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Working Party on the Transport of Dangerous Goods

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Tanks

8 September 2020

Clarification on using tanks after the deadline specified for the next test or inspection

Comments by Poland on ECE/TRANS/WP.15/AC.1/2019/19

Introduction

1. Poland presented during the spring session of the Joint Meeting RID/ADR in Bern in March 2019 document ECE/TRANS/WP.15/AC.1/2019/19 on the filling and transport of tanks with dangerous goods after the expiry of the scheduled intermediate inspection date.
2. This document has not yet been resolved.
3. The current entry in RID/ADR causes various interpretations of carriage in tanks after the date of expiry of the last intermediate inspection.
4. **We give an example of tank-wagon.**
5. The tank-wagon was periodically tested in accordance with 6.8.2.4.2 RID in October 2016.
6. The date and type of the last inspection carried out should be marked on the tank plate in accordance with 6.8.2.5.1: "month, year" followed by the letter "P" for initial or periodic inspection in accordance with 6.8.2.4.1 and 6.8.2.4. 2. So the date of the periodic inspection (month, year and the letter "P") was marked on the tank's plate: 10/2016 P
7. The periodic inspection certificate issued in accordance with 6.8.2.4.5 shall specify the date of the intermediate inspection, which, in accordance with 6.8.2.4.3, should be carried out not later than 4 years after the periodic inspection, i.e. in the periodic inspection certificate the date of the intermediate inspection should be entered, i.e. in October 2020, i.e.: 10/2020
8. During this periodic inspection the date of the next periodic inspection should be designated, which in this case should be October 2024 (10/2024).
9. In accordance with the requirements of 6.8.2.5.2, the date (month, year) of the next intermediate inspection should be marked on both side walls of the tank-wagon (on the tank itself or on the board) and the letter "L" should follow this date, because this is the term for the intermediate inspection. In this case it will be: 10/2020 L
10. We shall take into account the arrangements for the possibility of conducting an intermediate inspection of the tank given in 6.8.2.4.3, which state that "These intermediate inspections may be performed within three months before or after the specified date."

We would like to point out that this provision applies only to the intermediate inspection of tanks (not the operation) and allows to conduct the intermediate

inspection of tanks in a flexible manner (with a tolerance of +/- 3 months) without violating the established period of the periodic inspection, which in this case was set for October 2024 year (10/2024).

11. The provisions in 6.8.2.4.3 allow intermediate inspections to be carried out at any time before the due date, but require another intermediate inspection to be conducted no later than 4 years after the date of the intermediate inspection.

“However, the intermediate inspection may be performed at any time before the specified date. If an intermediate inspection is performed more than three months before the due date, another intermediate inspection shall be performed at the latest four years after this date.”

12. **We would like to emphasize, that the provisions given in 6.8.2.4 relate to the inspections and tests of tanks, but do not apply to the operation of the tanks.**

13. **The provisions concerning the operation of tanks are given in 4.3.2.3 RID/ADR**, and in this case, it is the provisions of 4.3.2.3.7 which read as follows:

“Tank-wagons, demountable tanks, battery-wagons, tank-containers, tank swap bodies and MEGCs may not be filled or offered for carriage after the deadline for the test or inspection required by 6.8.2.4.2, 6.8.3.4.6 and 6.8.3.4.12 has expired.

However, tank-wagons, demountable tanks, battery-wagons, tank-containers, tank swap bodies and MEGCs filled prior to the date of expiry of the last periodic inspection may be carried:

(a) for a period not to exceed one month after the expiry of these deadlines;

(b) unless otherwise approved by the competent authority, for a period not to exceed three months after the expiry of these deadlines in order to allow the return of dangerous goods for proper disposal or recycling. Reference to this exemption shall be mentioned in the transport document.”

14. In 4.3.2.3.7, the requirements of 6.8.2.4.3 are not mentioned, i.e. it can be concluded that tanks may be filled and offered for carriage after the due date for the examination or tests required in 6.8.2.4.3, that is, after the expiry of the intermediate inspection date.

15. In turn, 1.4.2.2.1 (d) provides:

“**1.4.2.2.1** In the context of 1.4.1, the carrier who takes over the dangerous goods at the point of departure shall in particular:

...

(d) ascertain that the deadline for the next test for tank-wagons, battery-wagons, wagons with demountable tanks, portable tanks, tank-containers and MEGCs has not expired;

NOTE: Tanks, battery-wagons and MEGCs may however be carried after the expiry of this deadline under the conditions of 4.1.6.10 (in the case of battery-wagons and MEGCs containing pressure receptacles as elements), 4.2.4.4, 4.3.2.3.7, 4.3.2.4.4, 6.7.2.19.6, 6.7.3.15.6 or 6.7.4.14.6.”

16. In 1.4.2.2.1 (d) in the note, reference is made to rule 4.3.2.3.7, which omits item 6.8.2.4.3 for carriage in tanks after the expiry of the intermediate inspection.

