

OTIF



**ORGANISATION INTERGOUVERNEMENTALE POUR
LES TRANSPORTS INTERNATIONAUX FERROVIAIRES**

**ZWISCHENSTAATLICHE ORGANISATION FÜR DEN
INTERNATIONALEN EISENBAHNVERKEHR**

**INTERGOVERNMENTAL ORGANISATION FOR INTER-
NATIONAL CARRIAGE BY RAIL**

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RID/ADR/ADN

Joint Meeting of the RID Committee of Experts and the Working Party on the Transport of Dangerous Goods (Geneva, 23 – 26 March 2009)

Agenda item 4: Interpretation of RID/ADR/ADN

Exemption limits in accordance with 1.1.3.1 c)

Proposal transmitted by Austria

Background

1. Since the exemption in accordance with 1.1.3.1 c) was included in the dangerous goods regulations, the enforcement authorities in Austria have continually had to deal with questions on how to interpret it.
2. The biggest, and so far not satisfactorily resolved, problem is caused by the limit between exempted carriage in accordance with the first sentence of the provision and non-exempted carriage for supply purposes within the meaning of the last sentence. It is not evident from the provision where the limit is to be drawn. It can only be assumed that the exemption is limited, but the provision does not go into full details.
3. The Federal Ministry of Transport, Innovation and Technology of the Republic of Austria considers an appropriate indication to be whether the dangerous goods are being carried directly to their place of use or consumption, or whether they are to be stored beforehand, for example in a tank at a building site. The administrative court that is ultimately responsible for interpreting this in Austria has rejected this in specific cases, but has not itself put forward any other generally applicable criteria.

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Proposal

4. Austria therefore requests the delegates of the Joint Meeting to give a brief account of how this provision is managed in their countries. If it appears that there are common approaches, Austria would be prepared to propose corresponding clarification of the text to a later meeting.
