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Reports of informal working groups

Period of validity of type approvals and transition measures for standards

Transmitted by the European Cylinder Makers Association (ECMA)

1. Introduction

1.1 Following the discussion at the Joint Meeting in March the informal working group on the period of validity of type approvals and the transition period for standards, has met twice to further develop its proposals. The meetings were held in Brussels on 28th May and in Vienna on 18th August. Representatives of Belgium, France, Germany, Switzerland, EIGA (first meeting only) and ECMA attended and the UK sent its apologies; the CEN Consultant for the transport of dangerous goods also attended.

1.2 The working group has completed its work on type approvals and offers new text for adoption into the RID/ADR. The work on transition periods for standards is not yet complete, but the working group would like to receive general comments on its approach and the agreement of the Joint Meeting to continue its work to submit a final proposal for the Joint Meeting in March 2009. The report also identifies two areas of weaknesses in the regulations which are outside the scope of the working group and which it would like to present so that they may be addressed separately, e. g. by other delegations.

2. Period of validity for type approvals

2.1 As previously reported the working group had agreed that type approvals should have a maximum life of ten years and be renewable. The complete proposals shown in paragraph 3 now contain the following additional principles.

(a) The type approval is defined as authorising manufacture and manufacture must cease when the approval expires or is withdrawn;

(b) The body which issues the type approval must monitor the provisions of RID/ADR including standards and withdraw the approval if it is no longer in conformity;

(c) The body which carries out the initial inspection and tests should check with the issuing body that the type approval remains valid, if the relevant provisions of RID/ADR have changed.

2.2 Additionally, it was found necessary to specify the following requirements which were missing from the provisions of 1.8.7.

(a) The type approval shall be issued to the applicant;

(b) The type approval certificate shall include the name and address of the applicant;

(c) The maximum period of validity shall be specified on the type approval certificate;

(d) A copy of the type approval certificate shall be made available to the body undertaking the initial inspection and tests.

2.3 Transitional measures are also proposed which require that all type approvals for pressure receptacles, tanks etc. to which 1.8.7 applies be aligned with the new requirements within 2 years.

3. Proposals concerning type approvals and their period of validity

Insert the following sentence under the heading 1.8.7.2 ***Type approval***

Type approvals authorise the manufacture of pressure receptacles, tanks, battery-vehicles/wagons or MEGCs within the period of validity of that approval.

Modify 1.8.7.2.3 as follows (new text underlined)

1.8.7.2.3 Where the type satisfies all applicable provisions, the competent authority, its delegate or the inspection body, shall issue a type approval certificate to the applicant.

This certificate shall contain:

(a) The name and address of the issuer:

(b) The name and address of the manufacturer and of the applicant when the applicant is not the manufacturer:

(c) to (f) unchanged

(g) The maximum period of validity of the type approval.

Insert a new paragraph

1.8.7.2.4 The type approval shall be valid for a maximum of ten years. If within that period the relevant technical requirements of RID/ADR (including referenced standards) have changed so that the approved type is no longer in conformity with them, the relevant body which issued the type approval shall withdraw it and inform the holder of the

type approval. The issuing body shall keep all documents for the type approval (see 1.8.7.7.1) for the whole period of validity including its renewals if granted.

***NOTE**: For the ultimate dates for withdrawal of existing type approvals, see column 5 of the tables in 6.2.4 and 6.8.2.6 or 6.8.3.6 as aappropriate.*

If a type approval has expired or has been withdrawn, the production of the pressure receptacles, tanks, battery-vehicles/wagons or MEGCs according to that type approval shall be stopped immediately.

Type approvals may be renewed provided conformity with the provisions of RID/ADR as applicable at the date of renewal is confirmed.

Modify 1.8.7.4.2 as follows (new text shown underlined).

1.8.7.4.2 The relevant body shall:

(a) to (d) *Unchanged*

(e) Check with the body which issued the type approval if the type approval remains valid after provisions of RID/ADR (including referenced standards) relevant to the type approval have changed.

The certificate in (d) and report in (c) may cover a number of items of the same type (group certificate or report).

Insert at the end of 1.8.7.7.2

(i) a copy of the type approval certificate.

Insert in Chapter 1.6 the following.

1.6.2.x Type approvals issued before 1 July 2011 for pressure receptacles are subject to the provisions of 1.8.7.2.4 from 1 January 2013.

