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Item 2 of the provisional agenda

Tanks

Inspection and certification of tanks: explanations on the amendments planned for entry into force on 1 January 2023

Transmitted by the Government of Switzerland*, **, ***

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

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Summary

Executive summary: At the March 2021 session of the Joint Meeting, Switzerland proposed to draft an explanatory document on the forthcoming amendments in the field of the inspection and certification of tanks. As requested by the Joint Meeting, a first draft was sent to the participants of the informal working group on the inspection and certification of tanks for their comments. The document presented takes into account the comments received.

The summary table describing the areas of activity of the inspection bodies mentioned in Annex I and Annex II will be transmitted at a later date, as the informal working group still has to discuss these items and the conclusions be validated by the Joint Meeting.

Action to be taken: The Joint Meeting is invited to consider the explanatory document and propose improvement and corrections where it deems necessary. The Joint Meeting is also invited to consider how the explanatory document should be published once finalised, for example as an annex to the report of a future session.

Related document: Informal document INF.33 of the March 2021 session, ECE/TRANS/WP.15/AC.1/160, para. 13

Introduction

1. Since 2015, the informal working group on the inspection and certification of tanks (London IWG) has been working on a project to modify the administrative procedures and controls for tank inspection and approval. The aim is to have common requirements on the approval and the supervision of inspection bodies with a view to their mutual recognition. This can be achieved by harmonising the procedures for the inspection and approval of tanks intended for the carriage of Class 2 gases, currently prevailing in the European Economic Area (EEA), and those intended for the carriage of Classes 3 to 9 substances, prevailing throughout the area of application of RID/ADR.

2. The work of the London IWG is nearing completion and the proposed amendments to sections 1.8.6, 1.8.7 and Chapter 6.8, including the consequential amendments to Chapter 6.2 of RID/ADR, will be submitted to the RID/ADR/ADN Joint Meeting for adoption at its autumn 2021 session. It therefore appears useful to have an explanatory document on the planned amendments.

3. This document firstly describes the initial situation with regard to the inspection and approval of tanks (the current system), then recalls the problems identified in this system and the events that led to the establishment of the London IWG. It then explains the objectives of the new regulation and its characteristics. The annexes to the document provide detailed explanations on the amendments and the events that led to the establishment of the London IWG. It also sets out the fundamental principles adopted by the group and the outlines of its mandate.

4. This document is intended for a wide audience including not only authorities and inspection bodies, but also maintenance or repair workshops and all those involved in the transport of dangerous goods according to RID/ADR Chapter 1.4. By providing an overview, it aims to ensure that the new regulation is well understood by all stakeholders.

Initial situation

5. This section summarises the background and current practice in the territory of the RID/ADR Contracting States concerning the area of activity of inspection bodies and the mutual recognition:

