

ECONOMIC COMMISSION FOR EUROPE

INLAND TRANSPORT COMMITTEE

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

**(Seventy-third session,
Geneva, 4-8 November 2002)
agenda item 3(b)**

Transmitted by the Government of Italy

During the May 2002 meeting of WP 15, the plenary started the discussion on the Italian proposal (doc. TRANS/WP15/2002/18) concerning Part 9 of ADR: "Construction and approval of vehicle".

Due to few written comments on it by other countries, only a little part of the document was discussed. Moreover, during that meeting, the chairman asked to send all comments on the document in writing, by mail or fax, to the Italian delegation.

Now we have prepared an informal document (see below) organized in two columns: the Italian proposal (doc WP15/2002/18) on the left and the received comments on the right.

Punctually we have transcribed:

1. the decisions taken referring to the discussed points, and some remarks we have received;
2. the points not yet discussed, with comments and alternative proposals by some countries.

We hope this documents could simplify the understanding of the proposal we are going to work on during the November session.

Italian proposal (doc. TRANS/WP.15/2002/18)

PART 1
GENERAL PROVISIONS
CHAPTER 1.6
TRANSITIONAL MEASURES

1.6.5 Vehicles

1.6.5.4 Vehicles first registered (or which entered into service if registration is not mandatory) 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.

Comments, decisions and proposals by other Countries

1.6.5.4 Vehicles first registered (or which entered into service if registration is not mandatory) 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~~ 30 June 2004 may continue to be used.

Italian proposal, as modified according to the decisions taken during the 72nd WP.15 session.

1.6.5.5 Vehicles first registered (or which entered into service if registration is not mandatory) 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~~ applicable up to ~~31 December 2002~~ 30 June 2004 may continue to be used.

OICA proposal

Italian proposal (doc. TRANS/WP.15/2002/18)

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.**

Comments, decisions and proposals by other Countries

Belgium tends to agree with Austria in that the scope set out in 9.1.1.1. is too restrictive (“vehicles in categories N and O”). Part 9 applies not only to EX/II, EX/III, FL, OX and AT vehicles, but to all vehicles transporting dangerous goods. The second alinea of 9.2.1 (just before the table) is very clear in this respect. Belgium awaits the proposal that Austria is going to prepare on this subject.

Belgian proposal

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.~~

As modified according to the decisions taken during the 72nd WP.15 session (Netherlands proposal).

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

Italian proposal (doc. TRANS/WP.15/2002/18)

These provisions refer to vehicles, as regards their construction, their type approval and their [subsequent] ADR 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:

Comments, decisions and proposals by other Countries

These provisions refer to vehicles, as regards their construction, type approval, ADR approval and annual technical inspection.

As modified according to the decisions taken during the 72nd WP.15 session.

Italian proposal (doc. TRANS/WP.15/2002/18)

"Complete vehicle" means any vehicle which does not need any further completion (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);

"Completed vehicle" means any vehicle which is the result of a multi-stage process (e.g. chassis or chassis-cab fitted with a bodywork);

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

Comments, decisions and proposals by other Countries

No modified according to the decisions taken during the 72nd WP.15 session

No modified according to the decisions taken during the 72nd WP.15 session

No modified according to the decisionst aken during the 72nd WP.15 session

"Type-approved vehicle" means any vehicle which has been approved in accordance with ~~the procedure whereby the competent Authority of a Contracting Party to the 1958 Agreement applying Regulation N. 105⁽²⁾ 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.~~

As modified according to the decisions taken during the 72nd WP.15 session

⁽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).

Italian proposal (doc. TRANS/WP.15/2002/18)

"Type-approved vehicle" means any vehicle which has been approved in accordance with the procedure whereby the competent Authority of a Contracting Party to the 1958 Agreement applying Regulation N. 105⁽²⁾ or ~~in~~ the case of Directive 98/91/EC⁽³⁾, of a Member State of the European Union certifies that a type of vehicle satisfies the relevant technical requirements of that Regulation or Directive.

Comments, decisions and proposals by other Countries

~~"Type-approved vehicle" means any vehicle which has been approved in accordance with the procedure whereby the competent Authority of a Contracting Party to the 1958 Agreement applying Regulation N. 105⁽²⁾ 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.~~

OICA proposal

⁽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).

Italian proposal (doc. TRANS/WP.15/2002/18)

"ADR approval" means the procedure whereby a competent Authority of a Contracting Party to the ADR certifies that a single vehicle is suitable for being used for the transport of dangerous goods as an EX/II, EX/III, FL, OX and AT vehicle complying with all relevant technical 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*

Comments, decisions and proposals by other Countries

"ADR approval" means the procedure whereby a competent Authority of a Contracting Party to the ADR certifies that a single vehicle is suitable for being used for the transport of dangerous goods as an EX/II, EX/III, FL, OX and AT vehicle complying with all relevant technical requirements of ~~Part 9~~ ADR.

