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**ECONOMIC COMMISSION FOR EUROPE**

**INLAND TRANSPORT COMMITTEE**

Working Party on the Transport of Dangerous Goods

**REPORT OF THE WORKING PARTY ON ITS SEVENTY-SIXTH SESSION**

**(3-7 May 2004)**

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- Annex 3: Report of the ad hoc working group on the carriage of dangerous goods in road tunnels (TRANS/WP.15/179/Add.1).

## **ATTENDANCE**

1. The Working Party on the Transport of Dangerous Goods held its seventy-sixth session from 3 to 7 May 2004 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; Bulgaria; Czech Republic; Denmark; Estonia; Finland; France; Germany; Greece; Ireland; Italy; Latvia; Liechtenstein; Lithuania; Netherlands; Norway; Poland; Portugal; Romania; Russian Federation; Serbia and Montenegro; Slovakia; Slovenia; Spain; Sweden; Switzerland; United Kingdom. The European Commission was also represented. The following intergovernmental organizations were represented: Intergovernmental Organization for International Carriage by Rail (OTIF) and Danube Commission, along with the following non-governmental organizations: European Industrial Gases Association (EIGA); European Liquefied Petroleum Gas Association (AEGPL); International Association of the Soap, Detergent and Maintenance Products Industry (AISE); International Association for Driver Education (IADE); Liaison Committee of Coachwork and Trailer Builders (CLCCR); European Association of Automotive Suppliers (CLEPA); International Express Carriers Conference (IECC); European Chemical Industry Council (CEFIC); European Aerosol Federation (FEA); International Federation of Freight Forwarders Associations (FIATA); International Organization of Motor Vehicle Manufacturers (OICA); International Union of Combined Road-Rail Transport Companies (UIRR); International Road Transport Union (IRU).

## **ADOPTION OF THE AGENDA**

Documents: TRANS/WP.15/177; TRANS/WP.15/2004/25

2. The Working Party adopted the provisional agenda prepared by the secretariat, as amended by informal document INF.2 to take account of informal documents INF.1 to INF.29.

## **SIXTY-SIXTH SESSION OF THE INLAND TRANSPORT COMMITTEE**

Document: ECE/TRANS/156 (Report of the Inland Transport Committee)

3. The Working Party took note of the decisions the Committee had taken concerning it, particularly with reference to the item "Transport and Security," the programme of work and work on the Convention on Civil Liability for Damage Caused during Carriage of Dangerous Goods by Road, Rail and Inland Navigation Vessels (CRTD).

4. As regards the CRTD Convention, the Working Party noted that Governments had been requested to study carefully the new revised text prepared by the Ad hoc Meeting of Experts and to consult directly among themselves.

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

### **Status of the Agreement**

Informal documents: INF. 14 and INF.15

5. The Working Party noted with satisfaction that Cyprus had acceded to ADR on 19 April 2004, bringing the number of Contracting Parties to 39. Ireland and Malta continued to be the only two countries of the European Union that were still not Contracting Parties.

6. The Working Party took note of the list of competent authorities for ADR and the notification submitted by the Netherlands in accordance with 1.8.4 of Annex A of ADR. The Working Party noted that the notifications transmitted in accordance with 1.8.4 were available on the secretariat's web site as transmitted by the Contracting Parties.

### **Protocol of amendment of 1993**

7. The Working Party regretted that there were still 13 countries which had not deposited the appropriate legal instrument (Azerbaijan, Belarus, Bosnia and Herzegovina, Croatia, Cyprus, Germany, Greece, Kazakhstan, Morocco, the former Yugoslav Republic of Macedonia, Republic of Moldova, Serbia and Montenegro and Ukraine) to enable the Protocol to enter into force.

### **Special agreements**

Informal document: INF.13 (Secretariat)

8. The Working Party took note of the list of multilateral agreements updated by the secretariat.

### **Notifications in accordance with Chapter 1.9**

Informal documents: INF.24 (Denmark)

9. The Working Party took note of the notification transmitted to the secretariat by Denmark in accordance with 1.9.4.

## **PROPOSALS FOR AMENDMENTS TO ANNEXES A AND B OF ADR**

### **Miscellaneous proposals**

#### ***Placarding of vehicles carrying explosives***

Document: TRANS/WP.15/2004/1 (Norway)

10. The proposal that the requirements of 5.3.1.1.2 should apply to vehicles and not to transport units in order to be consistent with 5.3.1.5.1 was adopted for entry into force on 1 January 2005 (see annex 1).

