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**ECONOMIC COMMISSION FOR EUROPE**

**INLAND TRANSPORT COMMITTEE**

Working Party on the Transport of Dangerous Goods  
(Seventy-eighth session, agenda item 5  
Geneva, 9-13 May 2005)

**INTERPRETATION OF ADR**

**Chapter 9.2**

**Compliance of vehicles with regard to braking equipment**

**Transmitted by the Government of France**

With regard to braking equipment, ADR refers in 9.2.3 to “all relevant technical requirements of ECE Regulation No. 13 or Directive 71/320/EEC, as amended, in accordance with the dates of application specified therein”.

In practice, the provisions of ECE Regulation No. 13, 09 series of amendments, or Directive 71/320/EEC, last amended by Directive 98/12/EC, are currently applicable to a new vehicle.

When these requirements were introduced into ADR, provision was made for upgrading old vehicles. In the table of 9.2.1 this takes the form of comments d and g under 9.2.3 which read: “Mandatory compliance for all vehicles as from 1 January 2010.”

The question is to identify the requirements of ECE Regulation No. 13 or of Directive 71/320/EEC to which old vehicles should be subject in order to ensure this compliance. The text conveys the impression that they should be the most recent requirements, i.e. those applicable on the date when these vehicles are upgraded.

In recent years, Regulation No. 13 has undergone numerous amendments and it may be technically problematic to require the application of the most recent requirements.

For example, vehicles brought into service in 1992 were at the time often pre-equipped on the basis of Regulation No. 13, 07 series of amendments, or Directive 71/320/EEC amended by Directive 91/422/EC. This pre-equipment apparently does not permit the installation of an anti-lock braking system in accordance with the requirements of R 13-09 or Directive 98/12.

In order to obviate these technical problems, it could be specifically stated that in the context of the upgrading the requirements to be applied should at least be those of R 13 or the relevant Directive applicable on 1 July 1993, the date of the entry into force of the provisions of ADR concerning braking equipment.

The Government of France would like to have the Working Party's opinion.

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