As modified according to the decisions taken during the 72nd WP.15 session

"ADR approval" means certification by a competent authority of a Contracting Party that a single vehicle intended for the carriage of dangerous goods satisfies the relevant technical requirements of this Part as an EX/II, EX/III, FL, OX, and AT-vehicle respectively.

Netherlands proposal

Italian proposal (doc. TRANS/WP.15/2002/18)

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 indicated in this Part.

Every complete or completed vehicle shall be subjected to an ADR approval during the first inspection by the competent Authority in accordance with the administrative provisions of this Part and to the relevant technical requirements of CHAPTER 9.2 to 9.7.

Comments, decisions and proposals by other Countries

Note: 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. (see Italian proposal 9.1.2.3.5)

Netherlands proposal

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

As modified according to the decisions taken during the 72nd WP.15 session.

Every complete or completed vehicle shall be subjected to an ADR approval during after the first inspection by the competent Authority in accordance with the administrative provisions of this Part and to the relevant technical requirements of CHAPTER 9.2 to 9.7.

As modified according to the decisions taken during the 72nd WP.15 session.

Every complete or completed vehicle shall be subjected to an ADR approval during the a first inspection by the competent Authority in accordance with the administrative provisions of this Part and to verify conformity with the relevant technical requirements of CHAPTER 9.2 to 9.7.

Netherlands proposal

Italian proposal (doc. TRANS/WP.15/2002/18)

As a result of this inspection the approval of the vehicle shall be certified in accordance with subsection 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 inspection.

Comments, decisions and proposals by other Countries

~~As a result of this inspection~~ The ADR approval of the vehicle shall be certified in accordance with subsection 9.1.2.3.

Netherlands proposal

Italian proposal (doc. TRANS/WP.15/2002/18)

9.1.2.2 Provisions for type approved vehicles

At the request of the vehicle manufacturer or his duly accredited representative, **compliance with the relevant technical requirements of Chapter 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 N. 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 single vehicle is submitted for ADR approval.**

In the case of an incomplete vehicle that has been type-approved, only those additional parts, which complete the applicable requirements of Chapter 9.2, shall be subject to inspection, that is 9.2.4.2.2, 9.2.4.5 and 9.2.4.7.2, as appropriate.

Comments, decisions and proposals by other Countries

9.1.2.2 Type approval

At the request of the vehicle manufacturer or his duly accredited representative, ~~compliance with the relevant technical requirements of Chapter 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~~ the competent authority may issue a type approval certificate in accordance with ECE No. Regulation 105 or Directive 98/91/EC **for vehicles which are subject to ADR-approval according to 9.1.2.1**, 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 single vehicle is submitted to inspection for ADR approval.**

In the case of an incomplete vehicle that has been type-approved, only those additional **or altered** parts, which complete the applicable requirements of Chapter 9.2, shall be subject to inspection. ~~that is 9.2.4.2.2, 9.2.4.5 and 9.2.4.7.2, as appropriate.~~

Netherlands proposal

Italian proposal (doc. TRANS/WP.15/2002/18)

9.1.2.2 Provisions for type approved vehicles

At the request of the vehicle manufacturer or his duly accredited representative, **compliance with the relevant technical requirements of Chapter 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 N. 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 single vehicle is submitted for ADR approval.**

In the case of an incomplete vehicle that has been type-approved, only those additional parts, which complete the applicable requirements of Chapter 9.2, shall be subject to inspection, that is 9.2.4.2.2, 9.2.4.5 and 9.2.4.7.2, as appropriate.

Comments, decisions and proposals by other Countries

9.1.2.2 Type approval

At the request of the vehicle manufacturer or his duly accredited representative, **compliance with the relevant technical requirements of Chapter 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 type-approved vehicle, provided the technical requirements of~~ ECE Regulation N. 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.**

Belgian proposal

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 single vehicle is submitted ~~to~~ for inspection for ADR approval.**

In the case of an incomplete vehicle that has been type-approved, only those additional or modified parts, which complete the applicable requirements of Chapter 9.2, shall be subject to inspection, that is 9.2.4.2.2, 9.2.4.5 and 9.2.4.7.2, as appropriate.

OICA proposal

Italian proposal (doc. TRANS/WP.15/2002/18)

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 **(certificate of ADR approval)** issued by the competent authority of the country of registration for each vehicle whose 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.
- 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".

