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Gas provisions

Transmitted by the Government of Switzerland

Reading the report of the last Joint Meeting and concerning the new provisions for gases we have experienced some difficulties to understand some of the new proposals. For this reason we present hereafter our questions and possible proposals for solutions that we want to share with the other delegations of the Joint Meeting.

1.8.7.6.2 et 1.8.7.6.3

Audits which the inspection body shall accomplish are not contained in 1.8.6.1 between the activities that the competent authority can delegate.

How is the inspection body authorized and on which basis can it exercise such audits? Wouldn't it be necessary to foresee these delegated functions under 1.8.6.1? One could add it as follows in 1.8.6.1.

“1.8.6.1 The competent authority may approve inspection bodies for conformity assessments, periodic inspections, ~~and~~ exceptional checks and surveillance of the inhouse inspection service as specified in section 1.8.7.”

1.8.6.4

Is the text in 1.8.6.4 for UN and for not UN containers common?

If yes, then it should be indicate in chapter 6.2.2 under the title, by adding the reference to sections 1.8.6 and 1.8.7:

“6.2.2 Requirements for UN pressure receptacles

In addition to the general requirements of sections 1.8.6, 1.8.7 and 6.2.1, UN pressure receptacles shall comply with the requirements of this section, including the standards, as applicable.”

Justification

Most of the comprehension difficulties of the new gas provisions could be solved by this simple addition of references to 1.8.6 and 1.8.7.

1.8.6.4 contains provisions for inspection bodies which are incomplete in comparison of those of UN pressure receptacles. For example in 6.2.2.6.2.4, among other things inspection bodies must have a quality system following 6.2.2.6.3, an approval in accordance with 6.2.2.6.4 and ensure that the periodic inspections and tests are in accordance with 6.2.2.6.3 as well as recordings in accordance with 6.2.2.6.6, etc. In addition, if in chapter 6.2 no connection with the 1.8.6 and 1.8.7 is made, it arouses the feeling that the inspection bodies do not have to be subject to the additional requirement for accreditation according to the standard EN/ISO/IEC 17020:2004. The addition of the reference to the general rules 1.8.6 and 1.8.7 allows to close the system by integrating the UN gas receptacles in the common RID-ADR-ADN scope of application.

1.8.7.1.1

- Since in the paragraph 1.8.7.1.1 no procedures are described, the question is what are the procedures which are meant.

Are there perhaps those of the subsection 1.8.7.1, i.e. those concerning the applications? Does it concern all those of the section 1.8.7?

Would the text of 1.8.7.1.1 rather not have to be under the title of the 1.8.7?

Proposal:

The sentence under 1.8.7.1.1 would have to be transferred directly under 1.8.7. The numbering of the following points should be adapted accordingly.

- Concerning the text between brackets: If only the certification according to table 6.2.3.6 for the not UN containers is concerned, why does the table 6.2.2.9 contain references to the subsections 1.8.7.2 to 1.8.7.4?

Wouldn't it be necessary also to refer to table 6.2.2.9 in 1.8.7?

Following the English and the French version only the certification in accordance with the table of 6.2.3.6 for the not UN pressure receptacles is concerned by the procedures of the 1.8.7.1.1.

The French and English text should be adapted to the German text, in which the reference to table 6.2.2.9 also appears.

1.8.7.1.4

Isn't it so that the applicant can have an in-house inspection service also in the case of controls and tests following table 6.2.2.9? If yes, then "6.2.2.9 and" shall be added in 1.8.7.1.4 before "6.2.3.6"

1.8.7.2.3

Is this paragraph applicable also to the UN gas receptacles?

If yes, then it seems to be in contradiction with subparagraph 6.2.2.5.4.2, according to which the manufacturer must receive a design type approval certificate issued exclusively by the competent authority in the country of approval. In case of UN-gas receptacles neither the delegate of the competent authority nor the inspection body can supply this certificate to the manufacturer. This difference should be clarified in 6.2.2.5.4.2 or these provisions should be separated from those of the UN gas receptacles and put in section 6.2.3.