***Indication of label numbers in the instructions in writing***

Document: TRANS/WP.15/2004/2 (Norway)

11. The representative of Norway was requested to revise his proposal to amend 5.4.3.1 (a), bearing in mind the various comments made.

***Duration of refresher training for drivers***

Document: TRANS/WP.15/2004/3 (Austria)

12. The proposal to reduce the duration of refresher training to one day instead of two (in paragraph 8.2.2.5.3), except in the case of carriage in tanks, was not adopted.

***Amendment to 5.3.2.2.1***

Document: TRANS/WP.15/AC.1/2003/8 (Liechtenstein)

13. The representative of Liechtenstein withdrew his proposal.

***Information in the transport document for transport operations in accordance with 1.1.3.6***

Documents: TRANS/WP.15/2004/6 (Denmark)  
TRANS/WP.15/2004/37 (Sweden)

14. The principle of the proposed amendment to the NOTE in 5.4.1.1.1 (f) was not adopted.

***Special provisions VV9a and VV9b***

Document: TRANS/WP.15/2004/13 (CEFIC)

15. The Working Party noted that the difference between RID and ADR came from an earlier decision not to permit the carriage by road of powdery toxic solids in sheeted vehicles. The Working Party, however, adopted CEFIC's proposal to permit the carriage in bulk of these toxic solids in sheeted vehicles when they belonged to packing group III and therefore to delete provision VV9b and replace it with provision VV9a renumbered as VV9 (see annex 2). This amendment would only enter into force on 1 January 2007 and the M106 agreement would have to be renewed in the meantime.

***Carriage of explosives of 1.4S***

Documents: TRANS/WP.15/2004/5 (Denmark)  
TRANS/WP.15/2004/18 (Norway)

16. The Working Party adopted Norway's proposal not to require EX/II or EX/III vehicles for the carriage of explosives of 1.4S and therefore to delete the V2 provision for those explosives. The amendment should enter into force on 1 January 2007 (see annex 2), but it would be necessary meanwhile to check the consequential amendments.

17. Following this decision, the second proposal in document TRANS/WP.15/2004/5 had become unnecessary.

18. The Working Party noted that the United Nations Recommendations (para. 5.3.1.1.2) exempted explosives of 1.4S from placarding requirements, and that as a result Denmark's proposal to exempt vehicles carrying explosives of 1.4S from those requirements should also concern containers.

19. The representative of Denmark said that he would prepare a new proposal, possibly for discussion by the RID/ADR/ADN Joint Meeting.

### ***Language of the transport document***

Document: TRANS/WP.15/2004/22 (Austria)

20. Following an exchange of views on the document, the representative of Austria withdrew the proposal to permit the use of a single language, other than English, French or German, when the transport operation took place on the territories of different countries where another common language was an official language. It was noted that the current requirements permitted the States concerned to conclude agreements for the purpose.

21. The other proposal to permit a single language, namely, English, French or German, without additionally requiring the language of the forwarding country if that language was neither English, French nor German, was not adopted.

### ***Terminology in 1.1.3.2 (f)***

Document: TRANS/WP.15/2004/23 (Sweden)

22. The Working Party agreed that the term "pressure tanks" in the English version should be replaced in the 2005 version by "pressure vessels" (see annex 1).

### ***Transitional measures regarding vacuum-operated waste tanks***

Document: TRANS/WP.15/2004/26 (Sweden)

23. The Working Party agreed that the transitional provisions of 1.6.3.30 and 1.6.4.20 to be included in the 2005 version should be corrected (see annex 1).

### ***Transitional provisions for orange-coloured plates***

Document: TRANS/WP.15/2004/35 (Sweden)

Informal document: INF.11 (Sweden)

24. Several delegations were not in favour of reducing the transitional period proposed for the orange-coloured plates because the new provisions did not result from a safety problem relating to the use of the existing plates but from problems experienced by some inspectors in interpreting the existing provisions.

