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Working Party on the Transport of Dangerous Goods

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Work of the RID/ADR/ADN Joint Meeting

Exemption 1.1.3.3 c) in ECE/TRANS/WP.15/AC.1/2011/30/Add.1

Transmitted by the expert of Switzerland¹

1. Following the recommendations of the Group on harmonization the JM RID-ADR-ADN adopted the proposal to change the title in French of 1.1.3.3 from "carburant" to "combustible".
2. Before that decision, at least in French, the scope of 1.1.3.3 was clear. The use of this fuel was only for the propulsion of the vehicle or for the operation of an equipment. Due to the change from "carburant" to "combustible", it is no more clear in what kind of equipment this "combustible" is not supposed to be used. The word in French "carburant" (motor-fuel in English) excluded the use of "combustible" intended to be burned in a combustion heater. For us the possibility to carry 1560 litres of fuel intended to be burned as combustible was not possible under the exemption 1.1.3.3. With the change of the word in French the scope of the exemption changes. Before, the possible exemptions for the "combustible" for the combustion heater were only those in 1.1.3.1 a) and c) or 1.1.3.6. The exemption in 1.1.3.1 b) was not possible as an exemption for a separate receptacle containing heating oil because such a receptacle cannot be considered as been contained "in the internal or operational equipment" of the equipment or machinery. Thus for example in the case of petrol (UN 1203) intended to be used for combustion heaters the maximum quantity allowed in the exemption 1.1.3.1 c) or 1.1.3.6 is until 333 Litres. For individuals it is in 1.1.3.1 a) 240 Litres. With the new scope this quantity could be until 1560 litres (1500+60) following the paragraph a) in 1.1.3.3 (thus multiplying the quantities allowed considerably) . In the case of heating oil (UN 1202) this quantity is "only" 1,5x as much as before, that is 1000 litres in 1.1.3.6 (resp. 1.1.3.1 c)) and 1560 litres following 1.1.3.3 a)) in the best case but again multiplying the quantity considerably following 1.1.3.1 a).
3. Users of fuels for stationary combusting heaters will from now on ask why is it possible to carry more than 1500 litres for a combusting heater following the full exemption in 1.1.3.3 a) and why is it only allowed to carry 333 litres or at the most

¹ In accordance with the programme of work of the Sub-Committee for 2011-2012 approved by the Committee at its fifth session (refer to ST/SG/AC.10/C.3/76, para. 116 and ST/SG/AC.10/38, para. 16).

1000 litres for stationary combusting heaters following the exemptions either in 1.1.3.1 c) or 1.1.3.6. They will eventually either buy a combustion heater for their vehicle and carry more than 1500 Litres, or ask for an alignment of the exemptions in 1.1.3.1 a) and c) and in 1.1.3.6 to the one in 1.1.3.3 a) by enhancing the allowed maximum quantities for combustible to 1560 Litres.

4. In order to avoid this confusion Switzerland tried during the discussions in the Ad hoc WG on the harmonization to convince the other participants of the necessity not to introduce the new exemption in 1.1.3.3 but to put it in 1.1.3.1 b) as an additional paragraph. The exemption should be introduced in 1.1.3.1 b) because it is a particular case of the exemption 1.1.3.1 b). The other participants didn't follow our reasoning. Moreover, because in the English ADR the distinction between "motor-fuel" and "combustible" is not present in 1.1.3.3 the group proposed to align in 1.1.3.3 the French concept "carburant" to the English word "fuel" by changing "carburant" into "combustible" in French. This was done in order to accommodate the scope of the paragraph 1.1.3.3 to the scope of the new exemption supposed to be introduced in 1.1.3.3 c). This new text is applicable to any kind of fuel, not only for motor-fuel or "carburant" in French. Thus, instead to put the new exemption in a separate paragraph the Ad hoc WG on harmonization decided to change the scope of 1.1.3.3 by changing the French word "carburant" to "combustible" with the consequence that can be foreseen as explained before.
5. We believe this is a wrong decision which should not be endorsed by the WP.15. It opens the door to increase the amounts of carriages of this combustibles for other purposes than those originally pursued in 1.1.3.3. The exemptions in 1.1.3.3 should remain for the operation of equipment and not for the combustion in combustion heaters. It is in fact not possible to distinguish between a combustible for a combustible heater on the vehicle and the combustible carried for delivery purposes. If the change is introduced in 1.1.3.3 the consequence will be an increase of carriage of combustible not respecting the minimum safety rules and reduce the safety of the carriages also for combustible for stationary heaters.
6. As already mentioned we would prefer to clearly separate the new exemption foreseen in 1.1.3.3. c) for machinery and equipment from the old exemption in 1.1.3.3 a) for the motor-fuel for vehicles and equipment on vehicles by introducing this new exemption in 1.1.3.3 c) of document ECE/TRANS/WP.15/AC.1/2011/30/Add.1 either in 1.1.3.1 b) directly or in a separate subparagraph. There is no need to mix both exemptions and to create false expectations by changing the scope of 1.1.3.3 through the change of concept in the title in French.

Proposal

7. Don't change the title in French of subsection 1.1.3.3
 8. Introduce the new text of 1.1.3.3 c) in the document ECE/TRANS/WP.15/AC.1/2011/30/Add. in the paragraph 1.1.3.1 b) under a new paragraph b) ii) and renumber 1.1.3.1 b) i) "the existing text in 1.1.3.1 b) ".
 9. If this is not achievable, at least add a clarifying note in 1.1.3.3 a) saying that "the fuel deemed to benefit from the actual exemption is not the fuel used in combustion heaters".
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