

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

11 March 2021

Bern, 15–19 March 2021

Item 2 of the provisional agenda:

Tanks

Comment on document ECE/TRANS/WP.15/AC.1/2021/7 and informal document INF.10 – 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

Approval of Type C inspection bodies

Transmitted by the Governments of Ireland and the United Kingdom

Summary

Executive summary:

The amendments to RID/ADR 1.8.6.2.1 proposed by the informal working group on the inspection and certification of tanks would prevent Type C inspection bodies from performing periodic inspections, intermediate inspections, and exceptional inspections of minor repairs on Chapter 6.8 and 6.10 tanks. Ireland and the United Kingdom have many years of good experience with Type C inspection bodies executing these responsibilities and are therefore of the opinion that preventing such activities would have a needless detrimental impact on the sectors in which Type C inspection bodies are active, thus imposing disproportionate and unnecessary burdens contrary to the principles in the existing RID/ADR 1.8.6.2.1. Following the direction given by the Joint Meeting at the autumn 2020 session and the subsequent discussions in the working group on tanks and the informal working group on the inspection and certification of tanks, Ireland and the United Kingdom propose, in this informal document, that Type C inspection bodies should continue to be permitted at the discretion of the competent authority, but only to perform the limited inspection activities stipulated in the proposal

Action to be taken:

Amend RID/ADR 1.8.6.2.1

Related documents:

ECE/TRANS/WP.15/AC.1/2020/47 (Ireland)

ECE/TRANS/WP.15/AC.1/2020/49 (United Kingdom)

ECE/TRANS/WP.15/AC.1/158

ECE/TRANS/WP.15/AC.1/158/Add.1

ECE-TRANS-WP15-AC1-21-BE-inf10e

Introduction

1. Following the opening remarks and comments received on working documents ECE/TRANS/WP.15/AC.1/2020/47 (Ireland) and ECE/TRANS/WP.15/AC.1/2020/49 (United Kingdom) during the autumn 2020 session of the Joint Meeting, the working group on tanks was invited to further elaborate on the approval of Type C inspection bodies to perform certain limited inspection activities, such as periodic inspections, intermediate inspections and minor exceptional inspections for certain types of tanks as proposed in ECE/TRANS/WP.15/AC.1/2020/47 and ECE/TRANS/WP.15/AC.1/2020/49.
2. During the discussions in the working group, it was felt by many that regardless of accreditation to ISO/IEC 17020, Type C inspection bodies are not sufficiently independent of the parties involved. Following an exchange of views, it was proposed that Ireland and the United Kingdom would prepare a joint proposal which would reflect the direction given by the Joint Meeting, to restrict Type C inspection bodies to certain limited activities, and consider the comments and observations from the working group on tanks.
3. A draft proposal prepared by Ireland and the United Kingdom was considered during the inter-sessional meeting of the members of the “London” group from 16 to 18 December 2020 where many were again concerned about the independence of Type C inspection bodies when compared to Type A inspection bodies. Following the discussion Ireland and the United Kingdom indicated that they would develop the draft and submit a joint proposal for discussion during the spring 2021 session of the Joint Meeting.

Consideration

4. During the discussions, it was noted that some countries do not or would not want to recognise or approve Type C inspection bodies as they do not consider Type C inspection bodies to be sufficiently independent of the parties involved, whereas Ireland and the United Kingdom have many years of good experience with Type C inspection bodies performing periodic inspections, intermediate inspections, and exceptional inspections of minor repairs on Chapter 6.8 and 6.10 tanks.
5. Ireland and the United Kingdom believe that this is because the impartiality and competence of the personnel involved in the inspection activities, when rigorously accredited according to EN ISO/IEC 17020:2012 (except clause 8.1.3), is in practice more significant than the independence of the parties involved. Importantly, Type C inspection bodies must be structured and managed so as to safeguard impartiality, and can be held legally responsible for all their inspection activities; and whilst the independence requirements for Type A and Type C inspection bodies are different, the impartiality and competence requirements for Type C inspection bodies are the same as for Type A inspection bodies. In addition, as is the case for Type A inspection bodies, Type C inspection bodies must also be independent to the extent required regarding the conditions under which their inspection activities are performed.
6. Furthermore, if Type C inspection bodies are to be prohibited as proposed by the informal working group on the inspection and certification of tanks, those sectors in which Type C inspection bodies currently perform inspection activities with the approval of the competent authority, would be faced with a significant change, and the competent authority will experience a potential loss of expertise and capability in the market place. In the case of Ireland and the United Kingdom this would mean, contrary to the current RID/ADR 1.8.6.2.1, that periodic inspections, intermediate inspections, and exceptional inspections of minor repairs on Chapter 6.8 and 6.10 tanks would not be carried out in a proportionate manner and unnecessary burdens would not be avoided. Ireland and the United Kingdom have therefore combined and refined the proposals in documents ECE/TRANS/WP.15/AC.1/2020/47 and ECE/TRANS/WP.15/AC.1/2020/49, imposing clear limitations on the inspection activities that Type C inspection bodies would be allowed to perform if approved to do so by the competent authority.
7. Those activities would of course not include exceptional inspections of major repairs (only Type A inspection bodies are considered suitable for such inspection activities given

