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Working Party on the Transport
of Dangerous Goods

**REPORT OF THE WORKING PARTY ON ITS SEVENTY-THIRD SESSION
(4-8 November 2002)**

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ATTENDANCE

1. The Working Party on the Transport of Dangerous Goods held its seventy-third session from 4 to 8 November 2002 with Mr. J. Franco (Portugal) as Chairman and Mrs. A. Roumier (France) as Vice-Chairman. Representatives of the following countries took part in its work: Austria; Belgium; Bulgaria; Czech Republic; Denmark; Estonia; Finland; France; Germany; Italy; Latvia; Liechtenstein; Netherlands; Norway; Poland; Portugal; Russian Federation; Slovakia; Slovenia; Spain; Sweden; Switzerland; United Kingdom; Turkey; Yugoslavia. The European Commission, the following intergovernmental organization: International Organization for International Carriage by Rail (OTIF), and the following non-governmental organizations were also represented: European Industrial Gases Association (EIGA); International Association for Driver Education (IADE); Liaison Committee of Coachwork and Trailer Builders (CLCCR); European Association of Automotive Suppliers (CLEPA); European Conference of Fuel Distributors (CENCC); European Chemical Industry Council (CEFIC); International Express Couriers Conference (IECC); International Federation of Freight Forwarders Associations (FIATA); International Organization of Motor Vehicle Manufacturers (OICA); International Road Transport Union (IRU).

ADOPTION OF THE AGENDA

Document: TRANS/WP.15/171

Informal documents: INF.1 and INF.2

2. The Working Party adopted the provisional agenda prepared by the secretariat, as amended by informal document INF.2, in particular to take account of informal documents INF.3 and INF.5 to INF.17 which were late submissions.

3. The representative of France regretted the fact that she had not received any official documents by post prior to the session. However, she welcomed the fact that the documentation was available in all the working languages on the Transport Division's web site; she would not otherwise have been able to prepare for participation in the session.

STATUS OF THE EUROPEAN AGREEMENT CONCERNING THE INTERNATIONAL CARRIAGE OF DANGEROUS GOODS BY ROAD (ADR) AND RELATED ISSUES

Status of the Agreement

4. The Working Party noted that ADR still had 38 Contracting Parties.

5. The corrections to ADR 2001 adopted in November 2001 (TRANS/WP.15/167/Add.2 and -/Add.3) were deemed to have been accepted (depository notification C.N.675.2002-TREATIES-2). Those adopted in May 2002 (TRANS/WP.15/170/Add.1) had been notified under cover of notification C.N.1025.2002-TREATIES-1.

6. The amendments to ADR adopted by the Working Party (TRANS/WP.15/168 and -/Add.1) and proposed by Portugal were also deemed to have been accepted (depository notification C.N.1064.2002-TREATIES-2 of 2 October 2002) and would effectively enter into force on 1 January 2003.

7. The meeting was reminded that all depository notifications concerning ADR were available on the Transport Division's web site (www.unece.org/trans/danger/danger.htm).

Protocol of amendment of 1993

8. The Working Party noted with satisfaction that Belgium had ratified the Protocol. There were still 12 countries which had not deposited the appropriate legal instrument (Azerbaijan, Belarus, Bosnia and Herzegovina, Croatia, Germany, Greece, Kazakhstan, Morocco, the former Yugoslav Republic of Macedonia, Republic of Moldova, Ukraine and Yugoslavia), thereby preventing the Protocol from entering into force.

9. The representatives of Germany and Yugoslavia said that the procedures were in progress in their countries.

10. The Working Party reiterated its request that all Contracting Parties should take the necessary steps for the accession of their countries.

Special agreements

Informal document: INF.16 (Secretariat)

11. The Working Party noted that, following the discussions at the previous session (TRANS/WP.15/170, paras. 13-14), the secretariat had received updated versions of the multilateral agreements concluded before the restructuring of ADR which, for lack of time, it had not been possible to circulate in accordance with the procedure envisaged.

