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## Economic Commission for Europe

### Inland Transport Committee

#### 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 3 of the provisional agenda

##### Standards

## Understanding of reference texts for mandatory and non-mandatory standards

Transmitted by the European Committee for Standardisation (CEN)<sup>1, 2</sup>

### Introduction

1. At its session in March 2014 the Joint Meeting discussed the reference text for mandatory standards in subsection 6.2.4.1 and 6.8.2.6.1 following the request by CEN for clarification (see ECE/TRANS/WP.15/AC.1/2014/12 and paragraph 20 of the report ECE/TRANS/WP.15/AC.1/134).

2. The Joint Meeting confirmed that... *standards should explain how to respect the requirements of RID/ADR. The standards were applicable as a supplement to the requirements. When there were contradictions between a standard and RID/ADR, as indicated in 6.8.2.6.1, 6.8.2.6.2, 6.2.4.1 and 6.2.4.2, the RID/ADR requirements take precedence over those of the standard.*

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<sup>1</sup> 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).

<sup>2</sup> Circulated by the Intergovernmental Organisation for International Carriage by Rail (OTIF) under the symbol OTIF/RID/RC/2015/17.

## Discussion

### Compulsory standards

3. To the understanding of the CEN Consultant this means for the assessment of these standards that they are allowed

- to include requirements in addition to the provisions of RID/ADR,
- to be incomplete in addressing the provisions in the subsections and paragraphs indicated in the tables in 6.8.2.6.1, 6.8.2.6.2, 6.2.4.1 and 6.2.4.2,
- to include even requirements contradicting provisions of RID/ADR!
- This third conclusion is certainly critical and against the EC rules for the assessment of harmonized standards. However, this interpretation is fostered by the phrases in the reference text in 6.8.2.6.1, 6.8.2.6.2, 6.2.4.1 and 6.2.4.2

*... the requirements of Chapter ... shall prevail in all cases,*

and the interpretation of the Joint Meeting

*When there were contradictions between a standard and RID/ADR, as indicated in 6.8.2.6.1, 6.8.2.6.2, 6.2.4.1 and 6.2.4.2, the RID/ADR requirements take precedence over those of the standard.*

4. It should be underlined that the assessments that the assessments by the CEN Consultant and the working procedures of the Working Group on Standards always followed the principle that contradicting clauses in referenced standards were not acceptable and rendered such drafts as unacceptable for reference.

They also followed the principle that any shortfall of the standard to address the related RID/ADR provisions was not accepted as far as safety requirements were concerned, those designated in the tables as applicable. However, this was not always accepted.

5. Notified bodies have a tendency to read only the standards and certify compliance to the standard and think this is all that is required for a Pi-mark or RID/ADR type approval. If the standard covers only part of the related RID/ADR provisions this will lead to a non-compliance with RID/ADR.

6. It is the impression of the CEN Consultant that the following amended wording of the reference text could be suited to assure full compliance of standards with RID/ADR:

### Proposal

7. It is proposed to amend the text of 6.2.4.1 (and similarly the texts of 6.8.2.6.1, 6.8.2.6.2 and 6.2.4.2), as follows:

“Type approvals certificates shall be issued for products that meet all the relevant requirements of RID/ADR. The standards 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). At the time of adoption of the standards into the regulations, they were fully compliant with the requirements referred to in column (3), but when there are revisions to these requirements, the revised requirements shall prevail.”

8. The cooperation agreement of the Joint Meeting with CEN could be used to determine the principles of the assessment of referenced standards by the CEN Consultant

to ensure that all standards recommended for a reference are compliant with the related RID/ADR provisions.

9. In case that amendments in RID/ADR would lead to inconsistencies with referenced standards it is up to the regulator to consider transitional clauses in the interim phase till CEN has triggered related amendments in these standards.

### **Non- compulsory standards**

10. Apart from 6.8.2.6.1, 6.8.2.6.2, 6.2.4.1 and 6.2.4.2 EN and EN ISO standards are also referenced in other places of RID/ADR, however with different reference texts:

- "... requirements are considered to be complied with if standard ... is applied" as in 4.1.6.15 and 4.1.4.1 P200(11),
- "... requirements are deemed to be met if standard ... is applied" as in 6.2.6.4, 6.11.3.1.1 and 7.5.7.1

11. Both wordings imply that the reference standards are complete and without contradictory clauses, i.e. more stringent than the text for compulsory standards. A difference between both versions cannot be seen and should be harmonized for clarity.

### **Proposal**

12. It is proposed to align the wording in subsections and paragraphs 4.1.6.15, 4.1.4.1, P200(11), 6.2.6.4, 6.11.3.1.1 and 7.5.7.1.

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