

Working Party on the Transport

of Dangerous Goods

(Seventy-first session,

Geneva, 5-9 November 2001,

Item 3 (c) of the agenda)

Report of the first informal WP.15 Working Group meeting

REVISION OF ADR CHAPTER 9

Construction and approval of vehicles

Turin 6 -7 September 2001

Venue: Starhotel Majestic – Vittoria room
C.so Vittorio Emanuele II, 54 – Turin/Italy

Chairman: Mr. A. Erario – Italy

WG secretary: Italian delegation

TABLE OF CONTENTS

1. Attendance

2. Adoption of the agenda

3. Discussion concerning the proposed revision of Chapter 9 – Construction and approval of vehicles

4. Conclusions

Annex I : - Proposal

- Appendix to the proposal - Explanation document

1. Attendance

The informal WP.15 Working Group on the revision of ADR Part 9 - Construction and approval of vehicles - held its first meeting on 6 - 7 September 2001 in Turin. Mr. A. Erario of the Ministry of Infrastructure and Transport of Italy, chaired the meeting.

Representatives of the following countries took part in work:

Austria	Mr. M. Twaroch	TÜV-BAYERN ÖSTERREICH – Dangerous goods Expert
United Kingdom	Mr. I. Corfield	Department of Transport
United Kingdom	Mr. V. Matley	Department of Transport
Poland	Mr. K. Grzegorzcyk	Motor Transport Dep. Ministry of transport
Poland	Mr. K. Iwanowski	Motor Transport Dep. Ministry of transport
Sweden	Mr. Per-Olov Sjöo	Swedish Rescue Services Agency
Sweden	Mr. F. van der Rijst	Bilprovningen
Germany	Mr. H. Dinkler	VdTÜV
Germany	Mr. A. Lauer	DEKRA
Italy	Mr. A. Erario	Ministry of Infrastructure and Transport – Head of Unit
Italy	Mr. A. Simoni	Ministry of Infrastructure and Transport
Italy	Mr. F. Limoncini	Expert
Italy	Mr. P. Paladini	Expert
Italy	Mr. R. Trevisiol	Expert

The following non-governmental organizations were also represented:

Liason Committee of Coachwork and Trailer Builders (CLCCR)	Mrs. A. Luchie Mrs. A. Seywert
International Organization of Motor Vehicle Manufacturers (OICA)	Mr. A. McKenzie Mr. M. Biver Mr. T. Wadman Mr. J. Wittig Mr. G. Heess
Liason Committee for the Manufacture of Automobile Equipment and Spare Parts (CLEPA)	Mr. R.D. Edmonds Mr. J.J. Leger

2. Adoption of the agenda

The informal WP.15 Working Group adopted the agenda drafted by Italian delegation.

Mr. A. Erario - Ministry of Infrastructure and Transport – Italy was the Chairman and the Italian delegation acted as Working Group Secretariat.

The Chairman welcomed all participants and pointed out that WP.15 had agreed during its last session of May 2001 (see report TRANS/WP.15/165 paragraph 66) that Italy would have hosted an ad-hoc working group. He also said that the document TRANS/WP.15/2000/15/Rev.1, transmitted by the Government of Italy on April 2001, presented at the last WP.15 session as informal document No. 4 and updated by WP.15, was the *working document*.

3. Discussion concerning the proposed revision of Chapter 9 – Construction and approval of vehicles.

A representative of the Italian delegation introduced the Italian proposal following, step by step, the document TRANS/WP.15/2000/15/Rev. 1 – informal document No. 4 as amended by the *working document*. At the end of presentation the debate was opened.

During the discussion Chairman and all participants noted the necessity to create a *small drafting group* to update the document with the decisions adopted during the meeting. Germany (Mr. A. Lauer), Sweden (Mr. F. van der Rijst), United Kingdom (Mr. I. Corfield) and OICA (Mr. A. McKenzie) worked in this small working group.

The small working group prepared, at the end of each daily session, a new document including the adopted modification.

A final document will be prepared by the Italian delegation including all the adopted modification as mentioned in each daily report.

