

**Economic and Social Council**

Distr.: General  
2 January 2014  
English  
Original: French

**Economic Commission for Europe****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**

Geneva, 15–19 September 2014

Item 5 (a) of the provisional agenda

**Proposals for amendments to RID/ADR/ADN: pending issues**

**Lithium batteries contained in vehicles and equipment  
assigned to UN Nos. 3166 and 3171**

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

*Summary*

**Executive summary:** The Joint Meeting had requested France to clarify the status of lithium batteries contained in these vehicles providing a specific special provision in RID/ADR for UN Nos. 3166 and 3171, for example as provided in the IMDG Code (special provision 962) (see ECE/TRANS/WP.15/AC.1/134 para. 27).

**Decision to be taken:** Add a special provision to Chapter 3.3. Amend Table A accordingly.

<sup>1</sup> In accordance with the programme of work of the Inland Transport Committee for 2014–2015 (ECE/TRANS/240, para. 100, ECE/TRANS/2014/23, cluster 9, para. 9.2).

<sup>2</sup> Circulated by the Intergovernmental Organisation for International Carriage by Rail (OTIF) under the symbol OTIF/RID/RC/2014/51.



## Introduction

1. At its last session, the Joint Meeting requested France to draft a special provision applicable to UN Nos. 3166 and 3171, to clarify the status of lithium cells and batteries contained in vehicles (see ECE/TRANS/WP.15/AC.1/134 para. 27).
2. The introduction of the provision entails various related amendments, including the introduction of special provisions 240 and 312 of the recommendations, which contain the relevant definitions for vehicles.
3. We had a more detailed legal analysis of RID/ADR carried out. It seems that the interpretation according to which cells and batteries, as well as other dangerous goods, contained in a vehicle are exempt because the vehicle itself is exempt creates more problems than it solves. If that were indeed the case, it might be asked why it is necessary in 1.1.3.2 (b) and 1.1.3.3 (b) to exempt the fuel of vehicles transported.
4. These exemptions also provide some minimum safety conditions (fuel cocks should be closed, etc.). If the above interpretation were correct, those minimum conditions would not apply either. That would not be acceptable.
5. Thus, if, as requested by the Joint Meeting, a special provision is introduced into RID/ADR for UN Nos. 3166 and 3171, it must also deal with exemptions for other dangerous goods contained in vehicles and any associated minimum conditions. And reference must be made at least to the relevant provisions of 1.1.3.
6. Furthermore, with the adoption of special provision 376, damaged vehicles must be subject to special treatment. By definition, a lithium battery meets the criteria of special provision 376 where they are based on prior misuse of the battery. However, damage to a vehicle does not automatically mean that batteries contained in the vehicle are damaged (for example, a vehicle with several burst tyres but no other damage or slight damage to the bodywork). It would thus be useful to develop suitable provisions for such a case.
7. The following proposals are the minimum modifications that must be made if we are to resolve the problem by introducing a special provision, as requested.
8. The Joint Meeting will note that, at its meeting in June, the United Nations Sub-Committee of Experts addressed related issues and, in particular, proposed amendments to entries concerning vehicles and motors. The proposals below take account of the direction taken by the Sub-Committee. However, the discussions are to continue at the December session and changes made then might have an effect on the proposed wording. Therefore, the following proposals are being made to elicit initial comments from the Joint Meeting rather than to be adopted.
9. Appropriate modifications may be made on the basis of any decisions that the Sub-Committee takes.

## Proposals

### Proposal 1

Introduce special provisions 240 and 312 of the UN recommendations into Chapter 3.3 of RID/ADR.

## Proposal 2

Delete the final Note in 2.2.9.1.7.

