

Legal Background Information for Craft Businesses

Important notice for our international clients:

The following information refers exclusively to the exemption regulations according to ADR. In states not subject to ADR there may be different regulations, which are then to be taken from the respective national provisions.

Exemption regulations for craft businesses according to ADR

Enterprises which undertake the transport of dangerous goods within the course of their main activity, because they require these goods for their activities on building sites etc, can make use of an exemption regulation in the ADR. Provided that the conditions of this regulation are met, this transport is no longer subject to any further dangerous goods transport regulation.

Firstly, the **current provisions text** from 1.1.3.1 c) of the ADR:

The provisions laid down in ADR do not apply to

The carriage undertaken by enterprises which is ancillary to their main activity, such as deliveries to or returns from building or civil engineering sites, or in relation to surveying, repairs and maintenance, in quantities of not more than 450 litres per packaging, including intermediate bulk containers (IBCs) and large packagings, and within the maximum quantities specified in 1.1.3.6. Measures shall be taken to prevent any leakage of contents in normal conditions of carriage. These exemptions do not apply to Class 7.

Carriage undertaken by such enterprises for their supply or external or internal distribution does not fall within the scope of this exemption.

Interpretations for Germany

In Germany, there is advice in the RSEB on how to interpret this subsection. It says in the RSEB:

A complete exemption from ADR/RID is destined for those cases in which

...

c) certain carriages are undertaken by enterprises in relation to their main activity, according to subsection 1.1.3.1 c ADR. This can be e.g. the carriage of fuel, in the tank of a machine or piece of equipment or in a transportable fuel container, which an enterprise requires to operate its machines on the building site. Carriages for the purpose of internal or external distribution of an enterprise do not fall within the exemption regulations of subsection 1.1.3.1 c ADR. This applies, among other cases, e.g. to carriages of one production plant to another within the enterprise but outside of the factory premises. The value „450 litres per packaging“ in subsection 1.1.3.1 c is the value of the actual filled-in quantity independent of the capacity of the packaging. Yet, the maximum total quantities per transport unit specified in subsection 1.1.3.6 must not be exceeded (e.g. not exceed 1000 litres of heating oil, light or diesel fuel).



Exempted are carriages for the purpose of direct use/consumption such as

- paint in the vehicle of a painter’s business,
 - oxygen or acetylene bottles in the vehicle of a welder’s business,
 - fuel for the filling of lawn mowers in the vehicle of a municipal worker or in a rail track wagon,
 - fuel for the filling of working equipment or
 - pesticides carried by farmers for their own use,
- provided they are specifically transported to or from a client respectively a place of use.

Quantity limits:

The quantity limits quoted above under 1.1.3.1 c) according to 1.1.3.6 ADR refer to the so-called 1000 Points Rule. It determines the quantity of dangerous goods carried from which up e.g. an orange-coloured warning mark has to be affixed to the vehicle, i.e. when the transport is defined to require mandatory labeling.

When applying the crafts business regulation, this quantity must not be exceeded. The limit for the carriage of lithium cells/batteries is 333 kg cell respective battery weight. Pre-requisite is that no other dangerous goods are carried along with the transport, otherwise the quantity will be reduced accordingly.

Examples of the use of this exemption for the transport of lithium cells/batteries

The above mentioned exemption can e.g. be used for the following transports:

- carriage of storage modules destined for installation at the client’s
- carriage of a lithium cell/battery in order to perform a test at the client’s
- carriage of cell/battery samples in the course of a customer service activity
- carriage of lithium cells/batteries for purposes of maintenance and repair

Examples for not exempted transports of lithium cells/batteries

NOT exempted are e.g. the following transports:

- carriage of storage modules from the main plant to a branch (= transport for internal distribution)
- the delivery of lithium cells/batteries to another enterprise
- the shipping of lithium cells/batteries via a third party (forwarding company or parcel service)

Provisions to comply with

With each transport following the exemption regulation according to 1.1.3.1 c) it has to be ensured that the lithium cells/batteries are protected so as to prevent shortcuts and that they are



properly packed. Furthermore, they must be secured in the vehicle so as to prevent shifting or falling over and damage through other transported goods.

Defective lithium cells/batteries

Here in each individual case suitable measures for transport have to be taken while taking into account the damages or defects of the lithium cells/batteries. If possible a fireproof packaging should be used.

Transport on car ferries

When you drive with your vehicle onto a ferry e.g. to England or Scandinavia the above mentioned exemptions are no longer valid. You then have to comply with the IMDG code regulations. Best is to contact the ferry company way in advance to determine their terms of carriage.