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Working Party on the Transport of Dangerous Goods

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Proposals for Amendment to RID/ADR/ADN

Comments on ECE/TRANS/WP.15/AC.1/2008/2

Transmitted by the Government of the United Kingdom

Introduction

1. This paper attempts to provide answers to the questions raised by Switzerland concerning the new provisions for conformity assessment. The questions are addressed in the order that they appear in document 2008/2.
2. Essentially, Switzerland is assuming a rigid application of the new RID/ADR/ADN conformity assessment system to UN pressure receptacles. This is not possible under the commitment to carry receptacles manufactured in accordance with any country's application of the UN text. Accordingly, the UN conformity assessment text cannot be altered or restricted. Sub-section 6.2.2.9 provides a way of using the new conformity assessment system for UN pressure receptacles, but RID/ADR/ADN should not bind itself to recognise only those UN pressure receptacles which are approved in accordance with 1.8.6 and 1.8.7. Accordingly, the proposals to modify UN text are not recommended for adoption.
3. The reasons for suggesting modifications to the text are based on perceived inconsistencies between the two sets of requirements. This paper attempts to demonstrate that the working group which generated this text achieved their objective of creating a conformity assessment system compatible with the TPED as practised for RID/ADR/ADN pressure equipment, the UN system and the RID/ADR/ADN provisions for type approval and testing.

Questions

1.8.6.4 – Does 1.8.6.4 apply to both UN and non-UN receptacles?

4. 1.8.6.4 applies to non-UN pressure receptacles. As is made clear by 6.2.2.9, it may be applied to UN pressure receptacles as an option. The new RID/ADR/ADN conformity assessment system was designed to comply with the UN conformity assessment system detailed in 6.2.2.5 and 6.2.2.6. While it complies with the UN system, it does not replicate all the options available in the UN text. Therefore, if the proposed amendment requiring mandatory application of 1.8.6 and 1.8.7 were to be adopted, RID/ADR/ADN

would be applying restrictions on the UN text which would be contrary to the principles of reproducing UN text entirely unaltered. For example, RID/ADR/ADN requires accreditation in accordance with EN ISO/IEC 17020:2004 which is not required by the UN text. However but the requirement is compatible with UN requirements.

This proposed amendment is not recommended for adoption.

1.8.7.2.3 – Is this paragraph also applicable to UN receptacles?

5. Again this paragraph may be applied to UN pressure receptacles as an option. It is true that 6.2.2.5.4.2 states that type approval certificates are required to be issued by the competent authority. However, 6.2.2.5.2.2 states “The competent authority may delegate its functions in this conformity assessment system in whole or in part.” Thus, the specification in 1.8.7.2.3 of “the competent authority, its delegate or the inspection body is in line with the UN text. Similarly, in 6.2.2.9, the competent authority may delegate functions, so Xa aligns with the options available in the UN text.

No amendment is needed, therefore.

6.2.1 NOTE – proposed revision of the NOTE

6. The UK agrees that aerosol dispensers are not subject to the other requirements of RID/ADR/ADN. Since the proposed text cannot be misunderstood it should be adopted. (Note that the actual text for this note in the 2009 version also includes *fuel cell cartridges containing liquefied flammable gas.*)

6.2.1.6.1 – The authorization of in-house inspection services for periodic inspection.

7. Although the in-house inspection service carries out the periodic inspection work it is the mark of the inspection body authorized by the competent authority which is applied to the pressure receptacle. It is implicit in the new conformity assessment system that inspection bodies will, under their own authority delegate duties to the in-house inspection service taking the safeguards of a quality system subject to periodic audit. When competent authorities appoint inspection bodies, they should be aware that such delegation is possible, but they will also be clear that responsibility for the inspection work remains with the appointed inspection body. This is normal in conformity assessment systems and was laid out in great detail in the Modules of the TPED. The working group which developed the new RID/ADR/ADN text did not see that the UN text prevented such delegation.

Authorization is given to the inspection body responsible for periodic inspection so no amendment is needed.

6.2.1.4.1 – Replace “inspection body” by “competent body”

As explained above, the inspection and approval of pressure receptacles is carried out by an inspection body. The fact that the inspection body delegates some of the work to an

in-house inspection service does not dilute the inspection body's responsibility and indeed the certificates and stamps are those of the inspection body.

No amendment is needed, therefore

6.2.1.4.2 – Should a reference to EN ISO 9000 be retained?

8. The new conformity assessment system is an amalgamation of the UN system and the Transportable Pressure Equipment Directive, neither of which mentions this standard. A complete conformity assessment system is specified and thus there is no need to add confusion by including a reference to a standard which is very general and is concerned with quality systems in general not specifically with conformity assessment as practised for RID/ADR/ADN pressure equipment. Market forces may well cause manufacturers and indeed testing facilities to adopt EN ISO 9000 and the relevant body can be expected to take this into account when assessing an applicant's quality system, but there is no need to make this standard a requirement.

A reference to EN ISO 9000 is thus not needed.

6.2.1.7.2 – Will each authority concerned by the consignment now have to carry out the manufacturer proficiency test?

Should the footnote“* If the country of approval is not a COTIF member State/a Contracting Party to ADR, the competent authority of a COTIF member State/a Contracting Party to ADR.” be retained?

9. In RID/ADR/ADN territories it is implicit in the UN system that the country of manufacture need not be the same as the country of approval; for example, see the marking provision of 6.2.2.7. The RID/ADR/ADN cannot lay duties on the competent authority of countries which are not subject to these regulations. Therefore wherever a competent authority is mentioned it is automatically one from an RID/ADR/ADN country. Thus, if the pressure receptacles are manufactured outside RID/ADR/ADN territory and are subject to this conformity assessment system, the approval of the pressure receptacle must be carried out by a competent authority, its delegate or inspection body from an RID/ADR/ADN country. So, a pressure receptacle manufactured outside RID/ADR/ADN territory will have been approved by an RID/ADR/ADN country and can be carried anywhere in an RID/ADR/ADN territory. No further approval is required.

The answer to the two questions is therefore no.

Table in 6.2.2.9 – Type approval: 6.2.2.9 allows delegation by the competent authority, but 6.2.2.5.4.2 does not.

10. As explained above 6.2.2.5.2.2 states “The competent authority may delegate its functions in this conformity assessment system in whole or in part.” Therefore the amendment of 6.2.2.5.4.2 is not necessary.

Table in 6.2.2.9 – Supervision of manufacture: Several following statements and questions about inconsistencies between UN text and ADR text.

11. The working group believed it had solved all these perceived inconsistencies. Since no restriction is placed by 6.2.2.5.2.2 and 6.2.2.6.2.2 on to whom or in what way the competent authority delegates its functions, the answer to the final question in the first indent of paragraph 13 in 2008/2 is yes; 6.2.2.9, 1.8.6 and 1.8.7 are consistent with UN text.

 12. Referring to the final sentence in 2008/2; it would be regrettable if Contracting Parties/Member States concluded that the UN text is inadequate. While this sentence implies a very welcome vote of confidence in the RID/ADR/ADN system, the successful operation of any conformity assessment system depends upon the diligence and professional skills of the competent authority and its delegated bodies. There is much in the UN text to ensure proper attention to maintaining quality of manufacture and inspection and the flexibility built in to the UN system is not a licence for inadequate work. It would be inappropriate now for the joint meeting to seek to add limitations on the current globally acceptable UN system.
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