1.6.3.x Type approvals issued before 1 July 2011 for fixed tanks (tank-vehicles/wagons), demountable tanks and battery vehicles which are approved for the carriage of a substance for which TA4 appears in column (13) of Table A of Chapter 3.2 are subject to the provisions of 1.8.7.2.4 from 1 January 2013.

1.6.4.x Type approvals issued before 1 July 2011 for tanks containers and MEGCs approved for the carriage of a substance for which TA4 appears in column (13) of Table A of Chapter 3.2 are subject to the provisions of 1.8.7.2.4 from 1 January 2013.

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4. Issues on the application of standards and technical codes

4.1 The working group noted that it had been practice before the mandatory application of standards for competent authorities to allow the use of standards which had been adopted for reference in RID/ADR before the coming into force of the future edition of the regulations. This practice should continue and the following text in paragraph 5 is proposed to regulate it.

4.2 Also, the working group proposes that the title of the sections on technical codes should speak of **referenced** standards since the technical codes may well be (other) standards. The opportunity was also taken to use the word 'referenced' in the text in place of 'listed' when referring to standards

4.3 Another issue identified was the need to specify the procedure for periodic inspection which should be followed for tanks or pressure receptacles which are constructed according to technical codes. Relevant text is proposed to clarify that the issuer of the type approval has this responsibility.

5. Proposals concerning the application of standards and technical codes

Modify 6.2.5 as follows (new text underlined).

6.2.5 Requirements for non-UN pressure receptacles not designed, constructed and tested according to referenced standards

To reflect scientific and technical progress or where no standard is ~~listed~~ referenced in 6.2.2 or 6.2.4, or to deal with specific aspects not addressed in a standard ~~listed~~ referenced in 6.2.2 or 6.2.4, the competent authority may recognize the use of a technical code providing the same level of safety.

In the type approval the issuing body shall specify the procedure for periodic inspections if the standards referenced in 6.2.2 or 6.2.4 are not applicable or shall not be applied.

A standard which has been adopted for reference in a future edition of the RID/ADR may be approved by the competent authority for use without complying with the following provisions provided the provisions of 6.2.1 to 6.2.3 are met.

The competent authority shall transmit to the secretariat of OTIF/UNECE a list of the technical codes that it recognises. The list should include the following details: name and date of the code, purpose of the code and details of where it may be obtained. The secretariat shall make this information publicly available on its web-site.

The requirements of 6.2.1, 6.2.3 and the following requirements however shall be met.

Modify 6.8.2.7 as follows (new text underlined).

6.8.2.7 ***Requirements for tanks which are not designed, constructed and tested according to referenced standards***

To reflect scientific and technical progress or where no standard is ~~listed~~ referenced in 6.8.2.6 or to deal with specific aspects not addressed in a standard ~~listed~~ referenced in 6.8.2.6, the competent authority may recognize the use of a technical code providing the same level of safety. Tanks shall, however, comply with the minimum requirements of 6.8.2.

In the type approval the issuing body shall specify the procedure for periodic inspections if the standard referenced in 6.8.2.6 is not applicable or shall not be applied.

A standard which has been adopted for reference in a future edition of the RID/ADR may be approved by the competent authority for use without complying with the following provisions.

The competent authority shall transmit to the secretariat of OTIF/UNECE a list of the technical codes that it recognises. The list should include the following details: name and date of the code, purpose of the code and details of where it may be obtained. The secretariat shall make this information publicly available on its website.

For testing, inspection and marking, the applicable standard as referred to in 6.8.2.6 may also be used.

Replace 6.3.8.7 with the following.

6.8.3.7 ***Requirements for battery vehicles and MEGCs which are not designed, constructed and tested according to referenced standards***

To reflect scientific and technical progress or where no standard is ~~listed~~ referenced in 6.8.3.6 or to deal with specific aspects not addressed in a standard ~~listed~~ referenced in 6.8.3.6, the competent authority may recognize the use of a technical code providing the same level of safety. Battery vehicles and MEGCs shall, however, comply with the minimum requirements of 6.8.3.

In the type approval the issuing body shall specify the procedure for periodic inspections.

A standard which has been adopted for reference in a future edition of the RID/ADR may be approved by the competent authority for use without complying with the following provisions.

The competent authority shall transmit to the secretariat of OTIF/UNECE a list of the technical codes that it recognises. The list should include the following details: name and date of the code, purpose of the code and details of where it may be obtained. The secretariat shall make this information publicly available on its website.