The following arguments had been discussed:

a) PART 1 – Chapter 1.6 – Paragraph 1.6.5 – Point 1.6.5.4

After a long discussion, the Italian proposal to postpone, as a rule, the date of the entry into force for the new registration vehicles to apply the new ADR technical requirements of 24 months, was rejected by a large majority of governmental representatives. The working group agreed that WP.15 would put, if and when necessary, a new transitional measure to postpone the date of the entry into force of new technical requirements. This proposal was also supported by CLCCR, CLEPA and OICA.

U.K. volunteered to prepare a new sentence with the new text to modify the point 1.6.5.4 and to introduce new dates, into square brackets. The new text will also be drafted to avoid confusion between “*first registered*” and “*entered into service*” vehicles. All governmental representatives agreed, except Italy who would have preferred the introduction of a rule.

b) PART 1 – Chapter 1.6 – Paragraph 1.6.5 – Point 1.6.5.5

The working group agreed with the proposal to move the former point 9.1.2.1.6 in Part 9, Chapter 9.1 into the new point 1.6.5.5 in addition to the other Transitional measures. The new text prepared by a small ad-hoc working group was adopted.

c) PART 9 – Chapter 9.1 – Paragraph 9.1.1.1: Scope

The Italian proposed text, as amended by the participants, was adopted after a brief discussion.

d) PART 9 – Chapter 9.1 – Paragraph 9.1.1.2 Definitions

The expert from Poland proposed to delete the examples into the definition of “vehicle” and put them in each definition of “complete vehicle”, “incomplete vehicle” and “completed vehicle” but into square brackets. The modification was adopted.

All governmental representatives didn’t agree with the new definitions concerning “Type approval” and “Single vehicle approval” proposed by Italy. Therefore a new text drafted by a small group of representatives (Germany, Sweden and OICA) was presented to be discussed; the working group adopted this proposal

Besides Poland proposed to delete the “ADR vehicle” definition included into the *working document* proposed by Italy; however Sweden suggested a new text. After a long discussion all the experts agreed with the Poland idea to delete the definition.

Poland noted that the new text insert into the new point 9.1.1.3 (Classification) should be moved into the paragraph 9.1.1.2 (Definitions), to improve the understanding of the whole point; all people agreed with the Poland proposal.

The Sweden representative didn’t agree with the Italian proposal to delete the “Base vehicle” definition, but after a brief explanation given by Italian delegation, he also agreed on the proposal which was unanimously adopted.

e) PART 9 – Chapter 9.1 – Paragraph 9.1.2 Approval of EX/II, EX/III, FL, OX and AT vehicles

A long discussion around the Italian proposal concerning some modifications into this paragraph, gave the opportunity to rearrange the whole paragraph. The *small drafting group* prepared a text based on the suggestions put forward during the discussion.

New titles had been introduced to the paragraphs: 9.1.2.1 (General), 9.1.2.2 (Provisions for type approved vehicles), 9.1.2.3 (Certificate of approval) and 9.1.2.4 (Annual technical inspection); some sub-paragraphs had been also moved into these new paragraphs and a few text modifications had been adopted.

Other editorial modifications proposed by governmental representatives and non-governmental organizations had been introduced after brief discussion.

f) PART 9 – Chapter 9.2 – Paragraph 9.2.1

The Italian proposal to modify the 2nd indent was rejected. In addition some delegations asked to modify both 1st and 2nd sentence to introduce, into round brackets, the reference to the ECE Regulation or EC Directive; this proposal was adopted.

The expert from Poland suggested to insert the word “first” before the word “registered” in the 2nd sentence and in the point 9.2.5, concerning the table “Technical specifications”: all delegations agreed this proposal.

g) Final document

The Chairman asked the Italian delegation to prepare a report of the meeting, a revised document based on the results of the discussion, and an Explanatory document to highlight each adopted modification.

4. Conclusions

At the end of the session, the Chairman thanked the delegations attending the meeting and in particular the *small drafting group* who had worked hard to report on the document each text adopted during the daily sessions.

