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Item 2 of the provisional agenda

Tanks

Carriage of tanks, battery-wagons/battery-vehicles and MEGCs following the expiry of deadlines for intermediate inspections

Transmitted by the Government of Poland^{*}, ^{}, ^{***}**

* A/75/6 (Sect.20), para 20.51.

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Summary

Executive summary:	The aim of this proposal is to introduce into the RID/ADR the provisions concerning the carriage of load in tank-wagons, demountable tanks, battery-wagons (RID)/fixed tanks (tank-vehicles), demountable tanks, battery-vehicles (ADR), tank-containers, tank swap bodies and MEGCs after the date of expiry of the last intermediate inspection
Action to be taken:	Amend the text in 4.3.2.3.7 of RID/ADR to allow carriage of tanks, battery-wagons/battery-vehicles and MEGCs following the date of expiry of deadlines for intermediate inspections
Related documents:	ECE/TRANS/WP.15/AC.1/2015/19 (UIC) ECE/TRANS/WP.15/AC.1/2015/27 (UIC) Informal document INF.21 (UIC/CEFIC) - (Spring 2016 session) ECE/TRANS/WP.15/AC.1/142/Add.1 (Item 8) Informal document INF.20 (Poland) - (Autumn 2018 session) ECE/TRANS/WP.15/AC.1/152/Add.1 (Item 10) ECE/TRANS/WP.15/AC.1/2019/19 (Poland) ECE/TRANS/WP.15/AC.1/154/Add.1 (Item 7) ECE/TRANS/WP.15/AC.1/2020/12 (UIP&UIC) Informal document INF.56 (Poland) – (Autumn 2020 session)

Introduction

1. In the opinion of Poland, the operation of tanks after the expiry of the intermediate inspection is still not properly regulated in the RID / ADR regulations. In the opinion Poland, the main goal is to obtain an unequivocal position on the use of tanks after the prescribed deadline for an intermediate inspection and record it in RID / ADR. The main reason for the discrepancy is the 3-month tolerance introduced for the intermediate inspection of tanks.

2. The current provisions of RID / ADR in 6.8.2.4.3 provide the rules for the intermediate inspection of tanks.

In ADR:

“6.8.2.4.3 Shells and their equipment shall undergo intermediate inspections at least every

Three years		two and a half years
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after the initial inspection and each periodic inspection. These intermediate inspections may be performed within three months before or after the specified date.

However, the intermediate inspection may be performed at any time before the specified date.

If an intermediate inspection is performed more than three months before the due date, another intermediate inspection shall be performed at the latest

Three years		two and a half years
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after this date.”

3. This provision does not raise any objections. The period of (+/-) 3-month tolerance in relation to the prescribed period of the intermediate inspection was adopted in RID / ADR

2009 to facilitate the presentation of tanks for intermediate inspection by users, while maintaining the prescribed period of the periodic inspection.

4. At the time of introducing this provision, the rules for the operation of the tanks were not regulated within 3 months after the expiry of the designated period of intermediate inspection.

5. It should be clearly emphasized that in the restructured RID / ADR regulations in 2001, a division into parts (7 in RID and 9 in ADR) was introduced and, respectively, chapters, sections, sub-sections, points, etc. Each of these parts was dictated by appropriately interested participants in the transport of dangerous goods.

6. Chapter 6.8 of Part 6 contains: "Requirements for the construction, equipment, type approval, inspections and tests, and marking of fixed tanks (tank-vehicles), demountable tanks and tank-containers and tank swap bodies, with shells made of metallic materials, and battery-vehicles and multiple element gas containers (MEGCs)".

7. The changes introduced in point 6.8.2.4.3 of RID / ADR concerned only the regulations on the inspections and tests of fixed tanks (tank-vehicles), demountable tanks and tank-containers and tank swap bodies, and battery-vehicles and multiple element gas containers (MEGCs) and introduced a 3-month tolerance for performing intermediate inspections.

8. At the same time, no changes were introduced regulating carriage in tanks within 3 months after the expiry of the intermediate inspection of tanks.

