



**Economic and Social
Council**

Distr.
GENERAL

ECE/TRANS/WP.15/AC.1/2008/12
17 juin 2008

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

Geneva, 15-19 September 2008
Item 5 (a) of the provisional agenda

PROPOSALS FOR AMENDMENTS TO RID/ADR/ADN ^{*/ **/}

Exemptions

Transmitted by the Government of Belgium

Introduction

1. On 1 January 2007, the text of 1.1.3.1 (d), dealing with an exemption related to the nature of the transport operation was changed from :

“The provisions laid down in ADR do not apply to : ...

^{*/} In accordance with the programme of work of the Inland Transport Committee for 2006-2010 (ECE/TRANS/166/Add.1, programme activity 02.7 (c)).

^{**/} Circulated by the Intergovernmental Organization for International Carriage by Rail (OTIF) under the symbol OTIF/RID/RC/2008/12.

- (d) the carriage undertaken by, or under the supervision of, the emergency services, in particular by breakdown vehicles carrying vehicles which have been involved in accidents or have broken down and contain dangerous goods ; “

to :

“The provisions laid down in ADR do not apply to : ...

- (d) the carriage undertaken by or under the supervision of the emergency services, insofar as such carriage is necessary in relation to the emergency response, in particular carriage undertaken :
- by breakdown vehicles carrying vehicles which have been involved in accidents or have broken down and contain dangerous goods; or
 - to contain and recover the dangerous goods involved in an incident or accident and move them to a safe place ;"

(in the French text, the “emergency services” are called “services d’intervention”, the meaning of which is not completely identical).

Problem encountered

2. Very recently, a container with UN 1408 Ferrosilicon of Class 4.3 in bulk, was severely damaged when being unloaded from a ship in the port of Antwerp. Its final destination was Duisburg (Germany). The consignor contacted a private company to solve the problems created by this incident.

3. After several weeks, this company based itself on the total exemption of the new 1.1.3.1 (d) to carry this container without any *ad hoc* exemption to its normal destination in Duisburg (on the basis of their being an intervention service and the consignee a safe place to move the dangerous goods to). This creative interpretation proved to be unrefutable from the legal point of view.

Proposal

4. The Government of Belgium would be very interested to know the opinion of the Joint Meeting on this topic, and proposes to better describe the kind of emergency that has been envisaged as follows :

- (d) *the carriage undertaken by or under the supervision of the emergency services, insofar as such carriage is necessary in relation to the urgent emergency response, in particular carriage undertaken :*
- *by breakdown vehicles carrying vehicles which have been involved in accidents or have broken down and contain dangerous goods; or*

- *to contain and recover the dangerous goods involved in an incident or accident and move them to a safe place ;".*

NOTE : Companies acting on behalf of a participant in the carriage of the dangerous goods involved in the accident or incident are not considered to be an emergency service.

5. The Government of Belgium would of course also welcome other possible solutions to clarify the existing text.
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