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Item 5 (a) of the provisional agenda

Proposals for amendments to annexes A and B of ADR: Construction and approval of vehicles

Table in 9.2.1.1

Transmitted by the Government of the Netherlands*

I. Introduction

1. Informal document INF.10 of the 114th session mentioned the possible problems of interpretation in cases where the application of the requirements of Chapter 9.2 was dealt with only on the basis of the table in 9.2.1.1.
2. In ADR 2017 new requirements were introduced in Chapter 9.2 for alternative fuels such as natural gas and LPG. The newly introduced requirements contained references to general UN vehicle regulations concerning safety of fuel tanks and fuel systems on engines. Where crosses appear in the table in 9.2.1.1, these requirements apply. Where no crosses appear, depending on the legal system, the interpretation could be that the equipment is then prohibited (no cross would mean no internal combustion engine allowed). As Chapter 9.2 adds to or modifies the general safety regulations of the country of registration this is of course not the case.
3. Although in practice the system is well understood and applied, a solution needs to be found to prevent misinterpretation.

II. Proposal

4. Amend the line in the table of 9.2.1.1 for the subsection 9.2.4.4 of ADR 2023 (or 9.2.4.3 for ADR 2025 as proposed in Annex III of the report of the 114th session) to read:

9.2.4.4	<i>Engine Internal</i>	X	X	[X ^k]	X	[^k Applicable to motor vehicles first registered after 31 March 2026]
9.2.4.3	<i>combustion engine</i>					

5. Introduce a transitional measure to read:

* A/78/6 (Sect. 20), table 20.5.



“1.6.5.yy Vehicles first registered (or which entered into service if registration is not mandatory) before [1 April 2026], approved as AT vehicle not in compliance with the provisions of 9.2.4.3 concerning fuel tanks may continue to be used.”

III. Justification

6. Three lines in the table in 9.2.1.1 are likely to be misinterpreted. The line for fuel tanks is already extended to the category “AT” vehicles in the new 9.2.4.2 (see annex III of document ECE/TRANS/WP.15/264). Because the introduction of hydrogen fuel containers it was seen as essential to have the high level of safety in all cases. For the electric power train a proposal is included in the document by the informal working group on electrified vehicles (see ECE/TRANS/WP.15/2024/7). In this case it needs to clarify that vehicles with an electric power train are prohibited for the category EX vehicles and in general a prohibition of electrified trailer, for the time being.

7. By including the category “AT” in the line for “Internal combustion engine”, as proposed, the interpretation is no longer possible. A consequence is that the general safety provisions comply as well for the category “AT”. However, it may be questioned if these vehicles should not comply anyway. A transitional measure is foreseen for existing vehicles.

8. The aim of this document is to prevent misinterpretation of the table of 9.2.1.1 in ADR regarding the category “AT” vehicles. Ensuring a more systematic approach and a better rationale in ADR helps to develop clearer legal texts and avoid different criteria among different Contracting Parties and inspection services, and thus helps to implement the United Nations Sustainable Development Goal number 16: Peace, justice and strong institutions.
