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**Economic Commission for Europe****Inland Transport Committee****Working Party on the Transport of Dangerous Goods****106th session**

Geneva, 13–17 May 2019

Item 6 (b) of the provisional agenda

**Proposals for amendments to annexes A and B of ADR:****Miscellaneous proposals****Proposal for clarification of the scope of 9.1.3.4****Transmitted by the Government of Switzerland\****Summary*

- Executive summary:** Clarify the meaning of the second sentence in 9.1.3.4 concerning the certificate of approval for vehicles.
- Action to be taken:** Amend the second sentence in 9.1.3.4.
- Related documents:** Informal document INF.3 of the 105th session of the Working Party, TRANS/WP.15/R.338, TRANS/WP.15/138, TRANS/WP.15/2002/18.

**Introduction**

1. During the 105th session of the Working Party, the question of the interpretation of 9.1.3.4 of ADR was raised in document INF.3 of the session, concerning the annual inspection of a tank-vehicle loaded with dangerous goods where the expiry date of the certificate of approval had already passed.
2. The second sentence in this subsection states the following:  
“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.”
3. We wonder whether users are concerned about the phrase “or [one month] after that date”. The sentence in 9.1.2.3 already permits, at any time, the renewal of the certificate of approval and the issue of a new certificate of approval, in the following terms:

\* In accordance with the programme of work of the Inland Transport Committee for 2018–2019 (ECE/TRANS/WP.15/237, annex V (9.1)).



“The conformity of the vehicle shall be certified either by the extension of validity of the certificate of approval or by the issue of a new certificate of approval in accordance with 9.1.3.”

4. If a user brings a vehicle for an annual technical inspection after the expiry date of the certificate of approval, the authority may issue a new certificate without any loss of days of validity. If, instead, the vehicle owner holds to what is contained in 9.1.3.4, with the next approval term being related to the last nominal expiry date, the owner loses the same number of days of validity as the days that had elapsed while waiting to have the annual technical inspection carried out. Therefore, the owner would not have any advantage in requesting the application of the second sentence in 9.1.3.4.

5. In 1997, the text of 9.1.3.4 was incorporated into marginal 10 282 (4) of ADR in accordance with the proposal made by the Netherlands in TRANS/WP.15/R.338.

6. At that time, the Netherlands put forward the following proposal:

“Replace existing marginal 10 282 (4) with a new text, as follows:

(4) The validity of a special 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 following technical inspection may however take place within one month after the nominal expiry date without influencing the next expiry date. However ... (remainder unchanged).”

7. In this document, the Netherlands gave the following justification for its proposal:

(a) There are organizational reasons, both for the owner of a vehicle and the inspection body. The current text of marginal 10 282 (4) leads in practice to shorter periods between two inspections than one year. For this reason, considerable and unnecessary effort is needed to adapt the inspection schemes each year.

(b) A solution for this is a relative small extension of the strictly annual period concerning the technical inspection. Furthermore, it will be in line with current practice in other inspection schemes.

8. The concerns expressed by the Netherlands in 1995 seem to be addressed by the text adopted in 2005, which now appears as the second paragraph in 9.1.2.3. Given that that text allows the competent authority to issue a new certificate of approval at any time after the nominal expiry date, without any loss of days of validity, we wonder whether the second sentence in 9.1.3.4 has any added value. This sentence should be amended in order to avoid interpretations not intended by the Netherlands. Since this text must necessarily add to what is contained in 9.1.2.3, the coexistence of the two texts creates the impression that 9.1.3.4 might have a different meaning. Thus, it may be wrongly concluded that the intention of 9.1.3.4 was to allow a vehicle to transport dangerous goods for up to one additional month after the expiry of the certificate of approval without having to pass the annual inspection. As that intention is not conveyed in the reasons expressed by the Netherlands in 1995, and seems dangerous from a safety point of view, this interpretation must be rejected. To correct such misinterpretations, we propose that the second sentence in 9.1.3.4 be amended (proposal 1).

9. The proposal received a certain amount of support during the discussions held at the 105th session of the Working Party. Only one delegation opposed the proposal. Some delegations would have preferred the text to stipulate a period of two months before the expiry of the certificate of approval rather than one month, as is currently the case. Others considered that the discussion should take place during the Joint Meeting.

10. We do not believe that it would be appropriate to discuss these texts at the Joint Meeting as they do not apply to RID or ADN.

11. The possibility of allowing the certificate of approval to be renewed two months before its expiry date can be addressed in proposal 2.

## Proposal 1

12. Amend the second sentence in 9.1.3.4, as follows:

“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.”

## Proposal 2

13. Amend the second sentence in 9.1.3.4 as follows (deleted text is struck through and additional text is **underlined and in bold**):

“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 **two months** before ~~or after~~ that date.”

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