

INLAND TRANSPORT COMMITTEE

Working Party on the Transport
of Dangerous Goods

(Seventy-seventh session,
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agenda item 3)

**INTERPRETATION OF THE EUROPEAN AGREEMENT CONCERNING THE
INTERNATIONAL CARRIAGE OF DANGEROUS GOODS BY ROAD (ADR****NEW DEFINITION OF “A MEMBER OF VEHICLE CREW”****Submitted by the Government of Poland**

During a preparatory work on implementation of the 2005 version of the ADR we faced difficulties concerning the meaning of the term “a member of vehicle crew”, especially in the context of the new “security” provisions. While several references to this term are made in the ADR^{*/} there is a lack of the relevant definition in it. In these circumstances it is possible to try to use - for ADR purposes - a definition of “a crew member” provided by European Agreement concerning the work of crews of vehicles engaged in international road transport (AETR):

“ (k) *A crew member means the driver or either of the following, whether wage-earning or not:*

- (i) *a driver's mate, i.e. any person accompanying the driver in order to assist him in certain manoeuvres and habitually taking an effective part in the transport operations, though not a driver in the sense of paragraph (j) of this article;*
- (ii) *a conductor, i.e. any person who accompanies the driver of a vehicle engaged in the carriage of passengers and is responsible in particular for the issue or checking of tickets or other documents entitling passengers to travel on the vehicle;”.*

Following the above definition we limit the term “a member of vehicle crew” to a driver or a driver’s mate, when in practice it should cover a driver and other persons present in a vehicle carrying dangerous goods and performing their duties concerning the carriage (in order to supervise the vehicle and goods, for training purposes, etc.). Now all those “other persons” may be treated by controlling authorities as being “passengers”, the presence of whom is prohibited according to 8.3.1 of ADR. Moreover, the term “driver’s assistant” used in the older versions of the ADR^{**/} referred implicitly the requirements of driver’s training.

To clarify the situation there is a need, in our opinion, to introduce a definition of “a member of vehicle crew” in the ADR. If there is a support from the other Contracting Parties and organisations involved, we are ready to submit a formal proposal to this end, taking into consideration all remarks and suggestions from the delegates.

^{*/} See: 1.1.2.3, 1.8.3.11(b), 1.10.1.4, 7.5.7.3, 8.1.2.1(d), 8.1.4.5, 8.1.5, 8.3.1, 8.3.2, 8.5 (S7).

^{**/} See Marginals 10 311 and 11 311 of the ADR 1999.