

ECONOMIC COMMISSION FOR EUROPE
INLAND TRANSPORT COMMITTEE

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, 23-27 March 2009
Item 8 of the provisional agenda

FUTURE WORK

**Proposal to amend RID/ADR/ADN to include provisions for the retention of document,
additional inspection requirements and conformity assessment procedures for gas
cartridges**

Transmitted by the Government of France^{1,2}

Summary

<i>Explanatory Summary</i>	Inform the Joint Meeting on the provisions to be included.
<i>Related documents:</i>	ECE/TRANS/WP.15/AC.1/2009/8 INF.6

In document ECE/TRANS/WP.15/AC.1/2009/8, the European Commission proposes to add to RID/ADR some provisions coming from the draft proposal for the new directive on transportable pressure equipment (TPED). As it was too complex to submit a full proposal the European Commission proposes to establish an informal Working Group supported by Germany in document INF.6.

We agree with this procedure. However we would like to recall some important points.

¹ In accordance with the programme of work of the Inland Transport Committee for 2006-2010 (ECE/TRANS/166/Add.1, programme activity 02.7 (c)).

² Circulated by the Intergovernmental Organisation for International Carriage by Rail (OTIF) under the symbol OTIF/RID/RC/INF.30.

The process of adopting the new TPED will soon be launched by the European Commission. The texts proposed for inclusion in RID/ADR are no more part of the TPED draft.

The time frame for adopting this text by the Joint Meeting is very short. Concretely it must be adopted by the Joint Meeting in September 2009. Would this not be possible the texts should then be re-introduced in the new TPED.

The proposed text has already been worked out extensively by a drafting Working Group for TPED who met under the lead of the European Commission, but only a few Member States took part on this work.

In order to help the process and to allow all the Competent Authorities to be informed of what is at stake, we reproduce hereafter the articles concerning the operational obligations for notified bodies and, subsidiaries and subcontracting of notified bodies which were deleted from the draft directive and should be considered for inclusion in RID/ADR.

Articles deleted from the draft TPED:

Article 18

Operational obligations for notified bodies

3. Conformity assessments, periodic inspections and exceptional checks shall be carried out in a proportionate manner, avoiding unnecessary burdens for economic operators. The notified bodies shall perform their activities taking into consideration the size, the sector, the structure of the undertakings involved, the relative complexity of the technology used by the transportable pressure equipment and the serial character of production.
4. In so doing it shall nevertheless respect the degree of rigour and the level of protection required for the compliance of the transportable pressure equipment by the provisions of Annexes I.1, II.1 and III.1 to Directive 2008/68/EC and to this Directive.
5. Where a notified body finds that requirements laid down in Annexes I.1, II.1 and III.1 to Directive 2008/68/EC or this directive have not been met by the manufacturer, it shall require the manufacturer to take appropriate corrective measures and it shall not deliver any conformity certificate.

Article 19

Subsidiaries and subcontracting of notified bodies

1. Where the notified body subcontracts specific tasks connected with the conformity assessment, reassessment of conformity, periodic inspection or exceptional check or has recourse to a subsidiary, it shall ensure that the subcontractor or the subsidiary meets the requirements set out in Article 17, and inform the notifying authority.

2. The notified body shall take full responsibility for the tasks performed by subcontractors or subsidiaries wherever these are established.
3. The notified body may not subcontract the whole task of conformity assessment, reassessment of conformity, periodic inspection or exceptional checks.
4. Activities may be subcontracted or carried out by a subsidiary only with the agreement of the client.
5. The notified body shall keep at the disposal of the notifying authority the relevant documents concerning the assessment of the subcontractor's or subsidiary's qualifications and the work carried out by the subcontractor or the subsidiary under Directive 2008/68/EC or this directive.
6. This article does not apply to the in-house inspection service as provided for in Annexes I.1, II.1 and III.1 to Directive 2008/68/EC.
