

## 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

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Item 4 of the provisional agenda

**Harmonization with the United Nations**

**recommendations on the Transport of Dangerous Goods**

### **Amendment to SP 376: comment on ECE/TRANS/WP.15/AC.1/2017/26/Add.1**

#### **Transmitted by the Government of Switzerland**

##### *Summary*

**Executive summary:** In special provision 376 the transport category 0 should be maintained for cells and batteries identified as damaged or defective and liable to rapidly disassemble, dangerously react, produce a flame or a dangerous evolution of heat or a dangerous emission of toxic, corrosive or flammable gases or vapours under normal conditions of carriage

**Action to be taken:** Add a sentence to the second paragraph in SP376 of document ECE/TRANS/WP.15/AC.1/2017/26/Add.1

### **Introduction**

1. For cells and batteries identified as damaged or defective and liable to rapidly disassemble, dangerously react, produce a flame or a dangerous evolution of heat or a dangerous emission of toxic, corrosive or flammable gases or vapours under normal conditions of carriage, the new provisions proposed in SP 376 in document ECE/TRANS/WP.15/AC.1/2017/26/Add.1 do not maintain the existing requirement for assignment to transport category 0. Given to the fact that these new provisions only achieve some level of harmonization for multimodal transport but do not reduce risks that such carriages entail in comparison to the actual situation, there is no reason to change the existing requirement to apply transport category 0 for such a special case.

2. The reasons why the decision to prescribe transport category 0 was taken are not influenced by the adoption of the new provisions:

- Besides the fact that it concerns specially dangerous lithium batteries, in addition any competent authority from any Contracting Party to ADR is entitled to define for the whole domain of the ADR the transport conditions. This is so also in case the consignment does not concern the country to which the competent authority belongs. A consignor can

choose independently from where the carriage is going to take place any competent authority from any Contracting Party to ADR to define the transport conditions. Existing examples of such transport condition can be found in the UN-ECE homepage [http://www.unece.org/trans/danger/publi/adr/country-info\\_e.html](http://www.unece.org/trans/danger/publi/adr/country-info_e.html). They cover not only packing provisions but also provisions on the vehicle, drivers, marking and placarding, transport document and tunnel restriction codes.

- The carriage of the kind of dangerous goods described in the last paragraph of the present SP376 should not benefit exactly from the same exemptions as for not damaged and RID/ADR/ADN conforming lithium cells and batteries (LiB). Applying simply the existing transport category assigned to the different UN-Numbers for LiB (UN 3090, 3091, 3480 and 3481) has as consequence that carriage until 333 kg of such LiB could be exempted according to 1.1.3.6. This implies that companies without a safety adviser could organize a carriage of this LiB until 333 kg, performed by a driver not holding an ADR driver certificate. The transport unit would not bear orange coloured plates and would be equipped only with a 2 kg fire extinguisher. There would be no instructions in writing, no security provisions prescribed, no need of notifications of occurrences involving dangerous goods following 1.8.5 and no tunnel restriction in any kind of tunnel category (B, C, D or E). Such a transport unit without orange coloured plate marking would be entitled to pass any tunnel subject to restrictions.

- the competent authority of any ADR Contracting Party (even if this country has no tunnel restrictions) is entitled to define in derogation to ADR for this defective LiB another tunnel restriction code.

3. The transport category 0 assignment was adopted in order to avoid the possibility to define by means of the last paragraph of the present SP376 less stringent transport conditions and particularly to avoid the automatic assignment of tunnel restriction codes based simply on the UN-Number to which the lithium battery belongs.

4. For these reasons the requirement for transport category 0 should be maintained as follows:

## **Proposal**

5. In document ECE/TRANS/WP.15/AC.1/2017/26/Add.1 for SP376 in Chapter 3.3 at the end of the second paragraph ending with "...ICAO Technical Instructions.", add the following sentence:

"In both cases the cells and batteries are assigned to transport category 0."

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