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### 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

Genève, 15 - 19 September 2014

Item 4 of the provisional agenda

#### Interpretation of RID/ADR/ADN

### Interpretation of standards

### Transmitted by the Government of Sweden<sup>1, 2</sup>

#### *Summary*

<b>Executive summary:</b>	In the tables in subsections 6.2.4.1 and 6.8.2.6.1 of RID/ADR the standards are organized under different headings. This has caused confusion whether the standards should be applied as mandatory or not.
<b>Action to be taken:</b>	Delete headings in the tables in order to make it clear that it is the scope of a standard that is defining the mandatory application of a standard.

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<sup>1</sup> In accordance with the programme of work of the Inland Transport Committee for 2014–2015 (ECE/TRANS/240, para. 100, ECE/TRANS/2014/23, cluster 9, para.9.2).

<sup>2</sup> Circulated by the Intergovernmental Organisation for International Carriage by Rail (OTIF) under the symbol OTIF/RID/RC/2014/40.

## Introduction

1. In the tables in subsections 6.2.4.1 and 6.8.2.6.1 of RID/ADR the standards are organized under different headings. At the March 2014 session of the Joint Meeting, the Working Group on Tanks discussed INF.30, submitted by Sweden, where it was highlighted there is confusion regarding the applicability of mandatory standards, caused by the headings in the tables.

2. The Working Group on Tanks concluded the following (see ECE/TRANS/WP.15/AC.1/134/Add.1):

***“Item 12: INF.30 (Sweden) – Interpretation of standards***

45. *The Working Group agreed with the representative of Sweden that the current table, with the inclusion of the new text as heading of the table in 6.8.2.6.1, was not clear. It was stated that the scope of the standards should remain applicable as standards are written as a whole and may not be applicable or suitable outside their scope. For this reason the Working Group proposed the following consequential amendments:*

***Proposal***

46. *Delete the various subheadings in the table under 6.8.2.6.1 and delete the double entry for standard EN 13094.”*

3. After discussions in plenary, the Joint Meeting concluded the following:

***“Item 12 (Interpretation of standards)***

13. *It was noted that the decision presented in paragraph 46 (deletion of the subheadings in table 6.8.2.6.1) was based on a late proposal made by Sweden in informal document INF.30, and several delegations wished to take the time to evaluate the consequences of it. The Joint Meeting agreed to come back to the question at a future meeting and thus postpone the decision.”* (see ECE/TRANS/WP.15/AC.1/134).

## Problem

4. In RID/ADR there are several standards referred to as mandatory. However, there might be difficulties in understanding whether a standard should be applied as mandatory or not. Section 1.1.5 states that if there are any conflicts between a standard and the regulation, the regulation takes precedence.

5. E.g. the table in RID/ADR subsection 6.8.2.6.1 contains standards which are mandatory to apply for design and construction of tanks. The standards are organized under different headings (the same headings can be found in the table in subsection 6.2.4.1).

6. The report from the Joint Meeting in Bern, 18-22 March 2013, states that: *“Delegations experiencing difficulties of interpretation for some references, as in the cases presented by Germany, were requested to bring the cases to the attention of the Joint Meeting with proposals for a note to clarify the scope.”* (ECE/TRANS/WP.15/AC.1/130, para.21).

7. During the same meeting, the following text was adopted for sub-section 6.8.2.6.1: *“The scope of application of each standard is defined in the scope clause of the standard unless otherwise specified in the table below.”* (ECE/TRANS/WP.15/AC.1/130, annex II).

8. In the scope of some standards, e.g. EN 14432:2006, listed in the table in 6.8.2.6.1, it is stated that the standard is intended for design and construction of transportable tanks with a minimum working pressure greater than 50 kPa.

9. However, as EN 14432:2006 is listed under “For all tanks” it should also be mandatory for tanks with a working pressure below 50 kPa.

10. With respect to the texts in sub-section 6.8.2.6.1 and section 1.1.5, as described in paras. 4 and 5 above, the Joint Meeting was invited at its last meeting to clarify whether the headings (i.e. “For all tanks”) shall be considered as regulation text and thereby take precedence over the scope stated in the standard.

11. The outcome of the discussions from that last meeting was that it is the scope stated in a standard that always is defining the mandatory application of this standard. However it is still allowed to use the standard optional for other applications.

## **Proposal**

12. Sweden considers that the headings in the tables in sub-sections 6.2.4.1 and 6.8.2.6.1 make the situation unclear when a heading contradict to the scope of a standard. Therefore Sweden proposes the following:

In the table in 6.2.4.1, delete the headings:

*“for design and construction”*,

*“for closures”* and

*“for periodic inspection and test”*.

In the table in 6.8.2.6.1, delete the headings:

*“For all tanks”*,

*“For tanks with a maximum working pressure not exceeding 50 kPa and...”*,

*“For tanks for gases of Class 2”*, and

*“For tanks intended for carriage of liquid petroleum products and...”*.

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