

Economic Commission for Europe

Inland Transport Committee

Working Party on the Transport of Dangerous Goods

17 March 2021

Joint Meeting of the RID Committee of Experts and the
Working Party on the Transport of Dangerous Goods

Bern, 15–19 March 2021

Item 2 of the provisional agenda:

Tanks

Report of the inter-sessional meeting of the members of the informal working group on the inspection and certification of tanks

Transmitted by the Government of the United Kingdom

1. Following the autumn session of the Joint Meeting in September 2020 the members of the informal working group on the inspection and certification of tanks (aka the London group) met between sessions on a virtual platform due to the coronavirus pandemic from 16 to 18 December under the chairmanship of Mr. Steve Gillingham (United Kingdom). Representatives of Austria, Belgium, Finland, France, Germany, Ireland, Luxembourg, the Netherlands, Norway, Poland, Romania, Russia, Spain, Sweden, Switzerland, Turkey, the United Kingdom, the European Industrial Gases Association (EIGA) and the International Union of Wagon Keepers (UIP) participated. Apologies were received from the European Commission and the International Tank Container Organisation (ITCO).

2. The meeting opened with the Chair noting the outcome of the fourteenth meeting of the informal working group on the inspection and certification of tanks on 10 and 11 June 2020 reported in ECE/TRANS/WP.15/AC.1/20/GE/inf57, during which further comments on the proposed amendments to Chapter 6.8 and to Sections 1.8.7 and 1.8.6, and to the related sections in Chapter 6.2, were addressed other than principally for three important issues, namely i) the process and transition for the recognition of national systems equivalent to accreditation set out in the Annex of ECE/TRANS/WP.15/AC.1/2020/19, ii) the option of an entry into service verification for tank-wagons (and tank-containers) and the circumstances under which such activities may take place, and iii) whether Type C inspection bodies rather than Type A inspection bodies only should be permitted to undertake certain inspections.

3. The Chair noted that these issues were discussed in the working group on tanks and in the plenary during the autumn session of the Joint Meeting in September 2020. After consideration by both the working group on tanks and the plenary it was agreed that the Chair of the London group should contact the competent authorities of all RID contracting states and ADR contracting parties to seek feedback on their preferences, including a clear ranking for the responses, on five options identified by the working group on tanks in relation to the use of national systems for the approval of inspection bodies, with each successive option limiting further the activities of inspection bodies approved according to a national system.

4. The survey was launched on 5 November and the results reported to all RID contracting states and ADR contracting parties on 10 December. The outcome, whether assessed on a first past the post or an alternative vote basis, is clear – the preferred option by a noticeable margin, for both RID and ADR, is option v), namely *that in addition to inspection bodies being approved according to the ISO/IEC system of accreditation, inspection bodies should, as an alternative, at the discretion of the ADR Contracting Party, also be allowed to be approved on a temporary basis according to current national provisions until the end of a transitional measure, the duration of which would provide sufficient time for inspection bodies to be approved according only to the ISO/IEC system of accreditation.*

5. The London group were also asked to consider further the other two issues taking into account the upcoming discussions of the RID Committee of Experts' standing working group on entry into service verification, and a joint proposal to be prepared by Ireland and the United Kingdom which would reflect the direction already given by the Chair of the Joint Meeting, and take into account the comments and observations from the plenary and the working group on tanks, regarding the limitations and controls that would be needed given that Type C inspection bodies are considered by many not to be sufficiently independent of the parties involved.

6. Concluding the opening remarks, the Chair thanked Belgium, Germany, Ireland, the Netherlands, Norway, Poland, the United Kingdom, EIGA, ITCO and UIP for comments in documents submitted before the meeting on the scope of the in-house inspection service, the selection of inspection bodies for tank-containers, the mark of the in-house inspection service, and the Chapter 6.2 consequential amendments; and to be considered under any other business, namely the inspection of tanks after expiry of inspection certificates, clarifying inspection expiry dates, non-destructive tests of non-structural welds, interpretation on the application of standards, and carriage following the expiry of deadlines for intermediate inspections.

Appointment, control and monitoring of inspection bodies

7. In respect of the proposals for 1.8.6 on the administrative controls for the activities of inspection bodies, the group noted the outcome of the survey on the options in relation to the use of national systems for the approval of inspection bodies and in consequence 1.8.6.2.4 was removed from the proposals and reference to national systems deleted elsewhere.

8. In an extensive discussion on a draft proposal from Ireland and the United Kingdom to allow type C inspection bodies to undertake only certain limited activities, in which the members of the group were joined by experts from the United Kingdom Accreditation Service, most who spoke continued to be of the view that regardless of accreditation to EN ISO/IEC 17020 they did 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. The experts from the United Kingdom Accreditation Service explained that the impartiality and competence of the personnel involved in the inspection activities, when rigorously accredited according to EN ISO/IEC 17020, is in practice more significant than the independence of the parties involved. Importantly, Type C inspection bodies must be structured and managed to safeguard impartiality, and can be held legally responsible for all their inspection activities. But most who spoke remained unconvinced, with some suggesting that Type C inspection bodies could be allowed if limited only to national or bi-lateral arrangements, or to certain classes of dangerous goods or types of tanks. Following the discussion Ireland and the United Kingdom indicated that they would develop the draft and submit a joint proposal on 1.8.6.2.1 for the spring 2021 session of the Joint Meeting.