9. Provisions for the use of fixed tanks (tank-vehicles), demountable tanks, tank swap bodies and tank-containers with metal tanks, and battery-vehicles and multiple element gas containers (MEGCs) are given in RID / ADR Chapter 4.3.

10. The provision in 6.8.2.4.3 allowing the possibility of performing intermediate inspection with a tolerance of 3 months was introduced to RID / ADR in 2009.

11. However, this did not entail any changes to the provisions of Chapter 4.3 governing the use of tanks, which meant that the carriage of dangerous goods in tanks was still prohibited after the intermediate inspection deadline.

12. The provisions on the carriage of dangerous goods in tanks after the expiry of the prescribed period for an intermediate inspection have not changed so far. This means that the current regulations do not allow the carriage of dangerous goods in tanks after the expiry of the prescribed period of intermediate inspection.

13. In RID/ADR issued in 2017, a new rule 4.3.2.3.7 was introduced in Chapter 4.3, worded as follows:

“4.3.2.3.7 Fixed tanks (tank-vehicles), demountable tanks, battery-vehicles, tank-containers, tank swap bodies and MEGCs may not be filled or offered for carriage after the deadline for the test or inspection required by 6.8.2.4.2, 6.8.3.4.6 and 6.8.3.4.12 has expired.

However, fixed tanks (tank-vehicles), demountable tanks, battery-vehicles, tank-containers, tank swap bodies and MEGCs filled prior to the date of expiry of the last periodic inspection may be carried:

(a) for a period not to exceed one month after the expiry of these deadlines;

(b) unless otherwise approved by the competent authority, for a period not to exceed three months after the expiry of these deadlines in order to allow the return of dangerous goods for proper disposal or recycling. Reference to this exemption shall be mentioned in the transport document.”

14. This provision stipulates that fixed tanks (tank-vehicles), demountable tanks, battery-vehicles, tank-containers, tank swap bodies and multiple element gas containers (MEGCs) filled before the expiry of the last periodic inspection may be carried for a period not exceeding one month after the expiry of these time limits, with the possibility of an extension

to 3 months to allow the return of dangerous goods for proper disposal or recycling. These provisions apply to carriage in tanks after the prescribed periodic inspection has expired.

15. There is still no provision for the carriage of dangerous goods in tanks after the prescribed intermediate inspection has expired. As a result, the approach to this topic is interpreted differently.

16. Additionally, we have to take into account that other regulations in RID / ADR apply, in particular 1.4.2.2.1 (d) as follows:

“1.4.2.2.1 In the context of 1.4.1, where appropriate, the carrier shall in particular:

...

(d) Ascertain that the deadline for the next inspection for tank-vehicles, battery-vehicles, demountable tanks, portable tanks, tank-containers and MEGCs has not expired;

NOTE: Tanks, battery-vehicles and MEGCs may however be carried after the expiry of this deadline under the conditions of 4.1.6.10 (in the case of battery-vehicles and MEGCs containing pressure receptacles as elements), 4.2.4.4, 4.3.2.3.7, 4.3.2.4.4, 6.7.2.19.6, 6.7.3.15.6 or 6.7.4.14.6.”

17. No reference is made in 1.4.2.2.1 (d) to carriage in tanks after expiry of the intermediate inspection date. The provision in 4.3.2.3.7 applies to carriage in tanks after the periodic inspection has expired.

18. The next entry in RID / ADR related to filler responsibilities in 1.4.3.3 (b) is worded as follows:

“1.4.3.3 *Filler*

In the context of 1.4.1, the filler has the following obligations in particular:

...

(b) He shall ascertain that the date of the next inspection for tank-vehicles, battery-vehicles, demountable tanks, portable tanks, tank-containers and MEGCs has not expired;

.....”

19. In accordance with the provisions of 6.8.2.4.3 shells and their equipment shall undergo intermediate inspections at least every 4/3 years (RID / ADR) after the initial inspection and each periodic inspection.

20. These intermediate inspection dates are valid for the filler (1.4.3.3 (b)) and the carrier (1.4.2.2.1 (d)). This is not a 3 months tolerance as this tolerance only applies to the possibility of postponing the intermediate inspection for tanks referred to in 6.8.2.4.3 of RID / ADR.

