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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

**Principles and Proposals for Incorporating Directive 1999/36/EC
on Transportable Pressure Equipment (TPED) into RID/ADR**

Transmitted by the European Industrial Gases Association (EIGA)

SUMMARY

<i>Executive Summary:</i>	This paper sets out the principles and the proposed placement of requirements of the TPED in the RID/ADR.
<i>Action to be taken:</i>	Note and comment on the principles and proposed treatment of TPED provisions.
<i>Related documents:</i>	TRANS/WP.15/AC.1/2005/47; TRANS/WP.15/AC.1/98

Principles for transferring TPED content to RID/ADR

Please note that this document is not concerned with the technical provisions of Chapters 6.2, 6.7 or 6.8 which will remain unchanged during the process of transfer of TPED into the RID/ADR.

The Joint Meeting RID/ADR agreed in principle at its meeting in March 2005 to the intention to transfer elements of Directive 1999/36/EC (TPED) to RID/ADR and to include regulations for the mutual recognition of approvals and testing certificates (see §§ 63 to 66 of the report in TRANS/WP.15/AC.1/98).

The Working Group to amend Chapter 6.2 of RID/ADR, lead by EIGA, was invited to discuss the matter and to present a proposal for the new Chapter 6.2 taking these intentions into account. Also, the proposal was to be elaborated in a way not only suitable for cylinders and receptacles for gases of Class 2, but also suitable for extension to other chapters of RID/ADR, especially other equipment used for the transport of gases of Class 2 RID/ADR.

The Working Group took the occasion for a more general approach and on the basis of TPED elements set out some principles before drafting concrete text.

To make mutual recognition of approvals and of testing certificates acceptable to all Contracting Parties of RID/ADR – Member States of the European Union and the European Economic Area (EU and EEA) respectively – a transparent procedure with suitable regulations has to be found. This is essential to increase confidence in the action of authorities/bodies authorised by the

Contracting Parties/Member States, to make their action transparent and comparable and to ensure a continuously safe level of application and compliance with RID/ADR.

As manufacturers, importers, users and owners of equipment for the transport of dangerous goods are also responsible for their compliance, their respective duties may be taken into account as appropriate.

To achieve this,

1. Competent Authorities/Bodies authorised for approvals and/or periodic testing according to RID/ADR should comply with general requirements such as independence, neutrality, technical and regulatory expertise.
2. Competent Authorities/Bodies should be known with their identity, scope of duties and their unique sign/stamp/mark registered nationally, transmitted to and published by the secretariats for RID/ADR at OTIF and UN ECE.
3. Competent Authorities/Bodies and manufacturers, importers, owners and users should follow harmonised procedures for approvals and for periodic inspections.
4. Competent Authorities/Bodies authorised for approval (e.g. type approval) should be differentiated from bodies authorised for periodic testing only. For example an “approval body” may carry out testing in connection with a type approval and grant the type approval; periodic testing may be carried out by “inspection bodies” – and in limited and defined cases also by the manufacturer, importer, owner or user.
5. To verify compliance e.g. after the type approval and in between periodic inspections, competent authorities of the Contracting Parties/Member States of RID/ADR should establish mechanisms of surveillance of the market. Appropriate action should be taken in case of non-compliance despite an existing labelling/markings of the equipment showing authorisation for transport and use.

To ensure this, requirements taken basically from TPED should be worked out for inclusion in RID/ADR. Existing provisions of RID/ADR of similar content and intention should be taken into account.

A table of comparison of the content of the articles and annexes of TPED with suggestions of how a transfer to RID/ADR or to the Framework Directives of the EU (94/55/EC and 96/49/EC) could be managed, is attached. The table also contains suggestions for deletion of some provisions deemed no longer necessary once the above mentioned provisions have been included in RID/ADR.

The Working Group agreed the above principles and the suggestions in the following table. The Joint Meeting is invited to comment on this paper and provide guidance on further work as appropriate. The content of column 4 concerning the Framework Directives is for information of EU and EEA Member States only and should not be part of the discussion at the Joint Meeting.

The text of the TPED is given as an Annex to this paper for reference by the delegates from non-EU members countries.

Proposals for Transfer of the TPED Content to RID/ADR

1) Article of TPED	2) Content	3) Move Content to RID/ADR	4) Move content to Framework Directives RID/ADR	5) For Deletion	6) Notes
1 (1)	Scope			Yes	
1 (2) a)	Placing on the market	No	Yes, but more general for all receptacles, packagings and tanks according to RID/ADR		
1 (2) b)	Re-assessment of conformity	No	Yes, but as transitional measure for already assessed equipment (at the stage of amending RID/ADR)		
1 (2) c)	Periodic testing			Yes, is already part of RID/ADR	
1 (3)	Non assessed TPE		Yes,		
1 (4)	TPE for third party countries			Yes, covered by RID/ADR	
2 Nr. 1	Definition of receptacles and tanks			Yes, see 1.2.1 RID/ADR	Breathing apparatus and fire extinguishers to be clarified
2 Nr. 2	Pi-mark				To be discussed if necessary
2 Nr. 3	Conformity assessment procedure	Yes, as appropriate			In 1.2.1 and other respective chapters: To be fixed
2 Nr. 4	Re-assessment procedure		To be discussed	To be discussed	
2 Nr. 5	Notified body	Yes		Yes, as definition	RID/ADR contains approval bodies and inspection bodies recognised by the competent authority A registration mechanism should be created for RID/ADR
2 Nr. 6	Approved body			See above	See above, could be merged; discuss if they should be allowed in RID/ADR
3 (1)	Requirement for assessment of pressure equipment	Yes			Could be extended as general requirement, depending on procedures transferred, Could be extended to other type approvals for receptacles, packagings and tanks, existing provision should be taken into account

