

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

5 December 2012

Forty-second session

Geneva, 3 – 11 December 2012

Item 2 (c) of the provisional agenda

**Recommendations made by the Sub-Committee on its
thirty-ninth, fortieth and forty-first sessions and pending issues:
electric storage systems**

Transitional period for lithium batteries

Transmitted by the expert from Germany

Introduction

1 The current provisions require that cells and batteries are of a type proved to meet the requirements of the Manual of Tests and Criteria, Part III, sub-section 38.3. This refers to the applicable edition of the Manual of Tests and Criteria. ADR/RID/ADN 2011 and IMDG-Code 35th amendment refer to the fifth edition of the Manual, therefore cells and batteries of a type tested according to the previous editions of the Manual cannot be transported legally. To the opinion of the expert of Germany the wording “proved to meet the requirements...” means that the proof is given by testing only. The capability of battery types successfully tested according to 4th edition of the Manual, Amendment 2, to pass also the tests according to the 5th edition without carrying out the tests is not sufficient according to the wording of the regulations.

2 This proposal intends to allow the transport of existing batteries of a type tested according to the testing provision applicable at the time of manufacture of the batteries, e.g. a battery produced in 2008 of a type tested according to the 4th edition of the Manual, Amendment 1. (Refer to the first paragraph of the proposal in both options).

3 Furthermore the proposal intends to allow the transport of new batteries conforming to an older design type to a certain extent. This should be acceptable at least for batteries conforming to a type tested according to the 5th edition (see option 1).

4 If the Sub-Committee comes to the conclusion that this is not sufficient and batteries of a type tested according to older editions of the Manual of Tests and Criteria (means older than the 5th edition) should be allowed for transport without re-testing, too, additional paragraphs referring to the relevant editions can be included, see option 2. However, it should be noted that this might disadvantage those who acted in accordance with the existing regulations and had already re-tested older battery types according to the 5th edition.

5 Some experts expressed the opinion, that the transport of batteries of all old design types should be allowed. This approach seems to be not in line with the previous decisions of the Sub-Committee as it would mean, that any amendment to

the testing requirements would apply to new design types of batteries only. This was not the intention of the Sub-Committee.

Proposal

6 Add the text below at the end of 2.9.4 letter (a) (instead of text agreed during 39th session, as contained in document 2012/68.)

Option 1

“Cells and batteries manufactured according to a type tested in conformity with the requirements of the Manual of Tests and Criteria, part III, sub-section 38.3 applicable at the date of their manufacture may continue to be transported.

Cells and batteries conforming to a type tested before 1 January 2014 according to the requirements of the fifth revised edition of the Manual of Tests and Criteria, Part III, sub-section 38.3 may continue to be transported.

Cells and batteries conforming to a type tested before 1 January 2016 according to the requirements of the fifth revised edition of the Manual of Tests and Criteria, Amendment 1, Part III, sub-section 38.3 may continue to be transported.”

Option 2

“Cells and batteries manufactured according to a type tested in conformity with the requirements of the Manual of Tests and Criteria, part 3, sub-section 38.3 applicable at the date of their manufacture may continue to be transported.

Cells and batteries conforming to a type tested before 1 January 2012 according to the requirements of the fourth revised edition of the Manual of Tests and Criteria, Amendment 2, Part III, sub-section 38.3 may continue to be transported

Cells and batteries conforming to a type tested before 1 January 2014 according to the requirements of the fifth revised edition of the Manual of Tests and Criteria, Part III, sub-section 38.3 may continue to be transported.

Cells and batteries conforming to a type tested before 1 January 2016 according to the requirements of the fifth revised edition of the Manual of Tests and Criteria, amendment 1, Part III, sub-section 38.3 may continue to be transported.”

Background Information

Entry into force of Manual Tests and criteria:

5th edition:

Since 1.1.2011 (ADR/RID 2011; IMDG-Code 35th Amendment, mandatory since 1.1.2012, means 5th edition applicable till 31.12.2013)

5th edition, amendment 1:

From 1.1.2013 (ADR/RID 2013, IMDG-Code 36th Amendment, mandatory from 1.1.2014)

5th edition, amendment 2:

From 1.1.2015 (ADR/RID 2015, IMDG-Code 37th Amendment, mandatory from 1.1.2016)