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Working Party on the Transport of Dangerous Goods

**Joint Meeting of the RID Safety Committee and the
Working Party on the Transport of Dangerous Goods**
(Bern, 18 March – 22 March 2002)

WORKING GROUP FOR STANDARDS IN THE RID/ADR

Transmitted by the European Industrial Gases Association (EIGA) */

SUMMARY

<i>Executive summary:</i>	The Joint Meeting has taken a decision to set up a Working Group with the remit to consider which standards are needed in the ADR/RID and whether particular standards are suitable. This paper summarises the arguments which, EIGA believes, show that such a development does not address the issues and is counter-productive. It concludes that the proposed working group is an inappropriate mechanism.
<i>Action to be taken:</i>	Reconsider the decision to appoint a working group to review standards.
<i>Relevant documents:</i>	TRANS/WP.15/AC.1/2001/27; TRANS/WP.15/AC.1/84 paragraphs 8-13.

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Introduction

The standardisation process is open and transparent. All interested parties can participate. The process relies upon establishing a consensus and this leads to production times ranging between 3 to 10 years, depending on the complexity of the issue and the experience of the participants.

Standards focus on the state of the art and this can result in prolonged debates to ensure that the technological development is also safe. All recognise that nobody benefits from taking risks with public safety.

Industry has provided the majority of the substantial effort needed for this painstaking process because it wants to see progress allied with safety and it wants safe regulations which can be met in practice.

The actual process

CEN has a duty to publish standards which comply with the law. In the case of the transport of dangerous goods, this means compliance with ADR /RID. It has established a specific Working Group, BT/WG 83 to meet this requirement. The attendance is not limited to standardisers or industry. The EU Commission, the Chairs of UNCETDG and the Joint Meeting RID/ADR participate in the process. The BT/WG83's guidance on working within the regulations is formally established and implemented by the standardisers. In addition, the Commission has appointed a Consultant to scrutinise independently all standards to ensure their compliance with the regulations. The CEN Consultant has pursued this task with all due diligence and has always given correct judgements on the standards he reviewed.

The proposed RID/ADR Working Group

Since CEN standards, when presented as published documents, will be in compliance with the RID/ADR, the Working Group will be looking for technical detail which they believe will compromise safety. Finding such a detail in standards which typically comprise, say 25 pages of text, is not something that can be done in a working group, it requires quiet study, in advance of the meeting. Given the public processes of standards development, finding such an item will be rare enough to be worthy of Plenary time. The role of scrutiny in the Working Group is therefore of very dubious value.

Because the Working Group will only look at standards when published, queries or rejection will not only cause delay, it will damage a working relationship which should be a collaboration between the know-how of industry and the duties of the regulators. Such comment at this stage is far too late.

The second task of the Working Group was described as deciding what standards are needed. Given the time which it takes to develop a standard, this can only mean selecting from those already under development, a task which is already implicit in the presentation at each Joint Meeting of the CEN proposals of standards for future inclusion. Again, this does not seem to be a sufficient task to justify a Working Group.

Proposal

The Joint Meeting should think again about what this working group is going to do and reverse its decision.

The fact that so many Contracting Parties voted for this proposal, reflects a certain dissatisfaction with the actual process. EIGA recommends that CEN develop clearer means of

communication about the nature of the standards and makes the provision of draft texts easier, particularly for non-members of CEN.

Published standards which are unacceptable to RID/ADR, are a waste of everyone's time and scarce resource. If a Contracting Party has doubts, it should be able to participate in some way during, not after, the development of standards. If the Competent Authorities who are non-members of CEN wish to voice an opinion during the development of these standards, CEN should propose a way in which this could be accommodated.

Summary

Since the appointment of the CEN Consultant, no standard has been turned down by the Joint Meeting and no Contracting Party has asked for a change or withdrawal of a standard. This means that there can not be serious defects in the present system. Establishing an additional Working Group will cause additional delay and possibly compromise industry support. The correct solution must be for the competent authorities to comment during the development stages, ideally and if possible, by participating in the CEN process. The process of approval is capable of improvement, and the Joint Meeting should, with CEN, identify other means of addressing the shortcomings.