25. The representative of Sweden withdrew his proposal, but pointed out that the transitional provisions of 1.6.1.8 would enable the orange-coloured plates designed in accordance with the provisions in force prior to 1 January 2005 to be used indefinitely.

### ***Delivery/Sale***

Document: TRANS/WP.15/2004/28 (Spain)

26. The Working Party noted that the practices described by the representative of Spain had in the past essentially concerned domestic transport operations, but that since goods had been permitted to move freely in the European Union, such operations were possible in international transport and were becoming increasingly frequent in the border zones of the countries of the European Union.

27. Further recalling that the 25 countries of the European Union were required to apply the Annexes of ADR to domestic traffic in accordance with Directive 94/55/EC, the Working Party considered that it would be necessary in the future to take account in ADR of situations of this type which to date had seemed specific to domestic traffic and had justified local exemptions.

28. Following an exchange of views on the proposal concerning problems of distribution of products such as diesel fuel or butane sold retail to individuals on demand during delivery rounds, the representative of Spain proposed to revise her proposal in the light of the various practices which were already the subject of national exemptions within the European Union, and invited the representatives of new member countries of the European Union which had not yet registered such exemptions with the European Commission and those of other Contracting Parties to ADR and non-EU members to send her their national provisions concerning issues relating to her proposal by 30 June 2004.

### ***“Bowser”***

Document: TRANS/WP.15/2004/29 (United Kingdom)

29. The Working Party noted that the type of mobile receptacle described by the United Kingdom as a “bowser”, namely, a type of tank or IBC carried on or fixed to a trailer, was currently used in several countries for the carriage of small quantities of such products as diesel fuel or heating oil.

30. The matter had already been studied by the Working Party in the early 1990s on the basis of proposals by the Netherlands, but it had been concluded at that time that this type of carriage did not involve international transport.

31. Opinions, however, remained divided on how to deal with the issue in ADR, particularly with reference to option 2 (IBC up to 3,000 litres, tanks over 3,000 litres), option 3 (IBC or tank depending on the characteristics) and option 4 (new type of receptacle and technical requirements to be defined). Some delegations also considered that when such receptacles were fixed on a trailer, there would be a need for provisions for signs and marking, construction of the trailer, etc.

Informal document: INF.25 (United Kingdom)

32. Following these discussions, the representative of the United Kingdom prepared an amended proposal introducing provisions in 7.2.3 to permit the carriage of these receptacles as IBCs when they conformed to the requirements for IBCs of type 31A.

33. The proposal was put to the vote but was not adopted, and the representative of the United Kingdom was invited to prepare a new proposal taking into account the comments made.

***Provisions concerning security***

Document: TRANS/WP.15/2004/30 (United Kingdom)

34. The representative of the United Kingdom proposed that new paragraph 1.10.4 adopted at the previous session should be deleted because the Joint Meeting had not made provision for exempting from security provisions substances carried in bulk or in tanks in smaller quantities than specified in 1.1.3.6. He considered that the decision to exempt these substances had been taken in a concern to ensure harmonization with the provisions of RID adopted in November 2003, but in his opinion the table in 1.1.3.6.3 of RID did not concern transport in bulk or in tanks, and consequently the interpretation of the decisions of the RID Committee of Experts by the Working Party in January 2004 was incorrect.

35. The representative of OCTI said that in principle 1.1.3.6 3 of RID applied only to the carriage of packages.

36. It was recalled that the Working Party's decision in January 2004 had been a conscious one taken after lengthy discussion bearing in mind the spirit of the decision taken by the RID Committee of Experts (see TRANS/WP.15/176, para. 29). In RID, 1.10.4 referred to the exemption thresholds of 1.1.3.6.3 of RID and there was no provision in this reference for distinguishing between carriage in packages, in bulk or in tanks.

