

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

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Interpretation of RID/ADR/ADN

Comment on document ECE/TRANS/WP.15/AC.1/2019/4

Transmitted by the Government of the Netherlands

Introduction

1. In document ECE/TRANS/WP.15/AC.1/2019/4 Germany discusses the practice concerning the delegation of inspection tasks by inspection bodies as described in subsection 1.8.6.4 of the RID/ADR and presents two interpretations. After consulting its National Accreditation Body, the Dutch delegation would like to comment on these interpretations in order to contribute to the discussion.

2. We would like to remind the Joint Meeting of the work of the informal working group on the inspection and certification of tanks (short: London working group) where currently subsection 1.8.6.4 is being discussed. The discussion focusses on the role and tasks of the inspection body when subcontracting and how this must be implemented in their quality system. The views presented by Germany in ECE/TRANS/WP.15/AC.2/2019/4 are valuable contributions to the current discussion on these issues in the London working group.

Comment on interpretation I

3. In interpretation I Germany provides its views on the working of national accreditation bodies, especially the information noted in in the accreditation granted. While subsection 1.8.6.4 is a part of the RID/ADR provisions, we are of the opinion that the Joint Meeting should not discuss this issue without detailed consultation with the national accreditation bodies¹. All national accreditation bodies are organized in the European co-operation for Accreditation (EA). This organisation has 50 members and covers most of the ADR/RID contracting parties/states. EA seems to be very suitable to address and discuss questions on the application of accreditation regulations by National Accreditation Bodies.

Comment on interpretation II

4. In interpretation II Germany states that an inspection body cannot assess the competence of the subcontractor and that this can only be done by an accreditation body. The

¹ The Dutch Accreditation Body includes only the accredited body and does not mention other legal entities (such as subcontractors) bases on their policy as mentioned in document: RvA-BR003-UK 'Policy rule Scope of Accreditation'.

Dutch delegation does not agree with this statement and the German interpretation of 'assessment of competence'. In our view the assessment of 'competence' means the assessment of the requirements set out in 1.8.6.8 (a) to (h) which ensure the quality of the subcontractor and should not be mistaken for accreditation. After determination of competence, the subcontractor is only allowed to work under the direct responsibility of the accredited inspection body that carried out this assessment. This is the basic principle behind chapter 6.3 of EN ISO/IEC 17020, the standard by which the inspection body must be accredited is based on 1.8.6.8. In the case described in this paragraph, the subcontractor is not accredited. Adding to this, we do not see the link with EN ISO/IEC 17040 as mentioned by Germany, since this EN ISO/IEC 17040 sets requirements for peer assessment between accredited bodies.

5. This view on the assessment of competency is also the base for assessment of laboratories performing tests under responsibility of bodies for the conformity assessment of railway products. The ERA drafted a technical document describing the assessment scheme that European Member States must apply for procedures concerning the assessment of the conformity assessment bodies for the interoperability Directives². In this document, two options comparable to the ones mentioned in 1.8.6.4 are introduced: 1. tests performed by accredited laboratory, and 2. tests done by non-accredited laboratory. In the latter case, it is clearly described that the conformity assessment body is responsible for assessing competence of the laboratory, with a reference to EN ISO/IEC 17025 for the relevant requirements to be assessed.

² See: Technical document MNB – assessment scheme 000MRA1044 ver 1.1 of the European Union Agency for Railways