12. The countries concerned by each of the agreements in question were requested to check the texts carefully and to transmit any remarks to the secretariat by 15 November 2002. If no objections were received by that date, the updated texts would be deemed to have been accepted by each of the signatory States. The Working Party also agreed that there was no need to assign a new identification number to these agreements since it was only a question of updating the references in view of the new paragraph numbering in the restructured ADR. The secretariat's suggestion of adding "Rev" was not adopted for reasons relating to the practical use of the agreements.

13. The representative of Norway said that he would propose new agreements to replace M86 and M100.

14. The representative of Poland considered that the text of 1.5.1.1 should be revised since the multilateral agreements did not always answer the needs of technological and industrial development alone. The representative of Austria shared this point of view. They were asked to submit an official proposal.

Notifications in accordance with Chapter 1.9

Informal document: INF.15 (Secretariat)

15. The Working Party took note of the list recapitulating the notifications transmitted to the secretariat. Some corrections were suggested to the presentation text on the Transport Division's web site.

16. Several delegations complained of the restrictions imposed by the Government of Ukraine in the form of the requirement of special permits for the transport of dangerous goods on its territory; this was a priori in accordance neither with the spirit nor the letter of ADR. These restrictions had furthermore not been notified to the secretariat under 1.9.4.

17. The representative of IRU said that the notifications transmitted to the secretariat had improved the situation, but that several countries were not complying with their obligations under Annex A, paragraph 1.9.4 of ADR. He also regretted the number of restrictions on the use of tunnels in Switzerland and the absence of communication of information on this subject, unlike the situation in Austria where the Government had been pragmatic enough to inform carriers about the restrictions applicable.

Interpretation of ADR

Informal document: INF.3 (Belgium)

18. The Working Party noted that in some countries certain authorities other than those competent in transport matters opposed the holding of practical fire-fighting exercises for ecological reasons or questions of public safety. The Working Party confirmed, however, that these practical fire-fighting exercises, and in particular learning how to use extinguishers, were an essential part of driver training and could not, for obvious safety reasons, be replaced by theoretical classes or slide or film sessions. These practical exercises were prescribed without any possible ambiguity in paragraph 8.2.2.4.5, and although the competent authorities could define the conditions for them in terms of the constraints of their national legislation, it was essential to ensure that drivers were capable of using fire-extinguishers. The practical exercises according to 8.2.2.2 not only concerned basic training but also refresher training.

19. In addition to the requirements of ADR, it was noted that the recommendations of the Ad hoc Multidisciplinary Group of Experts on Safety in (Road) Tunnels took the same line since they were aimed at ensuring that every heavy vehicle driver, whatever the goods carried, was capable of using a fire-extinguisher effectively.

PROPOSALS FOR AMENDMENTS TO ANNEXES A AND B OF ADR

Miscellaneous proposals

Training of the vehicle crew

Document: TRANS/WP.15/2002/20 (Liechtenstein)

20. Opinions were divided on the proposal to extend the training and examination requirements for drivers in 8.2.1 to all drivers of vehicles of a permissible maximum weight of 3.5 tonnes or less.
21. Some delegates noted that these vehicles were regularly able to carry goods in quantities greater than the exemption limits of 1.1.3.6 and that such vehicles were increasingly being used to carry dangerous goods since they were subject neither to the same speed limits as heavy vehicles nor to weekend travel restrictions.
22. Others considered that in view of the number of drivers concerned, a measure of this nature would have considerable economic consequences and that the cost for carriers should be carefully evaluated with a view to the benefits in terms of safety, which needed to be supported by accident statistics. It was also noted that the drivers of these vehicles were in any case subject to the general company training requirements of Chapter 1.3.
23. Lastly, the representative of Liechtenstein was asked to submit a new proposal for the next session which would take into account the necessary consequential amendments.
24. The proposal to reduce the period between refresher courses from five years to three was not adopted. Some delegations admitted that drivers' knowledge of ADR declined considerably after five years. Other considered that if it was necessary to reduce periodicity, the whole system would need to be overhauled in order to take account of the two-year periodicity of amendments, transitional measures, etc. Others noted the considerable cost of this measure, which did not seem justified insofar as the requirements of ADR applicable to drivers were not very frequently amended. Lastly, other delegations considered that it was now the role of the safety advisers to ensure the updating of drivers' knowledge within companies in view of the development of the regulations, without it then being necessary to oblige drivers to sit a further examination every two years.
25. The representative of Liechtenstein withdrew his proposal that refresher training should be limited to one day, since this was linked to the greater frequency of refresher training examinations.