37. The United Kingdom's proposal was put to the vote but was not adopted.

***Gas cylinders used for hot air balloons***

Documents: TRANS/WP.15/2004/15 (United Kingdom)  
TRANS/WP.15/2004/33 (Switzerland)  
TRANS/WP.15/2004/36 (Germany and United Kingdom)

Informal document: INF.27 (Germany and United Kingdom)

38. The joint proposal by Germany and United Kingdom was adopted in principle with some amendments (INF.27), for entry into force on 1 January 2007 and subject to some additional drafting changes (see annex 2). A new agreement reflecting these new provisions would be initiated, pending their entry into force.



***Particulars in the transport document for empty uncleaned packagings (5.4.1.1.6)***

Informal document: INF.4 (EIGA)

39. Several delegations shared EIGA's opinion that the new provisions entering into force on 1 January 2005 for empty uncleaned packagings were not indispensable from a safety point of view and that the existing provisions were simpler.

40. The majority of the Working Party, however, preferred to keep the text adopted for 2005 in order to be in keeping with RID. The problem could be raised with the Joint Meeting and settled by means of multilateral agreements while awaiting 2007.

***Carriage of a copy of signed multilateral agreements on board vehicles***

Informal document: INF.6 (CEPE, AISE, IECC)

41. It was pointed out that 8.1.2.1 (c) of ADR only required a copy of the main text of the multilateral agreement to be carried on board without specifying the language nor whether it was a signed copy. The texts of the agreements and the list of signatories and their date of expiry were available on the secretariat's web site. In view of the problems arising with inspectors in terms of interpretation, the authors of the document were requested to prepare a proposal to clarify the relevant provisions of ADR.

***Closed vehicles***

Informal document: INF.7 (Belgium)

42. The French term used since ADR came into existence for the English term "closed vehicle" is "véhicule couvert" and not "véhicule fermé". This expression should therefore be used consistently in the French version. A modification of this term could only be envisaged at a later stage after checking the terminology used in other legal instruments or regulatory documents concerning transport.

***ADR training certificates in Sweden***

Informal document: INF.8 (Sweden)

43. The Working Party noted that the ADR certificates in plastic "credit card" format were in conformity with the model in 8.2.2.6.3, and that although they were not in A7 format they conformed to the planned evolution of the format for European driving permits.

***Tank code for ammonium nitrate emulsions (UN No. 3375)***

Informal document: INF.10 (Norway)

44. The Working Party noted that "T1, T2" in the United Nations Model Regulations for UN No. 3375 was a mistake and that the code assigned to this UN number in the IMDG Code, both for liquids and solids, was "T1". There was therefore no need to amend ADR.

### ***Driver training***

Informal document: INF.19 (Switzerland)

45. The Working Party said that the six-month transitional period for which 1.6.1.1 provided was also valid for the provisions concerning the duration of refresher courses.

### ***Terminology in Chapter 1.10 (Security)***

Informal document: INF.20 (Switzerland)

46. The representatives of France and United Kingdom considered that the terminology in the French and English versions of Chapter 1.10 was correct. Questions of interpretation could be discussed at an informal meeting on security to be organized by the United Kingdom in London from 6 to 8 September 2004.

### ***Amendment to 1.1.4.2***

Informal documents: INF.5 and INF.5/Add.1 (FIATA)

47. The representative of FIATA said that he would submit the proposal contained in informal document INF.5/Add.1 officially for the next session.

## **Construction and approval of vehicles**

### ***Retroreflective contour or strip markings for side and rear of vehicles and their trailers***

Document: TRANS/WP.15/2004/19 (CLEPA)

48. The Working Party noted that the European Commission had commissioned a study on the effectiveness of such markings on safety of movement of goods-carrying vehicles in general, and considered that it would be advisable to wait for the conclusions of this study before taking a decision. If it was a question of requiring this marking only on vehicles carrying dangerous goods, the gain in safety should be assessed in relation to the safety level ensured by existing provisions for placarding along with the additional cost/safety gain ratio.

49. The proposal would be discussed again once the report was available.

### ***Speed governors***

Informal document: INF.18 (France)

50. The Working Party took note of the intention of France to propose an amendment to paragraph 9.2.5, bearing in mind Directive 2002/85/EC of 5 November 2002 for the regulation of the maximum speed of motor vehicles of a maximum mass of more than 3.5 tonnes as 90 km/h.

