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Comments on INF.9 modifications for vehicles

Transmitted by the Government of Switzerland

1. For gases contained in the fuel tanks of vehicles at the first line in INF:9 only 1.1.3.2 b) is going to be deleted:

1.1.3.2 (b), 1.1.3.3 (b) and 1.1.3.3 (c) Delete and insert "(Deleted)".

(Reference document: ECE/TRANS/WP.15/AC.1/140/Add.1)

It is unclear for which reason only the exemption regarding the gas contained in the fuel tanks of vehicles transported has been deleted. There are yet other exemptions in 1.1.3.2 which concern the gases contained in the special equipment of vehicles. In particular in 1.1.3.2 (e):

“(e) Gases contained in the special equipment of vehicles and necessary for the operation of this special equipment during transport (cooling systems, fish-tanks, heaters, etc.) as well as spare receptacles for such equipment or uncleaned empty exchange receptacles, transported in the same transport unit;”

Furthermore this same equipment must comply with what is prescribed in the SP666 b):

(b) For gaseous fuels, the fuel cock between the gas tank and engine shall be closed and the electric contact open;

Even though the exemption of 1.1.3.2 (e) continues to be included in 1.1.3.2, SP666 b) for what refers to gaseous fuels offers no possibility of use during transport.

Given that the SP666 also applies to the equipment of vehicles it is not clear what applies in which case. And the reasons why some texts of 1.1.3. must disappear and others not remain unclear. Contrarily to its counterpart for liquid fuels SP666 a), the SP666 b) don't offer the opportunity to have the fuel cock between gas tank and engine open and the electric contact closed in case of necessity that the equipment remains operational during transport. Because of that the two provisions SP666 b) and 1.1.3.2 e) contradict each other. And this remark is also valid for the carried vehicle of 1.1.3.2 b) that the proposal of INF.9 tries to delete. That means that also for the vehicle itself the cock has to be closed and electric contact open even in case that it is needed to be maintained in functions during carriage.

What are the provisions that apply eventually to the equipment of the vehicle? Those of 1.1.3.2 e) or those of the SP666)? The texts do not allow to clarify this.

2. Under 1.1.3.3 the paragraphs 1.1.3.3 (b) and (c) are deleted and trailers towed or carried on another trailer are added. We thus lose the visual link currently existing between the vehicles used (1.1.3.3 (a)) and those same vehicles carried as a load (1.1.3.3 (b) and (c)). The text in question is as follows:

1.1.3.3 In (a), at the end of the first sentence of the third paragraph, insert: “, irrespective of whether the trailer is towed or carried on another trailer.”

(Reference document: ECE/TRANS/WP.15/AC.1/140/Add.1)

What about trailers which are carried not on another trailer but on the tractor vehicle?

For the moment being they do not appear in the texts adopted. To maintain the exemption 1.1.3.3 (b) for trailers on tractor-vehicles we should replace in the proposed text the last term "trailer" by the term "vehicle". It would read as follows:

1.1.3.3 In (a), at the end of the first sentence of the third paragraph, insert: “, irrespective of whether the trailer is towed or carried on another vehicle.”

We should bear in mind that in the context of ADR and according to the definition in article first paragraph a) of the ADR agreement in its totality, the term "vehicle" also includes trailers. Indeed, other means of conveyance mentioned in 1.1.3.3 (b) and (c) in the text of INF.9 are newly exempted through the SP666. However this SP666 refer in the case of vehicles with internal combustion engine to the vehicle definition contained in the SP 385. The latter differs from the one of the ADR Agreement. The third paragraph of this SP385 defines the vehicle in the following manner:

“385 ...

For the purpose of this special provision, vehicles are self-propelled apparatus designed to carry one or more persons or goods. Examples of such vehicles are cars, motorcycles, trucks, locomotives, scooters, three- and four-wheeled vehicles or motorcycles, lawn tractors, self-propelled farming and construction equipment, boats and aircraft.”

This definition excludes trailers which, by definition, are not self-propelled apparatus. This is the reason why the exemption of these trailers has been reintroduced in paragraph a) 3rd paragraph 1.1.3.3 (a)). But the use of the term "trailer" at the end of this text does not exempt the trailers that would be carried on vehicles-tractors and not on trailers. This is the reason for our proposal.

3. Another point which in this context is not in the INF.9 but that goes without saying is that the footnote 1 which refers to non-road machinery is also deleted because 1.1.3.3 (c) is deleted. Given that it no longer appears in the SP666 this footnote should also be deleted from the texts.

4. 1.1.3.7 and DS312, 240, 385, 666 and 667

SP312, 240, 385, 666 and 667 for vehicles carried refer all to the requirements 2.2.9.1.7 for lithium batteries. However the exemption of the 1.1.3.7 for such vehicles and their equipment has not changed so that any vehicle and its equipment will continue to be used in transport without need to check that the lithium batteries installed on it meet the 2.2.9.1.7. But as soon as it is carried as a load it should be verified if its lithium batteries comply with the 2.2.9.1.7. It is not clear how its owner will be able to bring this proof of compliance when he wants e.g. to use rail shuttles or it should be towed to a garage.

5. SP666

The introductory text of the SP666 says the following:

«Vehicles assigned to UN No. 3166 or UN No. 3171 and battery powered equipment assigned to UN 3171 in conformity with special provisions 240, 312 and 385, as well as any dangerous goods they contain that are necessary for their operation or the operation of their equipment, when carried as a load, are not subject to any other provisions of ADR, provided the following conditions are met:».

In our opinion it should be better distinguished between vehicles and equipment which are intended for their use during the transport of those equipment who is not intended to be used during transport. Otherwise a cooling device on vehicles could be classified in one of the entries UN 3528, 3529 or 3530 and be exempted according to the SP363 in quantities of fuel undefined. This is of course not the purpose of the SP363 nor of the entries UN 3528, 3529 and 3530 but the current texts do not yet distinguish the two types of equipment.

In order to better distinguish these two types of equipment we propose to add the phrase which appears currently at the end of the first sentence of 1.1.3.3 (a) “or intended for use during carriage” in the first sentence of the SP666. The final text would be :

«Vehicles assigned to UN No. 3166 or UN No. 3171 and battery powered equipment assigned to UN 3171 in conformity with special provisions 240, 312 and 385, as well as any dangerous goods they contain that are necessary for their operation or the operation of their equipment, **and intended for use during carriage**, when carried as a load, are not subject to any other provisions of ADR, provided the following conditions are met:».

Thus it would become clear that equipment which is intended to be used during transport (e.g., refrigeration equipment) are regulated by the SP666, while others that are never used during transport (compressors and generators on wheels for example) are assigned to the entries UN 3528, 3529 and 3530.
