

Irregularities in the application of the ADR, by some authorized bodies, under approvals of the authority of a country contracting parts of the ADR

Transmitted by the Government of Spain

In the last 2 years we have detected some cases of serious infraction on the constructions of road-tanks, and it has happened because the approval certificate of the model or type was clearly wrong and improper.

In all cases, it was an authorized body which was the responsible of the irregularity.

Actually there are probably hundreds of swap-tanks or tank-containers ADR, which has not been correctly constructed according the requirements of the chapter 6.8 of the ADR, and the problem is increasing. For that reason it needed a strong action and to adopt different measures by the contracting parties of the ADR to avoid in the present and in the future this situation.

The honest constructors or fabricants of road tanks or tank-containers ADR are pushed to close the factories in same cases, as a consequence of the out of control of the situation by the competent authority or authorities of the country that gives these improper approval certificates of ADR-tanks.

Various solutions can be established to prevent and correct the situation, as for example the followings:

- 1) To constitute an informal working group in the WP-15 to examine the documents that prove these irregularities and to issue a statement of possible infractions which the competent authority of the country affected shall be obliged to correct and to demand responsibilities, with the hold or detention of the tank-containers or other penalties.
 - 2) That the WP-15 allows to the country which suffers the consequences to take measures for not accepting more cargo transport units (road-tanks) from the authorised body which acted in the case, even if the irregular road-tanks are constructed in other countries, not contracting parties of the ADR.
 - 3) Other measures that can be suggested by the WP-15 for this situation.
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