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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, 23-27 March 2015

Item 6 of the provisional agenda

Reports of informal working groups

Summary record of the "Würzburg" informal Working Group on cross-border tank approval in the practice of the European Union Member States – possibility of extending the scope of TPED" held from 28 to 30 November 2014 on the Main

Transmitted by the Government of Germany^{1,2}

I. Participants

1. The session of the informal working group was attended by Finland, representatives of Belgium, France, Italy, Germany, Poland and United Kingdom.

II. Meeting documents and background papers

2. The following documents and background papers were at the disposal of participants:

- ECE/TRANS/WP.15/AC.1/2013/48 (UIP) (Harmonization of inspection and approval procedures for tanks for the carriage of substances of Class 2 and tanks for the carriage of substances of Classes 3 to 9)

¹ In accordance with the programme of work of the Inland Transport Committee for 2014–2015 (ECE/TRANS/240, para. 100, ECE/TRANS/2014/23, cluster 9, para.9.2).

² Circulated by the Intergovernmental Organisation for International Carriage by Rail (OTIF) under the symbol OTIF/RID/RC/2015/13.

- ECE/TRANS/WP.15/AC.1/132 (Report of the autumn 2013 session of the Joint Meeting), paragraph 9
- ECE/TRANS/WP.15/AC.1/132/Add.1 Report of the Working Group on Tanks, September 2013 session of the Joint Meeting), paragraph 18
- Minutes of the European Union Meeting of the Committee on the Transport of Dangerous Goods (12 December 2013), paragraph 5
- Draft Minutes of the European Union Meeting of the Committee on the Transport of Dangerous Goods (6 June 2014), paragraph 4.

III. Matter of discussion

3. With the above-mentioned proposal by UIP, the question was raised whether there was a possibility to bring the system for the approval and testing of tanks not intended for gases in line with the Transportable Pressure Equipment Directive (TPED) system for gas tanks and receptacles. Moreover, in the meeting on 6 June 2014, the European Commission requested to also consider other approval procedures within the framework of the further discussions. Furthermore, there are considerable problems due to different practices in the individual EU/ADR States with regard to the use of foreign approvals for the construction of tanks and the issuing of ADR certificates of approval for tanks constructed abroad.

IV. Specific issues for the informal working group

4. In the preparations for the informal working group session, the following questions were identified as having to be discussed with priority:

- Is the TPED system a success or can it, irrespective of the extension of its scope, be improved with regard to the interpretation of its provisions and its application by authorities and notified bodies?
- Can it be used as a model for other tank or packaging approvals or can the scope be directly extended accordingly?
- What is the current practice with regard to packaging and tank approvals in the different states?
- What conclusions can be drawn from this?
- Should solutions be incorporated into RID/ADR or into European legislation?

V. Approach

5. The participants first agreed not to make the issues in relation to the approval of packagings a priority. They assumed, however, that these issues will be addressed within the framework of the further activities.

6. Then, they determined that they would start with discussing all issues in relation with the TPED and, in the second part, talk about further issues regarding type approval, tank testing and the issuance of ADR certificates of approval.

7. On the basis of a Power Point presentation by Mr. M. Bogaert (Belgium) and a table prepared by Germany, which was completed in the course of the meeting, the participants illustrated the problems related to the application of the TPED and the practice of tank approval and testing in the individual States.

VI. Results

8. In the EU Member States, the TPED is interpreted differently in many areas; as a consequence, it is implemented differently also in practice depending on the Member State (see annex).

9. The TPED system still needs to be optimized and its application needs to be improved before an extension of its scope can be envisaged.

10. Among others, there are problems in the following areas:

- Type approval shopping (no system for mutual information in the case of rejected "preliminary tests" of design types)
- Role and tasks of the Notified Bodies (NoBo) group
- Role and tasks of the Market Surveillance Cooperation (ADCO) group
- Supervision of the Notified Bodies Officers (NBOs) by the designating authority
- Implementation of market surveillance

11. Therefore, the working group considers it appropriate to strive for an improvement of the situation in RID/ADR and incorporate the solutions to issues in connection with tank approval and testing into these codes.