## Proposal 3

Introduce a new special provision into Chapter 3.3, as follows:

“~~6XX~~ Motor vehicles and equipment assigned to UN Nos. 3166 and 3171 mentioned in special provisions 312 and 240, as well as any dangerous substances and articles they contain, shall not be subject to any other provision of RID/ADR/ADN if the following conditions are met:

- (a) The relevant provisions of 1.1.3.2 (b) and 1.1.3.3 (b) are met;
- (b) If lithium cells or batteries are installed in the vehicles, they shall meet one of the following conditions:
  - (i) The cells or batteries conform to the provisions of 2.2.9.1.7 (a) to (e);
  - (ii) The cells or batteries have been produced in runs consisting of fewer than 100 or are prototypes. In this case, the provisions of (i) above do not apply;

Damaged or defective vehicles are covered by the present special provision.

Damaged or defective vehicles containing one or more lithium batteries in respect of which it has been established that the batteries have not suffered damage as defined in special provision 376 are covered by paragraph (b) (i) or (ii) above and may be transported in the conditions described in the present special provision.

Damaged or defective vehicles containing one or more lithium batteries that do not meet the conditions of the previous paragraph may be transported solely in order to determine whether the batteries are damaged or defective. If, after verification in line with special provision 376, a battery contained in a vehicle proves to be damaged, it must be transported in accordance with that special provision. If the verification does not bring to light any damage or defect, the vehicle is covered by the preceding paragraph.”

*Comment: as stated in paragraph 7, this proposal represents the minimum modifications to the current wording.*

*In paragraph (a) of the special provision, it would be possible to include the wording of 1.1.3.2 (b) and 1.1.3.3 (b) instead of giving the paragraph numbers. In that case, those paragraphs would no longer be necessary, and 1.1.3 could include only exemptions for vehicles performing a transport operation. Exemptions for vehicles transported would be dealt with entirely in the special provision. This would be more consistent with the structure of the recommendations. Any decision on this should be considered once the decisions taken by the Sub-Committee in December are known.*

*The opposite would also be possible, in which case all the provisions to would be moved to 1.1.3 (definitions of special provisions, exemptions and minimum safety conditions).*

*Neither option would have any effect on the content, as they affect only the structure of the Regulations.*

**Proposal 4**

Amend Table A for UN Nos. 3166 and 3171, as shown in the annex.

**Justification**

Clarification of the meaning of the text, and improved safety and intermodal harmonization.

## Annex

## Resultant modification of Table A

UN No.	Name and description	Class	Classification code	Packaging group	Labels	Special provisions	Limited and quantities		Packaging			Portable tanks and bulk containers	
							(7 a)	(7 b)	(8)	(9 a)	(9 b)	(10)	(11)
3166	Engine, internal combustion or vehicle, flammable gas powered or vehicle, flammable liquid powered or engine, fuel cell, flammable gas powered or engine, fuel cell, flammable liquid powered or vehicle, fuel cell, flammable gas powered or vehicle, fuel cell, flammable liquid powered	9	M11			312 6XX	Not applicable						
3171	Battery-powered vehicle or battery-powered equipment	9	M11			240 6XX	Not applicable						

<i>ADR tank</i>			<i>Special provisions for carriage</i>							
<i>Tank code</i>	<i>Special provisions</i>	<i>Vehicle for tank carriage</i>	<i>Transport category (tunnel restriction code)</i>	<i>Packages</i>	<i>Bulk</i>	<i>Loading, unloading and handling</i>	<i>Operation</i>	<i>Hazard identification No.</i>	<i>UN No.</i>	<i>Name and description</i>
4.3	4.3.5, 6.8.4	9.1.1.2	1.1.3.6 (8.6)	7.2.4	7.3.3	7.5.11	8.5	5.3.2.3		3.1.2
(12)	(13)	(14)	(15)	(16)	(17)	(18)	(19)	(20)	(1)	(2)
Not applicable									3166	Engine, internal combustion or vehicle, flammable gas powered or vehicle, flammable liquid powered or engine, fuel cell, flammable gas powered or engine, fuel cell, flammable liquid powered or vehicle, fuel cell, flammable gas powered or vehicle, fuel cell, flammable liquid powered
Not applicable									3171	Battery-powered vehicle or battery-powered equipment