21. The need to make an appropriate entry in the transport document should also be taken into account in the event of carriage after the expiry of the last periodic inspection or test referred to in 5.4.1.1.11 of RID / ADR.

“5.4.1.1.11 *Special provisions for the carriage of IBCs, tanks, battery-vehicles, portable tanks and MEGCs after the date of expiry of the last periodic test or inspection*

For carriage in accordance with 4.1.2.2 (b), 4.3.2.3.7 (b), 6.7.2.19.6.1 (b), 6.7.3.15.6.1 (b) or 6.7.4.14.6.1 (b), a statement to this effect shall be included in the transport document, as follows:

“CARRIAGE IN ACCORDANCE WITH 4.1.2.2 (b)”,

“CARRIAGE IN ACCORDANCE WITH 4.3.2.3.7 (b)”,

“CARRIAGE IN ACCORDANCE WITH 6.7.2.19.6.1 (b)”,

“CARRIAGE IN ACCORDANCE WITH 6.7.3.15.6.1 (b)”; or

“CARRIAGE IN ACCORDANCE WITH 6.7.4.14.6.1 (b)” as appropriate.”

22. This provision does not regulate carriage in tanks after the expiry of the prescribed period for an intermediate inspection. 4.3.2.3.7 (b) only applies to carriage after the expiry date of the last periodic inspection.

23. There is no misunderstanding in the portable tank provisions of RID / ADR chapter 6.7 and the entries are unambiguous (see 6.7.2.19.2 and 6.7.2.19.6.1 (b); 6.7.3.15.2 and 6.7.3.15.6.1 (b)) ; 6.7.4.14.2 and 6.7.4.14.6.1 (b)).

24. Therefore, to finally solve the existing problem, Poland proposes to first agree on how the tanks are to be operated within 3 months after the expiry of the designated intermediate inspection date, and then write it down in 4.3.2.3.7 and, if necessary, in other parts of RID / ADR.

25. Poland proposes to consider four options that may be taken into account in the context of the 3-month tolerance when conducting intermediate inspection. As a result of the discussion, one of them should be adopted and properly recorded in RID / ADR to avoid any interpretation by individual participants of the carriage of dangerous goods in tanks.

Suggestions

Option I

26. Fixed tanks (tank-vehicles), demountable tanks, battery-vehicles, tank-containers, tank swap bodies and MEGCs may not be filled or offered for carriage or carried after the deadline for the intermediate inspection required by 6.8.2.4.3 has expired.

27. Tanks may not be filled or offered for carriage or carried after the deadline for the intermediate inspection has expired. After the expiry of the prescribed period for the intermediate inspection filling, offering for carriage and carriage of dangerous goods in tanks would not be allowed.

Option II

28. Fixed tanks (tank-vehicles), demountable tanks, battery-vehicles, tank-containers, tank swap bodies and MEGCs may not be filled or offered for carriage after the deadline for the intermediate inspection required by 6.8.2.4.3 has expired.

29. However, fixed tanks (tank-vehicles), demountable tanks, battery-vehicles, tank-containers, tank swap bodies and MEGCs filled prior to the date of expiry of the last intermediate inspection may be carried:

(a) for a period not to exceed one month after the expiry of these deadline;

(b) unless otherwise approved by the competent authority, for a period not to exceed three months after the expiry of these deadline for intermediate inspection to allow the return of dangerous goods for proper disposal or recycling. Reference to this exemption shall be mentioned in the transport document.

Option III

30. Fixed tanks (tank-vehicles), demountable tanks, battery-vehicles, tank-containers, tank swap bodies and MEGCs may not be filled or offered for carriage after the deadline for the intermediate inspection required by 6.8.2.4.3 has expired.

31. However, fixed tanks (tank-vehicles), demountable tanks, battery-vehicles, tank-containers, tank swap bodies and MEGCs filled prior to the date of expiry of the last intermediate inspection may be carried for a period not to exceeding three months after the expiry of the scheduled date for an intermediate inspection.

Option IV

32. Fixed tanks (tank-vehicles), demountable tanks, battery-vehicles, tank-containers, tank swap bodies and MEGCs may be filled or offered for carriage or carried within 3 months after the expiry of the prescribed period for the intermediate inspection required by 6.8.2.4.3.