the need to assess the safety of such repairs, any hot work done which would require radiography or ultrasound of repair welds, and any repair or modification to the tank or structure that may affect the type approval of the tank or compliance with ADR, irrespective of the purpose of the repair) or exceptional inspections of alterations (see RID/ADR 6.8.2.4.4). In addition, the limited inspection activities relevant to this proposal specifically exclude tanks intended for the carriage of substances for which TA4 and TT9 of 6.8.4 apply.

Proposal

8. Ireland and the United Kingdom therefore propose to amend the text proposed for 1.8.6.2.1 in informal document INF.10 as follows (new proposed text underlined in **bold**, not highlighted):

1.8.6.2.1 ~~When the competent authority approves an inspection body~~ **to perform the activities specified in 1.8.6.1**, the approval scheme ~~and the accreditation of the inspection body~~ shall be based on **according to** EN ISO/IEC 17020:2012 (except clause 8.1.3) type A **requirements**.

~~Except when 6.2.2.11, 6.2.3.6 and TA4 and TT9 of 6.8.4 apply, competent authorities may decide not to use accreditation according to EN ISO/IEC 17020:2012. In these circumstances 1.8.6.2.4 applies.~~

~~When the competent authority approves an approved body to perform periodic inspections of receptacles according to Chapter 6.2, this approved body shall be accredited according to EN ISO/IEC 17020:2012 (except clause 8.1.3) type B.~~

When the competent authority approves an [approved / **inspection**] body to perform periodic inspections of receptacles according to Chapter 6.2, ~~the approval scheme this approved body and the accreditation of the (approved / inspection) body~~ shall **may alternatively** be accredited according to **according to** EN ISO/IEC 17020:2012 (except clause 8.1.3) type B **requirements**.

[ADR:] **If the competent authority approves an [approved / inspection] body to perform periodic inspections, intermediate inspections, and exceptional inspections of minor repairs (i.e. exceptional inspections of repairs other than major repairs ¹, or exceptional inspections of alterations (see 6.8.2.4.4) of tanks according to Chapters 6.8 and 6.10, intended for the carriage of substances other than those for which TA4 and TT9 of 6.8.4 apply, the approval scheme and the accreditation of the [approved / inspection] body may alternatively be according to EN ISO/IEC 17020:2012 (except clause 8.1.3) type C requirements.**

~~When The accreditation is used, it~~ shall clearly cover the activities of the approval.

When the competent authority does not approve inspection bodies, ~~or approved bodies~~ but performs these tasks itself, the competent authority shall comply with the provisions of 1.8.6.3."

¹ **'Major repairs' are repairs without which the safety of the tank or structure would have been compromised. This may include:**

- **a repair following an accident which results in a major defect that impairs the safety of the tank,**
- **the rectification of a significant deterioration in condition that if not repaired would compromise safety, and**
- **any repair that may have impaired the safety of the tank.**

Any hot work done which would require radiography or ultrasound of repair welds, and any repair or modification to the tank or structure that may affect the type approval of the tank or compliance with ADR 6.8 or 6.10, shall also be regarded as a major repair, irrespective of the purpose of the repair.

Justification

9. Currently, amongst other things, RID/ADR 1.8.6.2.1 requires periodic inspections, intermediate inspections, and exceptional inspections of minor repairs on Chapter 6.8 and 6.10 tanks to be carried out in a proportionate manner, avoiding unnecessary burdens. Such inspections may currently be performed by Type C inspection bodies accredited according to EN ISO/IEC 17020:2012 (except clause 8.1.3), thus ensuring the impartiality and competence of the personnel involved in the inspection activities.

10. In Ireland and the United Kingdom these inspections have been performed by Type C inspection bodies for many years to the satisfaction of the competent authorities. Accordingly, Ireland and the United Kingdom see no reason why, in the proposals of the informal working group on the inspection and certification of tanks, Type C inspection bodies should not be allowed to perform such inspections if approved to do so by the competent authority. The provisions of this proposal, if accepted, would allow Ireland and also other countries without a Type A inspection body, an alternative means of providing for the limited inspection activities stipulated in the proposal without yet further unnecessary burdens.
