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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 2 of the provisional agenda
Tanks**Proposal to add a footnote in 6.8.2.1.20 in ADR****Transmitted by the Government of Sweden^{1, 2}***Summary***Executive summary:** A clarification is needed in sub-section 6.8.2.1.20 concerning "equivalent measures"**Decision to be taken:** Add a new footnote according to this proposal**Related documents:** ECE/TRANS/WP.15/AC.1/120/Add.1 - Report of the Joint Meeting on its Autumn 2010 session – Addendum - Report of the working group on tanks
Informal document INF.29 (Sweden) presented at the Autumn 2010 session - Measures adopted on tanks according to 6.8.2.1.20 or in standard EN 13094:2008, including a proposal as a preliminary consequential amendment

1. At the Joint Meeting in September 2010 Sweden submitted an informal document (INF.29) concerning interpretation of which measures that are provided to be adopted on tanks to have them deemed protected against damage.

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/2011/9.

2. According to 6.8.2.1.19 in ADR, the competent authority may allow the shell thickness to be reduced on tanks where protection against damage through lateral impact or overturning is provided. The protection is provided for fixed tanks, demountable tanks and battery vehicles when the measures, or "equivalent measures", which are stated in 6.8.2.1.20 left column in ADR, are adopted.
3. The last sentence in the first paragraph of 6.8.2.1.20, left column, in ADR also allows for the possibility to have tanks protected against damage when adopting measures equivalent to the measures stated in 6.8.2.1.20 (a) and (b).
4. The measures for reduction of shell thickness are also specified in the standards EN 13094:2004 (in sub-section 6.8.2.2) and EN 13094:2008 (in sub-section 6.9.2.2).
5. According to sub-section 6.8.2.6 in ADR the standard EN 13094:2008 is mandatory from 1 January 2010 for the construction of tanks. Tanks constructed from that date must have adopted the measures given in sub-section 6.9.2.2 in the standard if they shall be deemed being protected against damage.
6. In informal document INF.29, Sweden expressed the opinion that there seems to be a contradiction in the provisions. Whilst the standard in sub-section 6.8.2.6, which application is mandatory, does not allow for any equivalent measures to be adopted, the text of the first paragraph in sub-section 6.8.2.1.20 does.
7. See below an extract of the relevant parts of the report from the Working Group on Tanks (ECE/TRANS/WP.15/AC.1/120/Add.1):

"20. To make matters clear, the present legal situation was described and confirmed. The legal situation is that according to 6.8.2.1.4, tanks must be designed and constructed in accordance with the requirements of standards listed in 6.8.2.6 or of a technical code in accordance with 6.8.2.7. As the applicable tank standard EN 13094 contained rules for the case of reducing the wall thickness, the Working Group on Tanks was of the view that these rules must be applied. Exceptions to this were only allowed by means of a technical code according to the rules of 6.8.2.7.

21. The majority of the group saw no immediate need to amend 6.8.2.1.20. Sweden was asked to submit an appropriate proposal if further clarification were needed."
8. According to the result from the Joint Meeting in September 2010, Sweden submit this proposal to in order to clarify the provisions about what measures that shall be adopted when a competent authority allow for a reduction of the shell thickness.
9. Thus the standards for construction of tanks according to sub-section 6.8.2.6 shall be applied, the text at the end of the first paragraph of 6.8.2.1.20, "equivalent measures", need to refer to these standards.
10. For the aforementioned reasons, Sweden would like to propose to add a footnote in sub-section 6.8.2.1.20 in ADR.

Proposal

11. In 6.8.2.1.20 of ADR, in the left column, at the beginning, insert a reference to footnote* after "or equivalent". The text of the footnote shall read as follows: "Equivalent measures means measures given in standards according to 6.8.2.6. Exceptions are only allowed by means of a technical code according to the rules of 6.8.2.7.".

Justification

12. This proposal clarifies which measures need to be adopted on tanks in order to have the possibility to reduce the thickness of the tank shell. There are no measures other than those specified in ADR and the standards according to 6.8.2.6. As the text stand today, without this clarification, it can open for adopting equivalent measures that go beyond those that ADR provides.

Feasibility

13. This proposal does not result in any problems concerning implementation.
