

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, 23-26 March 2009

Item 9 of the provisional agenda

Working group on the scope of RID/ADR

Report

Transmitted by the Government of France

Working documents :

- ECE/TRANS/WP.15/AC.1/2007/56
- ECE/TRANS/WP.15/AC.1/106 paragraphs 54 to 58
- ECE/TRANS/WP.15/AC.1/108, paragraph. 110
- ECE/TRANS/WP.15/AC.1/110 paragraph 55

Related documents and regulations (other than RID/ADR)

- Guideline TPED n° 9
- TPED directive and new draft
Regulation EC n° 765/2008

Participants :

Experts from Belgium, Finland, France, Germany, The Netherlands, United Kingdom, AEGPL, EIGA, FIATA were represented at the meeting.
The European commission was excused.

The working group met a first time the 14 and 15 October in Paris, and a second time in Bordeaux January the 13th in the margins of the telematics WG. Unfortunately consensus view could not be reached.

This report reflects the main ideas expressed during the discussions. The joint meeting is invited to comment and decide how work on this issue may continue if deemed necessary.

Discussions :

The mandate given by the Joint Meeting (JM) was very general and covers complex issues. In consequence, the working group (WG) in a first time decided that its goal will be first to clarify issues and identify points where potential trouble may occur.

Given the early stage of discussion, the experts present in the WG said that the discussion will be held on an informal basis and will not represent their formal national position.

It was decided to look for a formulation of issues in order to help the Joint Meeting (JM) to define possible future work.

To clarify the context of its work, a sentence defining activities covered by RID/ADR/ADN was drafted by the WG as followed :

“ ADR addresses the safety of persons and the environment - arising from the dangerous intrinsic properties of the goods and/or the risks posed in transport - during carriage and may include preparations affecting carriage before and after carriage as well as the safety of persons and the environment during loading/unloading of dangerous goods (DG). ”

It was felt important to define precisely what activities are included in the definition of “carriage”, defining when carriage starts, what intermediate steps are contained and when it ends. Indeed allows to define, covered by article 4, where additional requirements to RID/ADR/ADN may be defined for reasons other than safety during carriage.

The WG noted that the activities covered by carriage were defined differently in the European framework Directive 2008/68/EC (see article 1) and the 1.2.1 of ADR 2009 (inclusion of loading and unloading in the framework Directive).

Furthermore the WG noticed a difference between the English, French and German version : where the German version refers to the loading and unloading activities covered in the annex (practically, RID/ADR/ADN), the English and French do not. This difference did not appear, for instance, in the ancient ADR Directive where the definition of transport refers to the loading and unloading activities covered in annex A and B (that means ADR).

It appeared useful to distinguish between:

- 1) activities performed during carriage,
- 2) activities performed before or after carriage subject to :
 - a. requirements in RID/ADR because they impact safety of activities performed during carriage (whose goal is to prevent accidents during carriage)
 - b. requirements in RID/ADR which do not impact safety of activities during carriage. Their goal is to prevent an accident before or after carriage.
- 3) Requirements from other regulation than RID/ADR for reasons other than safety transport.

However Some difficulties of understanding arise from the use of the terms of carriage, international transport and international transport operations both in the ADR agreement and in the annexes to the agreement.

In the French edition there is a definition of transport and transport operations and there is also the terms of “en cours de route” which appears to cover the English “Carriage”. In German only one word is used (Beförderung)

In chapter 1.2.1 the definition refers to carriage in English and “transport” in French, but in fact it seems that this definition actually covers the concept of “en cours de route”.

There were discussions about a “broad concept” of « Carriage related operations » that contains all operations that have an influence on carriage such as filling loading, construction rule and a more “narrow concept” of Carriage/”en cours de route”.

The group felt it was useful to define a domain where one may not regulate more severely to avoid the involuntary manifestation of the dangerous properties of the goods during their movement other than through the mechanism of RID/ADR. (narrow concept). But if carriage operations on public roads were not questioned to be part of this, it was more difficult to reach a consensus on how this affects transport related operations and in particular inside facilities.

Finally, concerning the initial question related to gas receptacles, the working group felt that the use of gas receptacles may be regulated by additional regulation other than RID/ADR and maybe subject to further restrictions, e.g. through EU legislation, placing on the market because it is clearly outside of the narrow scope described above.
