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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

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Item 2 of the provisional agenda

Tanks

Comment on document ECE/TRANS/WP.15/AC.1/2020/20: Supplementary information from the informal working group on the inspection and certification of tanks: Proposed amendments to Chapter 6.8 and to Sections 1.8.7 and 1.8.6

Transmitted by the Government of Ireland^{*,**}

Summary

Executive summary:	The proposed amendments to the ADR/RID concerning the accreditation of inspection bodies is envisaged to have a significant impact on the petroleum sector in Ireland and possibly other ADR Contracting Parties / RID Contracting States.
Action to be taken:	Proposed to amend ADR/RID 1.8.6.2.1.
Related documents:	ECE/TRANS/WP.15/AC.1/2020/19 (Report of the thirteenth meeting of the informal working group on the inspection and certification of tanks) and ECE/TRANS/WP.15/AC.1/2020/20 (Supplementary information from the informal working group on the inspection and certification of tanks): Proposed amendments to Chapter 6.8 and to Sections 1.8.7 and 1.8.6

Introduction

1. Ireland appreciates the continuing work of the informal working group on the inspection and certification of tanks. Following discussions at the Joint Meeting in Geneva

* 2020 (A/74/6 (Sect.20) and Supplementary, Subprogramme 2).

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in September 2019, the United Kingdom invited ADR Contracting Parties / RID Contracting States to submit comments in preparation for the thirteenth meeting of the informal working group, which took place in London from the 11 to 13 December 2019. Ireland submitted comments to the informal working group, and these were acknowledged in the report as described in ECE/TRANS/WP.15/AC.1/2020/19. The comments were based on the proposals discussed at the Joint Meeting as provided in informal documents INF.19 and INF.16 of the Autumn 2019 session of the Joint Meeting.

2. Further to the comments made by Ireland to the informal working group, Ireland now wishes to submit a proposal in relation to the provisions in ECE/TRANS/WP.15/AC.1/2020/20.

3. Ireland is making this proposal following consultation with the petroleum industry (tank owners and operators) and tank inspection bodies in Ireland. The major concern of the tank operators, owners and inspection bodies is the fact that there is currently no provision in the proposals for type C inspection bodies to perform periodic, intermediate and minor exceptional inspections (excluding major repairs and alterations) in accordance with ADR/RID 6.8.2.4.2, 6.8.2.4.3 and 6.8.2.4.4.

Proposal

4. It is proposed to amend the text provided in ECE/TRANS/WP.15/AC.1/2020/20 as follows, with the new proposed text in bold.

1.8.6.2.1 When the competent authority approves an inspection body, the approval scheme shall be based on EN ISO/IEC 17020:2012 (except clause 8.1.3) type A, or type B when allowed in Chapter 6.2.

Except when 6.2.2.11, 6.2.3.6 and TA4 and TT9 of 6.8.4 apply, competent authorities may decide not to use accreditation according to EN ISO/IEC 17020:2012. In these circumstances 1.8.6.2.4 applies.

When the competent authority approves an approved body to perform periodic inspections of receptacles according to Chapter 6.2, this approved body shall be accredited according to EN ISO/IEC 17020:2012 (except clause 8.1.3) type B.

When the competent authority approves an approved body to perform periodic inspections, intermediate inspections and minor exceptional inspections (excluding major repairs or alterations) of fixed tanks (tank-vehicles) and demountable tanks / tank-wagons, intended for the carriage of substances other than those for which TA4 and TT9 of 6.8.4 apply, according to 6.8.2.4.2, 6.8.2.4.3 and 6.8.2.4.4, this approved body shall be accredited according to EN ISO/IEC 17020:2012 (except clause 8.1.3) type C. The approved body shall demonstrate to the satisfaction of the competent authority an organisational structure that is in accordance with 1.8.6.3.1 (a) to (h) and, that persons responsible for carrying out inspections are trained and have appropriate knowledge, technical skills and understanding of the applicable requirements.

When accreditation is used, it shall clearly cover the activities of the approval.

When the competent authority does not approve inspection bodies or approved bodies but performs these tasks itself, the competent authority shall meet the provisions of 1.8.6.3.

Justification

5. The accreditation process for type C inspection bodies is equivalent to that for type A and type B inspection bodies, the difference being the degree of independence of the inspection body from its accredited activities, as provided in 4.1.6 of EN ISO/IEC 17020:2012.

6. The competent authority in Ireland appoints an inspection body based on accreditation, which indicates competence. Type C inspection bodies in Ireland have knowledge of the ongoing issues with fixed tanks and demountable tanks with regard to the performance of periodic, intermediate and specific exceptional inspections for tanks carrying substances of Class 3.

7. The competent authority in Ireland is of the opinion that there is no justification for ADR/RID to exclude type C inspection bodies for the performance of periodic, intermediate and minor exceptional inspections. To take this step will have the effect of greatly increasing the costs to the petroleum sector in Ireland and possibly other Contracting Parties/Contracting States, and has the potential of putting type C inspection bodies and some operators out of business.

8. Some particular points to note are as follows:

- To date, the Irish competent authority has approved two inspection bodies accredited to type C, and another inspection body is currently going through the process of being accredited to type C at two fixed locations.
- There are currently no type A inspection bodies established in Ireland for the inspection and certification of tanks used for the carriage of Class 3 substances. Type A inspection bodies are required for the type approval, the supervision of manufacture, and initial inspection and test of a tank manufactured in another ADR Contracting Party. Type A inspection bodies based in other ADR Contracting Parties carry out some exceptional inspections in Ireland that are outside the scope of accreditation of the type C inspection bodies. When such type A inspection bodies are engaged by the owner or operator of a tank, the type A inspection body does not perform the inspection or test, the inspection body ‘witnesses’ third parties (persons employed by type C inspection bodies) performing the inspection and test.
- In Ireland, type C inspection bodies have placed substantial investment into custom-built equipment. Under the new proposals will type A inspection bodies have access to “suitable and adequate facilities and equipment” according to 1.8.6.3.1? In Ireland, the type C inspection bodies provide the adequate equipment and facilities at which inspections are performed under the surveillance of the type A inspection bodies.
- As far as the Irish competent authority has been informed, type A inspection bodies operating in Ireland are not accredited to test with nitrogen or dry compressed air, and use water as the test medium. The use of water creates microbial build up within a tank, and water cannot be used for tanks carrying aviation fuels without very expensive, time-consuming cleaning processes. At present, Ireland’s type C inspection bodies are accredited to use nitrogen or dry compressed air, which removes the contamination risk and requirement for expensive cleaning processes. The testing requirements for tanks are thus considered to be facilitated by the flexibility of the type C inspection bodies and their ability to carry out remote mobile testing using gas.
- The proposed provisions of 1.8.6.2 will have a significant impact on the petroleum industry in Ireland and possibly other ADR Contracting Parties / RID Contracting States, leading to the loss of flexibility and technical expertise. It is envisaged that some tank operators will be required to invest in more vehicles to make up for the shortfall in resources. The extra burden will ultimately be passed on to the customer.

9. Ireland requests the Joint Meeting to engage in further discussions on the proposed provisions of ADR/RID 1.8.6.2.1, and any other consequential amendments that may arise.