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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

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

**PROPOSALS OF AMENDMENTS TO RID/ADR/ADN \*/**

Pending issues

Type C Inspection Bodies – Square bracketed text in ECE/TRANS/WP.15/AC.1/2007/18

Transmitted by the Government of the United Kingdom

Executive summary: Following further study of the Transportable Pressure Equipment Directive (TPED) the Government of the United Kingdom has concluded that Approved Bodies undertaking periodic inspection are equivalent to inspection bodies of Type B according to EN ISO/IEC 17020:2004 except that the stipulation that they only provide inspection services for their own organization is absent. The United Kingdom therefore proposes that Type C bodies should be deleted from RID/ADR but that Type B bodies should be permitted to inspect pressure receptacles belonging to other organizations.

This will preserve the status quo in the European Union and safety will be unaffected. .../...

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\*/ Circulated by the Intergovernmental Organisation for International Carriage by Rail (OTIF) under the symbol OCTI/RID/RC/2007/48.

Action to be taken: Amend the proposed text in 6.2.2.9 and 6.2.3.6 by deleting the acceptance Type C bodies according to EN ISO/IEC 17020:2004 and adding text to permit Type B bodies to provide inspection services to organizations other than their own.

Related documents: ECE/TRANS/WP.15/AC.1/2007/18 (EIGA); INF.36; ECE/TRANS/WP.15/ AC.1/106; ECE/TRANS/WP.15/AC.1/106/Add.2; European Directive 1999/36/EC; EN ISO/IEC 17020:2004.

## **Introduction**

1. At the last session of the Joint Meeting objections were raised to the inclusion of Type C bodies in the part of document ECE/TRANS/WP.15/AC.1/2007/18 which incorporated parts of the Directive 1999/36/EC concerning Transportable Pressure Equipment (TPED) into the RID/ADR. These inspection bodies (and Type B bodies) were intended to replace the approved bodies of the TPED. This paper proposes a text which accurately reflects the requirements for such inspection bodies in the TPED.

2. The Government of the United Kingdom, like Sweden in its informal document INF.36 submitted at the last session, does not wish to see characteristics of the inspection bodies defined and in the RID/ADR differing from those in the TPED. It is agreed that notified bodies of the TPED are equivalent to inspection bodies of Type A as defined in EN ISO/IEC 17020:2004. The problem arises because the text of the TPED for approved bodies matches neither Type B nor Type C of EN ISO/IEC 17020:2004 as is demonstrated in the comparison below. In particular, the TPED does not prevent approved bodies from providing inspection services to organizations other than its own when carrying out periodic inspection of pressure receptacles.

## **Comparison of the text of the TPED and EN ISO/IEC 17020:2004**

3. Article 9.2 of the TPED requires approved bodies to be appointed on the basis of complying with the criteria of Annex I and III. Since Annex I applies to both notified bodies and approved bodies we do not need to consider it here. The comparison between the TPED and ISO 17020 therefore centres on Annex III.

<b>TPED Annex III: Supplementary Criteria to be met by Approved Bodies referred to in Article 9</b>	<b>Requirements in ISO 17020 for Type B bodies; Clause 4.2.2 and Annex B</b>
1. The approved body must form a separate and identifiable part of an organisation involved in the design, manufacture, supply, use or maintenance of the items it inspects.	<b>4.2.2</b> The inspection body which forms a separate and identifiable part of an organization involved in the design, manufacture, supply, installation, use or maintenance of the items it inspects <i>and has been established to supply inspection services to its parent organization</i> shall meet the criteria of annex B (normative).

