

**Annex IV to Document ECE/TRANS/WP.15/AC.1/2009/39**

**Meeting of the informal Working Group of RID/ADR/ADN on inclusion of further provisions from the planned review of TPED into RID/ADR/ADN**

**Bonn, Germany  
3<sup>rd</sup> to 5<sup>th</sup> June 2009**

**Draft Minutes of the Meeting**

**Presented by the Government of Germany  
on behalf of the informal working group**

Introduction

1. On behalf of the informal intersessional Working Group Germany presented document ECE/TRANS/WP.15/AC.1/2009/39 with its annexes I to III to the Joint Meeting for its session in September 2009 for discussion and decision as appropriate. This informal document is adding annex IV to that document and contains the minutes of the meeting of the Working Group in Bonn to explain in more detail the course of the discussions and the reasoning for the proposal as contained in annexes I to III. Therefore it does not add anything to the proposal already submitted as formal document.

Background

2. During the Joint Meetings session in March 2009, the European Commission presented document ECE/TRANS/WP.15/AC.1/2009/8 which proposed to include further provisions into RID/ADR/ADN concerning the period for retention of documents, additional inspection requirements and conformity assessment procedures for gas cartridges. The document did not include a concrete proposal for amendment, but asked the Joint Meeting to establish an informal intersessional Working Group to work out the amendments deemed necessary.

3. In addition to that document, Germany and France presented informal documents INF. 6 and INF.30. Germany offered in INF. 6 to organise and host the meeting, France highlighted in INF. 30 some main issues to be tackled to meet the objectives of the Commission's initiative.

4. The Joint Meeting decided to establish the Working Group, welcomed the initiative of Germany and agreed to hold the meeting in Bonn (Germany) from 3 – 5 June 2009. The terms of reference were given as follows:

- (a) To verify the provisions suitable for inclusion in RID/ADR/ADN;
- (b) To determine the most appropriate places for inclusion (chapters 1.8, 4.1, 6.2 or 6.8);
- (c) To draft amendments to the provisions in RID/ADR/ADN which may enter into force on 1 January 2011;
- (d) To propose new provisions for the conformity assessment of gas cartridges;
- (e) To present proposals at the September 2009 session of the Joint Meeting.

#### Participation

5. The informal working group met on the invitation of the Federal Ministry for Transport, Construction and Urban Affairs (BMVBS) of Germany in Bonn from 3 to 5 June 2009. Delegates from Austria, Cyprus, France, Finland, Germany, Poland, the Netherlands, Slovenia, Switzerland and the United Kingdom took part. The European Liquefied Petroleum Gas Association (AEGPL) and the European Industrial Gases Association (EIGA) were represented. Also the European Commission was represented.

#### Agenda

6. The agenda was agreed in the revised draft version as attached. The agenda also contained the documents distributed to the participants.

#### Room Documents

7. The chair had prepared two room documents, one on the transfer of further provisions from the draft (version 12) of the European Commission for a revision of the Directive on transportable pressure equipment (TPED) into RID/ADR and one on the addition of documentary requirements to RID/ADR coming from the same source.

8. An additional room document was prepared by Dr. Sonnenberg from the Federal Institute for Materials Research and Testing (BAM), outlining the applicability or non-applicability of the provisions of the existing sections 1.8.6 and 1.8.7 to the conformity assessment of gas cartridges.

#### Transfer of further provisions from the draft new TPED to RID/ADR

9. The meeting started discussions on this topic after the Chair had introduced his working document. It showed in the left column the wording taken from the draft new TPED (version 12), taken from paragraphs whose content should be considered for a transfer because they contain technical requirements applicable to the appointment of the competent authority, its delegate or inspection bodies (for simplification further called “1.8.6 body” and to the work they have to carry out. In the middle column, draft text could be found how these requirements could be worded in RID/ADR terminology, which needs to be partly different and widely more concrete for directly

applicable provisions compared to a European Directive which has to be transformed and implemented by national legislation of the Member States of the European Union. In the right column remarks on potential problems or consequential issues were listed.

10. The first two provisions to consider were concerning the obligation for the “1.8.6 body”, to carry out their tasks on the one hand in a proportionate manner and on the other with respect to technical safety and conformity taking into account the technical complexity of Transportable Pressure Equipment (TPE) thus addressing expert knowledge. They gave rise to a discussion about the necessity to include them into RID/ADR, because of their general nature.

