

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

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Accidents and risk management

18 September 2017

Comments on the report of the Informal Working Group on the inspection and certification of tanks

Transmitted by the European Commission

Summary

Executive summary: This document presents the prerequisites that EU Member States need to consider in order to the further developments of provisions on tanks inspection and certification.

Related documents: ECE/TRANS/WP.15/AC.1/2017/38, INF.10, INF.23, INF.26.

Introduction

1. The European Commission would like to thank the UK delegation and the Informal Working Group on the inspection and certification of tanks for their work which aims to clarify the texts of tank provisions in ADR/RID. We also acknowledged the problems rose in the different documents which were presented under this point of the Agenda.
2. Taking into consideration the fact that the texts of the Agreements are taken over in the Annexes of Directive 2008/68/EC on inland transport of dangerous goods¹, and that this Directive constitutes the basis of the functioning of Directive 2010/35/EU on transportable pressure equipment² it is necessary to remind the EU Members States a few principles enshrined in EU law and in Directive 2010/35/EU.
3. Thus, the project of rewording the dispositions in 1.8.7 should take into consideration the following principles which are enshrined in Directive 2010/35/EU, in particular Article 16 thereof which stipulates that "Without prejudice to the safeguard procedures in Articles 30 and 31 of this Directive and to the market surveillance framework set out in Regulation (EC) No. 765/2008, no Member State shall prohibit, restrict or impede on its territory the free movement, the making available on the market and the use of transportable pressure equipment, which complies with this Directive". Therefore, the proposal for an amendment adding an entry into service inspection in section 1.8.7.5 should not be applicable to

¹ OJ L 260, 30.9.2008, p. 13.

² OJ L 165, 30.6.2010, p. 1.

transportable pressure equipment manufactured and put on the market in the European Union, and the proposed amendment to 6.8.1.5.5 should be left conditional.

4. Furthermore, it is stated in Article 12 of the Directive that "Certificates of conformity assessment and certificates of reassessment of conformity and reports of periodic inspections, intermediate inspections and exceptional checks issued by a notified body shall be valid in all Member States".

5. In the proposal for amendment of 1.8.7.1.2, the application for the type approval certificate should be lodged by the inspection body. This means that ultimately, the responsibility of the manufacturer would be diminished, and a new task would have to be performed by the inspection bodies. The responsibility of the conformity of the type fully belongs to the manufacturer or his authorised representative, and we suggest that the last paragraph of 1.8.7.1.2 be amended consequently. A special feed-back between the inspection body and the competent authority should be ensured, however, in order to check the validity of the type examination report.