Transport of fireworks (UN No. 0336)

Document: TRANS/WP.15/2002/22 (FIATA)

26. The Working Party accepted that the requirement of EX/II vehicles for UN No. 0336 should only be applicable, as in the past, to vehicles carrying more than 3,000 kg (or 4,000 kg with a trailer) of net explosive content (NEC) (see annex 1).

Orange-coloured plate marking

Document: TRANS/WP.15/2002/25 (Germany)

27. The proposal by Germany to require orange-coloured plates with UN numbers and hazard identification numbers on the sides of battery-vehicles or elements of battery-vehicles was adopted after being amended by the author (deletion of the last sentence added to 5.3.2.1.2, since provision was already made for the simplification of marking for the carriage of a single substance in 5.3.2.1.6) (see annex 1).

Exemptions related to quantities carried per transport unit

Document: TRANS/WP.15/2002/26

28. In a concern for consistency in respect of the exemptions relating to the paragraphs of the different sections containing the same provision (7.5.7.3 and 8.3.3 for the opening of packages; 7.5.9 and 8.3.5 for the prohibition on smoking), the proposal by Germany was adopted.

Report of the informal working group on the transport of small amounts of dangerous goods

Informal document: INF.6 (CEFIC)

29. Opinions were divided regarding the first proposal by the informal working group to amend 1.1.3.1 (c). Some delegations were in favour of adding a reference to the notion of “end users”, while others considered that the criterion of transport as an accessory activity should be kept. The proposal to delete the last sentence did not meet with a very favourable reception.

30. Generally speaking, the Working Party agreed that the scope of the exemptions for which 1.1.3.1 (c) provided could be extended, but it would be necessary to draft the text so as to define permitted cases of exemptions very precisely, in order not to leave room for misinterpretation.

31. Similarly, for the question of transport for distribution to goods depots and retailers, any proposal needed to be very precisely formulated. The Working Party noted, however, that the informal working group had not succeeded in preparing such a proposal.

32. Following this discussion, the representative of CEFIC said that he did not intend for the time being to continue with the idea of an amendment to 1.1.3.1 (c). CEFIC would prepare a new proposal for the next session on behalf of a correspondence group which had been set up to continue the work.

Construction and approval of vehicles

Thickness of tanks made with double walls, the space between being evacuated of air

Document: TRANS/WP.15/2002/15 (France)

33. The proposal to permit a lesser minimum thickness for the inner wall of tanks with double walls, the space between being evacuated of air, when the wall was made of austenitic stainless steel was not adopted, since some delegations considered that the values proposed were lower than those permitted in ADR 1999.

Wiring

Document: TRANS/WP.15/2002/24 (Germany)

34. The proposal by Germany was supported in principle by several delegations, but a number of points appeared to require consideration in greater depth, such as the relevance of ISO 6722 for 24-volt circuits on vehicles when it was intended for voltages of 60 to 600 volts, instances of jacketing, etc.

35. Delegations were requested to send their comments in writing to the representative of Germany who would prepare a new proposal.

Combustion heaters

Document: TRANS/WP.15/2002/27 (France)

Informal document: INF.5 (OICA)

36. The proposal for a new paragraph 9.2.4.7.1 was adopted with some changes (see annex 1).

37. The reference to Directive 2001/56/EC would be added to the reference to the new Regulation for the 1958 Agreement (see INF.5) if it was adopted by the end of 2003. Otherwise, the dates of implementation should be explicitly included.

EX vehicles

Document: TRANS/WP.15/2002/3 (Norway)
TRANS/WP.15/170, annex 2

Informal document: INF.17 (Norway)

38. The Working Party confirmed the decisions taken at the last session.

39. The representative of Finland asked for a clarification as to whether the requirement of a continuous wall between the driver's cab and the load compartment in EX/II vehicles permitted the installation of a window in the continuous wall.

