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Working Party on the Transport of Dangerous Goods

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Item 6 of the provisional agenda

Interpretation of ADR

Interpretation of ADR: Application of the requirements concerning the electrical equipment of vehicles in accordance with 9.2.1.1 of ADR – transitional provisions

Transmitted by the Government of the Netherlands*

Summary

Executive summary: Questions remained as what is to be understood as date of first registration of vehicles. A principle decision was taken at the 109th session but some questions remained. The date is important to determine to which requirements of 9.2 vehicles must comply.

Action to be taken: Introduce a guidance document

Related documents: Informal document INF.13 of the 108th session of WP.15 in November 2020;
Informal document INF.26 of the 108th session of WP.15 in November 2020;
ECE/TRANS/WP.15/2021/6;
ECE/TRANS/ WP.15/253 (paragraphs 44-46).

Introduction

1. WP.15 discussed document ECE/TRANS/WP.15/2021/6 during its May 2021 (109th) session. Below a reproduction is given of the report of the 109th session”:

“45. With regard to the first question, the Working Party endorsed the replies of the representative of the Netherlands and requested the secretariat to make reference to them on the page concerning the interpretation of ADR on the ECE website.

46. With regard to the second question, the Working Party wished to have a revised proposal differentiating between the various possible cases according to the dates of

* A/75/6 (Sect.20), para 20.51.

registration and any approval for the carriage of dangerous goods. The representative of Germany indicated that she would present a revised proposal at the next session.”

2. The precise meaning of the second question in the document was not exactly understood. An indication was given that this question may be related to compliance of used military vehicles applying for ADR approval.
3. To discuss this issue a virtual meeting was organized between Germany, Sweden and the Netherlands. A general outcome of that discussion is given below.

Date of first registration or date of entry into use

4. It was agreed at the 109th session of WP.15, based on the first question (see reproduction of paragraph 45), that the date the vehicle is first allowed to be used on the road is intended as “first registered”. The reason for this is that vehicles, and in particular motor vehicles, are not easy to update to new requirements. It should be noted that if a vehicle is imported the date of first registration in the initial country applies. It was recalled that, in some contracting parties, vehicles, and in particular trailers, would have no separate registration or receive the official registration at the first periodic inspection. For this reason, the additional wording “or which entered into services if registration is not mandatory” is always included in the table of 9.2.1.
5. Vehicles in use by national services, such as the armed forces, may be registered in a separate registration system different from private road vehicles. In cases these vehicles are to be approved for ADR it may be a challenge to find a reliable date of first registration or date of first entry into use. It was said that if these vehicles would be offered for an ADR approval after a period of use the date of production may be used.

Dates of application and transitional measures

6. The coherence between the dates of application in the table of 9.2 and transitional measures in 1.6.5 was discussed. The principle is that the transitional measures may allow, or end, the use of vehicles that comply to a level of safety of a previous version of ADR. The details of application, given in the “comments” column in the table of 9.2 of ADR regulate from which date and for which groups of vehicles requirements apply.
7. For example:
 - Motor vehicles with a maximum mass exceeding 16 tons without anti-lock braking system (ABS) are no longer allowed to be used for the carriage of dangerous goods because the transitional measure have passed its due date and is removed;
 - Vehicles registered before 1 April 2018 that do not comply with the new requirements for cables introduced in ADR 2017 may continue to be used. There is no end date given in a transitional measure.
8. This means that vehicles that were registered before a new date of application may comply with the earlier requirements (or non if not included) as long as a transitional measure allows this. It may be concluded that the level of safety is still acceptable.
9. In the case a vehicle is offered for the first ADR approval after being registered and used in a general way it would be appropriate that it should comply with the requirements at the time of first registration. As said above this date would present a level of safety that is still acceptable.

Updating of vehicles to improved standards

10. Motor vehicles become increasingly complex and difficult to modify. From a technical perspective this is possible but not economical viable. Add to this an average life span of seven to ten years for tractors or semi-trailers and the consequences of using the date of initial registration for the use on the road are limited. Experiences in recent years is that motor vehicles comply with UN Regulation No. 105. In the rare cases that application is done at a later stage in the vehicles’ lifetime means in most cases that they comply with this UN Regulation from the date of manufacture.

11. For trailers updating is less troublesome. However, the average life span of a tank semi-trailer is 25 years. This period is too long for the running gear and electric system to be reliable. The part of the vehicle that holds the Vehicle Identification Number (VIN) and determines the date of registration is the chassis. The chassis is, for tank semi-trailers, the tank itself. Within its lifetime the running gear and electric system will be renewed as spare parts run out and it is more efficient to renew these parts with new updated parts and state-of-art technology while the original date of registration remains. Trailers for the carriage of containers are in general less well cared for but are less expensive to replace. For these trailers updating may be too expensive.

Action to be taken

12. It is recommended that guidance concerning the date of first registration would be helpful. In the Annex to this document a proposal is given for a new Guidance for publication on the website of the UNECE.

Annex

Guideline for the determination of the first date of registration of road vehicles (or date of entry into service if registration is mandatory) for the carriage of dangerous goods in relation to the application of the requirements of Chapter 9.2.

The column “comments” in the table in sub-section 9.2.2 contains information to which vehicles the requirements of Chapter 9.2 apply. The application information contains besides vehicle categories in most cases also application dates. The application dates are referring to the date of “first registration”. When registration is not mandatory the date of entry into use shall be applied.

Where “first registration” is used this should be interpreted as the date the vehicle was allowed for the first time on the road and the licence was issued rather than the first application for a “Certificate of Approval for Vehicles Carrying Dangerous Goods”.

In some cases, the registration is not mandatory, such as for light trailers, or the registration will be performed at the first periodic inspection. In these cases, the date of entry into service shall be determined. If the date of entry into service cannot be retrieved in a reliable manner it is advised to use the production date of the vehicle.

Where vehicles are transferred from one country to another country the date of the registration in the initial country of registration shall be applied. If this date of first registration, or first entry into use cannot be retrieved in a reliable manner the production date of the vehicle shall be used.

Where vehicles are used, or have been used, by public services and have their own registration system, the date of entry into use of that registration may be used. If this cannot be retrieved in a reliable manner the production date of the vehicle shall be used.

When an application for an (ADR) certificate of approval, as mentioned in 9.1.3, is made after the vehicle was already registered and in general use, the requirements in force at time of first registration (or entry into service) shall apply unless transitional measures (or deleted transitional measures) no longer allow these requirements in force at time of first registration to be applied. With “general use” a period is meant that the vehicle is actually used, rather than the period required for completion of the construction of the vehicle.
