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Bern, 25-28 March 2008
Item 5 (a) of the provisional agenda

PROPOSALS FOR AMENDMENTS TO RID/ADR/ADN* **

Provisions for gas receptacles of Chapters 1.8 and 6.2

Transmitted by the Government of Switzerland

SUMMARY

<i>Executive summary:</i>	Certain questions of interpretation of the new texts of Chapters 1.8 and 6.2 are addressed, as well as possible solutions thereto.
<i>Action to be taken:</i>	Make a number of changes to facilitate comprehension of the texts and utilization of UN receptacles.
<i>Related documents:</i>	WP.15 informal document INF.26 of November 2007 and Joint Meeting informal document INF.32 of September 2007.

* In accordance with the programme of work of the Inland Transport Committee for 2006-2010 (ECE/TRANS/166/Add.1, programme activity 02.7 (c)).

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Introduction

1. At the Joint Meeting in September 2007, the proposals relating to Chapter 6.2 contained in informal document INF.32, transmitted by the delegation of Switzerland, could not be taken up, owing to the lack of time allocated and the absence of experts on the subject when the document was considered. INF.32 addressed the difficulties in interpreting the new provisions for gas receptacles.
2. The questions left pending in September are submitted below, as well as possible solutions thereto. The paragraph references have been updated on the basis of the consolidated list of amendments to ADR submitted by the ECE secretariat at the November session of WP.15 (INF.26).

Questions

1.8.6.4

3. Does 1.8.6.4 apply to both UN and non-UN receptacles?

If so, this should be indicated in 6.2.2 under the heading, by adding a reference to sections 1.8.6 and 1.8.7:

“6.2.2 Requirements for UN pressure receptacles

In addition to the general requirements of sections 1.8.6, 1.8.7 and 6.2.1, UN pressure receptacles shall comply with the requirements of this section, including the standards, as applicable.”

Justification

4. Most of the difficulties in comprehending the new provisions for gas receptacles could be resolved simply by adding this reference to 1.8.6 and 1.8.7.
5. The provisions on inspection bodies in 1.8.6.4 are incomplete compared with those in 6.2.2.6.2.4. Among other things, for UN receptacles, inspection bodies must also operate a quality system in conformity with 6.2.2.6.3, apply for approval in accordance with 6.2.2.6.4, ensure that periodic inspections and tests comply with 6.2.2.6.5, and maintain records as per 6.2.2.6.6. Moreover, if no link is made with 1.8.6 and 1.8.7, the inspection bodies will not be subject to the additional requirements for accreditation under standard EN ISO/IEC 17020:2004. The addition of the reference to the general requirements of 1.8.6 and 1.8.7 would complete the system by integrating UN receptacles in the common scope of RID/ADR, which would facilitate their acceptance in the different countries.

1.8.7.2.3

6. Is this paragraph also applicable to UN receptacles?

If so, it seems to contradict subparagraph 6.2.2.5.4.2, which states that the manufacturer must obtain a design type approval certificate issued by the competent authority in the country of approval. In the case of UN receptacles, neither the delegate of the competent authority nor the inspection body can supply this certificate. This should be clarified in 6.2.2.5.4.2, or else these provisions should be separated from those applicable to UN receptacles and inserted in section 6.2.3.

The same problem arises in respect of the table in 6.2.2.9, where Xa means both the competent authority or its delegate and the inspection body. Again, this contradicts paragraph 6.2.2.5.4.2.

6.2.1 NOTE

7. Are aerosol dispensers really not subject to the other requirements of RID/ADR/ADN?

The wording of the NOTE implies that this is the case. If so, this would constitute a special provision, which should appear in Chapter 3.3, not in a NOTE.

We believe that, in fact, the sentence should be worded as follows:

“6.2.1 General requirements

NOTE: Aerosol dispensers and small receptacles containing gas (gas cartridges) are not subject ~~only~~ to the requirements of 6.2.1 to 6.2.56.”