1) Article of TPED	2) Content	3) Move Content to RID/ADR	4) Move content to Framework Directives RID/ADR	5) For Deletion	6) Notes
3 (2) and (3)	Assessment of valves and safety accessories	Yes			See above; possible paper to UN for more detailed requirements
3 (4)	Transitional use of PED procedures			Yes	Depending on standards listed in RID/ADR at the stage of amendment; consider use of other standards or technical codes for valves and for tanks other than cryogenic or LPG tanks
3 (5)	Placing on the market and putting into service	Yes, as far as mutual recognition of approvals and testing certificates is concerned	Yes, as far as placing on the market and putting into service is concerned		
4 (1) to (5)	Assessed TPE for national markets		Yes, if still necessary, may be limited as transitional measure		Separation of procedures to be discussed
5 (1)	Re-assessment of conformity			Yes	Procedure should end at the stage of amendment of RID/ADR
5 (2)			Possibly as transitional measure		
6 (1) first part	Periodic inspection	Yes, for periodic inspection and mutual recognition of testing certificates, is partly already contained in RID/ADR;	RID/ADR		Consider extending it to all receptacles, packagings and tanks according to RID/ADR, which need periodic inspections
6 (1) second part	TPE in national markets		Yes, if still necessary, may be limited as transitional measure		
6 (2)	Testing in all Member States	Yes			See procedures to be discussed
6 (3)	Provisions for free marketing and circulation		Yes		As approved and labelled according to RID/ADR May be extended for all receptacles, packagings and tanks according to RID/ADR To be checked for Epsilon-cylinders (TPED grants it, but they may not be in full compliance with RID/ADR)
6 (4)	Provisions for storage and use	Possibly	No, if taken over by RID/ADR		

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7 (1)	National requirements for TPE			Yes	Depending on standards referenced in RID/ADR at the stage of amendment
7 (2)	-40°C clause	Yes			
8 (1)	Notification procedure	Yes			Procedure to be developed in RID/ADR, notification to UN ECE for WP.15, OTIF for RID Safety Committee (and European Commission?) Publication jointly by UN ECE, OTIF (and European Commission?)
8 (2)	Procedure for appointing approval bodies (currently notified bodies in TPED)	Yes			Procedure and general requirements to be developed for RID/ADR on the basis of the annexes of TPED May be discussed for extension to all approval bodies for receptacles, packagings and tanks according to RID/ADR, where government authorisation (e.g. Competent authority) is required
8 (3)	Withdrawal of appointment of an approval body	Yes			
9 (1) first part	Procedure for appointing inspection bodies (currently approved bodies in TPED)	Yes			Procedure and general requirements to be developed for RID/ADR on the basis of the annexes of TPED May be discussed for extension to all approval bodies for receptacles, packagings and tanks according to RID/ADR, where government authorisation (e.g. Competent authority) is required
9 (1) second part	Bodies TPE for national markets		Yes, if still necessary, may be limited as transitional measure		
9 (1) third part	List of approved bodies (TPED)	Yes			Procedure to be developed in RID/ADR, notification to UN ECE for WP.15, OTIF for RID Safety Committee (and European Commission?) Publication jointly by UN ECE, OTIF (and European Commission?)
9 (2)	Procedure for inspection bodies (currently approved bodies in TPED)	Yes			Procedure and general requirements to be developed for RID/ADR on the basis of the annexes of TPED

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9 (3)	Withdrawal of appointment of an inspection body	Yes			
10 (1) to (5)	Pi-marking				To be checked if necessary
11 (1) to (4)	Safeguard clause	Yes	Only, if not taken by RID/ADR		<p>A Member State of EU or the EEA currently is responsible according to TPED to verify correct application of RID/ADR and TPED within their territory.</p> <p>Also Contracting parties to RID/ADR should have the same responsibility.</p> <p>To be discussed to what extent this can be transferred to RID/ADR including mechanisms of market surveillance and action to be taken by competent authorities in case of non-conformity of receptacles, packagings and tanks – as a general case</p>
12	Non compliance of marked TPE and action to be taken	Yes	Only, if not taken by RID/ADR		<p>See above, linked to safeguard clause</p> <p>Also for other receptacles, packagings and tanks according to RID/ADR</p>
13	Decisions on action about con-compliance	Yes, if possible	Only, if not taken by RID/ADR		To be discussed, whether this could be tackled by the Joint Meeting RID/ADR and by UN ECE/OTIF secretariats
14	Amendment procedure	For RID/ADR already regulated		Yes	Not necessary, if TPED is revoked
15	Committee procedure		Already contained in the framework directives for ADR and RID	Yes	No longer necessary, if TPED is revoked
16	Approval and publication		Already contained in the framework directives	Yes	
17	Application dates	Yes	No separate dates from application of RID/ADR		To be fixed in RID/ADR, including transitional provisions
18	Transitional period	Yes			Transitional measures will be necessary when the new system is enforced