### ***Lateral stability***

Informal documents: INF.16 (France)  
INF.21 (Italy)  
INF.28 (Secretariat)

51. The Working Party noted that the implementation of ECE Regulation No. 111 still caused problems in some countries, either for lack of equipment to perform the tests, or because the competent authorities considered that they were not in a position to issue approvals on the basis of the methods of calculation. That situation had led some countries to conclude multilateral agreement M145, enabling them to approve vehicles that were not in conformity with Regulation No. 111.

52. The Working Party considered that it would not be desirable to extend the M145 agreement beyond 1 July 2004, but agreed to introduce a new transitional measure into ADR 2005 to permit movement of vehicles not in conformity with Regulation No. 111 registered before 1 July 2004 (see annex 1).

53. The Working Party also noted that Regulation No. 111 would be amended in the near future (see INF.28).

### ***Back-up heaters***

54. The Working Party noted that a new ECE Regulation concerning back-up heaters and reflecting European Directive 2001/56/EC was to be adopted in the near future by the World Forum for Harmonization of Vehicle Regulations (WP.29) (TRANS/WP.29/2004/22 and -/Corr.1); a reference to it could in the future be included in 9.2.4.7.1 of ADR.

## **SAFETY IN ROAD TUNNELS**

Documents: TRANS/WP.15/2004/12 (Switzerland)  
TRANS/WP.15/2004/17 (Secretariat)  
TRANS/WP.15/2004/24 (Germany)  
TRANS/WP.15/2004/27 (Spain)  
TRANS/WP.15/2004/31 (Switzerland)  
TRANS/WP.15/2004/32 (Switzerland)  
TRANS/WP.15/2004/34 (Switzerland)

Informal documents : INF.9 (France)  
INF.22 (United Kingdom)  
INF.26 (Chairman)  
INF.29 (Secretariat)

55. In accordance with the decisions taken at the last session, consideration of this item was entrusted to an ad hoc working group which met from 5 to 7 May 2004 with Mr. A. Johansen (Norway) as Chairman. The report of this group can be found in annex 3 and will be considered at the next session.

56. The ad hoc working group was requested to take as the basis of its work secretariat document TRANS/WP.15/2004/17 containing a transposition of the earlier recommendations by the Feldkirch Expert Meeting (TRANS/WP.15/2004/24), in the light of the other documents. The ad hoc working group should take account of the following decisions taken after consideration of the seven questions of principle (A to G) set out in informal document INF.26.

57. Concerning question A (relevance of ADR for the regulation of the carriage of dangerous goods in tunnels), the majority of the Working Party were of the opinion that the implementation of the future provisions of ADR concerning tunnels should be mandatory and that the competent authorities of the Contracting Parties should restrict traffic in tunnels only by resorting to the goods grouping system proposed by ADR for tunnels. It was, naturally, the responsibility of each competent authority to decide which groupings might be prohibited, and at what period, for a given tunnel.

58. Concerning question B (prohibition of the access of certain goods below the 1.1.3.6 threshold), the Working Party decided by a majority that in principle 1.1.3.6 should be used to decide the quantity as from which restrictions applied.

59. Concerning question C (applicability of exemptions of 1.1.3 in the case of tunnels), the Working Party decided that this issue could be discussed by the ad hoc working group.

60. Concerning question D (signs and signals for tunnels and additional marking of vehicles), the Working Party decided unanimously that the restrictions imposed on the movement of vehicles carrying dangerous goods in tunnels should necessarily be the subject of appropriate signs and signals for tunnels. It also decided not to require, nor even to recommend, specific marking for vehicles, which would be additional to the provisions of Part 5 of ADR.

61. Concerning question E (particulars in the transport document, a systematically mandatory transport document), the issue could be discussed by the ad hoc working group.

62. Concerning question F (revision of the list of substances assigned to groupings), the ad hoc working group could check and amend the list bearing in mind the criteria for assignment.

63. Concerning question G (exemptions to the grouping system), it was recalled that what was important in the work was to arrive at an easily applicable harmonized system and to avoid the existing situation of numerous individual cases which were hindrances to international traffic. The ad hoc working group on tunnels could also consider that question.

## **PROGRAMME OF WORK**

64. The next session would be held in Geneva from 25 to 29 October 2004. The items on the agenda would be the same as those of the current session.

