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Item 5 of the provisional agenda

PROPOSALS FOR AMENDMENTS TO ANNEXES A AND B OF ADR

Carriage of intentionally active equipment containing lithium batteries

Transmitted by the Government of Switzerland*

SUMMARY

<i>Executive summary:</i>	Permit the shipment, under special provision 188, of equipment which is intentionally active during transport and which contains lithium batteries
<i>Action to be taken:</i>	Amend special provision 188, paragraph (e), by means of a RID/ADR/ADN special provision
<i>Related documents:</i>	ST/SC/AC.10/C.3/70

* The present document is submitted in accordance with paragraph 1 (c) of the terms of reference of the Working Party, as contained in document ECE/TRANS/WP.15/190/Add.1, which provides a mandate to “develop and update the European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR)”.

Introduction

1. At its thirty-fifth session in June 2009, the Sub-Committee of Experts on the Transport of Dangerous Goods adopted an amendment to special provision 188, paragraph (e), concerning the carriage of equipment which is required to function during transport (see ST/SG/AC.10/C.3/70, para. 34). The text adopted was derived from an interpretation given in guidance on this possibility issued by the International Civil Aviation Organization (ICAO) (<http://www.icao.int/anb/FLS/DangerousGoods/ICAOLithiumBatteryGuidance/ICAOLithiumBatteryGuidance.pdf>). The way in which ICAO must have read special provision 188 shows that this interpretation is not obvious.
2. To avoid problems of interpretation in a transport chain including carriage by air, at its thirty-fifth session the Sub-Committee agreed to amend special provision 188, paragraph (e), so that the interpretation given in the ICAO guidance would be reflected in the text of the regulations. This was based on a proposal submitted by Switzerland to the thirty-fifth session in informal document INF.20. However, the amendment will only be definitive once it has been adopted by the Committee of Experts in December 2010 and it will only be included in the Model Regulations annexed to the Recommendations on the Transport of Dangerous Goods in the 17th revised edition of these Recommendations, which is not expected to be published until 2011. Given the current procedures, this means that it would not appear in the RID/ADR/ADN regulations until 2013.
3. As this is an issue that already exists, it would be advisable to align the interpretation of the texts regulating land transport with those on air transport as soon as possible. A delay of almost four years might cause difficulties for each consignment and cannot be justified when the Sub-Committee has already taken a decision. The Government of Switzerland therefore proposes that the amendment adopted by the Sub-Committee should be incorporated in the 2011 edition of the land transport regulations by means of a special provision specific to RID, ADR and ADN pending formalization of the amendment to special provision 188, paragraph (e), in the Model Regulations.

Proposal

Chapter 3.3 Add the following new special provision:

“655 The requirement of the first sentence of special provision 188, paragraph (e), shall not apply to devices which are intentionally active during transport (radio frequency identification (RFID) transmitters, watches, sensors, etc.) and which are not capable of generating a dangerous evolution of heat.”

Justification

4. The condition imposed that the equipment should not be capable of generating a dangerous evolution of heat enables the consignments concerned to be exempted from the regulations

without introducing an additional hazard. As the lithium batteries in the equipment are sufficiently protected from each other, other dangerous reactions resulting from short circuits between the pieces of equipment can be ruled out.

5. This proposal will be brought to the attention of the RID/ADR/ADN Joint Meeting at its September 2009 session and will also be submitted to the forty-seventh session of the RID Committee of Experts for the Carriage of Dangerous Goods of the Intergovernmental Organisation for International Carriage by Rail in November 2009.
