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INLAND TRANSPORT COMMITTEE

**Working Party on the Transport
of Dangerous Goods**

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PROPOSALS OF AMENDMENTS TO ANNEXES A AND B OF ADR

9.3.4 EX/III Vehicles

Transmitted by the Government of Norway

SUMMARY

Executive Summary:	The present text of 9.3.4 has led to interpretations regarding the construction of the load compartments of EX/III vehicles that differs among the member States, and which also have created problems with the construction/approval of such vehicles in member States. This proposal is based on discussions in the 2002 sessions of WP.15 on changes to the text so as to clarify the situation.
Action to be taken:	Change the text in 9.3.4 to make reference to the relevant European standard for fire resistance of building materials.
Related documents:	TRANS/WP.15/2002/3, TRANS/WP.15/170 and 172.

1. Introduction

The text in 9.3.4 has caused problems both for regulators and the industry for many years. Several attempts have been made to change the text, but so far no provisions have been made that are easy to interpret and/or fulfil. This was also part of the discussions in the working group that met in Norway in 2001 (see TRANS/WP.15/2002/3).

During the discussions on the proposals from the working group, as presented in TRANS/WP.15/2002/3, it became clear that the interpretation of the present regulations, as well as the conception of the required level of safety, varied amongst the member States. The outcome from the discussions in WP.15 was put in square brackets pending further input and discussions (see TRANS/WP.15/170 para. 50, and annex 2). Norway put forward INF.17 at the seventy-third session, setting up a possible way forward by referencing to international standards. This initiative was welcomed by WP.15 (see TRANS/WP.15/172, para. 40).

2. Proposal

After consultations with our national fire research laboratory – SINTEF NBL, the expert from Norway proposes the following change to be made:

Change the text of 9.3.4.2 to read:

“Materials used for the construction of the body shall not be readily ignitable. These provisions are deemed to be fulfilled if the materials used are classified as Class BS₃-d₂ according to standard EN 13501-1:2002.”

If the material used for the body is metal, or metal containers or metal swap bodies are used as EX/III load compartments, the complete inside of the body, container or swap body shall be covered with materials fulfilling the same requirements.

3. Justification

This change will facilitate the work of both regulators and manufacturers of vehicles/bodyworks in that there will be references to an internationally accepted standard, thus requiring materials that are easily obtainable. It will furthermore ensure a uniform interpretation and level of safety in all member States without requiring expensive testing of constructions. The standard is referenced in Council Directive 89/106/EEC (EC Construction Products Directive), and the “CE”-marking will shortly be introduced for these types of materials.

The reference to metal containers is added due to the fact that this is a very common practice, and the present text of 7.1.2, 7.1.5 and 7.2.4 V2 (2) is deemed not to be sufficiently clear to establish a uniform interpretation of the regulations as well as a uniform level of safety.

4. Safety implications

This change will make it possible to obtain the same level of safety throughout the whole ADR area without introducing great costs to the industry. The criteria for fire resistance will, along with the adopted changes to 9.3.4.1 (see TRANS/WP.15/170, annex 2), assure that no dangerous heat transfer through the floorboards and walls will occur within a reasonable time of exposure.

5. Feasibility

No problems in practice are to be envisaged by this change. On the contrary, it will facilitate the international transport of Class 1 goods as well as remove an obstacle for the uniform approval of EX/III vehicles.

6. Enforceability

Norway sees no problems of enforceability with this change. The changes will facilitate the approval procedures for EX/III vehicles by introducing references to standards that will make it simple to verify the fire resistance of the load compartments upon approval of the vehicle.
