

## ECONOMIC COMMISSION FOR EUROPE

### INLAND TRANSPORT COMMITTEE

#### Working Party on the Transport of Dangerous Goods

#### Joint Meeting of the RID Safety Committee and the Working Party on the Transport of Dangerous Goods (Geneva, 13-23 September 2005)

### WORKING GROUP ON CHAPTER 6.2

#### Transmitted by the European Industrial Gases Association (EIGA)

#### SUMMARY

<i>Executive Summary:</i>	This paper updates the previous report and proposal from the Chapter 6.2 Working Group following its meeting on 18/19 July.
<i>Action to be taken:</i>	Note clarifications to TRANS/WP.15/AC.1/2005/47 and the further information provided by the working group.
<i>Related documents:</i>	TRANS/WP.15/AC.1/2005/47

#### Revisions to the Working Group report in TRANS/WP.15/AC.1/2005/47

1. The working group continued its work on 18-19 July and this INF. Paper reports on that meeting and includes some further comments on and amendments to the report and proposals in TRANS/WP.15/AC.1/2005/47.
2. The working group decided that their meaning was not clear in paragraphs 6 and 7 clarified them with the following replacement text.
  - “6 If the Joint Meeting decides to adopt the TPED into the RID/ADR, there will need to be a complementary project covering transport in tanks. One possible outcome could be the development of a Chapter 6.12 which defines the common provisions for conformity assessment systems suitable for all forms of tanks, battery vehicles, battery wagons, MEGCs and pressure receptacles.
  - 7 The working group requests the Joint Meeting to set up a new working group to develop provisions to include the elements of TPED in Chapters 6.2, 6.7 and 6.8 including the requirements for conformity assessments and mutual recognition. The group should include tank experts and members of the Chapter 6.2 working group. Annex 1 gives further explanation of this proposed working group and its tasks.”

3. Paragraph 12 of paper 2005/47 reports the future withdrawal of the gas cylinder Directives by DG Enterprise. Industry will still require new cylinders to be manufactured according to these specifications for many years to come and CEN TC23 will be asked to convert their technical content into CEN Technical Specifications or similar CEN publications so that they can be referenced in future editions of RID/ADR.

4. Paragraph 13 on standards was further debated and is replaced by new paragraphs 13 and 14 as follows:

“13 Standards present a further set of issues and the working group requests that the Joint Meeting commissions its Standards Working Group to examine the following issues:

(a) Paragraph 6.2.2 NOTE; this permits the competent authority to authorise more recently published versions of the listed standards. Is this satisfactory for RID/ADR or should we adopt a more uniform approach in which more recent editions are permitted only when adopted by the Joint Meeting for reference in the next edition of the regulations which would ensure uniformity in all countries? A suitable restriction shall be added in 6.2.4 NOTE where the standards of 6.2.2 are referenced.

(b) The Joint Meeting should decide if the Standards Working Group should review and formally adopt ISO standards. The Chapter 6.2 working group has proposed that all standards in 6.2.2 are applicable for non-UN pressure receptacles; the standards working group should endorse this. Also, it should consider restricting the list of standards in paragraph 6.2.4 only to those standards which are additional to those in 6.2.2. If this is agreed, then it should develop a definitive list of standards for section 6.2.4 taking into account any European annexes in EN ISO standards which restrict or modify the choices in the ISO standard. Also some EN standards may be generally equivalent to the ISO standard (e.g. EN 849 and ISO 10297) but contain more stringent requirements and should therefore take precedence for non-UN receptacles in RID/ADR. Note: the STD WG should look at whether it is necessary to have two standards on non-refillable receptacles, i.e. ISO 11118 and EN 12205 .

14 Paragraph 6.2.3.8.1 refers to the EN 45000 series. The Chapter 6.2 working group recommends that a specific list of relevant standards be developed. It also noted that complementary standards in the ISO 17000 standards exist or are being developed and would like these also to be considered for inclusion in this list. This issue is more relevant to the working group that will deal with conformity assessment and/or chapter 6.12.”

### **Revisions to the Proposal in TRANS/WP.15/AC.1/2005/47**

5. Following a submission from experts in Germany, the working group reversed its decision to remove the reference to the standard EN 1800 Acetylene cylinders – Basic requirements and definitions to section 4.1.6. It was agreed that the filling of acetylene cylinders with porous material was a construction process requiring approval, not a packing provision. Therefore, section 6.2.3 requires the addition of the construction requirements as given in the current regulations and the retention of the standard in 6.2.4.

Add the following after 6.2.3.1.4.

“6.2.3.1.5 Pressure receptacles for UN No. 1001, acetylene, dissolved, shall be filled entirely with a porous mass, uniformly distributed, of a type approved by the competent authority and which:

- (a) does not attack the pressure receptacles or form harmful or dangerous compounds either with the acetylene or with the solvent;
- (b) is capable of preventing the spread of decomposition of the acetylene in the porous mass.