The Chairman noted that thanks to the effort of the Working Group it had been possible the completion of the work on the document TRANS/WP.15/2000/15/Rev. 1 – info document No. 4 presented by Italian delegation. Therefore, it was not deemed necessary to held further meetings on the subject.

Finally, he confirmed that the Italian delegation would prepare a new *document* to be presented, as informal document, at the next WP.15 session in November 2001. This *document* will be sent, as soon as possible, to all delegation attending the meeting together with the report and some explanatory notes.

PART 1

GENERAL PROVISIONS

CHAPTER 1.6

TRANSITIONAL MEASURES

1.6.5 Vehicles

1.6.5.4 Vehicles [first registered or entered into service] before [1 January 2005] which do not fully comply with the requirements of chapter 9.2 but are in conformity with the provisions of Annex B Part 9 in force up to [31 December 2002] may continue to be used.

1.6.5.5 Certificates of approval conforming to the requirements of ADR in force up to 30 June 2001 may continue to be used until 31 December 2003.

PART 9

REQUIREMENTS CONCERNING THE CONSTRUCTION AND APPROVAL OF VEHICLE.

CHAPTER 9.1

SCOPE, DEFINITIONS AND REQUIREMENTS FOR THE APPROVAL OF VEHICLES

9.1.1. SCOPE AND DEFINITIONS

9.1.1.1 SCOPE

The provisions of PART 9 shall apply to vehicles of categories N and O, as defined in Annex 7 of the Consolidated Resolution **on the Construction** of **Vehicles** (R.E.3)⁽¹⁾, intended for the transport of dangerous goods by roads **within the scope of this agreement.**

These provisions refer to vehicles, as regards their construction, their type approval and their subsequent single vehicle approval.

9.1.1.2 DEFINITIONS

For the purpose of Part 9:

“Vehicle” means any vehicle, whether complete, incomplete or completed intended for the transport of dangerous goods by road:

“Complete vehicle” means any vehicle which does not need any further completion (one stage built) [(e.g. one stage built vans, lorries, tractors, trailers)];

“Incomplete vehicle” means any vehicle which still needs completion in at least one further stage [(e.g. chassis-cab, trailer chassis)];

⁽¹⁾ Document of the United Nations Economic Commission for Europe, TRANS/WP.29/78/rev. 1, as amended.

“Completed vehicle” means any vehicle resulting from the multi-stage process [(e.g. chassis or chassis-cab fitted with a bodywork)];

“Type approved vehicle” means a vehicle which has been approved according to the procedure whereby the competent Authority of a Contracting Party to Regulation 105⁽²⁾ under the 1958 Agreement or in the case of Directive 98/91/EC⁽³⁾ a Member State of the European Union certifies that a type of vehicle satisfies the relevant technical requirements of that Regulation or Directive.

[**“Single vehicle approval”** means the procedure whereby a competent Authority of a Contracting Party certifies that a single vehicle is suitable for being used for the transport of dangerous goods as EX/II, EX/III, FL, OX or AT vehicle complying with all relevant requirements of Part 9.]

“EX/II or EX/III vehicle” means a vehicle ... **UNCHANGED**

“FL vehicle” means a vehicle ... **UNCHANGED**

“OX vehicle” means a vehicle ... **UNCHANGED**

“AT vehicle” means a vehicle ... **UNCHANGED**

⁽²⁾ Regulation No. 105 (Uniform provisions concerning the approval of vehicles intended for the carriage of dangerous goods with regards their specific constructional features).

⁽³⁾ Directive 98/91/EC of the European Parliament and of the Council of 14 December 1998 relating to motor vehicles and their trailers intended for the transport of dangerous goods by road and amending Directive 70/156/EEC relating to the type approval of motor vehicles and their trailers (Official Journal of the European Communities No. L 011 of 16/01/1999 p. 0025 – 0036).

9.1.2 APPROVAL OF EX/II, EX/III, FL, OX AND AT VEHICLES

9.1.2.1 General

EX/II, EX/III, FL, OX and AT vehicles shall comply with **the relevant** requirements **provided in** this Part.

