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PROPOSALS FOR AMENDMENTS TO ANNEXES A AND B OF ADR

Dangerous goods in fixed receptacles serving for the admixture of additives to fuels in tanks

Transmitted by the Government of Austria

SUMMARY

Executive Summary:	Devices for additives shall be treated as tank equipment Receptacles shall be labelled and the dangerous goods contained have to be mentioned in the transport document
Action to be taken:	Add these devices in 1.2.1 " <i>Service equipment</i> " Add a new paragraph 5.3.1.7.5 Add a new paragraph 5.4.1.1.18 Add a new sentence in 9.1.3.3
Related documents:	INF.9 (Austria) submitted at the eighty-first session of WP.15 ECE/TRANS/WP.15/190 para. 62 ECE/TRANS/WP.15/2007/10 (Austria) ECE/TRANS/WP.15/192 para. 24 – 26

Introduction

1. Mineral oil products are regularly bought and transported by different enterprises from the same refineries in the same quality. The particular brand with its special features is then created by mixing it with a certain additive. These substances belong to class 3 (UN 1993 Flammable Liquid, n.o.s., 3, III) or to class 9 (UN 3082 Environmentally Hazardous Substance, Liquid, n.o.s., 9, III).

2. Whereas they were carried in jerricans or LQ-packagings in the past, nowadays more and more tank vehicles with fixed additive devices are used. They have between one and four storage receptacles from 30 to 100 l each which are connected with the emptying devices of the tank enabling them to admix the additive (normally between 1:1000 and 1:2000), when the load is discharged.

3. INF.9 (Austria) at the eighty-first session of WP.15 and ECE/TRANS/WP.15/2007/10 (Austria) also mentioned similar devices with receptacles for cleaning agents. As some additional problems with them were identified during the discussions in the previous sessions the present document only focuses on devices for additives.

4. Austria has noticed uncertainties and different views on the applicable provisions in ADR for the carriage of dangerous goods in the said receptacles. It seems that the ways of dealing with them and the dangerous goods contained therein vary from total neglecting to requiring individual exceptions.

5. The latter interpretation is based on the idea that these receptacles with capacities far below 1000 l are by definition no fixed tanks. Their carriage would need therefore to be seen as carriage in packages where they would however not meet the relevant requirements in parts 4 and 6 of ADR.

6. Austria aims for a more pragmatic solution of the issue within the provisions for carriage in tanks, namely to include these devices together with their receptacles in the service equipment of the tank. The discussion on INF.9 at the eighty-first session of WP.15 showed that in a number of Contracting Parties to ADR this practice was either exercised or aspired. Some of these countries seem not to have problems to base this solution on current law. Others did not share that broad view of service equipment as defined in 1.2.1 ADR.

7. Austria agrees that this has to be clarified and that a few additional requirements which are also common – such as a remark in the certificate of approval and a danger label – have to be incorporated in the provisions anyway.

Proposal

8. In order to get to a uniform treatment of the matter Austria proposes to

- make the requirements for tank equipment applicable to devices for admixture of additives by extending the definition of service equipment of the tank in section 1.2.1 of ADR explicitly to them;

- make a remark concerning the receptacles in the certificate of approval;
- indicate the dangerous goods in the receptacles by a label;
- mention the dangerous goods in the receptacles in the transport document;

by the following amendments:

9. In the definition of "*Service equipment*" in 1.2.1 add at the end of sub-paragraph (a): "as well as devices for admixture of additives".

10. Add a new paragraph 5.3.1.7.5 to read as follows:

"For receptacles forming a part of the service equipment of a tank and containing dangerous goods for the admixture of additives and for cleaning, placards may be replaced by labels conforming to 5.2.2.2. The labels may be affixed on only one side of each receptacle or on the control cubicle in which they are situated. No placards or labels are required for receptacles inside the tank."

11. Add a new paragraph 5.4.1.1.18 to read as follows:

"Special provision for the carriage of additives in receptacles forming a part of the service equipment of a tank"

When additives are carried in receptacles forming a part of the service equipment of a tank, the information about them in the transport document may contain the elements required by 5.4.1.1.1 (a) to (d) only and shall be supplemented by the remark:

"carried in fixed additive device".

12. In subsection 9.1.3.3 add the following sentence at the end:

"The certificate of approval of a tank-vehicle with receptacles for additives forming a part of the service equipment shall bear a remark indicating the number and the individual capacity of these receptacles."

Justification

13. The proposed amendments improve safety by including these devices in the provisions for tank equipment and by requiring a declaration of their contents.

14. Moreover they clarify the legal situation of a common practice for operators of tanks concerned.