40. For paragraph 9.3.4.2, the Working Party welcomed the work done by Norway. Reference should, however, be made to the standards as a means of responding to the requirements rather than as applicable requirements, and it should be checked whether other satisfactory standards existed. The representative of Norway would submit a new proposal on the basis of the comments made.

41. With regard to the reference to EN standards, the Working Party noted that the non-availability of standard EN 3 at the previous session had led to problems for the amendments concerning portable fire extinguishers entering into force on 1 January 2003; these amendments should be checked. The Working Party decided that any future reference to a standard in ADR would only be possible if the text of the standard were made available.

Revision of Part 9

Informal document: INF.12 (Austria)

42. The representative of Austria stressed the lack of consistency between paragraph 7.1.2 whereby vehicles carrying dangerous goods should conform to the requirements of Part 9, and Part 9 itself which applied to vehicles of categories N and O only. This could be understood to mean that other vehicles, such as those of category M1, could not be used for the transport of dangerous goods.

43. The discussions showed that, despite paragraph 7.1.2, it was understood that all vehicles corresponding to the definition of article 1 (a) of ADR could be used to carry dangerous goods. However, if an EX/II, EX/III, FL, OX or AT vehicle was prescribed, it must be a vehicle of category N or O. If a vehicle of category N or O other than an EX/II, EX/III, FL, OX or AT vehicle were used, paragraph 9.2.1 specified clearly the conditions applicable. If a vehicle other than an N or O vehicle were used, for example, an M (four-wheeled vehicles for passengers) or a T vehicle (agricultural or forestry tractors), Part 9 was not applicable, but it should be borne in mind that these vehicles were subject in their countries of origin to the general safety conditions of the regulations of the 1958 Agreement applicable to them.

Document: TRANS/WP.15/2002/18 (Italy)

Informal document: INF.8 (Italy)

44. Document TRANS/WP.15/2002/18 had already been the subject of an initial discussion at the previous session and informal document INF.8 contained new comments made as a result of that discussion (see TRANS/WP.15/170, paras. 58-59).

45. The Working Party considered the new texts proposed paragraph by paragraph. The amendments adopted in the existing text can be found in annex 1, while the consolidated text of Chapter 9.1, as amended, will be reproduced in document TRANS/WP.15/2003/1 for a final reading at the next session.

46. The representative of Finland requested that it should be clearly indicated, in a suitable place, that the drawing vehicle and the trailer or semi-trailer of a transport unit comprising an EX/II, EX/III, FL, OX or AT trailer or semi-trailer, must be provided with the appropriate certificate of approval. It was pointed out that this had already been clearly established in 9.1.2.3, with a derogation in 7.2.4 V2 (2) for vehicles drawing EX/II and EX/III trailers.

47. In 9.2.1, the insertion of the word “first” before “registered” in the second indent appeared to be a substantive amendment of the existing text; these words had therefore been placed in square brackets so that the merits of such an amendment could be checked.

48. The Working Party considered that it was premature to consider the transitional measures since they needed to be finalized at the last moment, i.e. at the November 2003 session.

Type approval

Informal documents: INF.7 and INF.11 (OICA)
INF.20 and INF.21 (Secretariat)

49. The representative of OICA recalled that the implementation of the provisions of ADR 2001 relating to electrical equipment had not been technically possible for all components which were permanently energized such as tachograph speed sensors.

50. For this reason, the Working Party had adopted an amendment to 9.2.2.5.1 at the last session which would enter into force on 1 January 2003. However, for the same reason, the motor vehicle industry had had to continue to manufacture vehicles in accordance with ADR 1999, which, in view of the provisions in force, could not be put on the market in 2003.

51. Furthermore, vehicles manufactured in 2002 in accordance with the provisions of ADR 2001 as amended at 1 January 2003 could not be approved in 2002 because they did not comply with the provisions of ADR 2001 which were technically inapplicable. Nor could these vehicles be the subject of type approval until Regulation No. 105, as amended by the 02 series of amendments (which corresponded to ADR 2001 and were therefore impossible to implement) had been amended to reflect the amendments entering into force on 1 January 2003 for ADR, i.e., probably around August 2003.