- The current texts of RID/ADR do not explicitly regulate the question of the area of activity of inspection bodies and a legal basis is needed to allow bodies approved by their competent authorities to carry out extra-territorial inspection activities. Only 6.8.2.4.6 RID contains requirements relating to mutual recognition. This paragraph refers to the expert approved to carry out tests and inspections on the tank of tank-wagons. This text can be read as follows: an inspection must be carried out by an approved expert. This may be any expert from any country without any restriction.
- The results of the questionnaire sent by the United Kingdom to the participants for the first meeting of the London IWG and the subsequent discussions showed that different practices exist. Some countries allow inspection bodies to operate in other countries, while others have restricted this possibility, either as a condition of approval or through national legislation. Currently, the RID/ADR does not regulate how to approve and supervise the national and extra-territorial activities of an inspection body.
- As RID/ADR does not address the activity of inspection bodies abroad, it appears useful to refer to other regulations, such as Directive 2010/35/EU on transportable pressure equipment (TPED). The objective of this directive is to create a common market in which products and notified inspection bodies can circulate freely on the basis of mutual recognition. This objective regarding notified bodies is stated in recital (18) of the TPED: *"(18) It is necessary to lay down common rules for the mutual recognition of notified bodies which ensure compliance with Directive 2008/68/EC and this Directive. Those common rules will have the effect of eliminating unnecessary costs and administrative procedures related to the approval of the equipment and of eliminating technical barriers to trade."*
- It is only since the introduction of sections 1.8.6 and 1.8.7 in the 2011 edition of RID/ADR that the procedures for the application and transposition of TPED have been definitively integrated. These procedures deal with the administrative controls for carrying out the conformity assessments, periodic inspections, intermediate inspections and exceptional checks of tanks and receptacles for the carriage of Class 2 gases, as referred to in 1.8.7. However, Chapter 6.8 had not been thoroughly revised.
- The systematic application of the principle of mutual recognition prevailing at the EEA level with the TPED is based in particular on the accreditation according to EN ISO/IEC 17020 of inspection bodies including their designation, an exchange of experience between notified bodies and market surveillance. This system allows complete freedom of service for inspection bodies within the EEA. With regard to market surveillance, it is also important to note that it applies only to products and not to bodies. Moreover, each Member State decides what it wants to monitor on its territory.
- Although TPED is not applicable in all RID/ADR Contracting States, its key principles can be used to draft mutual recognition provisions in RID/ADR.
- RID 6.8.2.4.6 already includes the principle of a periodic inspection authorisation in other countries, but does not allow a competent authority or inspection body of one state to operate freely in any other state. This would otherwise contravene the principle of territoriality prevailing in the scope of application of RID/ADR (see also Annex VI).
- The TPED includes market surveillance with the possibility for states to share information on non-conformities and activities of notified bodies. As RID/ADR does not include such a system and the London IWG is of the opinion that this

should not be implemented in the new regulation, further regulations will have to be drafted to address this issue.

- It appears that full reciprocal recognition of inspection bodies (free movement) as in force in the EEA with the TPED is considered at present to be a step too far for RID/ADR.

Need for a new regulation

6. The need for a new regulation was raised as early as 2008 in the Joint Meeting and has been discussed extensively over the following years. The history of these discussions is presented in Annex III. It stems from two main issues:

Different practices of Contracting States regarding the use of foreign type approvals

7. The procedures for conformity assessment and inspections (including inspection of manufacture) in accordance with 1.8.6 and 1.8.7 apply exclusively to tanks of Class 2. Tanks intended for the carriage of substances of classes 3 to 6, 8 and 9 are not covered by these rules. For a tank manufacturer this means that different approval paths must be followed with different parties involved. For example:

- (a) For tanks of Class 2
 - Harmonised procedures in the EEA through the TPED,
 - Mutual recognition of inspection bodies and the free placing of tanks on the market.
- (b) Whereas for tanks of classes 3 to 6, 8 and 9
 - National procedures,
 - No mutual recognition of inspection bodies, no free placing on the market (in the EEA neither). Some foreign competent authorities require a new type approval for any tank imported into their territory.

This leads, for example, to dual responsibilities at the manufacturing level as each of the inspection bodies or authorities requires additional actions to be taken.

The result is that a tank intended for the transport of substances of classes 3 to 6, 8 and 9, built in accordance with the requirements of the RID/ADR regulations according to a "national approach", cannot be freely placed on the market.

8. With the development of a new system (adaptation of the procedures for approval and inspection of tanks, approval and supervision of inspection bodies) and appropriate national implementation, the procedures for approval and inspection of tanks intended for the carriage of Class 2 substances and those for other classes could be aligned. This would have the advantages of:

- Having clear responsibilities,
- Using similar procedures for tanks for Class 2 and for tanks for other classes,
- Not creating a safety deficit, as the hazard potential of Class 2 substances has always been historically considered higher and the number of special provisions is greater. The harmonised approach also creates more transparency. It would also align the safety level of tanks intended for the transport of substances of other classes.

Deficiencies in the certification and construction of imported tanks

9. The competent authority of the United Kingdom highlighted in 2014 deficiencies in the construction and certification of certain tanks imported into the United Kingdom. This

issue is unfortunately not specific to the United Kingdom. Other Contracting States are experiencing similar difficulties.

10. The situation of the tank construction market and of industry on the European continent, where manufacturers are becoming increasingly scarce, means that many countries have no choice but to import tanks from abroad. This can lead to surprises when the competent authority of the country into which a new tank is to be imported recognises without further verification the type approval issued by the competent authority and the certificate of the initial inspection carried out in situ by the inspection body of the country of construction.