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19	Sanctions		Yes, but in general for compliance with RID/ADR and the framework directives		
20 first part	Provisions for epsilon cylinders				To be discussed if still necessary at the stage of amending RID/ADR
20 second part	Directive 76/767/EEC			Yes	No longer necessary
20 third part	Epsilon cylinders				To be discussed if still necessary at the stage of amending RID/ADR
21 to 22				Yes	
ANNEXES					
ANNEX I	General criteria for approval and inspection bodies	Yes			Simplification may be discussed May be applied in general for all type approvals
ANNEX II	Additional criteria for approval bodies	Yes			Simplification may be discussed May be applied in general for all type approvals of receptacles, packagings and tanks according to RID/ADR
ANNEX II	Additional criteria for inspection bodies	Yes			Simplification may be discussed May be applied in general for all periodic inspections according to RID/ADR
ANNEX IV	Module A and A 1	Yes, but only contend and limited to simple receptacles like gas cartridges of UN 2037			Simplification/merging and scope to be discussed
	Module B (type approval)	Yes, content as general provision for all types of receptacles, packagings and tanks, which need a type approval according to RID/ADR			Simplification may be discussed Existing provisions to be taken into account

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	Module B1 (design approval)	Yes, but only content and limited scope,			<p>Simplification and scope to be discussed</p> <p>Could be extended to receptacles and packagings for substances of classes 3, 4.1, and 9 with no subsidiary risk</p> <p>Existing provisions to be taken into account</p>
	Module C 1	Yes, content only			<p>To be discussed if duty of manufacturer (in and/or out of RID/ADR) or duty of inspection body</p> <p>As general procedure for all type approved equipment, packagings, tanks</p> <p>Existing provisions to be taken into account</p>
ANNEX IV (continued)	Module D	Yes, content only			<p>Simplification may be discussed</p> <p>As general requirement for all type approved receptacles, packagings, tanks</p> <p>Existing provisions to be taken into account</p>
	Module D 1	Yes, content only			<p>Simplification may be discussed</p> <p>As general requirement for all type approved receptacles, packagings, tanks</p> <p>Existing provisions to be taken into account</p> <p>It could be discussed whether the content from modules D and D 1 could be merged for one procedure</p>
	Module E	Yes, content only			<p>Simplification may be discussed</p> <p>As general requirement for all type approved receptacles, packagings, tanks</p> <p>Existing provisions to be taken into account</p>

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	Module E 1	Yes, content only			<p>Simplification may be discussed</p> <p>As general requirement for all type approved receptacles, packagings, tanks</p> <p>Existing provisions to be taken into account</p> <p>It could be discussed whether the content from modules D and D 1 could be merged for one procedure</p>
ANNEX IV (continued)	Module F	Yes, content only			<p>Simplification may be discussed</p> <p>As general requirement for all type approved receptacles, packagings and tanks</p> <p>Existing provisions to be taken into account</p>
	Module G	Yes, if necessary			<p>To be discussed whether relevant for 6.2.3 and/or 6.8.2.7 of RID/ADR 2005</p> <p>To be checked whether relevant for other chapters of part 6 RID/ADR</p>
	Module H	Yes, but content only and with limited scope e. G. For aerosols of UN 1950, pressure vessels for class 2, classification code 6A			Simplification and scope to be discussed
	Module H 1	Yes, but content only and with limited scope			<p>Simplification and scope to be discussed</p> <p>It could be discussed whether the content of modules H and H1 could be merged to one procedure</p>
	Part II procedure for re-assessment of conformity			Yes	See above for article 5

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	Part III, module 1 for periodic testing	Yes, content only			Simplification and scope to be discussed To be discussed whether this is duty of the manufacturer/owner etc. And/or the inspection body
	Part III, module 2 for periodic testing	YES for receptacles; NO for tanks			Such provisions have never been part of RID/ADR
ANNEX V	Application of modules	Yes, but in modified content			Scope and application to be discussed It could be discussed, if such provisions should be extended to other receptacles, packagings and tanks, It should be discussed whether and in how far, precise fixing of suitable applicable procedures is appropriate Existing provisions should be taken into account
ANNEX VI	List of 3 substances	Yes, see packing instructions			Editorial amendments might be appropriate
ANNEX VII	Pi-mark				To be discussed if necessary

ANNEX

Text of the Directive 1999/36/EC on Transportable Pressure Equipment (TPED)



"TPED fr.pdf"



"TPED en.pdf"



"TPED de.pdf"