52. As things stood, therefore, no new vehicle type approved in accordance with the requirements of ADR 1999, 2001 or 2003 could be put on the market between 1 January 2003 and the date of entry into force of the new amendments to Regulation No. 105.

53. In order to rectify this difficult situation which was a result of inadvertent omissions in the 2001 version of ADR, the Working Party decided the following:

(a) The Working Party would request the World Forum WP.29 to adopt the amendments to Regulation No. 105 corresponding to the amendments to ADR entering into force on 1 January 2003 in the form of a corrigendum No. 2 to the 02 series of amendments to Regulation No. 105;

(b) If the World Forum WP.29 agreed to adopt this corrigendum, the Working Party would consider unanimously that despite the provisions of 9.1.2.2.1, the competent authorities might, once the corrigendum had been adopted, approve a vehicle which had been type-approved in accordance with Regulation No. 105 as modified by the 02 series of amendments and as corrected;

(c) The Working Party would unanimously accept an amendment to the transitional provisions permitting the approval for an additional six-month period (1 January 2003 to 30 June 2003) of vehicles which had been type-approved before 1 January 2003 on the basis of Regulation No. 105 as modified by the 01 series of amendments (ADR 1999) (see annex 2). It requested the representative of France, through her Government, to put forward a proposal for an amendment in accordance with the procedure set out in article 14 (3) of ADR. Pending entry into force, she would also propose to the Contracting Parties a multilateral agreement the text of which had been adopted by the Working Party on the basis of informal document INF.20 (Multilateral Agreement M129) and which all representatives of countries which were Contracting Parties present at the session had undertaken to sign in accordance with their domestic procedures.

Interpretation of 9.2.2.5.1

Informal document: INF.14 (Netherlands)

54. Following arguments with manufacturers on the subject of the interpretation of 9.2.2.5.1, the representative of the Netherlands gave his interpretation. The Working Party had been informed of the issue at a late stage and had not been able to take a decision but had noted that there might possibly be other means than those proposed to meet the requirements of 9.2.2.5.1. The representative of OICA proposed another interpretation and the representative of the Netherlands agreed that it was acceptable.

SAFETY IN ROAD TUNNELS

Documents: TRANS/WP.15/2002/21 (Austria)
TRANS/WP.15/2002/23 (Spain)

Informal document: INF.9 (EIGA)

55. Opinions were divided on the different approaches recommended by the Governments of Austria and Spain.

56. Some delegations supported Austria's point of view that the introduction of a table into Chapter 1.9 containing, in grouped form, the various categories of dangerous goods which tunnel managers could permit in accordance with parameters linked to tunnel construction, traffic constraints, etc., would make it possible to achieve a harmonized approach to restrictions on traffic in tunnels.

57. Other delegations on the contrary considered that restrictions should be decided by tunnel managers on the basis of analyses of risks specific to each tunnel, and that the work of OECD/PIARC on the subject, although based on advanced scientific research, was not sufficient to take satisfactory account of the specific features of each road tunnel. The harmonized approach proposed by Austria seemed to them to be inappropriate in that for some tunnels it could lead to unjustified restrictions but for others on the contrary to the underestimation of risks. Lastly, some delegations felt that it was not appropriate to restrict the freedom of the competent authorities, currently guaranteed by Chapter 1.9 of ADR, to take road traffic decisions.

58. After lengthy discussion of the question, the Chairman put the various options proposed in the documents by Spain and Austria to the vote and the Working Party decided the following:

(a) Paragraph 8.2.2.3.2 would be amended to include instructions on behaviour in tunnels in the driver-training programme, as proposed by Spain;

(b) Votes were equally divided on the footnote to 1.9.3 (a), proposed by Spain, according to which traffic regulations could call for a quantitative risk analysis and envisage operational measures on a case by case basis; the proposal was not adopted;

(c) A table should be inserted in Chapter 1.9 as proposed by Austria.