## **ANY OTHER BUSINESS**

### **Implementation of ADR in countries other than Contracting Parties**

65. The Working Party noted that Annexes A and B of the 2003 version of ADR had been translated into Thai by the Government of Thailand, confirming the interest of the countries of South-East Asia in the Agreement (see also TRANS/WP.15/174, para. 86).

### **Forum for an exchange of experiences on examinations for safety advisers**

Informal documents: INF.3 and INF.3/Add.1 (France)

66. The Working Party noted with interest that the Government of France had invited the competent authorities of RID and ADR and the representatives of the examining boards to Paris for a Forum for an exchange of experiences from 15 to 17 June 2004.

## **ADOPTION OF THE REPORT**

67. The Working Party adopted the report of its seventy-sixth session and Annexes 1 and 2 on the basis of a draft prepared by the secretariat.

68. Annex 3 (Report of the ad hoc working group on the safety of the carriage of dangerous goods in tunnels) will be circulated to participants by e-mail before being issued officially.

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Annex 1

### **Annex 1**

#### **Draft amendments to Annexes A and B of ADR adopted by the Working Party for entry into force on 1 January 2005**

The amendments adopted are reproduced in document TRANS/WP.15/178/Add.1.

## Annex 2

### Draft amendments to Annexes A and B of ADR adopted for entry into force on 1 January 2007

#### PART 3

#### Chapter 3.2: Table A

Delete “V2” in column (16) for all entries for Division 1.4S.

*(Reference document: TRANS/WP.15/2004/18)*

Add “652” to column (6) for UN Nos. 1011, 1965 and 1978.

*(Reference document: TRANS/WP.15/2004/36)*

Replace “VV9a” and “VV9b” by “VV9” each time they appear in column (17).

*(Reference document: TRANS/WP.15/2004/13)*

#### Chapter 3.3

Add the following new special provision:

“652 Austenitic stainless steel, ferritic and austenitic steel (Duplex steel) and welded titanium receptacles which do not meet the requirements of Chapter 6.2 but have been constructed and approved in accordance with national aviation provisions for use as hot air balloon or hot air ship fuel receptacles, brought into service (date of initial inspection) before 1 July 2004, may be carried by road provided they meet the following conditions:

- (a) The general provisions of 6.2.1 shall be complied with;
- (b) The design and construction of the receptacles shall have been approved for aviation use by a national air transport authority;
- (c) As an exemption from 6.2.1.1.1, the calculation pressure shall be derived from a reduced maximum ambient temperature of +40° C; in this case:
  - (i) as an exemption from 6.2.1.2, cylinders may be manufactured from rolled and annealed commercially pure titanium with the minimum requirements of  $R_m > 450 \text{ MPa}$ ,  $\epsilon_A > 20\%$  ( $\epsilon_A$  = elongation after fracture);

- (ii) austenitic stainless steel and ferritic and austenitic steel (Duplex steel) cylinders may be used with a stress level up to 85% of the minimum guaranteed yield strength (Re) at a calculation pressure derived from a reduced maximum ambient temperature of +40° C;
  - (iii) the receptacles shall be equipped with a pressure relief device having a nominal set pressure of 26 bar; the test pressure of these receptacles shall be not less than 30 bar;
- (d) When the exemptions from (c) are not applied, the receptacles shall be designed for a reference temperature of 65° C and shall be equipped with relief devices with a nominal set pressure specified by the competent authority of the country of use;
- (e) The main body of the receptacles shall be covered by an outer, water-resistant protective layer at least 25 mm thick made from structural cellular foam or similar material;
- (f) During carriage, the cylinder shall be firmly secured in a crate or an additional safety device;
- (g) The receptacles shall be marked with a clear, visible label stating that the receptacles are for use only in hot air balloons and hot air ships;
- (k) The duration of service (from the date of initial inspection) shall not exceed 25 years.”

*(Reference document: TRANS/WP.15/2004/36)*

## PART 7

### Chapter 7.3

7.3.3 Delete special provision “VV9b”. Special provision “VV9a” becomes “VV9”.

*(Reference document: TRANS/WP.15/2004/13)*

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