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Working Party on the Transport of Dangerous Goods

Joint Meeting of the RID Safety Committee and the
Working Party on the Transport of Dangerous Goods
(Geneva, 13-17 September 2004,
agenda item 5)

NEW 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 sentence where it was 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 place of sale. Thus, it is not possible for individuals to refill their packagings themselves. The expert from Sweden believes that there is a need for individuals e.g. to be able to go to 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) to clarify that dangerous goods in class 3 packaged for retail sale also include dangerous goods that can be filled by private individuals themselves in refillable packagings.
Related documents:	None.

*/ Circulated by the Central Office for International Carriage by Rail (OCTI) under the symbol OCTI/RID/GT-III/2004/22.

Introduction

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. The expert from Sweden is of the opinion that it should be possible for a private individual to use this exemption when the individual acquires goods in a refillable packaging. There is a need for individuals e.g. to be able to go to petrol stations to get fuel for their boats in portable fuel containers (such as jerricans). This is according to the Swedish court not possible as the text is written in RID/ADR today.

The exemption in 1.1.3.3 (a) can only be used for fuel destined for the propulsion or for the 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.

A Swedish court has passed a sentence where it was 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 place of sale. Thus, it is not possible for individuals to refill their packagings themselves.

It is not considered that the intent of 1.1.3.1 (a) was to prohibit private individuals from such use of this exemption, and by this make private individuals subject to all the provisions of RID/ADR.

Proposal

Add a sentence (shown in bold printing) to the present text of 1.1.3.1 (a) as follows:

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. **Refillable packagings designed for repeated use may be filled with flammable liquids by private individuals who are familiar with such packagings and have made sure that the packagings are in good working order, in particular any gaskets, to guarantee a positive seal.** Dangerous goods in IBCs, large packagings or tanks are not to be considered to be packaged for retail sale.

Justification	There is a need to clarify that packagings used for retail sale may be packagings designed for repeated use filled by private individuals.
Safety:	The expert from Sweden sees no unacceptable safety implications since the proposed change describes commonly accepted everyday practice.
Feasibility:	The expert from Sweden sees no extra costs or negative practical implications with the proposed change.
Enforceability:	The expert from Sweden sees no problems in enforceability arising from the proposal.
