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## Committee of Experts on the Transport of Dangerous Goods and on the Globally Harmonized System of Classification and Labelling of Chemicals

### Sub-Committee of Experts on the Transport of Dangerous Goods

#### Fifty-fourth session

Geneva, 26 November–4 December 2018

Item 2 (d) of the provisional agenda

#### Recommendations made by the Sub-Committee on its fifty-first, fifty-second and fifty-third sessions and pending issues:

#### Electric storage systems

### Exemption of electric storage systems under 1.1.1.2

#### Transmitted by the expert from Switzerland<sup>1</sup>

#### *Summary*

<b>Executive summary:</b>	The exemption to the Regulations under 1.1.1.2 should be clarified and extended to cover equipment needed during transport but which is not part of the means of transport, such as laptop computers, clocks, radios, guidance systems (GPS) or cargo tracking devices and data loggers
<b>Action to be taken:</b>	Amend 1.1.1.2
<b>Reference documents:</b>	ST/SG/AC.10/C.3/2016/56; ST/SG/AC.10/C.3/2017/13; informal document INF.27 (51st session); ST/SG/AC.10/C.3/2017/22; informal document INF.30 (53rd session)

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<sup>1</sup> In accordance with the programme of work of the Sub-Committee for 2017–2018 approved by the Committee at its eighth session (see ST/SG/AC.10/C.3/100, para. 98, and ST/SG/AC.10/44, para. 14).



## Introduction

1. At its fifty-first session, the Sub-Committee adopted in square brackets the following text concerning lithium battery powered devices to track dangerous cargo or data loggers:

“[1.1.1.2 Amend paragraph (c) to read as follows:

(c) Lithium battery powered cargo tracking devices or data loggers attached to packages, overpacks or cargo transport units if they meet the following:

- (i) Each cell or battery meets the applicable provisions of 2.9.4;
- (ii) The batteries and cells are afforded protection by an outer casing of adequate strength and design or by the device in which they are contained to prevent damage under normal conditions of transport.]”

*(Reference document: ST/SG/AC.10/C.3/102/Add.1, annex II)*

2. The Sub-Committee also agreed that the issues raised by the Netherlands in informal document INF.27 (of the fifty-first session) in relation to the scope of 1.1.1.2 could be discussed intersessionally in order to broaden the approach and that the proposal made by the expert from Switzerland in ST/SG/AC.10/C.3/2017/22 could be discussed in this context.

3. The Netherlands has attempted, so far without success, to reach a consensus on these issues through an inter-sessional working group communicating by email. At the fifty-third session (in July 2018), the experts expressed their wish to have more broadly applicable provisions and, in the meantime, to confirm the texts adopted in 1.1.1.2 (c) at the fifty-first session.

4. As, for the time being, the efforts by the Netherlands have not led to the adoption of a text, and as the more general approach put forward in our original document, ST/SG/AC.10/C.3/2017/22 has yet to be discussed in the proposals considered by the intersessional group, and in light of the fact that a more general approach is considered desirable by the experts, the time seems right to take into account the proposal made in ST/SG/AC.10/C.3/2017/22, reproduced below. The proposal is not intended to resolve all the issues raised by the intersessional working group and outlined by the Netherlands in informal document INF.30 (of the fifty-third session) from the June–July 2018 session. However, it is fully in line with the summary provided in that informal document and formalizes the contents of boxes 6 and 9 of scheme 1 of annex I.

5. According to Note 3 to 1.1.1.2, the exemption under 1.1.1.2 (a) is only applicable to the “*moyen de transport*” (French)/“means of transport” (English) performing the transport operation. The text of 1.1.1.2 (a) refers to “dangerous goods that are required for the operation of its specialized equipment during transport”, but gives only one example of specialized equipment, that of refrigeration units. It could also include liquid or gaseous fuel systems and electric energy storage and production systems such as lithium batteries, wet cells and batteries, electrical and asymmetric capacitors, metal hydride storage systems and fuel cells. Yet none of these electrical energy sources are referred to in the text of 1.1.1.2, which means that its scope remains subject to interpretation.

6. Moreover, other devices such as laptops, clocks, radios, guidance systems (GPS) or the type of container tracking devices containing lithium batteries referred to in document ST/SG/AC.10/C.3/2016/56, while not strictly speaking part of the means of transport, are nonetheless used during transport yet do not constitute dangerous goods intended to be delivered at destination.

7. In order to take account of equipment of this type that is used during transport, and to make the scope of 1.1.1.2 clearer, we propose the following amendments to the text.

## Proposal

8. Amend 1.1.1.2 as follows (new text in bold and underlined, deleted text in strikethrough):

“1.1.1.2 These Regulations do not apply to the transport of:

(a) Dangerous goods that are required for the propulsion of the means of transport or the operation of its specialized equipment during transport (e.g. refrigeration units **or electric energy storage and production systems such as lithium batteries, wet cells and batteries, electrical and asymmetric capacitors, metal hydride storage systems and fuel cells**) or are required in accordance with the operating regulations (e.g. fire extinguishers);

**(b) Electric energy storage and production systems (e.g. lithium batteries, wet cells and batteries, electrical and asymmetric capacitors, metal hydride storage systems and fuel cells) contained in a device used or intended for use during transport (e.g. a laptop computer, or cargo tracking devices or data loggers.**

~~(c)~~ Dangerous goods, packaged for retail sale, that are carried by individuals for their own use.

*NOTE 1:* Specific modal provisions for the transport of dangerous goods as well as derogations from these general requirements can be found in the modal regulations.

2. Certain special provisions of Chapter 3.3 also indicate substances and articles which are not subject to these Regulations.

3. 1.1.1.2 (a) above is only applicable to the means of transport performing the transport operation.”

#### **Consequential amendments**

9. The adoption of these texts would mean that the text adopted for 1.1.1.2 (c) would become redundant and would contradict the text proposed above. Explanations and a proposal to insert the text adopted in square brackets in 1.1.1.2 (c) into the definitions of packages, overpacks and cargo transport units are dealt with in a separate document of this session.

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