11. Therefore Switzerland was of the view, that they are not a concrete requirement and should not be included. Several other delegations in contrary argued, that such general requirements can be found at several places in RID/ADR forming the basic general intention and aims of the provisions, which are then more precisely fixed by requirements in further sections or are left intentionally for interpretation by competent bodies to fulfil the provisions.

12. It was also mentioned that compared to competent authorities and its public service delegates, inspection bodies are acting in many countries in a competitive environment and that therefore some general description of the safety policy they should follow would be helpful. The European Commission (COM) highlighted, that this forms essential text coming from the revised New Approach (Council Decision 768/2008/EC), and, if ever it would not appear in RID/ADR, it would have to be re-inserted in the draft new TPED.

13. Switzerland reserved its position, but all other delegations supported the inclusion of these two paragraphs.

14. The next paragraph addressing the “1.8.6-body” to require corrective measure from the manufacturer in case non-compliance has been found, was agreed unanimously.

15. Next point to address were requirements on competent authorities when appointing inspection bodies. After discussion in detail, it was agreed not to include such provisions in RID/ADR as they more address notifying authorities of EU Member States and their obligations before notifying a notified body (the EU equivalent to an RID/ADR inspection body) to the Commission.

16. As far as information obligations of competent authorities are concerned when having appointed inspection bodies, there was consensus to include such requirements in RID/ADR for transparency.

17. As far as more than one inspection body is appointed in a country, a situation of challenge of competition may arise. This was seen again as a special issue for EU Member States because of the freedom of services within and between them. So it was agreed not to address this issue within RID/ADR.

18. The question of regulating subsidiaries and sub-contracting of inspection bodies lead to a long and detailed discussion. While it was general consensus, that this

situation exists, may lead to complex and difficult situations and therefore shall be addressed within RID/ADR, the details addressing the monitoring of subsidiaries and sub-contractors even if they are located not only outside of the European Union (EU) but also outside the RID/ADR area in countries not being a Member State of COTIF/ a contracting party to ADR were found not easy to be solved.

19. Finally it was unanimously agreed, that

- any subsidiary and sub-contractor shall be indicated by the inspection body to the competent authority,
- it shall not be permitted to delegate the whole task of conformity assessment to a subsidiary or a sub-contractor,
- delegating certain tasks to a subsidiary or a sub-contractor shall only be permitted with the agreement of the applicant (i.e. the customer of the inspection body),
- the inspection body shall provide on request to the competent authority all necessary information about the qualification of the subsidiary/ies and sub-contractors,
- there shall be no subsidiary or sub-contractor of an in-house-inspection service.

20. As far as the responsibility and monitoring of subsidiaries and sub-contractors by the inspection body having delegated the tasks is concerned, there was unanimous agreement that this has to be addressed within RID/ADR. The wording addressing how to carry out the tasks even when a subsidiary or sub-contractor is located outside the RID/ADR area ("wherever they may be located") was left in [...] to permit careful checking by delegations during the time after the meeting of the Working Group and prior to the decision to be taken by the Joint Meeting during its session in September 2009.

21. Provisions for obligations of inspection bodies to give all necessary information to the competent authority e.g. on refused, withdrawn, suspended or restricted type approvals and – partly on request only – on any issues affecting the approvals granted or the work carried out, were agreed.

22. A general requirement for co-operation and information exchange between competent authorities and inspection bodies of different Member States/ contracting parties on type approvals, periodic inspections and exceptional checks was also agreed for inclusion in RID/ADR.

23. To better precise the application, it was agreed to include a sentence that an inspection body shall address its application to the competent authority of the country in which it is established.

#### Provisions on periods to keep technical documentation

24. Based on a working document prepared by the chair, the Working Group first discussed the legal person(s) to be addressed by obligations to retain technical documentation on type approvals and on periodic inspections before defining a suitable period.

25. It was recognised, that the draft new TPED addresses several players on the market, not all of them figure as addressees of responsibilities for safety requirements within RID/ADR. Having regard on RID/ADR terminology, the Working Group agreed, that for technical documentation related to type approvals of TPE, the applicant and the inspection body having issued the certificate, both shall retain the documentation for at least 20 years, starting at the last date of production of TPE belonging to that type approval. This would cover at least more than one interval of periodic inspection, even if it is extended to 15 years as for certain LPG cylinders.

26. As further agreed, reports on periodic inspections and tests shall be retained by the applicant at least until the next periodic inspection.

27. To prevent from any gap for retention of documentation, also the case where a manufacturer or owner intends to cease operation was addressed. In such a case he shall hand over the documentation to the competent authority, which shall than keep it for the rest of the periods defined. This should be included in RID/ADR.

