



**Economic and Social
Council**

Distr.
GENERAL

ECE/TRANS/WP.15/AC.1/2007/37
19 June 2007

ENGLISH
Original: FRENCH

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

Geneva, 11-21 September 2007
Agenda item 2

TANKS*

Refusal of certification following a negative inspection result

Submitted by the Government of Switzerland

SUMMARY

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| Summary: | This document proposes a solution to prevent “tourism” of tanks that fail periodic inspections. |
| Measures to be taken: | Amendments to subsections 6.8.2.4.5 and 6.8.3.4.16 with a view to establishing a document of certification/response in the event of a negative test result. |
| Related documents: | TRANS/WP.15/AC.1/2005/45 ECE/TRANS/WP.15/AC.1/2006/10 Informal document INF.3 (March 2007 session) OTIF/RID/CE/2006/10 |

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Introduction

1. What should be done when tank wagon owners or operators apply to other inspection bodies where an expert refuses to issue an inspection certificate?
2. The RID Committee of Experts considered this question at its forty-first session in Meiningen in November 2004 and rejected the idea of reporting negative test results to a central body for reasons of data protection (see report A 81-03/511.2004, paras. 95-98, and document OCTI/RID/CE/41/6 (i)).
3. The Government of Belgium submitted a proposal to the Joint Meeting, at its September 2005 session (TRANS/WP.15/AC.1/2005/45), requiring that, where a test is negative, it should be repeated under the control of the same inspection body. The problem was recognized and the aim approved in general terms, but the proposal was not adopted.
4. At the forty-third session of the RID Committee of Experts, held in Helsinki in October 2006, Switzerland proposed two alternatives (OTIF/RID/CE/2006/10):
 - (a) A listing, to be created in the tank record, showing the tests, inspections and checks carried out, even where the result does not permit a certificate to be issued; or
 - (b) A document of certification/response, to be issued by the expert where the test result is negative.
5. The second option having been preferred, Switzerland submitted informal document INF.3 to the Joint Meeting at its March 2007 session, held in Berne. The majority of the Working Group on Tanks supported the basis of the proposal, but wished to see the provisions regarding the stages of the procedure and the time limits worded differently.
6. The Government of Switzerland hereby resubmits its proposal for a document of certification/response, as contained in said document INF.3, and revised as follows to take account of the views of the Working Group on Tanks:
 - (a) A time limit of one month has been set for the return of the document;
 - (b) The requirement for the expert to notify the competent authority of the country of approval on expiry of the time limit has been deleted.

Proposal

7. Add new text (underlined) to paragraph 6.8.2.4.5 as follows:

The tests, inspections and checks in accordance with 6.8.2.4.1 to 6.8.2.4.4 shall be carried out by the expert approved by the competent authority. Certificates shall be issued showing the results of these operations. These certificates shall refer to the list of the substances permitted for carriage in this tank or to the tank code in accordance with 6.8.2.3.

A copy of these certificates shall be attached to the tank record of each tank, battery-wagon/battery-vehicle or MEGC tested (see 4.3.2.1.7).

Where the results of the tests, inspections or checks lead the expert to deny certification, he or she shall grant the tank owner or operator one month to correct deficiencies. The expert shall provide any tank owner or operator wishing to consult another expert with a document indicating the reasons for rejection. This document shall be returned to him or her duly stamped by the expert who ultimately verifies that the tank complies with the regulations.

8. Add new text (underlined and identical to the above text) to paragraph 6.8.3.4.16 as follows:

The tests, inspections and checks in accordance with 6.8.3.4.10 to 6.8.3.4.15 shall be carried out by the expert approved by the competent authority. Certificates shall be issued showing the results of these operations.

These certificates shall refer to the list of the substances permitted for carriage in this battery-wagon/battery-vehicle or MEGC in accordance with 6.8.2.3.1.

A copy of these certificates shall be attached to the tank record of each tank, battery-wagon/battery-vehicle or MEGC tested (see 4.3.2.1.7).

Where the results of the tests, inspections or checks lead the expert to deny certification, he or she shall grant the tank owner or operator one month to correct deficiencies. The expert shall provide any tank owner or operator wishing to consult another expert with a document indicating the reasons for rejection. This document shall be returned to him or her duly stamped by the expert who ultimately verifies that the tank complies with the regulations.

Justification

9. When a tank is rejected on inspection on account of a technical defect, the expert who identified the defect should be able to ascertain that the appropriate repairs have been carried out.
10. Another option, which has already been discussed, was to include in the tank record a list of inspections carried out. Negative test results would also be recorded. This option was ruled out because a list of that kind can easily get lost.

Feasibility

11. Given that the number of cases is likely to be limited, the administrative cost of this solution should remain within reasonable proportions.