33. After 3 months from the date of the scheduled intermediate inspection, filling, offering for carriage and the carriage of dangerous goods in tanks would not be allowed.

34. Depending on the adopted option, the provisions of RID / ADR should be amended in this respect.

35. Depending on the adopted option, Poland proposes to introduce appropriate modifications to the RID / ADR regulations.

Proposal for option I

36. In Poland's opinion, option I is applicable in the current RID / ADR regulations and there is no need to introduce additional changes to the RID / ADR.

37. This means that in the current RID / ADR regulations, after the expiry of the specified intermediate inspection required in 6.8.2.4.3, filling, offering for carriage and carriage of dangerous goods in tanks is not allowed.

Proposal 1

No change to the regulations in RID / ADR

Proposal for option II

38. Option II would be the same as for the carriage of dangerous goods in tanks after the periodic inspection mentioned in 6.8.2.4.2.

Proposal 2

39. Amend 4.3.2.3.7 to read as follows (new wording in bold and underlined):

“4.3.2.3.7 Fixed tanks (tank-vehicles), demountable tanks, battery-vehicles, tank-containers, tank swap bodies and MEGCs may not be filled or offered for carriage after the deadline for the test or inspection required by 6.8.2.4.2, **6.8.2.4.3**, 6.8.3.4.6 and 6.8.3.4.12 has expired.

However, fixed tanks (tank-vehicles), demountable tanks, battery-vehicles, tank-containers, tank swap bodies and MEGCs filled prior to the date of expiry of the last periodic inspection **or the last intermediate inspection** may be carried:

(a) for a period not to exceed one month after the expiry of these deadlines;

(b) unless otherwise approved by the competent authority, for a period not to exceed three months after the expiry of these deadlines in order to allow the return of dangerous goods for proper disposal or recycling. Reference to this exemption shall be mentioned in the transport document.”

Consequential amendments

40. There is no need to modify the entries in 5.4.1.1.11, 1.4.3.3 (b) or 1.4.2.2.1 (d) in RID/ADR.

Proposal for option III

41. Fixed tanks (tank-vehicles), demountable tanks, battery-vehicles, tank-containers, tank swap bodies and MEGCs may not be filled or offered for carriage after the deadline for the intermediate inspection required by 6.8.2.4.3 has expired.

42. However, fixed tanks (tank-vehicles), demountable tanks, battery-vehicles, tank-containers, tank swap bodies and MEGCs filled prior to the date of expiry of the last intermediate inspection may be carried for a period not to exceed three months after the expiry of this deadline.

Proposal 3

43. Amend 4.3.2.3.7 to read as follows (new wording in bold and underlined):

“4.3.2.3.7 Fixed tanks (tank-vehicles), demountable tanks, battery-vehicles, tank-containers, tank swap bodies and MEGCs may not be filled or offered for carriage after the deadline for the test or inspection required by 6.8.2.4.2, **6.8.2.4.3**, 6.8.3.4.6 and 6.8.3.4.12 has expired.

(a) However, fixed tanks (tank-vehicles), demountable tanks, battery-vehicles, tank-containers, tank swap bodies and MEGCs filled prior to the date of expiry of the last periodic inspection **required by 6.8.2.4.2, 6.8.3.4.6 and 6.8.3.4.12** may be carried:

- (i) for a period not to exceed one month after the expiry of these deadlines;
- (ii) unless otherwise approved by the competent authority, for a period not to exceed three months after the expiry of these deadlines in order to allow the return of dangerous goods for proper disposal or recycling. Reference to this exemption shall be mentioned in the transport document.

