

Economic Commission for Europe

Inland Transport Committee

Working Party on the Transport of Dangerous Goods

105th session

3 October 2018

Geneva, 6-9 November 2018

Item 5(b) of the provisional agenda:

**Proposals for amendments to annexes A and B of ADR:
miscellaneous proposals**

Proposal for clarification of the scope of 9.1.3.4

Transmitted by the Government of Switzerland

Summary

- Executive summary:** Clarify the meaning of the second sentence of 9.1.3.4 concerning the renewal of the certificate of approval of vehicles.
- Action to be taken:** Amend the second sentence of 9.1.3.4.
- Reference documents:** TRANS/WP.15/R.338, Rapport TRANS/WP.15/138, TRANS/WP.15/2002/18

Introduction

1. Recently, we were confronted with a question of interpretation of 9.1.3.4 of ADR in relation to the annual inspection of a tank-vehicle loaded with dangerous goods when the validity date of the certificate of approval had already expired.
2. The second sentence of this paragraph states the following:
“The next approval term shall, however, be related to the last nominal expiry date, if the technical inspection is performed within one month before or after that date.”
3. We wonder if users are interested in the phrase "or in the month after that date." Indeed, the second sentence of 9.1.2.3 already authorizes at any time both the renewal of the certificate of approval and the issue of a new certificate of approval, as follows:
“The conformity of the vehicle shall be certified either by the extension of validity of the certificate of approval or by the issue of a new certificate of approval in accordance with 9.1.3.”,

If the user brings the vehicle to the annual technical inspection after the date of validity of the certificate of approval, the authority may issue a new one without losing days of validity. If, instead, the owner of the vehicle asserts what appears in 9.1.3.4 and the validity date depends on the last nominal expiry date, he loses the same number of days of validity as he has waited to realize the annual technical inspection. So, he has no advantage to ask for applying the second sentence of 9.1.3.4.

4. The text in 9.1.3.4 was introduced in 1997 in ADR in marginal 10282 (4) on the proposal of the Netherlands in document TRANS/WP.15/R.338.

5. At that time the proposal of the Netherlands was as follows:

Replace existing marginal 10 282 (4) with a new text, as follows:

"(4) The validity of a special certificate of approval shall expire not later than one year after the date of the technical inspection of the vehicle preceding the issue of the certificate. The following technical inspection may however take place within one month after the nominal expiry date without influencing the next expiry date. However ... (remainder unchanged)".

In this document the Netherland justified the proposal for the following reasons:

"Organizing reasons, both for the owner of a vehicle and the inspection body. The current text of marginal 10 282 (4) leads in practice to shorter periods between two inspections than one year. For this reason considerable and unnecessary effort is needed to adapt the inspection schemes each year. A solution for this is a relative small extension of the strictly annual period concerning the technical inspection. Furthermore it will be in line with current practice in other inspection regimes."

6. Given that the concerns expressed in 1995 by the Netherlands currently appear to be already covered by the text adopted in 2005, appearing today in the second paragraph of 9.1.2.3, which allows the competent authority to issue at any time a new certificate of approval after the nominal expiry date without losing validity days, we wonder what is the added value of the second sentence as written in 9.1.3.4. This sentence should indeed be modified in order to avoid interpretations which were not intended by the Netherlands. Because the latter must necessarily bring something more than 9.1.2.3 to users, the coexistence of the two texts leads to looking for a different meaning for 9.1.3.4. Thus, it can be wrongly concluded that the intention in 9.1.3.4 was to allow the carriage of dangerous goods for up to an additional month after the expiry of the validity of the certificate of approval without having to pass the annual inspection of the vehicle. Since such an intention does not appear in the reasons expressed by the Netherlands in 1995 and seems dangerous from the safety point of view, this interpretation has to be rejected. To overcome such misinterpretations we would propose to amend the second sentence of 9.1.3.4 as follows:

Proposal

7. Amend the second sentence of 9.1.3.4, as follows:

"9.1.3.4 The validity of a certificate of approval shall expire not later than one year after the date of the technical inspection of the vehicle preceding the issue of the certificate. The next approval term shall, however, be related to the last nominal expiry date, if the technical inspection is performed within one month before ~~or after~~ that date."
