
Economic Commission for Europe

Inland Transport Committee

Working Party on the Transport of Dangerous Goods

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Interpretation of ADR

4 November 2015

Interpretation of the prohibition of the driver or driver's assistant from opening packages in relation to ADR 7.5.7.5 and 8.3.3:

Transmitted by the International Road Transport Union (IRU)

Situation

1. In accordance with 7.5.7.5 and 8.3.3 of the ADR “Members of the vehicle crew may not open a package containing dangerous goods” and “A driver or a driver's assistant may not open a package containing dangerous goods”.

2. In the Netherlands the Human Environment and Transport Inspectorate of the Ministry of Infrastructure and the Environment has interpreted these sections as follows:

The members of the vehicle crew are prohibited from opening and unloading/discharging a package containing dangerous goods at the consignee's.

IRU Observations

3. Times have changed. Members of the vehicle crew are no longer just steering their vehicle from A to B, but have increasingly become logistic service providers. They are trained to perform additional tasks with dangerous goods after arriving at the consignee, using the correct equipment for personal protection. This is already more common in bulk deliveries and is governed by an agreement between parties in the supply chain (consignor, carrier and/or consignee).

4. Nowadays handling is not part of the transport operation, as the carriage of goods starts once the vehicle has been loaded and ends once the cargo is unloaded.

5. The handling of goods is not part of the contract of carriage.

Interpretation

6. The question is raised whether the ADR requirement is applicable if a member of the vehicle crew performs handling activities after unloading/discharging the load when the transport activity is finished.
