

## Economic Commission for Europe

### Inland Transport Committee

#### Working Party on the Transport of Dangerous Goods

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Item 6 (b) of the Provisional agenda

**Proposals for amendments to annexes A and B of ADR:  
miscellaneous proposals**

### **Transition measure for vehicles and their equipment containing lithium cells and batteries not conforming to 2.2.9.1.7**

**Transmitted by the Government of Switzerland**

#### *Summary*

**Executive summary:** Transitional measures are needed for vehicles and their equipment intended for use during carriage but containing lithium cells and batteries not conforming to 2.2.9.1.7 in order to allow the carriage for these vehicles and equipment as a load.

**Action to be taken:** .

#### **Introduction**

1. Taking into account that for entries UN 3166 and 3171 before 2017 no provision required a vehicle and its equipment intended for use during transport to comply with the requirements of 2.2.9.1.7 when this vehicle was carried as a load, it seems necessary for vehicles already in circulation before 2017 to include transitional provisions. This is even one of the reasons which led, in contradiction with the SP123 of the orange book, to introduce into ADR other special provisions of the Orange book for these topics. The SP123 of Orange book assigned to UN 3166 and 3171 reads as follows: 'Subject to these Regulations only when transported by air or by sea.'

2. Therefore before 2017 any of the SP 240, 312, and 385 nor of 2.2.9.1.7 were applicable to vehicles and their equipment for land transport. The ADR itself provides in 1.1.3 exemptions for vehicles and equipment intended to be used during carriage. After 2017 these exemptions are not applicable when those vehicles and equipment are going to be carried as a load. In that case their lithium cells and batteries have to comply with 2.2.9.1.7.

3. The explanations provided by the France justifying the need to apply 2.2.9.1.7 for lithium cells and batteries installed on vehicles and their equipment show that these compliance requirements are currently not satisfied for all vehicles. It is therefore necessary, both from the formal point of view as well as for practical reasons to provide

transitional measures for vehicles and their equipment containing lithium cells and batteries for the reasons explained.

4. If such a transitional measure is not introduced these vehicles will not be able to be transported as a load. If after all one wants to carry them, in any case batteries shall be removed from the vehicle in order to be carried according to SP376, except in the case where the vehicle or equipment is defective (DS667).

5. It seems to us that such a measure for the transport of vehicles, which ultimately are already registered, are not defective and circulate normally, is completely disproportionate. It is even more disproportionate if one considers that SP667 provides the possibility of transporting vehicles and equipment defective or damaged exempted, containing lithium cells and batteries conforming to 2.2.9.1.7, according to the exemptions SP666 or 363 if it is proved that the damage or defect has no significant impact on safety. Instead of that in case of lithium cells and batteries not conforming to 2.2.9.1.7 but not damaged or defect more stringent procedures following SP376 will apply. It is for these reasons that we think the following transitional measure is needed:

## Proposal

“1.6.5.X Vehicles and their equipment intended for use during carriage, registered or brought into service before 1 July 2017 containing lithium cells and batteries not conforming to the requirements of 2.2.9.1.7 but meeting the requirements applicable until 31 December 2016, may continue to be carried as a load after that date.”

6. This proposal only exempts vehicles as defined in the ADR agreement not however vehicles as defined in the SP 240 and 385 which include many other kind of “vehicles”, the so called “self-propelled apparatus”. If the WP.15 prefers to exempt other kind of “self-propelled apparatus”, then the transitional measure should be drafted as follows:

“1.6.5.X Vehicles as defined in SP240, SP385 and 669 and their equipment intended for use during carriage, registered or brought into service before 1 July 2017 containing lithium cells and batteries not conforming to the requirements of 2.2.9.1.7 but meeting the requirements applicable until 31 December 2016, may continue to be carried as a load after that date.”

7. In doing so not only vehicles but also any kind of “self-propelled apparatus” will also be subject to the transitional measure.

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