11. In fact, when the competent authority of the country of registration of the tank places its full confidence in the foreign inspection body which carried out the initial inspection and does not require any further verification or action, as some others do, the detection of manufacturing deficiencies may only be possible at the time of the first visit to the interior of the tank, i.e. at the time of the first periodic inspection. This occurs for ADR tanks in principle six years after the initial inspection, which is too late for the tank operator to claim a guarantee, which generally expires after five years.

Objectives of the new regulation

12. The main objectives of the new regulation for the introduction of a harmonised system of inspection and certification of tanks, valid for substances of all classes with the exception of classes 1 and 7, are based on the conclusions of the "Würzburg" informal working group (see ECE/TRANS/WP.15/AC.1/2015/13):

Target 1: common requirements for the appointment and supervision of inspection bodies.

Action 1: change section "1.8.6".

Target 2: tanks initially approved by one competent authority may undergo initial and periodic inspection in a second country (by a body appointed by the second country).

Action 2: complete action 1, add a provision similar to 6.8.2.4.6 RID.

Target 3: establish an RID/ADR wide list of recognized inspection bodies.

Action 3: ask the secretariat (OTIF/UNECE) to gather info and publish on their website.

Target 4: for manufacture of tanks with a foreign tank approval, limit the national requirements to a document review of the existing type approval by a national competent authority or appointed inspection body.

Action 4: add new text to 6.8.1.5.

Target 5: remove national requirement for duplicating existing tank approvals when importing a tank-vehicle

Action 5: add new text to 6.8.2.3

Target 6: Retain the existing requirements for tanks intended for the carriage of gases of Class 2.

Action 6: the amendments to sections 1.8.6 and 1.8.7 will be limited to a minimum.

Characteristics of the new regulation

13. The main feature is the introduction of an alternative to Directive 2010/35/EU on transportable pressure equipment (TPED, for pressure receptacles and tanks of Class 2) in the scope of application of RID/ADR, without the possibility of market surveillance, for the other tanks (Classes 3 to 9) of ADR/RID.

14. The systematic application of the principle of mutual recognition prevailing at EEA level with the TPED is based in particular on the accreditation of the inspection bodies according to EN ISO/IEC 17020, including their designation, an exchange of experience between notified bodies and market surveillance. This system allows complete freedom for

the services of the inspection bodies within the EEA, in contrast to the principle of territoriality prevailing in the scope of application of RID/ADR for tanks carrying substances of classes other than Class 2.

With regard to market surveillance, it is important to note that it only applies to products and not to bodies. Moreover, each State decides what it wants to survey on its territory.

15. The TPED remains in force and there is no question of calling its texts into question. Only the necessary adjustments for the system for tanks carrying substances of classes other than Class 2 are made, taking care not to create deviations from the current requirements applicable to the TPED.

16. The area of application of the new regulation (RID/ADR, nearly 60 Contracting States) will extend far beyond the EEA (30 Members States). The RID/ADR regulation is not equipped with a legal framework such as Regulation (EC) No 765/2008 of the European Parliament and of the Council setting out the requirements for accreditation and market surveillance relating to the marketing of products, which prevails for TPED.

17. The new regulation for the activities of inspection bodies in relation to the conformity assessment procedures referred to in 1.8.7 RID/ADR is based on accreditation. Accreditation is indeed the most appropriate tool to achieve the final goal of mutual recognition of inspection bodies. Also because of its specific competences, a national accreditation service is best placed to ensure that the criteria of independence and impartiality are fulfilled by the inspection body.

18. EN ISO/IEC 17020 "Conformity assessment - Requirements for the operation of various types of bodies performing inspection" is used as a requirements document for accreditation. This standard was written to promote confidence in the ability of bodies to carry out an inspection task impartially; the categorisation of inspection bodies as type A, B or C is essentially a measure of their independence. An inspection body must be independent to the extent required by the conditions under which it provides its services. Depending on these conditions, it shall meet the minimum requirements stipulated in Annex A of the standard.

