

## Economic Commission for Europe

### Inland Transport Committee

#### Working Party on the Transport of Dangerous Goods

106<sup>th</sup> session

10 May 2019

Geneva, 13-17 May 2019

Item 6 (a) of the provisional agenda:

**Proposals for amendments to annexes A and B of ADR:  
construction and approval of vehicles**

### **Comments on 2019/3: Proposal for clarification of the scope of 9.1.3.4**

#### **Transmitted by the Government of Germany**

1. Germany supports proposals for amendment to formulate the ADR more clearly and in a more understandable way, thus ruling out any misuse.
2. The provisions regarding the validity of the certificate of approval for vehicles carrying certain dangerous goods are currently formulated in an unambiguous way in 9.1.3.5. Our national Guidelines for the application of the Ordinance on the Transport of Dangerous Goods by Road, Rail and Inland Waterways (RSEB) contain the following interpretation of the provisions:  

“9-6 The ADR certificate of approval in accordance with the model in sub-section 9.1.3.5 of ADR is to be time-limited based on the date of the technical inspection of the vehicle. If the validity is extended, the next approval term begins with the day the previous validity expired. If, in accordance with sub-section 9.1.3.4 of ADR, the next technical inspection is carried out no later than one month after the end of the period of one year, the vehicle may not continue to be used for the carriage of dangerous goods within that one-month period. After this one-month period, the vehicle has to be subjected to a technical inspection in accordance with the second sentence of sub-section 9.1.2.1 of ADR. Only within the grace period of one month may the vehicles be subjected to a technical inspection in accordance with sub-section 9.1.3.4 of ADR after the expiry of the ADR certificate of approval. If this period has expired, a new ADR certificate of approval is required for the vehicle concerned.”
3. Therefore, Germany does not share the concerns in document 2019/3 regarding the unclear wording of sub-section 9.1.3.4. The text is unambiguous in its current form. What is more, it is more practicable for the user to also have a time period after the expiry of the certificate of approval, as the issuance/extension of the certificate of approval in accordance with sub-section 9.1.3.4 of ADR generally coincides with the annual periodic inspection of the vehicle prescribed by general traffic law. The basis for the extension of the certificate of approval is a positive certified technical inspection of the vehicle.
4. If the period for exceeding the validity were deleted, in a worst-case-scenario, the certificate of approval might be lost completely. (E.g.: The vehicle does not pass the periodic technical inspection and needs to be repaired). In this case, an extension is no longer possible. The necessary flexibility for this is only contained in the current text.
5. The second proposal does not lead to any safety gain either. Here, however, there would be the risk that, if this “buffer timer” of two months prior to the expiry of the certificate

of approval were applied, the vehicle might be operated for a total of 14 months under the same certificate of approval. This period of validity is, however, not desired for a certificate of approval.

6. In consequence, Germany is in favour of keeping the text in 9.1.3.4 in its current form.

7. However, should WP.15 come to the conclusion, after deliberating the available documents, that a clarification is needed to rule out misuse, an amendment in 9.1.3.4 could be worded as follows (changes underlined):

“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.

If this next technical inspection is carried out no later than one month after the end of the period of one year, the vehicle shall not continue to be used for the carriage of dangerous goods within that one-month period.”

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