17. **The existing regulations in RID/ADR in the field of filling and carriage of dangerous goods in tanks after the expiry of the intermediate inspection date allow for free interpretation in this scope.**

18. Several interpretations of this issue can be distinguished by participants involved in the carriage of dangerous goods in tanks.

19. **Position I**

1) The tank can be filled and put into transport before the expiry of the intermediate inspection. See 1.4.2.2.1 (d); but

2) The tank cannot be transported after this date because a note under 1.4.2.2.1 (d) specifies item 4.3.2.3.7 which does not refer to the provisions of 6.8.2.4.3 regarding intermediate inspection, so the carriage in a tank after the specified date of the intermediate inspection of the tank is not possible.

20. In this example:

1) The tank-wagon may be filled and offered for carriage until the end of October 2024, as in October 2024 (10/2024 L) is the intermediate inspection deadline which is marked on each side of the tank (see 6.8.2.5.2); and

2) It cannot be carried after this date, i.e. from November 1st, 2024.

21. **Position II**

1) The tank may be filled and offered for carriage after the expiry of the intermediate inspection date, but not more than three months after that date, as the provisions of 6.8.2.4.3 allow intermediate inspection to be carried out within three months after the expiry of the due date of the intermediate inspection.

2) The tank cannot be transported after this date, i.e. more than 3 months after the expiry of the intermediate inspection date.

22. In this example:

1) The tank-wagon may be filled and offered for carriage until the end of January 2025, because in January 2025 there will be 3 months from the scheduled intermediate inspection date during which the intermediate inspection may be carried out (the designated intermediate inspection date is 10/2024), but

2) A tank wagon may not be transported after this date, i.e. from February 1, 2025.

23. **Position III**

1) The tank may be filled and offered for carriage before the intermediate inspection date. See 1.4.2.2.1 (d); but

2) The tank may be carried after this date for 3 months, because the provisions of 6.8.2.4.3 stipulate that intermediate inspection may be carried out within 3 months before or after the due date of the intermediate inspection.

24. In this example:

1) The tank-wagon may be filled and offered for carriage until the end of October 2024, because in October 2024 (10/2024 L) there is the intermediate inspection deadline, which is marked on each side of the tank (see 6.8.2.5.2). The provisions of 1.4.2.2.1 (d) should be taken into account; and

2) The tank-wagon may be carried after this date for 3 months, i.e. until January 2025, because provisions in 6.8.2.4.3 stipulate that intermediate inspections may be carried out within 3 months before or after the scheduled intermediate inspection date. In this case, it is allowed to carry out the intermediate inspection until the end of January 2025.

25. **Position IV**

1) The tank may be filled and offered for carriage before the expiry of the deadline of the intermediate inspection. See 1.4.2.2.1 (d); however

2) a tank which is filled prior to the date of expiry of the last intermediate inspection may be carried:

(a) for a period not to exceed one month after that date,

(b) unless otherwise approved by the competent authority, for a period not to exceed three months after the date of expiry of the last intermediate inspection in order to allow the return of dangerous goods for proper disposal or recycling. Reference to this exemption shall be mentioned in the transport document.

This is an interpretation which is analogous to the existing rules for carriage after the periodic inspection of tank in 6.8.2.4.2. See 4.3.2.3.7.

26. In this example:

1) The tank-wagon may be filled and offered for carriage until the end of October 2024, because in October 2024 (10/2024 L) there is the intermediate inspection deadline, which is marked on each side of the tank (see 6.8.2.5.2). The provisions of 1.4.2.2.1 (d) should be taken into account; and

2) The tank-wagon filled before the end of October 2024 (10/2024), i.e. before the expiry of the specified period of intermediate inspection, may be carried:

(a) for a period not to exceed one month after that date (until the end of November 2024),

(b) unless otherwise approved by the competent authority, for a period not to exceed three months after the date of expiry of the last intermediate inspection, i.e. until the end of January 2025, in order to allow the return of dangerous goods for proper disposal or recycling. Reference to this exemption should be made in the transport document.

27. In its document ECE/TRANS/WP.15/AC.1/2019/19 presented in Bern during the spring session in 2019, Poland proposed adopting the solution presented in position III in this document.

28. **Our proposal was and continues to aim at adopting one common position on the carriage of dangerous goods in tanks after the due date of the intermediate inspection referred to in 6.8.2.4.3 RID/ADR. This position should be clearly specified and recorded in the RID/ADR.**

29. In practice the approach to this issue is not uniform among the parties related to the transport of dangerous goods in tanks. The unambiguity in the regulations is very important, especially for consignors, carriers and units controlling the carriage of dangerous goods.

30. Poland asks the Joint Meeting RID/ADR to take position on this matter to clarify the rules on the operation of tanks included in section 4.3 with regard to the regulations on tank inspections and tests provided in 6.8.2.4 RID/ADR.