19. Therefore, and as already implemented at TPED level, an inspection body performing third party inspections shall meet the type A requirements as stipulated in Annex A.1 of EN ISO/IEC 17020:2012 (except clause 8.1.3). Type A requirements are the only ones that can guarantee the independence of the inspection bodies and thus enable their mutual recognition. Without mutual recognition of inspection bodies, the system cannot work.

Several RID/ADR Contracting States already require that inspection bodies be accredited for the conformity assessment of tanks carrying substances of classes other than Class 2.

20. The harmonization of the approval and inspection procedures for tanks intended for the carriage of Class 2 gases and those intended for the carriage of Class 3 to 9 substances will enable:

- To improve the procedures for the designation and supervision of inspection bodies by the competent authorities on the basis of common criteria, with a view to the mutual recognition of these bodies,
- To improve the construction and requirements for the inspection of tanks. For example: When a type approval is issued by a competent authority, the authorities of the other Contracting States are to accept it. There is no need for double approval (as still practised today) by limiting the national requirements for tanks with a foreign type approval to a documentary examination of the existing type approval by a national competent authority or a designated inspection body.
- The initial inspection of tanks constructed in accordance with this type approval should be carried out by the country in which the tank is to be registered, or in the country of construction if the competent authority of the country in which the tank is to be registered agrees.
- The competent authority of the country in which the tank will be registered may carry out an "entry into service verification" if it has not carried out the initial

inspection of the tank itself. As RID/ADR does not include a legislative framework for market surveillance as in the TPED, this verification will provide a minimum of cross-checking surveillance between Contracting States.

- Approved tanks will be registered in different Contracting States, but this type of cross-checking will improve harmonisation and allow the market to be monitored continuously.
- The inspection bodies approved by the Contracting States, including their scope of activity, will be announced to the UNECE and OTIF secretariats, which will publish a list of these bodies on their websites.

Annex I

Detailed explanation on the amendments

1. The proposed amendments to sections 1.8.6 and 1.8.7 and to Chapter 6.8 are contained in Annexes I, II and III of document ECE/TRANS/WP.15/AC.1/2021/23.

2. The proposals for harmonizing the approval and inspection procedures applicable to tanks intended for the carriage of substances of classes 3 to 6 and classes 8 and 9 with those applicable to tanks intended for the carriage of gases of Class 2 have required the amendment of following sections:

Section 1.8.6 - Administrative controls for activities described in 1.8.7 and 1.8.8

3. Section 1.8.6 has been amended so that the proved principle of mutual recognition, which is already partially in force in RID for experts (6.8.2.4.6), can be applied to inspection bodies.

- *1.8.6.2.1-2 Principle of mutual recognition of inspection bodies:* From now on, the requirements of 1.8.6 are deemed to be fulfilled for inspection bodies if the body is accredited in accordance with the Type A requirements of EN ISO/IEC 17020:2012 (except for Article 8.1.3)

A major challenge in developing the new requirements for the designation of inspection bodies was not to jeopardise the reciprocal recognition arrangements between RID/ADR Contracting States, such as those already in place under the Transportable Pressure Equipment Directive (TPED) 2010/35/EU.

- *1.8.6.2.4.2 List of approved inspection bodies at RID/ADR level:* In order to enable the recognition of inspection bodies by other competent authorities, the competent authority of each RID/ADR Contracting State shall publish an updated list of all inspection bodies it has approved with their fields of activity, including temporarily approved inspection bodies. A reference to this list shall be made on the OTIF/UNECE website.

The purpose of a list of bodies designated by their competent authorities is to confirm unequivocally that the bodies listed are capable of carrying out conformity assessment activities in any other RID/ADR Contracting State and that the certificates issued are valid throughout the RID/ADR area.

This list is without prejudice to any national requirements for the competent authority of each RID/ADR Contracting State to issue a certificate detailing the technical fields and competencies of their approved inspection bodies. This has the advantage of removing any doubts that other competent authorities may have or issue.

- *1.8.6.2.4.3 An inspection body may be recognised by another competent authority:* This text provides for the possibility for RID/ADR Contracting States to authorise foreign inspection bodies to work on their territory. Further details related to the type of inspection is provided in 6.8.1.5 ff.

