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ECONOMIC COMMISSION FOR EUROPE

INLAND TRANSPORT COMMITTEE

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

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PART 9 OF ADR

9.3.3 AND 9.3.4 EX/II / EX/III VEHICLES

Transmitted by the Government of Norway

SUMMARY

Executive Summary:	The text in 9.3.3 regarding sheets on sheeted EX/II vehicles as well as the text in 9.3.4 regarding doors on loading compartments of EX/III vehicles have requirements which refer to “lockable device” and “capable of being locked”. There is on the other hand no provision in the ADR actually requiring these to be locked.
Action to be taken:	There are two possibilities open. Either to delete the relevant text in 9.3.3 and 9.3.4 or add new text requiring the means of securing the sheets of EX/II vehicles to be kept in place and doors on EX/III vehicles to be locked.
Related documents:	None

Introduction

The text in 9.3.3 requires sheets on sheeted EX/II vehicles to “... be kept in position by a lockable device.” Furthermore, the text in 9.3.4 regarding EX/III vehicles states, “All doors shall be capable of being locked.” There is no provision in the ADR actually requiring these to be locked. This has from time to time led to endless discussions in control situations and much controversy.

Proposal

The expert from Norway has set up below two ways forward for WP.15 in order to rectify the present situation:

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1. In 9.3.3, delete the words “.. and be kept in position by a lockable device” from the last sentence of the first paragraph. Also in 9.3.4, delete the second but last sentence; or

2. In S1 (6) of Chapter 8.5, add a second sentence to the last paragraph:

“Vehicles carrying substances and articles of Class 1 shall be locked at all times during transport, except for loading and unloading operations.”

Justification

As stated above, the expert from Norway is of the opinion that there is an inconsistency in the current regulations. This has created problems both for the industry and the regulators. Accepting the continuation of such inconsistencies is contrary to the general acceptance of the dangerous goods regulations.

Of the two solutions presented, Norway would prefer the latter. Even though ADR is not related to security, the carriage of explosives is somewhat special. Thefts from storages and vehicles is not uncommon, and is a matter of safety for the public at large and this should also be reflected in the transport regulations.

Safety implications

Accepting the first proposal will not generally lower the safety level, since there is no requirement for actually locking the vehicles in the present regulations.

Accepting the second proposal introduces an increase in safety for the transport of explosives since it will require the vehicles to be locked.

Feasibility

The proposal should not increase cost or have practical implications, since the requirement for having lockable devices already exists.

Enforceability

No problems in enforceability are foreseen for any of the two proposals. Both will remove an inconsistency that has led to problems in practice.
