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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

Inspection body of type C

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.

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Action to be taken:	Amend the proposed text in 6.2.2.9 and 6.2.3.6 by deleting the acceptance of inspection bodies corresponding to type C according to EN ISO/IEC 17020:2004.
Related documents:	ECE/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 session 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).

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.

2. 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.

3. The changes concern the inclusion of inspection bodies of type C and in-house inspection services (IS(1)) in RID/ADR. In-house inspection services (IS(1)) are dealt with in a separate document for the Joint Meeting, 11-21 September 2007.

Inspection bodies of type C

4. The Chapter 6.2 Working Group has proposed to accept inspection bodies of type C according to EN ISO/IEC 17020:2004. According to the proposal, inspection bodies of type C may perform periodic inspections on UN pressure receptacles and non-UN pressure receptacles. See 6.2.2.9 and 6.2.3.6 in document TRANS/WP.15/AC.1/2007/18.

5. However, according to TPED, only those inspection bodies conforming to type A and type B according to EN ISO/IEC 17020:2004 may perform such inspections. These principles were established in year 1998 when the Council of the European Union removed inspection bodies of type C when developing the TPED. The text that follows is copied from the Councils statement. See also paragraph III (c) of Common Position (EC) No.1/1999 (adopted by the Council on 30 November 1998 (1999/C18/01) in informal document INF.4 (only page 1 and 39 are attached).

“Notified bodies and approved bodies

- Structure

The common position does away with the type C bodies provided for in the Commission proposal and establishes two types of body, a notified body (corresponding to type A) and an approved body (corresponding to type B).

The notified body is independent of the organisation which it inspects and for which it monitors and provides ‘third party’ inspection services (Articles 2, 3 and 8; Annexes I and II).

An approved body, on the other hand, is a separate entity and must be identifiable within the organisation which it inspects (Articles 2, 4 and 9; Annexes I and III).

Member States are, however, obliged to ensure that both types of body are sufficiently independent,”

6. Sweden would like to draw attention to that the requirements on bodies of type A, B or C are set out in ISO/IEC 17020:2004. In this standard the independence criteria for the different type of bodies are described in Annex A, B and C. The European co-operation for Accreditation (EA) has 34 full members representing 32 European countries. Their work in accreditation of inspection bodies is performed according to ISO/IEC 17020:2004. Sweden is of the opinion that there is no other common method available than to use the requirements set out by the ISO/IEC 17020:2004 when notifying a notified body or an approved body to the Commission.

Justification

7. The TPED must be applied in accordance with the statement made by the Council of the European Union in the present 27 Member States of the EU and one EEA country. Presumably the 3 candidate countries are already working with the aim to fulfil the requirements of the TPED.

8. Within the scope of 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). It is not possible for the competent authorities to, within the scope of the TPED, designate or recognise an inspection body which corresponds to type C according to ISO/IEC 17020:2004.

9. 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 than notified and approved bodies. Sweden does find it very strange to introduce new types of inspection bodies at this stage as the TPED entered into force in year 2001.

Proposal

10. In light of the decisions made by the Council of the European Union, amend the proposed text in 6.2.2.9 and 6.2.3.6 by deleting the acceptance of inspection bodies corresponding to type C according to EN ISO/IEC 17020:2004 from inspection body Xb.

Safety implications

11. The proposal will retain the current safety level.

Feasibility

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

Enforceability

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