Section 1.8.7 Procedures for conformity assessment, type approval certificate issue and inspections

4. Section 1.8.7 as such has not undergone any major changes. The different paragraphs have all been carefully examined and adapted accordingly, mainly on the basis of the experiences made at TPED level. The terminology used has also been checked. The main changes are as follows:

- *"Manufacturer":* It was necessary to introduce in a Note at the beginning of the section what was meant by "manufacturer".

- *1.8.7.5 - Entry into service verification:* This new paragraph has been introduced to define more precisely the scope of activities of the inspection bodies carrying out this type of verification. As described in 6.8.1.5.5, the country in which the tank is to be registered may carry out an "Entry into service verification" if it has not carried out the initial inspection of the tank itself. As the RID/ADR does not have a legislative framework like the TPED, this verification will provide a minimum surveillance ensuring cross-checking between Contracting States.
- *1.8.7.7.3 - The certificate of authorization of an in-house inspection service (IS):* Details on the minimum information for the issuing of the certificate of authorisation of an IS by the inspection body have been introduced.
- *1.8.7.8.2 Documents for the type approval certificate issue:* Details on the documents to be provided by the manufacturer to the inspection body have been introduced.
- *Deletion of the reference to the standard EN 12972:* Since there will be no more distinction between tanks for Class 2 and those for Classes 3 to 9, this reference could be deleted as it duplicated the equivalent indication in 6.8.2.6.2.

6.8.1.5 Procedures for conformity assessment, type approval and inspections

5. With regard to the proposed amendments to Chapter 6.8, the main change concerns the introduction of a new sub-section, the provisions of which indicate how to apply the procedures for the activities related to the performance of conformity assessments, periodic inspections, intermediate inspections and exceptional checks referred to in 1.8.7 RID/ADR.

6. The performance of inspections by inspection bodies outside of the State in which they are approved (areas of activity) led to a fair amount of discussion. While some delegations were in favour of complete freedom to provide services, as granted in the TPED for tanks for gases, other delegations referred to state sovereignty and the problem that the competent authority that had issued the recognition could no longer check whether an expert operating abroad still met the conditions for recognition. Other delegations were of the opinion that an inspection of a tank abroad by an expert recognised in that country was only possible with the agreement of the competent authority of the country in which the owner of the tank originated. In particular, it was noted that:

- The questionnaire returned by the competent authorities during the first meetings of the informal working group showed that there were different approaches in the RID/ADR Contracting States.
- A competent authority does not have the right to practice abroad. States exercise sovereignty over their territory and only type approvals can be "active" in foreign territories.

7. A schematic representation of the different possibilities of intervention of the inspection bodies as defined in subsection 6.8.1.5 could facilitate understanding and replace complicated explanatory texts. This could be based on the working paper on the area of activity of the inspection bodies presented by the Netherlands at the London IWG in December 2019, which stated that:

"According to provision 1.8.6.2.4.2, the competent authorities shall publish a list of the inspection bodies they have approved to operate in their country. The idea behind this list of approved inspection bodies is that after approval by one country, other countries can take advantage of these inspection bodies as well without going through the approval process themselves. This approach was introduced in provision 1.8.6.2.4.3 and the idea was to describe two options for competent authorities:

1. An inspection body approved by country A can be recognised by country B to operate in country B and issue certificates on behalf of country B. Thus, an approved inspection body can be recognised by another country and may operate on its behalf in that country.

2. Allow inspection bodies approved by other countries to perform activities on their territory. In this case, country B allows an inspection body from country A to perform activities in country B on behalf of the competent authority of country A. This option covers more activities than only the possibility to work in another country based on Chapter 6.8 where it is stated that the testing should be done by the country of registration or the country of manufacture. If the country of registration is not the country of manufacture, the inspection body approved by the country of registration is allowed to perform activities in the country of manufacture. Regardless of this possibility, countries should have the possibility to allow inspection bodies to operate in their country even if that country is not a country of registration or manufacture. This especially concerns the periodic inspection mentioned in provision 6.8.1.5.6 where the idea of "country of registration" is introduced."

It is also important to note that RID and ADR are agreements under international law which are based on the principle of territoriality. In the present context, this means, among other things, that authorities determined by national law are competent for enforcement and that they are only entitled to act in a sovereign manner within their territory.