Every complete or completed vehicle shall be subjected to a first inspection by the competent Authority according to the administrative provisions of this Part and to the relevant technical requirements of CHAPTER 9.2 to 9.7.

As a result of this inspection the approval of the vehicle shall be certified according to 9.1.2.3.

When vehicles are required to be fitted with an endurance braking system, the manufacturer of the vehicle or his duly accredited representative shall issue a declaration of conformity with subsection 9.2.3.3. This declaration shall be presented at the first ~~technical~~ inspection

9.1.2.2 Provisions for type approved vehicles

~~Except for compliance with 9.2.4.7.6 and 9.2.6, and~~ At the request of the vehicle manufacturer or his duly accredited representative, **compliance with the relevant technical requirements of 9.2, but with the exception of 9.2.4.7.6 and 9.2.6, shall be considered to be fulfilled by a type approval certificate for the vehicle** in accordance with ECE No. Regulation 105 or Directive 98/91/EC, provided that the **technical** requirements of the said Regulation or the said Directive correspond to those of Chapter 9.2 of this Part **and** provided that no modification of the vehicle alters its validity.

[This type approval, granted by one Contracting Party, shall be accepted by the other Contracting Parties as ensuring the conformity of the vehicle when ~~the approval of the vehicle is obtained.~~ **the vehicle is submitted for single vehicle approval.**]

~~If an incomplete vehicle has been type approved the applicable requirements of Part 9, especially 9.2.4.2.2, 9.2.4.5 and 9.2.4.7.2, shall be inspected only for those additional parts which complete the vehicle.~~

In the case of an incomplete vehicle that has been type-approved, only those additional parts, which complete the applicable requirements of Part 9, shall be subject to inspection, that is 9.2.4.2.2, 9.2.4.5 and 9.2.4.7.2, as appropriate.

9.1.2.3 Certificate of Approval

9.1.2.3.1 Conformity of EX/II, EX/III, FL, OX and AT vehicles with the requirements of this Part is subject to a certificate of approval issued by the competent authority of the country of registration for each vehicle whose ~~first~~ inspection yields satisfactory results. It shall be drawn up in the language or one of the languages of the country issuing it, and also, if that language is not English, French, or German, in English, French or German unless agreements concluded between the countries concerned in the transport operation provide otherwise. ~~It shall conform to the paragraph 9.1.2.2.3 below.~~

9.1.2.3.2 A certificate of approval issued by the competent authorities of one Contracting Party for a vehicle registered in the territory of that Contracting Party shall be accepted, so long as its validity continues, by the competent authorities of the other Contracting Parties.

9.1.2.3.3 The certificate of approval shall have the same layout as the model shown in 9.1.2.3.6 below. Its dimensions shall be 210 mm x 297 mm (format A4). Both front and back shall be used. The colour shall be white, with a pink diagonal stripe. The approval certificate for a vacuum-operated waste tank-vehicle shall bear the following remark: "vacuum-operated waste tank-vehicle".

9.1.2.3.4 The validity of a certificate of approval shall expire not later than one year after the date of the technical inspection of the vehicle preceding the issue of the certificate. The next approval term shall, however, be related to the last nominal expiry date, if the technical inspection is performed within one month before or after that date.

However, in the case of tanks subject to compulsory periodic inspection this provision shall not mean that tightness (leakproofness) tests, hydraulic pressure tests or internal inspections of tanks have **been** carried out at intervals shorter than those laid down in Chapter 6.8 and 6.9

9.1.2.3.5 No special certificates of approval shall be required for vehicles other than EX/II, EX/III FL, OX and AT vehicles, apart from those required by the general safety regulations normally applicable to vehicles in the country of origin.

9.1.2.3.6 **Model** Certificate of Approval for vehicles carrying certain dangerous goods

UNCHANGED

9.1.2.4 Annual Technical Inspection

EX/II, EX/III, FL, OX and AT vehicles shall be subject to **an** annual technical inspections in their country of registration to make sure that they conform to the relevant ~~provisions~~ **requirements** of this PART, and ~~to~~ the general safety regulations (concerning brakes, lighting, etc.) in force in their country of registration; if these vehicles are trailers or semi-trailers coupled behind a drawing vehicle, the drawing vehicle shall be subject to technical inspection for the same purposes.