6.2.1.6.1

8. This paragraph requires periodic inspections to be carried out by a body “authorized” by the competent authority.

However, the tables in 6.2.2.9 and 6.2.3.6 also refer to in-house inspection services (IS), which, in accordance with 1.8.7.6, are not authorized directly by the competent authority but merely supervised by an inspection body. We cannot find any reference to official approval or authorization of in-house inspection services by the competent authority. The only requirement for the activities of in-house inspection services is mere supervision by an inspection body, without the approval of the competent authority, and no notification to the competent authority is necessary.

In this regard, the text of 6.2.1.6.1 is at odds with the tables in 6.2.2.9 and 6.2.3.6.

Either the requirement for authorization in 6.2.1.6.1 should be deleted, or else authorization of in-house inspection services by the competent authority should be required under 1.8.7.6, with the explanation of IS in 6.2.2.9 and 6.2.3.6.1 also being amended.

6.2.1.4.1

9. This paragraph too requires inspection, testing and approval to be carried out solely by an inspection body. However, the tables in 6.2.2.9 and 6.2.3.6 also allow these activities to be performed by in-house inspection services.

If in-house inspection services are indeed authorized to perform these activities, the term “inspection body” in 6.2.1.4.1 should be replaced with “competent body”.

6.2.1.4.2

10. The European standard of the EN ISO 9000 series mentioned hitherto in 6.2.1.4.4 (a) no longer appears in the text. Will the quality system be governed by exclusively national regulations, in place of international standards? How will harmonization of quality assurance procedures be ensured if there are no longer to be any internationally recognized guidelines? Would it not be better to retain the reference to EN ISO 9000?

6.2.1.7.2

11. For receptacles not originating in a Contracting Party to ADR, will each authority concerned by the consignment now have to carry out the manufacturer proficiency test? To avoid such a situation, there was a footnote which permitted the approval of the first Contracting Party concerned by the consignment to be accepted for all the other Contracting Parties.

Should this footnote not be retained?

“* If the country of approval is not a COTIF member State/a Contracting Party to ADR, the competent authority of a COTIF member State/a Contracting Party to ADR.”

Table in 6.2.2.9

Type approval

12. As described under 1.8.7.2.3, in the table in 6.2.2.9, Xa means both the competent authority or its delegate and the inspection body. This contradicts paragraph 6.2.2.5.4.2, which refers only to an approval certificate issued by the competent authority in the country of approval. In order to resolve this contradiction simply, 6.2.2.9 and 6.2.2.5.4.2 should be made consistent with one another by amending the explanatory text under the heading in 6.2.2, as indicated above, and by replacing the phrase “competent authority in the country of approval” in 6.2.2.5.4.2 with a reference to the “competent authority”.

Supervision of manufacture

13. Are the provisions of 6.2.2.5 not applicable in this case? Is the text envisaging in-house inspection consistent with that of 6.2.2? Are the procedures provided for UN receptacles consistent with those in 1.8.7.3? Are they consistent with the accreditation procedure for in-house inspection services described in 6.2.2.9? In particular, is the delegation of all the functions of the competent authority, as outlined in 6.2.2.5.2.2 and 6.2.2.6.2.2, consistent with the conditions established in 6.2.2.9, and in 1.8.6 and 1.8.7?

These questions would be easily resolved if the proposal for the addition of a reference to 1.8.6 and 1.8.7 under the heading in 6.2.2 was accepted. Another solution would be to delete 6.2.2.5.2.2 and 6.2.2.6.2.2 from the regulations. Other changes are, however, necessary to other

provisions of 6.2.2 (for example, to 6.2.2.5.4.2, as indicated above). The deletion of 6.2.2.5.2.2 and 6.2.2.6.2.2 and the addition of a reference to sections 1.8.6 and 1.8.7 is now possible, as a detailed description has been inserted in the regulations of the manner in which the possible delegation of the functions of the competent authority may be carried out. The retention of the two paragraphs, 6.2.2.5.2.2 and 6.2.2.6.2.2, without some further reference to our rules, would open up the possibility of other methods of delegation being applied in the case of UN receptacles, which would make it difficult to use such receptacles in European land transport without undertaking some additional procedure.