[A summary table describing the areas of activity of the inspection bodies will be presented in an informal document.]

8. Further main changes are as follows:
 - 6.8.1.5.1 Type examination according to 1.8.7.2.1
 - 6.8.1.5.2 Type approval certificate issue according to 1.8.7.2.2
 - 6.8.1.5.3 Supervision of manufacture according to 1.8.7.3
 - 6.8.1.5.4 Initial inspection and tests according to 1.8.7.4
 - 6.8.1.5.5 Entry into service verification according to 1.8.7.5
 - 6.8.1.5.6 Intermediate, periodic or exceptional inspection according to 1.8.7.6
 - *Adaptation of the provisions on type approval in 6.8.2.3, in particular deletion of the wording of 6.8.2.3.3: as there will no longer be any difference between tanks for Class 2 and those for Classes 3 to 9, the text can be deleted as it duplicated the equivalent text in 1.8.7.2.2. The new text corresponds to the former 6.8.2.3.2.*
 - It was necessary to adapt some terms used in Chapter 6.8 to better fit the new situation (e.g. replacement of "expert" by "competent authority").

Annex II

Transitional measures

1. Bearing in mind that some countries still had to take steps to develop and align their national systems with the future system of inspection bodies, the Joint Meeting approved in principle the transitional measures proposed in annex IV of document ECE/TRANS/WP.15/AC.1/2021/23.

2. However, it is absolutely necessary to clarify the mutual recognition of inspection bodies during the transitional period.

[To be completed]

Annex III

History of discussions on the need for a new regulation

1. 6.8.2.4.6 introduced in the 2005 edition of RID contains provisions relating to the mutual recognition of approved national experts, who can thus perform tank-wagon inspection activities in other countries (see Annex VI). This is not the case within ADR, which means that there is a difference in treatment between tanks used in accordance with RID and ADR.

2. In spring 2008, in informal document INF.6 of the RID/ADR/ADN Joint Meeting, the International Union of Wagon Keepers (UIP) requested that the approval and inspection procedures applicable to tanks intended for the carriage of substances of Classes 3 to 6 and Classes 8 and 9 be harmonised with those applicable to tanks intended for the carriage of gases of Class 2, taking into account the European approach.

3. The procedures for the application and transposition of the Directive 2010/35/EU on transportable pressure equipment (TPED) have been definitively integrated into the 2011 edition of RID/ADR through sections 1.8.6 and 1.8.7. These procedures deal in particular with the administrative checks for performing conformity assessments, periodic inspections, intermediate inspections and exceptional checks of tanks and receptacles for the carriage of Class 2 gases, referred to in 1.8.7. However, Chapter 6.8 had not been fully revised.

4. In 2013, UIP again took up the issue with informal document INF.30 of the spring session and document ECE/TRANS/WP.15/AC.1/2013/48, with a view to aligning the system of approval and inspection procedures for tanks intended for the carriage of Class 2 gases and tanks intended for the carriage of substances of Classes 3 to 9. The approach adopted in the UIP proposals:

- Regulated the harmonisation of the procedures for the approval and inspection of tanks;
- Brought the parts on approval and inspection in 1.8.7 in line with those in 6.8.2.3 and 6.8.2.4;
- Regulated the adaptation of the procedure for the approval and supervision of approved inspection bodies;
- Defined the terminology and responsibilities of inspection bodies;
- Replaced the term "expert".

The Joint Meeting was of the opinion that the transposition of TPED applicable in the European Union (EU) into RID/ADR was successful and that the procedures in accordance with 1.8.6 and 1.8.7 had proved themselves. Therefore, the adaptation of the procedures for tanks intended for the carriage of substances of classes 3 to 6 and classes 8 and 9 was a logical continuation and allowed the harmonization of European approval procedures. In addition, there was no safety deficit, as the hazard potential of tanks intended for the carriage of Class 2 gases and the resulting level of safety was clearly higher than that of tanks intended for the carriage substances of other classes.

However, the Joint Meeting had stated that the principles of TPED could not be applied as such to tanks for the carriage of substances of classes other than Class 2 in the context of RID/ADR because there was no general administrative structure or rules on market surveillance applicable to all Contracting States. Some experts had argued that the purpose of RID/ADR was to facilitate international transport and that questions relating to placing on the market were not within its competence. It was therefore considered preferable that this issue be discussed in advance in the appropriate EU bodies.

