



---

## Committee of Experts on the Transport of Dangerous Goods and on the Globally Harmonized System of Classification and Labelling of Chemicals

### Sub-Committee of Experts on the Transport of Dangerous Goods

#### Sixty-first session

Geneva, 28 November-6 December 2022

Item 2 (a) of the provisional agenda

**Recommendations made by the Sub-Committee at its fifty-eighth, fifty-ninth and sixtieth sessions and pending issues - Review of draft amendments already adopted during the biennium**

## Special provision 388

Transmitted by the OTIF secretariat\*

### Introduction

1. After the sixtieth session of the Sub-Committee of Experts on the Transport of Dangerous Goods the OTIF secretariat analysed in detail the decisions of the Sub-Committee to prepare the harmonisation of RID/ADR/ADN with the forthcoming 23<sup>rd</sup> revised edition of the Model Regulations (ST/SG/AC.10/C.3/120). Most of the issues were of an editorial nature and could be solved together with the UNECE secretariat. However, one proposed correction could not be accepted by the secretariat because it contradicted a justification in the original document.

2. On the basis of official document ST/SG/AC.10/C.3/2022/7 and informal document INF.51 the following amendment to special provision 388 has been adopted:

SP 388 In the eighth paragraph, amend the second sentence to read “However, lithium batteries shall meet the provisions of 2.9.4, except that 2.9.4 (a), (e) (vii), (f) (iii) if applicable, (f) (iv) if applicable and (g) do not apply when cells or batteries of a production run of not more than 100 cells or batteries, or pre-production prototypes of cells or batteries when these prototypes are transported for testing, are installed in vehicles.”\*\*

In the last paragraph, delete “or equipment” (twice).

*(Reference document: informal document INF.51, as amended)*

3. One of the amendments was to replace "vehicles or equipment" by "vehicles" in the eighth paragraph and to delete "or equipment" twice in the last paragraph of special provision

---

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

\*\* Note by the secretariat: The amendment to SP 388 as published in ST/SG/AC.10/C.3/120/Add.1 contains a mistake. The end of the first paragraph of the amendment reads “... are installed in machinery or engines”. Instead, it should read “... are installed in vehicles”. This has been fixed in the excerpt above, as well as in the consolidated list of draft amendments (ST/SG/AC.10/C.3/2022/75).

388. In paragraph 7 of document ST/SG/AC.10/C.3/2022/7 it was written in this respect: "In addition, the reference to "equipment" in special provision 388 is incorrect and should be deleted." However, it was not explained why the term "equipment" is incorrect.

4. Special provision 388 is assigned to UN 3166 VEHICLE, FLAMMABLE GAS POWERED or VEHICLE, FLAMMABLE LIQUID POWERED or VEHICLE, FUEL CELL, FLAMMABLE GAS POWERED or VEHICLE, FUEL CELL, FLAMMABLE LIQUID POWERED and UN 3171 BATTERY-POWERED VEHICLE or BATTERY-POWERED EQUIPMENT.

5. As UN Nos. 3166 and 3171 are dealing with vehicles and equipment, the OTIF secretariat is of the opinion that the term "equipment" should be kept in the eighth and the last paragraphs of special provision 388.

## **Proposal**

6. Amend the amendment in document ST/SG/AC.10/C.3/120/Add.1 to read as follows:

SP 388            In the eighth paragraph, amend the second sentence to read "However, lithium batteries shall meet the provisions of 2.9.4, except that 2.9.4 (a), (e) (vii), (f) (iii) if applicable, (f) (iv) if applicable and (g) do not apply when cells or batteries of a production run of not more than 100 cells or batteries, or pre-production prototypes of cells or batteries when these prototypes are transported for testing, are installed in vehicles or equipment."

---