59. The representative of Austria said that he would organize an informal group of experts to carry out this task, and asked delegations to send him written proposals. In view of the foregoing discussion, the group's mandate would be:

(a) To define in greater depth the substances and types of load (packages, bulk, tanks) to be included in each group, taking into account the OECD/PIARC criteria;

(b) To introduce provisions explaining more clearly the meaning of the table;

(c) Possibly to introduce these provisions into other sections, e.g. Part 8, so as to facilitate their implementation by drivers;

(d) Possibly to provide the Working Party on Road Traffic Safety (WP.1) with a system of road signs and signals at the entrance to tunnels so as to enable the groups permitted in the tunnel to be identified;

(e) To provide a system to allow checks, e.g. by vehicle marking, documentation, or otherwise.

60. The Working Party noted that cooperation with the WP.1 Working Party should make it possible to introduce a consistent system of road signs and signals by means of amendments to the 1968 Convention on Road Signs and Signals and the European Agreement supplementing it.

SAFETY IN THE TRANSPORT OF DANGEROUS GOODS

Document: TRANS/WP.15/2002/28 (Portugal and Spain)

Informal document: INF.13 (Portugal and Spain)

61. This proposal followed on from the request by the Inland Transport Committee that the difference between security and safety should be defined and the specific questions to be dealt with should be studied. Its aim was essentially to amend the provisions concerning the training certificate for drivers of road vehicles.

62. The representative of the United Kingdom reminded the meeting that there was a general proposal on security due to be discussed at the December 2002 session of the United Nations Sub-Committee of Experts on the Transport of Dangerous Goods; he considered that it would be preferable to defer any decision on document TRANS/WP.15/2002/28 pending the results of this discussion.

63. Several delegations considered that the proposal concerning 8.2.1.9 had no connection with security.

64. With reference to 8.2.2.8.2, several delegations stated that they were not in favour of penalizing a driver who changed his country of residence by forcing him to sit a refresher examination in his new country of residence; they considered that a provision of that nature might not be compatible with European Union jurisdiction on the free movement of persons. Furthermore, the justification of the proposal, consisting in permitting domestic files to be opened on persons in possession of a training certificate bore little relation to the objectives of ADR and could even give rise to problems in some countries in view of the provisions in force concerning the confidentiality of personal data, etc.

65. With reference to 8.2.2.8.3, the Working Party noted that existing provisions regarding the format of the certificate were drawn up in the form of a recommendation. If a new mandatory format were to be imposed, the most recent provisions relating to international or European driving permits should be studied.

66. Several delegations were similarly not in favour of requiring a photograph, on the one hand because that would effectively require a modification of the design of existing certificates, and on the other because drivers generally carried another document, such as a passport, an identity card or a driving permit which already contained a photograph.

67. A vote was taken on the principle of the need for a photograph but it was not adopted.

68. Several delegates also expressed the opinion that security measures of this nature were not the concern of ADR and should rather be taken in the context of domestic legislation and applied, where necessary, under article 4 (1) of ADR.

PROGRAMME OF WORK FOR THE SEVENTY-FOURTH SESSION

69. The next session was scheduled from 19 to 23 May 2003, and the agenda items remained the same as set out in document TRANS/WP.15/171, except that item 2 (e) (Interpretation) would be the subject of a specific item (item 3).

70. The meeting was reminded that the last session of the amendments cycle for amendments entering into force on 1 January 2005 would be held from 3 to 7 November 2003; it would also be necessary at that session to adopt all the amendments from the RID/ADR/ADN Joint Meeting and the United Nations Committee of Experts. It would therefore be desirable for any specific new proposal on road transport to be submitted at the next session.

ELECTION OF OFFICERS FOR 2003

71. On the proposal of the representative of Germany, Mr. J-A. Franco was re-elected Chairman and Mrs. A. Roumier was re-elected Vice-Chairman for 2003.

ADOPTION OF THE REPORT

72. The Working Party adopted the report of its seventy-third session and its annexes on the basis of a draft prepared by the secretariat.