5. In 2014, the informal "Würzburg" working group on the approval of tanks in accordance with the practice of the EU Member States considered it important to improve the situation by incorporating solutions to the problems of inspections and approval of tanks into the RID/ADR (ECE/TRANS/WP.15/AC.1/2015/13).

6. In 2014 and 2015, the competent authority of the United Kingdom informed the Joint Meeting of apparent deficiencies in the construction and certification of tanks imported into the United Kingdom through a comprehensive technical briefing on issues related to incorrectly constructed and approved road tank vehicles (informal document INF.16 submitted to the spring session 2014 of the Joint Meeting, document ECE/TRANS/WP.15/AC.1/2015/22 and informal document INF.18 submitted to the spring session 2015 of the Joint Meeting). These issues have led to an extensive national research programme involving highly specialised technical institutions at a cost of around £1.5 million (informal document INF.51 submitted to the spring session 2015 of the Joint Meeting). Specific issues relating to the designation of inspection bodies, their extraterritorial activities as well as monitoring and control procedures had also been raised. And at the national level, additional vehicle certification procedures have been established accordingly.

7. This situation has led the competent authority of the United Kingdom to review its procedures for designating and monitoring the activities of approved inspection bodies. In doing so, it has paid particular attention to the extraterritorial activities of these bodies. Compliance with the revised guidelines, combined with more rigorous monitoring of activities and increased control of the issuance of approval certificates by the United Kingdom through a centralised database, should prevent a recurrence of the situation. Given the origin of the non-compliant tanks and the extraterritorial activity of the inspection bodies in question, the competent authority of the United Kingdom had deduced that this problem was not limited to its territory.

8. The Joint Meeting Tank Working Group supported the initiative of the United Kingdom to establish an informal working group to further study the issue. The general comments submitted to the Working Group were as follows (ECE/TRANS/WP.15/AC.1/138/Add.1):

- There are special considerations that need to be taken into account in the approval process and practices vary from country to country;
- It has become difficult to harmonise inspection procedures. It is therefore desirable that a central body takes over this task for all inspection bodies;
- Many inspection bodies have international activities and offices in several countries, which makes it difficult to monitor their activities;
- Uniformity of approval certificates would be welcomed by the industry and would facilitate effective enforcement;
- The Würzburg Working Group document (ECE/TRANS/WP.15/AC.1/2015/13) contains many of the same or closely related considerations. It is therefore necessary to consider all these issues together.

9. The Joint Meeting Tank Working Group had agreed on the following tasks for the mandate of the informal working group, which should be taken into account in parallel with the tasks mentioned in the first series of actions set by the Würzburg working group. The outline of the mandate of the group had been recalled in informal document INF.12 submitted to the spring session 2019 of the Joint Meeting and is being reproduced in annex V.

10. The informal working group on the inspection and certification of tanks met for the first time in June 2015 under the chairmanship of the United Kingdom, therefore its name "the London Working Group". The fundamental principles adopted by the informal working group as a basis for its proposals for amendments are reproduced in annex IV.

11. The results of the meetings of the London Working Group were systematically the subject of a report for presentation to the Joint Meeting.

Annex IV

Principles for the development of the new regulation

The fundamental principles agreed by the informal working group as the basis for the development of the proposed amendments to sections 1.8.6, 1.8.7 and related sections of Chapter 6.8, with a view to the procedures undertaken and the administrative controls for the approvals and inspections set out in Chapters 6.2 and 6.8, are recalled below. They were originally contained in document ECE/TRANS/WP.15/AC.1/2017/22.

