sensitive objects through high density traffic areas. The range of substances moved in this way also seems to be increasing.

The United Kingdom does not believe it was originally intended that motor-cycles should come under the scope of ADR and be used to carry packaged dangerous goods.

However, the growth of motor-cycle courier companies in the United Kingdom and in other countries means that there should be consideration given as to whether or how ADR can reflect current practices in industry and regulate the carriage of dangerous goods by motor-cycle.

Analysis of ADR

ADR does not appear to explicitly prohibit the carriage of packaged dangerous goods by motor-cycle. The definition of "vehicle" in Article 1 of the ADR Agreement references the Convention on Road Traffic 1949. The Convention defines "Motor Vehicle" as:

"Motor vehicle" means any self-propelled vehicle normally used for the transport of persons or goods upon a road, other than vehicles running on rails or connected to electric conductors. Any State bound by annex 1 shall exclude from this definition cycles fitted with an auxiliary engine of the type described in that annex;"

The above definition of "Motor Vehicle" would seem to include motor-cycles. However, ADR chapter 7.1.2 states that vehicles used for the carriage of dangerous goods shall, as regards their design and construction conform to the relevant requirements of Part 9. ADR chapter 9.1.1.1 states that the requirements of Part 9 shall apply to vehicles of category N (power-driven vehicles with at least 4 wheels and used for carriage of goods) and O (trailers including semi-trailers) only. A motor-cycle does not meet the categories of N and O, so therefore cannot meet the requirements of part 9 and cannot comply with ADR 7.1.2. If motor-cycles cannot comply with ADR 7.1.2., they cannot carry dangerous goods.

The United Kingdom requested the secretariat's interpretation, as to whether carriage of dangerous goods by motor-cycles is covered by ADR. The secretariat's interpretation was that Section 7 and Section 9 in ADR, when taken together, do not disqualify the carriage of packaged dangerous goods by motor-cycle. The United Kingdom does not necessarily believe that it was the intention of the ADR Agreement to include motor-cycles within its scope. However, the United Kingdom does not believe that it would necessarily be appropriate to preclude the use of motor-cycles to transport all dangerous goods.

On a practical level, Part 8 of ADR regarding requirements such as placarding, fire-fighting equipment, miscellaneous equipment, driver training, etc., clearly does not take into account that the transport may be by motor-cycle.

For WP.15's consideration

The United Kingdom would like to hear the opinions of other delegations as to whether:

- (a) delegates agree with the secretariat's interpretation that packaged dangerous goods may be carried on motor-cycles;
- (b) competent authorities have applied ADR to motor-cycle courier companies and others; and

- (c) whether WP.15 should review the scope of ADR and revise the relevant requirements to ensure that they are appropriate for the carriage of packaged dangerous goods on motor-cycles as necessary.

Additional note by the secretariat :

The secretariat's interpretation quoted in this document is as follows:

- (1) The definition of motor vehicle in the 1949 Convention on Road Traffic includes motor-cycles (except those fitted with an auxiliary engine), and therefore, when permitted under Annex A, the international carriage of dangerous goods by road is also authorized by motor-cycles, subject to the conditions of Annexes A and B.
 - (2) 7.1.2 states that vehicles shall conform to the relevant requirements of Part 9. If there are no relevant requirements, motor-cycles do not have to comply with Part 9, and as a matter of fact they are event excluded from the scope of Part 9. This means only that ADR does not specify any conditions for the design, construction and approval of motor-cycles used for the international carriage of dangerous goods.
 - (3) It is clear that some provisions of Parts 1 to 8 are not well adapted to carriage by motor-cycle. Nevertheless, if all relevant provisions of annexes A and B are complied with, it seems to the secretariat that international carriage of dangerous goods by motor-cycle is authorized.
 - (4) For national traffic in countries where directive 94/55/EC is applicable, it should be noted that according to its article, the directive does not apply to transport by motor-cycles, since vehicles are defined as having at least four wheels.
 - (5) The protocol of amendment to ADR which was adopted in 1993 amended the ADR definition of vehicles to bring it in line with that of the directive. However this protocol has not yet entered into force when it enters into force, ADR will no longer apply to international carriage of dangerous goods by motor-cycle. This does not mean that international carriage of dangerous goods by motor-cycle will no longer be authorized. It means only that international carriage of dangerous goods by motor-cycle will be subject only to the national regulations applicable on the territory of each country of origin, transit and destination.
-