

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

13 September 2017

Geneva, 19-29 September 2017

Item 2 of the provisional agenda

Tanks

Supplementary information from Austria to the informal working group on the inspection and certification of tanks

Transmitted by the Government of Austria

1. The aim of this INF is to provide the Joint Meeting with additional information concerning document ECE/TRANS/WP15/AC.1/2017/38 and its consequences for the ADR Contracting Parties.

2. In general, Austria appreciates the work done up to now leading to the criteria to be fulfilled by inspection bodies as laid down in the said document. However, it is still not clear, which organisations may act as inspection bodies at all. In Annex I of the report of the informal working group on the inspection and certification of tanks (i.e. ECE/TRANS/WP15/AC.1/2017/38) the following amendments to Section 1.8.7 ADR are proposed:

“1.8.7 **Procedures for conformity assessment, type approval certificate issue and periodic inspections**

NOTE: In this section, "relevant body" means a body performing conformity assessment and inspections assigned in 6.2.2.11 ~~when certifying for UN pressure receptacles~~, in 6.2.3.6 ~~when approving for non-UN pressure receptacles and in special provisions TA4 and TT9 of 6.8.4.,~~ in 6.8.1.5 for tanks, battery-vehicles and MEGCs and for their service equipment.”

3. In document ECE/TRANS/WP15/AC.1/2017/38 and INF. 10 the proposed changes to Chapter 6.8 are shown in Annex II. There, 6.8.1.5 reads as follows:

“6.8.1.5 **Conformity assessment, type approval and inspections rules**

The procedures for undertaking a conformity assessment and the inspections described in 1.8.7 shall be performed according to 6.8.1.5.1 to 6.8.1.5.6.

The term “inspection body” in these paragraphs means a body conforming to 1.8.6 and recognized, or accredited according to EN ISO/IEC 17020:2012 (except clause 8.1.3).”

4. Currently 1.8.6.8 requires inspection bodies to be accredited. As a consequence – if this is not changed - only such organisations would be allowed to do all the assessments, approvals and inspections for tanks, battery-vehicles and MEGCs and for their service equipment. During the last meeting in London Austria was informed about exactly this intention of the informal working group. This would create a situation completely different to the present provisions in Chapter 6.8 of ADR 2017 and monopolise the market in favour of accredited

bodies – which seems quite strange, as exactly they caused the problems the working group aims to solve now.

5. Austrian legislation implementing ADR 2017 and its previous versions along Section 1.8.7 and Chapter 6.8 did not change essentially for more than 20 years. The competent authority may not only entitle accredited bodies to do the assessments, approvals and inspections for tanks and for their service equipment. And it works well.

6. By national law consulting engineers and chartered engineering consultants in Austria are allowed in particular to carry out assessments, inspections and supervisions of projects/construction processes as well as to establish expert reports in accordance with the project. In order to conduct consulting engineers or chartered engineering consultants as a profession, higher qualifications are required – i.e. university or university of applied sciences or higher technical college and several years of relevant professional activity along with a proof of competence examination. Austria's strict regulations on professional conductance for consulting engineers and chartered engineering consultants require independency, impartiality and a liability insurance. Thus, these regulations are similar to the provisions for the accreditation of inspection bodies according to standard EN ISO/IEC 17020:2012. Moreover, for this conductance the Austrian liability provisions for compensation claims demand a long limitation period of 30 years. And at least, the supervisory authority (the Ministry of Economy) is able to withdraw the relevant professional licence in the event of any professional misconduct.

7. On behalf of this legal background as described in paragraph 6 Austria has authorised consulting engineers and chartered engineering consultants to do all the assessments, approvals and inspections for tanks, battery-vehicles and MEGCs and for their service equipment as regulated in ADR. This system is under proof for more than 20 years, we did not have any complaint like that in UK and therefore there seems to be no need to change the functional system in Austria.

8. According to the proposals set out in document ECE/TRANS/WP15/AC.1/2017/38 and the relating informal document INF. 10 only accredited inspection bodies shall be allowed to do all the assessments, approvals and inspections for tanks, battery-vehicles and MEGCs and for their service equipment as regulated in ADR. This causes a lot of more costs for the industry and does not guarantee that inspection bodies, even if they are accredited, do their job properly.

9. We kindly would like to ask especially those countries that were not participating at the sessions of the informal working group on the inspection and certification of tanks, whether:

a) they are aware of the proposed amendments concerning the accredited inspection bodies and the consequences of implementation in their national law

b) they are of the opinion that every ADR Contracting Party through its competent authority has - also in future - the right to determine only accredited or also other competent bodies to do all the assessments, approvals and inspections for tanks, battery-vehicles and MEGCs and for their service equipment.
