

DEPARTMENT FOR TRANSPORT

WORKING PARTY ON THE TRANSPORT OF DANGEROUS GOODS

CLOSED VEHICLE - INTERPRETATION

This guidance note should not be taken as a complete or definitive statement of the law. It is not intended as a substitute for detailed legal or other professional advice based on specific circumstances. The Department for Transport accepts no liability for any loss or damage caused by reliance on the contents of this guidance note.

A British haulier was subject to enforcement action on the Continent recently which has called into question the definition of the term '**closed vehicle**' in the context of the European Agreement Concerning the International Carriage of Dangerous Goods by Road (ADR).

There have been recent changes in the definitions in 1.2.1 for both the UN Model Regulations and the IMDG Code to the definition of '**closed cargo transport unit**'. In both cases a second sentence in the definition makes clear that '**cargo transport units**' (which include road vehicles) with fabric sides or tops are not considered to be closed cargo transport units. Because of this second sentence, road vehicles commonly referred to as 'curtain-siders' cannot meet the definition of a closed cargo transport unit included in the UN Model Regulations and the IMDG Code.

However, ADR does not include a definition of a closed cargo transport unit. A '**cargo transport unit**' is defined in 1.2.1 and this includes a vehicle, but the definition of a '**closed vehicle**' simply means a vehicle having a body capable of being closed. The definition of a '**closed container**' means a totally closed container having a rigid roof, rigid side walls, rigid end walls and a floor. After consulting the UNECE Secretariat and consulting widely with other contracting parties to ADR, it is the view of the UK competent authority that a closed vehicle is analogous to a closed container and that a curtain-sider vehicle cannot, therefore, meet the current definition of an ADR closed vehicle.

JMH/DGDDFT/FEB12