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**ECONOMIC COMMISSION FOR EUROPE**

**INLAND TRANSPORT COMMITTEE**

Working Party on the Transport  
of Dangerous Goods  
(Seventy-fourth session,  
Geneva, 19-23 May 2003)

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

**Interpretation of the transitional provisions relating to 8.1.4**

**Transmitted by the Government of Switzerland**

**Summary:** The wording of the transitional provisions of 1.6.5.6 lends itself to various interpretations. New vehicles registered as from 1 January 2003 benefit from the transitional provisions of 1.6.5.6 for certain countries but not for others.

**Action to be taken:** The provisions should either be reworded or be supplemented by another text for new vehicles.

## Introduction

The new provisions concerning fire-fighting equipment in 8.1.4 entered into force on 1 January 2003. The wording of the relevant transitional provisions of 1.6.5.6 is subject to varying interpretations. These transitional provisions, covering a five-year period, were introduced in order to take account of the period of use of extinguishers as practised in Belgium. They therefore concern vehicles registered up to 31 December 2002. They cannot concern vehicles put into circulation after 31 December 2002 since the potential period of use of the equipment would go beyond the expiry date of 31 December 2007 and it might be necessary to make provision for further transitional provisions in 2008 for vehicles registered between 2003 and 2007. In addition, for provisions concerning safety issues, a transitional period of five years for new vehicles does not seem justified. The wording of 1.6.5.6 seems to confirm this interpretation:

“Les unités de transport équipées d’extincteurs d’incendie conformément aux dispositions du 8.1.4 applicables jusqu’au 31 décembre 2002 **pourront encore** être utilisées jusqu’au 31 décembre 2007.

“Transport units equipped with fire extinguishers in accordance with the provisions of 8.1.4 applicable until 31 December 2002 **may continue to be used** until December 2007.”

However, varying interpretations are given to these texts. Some countries consider that the provisions are also applicable to new vehicles. This would mean that new vehicles could be equipped until 31 December 2007. Other countries hold the opposite opinion. A consensus must be found on the meaning to be given to the text.

In our opinion, a transitional period applied to vehicles registered after 31 December 2002 does not reflect the feeling of the Working Party at the May 2002 session. The justification for a transitional period of five years would disappear if that period applied to newly registered vehicles. The transitional period was introduced to take account of the period of use of fire-fighting equipment in certain countries, particularly Belgium, and to avoid having to re-equip vehicles while their equipment was still valid. If the transitional provisions are also applicable to new vehicles, the five-year transitional period is unnecessary since it does not solve the problem for which this lengthy transitional period was introduced. In 2008 there would be vehicles registered until 2007 whose fire-fighting equipment would still be valid for a further five years and which would have to be re-equipped on 1 January 2008. The transitional period would then have served no purpose.

It therefore seems more logical, and in keeping with the reasons of safety justifying the new fire-fighting equipment, to consider that no transitional period can be applied to new vehicles. At least this was what seemed to emerge from the May 2002 discussions. This gives rise to another problem since, for most countries, it is unthinkable to put into effect the provisions of 8.1.4 for new vehicles as from 1 January 2003. This impossibility justifies the transitional provisions of 1.6.1.1. Both the work of translating ADR into the various languages and the transmission of the information to the implementing authorities and the companies concerned requires an adjustment period of six months. As it happens, however, the

normal transitional provisions of 1.6.1.1 only resolve the issue for a six-month period. After 30 June 2003, all vehicles registered after that date must conform to the provisions of ADR 2003. The problem will continue to exist undiminished after that date.

The first thing to be done is to clarify the interpretation of these texts and if necessary to provide for transitional periods, taking account of the difficulties involved in transposing the texts into fact.

## Questions

Will the transitional provisions of 1.6.5.6 apply to vehicles registered after 31 December 2002 and up to 31 December 2007?

- **If the reply is yes** (the transitional provisions of 1.6.5.6 must apply to vehicles registered after 31 December 2002):

How can such a long transitional period be justified for a question concerning safety?

How in 2008 will newly registered vehicles whose equipment does not conform to the provisions of ADR 2003 be taken into account? Will a campaign be required to equip these “new” vehicles or will transitional provisions have to be scheduled again? What purpose will the previous transitional period have served? In addition, there will be no new series of ADR amendments for 2008. These amendments will appear in 2007 and 2009. It will possibly be necessary to introduce amendments in the course of the usual two-year period to deal with the problem in 2008. A situation of this nature is to be avoided.

- **If the reply is no** (the transitional provisions of 1.6.5.6 do not apply to vehicles registered after 31 December 2002):

How are new vehicles registered after 1 January 2003 to be treated in accordance with the provisions in force in ADR 2001?

## Proposals

**If the reply is yes** (the transitional provisions of 1.6.5.6 must apply to vehicles registered after 31 December 2002):

The existing text must be reworded to give it the desired meaning.

## French

1.6.5.6 Les unités de transport équipées d’extincteurs d’incendie conformément aux dispositions du 8.1.4 applicables jusqu’au 31 décembre 2002 peuvent ~~pourront~~ ~~encore~~ être utilisées jusqu’au 31 décembre 2007.

**English**

1.6.5.6 Transport units equipped with fire extinguishers in accordance with the provisions of 8.1.4 applicable until 31 December 2002 ~~may continue to be used~~ may still be used until 31 December 2007.

**If the reply is no** (the transitional provisions of 1.6.5.6 do not apply to vehicles registered after 31 December 2002):

Transitional provisions will in any case have to be provided for vehicles registered after 1 January 2003.

We propose the replacement of the text of 1.6.5.6 by the following:

1.6.5.6 Les unités de transport équipées conformément au 8.1.4 applicable jusqu'au 31 décembre 2003 et immatriculées avant le 1<sup>er</sup> juin 2003 mais qui ne satisfont cependant pas aux prescriptions du 8.1.4 applicables à partir du 1<sup>er</sup> janvier 2003, peuvent être utilisées jusqu'au 31 décembre 2007.

1.6.5.6 Transport units equipped in accordance with the provisions of 8.1.4 applicable until 31 December 2003 and registered before 1 June 2003, but which do not, however, conform with the requirements of 8.1.4 applicable as from 1 January 2003, may still be used until 31 December 2007.

We therefore include in the transitional provisions a transitional period of six months (or even one year) for vehicles registered after 31 December 2002 but which have been registered for the reasons indicated in accordance with the requirements in force in ADR 2001.

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