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Item 6 (b) of the provisional agenda

Proposals for amendments to Annexes A and B of ADR:

Miscellaneous proposals

Additive devices on tanks – Comments on the proposal in document ECE/TRANS/WP.15/2012/13

Transmitted by the Government of Switzerland¹

Summary

Executive summary: Amend the proposal contained in document ECE/TRANS/WP.15/2012/13

Reference document: ECE/TRANS/WP.15/2012/13

Introduction

1. At its ninety-second session the Working Party took up informal document INF.9, which has been submitted at the present session as a working document under the symbol ECE/TRANS/WP.15/2012/13. We would like to propose the following amendments to this document.

2. In special provision XYZ, under paragraph (a), section (iii) sets out construction requirements applicable to removable packagings that can be connected to the additive

¹ 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)”.

device. We believe that it is also necessary to indicate under paragraph (c) that such removable packagings are subject to the applicable test provisions. A note should be added under (c), as indicated below (see paragraph 6).

3. With regard to marking and labelling, paragraph (d) of special provision XYZ distinguishes between two cases: (i) when the equipment is part of a tank no marking is required; otherwise under (ii) a label is required if the tank itself is not already marked. The only case in which a tank is not to be equipped with a placard is when it is empty and has been cleaned, which occurs very rarely. Furthermore, the term “sufficient” in paragraph (d), section (ii) is excessively vague; the second sentence involves no obligation to avoid using the labels required under 5.2.1 and 5.2.2. There is thus a risk of numerous misunderstandings arising among the authorities and between the authorities and the carriers. This sentence should be replaced by a new one, modelled on the phrasing already found in 5.3.2.1.3. It should be rephrased as indicated in paragraph 4, below.

4. Since the first sentence of paragraph (d), section (ii) will practically never be applicable, only the marking of the tank will be required, which corresponds exactly with the case described in paragraph (d), section (i). We would prefer to follow the same approach as the one adopted for special provision 363 in ADR 2013. In this case, the machines and equipment are marked only on an outside surface, in accordance with 5.2.2. The rule could be worded as follows:

“(d) Additive devices shall be marked and labelled on one external side, in accordance with 5.2.1 and 5.2.2. It shall not be necessary to affix such markings and labels if the markings and labels under 5.3 affixed to the tank or the tank vehicle bear a hazard identification number and a UN number for a substance presenting the same hazard, or a substance more dangerous than the additive, i.e. a substance with a flash point equal to or lower than that of the additive.”

Such wording would provide more coherence for rules applicable in similar situations and would not require that receptacles bear markings not visible from the outside.

5. As for paragraph (d), section (iii), the phrase “In case of (a) (iii), not applicable” gives false information, as there is no reason for removable packagings not to be subject to the requirements of 5.2.1 and 5.2.2. The intention of the authors was that the provisions of paragraph (d), which address only additive devices, should not cover the packagings mentioned in paragraph (a), section (iii). This information should be replaced by a note, as the packagings described in paragraph (a), section (iii) do not correspond with the additive devices covered by section (d). Section (d) does not contain requirements for packagings, but information for users; that information can be presented in the form of a note, as indicated below, in paragraph 7.

Proposals

6. In new special provision XYZ as proposed in document ECE/TRANS/WP.15/2012/13:

At the end of paragraph (c), add a new note, to read as follows:

“NOTE: For the removable packagings described in (a) (iii) above, the relevant provisions of 1.4.3.1.1 and Chapters 4.1 and 6.1 are applicable.”

7. Amend paragraph (d) to read as follows:

“(d) Additive devices shall be marked and labelled on one external side, in accordance with 5.2.1 and 5.2.2. It shall not be necessary to affix such markings and labels if the markings and labels under 5.3 affixed to the tank or the tank vehicle

bear a hazard identification number and a UN number for a substance presenting the same hazard, or a substance more dangerous than the additive, i.e. a substance with a flash point equal to or lower than that of the additive.

NOTE: For the removable packagings described in (a) (iii) above, the relevant provisions of 5.2.1 and 5.2.2 are applicable.”