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6. Transition periods for standards

6.1 The working group had agreed at its first meeting that the transition period for standards should be shown in the standards tables 6.2.4, 6.8.2.6 and 6.8.3.6. Much thought has been given to presenting this information in the most easily understood form.

6.2 The tables appearing in the 2009 editions of the RID/ADR show how the new standards are optional for the first two years and become mandatory thereafter. In 2011 the concept of mandatory standards will have become established and can be covered in the text preceding the table. A proposal for this text is given below in paragraph 7.

6.3 Since the manufacture is controlled by the validity of the type approval, the control of the dates for the application of standards may be made by means of the period of validity of the type approval. Therefore column (4) shows when it is permissible to use the standard for the issue or renewal of type approvals.

6.4 The principle of two years transition for new standards is respected and during these two years new type approvals can continue to be issued against a previously referenced standard which the new standard replaces.

6.5 Column (5) shows the latest date at which an existing type approval must be withdrawn. In the case that the standard replacing an older version offers only incremental changes the working group believes that existing type approvals should continue until their expiry. If, on the other hand, the new standard offers important safety benefits, the type approval can be withdrawn by a date to be determined by the Joint Meeting, based on a recommendation from the Standards Working Group.

6.6 At present the periodic inspection standards appear linked to construction dates and this is not correct. The latest procedures as applicable at the date of the periodic inspection should be applied to pressure receptacles and tanks of all ages. Newly introduced standards would be subject to the usual two years transition period in order to allow time for the creation of new procedures. Since periodic inspection is not tied to type approval, a separate table is required which will be preceded by its own explanatory text. This is shown in the draft below.

6.7 The tables shown in the draft proposal below are not complete; they illustrate with examples how the tables would appear in 2011 if the proposals of the working group are accepted. Some explanatory notes which are not part of the draft proposal appear in a box after the tables. These notes refer to the numbers to the left of each row in the table.

6.8 The working group asks for general comments on these proposals. If the Joint Meeting agrees, the working group will complete this table and the tables in 6.8.2.6 and 6.8.3.6 to submit a final proposal to the Joint Meeting in March 2009. Since this latter task involves tanks, the working group recommends that tank experts join the group. A provisional date of 4th November 2008 in Brussels has been reserved for the next meeting.

7. Draft proposals for transition periods for standards

Revise 6.2.4 as shown (new text underlined).

6.2.4 Requirements for non-UN pressure receptacles designed, constructed and tested according to standards

NOTE: *Persons or bodies identified in standards as having responsibilities in accordance with ADR shall meet the requirements of ADR.*

6.2.4.1 *Design, construction and initial inspection and test*

~~Depending on the date of construction of the pressure receptacle~~, The standards ~~listed~~ referenced in the table below shall be applied for the issue of type approvals as indicated in column (4) to meet the requirements of Chapter 6.2 referred to in column (3) ~~or may be applied as indicated in column (5)~~. The requirements of Chapter 6.2 referred to in column (3) shall prevail in all cases. Column (5) gives the latest date when existing type approvals shall be withdrawn according to 1.8.7.2.4; if no date is shown the type approval remains valid until it expires.

The use of the referenced standards is mandatory. Exceptions are dealt with in 6.2.5.

If more than one standard is referenced ~~listed as mandatory~~ for the application of the same requirements, only one of them shall be applied, but in full unless otherwise specified in the table below.

	Reference	Title of document	Applicable sub-sections and paragraphs	Applicable for new type approvals or for renewals	Latest date for withdrawal of existing type approvals
	(1)	(2)	(3)	(4)	(5)
	for materials				
1	EN ISO 11114-1: 1997	Transportable gas cylinders - Compatibility of cylinder and valve materials with gas contents - Part 1: Metallic materials.	6.2.1.2	Until further notice	
	for design and construction				
1	Annex I, Parts 1 to 3 to 84/525/EEC	Council directive on the approximation of the laws of the Member States relating to seamless steel gas cylinders.	6.2.3.1 and 6.2.3.4	Until further notice	
2	EN 1964-1:1999	Transportable gas cylinders – Specifications for the design and construction of refillable transportable seamless steel gas cylinders of capacity from 0.5 litres up to 150 litres – Part 1: Cylinders made of seamless steel with a Rm value of less than 1 100 MPa.	6.2.3.1 and 6.2.3.4	Before 1 January 2013	

