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Working Party on the Transport of Dangerous Goods

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Item 5 (a) of the provisional agenda

Proposals for amendments to annexes A and B of ADR construction and approval of vehicles

Tanks: First inspection waiver for EX/II, EX/III, FL and AT vehicles and MEMUs type-approved in accordance with 9.1.2.2 and for which a declaration of conformity with the requirements of Chapter 9.2 to 9.8 has been issued

Transmitted by the Government of the United Kingdom*

Summary

Executive summary: At the 102nd session, the United Kingdom suggested, in light of experience, that the Working Party could consider a proposal to extend ADR 9.1.2.1 to allow the competent authority to waive the first inspection of EX, FL and AT vehicles and MEMUs until the first anniversary test. At the 103rd and 104th sessions, the United Kingdom reported that the results of such first anniversary tests had been positive. Further positive data has since become available with no failures recorded in any such tests, suggesting after nearly 12 months of data that in such circumstances it would be proportionate and avoid unnecessary burdens if such first inspections could be waived at the discretion of the competent authority.

Action to be taken: Consider the proposal herewith.

* In accordance with the programme of work of the Inland Transport Committee for 2018-2019, (ECE/TRANS/WP.15/237, annex V, (9.1)).

Introduction

1. To overcome delays with first inspections of tank vehicles after the introduction of new administrative processes, and given the positive results at those inspections, the United Kingdom issued an authorisation in August 2016 to waive the first inspection of EX, FL and AT vehicles and MEMUs until the first anniversary test. This worked well, and at the 102nd session the United Kingdom, in ECE/TRANS/WP.15/2017/11, invited the Working Party to begin consideration of a proposal to extend ADR 9.1.2.1 to allow the competent authority to waive such first inspections until the first anniversary test. A number of delegations made comments and it was generally considered that more experience was required before the proposal could be discussed further.

2. Since then the results of such first anniversary tests in the United Kingdom have to date been positive, with only five vehicles out of 613 vehicles failing the first anniversary test to 31 July 2018, but on roadworthiness grounds only. At the time of the report to the 102nd session only two tank vehicles out of 254 tank vehicles had failed the first anniversary test on roadworthiness grounds only.

3. In light of this experience and comments received during previous sessions, the waiver requires the type approval and initial inspection certificates to accompany the declaration, and is being tightened to restrict the scope to types of EX, FL and AT vehicles and MEMUs, in respect of both the ADR type approval and the ADR vehicle type approval in combination, where these have previously been subjected to ADR certification and Part 9 first inspection.

Proposal

4. Add the underlined/bold paragraph after paragraph three of ADR 9.1.2.1 as follows:

“The competent authority may waive the first inspection for a complete or completed vehicle type-approved in accordance with 9.1.2.2 for which the manufacturer, his duly accredited representative or a body recognised by the competent authority has issued a declaration of conformity with the requirements of Chapter 9.2 to 9.8 as may be relevant to the vehicle, provided the vehicle has not been modified in any way that would affect the validity of the type approval and is of the same type as a vehicle that has previously been subjected to a first inspection by the competent authority.”

Justification

5. Based on the experience of the United Kingdom, extending the discretion of the competent authority to waive the first inspection for complete or completed EX, FL and AT vehicles and MEMUs type approved in accordance with 9.1.2.2 would not compromise safety, but would be proportionate and avoid unnecessary burdens when placing new vehicles into service, by reducing the delays and costs arising from the first inspection.