The solvent shall not attack the pressure receptacles.

The above requirements, excluding those for the solvent, apply equally to pressure receptacles for UN No. 3374 acetylene, solvent free.”

Retain the standard with the reference shown:

EN 1800:1998/AC: 1999	Transportable gas cylinders – Acetylene cylinders – Basic requirements and definitions.	<u>6.2.3.1.5</u>
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In the Appendix delete the whole of 6.2.1.1.2 and the working group comment following it.

6. Germany observed that ISO 10462:1994 for the periodic inspection and maintenance of acetylene cylinders had been replaced by the 2005 version. The Working Group agreed that it would be inappropriate to take action to reference this standard until ISO had proposed it and its other recently published standards on periodic inspection for reference in the UN Model Regulations.
7. The paper from Germany also listed items of concern with the text of the UN Model Regulations and Germany will consider whether to make proposals to the Sub Committee of Experts for the Transport of Dangerous Goods.
8. It was agreed that in the proposed NOTE 1 in 6.2.4 the word ‘general’ should be deleted so that it read:

*NOTE 1: The standards listed in 6.2.2 may also be used provided the ~~general~~ requirements of 6.2.3 are also complied with.*

### **Preparatory Work on Conformity Assessment**

9. The Working Group then went on to discuss two papers from Germany about the principles of transferring the TPED into the RID/ADR and how the individual provisions might be placed or discarded. The text was revised and the resulting document has been submitted to the Joint Meeting as a further INF. paper.
10. The European Commission has published 40 guidelines on the TPED agreed by a Committee of Experts. The UK delegation had reviewed these and recommended how each might be influence the future text for conformity assessment. The Working Group agreed that this paper should be retained as a working document for the future conformity assessment working group.
11. The UK’s papers TRANS/WP.15/AC1/2005/67 and TRANS/WP.15/AC1/2005/59 were discussed and as a result the UK will submit an INF. paper revising the former one concerning receptacles.
12. Finally, although the Working Group considers its work is completed, it set a provisional meeting date of 18<sup>th</sup> October 2005, in case the Joint Meeting decided that it should do more work.

## Annex 1

### Future role of competent authority action according to RID/ADR

During the meetings of the Chapter 6.2 Working Group, problems have shown up concerning the use of competent authority action (e.g. approval, permission, and certification) in the context of transportable pressure equipment according to directive 1999/36/EC and in context with the internal market of the European Union (EU). Within the internal market, a unilateral competent authority action may cause distortions or hindrances to competition or cause discrimination to enterprises acting multinational and within the – now enlarged – EU especially as far as mutual recognition of such unilateral action is not legally guaranteed by RID/ADR and/or by directives of the EU.

Furthermore, at least for transportable pressure equipment, there is no longer a “country of approval”, because conformity assessment is made by so-called notified bodies, which may act in all community Member States with the authorisation given by one Member State only. Also such a “country of origin” or “country of manufacture” cannot be marked on the equipment like cylinders or tanks, as it is no longer a decision of a governmental or public authority, but of a private institution like a notified body or a testing institute. So for a conformity assessment for a type of cylinders or tanks manufactured in let’s say in Poland carried out by a notified body approved and notified by let’s say Spain, no country can be marked on the cylinder; any marking of Poland or Spain would be misleading.

So there are reasons to discuss the way, if and how far such unilateral action of competent authorities may or may not be used within RID/ADR. This is mainly concerning – but not limited to – transportable pressure equipment of chapters 6.2, 6.7 and 6.8, but also has general aspects for all competent authority actions required within RID/ADR.

The Working Group on revision of chapter 6.2 RID/ADR is bringing these problems to the attention of the Joint Meeting RID/ADR with the following options to proceed, if within current provisions of RID/ADR and in existing or future provisions of the UN Model Regulations competent authority action is required:

1. If it is an issue of technical nature (e.g. type approval, fixing of time limits for periodical testing), the Joint Meeting should fill in the role of this competent authority and should create suitable technical provisions in the chapters as appropriate.  
e.g. periodic inspection of composite cylinders in P200 (see Inf. paper from ECMA)
2. If it is a procedural issue (e.g. quality assurance provisions as accepted by the competent authority), the Joint Meeting should as well fill in the role of this competent authority and should create suitable provisions for the chapters concerned or – if created – for a new chapter 6.xx as general chapter for such procedures etc.  
e.g. appointing and monitoring Inspection Bodies (Notified Bodies according to TPED)
3. In cases, where a competent authority action on a case by case basis may be deemed necessary, the Joint Meeting should create provisions to make these actions transparent and to guarantee the mutual recognition of such decisions, approvals or certificates (e.g. by requiring a notification to the secretariats of UN ECE and OTIF, a publication on the Internet available to all authorities of all contracting parties/member states of RID/ADR).  
e.g. approval of “technical code” for the construction of pressure receptacles; approval of “porous mass”