	Reference	Title of document	Applicable sub-sections and paragraphs	Applicable for new type approvals or for renewals	Latest date for withdrawal of existing type approvals
	(1)	(2)	(3)	(4)	(5)
3	EN ISO 9809-1:2009	Gas cylinders — Refillable seamless steel gas cylinders - Design, construction and testing — Part 1: Quenched and tempered steel cylinders with tensile strength less than 1 100 MPa	6.2.3.1 and 6.2.3.4	Until further notice	
4	EN 1975:1999 (except Annex 6)	Transportable gas cylinders – Specifications for the design and construction of refillable transportable seamless aluminium and aluminium alloy gas cylinders of capacity from 0.5 litres up to 150 litres	6.2.3.1 and 6.2.3.4	Before 1 July 2005	
2	EN 1975:1999 + A1:2003	Transportable gas cylinders – Specifications for the design and construction of refillable transportable seamless aluminium and aluminium alloy gas cylinders of capacity from 0.5 litres up to 150 litres	6.2.3.1 and 6.2.3.4	Before 1 January 2013	
3	EN ISO 7866:2008	Gas cylinders — Refillable seamless aluminium alloy gas cylinders — Design, construction and testing	6.2.3.1 and 6.2.3.4	Until further notice	
5	EN 14140:2003	Transportable refillable welded steel cylinders for Liquefied Petroleum Gas (LPG) – Alternative design and construction	6.2.3.1 and 6.2.3.4	Before 1 January 2011	
6	EN 14140:2003 + A1:2006	Transportable refillable welded steel cylinders for Liquefied Petroleum Gas (LPG) – Alternative design and construction	6.2.3.1 and 6.2.3.4	Until further notice	
	Alternative treatment is shown in italics below where the use of type approvals based on the superseded standard must cease within a maximum of six years from the first referencing of the amendment.				
7	*EN 14140:2003*	*Transportable refillable welded steel cylinders for Liquefied Petroleum Gas (LPG) – Alternative design and construction*	*6.2.3.1 and 6.2.3.4*	*Before 1 January 2011*	*31 December 2014*
8	*EN 14140:2003 + A1:2006*	*Transportable refillable welded steel cylinders for Liquefied Petroleum Gas (LPG) – Alternative design and construction*	*6.2.3.1 and 6.2.3.4*	*Until further notice*	
9	EN 14638-1:2006	Transportable gas cylinders – Refillable welded receptacles of a capacity not exceeding 150 litres – Part 1: Welded austenitic stainless steel cylinders made to a design justified by experimental methods	6.2.3.1 and 6.2.3.4	Until further notice	
	for closures				
10	EN 849:1996 + A2:2001	Transportable gas cylinders – Cylinder valves: Specification and type testing	6.2.3.1	Before 1 July 2007	
3	EN ISO 10297: 2006	Transportable gas cylinders – Cylinder valves: Specification and type testing	6.2.3.1	Until further notice	

Explanatory notes (*not part of the proposal)*

1. Example of standard for which no replacement is imminent.
2. Example of an EN standard which is currently referenced , but is due to be replaced by an equivalent EN ISO standard. Type approvals cannot be issued or renewed after 31/12/2012
3. The EN ISO standard equivalent to the standard shown immediately above.
4. A standard referenced in RID/ADR before the 2005 edition which was superseded by an amendment which had no impact on safety; type approvals can be used until their expiry.
5. A standard referenced in RID/ADR 2007.
6. An amendment of the above standard referenced for the first time in RID/ADR 2009; its use for new type approvals becomes mandatory in 2011.
7. The same standard as 5 but showing that its use is forbidden six years after its amendment is referenced.
8. The same amendment as 6.
9. A standard referenced for the first time in 2009 which is not replacing another standard.
10. An example of a closure standard which was superseded in the RID/ADR 2007; its replacement shown in the row below had no safety advantage so type approvals are shown as being able to continue until their expiry.

6.2.4.2 ***Periodic inspection and test***

The standards referenced in the table below shall be applied for the periodic inspection and test of pressure receptacles as indicated in column (4) to meet the requirements of Chapter 6.2 referred to in column (3). The requirements of Chapter 6.2 referred to in column (3) shall prevail in all cases.

The use of a referenced standard is mandatory.

When a pressure receptacle is constructed in accordance with the provisions of 6.2.5 the procedure for periodic inspection as specified in the type approval shall be followed.

If more than one standard is referenced for the application of the same requirements, only one of them shall be applied, but in full unless otherwise specified in the table below.

