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INLAND TRANSPORT COMMITTEE

Working Party on the Transport of Dangerous Goods

Joint Meeting of the RID Committee of Experts and the  
Working Party on the Transport of Dangerous Goods

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Item 6 of the provisional agenda

**HARMONISATION WITH THE UN MODEL REGULATION  
ON THE TRANSPORT OF DANGEROUS GOODS**

**Comment on document 2009/7 from Sweden**  
**Proposal to amend RID/ADR/ADN**

**Transmitted by the Government of France**<sup>1,2</sup>

**Summary**

***Explanatory Summary*** France proposes to include in the Dangerous Goods List of RID/ADR/ADN a new entry for UN 3496 BATTERIES, NICKEL-METAL HYDRIDE and to indicate that it is not subject to RID/ADR/ADN. This amendment will be put into square bracket pending the decision of the IMO DSC Sub-Committee during its 14th session (21-25 September 2009). Furthermore an anticipation on the changes to SP304 as adopted by the UNSCTEDG un july is deemed necessary

***Related documents:*** ECE/TRANS/WP.15/AC.1/2009/16, ST/SG/AC.10/C.3/70, DSC 14/3/6

1. At the eleventh session of the Sub-Committee on Dangerous Goods, Solid Cargoes and Containers of the International Maritime Organization (IMO), Germany submitted a document reporting a fire at sea aboard the ship Punjab Senator in May 2005, and alleged to have involved nickel metal hydride batteries. Having considered the proposal and noting that the issues raised in the proposal were primarily concerned with the classification of batteries, the Sub-Committee invited the delegation of Germany to consider raising the matter at the UN sub-committee of Experts on the transport of Dangerous goods (UNSCOE).

<sup>1</sup> In accordance with the programme of work of the Inland Transport Committee for 2006-2010 (ECE/TRANS/166/Add.1, programme activity 02.7 (c)).

<sup>2</sup> Circulated by the Intergovernmental Organisation for International Carriage by Rail (OTIF) under the symbol OTIF/RID/RC/Inf..

2. The UNSCOE discussed the issue at its 32nd, 33rd and 34th session and as a result decided to amend SP 304, assigned to UN 3028, to add specific requirements for the transport by sea of nickel-metal hydride batteries other than button cells.

3. At its 35 session in June 2009, the UNSCOE considered again the issue related to the classification of nickel-metal hydride batteries based on a submission by the UN Secretariat and noted that the wording of SP 304 gave rise to many misunderstanding relating to the precise scope of UN 3028, given that SP 304 mentioned types of battery that did not correspond to the original definition. It decided to amend SP 304 as follows :

"304 This entry may only be used for the transport of non-activated batteries which contain dry potassium hydroxide and which are intended to be activated prior to use by addition of an appropriate amount of water to the individual cells."

4. However, in order to facilitate IMO's work on this subject, the UNSCOE also agreed to include a new UN number (UN 3496) in class 9 for BATTERIES, NICKEL METAL HYDRIDE, with special provision 117 in square brackets indicating that this entry may be regulated for maritime transport only. The UNSCOE acknowledged that further consideration was necessary to determine the implication for air transport.

5. To progress on this issue at IMO level, Germany, France and VOHMA prepared a proposal for consideration at DSC 14 which will be held from 21-25 September 2009. This document (DSC 14/3/6) proposes to add the new entry UN 3496 to the dangerous goods list and to the index of the IMDG Code and to assign to it requirements regarding the stowage on board a ship.

6. This proposal will be considered for inclusion in amendment 35-10 of the IMDG Code which will enter into force on 1 January 2012 (on 1 January 2011 on a voluntary basis).

7. If this proposal is adopted at IMO level, UN 3494 will be incorporated in the Dangerous Goods List of the IMDG Code. In order to avoid any question on this new UN number when transported by road, rail or inland waterways, it would be prudent for the UNSCOE to also include this UN number in RID/ADR/ADN and to indicate that it is not subject to the provisions of these regulations.

8. Given this historical background it is clear that there was never any intention to regulate nickel metal hydride, alkali-manganese, zinc-carbon, and nickel-cadmium batteries, other than for sea transport (maybe depending on ICAO's future decision also for air).

9. The document 2009/7 from Sweden is certainly relevant in the context of the existing SP 304 in the current RID/ADR/ADN. But it will be obsolete when harmonisation with the next edition of the model rules will introduce the amendments related to SP304.

10. Although these are not yet definitively adopted we propose to anticipate the adoption of these amendments, making clear that these batteries are not regulated under RID/ADR/ADN.

## **Proposals**

### **Proposal 1**

Therefore, France proposes to include in the next amendment 2011 to RID/ADR/ADN the

following text, which will be put **into square brackets pending the decision of the DSC sub-committee at its September 2009 meeting** :

a. Add the following new entry in the Dangerous Goods List of ADR and amend the alphabetical index accordingly :

(1)	(2)	(3a)	(3b)	(4) to (20)
3496	BATTERIES, NICKEL-METAL HYDRIDE	9	M11	NOT SUBJECT TO ADR [see also 1.1.3.1 (b)]

b. Add the following new entry in the Dangerous Goods List of RID and amend the alphabetical index accordingly .:

(1)	(2)	(3a)	(3b)	(4) to (20)
3496	BATTERIES, NICKEL-METAL HYDRIDE	9	M11	EXEMPTED [see also 1.1.3.1 (b)]

c. Add the following new entry in the dangerous good list of ADN and amend the alphabetical index accordingly :

(1)	(2)	(3a)	(3b)	(4) to (20)
3496	BATTERIES, NICKEL-METAL HYDRIDE	9	M11	NOT SUBJECT TO ADN [see also 1.1.3.1 (b)]

If the DSC sub-committee decide to include UN 3496 in the IMDG Code, the square brackets will be removed and the text will remain. If the DSC proposal is rejected, the square brackets and the text will be removed.

## Proposal 2

Replace the text of SP 304 by the following:

"304 This entry may only be used for the transport of non-activated batteries which contain dry potassium hydroxide and which are intended to be activated prior to use by addition of an appropriate amount of water to the individual cells."

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