(b) **However, fixed tanks (tank-vehicles), demountable tanks, battery-vehicles, tank-containers, tank swap bodies and MEGCs filled prior to the date of expiry of the last intermediate inspection required by 6.8.2.4.3 may be carried for a period not to exceed three months after the expiry of this deadline. Reference to this exemption shall be mentioned in the transport document.”**

44. Modify 5.4.1.1.11 as follows (new wording in bold and underlined):

“5.4.1.1.11 *Special provisions for the carriage of IBCs, tanks, battery-vehicles, portable tanks and MEGCs after the date of expiry of the last periodic test or inspection*

For carriage in accordance with 4.1.2.2 (b), **4.3.2.3.7 (a) (ii), 4.3.2.3.7 (b)**, 6.7.2.19.6.1 (b), 6.7.3.15.6.1 (b) or 6.7.4.14.6.1 (b), a statement to this effect shall be included in the transport document, as follows:

“CARRIAGE IN ACCORDANCE WITH 4.1.2.2 (b)”,

“CARRIAGE IN ACCORDANCE WITH 4.3.2.3.7 (a) (ii)”,

“CARRIAGE IN ACCORDANCE WITH 4.3.2.3.7 (b)”,

“CARRIAGE IN ACCORDANCE WITH 6.7.2.19.6.1 (b)”,

“CARRIAGE IN ACCORDANCE WITH 6.7.3.15.6.1 (b)”; or

“CARRIAGE IN ACCORDANCE WITH 6.7.4.14.6.1 (b)” as appropriate.”

Proposal for option IV

45. Fixed tanks (tank-vehicles), demountable tanks, battery-vehicles, tank-containers, tank swap bodies and MEGCs can be filled, offered for carriage and carried within 3 months after the expiry of the prescribed intermediate inspection required by 6.8.2.4.3.

46. After 3 months from the date of the scheduled intermediate inspection, filling, offered for carriage and the carriage of dangerous goods in tanks would not be allowed.

Proposal 4

47. A new paragraph 4.3.2.3.8 should be added to read as follows:

4.3.2.3.8 Fixed tanks (tank-vehicles), demountable tanks, battery-vehicles, tank-containers, tank swap bodies and MEGCs may be filled, offered for carriage and

carried within 3 months after the deadline for the intermediate inspection required by 6.8.2.4.3 has expired. Reference to this exemption shall be mentioned in the transport document.

After 3 months from the deadline for the intermediate inspection, filling, offering for carriage and carriage of dangerous goods in tanks is not allowed.

48. Modify 5.4.1.1.11 as follows (new wording in bold and underlined):

“5.4.1.1.11 *Special provisions for the carriage of IBCs, tanks, battery-vehicles, portable tanks and MEGCs after the date of expiry of the last periodic test or inspection*

For carriage in accordance with 4.1.2.2 (b), 4.3.2.3.7 (b), **4.3.2.3.8**, 6.7.2.19.6.1 (b), 6.7.3.15.6.1 (b) or 6.7.4.14.6.1 (b), a statement to this effect shall be included in the transport document, as follows:

“CARRIAGE IN ACCORDANCE WITH 4.1.2.2 (b)”,

“CARRIAGE IN ACCORDANCE WITH 4.3.2.3.7 (b)”,

“CARRIAGE IN ACCORDANCE WITH 4.3.2.3.8”;

“CARRIAGE IN ACCORDANCE WITH 6.7.2.19.6.1 (b)”,

“CARRIAGE IN ACCORDANCE WITH 6.7.3.15.6.1 (b)”; or

“CARRIAGE IN ACCORDANCE WITH 6.7.4.14.6.1 (b)” as appropriate.”

Justification

49. The proposed modification aims to achieve an uniform approach to the carriage of dangerous goods in tank-wagons, demountable tanks, battery-wagons (RID)/fixed tanks (tank-vehicles), demountable tanks, battery-vehicles (ADR), tank-containers, tank swap bodies and MEGCs after the date of expiry of the last intermediate inspection required by 6.8.2.4.3.

50. Experts will avoid divergent positions in this matter.

51. Adopted in 6.8.2.4.3 the possibility of performing an intermediate inspection with a tolerance of three months before or after the date of intermediate inspection lead to a different approach regarding the possibility of transporting goods within three months after the date of expiry of the intermediate inspection.

52. The introduction of the proposed amendment to RID/ADR will allow the adoption of an unified position on carriage of the tank-wagons, demountable tanks, battery-wagons (RID)/fixed tanks (tank-vehicles), demountable tanks, battery-vehicles (ADR), tank-containers, tank swap bodies and MEGCs following the date of expiry of the last intermediate inspection required by 6.8.2.4.3.