VII. Conclusions and need for action

The working group has set out the individual items in section VIII below.

RID/ADR:

Specific proposed wordings in 6.8.2.7 and 6.2.5

Use of technical codes – issue to be addressed to the Joint Meeting

Preparation of a short report with annexes as document for the next Joint Meeting

TPED:

Oral reports to the NoBo group and the ADCO group and transmission of the working group report to the EU Committee on transport of dangerous goods for information and further discussion.

VIII. Conclusion and future work

A. Targets and actions at RID/ADR/ADN Joint Meeting level

Target 1/JM: common requirements for the appointment of inspection bodies

Action 1/JM: change "1.8.7"

Target 2/JM: tanks initially approved by one competent authority may undergo initial and periodic inspection in a second country (by a body appointed by the second country)

Action 2/JM: complete action 1, add a provision similar to RID 6.8.2.4.6

Target 3/JM: establish an RID/ADR wide list of recognized inspection bodies

Action 3/JM: ask the secretariat (OTIF/UNECE) to gather info and publish on their website

Target 4/JM: for manufacture of tanks with a foreign tank approval, limit the national requirements to a document review of the existing type approval by a national competent authority or appointed inspection body – unless there are specific technical national provisions (e.g. assessment of capability to operate at -40°C)

Action 4/JM: add new text to 6.8.2.3

Target 5/JM: remove national requirement for duplicating existing tank approvals when importing a tank-vehicle

Action 5/JM: add new text to 9.7.2 (cross reference with 6.8)

Target 6/JM: harmonize practice concerning use of national technical codes

Action 6/JM: modify 6.2.5 and 6.8.2.7 as set out above in the table

B. Targets and actions at TPED ADCO/NoBo level

Target 1/TPED: improve process of applying TPED and publishing new guidelines

Action 1/TPED: confirm mandate given in 1st ADCO meeting = ADCO group supervises and validates guidelines prepared by NoBo Group + clarify which guidelines are within their remit and which should be at JM level + guidelines published on EC website

Target 2/TPED:

Action 2/TPED:

Target 3/TPED: clarification of open questions for the NoBo Group

Action 3/TPED: ADCO chair provides feedback on:

- P 200 and 6.8 class 2 "competent authority"
- Clarify role of type B bodies in the NoBo group
- Provide feedback on revised NoBo terms of reference (last §)

C. Targets and actions at European Commission level

Target 1/EC: clarify the level of involvement and support from the EC + inform them of actions undertaken at JM and TPED level

Action 1/EC: table as agenda item in December TDG committee

Target 2/EC: send out reminder to MS for ADCO and NoBo nominations

Action 2/EC: ask the EC to send out reminders

Target 3/EC: clarify situation concerning ICSMS

Action 3/EC: ask the EC if the same system applies as used in DG ENTR

Annex

<i>Issues</i>	<i>Regulations</i>			
	<i>RID/ADR/ (ADN)/ TPED</i>	<i>Current practice</i>	<i>Measures</i>	<i>Other</i>
TPED Administrative structures	TPED	ADCO group + NOBO group		
Role of ADCO Group	Art 28 of TPED	Now: market surveillance + notification policy Mandate from 1 st meeting: role of a "MS committee"	– Discussion concerning role of ADCO group in next TDG committee in December: confirm mandate given in 1 st ADCO meeting = ADCO group supervises and validates guidelines prepared by NoBo Group + guidelines published on EC website – Art.17 implementation	
Role of NoBo Group	Art. 29 of TPED	Initially: for all NoBo type A and B, exchange of experience, coordination between bodies and producing guidelines concerning implementation of TPED Now: limited to type A NoBo's, make mandatory guidelines	– Clarify limitation to type A, clarify which guidelines are still to be discussed at EU level, clarify system to bring questions to RID/ADR/ADN Joint Meeting	
Role of Commission	Art. 20 of TPED	Commission must look at result from ADCO + NoBo group and must publish guidelines	– Check with the Commission about the disharmony with Art. 20 § 4. – Check which guidelines should only be discussed at the RID/ADR/ADN Joint Meeting – Check application of ensuring participation of NoBo's in the NoBo Group + reminder to Member States to identify the notifying authorities –	