- (a) The term “competent authority” defined in RID/ADR as being the authority or authorities or any other body or bodies designated as such in each State and in each specific case in accordance with national law allows a contraction of the term “competent authority or a body designated by that authority” to be replaced by “competent authority”;
- (b) A new sub-section is included in Chapter 6.8 to indicate how conformity assessment, type approval and inspections procedures should be applied, while administrative procedures and controls are described in 1.8.6 and 1.8.7 respectively;
- (c) For the type examination the manufacturer 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 of that type manufactured. This competent authority shall be the only one able to issue the type approval certificate;
- (d) For the supervision of manufacture and the initial inspection of tanks, the manufacturer shall engage a single inspection body recognized either by the competent authority of the country of registration, or the country of manufacture;
- (e) When tanks are assembled from components manufactured in different locations the inspection body responsible for assessing the complete tank shall verify that all its components conform to the requirements of RID/ADR irrespective of where they have been manufactured;
- (f) Under certain circumstances, an entry into service inspection that is proportional to the condition of the tank, to ensure that the requirements of RID/ADR are fulfilled, may be required:
 - i. When the initial inspection certificate is issued by an inspection body that is not recognized by the competent authority of the country of registration, in which case an entry into service inspection may be required by the competent authority of the country of registration;
 - ii. Where the registration of a tank transfers from one Contracting State to another, the competent authority of the Contracting State to which the tank is transferred may require an entry into service inspection. In that case the owner/operator of the tank shall engage a single inspection body recognized by the competent authority of the country of registration to perform this entry into service inspection;
- (g) To encourage the recognition by other Contracting States of appointed inspection bodies by a competent authority, a system of notification to, and listing by, the UNECE/OTIF secretariats should be developed that includes the names of inspection bodies and the scope of the work they are allowed to perform.

Annex V

Outline of the mandate for the informal working group on the inspection and certification of tanks

1. The agreed mandate set for the informal working group by the Joint Meeting consisted of the following items:
 - (a) Evaluate the arrangements for appointment of inspection bodies;
 - (b) Evaluate monitoring mechanisms (e.g. through a centralised database) for inspection bodies and supervision of extra-territorial activities, as well as follow-up of the activities carried out in name of the competent authority;
 - (c) Review of inspection procedures;
 - (d) Review of the relevant provisions in chapter 6.8 and referenced standards, in particular provisions concerning initial and exceptional inspections;
 - (e) Evaluate possible improvements for maintaining the tank records; and
 - (f) Establish a list of RID/ADR inspection bodies.
2. The Joint Meeting also decided that these points needed to be combined with the relevant work identified in the Würzburg Working Group:
 - (a) Establish common requirements for the appointment of inspection bodies;
 - (b) Consider adding a provision similar to RID 6.8.2.4.6 recognising the principle of mutual recognition;
 - (c) Consider establishing an RID/ADR wide list of recognized inspection bodies by asking the secretariat (OTIF/UNECE) to gather info and publish on their website;
 - (d) Consider adding new text to 6.8.2.3 to cover the manufacture of tanks with a foreign tank approval, limiting the national requirements to a document review of the existing type approval by a national competent authority or appointed inspection body – unless there are specific technical national provisions (e.g. assessment of capability to operate at -40°C);
 - (e) Consider adding new text to ADR 9.7.2 (where there is a cross reference with 6.8) to remove the national requirement for duplicating existing tank approvals when importing a tank-vehicle; and
 - (f) Consider harmonising practice concerning use of national technical codes and modifying 6.2.5 and 6.8.2.7.

Annex VI

Reminder of the principle of territoriality according to RID 6.8.2.4.6

Reminder of paragraph 42 of the final report of the 42nd session of the RID Committee of Experts (A 81-03/501.2006), as completed by document OTIF/RID/CE/EE/2006/4 from Germany at OTIF's exchange of experience in Leipzig on 29 and 30 August 2006:

"Following this discussion, the RID Committee of Experts decided not to amend the current text. Based on the existing legal situation, the RID Committee of Experts assumed the following situation:

- (a) *A tank-wagon used in a COTIF Member State may be tested by an expert recognised in that State.*
- (b) *A tank-wagon used in a COTIF Member State may be tested in another COTIF Member State by an expert recognised there.*
- (c) *However, under the existing lay, it is not possible for a tank-wagon used in a COTIF Member State to be tested in another COTIF Member State by an expert recognised by a third Member State.*

In COTIF States in which this is tolerated, external inspections also take place by recognised experts, in which the tank-wagon is approved."

Principle of territoriality

Sovereignty over its own territory (excerpt from document OTIF/RID/CE/EE/2006/4)

