

Economic Commission for Europe

Inland Transport Committee

Working Party on the Transport of Dangerous Goods

Ninety-sixth session

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Item 5 (a) of the provisional agenda

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

Definition of non-road mobile machinery

- Transmitted by the European Union

Summary

Executive summary:	Propose a revised definition of non-road mobile machinery following the discussion the room
Related document:	INF.5/Rev.1
Action to be taken:	Revise the proposed amendment to 1.1.3.3.

A. Introduction

1. Certain contracting parties during the WP 15 felt that the reference to the definition of “non-road mobile machinery” in Article 2 of Directive 97/68/EC in the proposed amendment to 1.1.3.3 adopted in the 2014 spring session of Joint Meeting RID/ADR/ADN (WP.15/AC.1) is not clear as they had not have access to the this text.
2. Other contracting parties felt that the reference to Article 2 of Directive 97/68/EC is appropriate and should be maintained;
3. Under request of the Chair, the European Union drafted a proposal for a new version of the amendment to 1.1.3.3.
4. A definition of “non-road mobile machinery” is in Article 2.7 of the Consolidated Resolution on the Construction of Vehicles (R.E.3) and may be used contracting parties as alternative to the reference to the EU Directive 97/68/EC. For the purposes of ADR the two definitions are identical.

B. Amendment

5. Revise the proposed amendment to 1.1.3.3 by introducing a reference to the Consolidated Resolution on the Construction of Vehicles (R.E.3):

Proposed provision:

"(c) fuel contained in the tanks of non-road mobile machinery¹ ~~as defined in Article 2 of Directive 97/68/EC²~~ which is carried as a load, when it is destined for its propulsion or the operation of any of its equipment. The fuel may be carried in fixed fuel tanks connected

directly to the vehicle engine and/or equipment and which meet the legal requirements. Where appropriate, this machinery shall be loaded upright and secured against falling."

Footnote to 1.1.3.3 (c)

- 1) For the definition of non- road mobile machinery see Article 2.7 of the Consolidated Resolution on the Construction of Vehicles (R.E.3) or Article 2 of Directive 97/68/EC of the European Parliament and of the Council of 16 December 1997 on the approximation of the laws of the Member States relating to measures against the emission of gaseous and particulate pollutants from internal combustion engines to be installed in non-road mobile machinery (Official Journal of the European Communities No. L 059 of 27 February 1998.

C. Justification

8. The proposed amendment clarifies the definition of non-mobile road machinery by referencing both the international provisions and EU legislation. The two definitions are identical for the purposes of ADR.
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