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**ECONOMIC COMMISSION FOR EUROPE**

**INLAND TRANSPORT COMMITTEE**

Working Party on the Transport of Dangerous Goods

Eighty-fifth session  
Geneva, 28-31 October 2008  
Item 5 of the provisional agenda

**PROPOSALS FOR AMENDMENTS TO ANNEXES A AND B OF ADR**

**Provisions 6.12.2.1 and 4.7.2.1 for mobile explosives manufacturing units (MEMUs)**

**Transmitted by the Government of Switzerland\***

**SUMMARY**

<i>Executive summary:</i>	Subsections 6.12.2.1 and 4.7.2.1 (a) provide conflicting information on the requirements for type approval, inspections and tests, and marking. This inconsistency should be eliminated.
<i>Action to be taken:</i>	Delete the reference to 4.3.1.4 in 4.7.2.1 (a).
<i>Related documents:</i>	ECE/TRANS/WP.15/2008/4, INF.21 (eighty-fourth session) ECE/TRANS/WP.15/195/Add.1 ECE/TRANS/WP.15/197, paras. 55 to 66

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\* The present document is submitted in accordance with paragraph 1 (c) of the terms of reference of the Working Party, as contained in document ECE/TRANS/WP.15/190/Add.1, which provides a mandate to “develop and update the European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR)”.

## **Introduction**

1. In document INF.21 of the May 2008 session of the Working Party on the Transport of Dangerous Goods, the Government of Switzerland noted a contradiction which was only partially addressed at the May session. It concerns the contradiction between the recommendation set out in 6.12.2.1 to fulfil the requirements of Chapter 6.8 and the exclusion of 4.3.1.4 set out in 4.7.2.1.

2. The addition made at the May 2008 session to the introductory sentence of 4.7.2.1 underscores the fact that the provisions of Chapter 6.12 must be applied within the context of Chapter 4.7:

“4.7.2.1 The following provisions apply for operation of tanks according to Chapter 6.12.”

3. However, owing to time constraints, not all the consequences of this addition for the rest of Chapter 4.7 were followed up on at the May 2008 session. The addition clearly states that the tanks must comply with the requirements of Chapter 6.12. It is stated in 6.12.2.1 that “tanks shall meet the requirements of Chapter 6.8 ...”. This is also reflected in 6.12.3, which states that the requirements of section 6.8.2 must be met. This means that the requirements of subsections 6.8.2.3 (type approval), 6.8.2.4 (inspections and tests) and 6.8.2.5 (marking) must be met. However, users are informed in 4.7.2.1 that the provisions of 4.3.1.4 do not apply.

4. It is not consistent to exempt in Chapter 4.7, on the use of MEMUs, the provisions which are mandatory in Chapter 6.12, on the construction of MEMUs.

## **Proposal**

5. Delete the reference to 4.3.1.4 in 4.7.2.1 (a).

## **Justification**

6. There is no justification for not applying to MEMUs the provisions relating to type approval (6.8.2.3), inspections and tests (6.8.2.4) and marking (6.8.2.5) of the tanks on the MEMUs.

7. This exemption appears in 4.7.2.1 (a) for no apparent reason and contradicts the provisions of Chapter 6.12. Users are misinformed in Chapter 4.7. This set of provisions raises no insurmountable technical difficulty for users of other types of tanks. There is no reason why it should be particularly difficult for MEMU users to follow the rules which apply to tanks in general. It is even less comprehensible in the light of the type of risk posed by MEMUs. These are vehicles which transport all the components for making explosives. There is a permanent risk of explosion if the transported components are mixed. Furthermore, Class 3, 5.1, 6.1 and 8 materials which may be part of the explosive's composition and for which there is no risk of explosion if they are transported separately, are subject to all the requirements for type approval, periodic inspection and marking of tanks when they are not transported in MEMUs. We fail to

understand why the mere act of loading them together in one MEMU would justify no longer applying the minimum surveillance, inspection and monitoring rules which are standard for all tanks under ADR. This is particularly incomprehensible given the additional risk of producing an explosive if the transported materials come into contact with each other on a MEMU. Such an approach fundamentally calls into question the measures currently in force under ADR concerning type approvals, periodic inspections and marking of tanks transporting materials with no risk of exploding.

8. The Government of Switzerland considers that the addition in May of the text referring to compliance with Chapter 6.12 confirms that there is a willingness to put these tanks under the common rules of ADR. There is no need for an exemption. It is therefore necessary to correct the text of 4.7.2.1 (a) in order to avoid misleading users.

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