4. The competent authorities of all contracting parties/member states of RID/ADR shall be required to work together in an information exchange forum – potentially organised as a standing working group of the Joint Meeting – to align their procedures, acceptance criteria and forms used as appropriate. An appropriate way to ensure active participation of those authorities in that forum and to harmonise their action could be to declare mutual recognition as obligatory to all contracting parties/member states of RID/ADR only for those authorities and their approvals, decisions or certificates, if they are continuously working in the exchange forum, are applying the results of that forum and are using the forms agreed by that forum and published.

In discussing the issues, the Joint Meeting should be aware of UN pressure receptacles according to chapter 6.2 and UN portable tanks according to chapter 6.7 approved by a competent authority outside and inside ADR/RID, which may lead to differences. Also the existence and actions of different competent authorities for those chapters for UN/IMDG/ICAO versus ADR/RID – but acting on the same technical basis – should be considered for possible harmonization and/or co-ordination of their work in Member States/Contracting Parties.

Attached is a table showing the current situation for the carriage and use of pressure receptacles with UN, ADR/RID and pi marking (according to TPED).

The Working Group is inviting the Joint Meeting to discuss and decide as appropriate. It suggests setting up a working group of interested countries and organisations to work out detailed provisions and draft legal text for inclusion in RID/ADR as applicable from 1<sup>st</sup> January 2009.

The following terms of reference should be included for such a working group:

- to address Note 2 in the attached table
- to carry out a check of all provisions of RID/ADR, where currently competent authority action is required,
- to draft a grouping of such provisions whether option 1, 2 or 3 is appropriate,
- to draft legal text for the cases assigned to options 1 and 2,
- to draft legal text to include provisions for option 3 and for the organisation of the procedures in option 4.

Suitable existing provisions and standards may be taken into account.

The Working Group should report to the Joint Meeting on a regular basis and should be free to meet in parallel to the Joint Meeting and in between meetings.

**Restrictions for the Carriage and Use of Gas Receptacles in ADR/RID Countries**  
(Section numbers refer to ADR/RID sections of the restructured chapter 6.2)

	Receptacles Approved in non ADR/RID Country		Receptacles Approved in ADR/RID Country		
	Approval stamp of country of origin for international transport by sea or air (1)	(1) + UN marked (2)	Approval stamp of ADR/RID country (3) Note 3	(3) + UN marked (4)	(3) or (4) + Pi marked (new or reassessed) (only EU countries)
<b>Requirements⇨</b>		<b>6.2.1 +6.2.2 of UNRTDG or equivalent from local regulations</b>	<b>6.2.1 + 6.2.3 and 6.2.4 or 6.2.5</b>	<b>6.2.1 + 6.2.2</b>	<b>6.2.1 + 6.2.3 and 6.2.4 or 6.2.5 +TPED</b>
<b>Operations</b>					
<b>Transported directly to final user and emptied</b>	<b>Only under IMDG or ICAO/IATA shipment (see 1.1.4.2)</b>	<b>YES (see 4.1.1.16)</b>	<b>YES</b>	<b>YES</b>	<b>YES</b>
<b>Temporary storage</b>	<b>NO, except for DOT cylinders – see Note 1</b>	<b>YES</b>	<b>YES</b>	<b>YES</b>	<b>YES</b>
<b>Refill for export outside ADR/RID</b>	<b>NO, except under IMDG or ICAO/IATA shipment (see 1.1.4.2)when approved by competent authority of country of filling</b>	<b>YES (Note 2)</b>	<b>YES</b>	<b>YES</b>	<b>YES</b>
<b>Refill for use (emptying) in one or more ADR Countries</b>	<b>NO</b>	<b>YES (Note 2) NO inside EU because of TPED</b>	<b>YES (Note 2)</b>	<b>YES (Note 2)</b>	<b>YES</b>
<b>Mutual recognition of periodic inspection bodies (ADR/RID)</b>	<b>NO</b>	<b>NO</b>	<b>NO</b>	<b>NO</b>	<b>NO, except in and between all EU countries)</b>
<b>Free circulation (:placing on the market/repeated use/periodic inspection)</b>	<b>NO</b>	<b>NO</b>	<b>NO</b>	<b>NO</b>	<b>NO; except in all EU countries</b>

Note 1: YES for DOT cylinders imported under M125 (for those countries who have signed it)– expiry date 1 Jan. 2007; after that date: NO.

Note 2: The legal basis in ADR/RID needs to be clarified

Note 3: Existing receptacles not conforming to ADR/RID are not considered in this overview; they are only allowed for national use.