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Economic Commission for Europe**Inland Transport Committee****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**

Bern, 21-25 March 2011

Item 3 of the provisional agenda

Standards**Status of annexes to Directives referenced in Section 6.2.4****Transmitted by the European Committee for Standardisation (CEN)^{1, 2}***Summary*

Executive Summary: Clarification is requested of the legal status of the Annexes of Directives used as references for the construction of gas cylinders in Section 6.2.4 following the repeal of the Directives on 1 July 2011.

Action to be taken: CEN proposes to publish Technical Specifications having the same technical content if these Annexes are no longer acceptable. Confirmation is sought that these CEN Specifications would be suitable documents for referencing in the RID/ADR.

Background

1. The first three references in the table in 6.2.4 are:
 - Annex I, Parts 1 to 3 to 84/525/EEC: Council directive on the approximation of the laws of the Member States relating to seamless steel gas cylinders, published in the Official Journal of the European Communities No. L 300 from 19.11.1984;

¹ In accordance with the programme of work of the Inland Transport Committee for 2010–2014 (ECE/TRANS/208, para.106, ECE/TRANS/2010/8, programme activity 02.7 (c)).

² Circulated by the Intergovernmental Organisation for International Carriage by Rail (OTIF) under the symbol OTIF/RID/RC/2011/27.

- Annex I, Parts 1 to 3 to 84/526/EEC: Council directive on the approximation of the laws of the Member States relating to seamless, unalloyed aluminium and aluminium alloy gas cylinders, published in the Official Journal of the European Communities No. L 300 from 19.11.1984; and
- Annex I, Parts 1 to 3 to 84/527/EEC: Council directive on the approximation of the laws of the Member States relating to welded unalloyed steel gas cylinders, published in the Official Journal of the European Communities No. L 300 from 19.11.1984.

It is important to note that these are the annexes specifying technical requirements, not the Directives themselves.

The three Directives will be repealed with effect from 1 July 2011 on the grounds that they are obsolete.

2. While the Directives are obsolete because other Directives have superseded their legislative purpose, the technology they embody remains relevant. Gas cylinders made according to these Directives have an established place in the European market and a significant proportion of customers still specify that new gas cylinders shall be made to these designs. Gas cylinder manufacturers want to continue to satisfy these customers and wish to avoid the repeal of the Directives removing these popular products from their catalogues. Accordingly, the CEN committee responsible for gas cylinders (TC23) has embarked on writing Technical Specifications (TS) to replicate the technical requirements given in the annexes to the Directives.

3. TC23 decided to publish three Technical Specifications (TS) to replace the relevant parts of the annexes to the three Directives. This route was chosen to enable the publication in the shortest possible time and because the content is not new and a public enquiry stage was deemed unnecessary. Technical Specifications are normative documents produced and approved by a Technical Committee; they have a maximum life of six years and must then be withdrawn and, if still needed, replaced by an EN standard.

4. Unfortunately, these specifications are not yet ready for publication and their preparation is proving more difficult than simply reproducing the texts of the Directives. For example, the Directives diverge from the terminology used in the RID/ADR conformity assessment system and the text makes references to Euronorms that are obsolete. It is clear that any replacement documents cannot be referenced in RID/ADR before 2013 at the earliest.

Questions

5. Does the repeal of the Directives make these annexes unsuitable as references in RID/ADR? The annexes are well known and many copies are already in circulation. Also, these annexes (and the Directives) can be downloaded from the European Union's database <http://eur-lex.europa.eu>. Therefore, although there is no technical body having ownership of these specifications, they are still available and useable. The only disadvantage is that the documents are not user-friendly in the context of the current RID/ADR and because of references to obsolete Euronorms.

6. If the answer to the above question is that new documents are needed, are CEN Technical Specifications acceptable to the Joint Meeting? As previously mentioned, the content of the document is decided solely by the members of the CEN Technical Committee, without the enquiry stage and comment stage used for EN standards. But this is not seen as a problem because the text deals with proven technology of more than 30 years standing. However, if Technical Specifications are adopted as references, their life is short

and within six years a further change will be necessary, either to discontinue construction in accordance with these designs or to reference new EN standards which replace the Technical Specifications.

7. Would the Joint Meeting prefer that CEN/TC23 develop three new EN standards to replace the annexes to the Directives?
