

Economic Commission for Europe

Inland Transport Committee

Working Party on the Transport of Dangerous Goods

Ninety-fifth session

Geneva, 4-8 November 2013

Item 4 of the provisional agenda

Interpretation of ADR

30 September 2013

Exemptions for ancillary carriage pursuant to 1.1.3.1 (c) of ADR

Transmitted by the European Union

Introduction

1. Sub-section 1.1.3.1 (c) exempts carriage of certain amounts of dangerous goods other than those of class 7 by enterprises when the carriage is "ancillary" to the main activity. The sub-section encompasses a number of conditions and uses a vocabulary that may lead to varying interpretations in contracting parties.
2. While the exemption is common to all modes of inland transport, in practice it is relevant mainly in road transport. Therefore it is considered justified to raise these questions at WP.15.

Specific questions

3. The European Union would welcome views of the competent authorities in particular on:
 - (a) *What is considered as ancillary?* The obvious interpretation is that the main activity of the enterprise must be other than transport. However, are there other, more operational conditions, such as *whether the carriage can be regular*, i.e. daily transfers to and from the site of work? Are there any limitations vis-à-vis the *persons that perform the carriage* and the main activity at the work site, i.e. do they need to be the same persons or should they not be the same persons? Are there *any other operational interpretations or limitations* on ancillary carriage in contracting parties?
 - (b) Lists of *work sites and activities* are mentioned in sub-section 1.1.3.1 (c) with the text "such as" preceding these lists. Do the competent authorities consider that *both* lists are provided as non-exhaustive examples for the application of the provision?
 - (c) *Supply, external and inter distribution* fall outside the scope of the exemption. How do the competent authorities distinct in practical terms such carriage from carriage falling within the scope of the exemption?