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Item 6 (b) of the provisional agenda

PROPOSALS OF AMENDMENTS TO RID/ADR/ADN ^{*}/

New proposals

Breathing appliances designed and constructed according to Directive 97/23/EC (PED)

Transmitted by the Government of Sweden

SUMMARY

Executive summary: The RID/ADR does not address breathing appliances that only comply with the requirements of Directive 97/23/EC of the European Parliament and of the Council concerning pressure equipment (PED) and which are not approved according to Chapter 6.2 of RID/ADR.

It is therefore impossible to transport a PED breathing appliance according to the RID/ADR without using an exemption.

Action to be taken: Include transitional measures for breathing appliances designed, constructed and built before 1 January 2009 and which only comply with the requirements of the PED. .../...

^{*}/ Circulated by the Intergovernmental Organisation for International Carriage by Rail (OTIF) under the symbol OCTI/RID/RC/2007/45.

Related documents:	Directive 97/23/EC of the European Parliament and of the Council concerning pressure equipment (PED) Council Directive 99/36/EC on transportable pressure equipment (TPED)
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Introduction

1. Pressure receptacles designed, manufactured and used for breathing appliances are within the scope of Directive 97/23/EC of the European Parliament and of the Council concerning pressure equipment (PED). Such equipment is excluded from the scope of the Council Directive 1999/36/EC on transportable pressure equipment (TPED).
2. The current regulations of RID/ADR do not address breathing appliances that only have been assessed according to the requirements of the PED. Since PED do not refer to RID/ADR for assessing purposes, such equipment have been put on the European market not being formally approved according to RID/ADR. In these cases the equipment may therefore only be carried according to the applicable exemptions of RID/ADR, i.e. those for private individuals in sub-section 1.1.3.1 (a).
3. However, the applicable exemptions of RID/ADR do not include all situations that may occur. For instance, breathing appliances may be collected and carried to an inspection body for inspection purposes. In that case it is impossible to transport the cylinders, since they must be approved according to RID/ADR.

Justification

4. The relationship between PED and TPED concerning double marking, which would indicate that the equipment meets the requirements of both directives, have been discussed within the European Union and two guidelines on the matter have been established. The guidelines in question are PED Guideline no. 1/30 (original version accepted on 27 January 2003) and the TPED Guideline no. 46 (accepted on 24 October 2005). They are identical and state that it is allowed to assess and approve pressure equipment according to both the PED and the TPED.
5. The situation regarding the so called double marking has been clarified through the guidelines produced. The double marking proves that the pressure equipment complies with both directives and can be used in both contexts without further assessment. Sweden is of the opinion that with the current legislation this is the way it has to be if breathing appliances are also to be carried according to RID/ADR.
6. But Sweden is aware of that this is not the case with all breathing appliances that have been put on the European market. There are many reasons for this situation, but indistinct information is probably one of them, especially before the dates on which the guidelines were decided. Hence, equipment have been put on the European market, which formally have only been approved according to the PED.

7. It is for this reason that Sweden would like to propose that the breathing appliances already put on the market according to the PED should be accepted as a pressure receptacle which is allowed for carriage under RID/ADR.

Proposal

8. Include transitional measures in section 1.6.2, receptacles for gases, for breathing appliances designed, constructed and built before 1 January 2009 and only complying with the PED.

“1.6.2.X Bottles for breathing apparatus and their closures designed, constructed and built before 1 January 2009 according to the Directive 97/23/EC of the European Parliament and of the Council of 29 May 1997 on the approximation of the laws of the Member States concerning pressure equipment (PED) and used for breathing apparatus, but however are not approved according to the requirements of Chapter 6.2, may continue to be carried after that date provided they are periodically inspected according to the applicable requirements of packing instruction P200.”

Safety implications

9. The proposal will retain the current safety level.

Feasibility

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

Enforceability

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