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**ECONOMIC COMMISSION FOR EUROPE**

**INLAND TRANSPORT COMMITTEE**

**Working Party on the Transport of Dangerous Goods**

**Joint Meeting of the RID Safety Committee and the  
Working Party on the Transport of Dangerous Goods**  
(Bern, 18-22 March 2002)

**FOR A REASONABLE SPLIT OF WORK BETWEEN REGULATORS AND  
STANDARDISERS AIMED AT ACHIEVING A CONSISTENT SET OF LEGAL  
PROVISIONS AND STANDARDS**

**Transmitted by the European Committee for Normalisation (CEN) \*/**

**Summary**

1. The coordination group CEN BT/WG83 objects the establishment of a special working group on the conformity assessment of standards and proposes, as an alternative, the agreement on a new split of work between regulators and standardisers, based on essential requirements in ADR/RID as well as the active participation of the regulators in the standardisation process.
2. The Joint Meeting is asked to reconsider its decision on the establishment of a special working group and to agree on the proposed alternative principles and procedures.

\*/ Circulated by the Central Office for International Carriage by Rail (OCTI) under the symbol OCTI/RID/GT/III/2002/12.

## Introduction

A majority of Joint Meeting members supported the Swiss proposal to establish a special working group to assess the compliance of standards submitted by CEN or other standards organisations to be taken into reference in the ADR/RID. Many delegates were persuaded that this might be a good idea to ensure that the numerous standards being put forward complied with the legal provisions of RID/ADR.

CEN BT/WG83 “Transport of Dangerous Goods”, a group directly reporting to CEN Technical Board (technical management body of the European standardisation organisation), was set up in 1993<sup>1</sup> to co-ordinate with the

- EU-Commission,
- the Joint Meeting,
- the involved TC-chairmen and
- the CEN-consultant

on the establishment of standards for the transport of dangerous goods. It is concerned about the proliferation of bodies for the adoption of standards and the consequences of this on the timing of the standardising work.

CEN BT/WG83, aware of the complicated legal situation based on international agreements and EU-directives, more and more dominated by the UN Model Regulations, is specifically concerned, that the establishment of this special working group may contribute to the difficulties to align the standardising and regulatory processes. It will intervene only when much of the work has already been done, and the frustration caused may discourage numerous experts in their voluntary efforts to contribute to the establishment of standards. It also depreciates the efforts of the CEN-consultant, who is already in charge to assess draft CEN standards for compliance with the ADR- and RID-framework directives.

An essential element in this context, which also had effect on the first meetings of CEN BT/WG83, is the general attitude of some regulators and standardisers to have the necessary expertise relating to their particular field alone. The rules agreed by the Joint Meeting for the adoption of standards (evaluation of draft standards by the Joint meeting, fixed references in ADR/RID) also may have been influenced by this attitude.

In other fields, related to public safety, CEN is working in difference to this attitude along EU-procedures, known as the “new approach”. There, the regulator concentrates on essential requirements (the “What” and “Who”) and mandates standards on the “How” to CEN. Any standard prepared under such a mandate is assessed for conformity with the essential requirements by the independent CEN-consultant. The linkage of a standard to the directive and their essential requirements is declared in a special Annex to the standard itself, with the effect of an open, dynamic reference.

For very similar items – static and transportable pressure equipment – standardisers are subject to quite different procedures!

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<sup>1</sup> More details on the scope and achievements of BT/WG83 may be found on CEN’s website under <http://www.cenorm.be/sectors/transport/danggood.htm>.

## Proposal and Justification

CEN BT/WG83 proposes the following alternative:

Agreement on a clear split of work between regulators and standardisers. This is the basis of the alternative. The “What’s” and “Who’s” are clearly subject to the regulators. Essential requirements are the tools in this respect and there lies the centre of regulators' concerns.

The “How” is subject to the state of the art and therefore more adequately dealt with by the standardisers. Progress in science and technology will lead to repeated amendments of standards. It lies in the interest of ADR/RID members to facilitate such adaptations.

The second element of the alternative is the early participation and input by regulators in the standardising work, in combination with their establishment of the essential requirements in the provisions. Regulators from some countries already undertake such a dual role, which gives them a better understanding of the problems facing both sides. The consensus principle applied for the establishment of standards and the fact that contributions to a standardising project may be put forward at any time guarantees the regulators influence and helps to ensure for them the acceptability of standards. Contributions can also be transmitted in writing or combined with the national mirroring of CEN/ISO standardising. Such inputs are supported by the CEN-consultant, who has proven to play an effective role in aligning draft standards with legal provisions.

The agreement on essential requirements by the regulators at an early stage is the necessary guiding idea behind a standard; they allow for both, adaptations of standards to meet technical progress and the approval of alternative technical solutions by competent authorities.

This alternative way of working, already practised by several Joint Meeting countries, requires no special working group, just improved harmony between the organisations and the application of working principles already in place, which is in any case an end desirable in itself.

### **Summary of the views of CEN BT/WG 83**

1. A standing Joint Meeting working group to assess standards should not be set up, as it can suggest changes to standards only when they are completed, which will be frustrating and time-wasting for all parties.
  2. The Joint Meeting should agree clear rules as to which areas are the responsibility of regulators (the "who" and the "what") and allow standards organisations to take responsibility on the “how”.
  3. Regulators should participate as much as possible in all levels of the standards work, thus giving them greater control at an early stage of the process, and also enhancing the mutual understanding of the regulatory and technical views.
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