

Economic Commission for Europe

Inland Transport Committee

Working Party on the Transport of Dangerous Goods

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Item 2 of the provisional agenda

Tanks

Comment on document ECE/TRANS/WP.15/AC.1/2020/20 : Supplementary information from the informal working group on the inspection and certification of tanks: Proposed amendments to Chapter 6.8 and to Sections 1.8.7 and 1.8.6

Transmitted by the Government of Belgium

Summary

Executive summary:	The proposed texts concerning the choice of the inspection bodies can cause serious problems for the functioning of the current market organization of the tank-containers.
Action to be taken:	Modify right column in 6.8.1.5.1, 6.8.1.5.3, 6.8.1.5.4 and 6.8.1.5.6.
Related documents:	ECE/TRANS/WP.15/AC.1/2020/20: Supplementary information from the informal working group on the inspection and certification of tanks: Proposed amendments to Chapter 6.8 and to Sections 1.8.7 and 1.8.6

Introduction

1. Belgium is very appreciative for the work that has already been undertaken by the informal working group on the inspection and certification of tanks and is of the opinion that the texts proposed for subchapters 1.8.6 and 1.8.7 are very satisfactory to obtain the goals set forward by the informal working group and will significantly contribute to the harmonization of the inspection activities undertaken in the RID/ADR-area.

2. Nevertheless, one of the initial goals of the informal working group was to have a mutual recognition of inspections bodies recognized for the inspection of tank vehicles, tank-wagons and tank-containers, similar as to what is currently in place in the European Union according to the transportable pressure equipment directive. Unfortunately at the end of the excellent work that has been undertaken, we noticed that this result is not fully obtained and, as a consequence, we acknowledge that this may cause considerable problems for the inspection and certification of tank-containers.

3. For tank-containers, the requirements in the new paragraphs 6.8.1.5.1 (type examination), 6.8.1.5.3 (supervision of manufacture), 6.8.1.5.4 (initial inspection) and 6.8.1.5.6 (intermediate or periodic or exceptional inspection) concerning the choice of the inspection body, as they are now written in the proposed texts, can be more restrictive than how it is currently applied in the RID/ADR-area.

4. It is suggested to consider that due to the worldwide globalization, not all tank-containers are manufactured in the RID/ADR-area. For example China and South-Africa are two countries where a substantial number of tank-containers and portable tanks are manufactured, both for operation in-and outside the RID/ADR-area.

5. In the case of manufacture outside the RID/ADR-area, the country of manufacture cannot give its approval for the registration of the tank-container when the tank-container is destined to be approved according to chapter 6.8. As a consequence, according to the new paragraphs, these approvals then have to be performed by an inspection body recognized by the Contracting State/Contracting Party where the owner or operator of the first tank-container of this type is registered. However, in analogy with the inspection and registration of portable tanks, in practice, a more open approach is applied by inspection bodies of several RID/ADR-countries.

6. In addition we have to take into account that for tank-containers, the State of registration has a smaller role to play, since the approval of the tank-container does not include the approval of the vehicle or wagon on which the tank is permanently attached. In contrast to the approval of a tank-wagon or tank-vehicle where the whole assembly has to be approved and registered. As such the approval and registration of a tank-container is less complicated than the approval of a tank-wagon or tank-vehicle.

7. Also this concept of State of registration is not very clear, it should be the country of the operator OR the country of the owner. Furthermore, in some cases, it might happen that the owner and the operator are not yet known at the moment of the type examination, the supervision of manufacture and the initial inspection (series production).

8. That is why Belgium likes to draw the attention of the Joint Meeting to the specific case of tank-containers. As already indicated at the last informal working group on the inspection and certification of tanks, held on 11 to 13 December 2019 in London, we think that the proposed texts can cause serious problems for the functioning of the current market organization.

Proposals

9. As:

- the tank-container-market is currently very open,
- the containers are by definition multimodal and travel on long distances,
- the country of manufacture is not always in the RID/ADR-area, and
- the country of registration is not always known at the beginning of the process and furthermore, the definition of country of registration is not really clear (country of owner or of operator),

we propose to keep some flexibility in the choice of the inspection body for the tank-containers.

10. As the inspection bodies listed according 1.8.6.2.5.2 are either accredited on approved according to an approved national system, we consider this sufficient to accept that these inspections can be performed by one of these bodies.