Annex 1

Draft amendments to Annexes A and B of ADR adopted provisionally for entry into force on 1 January 2005

- 1.1.3.6.2 Sixth indent, insert “8.3.3,” before “8.3.4,” and insert “8.3.5,” after “8.3.4,”
(Ref.: TRANS/WP.15/2002/26)
- 3.2 Table A
- No. 0336 Column (6), add “648”.
(Ref.: TRANS/WP.15/2002/22)
- 3.3.1 Add a new special provision “648” to read:

“648 Special provision V2 (1) is only applicable for a net explosive content of more than 3,000 kg (4,000 kg with trailer).”
(Ref.: TRANS/WP.15/2002/22)
- 5.3.2.1.2 First sentence, insert “, battery vehicles” after “tank vehicles” and replace “or tank compartment” with “, each tank compartment or each element of battery vehicles”.

End of last sentence, read: “... for each of the substances carried in the tank, in a compartment of the tank or in an element of a battery vehicle.”
(Ref.: TRANS/WP.15/2002/25)
- 8.2.2.3.2 Add new subparagraph (n) to read:

“(n) instructions on behaviour in tunnels (prevention and safety, action in the event of fire or other emergencies, etc.).”
(Ref.: TRANS/WP.15/2002/23)
- Amendments to Chapters 9.1 and 9.2 (Ref.: TRANS/WP.15/2002/18+ INF.8)
- 9.1 Heading, amend to read:

“9.1 SCOPE, DEFINITIONS AND REQUIREMENTS FOR THE APPROVAL OF ADR VEHICLES”.

9.1.1 Heading, amend to read:

“9.1.1 Scope and definitions”.

9.1.1.1 Replace “provisions” by “requirements” and add: “These requirements refer to vehicles, as regards their construction, type approval, ADR approval and annual technical inspection.”.

9.1.1.2 Heading, amend to read:

“9.1.1.2 Definitions”

In the definition of “vehicle”, delete “(e.g. one-stage built vans, lorries, tractors, trailers)”, “(e.g. chassis, chassis-cab, trailer-chassis)” and “(e.g. chassis-cab fitted with a bodywork)”.

Delete the definition of “base vehicle”.

Add the following definitions:

“‘Complete vehicle’ means any vehicle which does not need any further completion (e.g. one-stage built vans, lorries, tractors, trailers);

‘Incomplete vehicle’ means any vehicle which still needs completion in at least one further stage (e.g. chassis cab, trailer chassis);

‘Completed vehicle’ means any vehicle which is the results of multi-stage process (e.g. chassis or chassis-cab fitted with a bodywork);

‘Type-approved vehicle’ means any vehicle which has been approved in accordance with ECE Regulation No. 105² or Directive 98/91/EC.³

‘ADR approval’ means certification by a competent authority of a Contracting Party that a single vehicle intended for the carriage of dangerous goods satisfies the relevant technical requirements of this Part as an EX/II, EX/III, FL, OX, or AT vehicle, in accordance with all the technical requirements of Part 9.”.

² Regulation No. 105 (Uniform provisions concerning the approval of vehicles intended for the carriage of dangerous goods with regard to their specific constructional features).

³ Directive 98/91/EC of the European Parliament and of the Council of 14 December 1998 relating to motor vehicles and their trailers intended for the transport of dangerous goods by road and amending Directive 70/156/EEC relating to the type approval of motor vehicles and their trailers (Official Journal of the European Communities, No. L 011 of 16 January 1999, pp. 0025-0036).

9.1.1.3 Delete

Replace 9.1.2.1 to 9.1.2.2.2 by the following 9.1.2.1 to 9.1.3.5:

“9.1.2.1 General

EX/II, EX/III, FL, OX and AT vehicles shall comply with the relevant requirements of this Part.

Every complete or completed vehicle shall be subjected to a first inspection by the competent authority in accordance with the administrative provisions of this Chapter to verify conformity with the relevant technical requirements of Chapters 9.2 to 9.7.

The conformity of the vehicle shall be certified by the issue of a certificate of approval in accordance with 9.1.3.

When vehicles required to be fitted ... (same text as in the last paragraph of existing 9.1.2.1.1).

9.1.2.2 Requirements for type-approved vehicles

At the request of the manufacturer or his duly accredited representative, compliance with the relevant technical requirements of Chapter 9.2 shall be considered to be fulfilled by a type approval certificate issued by the competent authority in accordance with ECE Regulation No. 105² or Directive 98/91/EC³, for vehicles which are subject to ADR approval according to 9.1.2.1, provided that the technical requirements of the said Regulation or the said Directive correspond to those of Chapter 9.2 of this Part and provided that no modification of the vehicle alters its validity.

