



Economic and Social Council

Distr.: General
20 December 2013

Original: English

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

Bern, 17-21 March 2014

Item 4 of the provisional agenda

Interpretation of RID/ADR/ADN

Understanding of reference text for mandatory standards

Transmitted by the European Committee for Standardisation (CEN)^{1, 2}

Introduction

1. At its session in March 2007 the Tank Working Group of the Joint Meeting discussed the reference text for tank standards in subsection 6.8.2.6.1 in context with the intention of its compulsory application based on document ECE/TRANS/WP.15/AC.1/2007/20. A new wording was proposed in informal document INF.49 and adopted (see ECE/TRANS/WP.15/AC.1/106, par. 7).

2. The proposal in informal document INF.49 was:

“In 6.8.2.6, replace the phrase

The requirements of Chapter 6.8 are considered to have been complied with if the following standards are applied:

with:

The following standards shall be applied to meet the requirements of chapter 6.8”.

3. The text has later been altered in RID/ADR 6.8.2.6.1 and has also been implemented similarly in RID/ADR, 6.8.2.6.2, 6.2.4.1 and 6.2.4.2 to read:

¹ In accordance with the programme of work of the Inland Transport Committee for 2012–2016 (ECE/TRANS/224, para. 94, ECE/TRANS/2012/12, programme activity 02.7 (A1c)).

² Circulated by the Intergovernmental Organisation for International Carriage by Rail (OTIF) under the symbol OTIF/RID/RC/2014/12.

“The standards referenced in the table below shall be applied for the issue of type approvals as indicated in column (4) to meet the requirements of Chapter 6.8 referred to in column (3).

The requirements of Chapter 6.8 referred to in column (3) shall prevail in all cases...”.

Discussion

4. In assessing draft standards candidates for reference in these subsections and paragraphs the CEN consultant shall check the compliance of these standards with related provisions of RID/ADR/ADN, as relevant. Repeatedly, the question arose whether the standards are not only asked to be compliant but also be complete with respect to the whole of the provisions of the subsections and paragraphs referenced in column (3) of the tables.

5. The CEN consultant took the position that, based on the previous text – *the requirements of Chapter 6.8, (now more precisely specified in column (3)) are considered to have been complied with if the following standards are applied* – the standards shall address every single provision of these subsections and paragraphs.

(The term “address” shall not mean that the regulatory text shall be copied if the standard has nothing to say on it. However, it is understood that the provisions shall be referred to, at least, in informative notes.)

6. This argument was opposed by the argument that the provisions of RID/ADR are asked to be considered anyway with the consequence that the standards wouldn’t need to be complete. This position was seen as justified by the additional sentence that *“The requirements referred to in ... column (3) shall prevail in all cases.”.*

7. It is, however, questionable whether the standards shall be applied **in addition to** the subsections and paragraphs of column (3).

8. Improved wording isn’t suggested, so far. It should be proposed as soon as clarification has been achieved. It is taken that it shall express the compulsory application of the standards and that the standards shall not contradict to any part of the referenced subsections and paragraphs. Furthermore, the standards may be more restrictive than RID/ADR and may include requirements not included in these regulations.

Decision to be taken

9. It is asked to interpret the reference text in Chapters 6.2 and 6.8 as designated above. There are two different interpretations possible, termed as questions as follows:

(a) Shall the standards be compliant **and complete** with respect to the provisions referenced in column (3); or

(b) Shall the standards explain **how** to respect the regulation and shall be applied **in addition** to the provisions referenced in column (3).