

Economic Commission for Europe

Inland Transport Committee

Working Party on the Transport of Dangerous Goods

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Item 2 of the provisional agenda

Tanks

Application of standards EN 14432 and EN 14433 listed in 6.8.2.6

Transmitted by the Government of Switzerland

Résumé

Résumé analytique: Refer in the transitional provision only to the existing provisions before 2011.

Mesure à prendre: .

Documents connexes: ECE/TRANS/WP.15/AC.1/2011/39

Introduction

1. The proposal of Germany in document ECE/TRANS/WP.15/AC.1/2011/39 is to legalize the tanks built after 1 January 2011 during the year 2011 which do not respect the 2 mentioned standards which are in force from 1 January 2011.

2. The proposed text refers to "new" tanks but because no date is given concerning what one understands by "new" and because this text will come into force in 2013 one does not understand which "new" tanks are meant.

3. According to 6.8.2.6 the referred standards in this paragraph are compulsory for the RID/ADR/ADN. They are the result of an international consensus and tend to facilitate the acceptability of the rules of ADR in each State. The exceptions to these standards are treated in 6.8.2.7 and 6.8.3.7. These last relate to national technical codes which are not the result of an international consensus and consequently they don't have this compulsory character according to ADR.

The proposed text in document ECE/TRANS/WP.15/AC.1/2011/39 says that instead of the standards of 6.8.2.6 one can use the standards in conformity with the national regulations, while the ADR 2011 says that the standards of 6.8.2.6 are compulsory and that the exceptions appear in 6.8.2.7 and 6.8.3.7. Through this proposal any national regulation becomes compulsory in each other State. A tank built in a State X could be imported and put in circulation without discussions in a State Y even if the national regulations of the two States have completely different requirements.

This is certainly not the practice until now and it is for this reason that the experts have tried to find a consensus which is summarized in the standards of 6.8.2.6. If an agreement

would already exist before on the various national regulations, there wouldn't be any necessity to seek for an agreement on internationally recognized standards.

4. In addition, this wording allows the application of the national regulations only in the case of "new tanks". The transitional provisions in 1.6.3.38 and 1.6.4.39 authorize the continuation of use of tanks which were in service until 31 December 2010 and which are not in conformity with the standards of 6.8.2.6 and 6.8.3.6 after 1 January 2011; this in so far as this use is not restricted by a specific transitional measure.

The proposed text corresponds to a "specific transitional measure" applying to two standards for tanks equipped with product discharge and air inlet valves as well as foot valves. According to this specific transitional measure, the sole tanks having been put in circulation according to national regulations and being able to continue to be used until 31 December 2011 are the new tanks. The tanks which are not new (built until 31 December 2010) cannot profit from this transitional provision, because according to 1.6.3.38 and 1.6.4.39 the specific transitional measure prevails, and these old tanks will have from 1 January 2013, date of enforcement of this text, to be put in conformity with the two standards EN 14432 and EN 14433 for a continuation of their use.

It does not seem that such a radical measure is necessary nor even desired by the authors.

Proposal

5. To avoid these difficulties Switzerland proposes the following text

"1.6.3.X/1.6.4.X Notwithstanding the provisions of 6.8.2.6 relating to the applicable standards EN 14432 and EN 14433 of 6.8.2.2.1, tanks equipped with product discharge and air inlet valves as well as foot valves, built before 1 January 2012 according to ADR prescriptions applicable until 31 December 2010 may still be used."

Justification

6. The „ADR prescriptions applicable " are those of the 6.8.2.6 of the ADR 2009 in which these two mentioned standards became compulsory only from 1 January 2011 and those of 6.8.2.7 for the case where national provisions would have exist. In doing so the same status existing in ADR is maintained for each kind of standard. The text applies to any tank independently of the character "new" or not of this one.
