

**Committee of Experts on the Transport of Dangerous Goods
and on the Globally Harmonized System of Classification
and Labelling of Chemicals**

Sub-Committee of Experts on the Transport of Dangerous Goods

10 November 2022

Sixty-first session

Geneva, 28 November-6 December 2022

Item 2 (a) of the provisional agenda

**Recommendations made by the Sub-Committee at its fifty-eighth,
fifty-ninth and sixtieth sessions and pending issues:
review of draft amendments already adopted during the biennium**

Comments on document ST/SG/AC.10/C.3/2022/78 submitted by the OTIF Secretariat on the changes agreed to Special Provision 388

Transmitted by the International Air Transport Association (IATA)

Introduction

1. In document ST/SG/AC.10/C.3/2022/78 the OTIF Secretariat questions the changes to Special Provision (SP) 388 adopted by the Sub-Committee at the sixtieth session. Specifically, the deletion of the word “equipment” and proposes that “equipment” should be reinstated into SP 388 on the basis that there was no justification given in document ST/SG/AC.10/C.3/2022/7 and informal document INF.51 for the removal of “equipment” from SP 388.
2. It is correct that there was no justification for the deletion of “equipment” from SP 388 in either document ST/SG/AC.10/C.3/2022/7 or informal document INF.51, however, that justification was provided verbally during the introduction of document ST/SG/AC.10/C.3/2022/7.
3. Special Provision 388 is assigned to UN 3166 VEHICLE, FLAMMABLE GAS POWERED or VEHICLE, FLAMMABLE LIQUID POWERED or VEHICLE, FUEL CELL, FLAMMABLE GAS POWERED or VEHICLE, FUEL CELL, FLAMMABLE LIQUID POWERED and UN 3171 BATTERY-POWERED VEHICLE or BATTERY-POWERED EQUIPMENT.
4. So, while UN 3171 does apply to battery-powered equipment, the fifth paragraph of SP 388 makes it clear that to be assigned to UN 3171 equipment may only be powered by wet batteries or sodium batteries, as follows:

“Entry UN 3171 only applies to vehicles powered by wet batteries, sodium batteries, lithium metal batteries or lithium ion batteries and equipment powered by wet batteries or sodium batteries transported with these batteries installed.”
5. Furthermore, the seventh paragraph of SP 388 in the second sentence makes it very clear that:

“Equipment powered by lithium batteries must be assigned to UN 3091, LITHIUM METAL BATTERIES CONTAINED IN EQUIPMENT or UN 3481, LITHIUM ION BATTERIES CONTAINED IN EQUIPMENT, as applicable.”

6. Therefore, where the provisions are specifically addressing lithium batteries, the deletion of “equipment” from the applicable parts of SP 388 as agreed at the sixtieth session of the Sub-Committee was correct and justified.

Proposal

7. The Sub-Committee is requested to retain the changes to SP 388 as adopted at the sixtieth session and not adopt the proposal in document ST/SG/AC.10/C.3/2022/78.
