Applicability of “make available” for the lithium battery test summary

Submitted by the International Air Transport Association (IATA)*

Introduction

1. Provisions specifying the requirement for manufacturers and subsequent distributors of lithium cells and batteries to “make available” the test summary were adopted into the sixth revised edition, Amendment 1 of the Manual of Tests and Criteria and the twentieth revised edition of the Model Regulations.

2. These provisions then took effect in the international modal regulations from 1 January 2019 with a transitional period until 31 December 2019, after which time period the provisions for the test summary became mandatory.

3. In general terms the requirement for the lithium battery test summary to be made available has been working well with consignors now able to access the test summary for lithium cells or batteries or equipment with installed lithium cells or batteries that they are shipping to confirm that the lithium cells or batteries are of a type that has passed the applicable tests in the Manual of Tests and Criteria.

4. However, some manufacturers have an opinion that they need only “make available” the test summary to registered distributors of their products and refuse to make available the test summary to any other party, including to consignors of these products.

5. To address this opinion, it is proposed to amend the text in paragraph 2.9.4 (g) to specify that the test summary must be made available to “any entity upon request”.

* A/75/6 (Sect.20), para. 20.51
Proposal

6. The Sub-Committee is invited to amend paragraph 2.9.4 (g), as follows (new text is underlined):

“2.9.4 Lithium batteries

Cells and batteries, cells and batteries contained in equipment, or cells and batteries packed with equipment, containing lithium in any form shall be assigned to UN Nos. 3090, 3091, 3480 or 3481 as appropriate. They may be transported under these entries if they meet the following provisions:

…

(g) Except for button cells installed in equipment (including circuit boards), manufacturers and subsequent distributors of cells or batteries manufactured after 30 June 2003 shall make available to any entity upon request the test summary as specified in the Manual of Tests and Criteria, Part III, sub-section 38.3, paragraph 38.3.5.”