



**Economic and Social  
Council**

Distr.  
GENERAL

ECE/TRANS/WP.15/AC.1/2009/49  
29 June 2009

ENGLISH  
Original: FRENCH

---

**ECONOMIC COMMISSION FOR EUROPE**

**INLAND TRANSPORT COMMITTEE**

Working Party on the Transport of Dangerous Goods

Joint Meeting of the RID Committee of Experts and the  
Working Party on the Transport of Dangerous Goods

Bern, 8-11 September 2009 and  
Geneva, 14-18 September 2009  
Item 7 (a) of the provisional agenda

**MISCELLANEOUS PROPOSALS FOR AMENDMENTS TO RID/ADR/ADN**

**Pending issues**

**Limits on exemptions under subsection 1.1.3.1 (c)**

**Transmitted by the Government of Austria<sup>1,2</sup>**

**SUMMARY**

***Executive summary:*** Subsection 1.1.3.1 (c) excludes carriage for supply purposes from the exemption, but does not define what “deliveries” are subject to the exemption

***Action to be taken:*** Include criteria for carriage for supply purposes in subsection 1.1.3.1 (c)

***Related documents:*** ECE/TRANS/WP.15/AC.1/114, paragraphs 22 and 23

---

<sup>1</sup> In accordance with the programme of work of the Inland Transport Committee for 2006-2010 (ECE/TRANS/166/Add.1, programme activity 02.7 (c)).

<sup>2</sup> Circulated by the Intergovernmental Organization for International Carriage by Rail (OTIF) under the symbol OTIF/RID/RC/2009/49.

## Introduction

1. At the most recent session of the Joint Meeting, Austria, presenting informal document INF.23, raised problems of interpretation of subsection 1.1.3.1 (c) (the “tradesman’s exemption”). In particular, it was unclear how to determine what kind of carriage for supply purposes was not exempted under the last sentence of the provision.
2. Various aspects became clear as soon as positions were made known orally during the meeting. The written interpretations received since then also varied widely. For some, only the users themselves were authorized to drive their work materials to the place of use and to use them directly on site. For others, even third-party companies could under the exemption carry out the transport or fill storage tanks on site.
3. The replies were generally restrictive in nature. The basic idea underlying the “tradesman’s exemption” is the hope that persons who have sufficient experience with a given dangerous material - because they use it - will carry it in a safe manner, appropriate to its use, even if that does not completely correspond with all the legal provisions for the transport of dangerous goods.
4. Austria can support this position, particularly as ADR subsection 1.1.3.6 provides an alternative exemption for other transport by road, which is the main means of transport concerned. The only essential complication in such a case is the requirement for the packaging to comply with ADR and for a transport document.
5. In the light of the increase in cross-border services, subsection 1.1.3.1 (c) should be supplemented with criteria indicating a general restriction of the exemption in the sense described above. In that respect, it would not be coherent if persons were able to take the material for themselves only, but not for their colleagues. Furthermore, fuel, for example for lawn mowers, should not be excluded.

## Proposal

6. **1.1.3.1 (c)** Add at the end:

“In particular, this relates to carriage:

- Within the enterprise itself (except for return delivery);
- Of storage tanks set up on a temporary basis;
- By a third-party enterprise; or
- By persons not involved in the main activity of the enterprise, at the transport destination.”

## Justification

Safety: Improved safety by restricting the exemption to persons who are used to dealing with the materials concerned.

Feasibility: Clear legal situation for all participants.

Enforceability: Enforceability will be simplified.

-----