This type approval, granted by one Contracting Party, shall be accepted by the other Contracting Parties as ensuring the conformity of the vehicle when the single vehicle is submitted for inspection for ADR approval.

At the inspection for ADR approval, only those parts of the type-approved incomplete vehicle which have been added or modified in the process of completion shall be inspected for compliance with the applicable requirements of Chapter 9.2.”

9.1.2.3 Annual technical inspection

(Text of the first paragraph of the existing 9.1.2.1.1 with the following modifications:

Replace “provisions” by “requirements”.

Add a second paragraph to read as follows:

“The conformity of the vehicle shall be certified either by the extension of validity of the certificate of approval or by the issue of a new certificate of approval in accordance with 9.1.3.”.)

9.1.3 Certificate of approval

9.1.3.1 (Text of the existing 9.1.2.1.2 with the insertion of “(certificate of ADR approval)” after “a certificate of approval” and the replacement of “9.1.2.3.5 below” by “9.1.3.5”.)

9.1.3.2 (Text of the existing 9.1.2.1.3).

9.1.3.3 (Text of the existing 9.1 2.1.5 with the replacement of “below” by “shown in 9.1.2.3.5”.)

9.1.3.4 (Text of the existing 9.1.2.1.4).

9.1.3.5 Model of certificate of approval for vehicles carrying certain dangerous goods (model of certificate as shown in the existing 9.1.2.1.5).

9.2.1 Beginning, delete “Base vehicles of”.

First indent, insert “(Braking equipment in accordance with ECE Regulation No. 13 or Directive 71/320/EEC)” after “9.2.3.1” and “(or which entered into service if the registration is not mandatory)” after “first registered”.

Second indent, insert “(Speed limitation device in accordance with ECE Regulation No. 89 or Directive 92/6/EEC)” after 9.2.5 [and “first” after “12 tonnes”].

“Technical specifications” table, “Comments” column:

9.2.3.2 Insert “(or which entered into service if the registration is not mandatory)” after “registered”.

[9.2.5 Insert “first” before “registered”.]

9.2.4.7.1 Read:

“9.2.4.7.1 Combustion heaters shall comply with the relevant technical requirements of [ECE Regulation No. ...* or] Directive 2001/56/EC** in accordance with the dates of implementation specified therein and the provisions of 9.2.4.7.2 to 9.2.4.7.6 applicable according to the table in 9.2.1.”

[* Regulation ECE No. ... Proposal for new regulation with regard to the type approval of a heating system and of a vehicle with regard to its heating system.]

** Directive 2001/56/EC of the European Parliament and of the Council of 27 September 2001 relating to heating systems for motor vehicles and their trailers (initially published in the Official Journal of the European Communities No. L292 of 9 November 2001).”.
(Ref: TRANS/WP.15/2002/27+ INF.5)

Annex 2

Draft amendment to Chapter 1.6 (Transitional measures for the approval of vehicles) (for entry into force as soon as possible; see paragraph ... of this report)

In section 1.6.5, add a new paragraph to read:

“1.6.5.7 Complete or completed vehicles which have been type-approved before 31 December 2002 according to ECE Regulation No. 105* as amended by the 01 series of amendments or the corresponding provisions of Directive 98/91/EC** and which do not comply with the requirements of Chapter 9.2 but comply with the requirements applicable to the construction of base vehicles (marginals 220 100 to 220 540 of Appendix B.2) applicable until 30 June 2001 may continue to be approved and used provided they are first registered or they entered into service before 1 July 2003.”

* *Regulation No. 105 (Uniform provisions concerning the approval of vehicles intended for the carriage of dangerous goods with regard to their specific constructional features).*

** *Directive 98/91/EC of the European Parliament and of the Council of 14 December 1998 relating to motor vehicles and their trailers intended for the transport of dangerous goods by road and amending Directive 70/156/EEC relating to the type approval of motor vehicles and their trailers (Official Journal of the European Communities No. L 011 of 16 January 1999, pp. 0025-0036).*