9. In the remainder of 1.8.6 the text was refined to make it clear in 1.8.6.2.4.2 that the information on the up-to-date competent authority list of the inspection bodies approved must include the activities for which the inspection body is approved and the mark of any in-house inspection service appointed by the inspection body. To respect the agreed 10-year transition, the proposal was amended to mandate the new regime from 1 January 2033 instead of 2031. There was some discussion on how the proposals should apply during the transition, but it was concluded that without any definitive proposals the existing text was still fit for purpose.

Harmonisation of inspection procedures

10. Norway submitted a proposal to extend the scope of an in-house inspection service in 1.8.7.1.4, beyond service equipment manufactured separately from the tank, to include intermediate, periodic and exceptional inspections of tanks – the surveillance of an in-house inspection service being entrusted to appoint, authorise and audit the activities of the in-house inspection service. During discussion it was opined that such services were neither accredited nor audited by the accreditation services and would reduce the independence of a Type A inspection body to that of a Type C inspection body. In conclusion it was decided not to extend the scope, but doubts over independence remained.

11. EIGA tabled INF.17 from the spring session of the Joint Meeting in March 2020 which proposes to remove the new mark of the in-house inspection service (IS) in 1.8.7.7.1. After a short discussion, it was decided to retain the mark of the IS to ensure traceability.

12. Belgium, the Netherlands and UIP tabled a series of comments on the entry into service verification for tank-wagons in 6.8.1.5.5 which included the conclusions of discussions in the RID Committee of Experts' standing working group, which were supportive provided the verification would only be required on an occasional rather than on a systematic basis. This was agreed and 6.8.1.5.5 amended accordingly. Further amendments were made to ensure the use of an appropriate inspection body, and a footnote was added to make it clear that in the case of tank wagons the applicable requirements are satisfied if a vehicle authorisation is received from the European Union Agency for Railways (ERA).

13. Belgium then returned to INF.43 and INF.44 submitted to the autumn session of the Joint Meeting in September 2020 on the selection of inspection bodies for tank-containers in 6.8.1.5 and 6.8.1.5.6. The proposals were supported by the group with the addition in 6.8.1.5 of a requirement for the inspection body to be accredited according to EN ISO/IEC 17020.

14. Drawing the discussions on the the proposed amendments to Chapter 6.8 and to Sections 1.8.7 and 1.8.6 to a close, the United Kingdom agreed on behalf of the group to submit to the spring session of the Joint Meeting in March 2021 a working document and an informal document with the proposed amendments as they stood before and after the meeting of the group respectively. These documents would then be followed by an informal document from Ireland and the United Kingdom with proposals on the approval of Type C inspection bodies, and by any other informal documents relevant to the development of the proposals.

15. Germany tabled INF.46 Chapter 6.2 submitted to the autumn session of the Joint Meeting in September 2020 on the consequential amendments foreseen for Chapter 6.2, which amongst other things sought to clarify whether "the owner or the duty holder" or "the organisation" would be responsible for the pressure receptacles undergoing approval and the nature of their relationship with the Type B inspection body. After discussion it was agreed that it would be "the owner or the duty holder" who would be responsible for the pressure receptacles. Germany agreed to submit a working document with the revised proposals to the spring session of the Joint Meeting in March 2021.

Any other business

16. In anticipation of the discussion to take place during the next meeting of the working group on tanks, the members of the informal working group considered draft proposals on i) inspection of tanks after expiry of inspection certificates, ii) clarifying inspection expiry dates, iii) non-destructive tests of non-structural welds, iii) interpretation on the application of standards, iv) carriage following the expiry of deadlines for intermediate inspections. Following an exchange of views the authors were encouraged to submit proposals to the spring session of the Joint Meeting in March 2021.

Action requested of the Joint Meeting

17. The Joint Meeting is invited to exchange any further views on the proposals for 1.8.6, 1.8.7 and the related sections in Chapter 6.8 combined in an informal document, and on the proposals for the related sections in Chapter 6.2 in a separate working document, and if necessary, to give its consent for the members of the informal working group and other interested parties to reconvene in due time to address the outcome(s) from the Joint Meeting and to submit amended proposals in a working document by the deadline for the submission of working documents to the autumn session of the Joint Meeting in September 2021.

18. In particular, views are sought from the Joint Meeting on:

- (a) a joint proposal from Ireland and the United Kingdom to give competent authorities the discretion to approve Type C inspection bodies for certain limited activities,
- (b) any residual issues such as the nature and length of the transition that have been submitted to, or raised in discussion on the proposals at, the Joint Meeting, and
- (c) whether the group needs to further consider the proposals, in which case the members could as on previous occasions reconvene in June – the Chair suggests 8 and 9 June.