As a result of this inspection, the certificate of approval may either be prolonged in accordance with 9.1.2.3.4, provided that the vehicle fulfils the relevant requirements of this Part, or a new certificate shall be issued.

Note 1 For transitional provisions, see also 1.6.5.1

CHAPTER 9.2

REQUIREMENTS CONCERNING THE CONSTRUCTION OF ~~BASE~~ VEHICLES

9.2.1 EX/II, EX/III, FL, OX and AT vehicles shall comply with the requirements of this Chapter, according to the table below.

For vehicles other than of EX/II, EX/III, FL, OX and AT:

- the requirements of 9.2.3.1 (**Brakes according to ECE Regulation No. 13 or Directive 71/320/EEC**) are applicable to all [vehicles first registered **or entered into service**] after 30.06.1997;
- the requirements of 9.2.5 (**Speed limitation device according to ECE Regulation No. 89 or Directive 92/6/EEC**) are applicable to all motor vehicles with a maximum mass exceeding 12 tonnes **first** registered after 31.12.1987.

Table of the TECHNICAL SPECIFICATIONS: **UNCHANGED**

Add the word "first" before the word "registered" in point 9.2.5, comments column of the table "Technical specifications".

Paragraphs 9.2.2 to 9.2.6 UNCHANGED

Chapters 9.3 to 9.7 UNCHANGED

Appendix

Explanation document

PART 1 – Chapter 1.6 – Paragraph 1.6.5

- 1.6.5.4 New sentence, replaces the existing text
- 1.6.5.5 New paragraph, former 9.1.2.1.6

PART 9 – Chapter 9.1

- 9.1 New title
- 9.1.1 New title
- 9.1.1.1 Scope
 - 1st indent: added the words “on the construction” and “within the scope of this agreement”
 - 2nd indent: new sentence
- 9.1.1.2 New title
 - Into existing definition “Vehicle” deleted the examples
 - “Complete vehicle”, “Incomplete vehicle” and “Completed vehicle” definitions:
new added with the examples into square brackets
 - “Type approved vehicle” definition new added and “Single vehicle approval” definition new added into square brackets
 - “Base vehicle” definition: deleted
- 9.1.2.1 New title added
 - 1st sentence: former 9.1.1.3 with modifications
 - 2nd sentence: new
 - 3th sentence: new
 - 4th sentence: former 9.1.2.1.1, 2nd indent, deleted the word “technical”
- 9.1.2.2 New title
 - 1st indent: former 9.1.2.2.1, 1st sentence with modifications
 - 2nd indent: former 9.1.2.2.1, 2nd sentence with modifications into square brackets
 - 3th indent: new, former 9.1.2.2.2 modified

- 9.1.2.3 New title added
- 9.1.2.3.1 Former 9.1.2.1.2, 1st sentence: deleted the word “first” before the word “inspection” and deleted the last sentence
- 9.1.2.3.2 Former 9.1.2.1.3
- 9.1.2.3.3 Former 9.1.2.1.5
- 9.1.2.3.4 Former 9.1.2.1.4
Replaced the words “to be” with the word “been”
- 9.1.2.3.5 New paragraph added, former note to title former 9.1.2
- 9.1.2.3.6 New paragraph added for the Certificate of approval

- 9.1.2.4 New title added

1st indent: former 9.1.2.1.1, replaced the word “provisions” with the word “requirements”
2nd indent: new sentence
note 1: former note after former 9.1.2.1.1

PART 9 – Chapter 9.2

- 9.2 Title: deleted the word “base”

2nd indent, 1st sentence: added new sentence into round brackets and added the words “or entered into service” after the word “registered”
2nd sentence: added new sentence into round brackets and the word “first” before the word “registered”

Table of Technical specifications

Add the word “first” before the word “registered” in point 9.2.5, Comments column