<i>Issues</i>	<i>Regulations</i>		<i>Measures</i>	<i>Other</i>
	<i>RID/ADR/ (ADN)/ TPED</i>	<i>Current practice</i>		
			cross reference with NANDO List	
			– Cooperation with DG ENTR	
			– Art. 25 Commission actions in case of complaint or doubt – procedures	
Role of Member States / notifying authorities	Art. 17 of TPED	e-mails between countries asking for action/evaluation	– Using ICSMS as communication system between (notifying) authorities	
Issuance of type approvals for packagings	Chapter 6.1	Germany: responsibility of BAM		Packagings not subject of discussion Remark: Chapter 6.7 also not subject of discussion
Use of a national type approval for the manufacturing of packagings in another state		Practice: approvals issued by BAM may only be used abroad where the state of manufacture has given its consent, and the manufacturer agrees to be monitored by a supervisor recognized by BAM		
Manufacturing of packagings using a type approval issued in another state		Germany: matter not regulated by law		
Supervision of the manufacturing of packagings in a state that has not issued the type approval		Germany: matter not regulated by law		
Issuance of type approvals for non TPED tanks	Chapter 6.8	Germany: responsibility of BAM, appointed by national law Belgium: national ISO 17020 type A accredited body + recognized by competent authority – list published on national website	Accreditation ISO 17020 for bodies – YES Accreditation ISO 17020 for government agency – NO See 1.8.6: competent authority, its delegate	

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	<i>RID/ADR/ (ADN)/ TPED</i>	<i>Current practice</i>	<i>Measures</i>	<i>Other</i>
		Finland: national ISO 17020 type A (no formal accreditation) body + recognized by competent authority – list published on national website	or <u>inspection body</u> <u>Idea also relevant for non class 2 tanks</u>	
		France, Italy: issued by competent authority (ministry or agency)		
		Poland: national ISO 17020 type A accredited body (only 1 TDT) + appointed by national law		
		UK: issued by VCA (government agency) appointed by the competent authority (ministry)		
Manufacturing of non TPED tanks using a type approval issued by another state		Germany, UK: matter not regulated by law, practice unclear	Remark: not regulated in RID/ADR	
		Belgium: royal decree of 28/6/2009: no use of foreign type approval + in practice: possible to take over the technical information and make it a national approval by a national recognized body	See also question for 9.1.3.1 – harmonization needed	
		Finland: like Belgium, decree of government forbids use of foreign type approval		
		Poland: no regulation, practice like Belgium		
		Italy: decree does not allow use of foreign type approval		
Supervision of the manufacturing of tanks in a state that has not issued the type approval		Germany: matter not regulated by law		
		Similar to previous question		
Performance of the initial test and inspection on tanks manufactured in accordance		Germany: matter not specifically regulated by law; basic responsibility of the German notified bodies; as from 2015, only bodies with an		

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with a type approval issued by another state		additional accreditation Similar to previous questions		
ADR certificate of approval	9.1.2.1, fourth sentence in conjunction with 9.1.3.1	Germany: officially approved expert for motor vehicle traffic and certain technical services – appointed by law France, Italy, Belgium: Ministries issue homologations for ADR UK: DVSA government agency Poland: TDT government agency Finland: approved vehicle inspection bodies – on behalf of the transport safety agency		
Registration of a tank-vehicle in a state in which the type approval for the RID/ADR tank (non TPED) has not been issued and/or in which the initial test and inspection has not been performed	9.1.2.1, fourth sentence in conjunction with 9.1.3.1 and 9.7.2	Germany: as above and, where appropriate, with the participation of experts/bodies responsible for the initial and periodic test and inspection of tanks Belgium: technical vehicle inspection + in practice often also periodic tank inspection + (always) issue of a second, national tank approval certificate (except for TPED) UK: technical vehicle inspection, acceptance of tank certificate France: not possible unless with a national tank approval? Italy: not possible unless with a national tank approval (except for TPED) Poland: technical vehicle inspection, acceptance of tank approval but with technical verification by TDT Finland: technical vehicle inspection, acceptance of tank with technical verification + issue a new national approval certificate (except for TPED)	– Evaluate use of nation technical codes objected by a member state – 2 questions, for class 2 and for non class 2. Legal or practical situation?	– No harmonization at this moment

