

Economic Commission for Europe

Inland Transport Committee

Working Party on the Transport of Dangerous Goods

23 April 2012

Ninety-second session

Geneva, 8–10 May 2012

Item 6(a) of the provisional agenda

Proposals for amendments to Annexes A and B of ADR: pending issues

Transitional measures for the SP 363

Transmitted by the Government of Switzerland

Summary

Executive summary: Adapt the transitional period in 1.6.1.27 to the decision taken by the Joint Meeting in September 2011.

I. Introduction

1. At its September 2011 session, the Joint Meeting adopted the following transitional period in relation to the exemption for machinery and equipment (see ECE/TRANS/WP.15/AC.1/124/Add.1).

Chapter 1.6

1.6.1 Add the following new transitional measure:

"1.6.1.27 Means of containment integral to equipment or machinery containing liquid fuels of UN Nos. 1202, 1203, 1223, 1268, 1863 and 3475 constructed before 1 July 2013, which do not conform to the requirements of 1.1.3.3 (c) (i) applicable as from 1 January 2013, may still be used."

(Reference document: Informal document INF.45 as amended)

2. During the last session of the WP.15 however the following change was adopted:

1.6.1.27 For "1.1.3.3 (c)" read "special provision 363 of Chapter 3.3".

This doesn't reflect the original decision from the Joint Meeting from September 2011.

The final text which appears in the document **ECE/TRANS/WP.15/213** says the following:

"1.6.1.27 Means of containment integral to equipment or machinery containing liquid fuels of UN Nos. 1202, 1203, 1223, 1268, 1863 and 3475 constructed before 1 July 2013, which do not conform to the requirements of special provision 363 of Chapter 3.3 applicable as from 1 January 2013, may still be used."

In fact following the exact change the end should read:

"...not conform to the requirements of special provision 363 of Chapter 3.3 (i) applicable as from 1 January 2013, may still be used."

But of course the "(i)" after "3.3" doesn't make sense any more. The fact is that the text in 1.6.1.27 doesn't reflect the decision of the Joint Meeting because it extends unnecessarily the scope of the transitional period to all the provisions of special provision 363. In fact only the compliance with the letter (a) of 363 were concerned by 1.1.3.3 (c) (i).

The text of 1.1.3.3 (c) (i) is the text corresponding to the letter (a) of the SP 363 and not to the whole SP 363.

1.1.3.3 (c) (i) The means of containment are in compliance with the construction requirements of the competent authority of the country of manufacture* ;

3. Switzerland doesn't remember a debate during the WP.15 questioning the decision of the Joint Meeting from September. It seems also plausible to exempt only from the obligation of compliance with the construction requirements but not from the labelling and documentation provisions. For this reasons we believe the correct transition period should be as proposed hereafter.

II. Proposal

4. Modify the text in 1.6.1.27 as follows:

"1.6.1.27 Means of containment integral to equipment or machinery containing liquid fuels of UN Nos. 1202, 1203, 1223, 1268, 1863 and 3475 constructed before 1 July 2013, which do not conform to the requirements of special provision 363 (a) of Chapter 3.3 applicable as from 1 January 2013, may still be used."

* For example, compliance with the relevant provisions of Directive 2006/42/EC of the European Parliament and of the Council of 17 May 2006 on machinery, and amending Directive 95/16/EC (Official Journal of the European Union No. L 157 of 9 June 2006, pp. 0024-0086).