11. So we propose to modify the right hand column as follows:

6.8.1.5.1 *Type examination according to 1.8.7.2.1*

a) For the type examination, the manufacturer of the tank shall engage a single inspection body recognized by the competent authority of either the country of manufacture or the first country of registration of the first tank manufactured according to that type. If the country of manufacture is not an

For the type examination, the manufacturer of the tank shall engage a single inspection body recognized **by a competent authority of an RID Contracting State/a Contracting Party to ADR that is listed according to 1.8.6.2.5.2**

RID Contracting State/a Contracting Party to ADR, the manufacturer shall engage a single inspection body recognized by the competent authority of the country of registration of the first tank manufactured according to that type.

- b) If the type examination of the service equipment is done separately from the tank according to 6.8.2.3.2, the manufacturer of the service equipment shall engage a single inspection body recognized by a competent authority of an RID Contracting State/a Contracting Party of ADR.

6.8.1.5.3 *Supervision of manufacture according to 1.8.7.3*

- (a) For the supervision of manufacture, the manufacturer of the tank shall engage a single inspection body recognized either by the competent authority of the country of registration or the country of manufacture. If the country of manufacture is not an RID Contracting State/a Contracting Party to ADR, a manufacturer shall engage a single inspection body recognized by the competent authority of the country of registration.

For the supervision of manufacture, the manufacturer of the tank shall engage a single inspection body recognized **by a competent authority of an RID Contracting State/a Contracting Party to ADR that is listed according to 1.8.6.2.5.2**

- b) If the type examination of the service equipment is done separately from the tank, the manufacturer of the service equipment shall engage for the supervision of manufacture a single inspection body recognized by the competent authority of an RID Contracting State/a Contracting Party of ADR. The manufacturer may use an in-house inspection service according to 1.8.7.7 to perform the procedures of 1.8.7.3.

6.8.1.5.4 *Initial inspection and tests according to 1.8.7.4*

For the initial inspection and tests, the manufacturer of the tank shall engage a single inspection body recognized by

the competent authority of the country of registration or the country of manufacture. If the country of manufacture is not an RID Contracting State/a Contracting Party to ADR, a manufacturer shall engage a single inspection body recognized by the competent authority of the country of registration.

a competent authority of an RID Contracting State/a Contracting Party to ADR that is listed according to 1.8.6.2.5.2

6.8.1.5.6 *Intermediate, periodic or exceptional inspection according to 1.8.7.6*

The intermediate or periodic or exceptional inspection shall be performed.

(ADR:) in the country of registration by an inspection body recognized by the competent authority of that country.

by a competent authority of an RID Contracting State/a Contracting Party of ADR that is listed according to 1.8.6.2.5.2

(RID:) by an inspection body recognized by the competent authority of the country where the inspection takes place or by an inspection body recognized by the competent authority of the country of registration.

The owner or operator of the tank, or its authorized representative, shall engage a single inspection body for each intermediate, periodic or exceptional inspection.

Justification

12. As already pointed out above, a substantial portion of the tank-containers intended for the RID/ADR-area is manufactured outside of the RID/ADR-area. As a consequence the texts as proposed in ECE/TRANS/WP.15/AC.1/2020/20 6.8.1.5.1, 6.8.1.5.3 and 6.8.1.5.3 would thus limit the choice of the inspection body to the country of registration which is not in line with the intention to take steps towards a mutual recognition of inspection bodies.

13. There is also the situation where a stock of tank-containers is already produced outside of the RID/ADR-zone without knowing to which customer they will be sold. In such a case it is of course impossible to know the country of registration and as a consequence this would result in the fact that these tanks cannot be inspected yet, when only allowing the country of manufacture or registration to perform the inspections.

14. By the texts proposed in this document for the right hand columns in 6.8.1.5.1, 6.8.1.5.3 and 6.8.1.5.4, we align the regulatory provisions with the current practices in this sector.

15. In contrast to what is frequently claimed, it also seems that inspection bodies do not limit themselves to the country where they are initially recognized. As such only allowing inspection bodies of the country where the inspection takes place to perform periodic, intermediate or exceptional inspections would thus be a step backward in view of mutual recognition of inspection bodies rather than taking a step forward.

16. The proposed text in 6.8.1.5.6 of ECE/TRANS/WP.15/AC.1/2020/20 foresees that the periodic, intermediate or exceptional inspection shall be performed by an inspection body which is recognized by the competent authority of the country where the inspection takes place. That means that the competences of these inspection bodies are recognized by each RID Contracting State/a Contracting Party of ADR.