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Working Party on the Transport of Dangerous Goods

Geneva, 11-21 September 2007
Item 6 (a) of the provisional agenda

PROPOSALS OF AMENDMENTS TO RID/ADR/ADN */

Pending issues

In-house inspection services, IS(1)

Transmitted by the Government of Sweden

SUMMARY

Executive summary: There are some fundamental amendments proposed in document TRANS/WP.15/AC.1/2007/18 from the Chapter 6.2 Working Group, compared with the existing requirements set out by the Council Directive 1999/36/EC on transportable pressure equipment (TPED).

These amendments concern the types of inspection bodies that are accepted by the regulations.

If these amendments are adopted they will be in conflict with the requirements and intentions set out by the TPED.

Action to be taken: Delete in-house inspection services of IS(1) in 6.2.3.6 and the references in the table. Subsequently, IS(2) in the proposal could be named as IS in 6.2.2.9 and 6.2.3.6. .../...

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Limit the scope of work for the in-house inspection services (renamed IS) to be completely harmonised with the proposed requirements for the UN pressure receptacles as specified in 6.2.2.9.

Related documents: TRANS/WP.15/AC.1/2007/18 (EIGA)
INF.36 (Sweden) to the Joint Meeting 26-30 March 2007
Common position of the European Council, OJ C 18 22.1.1999
EN ISO/IEC 17020:2004.

Introduction

1. At the Joint Meeting held from 26 to 30 March 2007, the Chapter 6.2 Working Group presented its proposal of amendments in document TRANS/WP.15/AC.1/2007/18 (EIGA).
2. The majority of the proposed amendments were adopted by the Joint Meeting, but the proposals regarding inspection body of type C and in-house inspection services, IS(1), were put between square brackets due to the comments made by Sweden in INF.36. Further discussions on these issues were postponed to the next session.
3. The scope of work of the Chapter 6.2 Working Group was to transfer the principles of the Council Directive 1999/36/EC on transportable pressure equipment (TPED) into RID/ADR. Sweden is of the opinion that the proposal from the Chapter 6.2 Working Group in TRANS/WP.15/AC.1/2007/18, includes some fundamental changes in comparison with the present TPED, which go beyond the mandate to transfer the principles of TPED.
4. The changes concern the inclusion of inspection bodies of type C and in-house inspection services, IS(1), in RID/ADR. Inspection bodies of type C are dealt with in a separate document for the Joint Meeting, 11-21 September 2007.
5. The Chapter 6.2 Working Group has proposed to introduce so called in-house inspection services, IS(1) and IS(2), for different approval and inspection tasks. Regarding IS(2), it is proposed that such in-house inspection services must be under the surveillance of an inspection body of type A. This procedure corresponds with the requirements of Module 2 of the present TPED. In-house inspection services of IS(2) should therefore be kept as proposed, even though they according to the proposal may perform activities beyond the scope of the TPED, which only includes periodic inspections according to Module 2.
6. However, regarding the proposal from the Chapter 6.2 Working Group to introduce in-house inspection services of IS(1) in 6.2.3.6 of document TRANS/WP.15/AC.1/2007/18, these inspection services are not defined in the TPED.

In-house inspection services, IS(1)

7. According to the TPED, it is only possible for the competent authority of a Member State of the European Union to designate or recognise inspection bodies that are either a notified body (corresponding to type A) or an approved body (corresponding to type B). As mentioned above,

in-house inspection services of IS(2) are within the scope of the TPED as they are under surveillance of an notified body (see periodic inspections and Module 2 of the TPED).

8. However, in-house inspection services of IS(1) have no equivalent in the TPED, as they only need to be certified according to ISO 9001:2000.

9. In-house inspection services, IS(1), are proposed to perform conformity assessment activities on pressure receptacles having a test pressure capacity product (PH·V) of not more than 300 MPa.litre (300 bar.litre).

10. In the present RID/ADR, the requirements of 6.2.1.4.3 regarding the conformity of pressure receptacles having a test pressure capacity product of not more than 30 MPa.litre (300 bar.litre), are deemed to be complied with if the relevant conformity assessment procedure in the modules A1, or D1, or E1 of the TPED are applied.

11. The procedures in all of these modules (A1 for internal manufacturing checks with monitoring of the final assessment, D1 for production quality assurance and E1 for production quality assurance) require that a notified body corresponding to type A are involved.

12. The Council of the European Union removed inspection bodies of type C when developing the TPED. In-house inspection services of IS(1) need not to be under the surveillance of an inspection body of type A and need only to be certified according to ISO 9001:2004. They correspond to the same independence level as the inspection bodies of type C, which the Council of the European Union removed from the TPED scope (see Common position of the European Council, OJ C 18 22.1.1999).

13. Sweden is therefore of the opinion that it is unacceptable to allow in-house inspection services of IS(1) for conformity assessment activities, not only because they are excluded from the TPED, but also because of the intentions of the TPED (Article 1 of TPED).

14. Furthermore, there have not been any discussions at the Commissions Guidelines meetings or the meetings for Notifying Authorities in Brussels, of a need to include in the TPED other types of inspection bodies or services than notified and approved bodies. Sweden does find it very strange to introduce new types of inspection services at this stage as the TPED entered into force in year 2001.

15. Sweden is therefore of the opinion that in-house inspection services of IS(1) should be removed from 6.2.3.6 in document TRANS/WP.15/AC.1/2007/18.

Harmonisation with 6.2.2.9 for UN pressure receptacles

16. Sweden is also of the opinion that the scope of work for the in-house inspection services of IS(2) should be harmonised with the proposed requirements for the UN pressure receptacles as specified in 6.2.2.9.

Proposal

17. Sweden proposes to delete in-house inspection services described as IS(1) in 6.2.3.6 and the references in the table.

18. Subsequently, the in-house inspection service indicated as IS(2) could be renamed as IS in 6.2.2.9 and 6.2.3.6.

19. Sweden also proposes to change the scope of work for in-house inspection services of IS(2) (renamed IS) and harmonise it in accordance with the proposed requirements for UN pressure receptacles as specified in 6.2.2.9.

20. Sweden proposes that the table in 6.2.3.6 should read:

Procedure	Relevant body
Type approval (1.8.7.2)	Xa
Supervision of manufacture (1.8.7.3)	Xa or IS
Initial inspection and tests (1.8.7.4)	Xa or IS
Periodic inspection (1.8.7.5)	Xa or Xb or IS

Safety implications

21. By deleting IS(1) the safety level proposed in TRANS/WP.15/AC.1/2007/18 will be restrained. The harmonisation with the UN pressure receptacles in 6.2.2.9 will also restrain the safety, as no in-house inspection services may perform type approvals.

Feasibility

22. No problems as the proposal reflect the present situation.

Enforceability

23. No problems as the proposal reflect the present situation.