#### Conformity assessment of gas cartridges

28. Based on the working document prepared by Dr. Sonnenberg (BAM, Germany) and an extract of the revised new approach of the EU containing some potentially suitable modules, the Working Group discussed in which way and how detailed provisions concerning the conformity assessment of gas cartridges should be included in RID/ADR.

29. It was agreed to include provisions similar to module H 1 of the revised new approach. Responsibility for type examination and certification as well as compliance of series production and declaration of conformity shall be assigned to the manufacturer, but the complete process shall be subject to a documented quality system approved and monitored by a type-A inspection body. Meanwhile basing the content of the provisions on the module as mentioned, the wording to be included in RID/ADR shall be adapted to the existing provisions in 1.8.7 for conformity assessment of pressure receptacles as much as possible.

30. Based on that outcome, the chair had drafted the provisions envisaged for inclusion as a new section 1.8.8, which following the meeting was agreed by the Working Group by correspondence.

#### Inconsistencies discovered

31. During its work, the Working Group discovered certain inconsistencies in the existing text of RID/ADR, e.g. concerning the definition of gas cartridges related to the description of such cartridges in UN 2037 or the lack of suitable standards to be referenced and applied for various types of gas cartridges. The Working Group decided to list such issues separately and bring them to the attention of the Joint Meeting to discuss and decide as appropriate.

#### Document to be submitted

32. With regard to the time constraints and the necessity to include the provisions in RID/ADR 2011, the Working Group agreed to first submit a formal document to be

submitted right within the deadline for the session of the Joint Meeting in September. This is containing a short description of the work carried out and the text as agreed by the Working Group (see document ECE/TRANS/WP.15/AC.1/2009/39).

33. The report of the meeting containing in more detail the course of the discussions and the reasoning for the proposed text shall be prepared by the Chair and circulated with the participants for agreement by correspondence. It shall then be submitted to the Joint Meeting as an additional informal document prior to the start of its session.

#### End of Meeting

34 At the end of three working days, the Chair was confident that all necessary issues had been dealt with and a full proposal for adoption would be submitted. He thanked all delegates for the constructive and intense working together. Mr. Pfauvadel as head of the delegation from France expressed the appreciation of all delegates for the organisation, preparation and assembly of the draft text by the Chair; as President of the Joint Meeting he showed confidence that the proposal of the Working Group forms a very good basis for adoption by the Joint Meeting.

#### Outcome

- c) The result of the work of the Working Group and the amendments proposed to RID/ADR are contained in document ECE/TRANS/WP.15/AC.1/2009/39, annexes I to III, as submitted before.

**Meeting of the informal Working Group of RID/ADR/AND on inclusion of further provisions from the planned review of TPED into RID/ADR/AND**

**Bonn, Germany**  
**3<sup>rd</sup> to 5<sup>th</sup> June 2009**

**Agreed Agenda**

- Item 1: Welcome and presentation of delegates
- Item 2: Purpose of meeting
- background information
  - state of play of new TPED including perspective how to ensure compatibility of amendments to RID/ADR 2011 with the TPED proposal to come
  - aim to achieve
- Introduction: - European Commission  
- Chair of Joint Meeting RID/ADR/AND
- Documents : - ECE/TRANS/WP.15/AC.1/2009/8  
- Inf. 6 of JM March 2009  
- Inf. 30 of JM March 2009  
- ECE/TRANS/WP.15/114 §§ 65 to 68  
- Draft for a new TPED, version 12  
- CERTIF document N 593  
- RID/ADR 2009, sections 1.8.6 and 1.8.7  
as well as chapter 6.2 plus:  
ECE/TRANS/WP.15/114 Add.1 (amended text of  
1.8.7 for RID/ADR 2011)
- Item 3: Discussion of
- c) Provisions from draft new TPED to be shifted to RID/ADR  
Document: - Working Document "TPED transfer RID-ADR plus Annex thereto, prepared by the Chair
  - c) Provisions for documentation requirements to be révised  
Document: - Working Document "documental requirements" prepared by the Chair
  - c) Provisions for conformity assessment of gas cartridges to be included in RID/ADR  
Document: - Working Document "applicability of 1.8.6 and 1.8.7 to gas cartridges" prepared by Dr. Sonnenberg (BAM)

Item 4: Conclusion for amendments to be proposed to Joint Meeting RID/ADR

Item 5: Editorial work on the proposal

Item 6: Other business

Item 7: Future Work

---