



**Economic and Social
Council**

Distr.
GENERAL

ECE/TRANS/WP.15/AC.1/2007/22
2 January 2007

Original: ENGLISH

ECONOMIC COMMISSION FOR EUROPE

INLAND TRANSPORT COMMITTEE

Working Party on the Transport of Dangerous Goods

Joint Meeting of the RID Committee of Experts and the
Working Party on the Transport of Dangerous Goods

Bern, 26-30 March 2007
Item 5 of the provisional agenda

PROPOSALS OF AMENDMENTS TO RID/ADR/ADN */

Exemptions related to the nature of the transport operation 1.1.3.1 (a)

Transmitted by the Government of Sweden

SUMMARY

Executive summary: A Swedish court has passed a verdict where it is stated that the exemption in 1.1.3.1 (a) can only be used for the carriage of dangerous goods when the goods are already in the packaging at the time of purchase. Hereby it is not possible for private individuals to refill their packagings themselves. The expert from Sweden believes there is a need for private individuals to be able to go to e.g. petrol stations to get fuel for their boats in portable fuel containers and do the filling themselves.

Action to be taken: Amend 1.1.3.1 (a).

Related documents: None.

*/ Circulated by the Intergovernmental Organization for International Carriage by Rail (OTIF) under the symbol OTIF/RID/RC/2007/22.

Introduction

1. According to the existing provisions in 1.1.3.1 (a), private individuals are exempted from the provisions in RID/ADR when dangerous goods are packaged for retail sale and are intended for their personal and domestic use or for their leisure or sporting activities. However, a Swedish court has passed a verdict which states that the exemption in 1.1.3.1 (a) can only be used for the carriage of dangerous goods when the goods are already in the packaging at the time of purchase. Hereby it is not possible for private individuals to refill their packaging themselves.
2. The expert from Sweden is of the opinion that it should be possible for private individuals to use this exemption when acquiring goods in a refillable packaging. There is a need to be able to go to petrol stations e.g. to get fuel for boats in portable fuel containers (such as jerricans). This is, according to Swedish court, not possible as the text is worded in RID/ADR today.
3. We do not think the intent of 1.1.3.1 (a) was to prohibit such use of this exemption, and, as a result, subject all private individuals to the provisions of the RID/ADR.
4. The exemption in 1.1.3.3 (a) can only be used for fuel destined for the propulsion or operation of any of the equipment of the vehicle performing a transport operation, and only permits transportation of 60 litres of liquid fuels in portable fuel containers.

Proposal

5. Amend the present text of 1.1.3.1 (a) as follows (change; shown in bold printing):

“The carriage of dangerous goods by private individuals where the goods in question are packaged for retail sale and are intended for their personal and domestic use or for their leisure or sporting activities provided that measures have been taken to prevent any leakage of contents in normal conditions of carriage. ~~Dangerous goods in IBCs, large packagings or tanks are not considered to be packaged for retail sale;~~

Refillable packagings designed for repeated use may be carried when filled with flammable liquids by private individuals, provided that the goods are intended for their personal and domestic use or for their leisure or sporting activities. The packagings shall not be affected or significantly weakened by those dangerous goods and shall not cause a dangerous effect e.g. catalysing a reaction or reacting with the dangerous goods. Measures shall be taken to prevent any leakage of contents in normal conditions of carriage.

Dangerous goods in IBCs, large packagings or tanks does not fall within the scope of this exemption;”

Justification

6. There is a need to clarify that packagings used for retail sale may be packagings designed for repeated use filled by private individuals.

Safety implications

7. The expert from Sweden sees no safety implications since the proposed change describes commonly accepted everyday practise.

Feasibility

8. The expert from Sweden sees no extra costs or negative practical implications resulting from the proposed change.

Enforceability

9. The expert from Sweden sees no problem in enforcement arising from the proposal.
-