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INLAND TRANSPORT COMMITTEE

Working Party on the Transport of Dangerous Goods
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PROPOSALS FOR AMENDMENTS TO ANNEXES A AND B OF ADR

Opening of packages

Transmitted by the Government of the United Kingdom

Summary: A paper seeking to allow the opening of packages by the driver or any other member of the vehicle crew where authorized to do so by the carrier.

Decision to be taken: Amend 7.5.7.3 and 8.3.3 of ADR to allow the opening of packages by the driver on vehicle crew when authorized to do so by the carrier.

Related Documents: TRANS/WP.15/179, paras. 26 - 27
TRANS/WP.15/181, para. 53.

Introduction

The seventy-sixth (May 2004) and seventy-seventh (October 2004) sessions of the Working Party on the Transport of Dangerous Goods discussed the relationship between ADR and national transport.

The UN Secretariat was of the opinion that the application of the annexes of ADR to the domestic traffic of the 25 countries of the European Union via Council Directive 94/55/EC, combined with the European Union policy of free provision of transport services and free movement of goods, vehicles and transport equipment gave justification to the consideration of national derogations for inclusion into ADR, since the specific situations for which these

derogations had been granted at national level, previously occurring only locally within the boundaries of a country, were now also likely to occur locally across the borders in frontier zones. The European Commission expressed the broad aim of harmonizing the legislation of Member States of the European Union to avoid national derogations.

The United Kingdom has reflected on the views expressed at the two previous WP.15 meetings and, in particular, those expressed by the UN Secretariat and the European Commission. The United Kingdom has begun a process of reviewing its national derogations as part of its implementation of Commission Directive 2004/111/EC, with a view to obtaining their inclusion in ADR, following the views given by the UN Secretariat and the European Commission.

The United Kingdom exemption RO-LT15.2 provides an exemption from the prohibition contained in ADR chapters 8.3.3 and 7.5.7.3 on the driver or vehicle crew opening a package containing dangerous goods, when the driver or vehicle crew have been authorized to do so by the carrier.

The national exemption is primarily utilized by local delivery companies who may deliver small amounts of various dangerous goods to several companies in a local area normally within one journey. Typically, the carrier and driver do not know the volume of goods to be delivered to a particular consignee before the journey begins although they do know the identity of the consignees. The ADR requirements for general awareness and function specific training in chapter 1.3 and the instructions in writing requirements in chapter 5.4.3 are sufficient to cover the training of drivers and vehicle crew to open packages. The ADR requirements for transport documentation remain unchanged.

Proposal

To amend 7.5.7.3 and 8.3.3 to allow the packages to be opened if authorized to do so by the carrier:

7.5.7.3 The driver or any other member of the crew may not open a package containing dangerous goods. **For classes 1 - 6, 8 and 9 the driver or any other member of the vehicle crew may open a package containing dangerous goods if the carrier has authorized him to do so in writing.**

8.3.3 Prohibition on opening packages
A driver or a driver's assistant may not open a package containing dangerous goods. **For classes 1 - 6, 8 and 9 the driver or any other member of the vehicle crew may open a package containing dangerous goods if the carrier has authorized him to do so in writing.**

Safety implications

This exemption has operated safely within the United Kingdom for several years. It is typically utilized by small distribution companies. The authorization by the carrier is on the basis of meeting the training requirements of chapter 1.3, including training of the vehicle crew on the

opening of the package and safe storage of the remaining goods within the package. All of the requirements for transport documentation remain unchanged.

Feasibility

The provision for opening of the packages will assist small distribution companies on their daily delivery round.

Enforcement

The requirement for written or electronic authorization by the carrier will mean that enforcement agencies will easily be able to enforce compliance with this provision. All other provisions of ADR remain unchanged.