	Reference	**Title of document**	**Applicable subsections and paragraphs**	**Application authorized**
	(1)	**(2)**	**(3)**	**(4)**
1	EN 1251-3:2000	Cryogenic vessels – Transportable, vacuum insulated, of not more than 1 000 litres volume – Part 3: Operational requirements	6.2.3.5	Until further notice
2	EN 1968:2002 + A1:2005 (except Annex B)	Transportable gas cylinders – Periodic inspection and testing of seamless steel gas cylinders	6.2.3.5	Until 31 December 2012
3	*EN ISO 6406:2009*	*Transportable gas cylinders – Seamless steel gas cylinders – Periodic inspection and testing*	*6.2.3.5*	*Until further notice*

4	EN 1802:2002 (except Annex B)	Transportable gas cylinders – Periodic inspection and testing of seamless aluminium alloy gas cylinders	6.2.3.5	Until 31 December 2012
5	*EN ISO 10461:2009*	*Transportable gas cylinders – Seamless aluminium-alloy gas cylinders – Periodic inspection and testing*	*6.2.3.5*	*Until further notice*
1	EN 12863:2002 + A1:2005	Transportable gas cylinders – Periodic inspection and maintenance of dissolved acetylene cylinders ***NOTE:*** *In this standard "initial inspection" is to be understood as the "first periodic inspection" after final approval of a new acetylene cylinder.*	6.2.3.5	Until further notice
1	EN 1803:2002 (except Annex B)	Transportable gas cylinders – Periodic inspection and testing of welded steel gas cylinders	6.2.3.5	Until further notice
1	EN ISO 11623:2002 (except clause 4)	Transportable gas cylinders – Periodic inspection and testing of composite gas cylinders	6.2.3.5	Until further notice
1	EN 14189:2003	Transportable gas cylinders – Inspection and maintenance of cylinder valves at time of periodic inspection of gas cylinders	6.2.3.5	Until further notice
1	EN 14876:2007	Transportable gas cylinders – Periodic inspection and testing of welded steel pressure drums	6.2.3.5	Until further notice
1	EN 14912:2005	LPG equipment and accessories – Inspection and maintenance of LPG cylinder valves at time of periodic inspection of cylinders	6.2.3.5	Until further notice
6	*EN XXXXX: 2010*	*Transportable gas cylinders – Periodic inspection and testing of bundles*	*6.3.2.5*	*Mandatory as from 1 January 2013*

Explanatory notes (*not part of the proposal)*

1 Standards for which no change is foreseen.

2 & 4 EN standards for which EN ISO replacements are expected to be introduced in 2011. They will be phased out in the usual 2 years transitional period.

3 & 5 EN ISO standards which are expected to replace the standard in the rows 2 and 4 respectively. These automatically become mandatory in 2013 when the EN standards are withdrawn from the RID/ADR.

6 An example of a standard which may be introduced in the 2011 regulations not replacing an old one and which would become mandatory after a two year transition.

8. Other matters outside the terms of reference of the working group

8.1 During the working group's meetings, two subjects which the working group felt were inadequately treated in the RID/ADR became apparent. The working group brings these to the attention of the Joint Meeting in the hope that interested delegations will submit a proposal to a future meting.

8.2 The first deficiency was the absence of limitations on the application of technical codes "to reflect scientific and technical progress". It was considered unclear what will be allowed in future, since for example, it would be possible to introduce a technical code when the technical progress gained was only greater convenience of manufacture or when there was a belief that an existing national code was more economical than the CEN standard. Such codes would undermine the harmonisation which was being sought by the mandatory application of standards. The working group recommends that additional text be developed to give further details and restrictions on the nature of such technical codes. It was also mentioned that the applicant for an approval according to 6.2.5 should specify the intended derogations from the provisions of 6.2.1, 6.2.2 or 6.2.3 or the referenced standards in 6.2.2 or 6.2.4 and give reasoning. He should further explain, by which specific technical code (this may include a non-referenced standard) the equivalent safety is to be achieved so that the competent authority can correctly check and verify the equivalent safety level and issue a specific approval. It should be better clarified that 6.2.5 is not a general alternative to 6.2.1 to 6.2.4 but an exemption clause for very specific purposes only.

8.3 The second problem is related to conformity assessment. Paragraph 1.8.7.6.4 gives detailed instructions on what should happen in the case of a negative assessment of the in-house inspection service. However, no such instructions appear in the other procedures of conformity assessment. Again, the working group recommends that proposals should be made for text covering corrective actions including provisions on responsibilities (what to be done and who has to act) in the case of non conformity with the other assessment procedures.