<i>Issues</i>	<i>Regulations</i>			
	<i>RID/ADR/ (ADN)/ TPED</i>	<i>Current practice</i>	<i>Measures</i>	<i>Other</i>
			Question: who marks in practice the tank for -40°C national requirement in case of TPED?	
Same question as above but for TPED tanks		No additional approval for TPED tanks		
Use of technical codes	RID/ADR 6.2.5/6.8.2.7	Notification to OTIF/UNECE secretariats of nationally recognized codes for national use	– Evaluation system (flowchart) for the use of nationally recognized codes	– Amend second §: The competent authority shall transmit to the OTIF/UNECE secretariat a proposed technical code that it wishes to recognize. The secretariat shall immediately make this information available to all contracting parties. Unless a contracting party objects in writing within 6 months following the notification from the secretariat, this code may be used by all contracting parties. Within this objection period of 6 months, the technical code cannot be used. The secretariat shall inform all contracting parties. When a contracting party objects to the use of this technical code, the technical code shall only be used in the contracting parties where the technical code has been recognized or in the contracting parties which have not

<i>Issues</i>	<i>Regulations</i>			
	<i>RID/ADR/ (ADN)/ TPED</i>	<i>Current practice</i>	<i>Measures</i>	<i>Other</i>
				objected to its use. – Can there be a Pi-mark on equipment built according to national codes not accepted by a contracting party?
Accreditation requirements	RID/ADR 1.8.6	<p>Currently for class 2 receptacles and tanks: ISO 17020 accreditation</p> <p><u>Current situation in practice for non-class 2:</u></p> <p>For Belgium, Poland: RID/ADR tanks – ISO 17020 type A (also for type approval) + national instructions</p> <p>For Finland: RID/ADR tanks – requirements of ISO 17020 type A + national provisions but no requirement for accreditation (also for type approval)</p> <p>For France: RID/ADR tanks – ISO 17020 type A for initial and periodic inspection + national requirements, type approval of tank-containers. Issuing type approval is done by the competent authority.</p> <p>For Germany: RID/ADR tanks – ISO 17020 type A for initial and periodic inspection, now: BAM issues type approval, technical evaluation of type approval by type A notified bodies (only for those approved in Germany)</p> <p>For Italy: RID/ADR tanks – ministry competent type approval, for initial and periodic inspection no formal accreditation, for RID inspections: list of recognized experts – either part of NoBo ISO 17020 or national requirements.</p> <p>UK: RID/ADR tanks – accreditation to ISO 17020 +</p>	<p>No principle problems with ISO 17020 accreditation as one of the minimum requirements for bodies recognized by the competent authority for type approval, inspections, ...</p> <p>Different current systems will require a transitional period</p> <p>Check the additional national requirements currently in place in different countries</p> <p>Proposed text: "1.8.6-1.8.7-..."</p> <p>When these provisions are harmonised and put in place: possibility to allow for ADR, as for RID, that foreign tanks can be periodically inspected in your country by your recognized body???</p> <p>Different positions around the table.</p> <p>Establish a list of</p>	<p>Remark: list of recognized bodies or competent authorities for UN approvals could also be established</p>

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		national provisions	recognized bodies for RID/ADR tanks (all classes) in all contracting parties and make publicly available on UNECE website.	
			Discussion on "notification duty" of competent authorities, what if a body is not on the list? Is the tank still accepted in other contracting parties?	
P 200 and 6.8 class 2 "competent authority"		For construction, initial and periodic inspection of class 2 equipment → TPED system For other requirements (audit fill centre, ...) → national competent authority		