<b>TPED Annex III: Supplementary Criteria to be met by Approved Bodies referred to in Article 9</b>	<b>Requirements in ISO 17020 for Type B bodies; Clause 4.2.2 and Annex B</b>
2. The approved body must not become directly involved in the design, manufacture, supply or use of the transportable pressure equipment, including accessories inspected, or similar competitive items.	B.2 The inspection body and its staff shall not engage in any activities that may conflict with their independence of judgement and integrity in relation to their inspection activities. In particular they shall not become directly involved in the design, manufacture, supply, installation, use or maintenance of the items inspected, or similar competitive items.
3. There must be a clear separation of the responsibilities of the inspection staff from those of the staff employed in other functions, which must be established by organisational identification and the reporting methods of the inspection body within the parent organisation.	B.1 A clear separation of the responsibilities of the inspection personnel from those of the personnel employed in the other functions shall be established by organizational identification and the reporting methods of the inspection body within the parent organization.
	<i>B.3 Inspection services shall only be supplied to the organization of which the inspection body forms a part.</i>

4. There is a striking similarity between the words used in the Directive and in the standard. Also striking is the omission from the Directive of the requirements in the standard (shown in italics) specifying for whom the approved body provides inspection services.

5. A comparison of the text of Annex III of the TPED and the clauses of EN ISO/IEC 17020: 2004 concerning Type C bodies (reproduced in the box below) shows that the requirements are not as stringent as those for approved bodies. Type C bodies can therefore be eliminated from the proposed RID/ADR text.

Requirements in ISO 17020 for Type C bodies; Clause 4 and Annex C	
<b>4.2.3</b>	The inspection body which is involved in the design, manufacture, supply, installation, use or maintenance of the items it inspects or of similar competitive items and may supply inspection services to other parties not being its parent organization shall meet the criteria of annex C (normative).
<b>C.1</b>	The inspection body shall provide safeguards within the organization to ensure adequate segregation of responsibilities and accountabilities in the provision of inspection services by organization and/or documented procedures.

## **Proposal**

6. To align with the requirements of the TPED a qualification of the requirements of ISO 17020 is needed, it is therefore proposed to modify the text of 6.2.2.9 and 6.2.3.6 as follows (new text underlined).

Xb means an inspection body conforming to 1.8.6.4 and accredited according to EN ISO/IEC 17020:2004 type B ~~or type C~~. Notwithstanding clauses 4.2.2 and B3 of EN ISO/IEC 17020:2004, the inspection body may inspect pressure receptacles belonging to organizations other than the organization of which the inspection body forms a part.

## **Justification**

7. This text meets the intent of the TPED for periodic inspection of pressure receptacles.

8. In the opinion of the Government of the United Kingdom, independence and judgement of the inspection body is secured by the organisational arrangements, quality assurance and the audits that take place under the accreditation process. The body's technical decision-making is not compromised by economic pressure when third party services are provided. All inspection bodies have to operate within their operational constraints and these are not more severe when working for others than when working for the body's own organisation.

9. A substantial proportion of periodic inspection of pressure receptacles are carried out by bodies which do not conform to Type B.

- (a) Specialist test houses provide their services for a number of cylinder owners. Some cylinder owners rely on these test houses to provide all their test requirements, other cylinder owners have their own test facilities and use these test houses to provide additional resource in busy times;
- (b) User inspectorates also inspect their customers' own cylinders. A typical example would be where an acetylene manufacturer fills cylinders from other industrial gas companies as well as his own and also provides them with periodic inspection services. It is clearly preferable that the testing be done by the company that has the specialist knowledge in this technology.

If the ability to inspect other's pressure receptacles is withdrawn a number of existing approved bodies will lose their status in 2009.

10. If these providers of inspection services to organizations other than their own were not able to qualify as inspection bodies periodic inspection would be carried out according to a quality assurance scheme under the surveillance of a Type A body: i.e. Module 2 of Annex IV part III of the TPED or IS(2) according to the text of ECE/TRANS/WP.15/AC.1/2007/18. In the opinion of the expert of the United Kingdom, there are the following advantages to recognising these providers of inspection services as inspection bodies:

- (a) The inspection bodies' work is immediately traceable via their registered marks;

- (b) the work is under the direct control of the competent authority working with the provider of the accreditation process. The competent authority does not have to rely on the effectiveness of a number of independent Type A bodies and can ensure a uniformity of standards within the country.

***Safety implications:*** The situation in the European Union remains unchanged and the safety of pressure receptacles is assured by either working with an IS(2) inspection service or with Type B bodies as modified by this proposal.

***Feasibility:*** No problems

***Enforceability:*** No problems

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