Comments, decisions and proposals by other Countries

- 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~~ **may** 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".

Netherlands proposal

Italian proposal (doc. TRANS/WP.15/2002/18)

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 for certificate of approval for vehicles carrying certain dangerous goods

UNCHANGED

Comments, decisions and proposals by other Countries

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 to be** carried out at intervals shorter than those laid down in Chapter 6.8 and 6.9

Netherlands proposal

~~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.~~

Netherlands proposal (see Note para 9.1.2)

9.1.2.3.6
Model for of certificate of approval for vehicles carrying certain dangerous goods

Netherlands proposal

Italian proposal (doc. TRANS/WP.15/2002/18)

9.1.2.4 Annual Technical Inspection

EX/II, EX/III, FL, OX and AT vehicles shall be subject to **an** annual technical inspection in their country of registration to make sure that they conform to the relevant **requirements** of this PART, and 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.

Comments, decisions and proposals by other Countries

9.1.2.4 Annual Technical Inspection

EX/II, EX/III, FL, OX and AT vehicles shall be subject to **an** annual technical inspection in their country of registration to make sure that they conform to the relevant **requirements provisions** of this PART, and 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.

Netherlands proposal

EX/II, EX/III, FL, OX and AT vehicles shall be subject to **an** annual technical inspection in their country of registration to make sure that they conform to the relevant **requirements** of this PART, **as applicable at the date of the ADR approval**, and 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.

OICA proposal

Italian proposal (doc. TRANS/WP.15/2002/18)

As a result of this inspection, the certificate of approval may either be extended 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

Comments, decisions and proposals by other Countries

~~As a result of this inspection, the certificate of approval may either be extended 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.~~

Netherlands proposal

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

Belgian proposal

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

OICA proposal

Italian proposal (doc. TRANS/WP.15/2002/18)

CHAPTER 9.2

REQUIREMENTS CONCERNING THE CONSTRUCTION
OF 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 in accordance with ECE Regulation No. 13 or Directive 71/320/EEC**) are applicable to all vehicles first registered (**or which entered into service if the registration is not mandatory**) after 30.06.1997;
- the requirements of 9.2.5 (**Speed limitation device in accordance with ECE Regulation No. 89 or Directive 92/6/EEC**) are applicable to all motor vehicles with a maximum mass exceeding 12 tonnes **first** registered [**(or which entered into service if the registration is not mandatory)**] after 31.12.1987.

Comments, decisions and proposals by other Countries

- the requirements of 9.2.3.1 (**Brakes in accordance with ECE Regulation No. 13 or Directive 71/320/EEC**) are applicable to all vehicles first registered (**or which entered into service if the registration is not mandatory**) after 30 ~~06~~ **June** 1997;
- the requirements of 9.2.5 (**Speed limitation device in accordance with ECE Regulation No. 89 or Directive 92/6/EEC**) are applicable to all motor vehicles with a maximum mass exceeding 12 tonnes **first** registered [**(or which entered into service if the registration is not mandatory)**] after 31 ~~12~~ **December** 1987.

Netherlands proposal

Italian proposal (doc. TRANS/WP.15/2002/18)

Table of the TECHNICAL SPECIFICATIONS: *UNCHANGED*

Add the word "first" and the sentence "(or which \entered into service if the registration if not mandatory)" respectively before and after 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*

Comments, decisions and proposals by other Countries

Explanatory layout of the procedures for ADR vehicles

VEHICLE TYPE APPROVAL (for complete and incomplete vehicle)	→	VEHICLE TYPE APPROVAL CERTIFICATE (only to the request of the manufacturer)
TANK AND TANK-CONTAINER TYPE APPROVAL	→	TANK AND TANK-CONTAINER TYPE APPROVAL CERTIFICATE (requested mandatorily)
BODY WORK OTHER THAN TANK AND TANK-CONTAINER	→	NO SPECIAL TYPE APPROVAL CERTIFICATE IS REQUESTED

SINGLE VEHICLE APPROVAL
Certificate of approval for vehicles carrying certain dangerous goods (see 9.1.2.3.6)

VEHICLE TECHNICAL VERIFICATION



VEHICLE TYPE APPROVAL CERTIFICATE	VERIFICATIONS OF THE REQUIREMENTS OF CHAPTER 9.2
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ADDITIONAL REQUIREMENTS OF CHAPTER 9.3 to 9.7 (to be verify applicable requirements only)



TANK OR TANK-CONTAINER CERTIFICATE, if applicable



ADMINISTRATIVE PROVISIONS:
REQUIREMENTS OF PARAGRAPHS from 9.1.2.1 to 9.1.2.4