Despite what is contained in the table 6.2.3.6, it does not seem that the in-house inspection service of the enterprise can provide this design type approval certificate. On the other hand it can accomplish the relevant examinations listed in 1.8.7.2.2, namely 1.8.7.2.2 b) and c). In this case one would have to describe it in the table 6.2.3.6 by a footnote *) that the activity of the in-house inspection service of the enterprise is limited regarding the design type approval to the controls under 1.8.7.2.2 b) and c) and to the production of the type-examination report.

*) Controls in accordance with 1.8.7.2.2 b) and c) and establishment of the typ-examination report.

6.2.1 NOTE

Are the aerosol dispensers and small receptacles really not subject to any other requirements of the RID/ADR/ADN?

We believe instead that the sentence should be rewritten as follows

6.2.1 General requirements

NOTE: Aerosol dispensers and small receptacles containing gas (gas cartridges) are not subject ~~only~~ to the requirements of 6.2.1 to 6.2.56.

6.2.1.3.1

Doesn't it concern thereby a new requirement for the not UN receptacles?

Doesn't it need a transitional provision?

6.2.1.3.6.4.1

Isn't the second sentence an additional new requirement for the not UN receptacles?
Doesn't it need a transitional provision in this case?

6.2.1.5.1

Here the requirement is made that the periodic inspections shall be accomplished by a body authorized by the competent authority. The tables 6.2.2.9 and 6.2.3.6 refer however also to the in-house inspection services IS(1) and IS(2), which in accordance with 1.8.7.6 are not authorized by the competent authority but only supervised by an inspection body. We don't

find anywhere the reference to an official approval of the in-house inspection service. A simple supervision by an inspection body without approval of the competent authority or even any notification to the competent authority is enough for the activities of the in-house inspection service.

In this sense the text in 6.2.1.5.1 is in contradiction with the two tables 6.2.2.9 and 6.2.3.6.

Shall the in-house service of the enterprise be approved by the competent authority?
If yes, this should be described in the paragraph 1.8.7.6.

If not, the tables 6.2.2.9 and 6.2.3.6 should be changed, by deleting the reference to the in-house services IS (1) and IS (2).

6.2.1.6.1

Can this assessment in accordance with 6.2.3.6 for the pressure receptacles of ≤ 300 bar x liter be carried by an in-house service of the enterprise?

If yes, the text should be changed as follows:

“6.2.1.6.1 The conformity of pressure receptacles shall be assessed at time of manufacture as required by the competent authority. Pressure receptacles shall be inspected, tested and approved by ~~an inspection~~ a relevant body. The technical documentation shall include full specifications on design and construction, and full documentation on the manufacturing and testing.”

6.2.1.6.2

The European standard of the series EN ISO 9000, which was mentioned until now in 6.2.1.4.4 a), doesn't appear any more in the text. Will the quality system only be defined exclusively by national regulations and no reference to international standards will appear?

6.2.1.7.2

For the receptacles which are not coming from a Contracting Party of the ADR, each Contracting Party concerned by the consignment will now have to make the evaluation of the suitability of the manufacturer or will each approval be automatically world-wide recognized? Following the logic of the ADR each Contracting Party concerned by the consignment will be obliged to realize the evaluation of the suitability of the manufacturer. In order to avoid this, there was a footnote, which permitted to accept the approval of the first Contracting Party for all other ADR states, affected by the consignment.

“1) If the country of approval is not a contracting Party to ADR, the competent authority of a Contracting Party to ADR”

Shall we not need to keep this footnote?

Table 6.2.2.9

Supervision of the manufacturer

Is the possibility of an inspection station IS (2) compatible with what appears in section 6.2.2?

Are the possible procedures compatible in the case of the UN receptacles with those of the 1.8.7.3 (for example a whole delegation of the functions of the competent authority in 6.2.2.5.2.2)?

These questions are easily solved if the addition of the reference to 1.8.6 and 1.8.7 under the title of 6.2.2 would be accepted.

Table 6.2.3.6.1

A footnote *) in the third column and second line should be inserted with the wording:

*) Controls in accordance with 1.8.7.2.2 b) and c) and establishment of the typ-examination report.
