

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

Geneva, 21 September – 1 October 2021

Item 2 of the provisional agenda

Tanks

17 september 2021

Comments on ECE/TRANS/WP.15/AC.1/2021/23/Rev.1

Transmitted by the Government of France

Introduction

1. Following some comments from EU Member States, concerns have been raised that parts of the proposal contained in document ECE/TRANS/WP.15/AC.1/2021/23/Rev.1 may contradict existing EU legislation, in particular Directive 2010/35/EU. To avoid difficulties that could lead, for EU Member States, to the legal impossibility to adopt the proposal, and in order not to lose all the progress made by the informal working group, France would like to propose some clarification in a Note replacing the current note under 6.8.1.5.5. The new Note would be better placed under 6.8.1.5 as drafted in **proposal 1** and would clarify that no conflict may occur between regulations. We hope that this will help facilitating the discussions in the Joint Meeting.

2. In addition, it has been pointed out that the 5 year validity limitation of approval in 1.8.6.2.2.2 would be superfluous as approval is linked to the 5 year period for accreditation anyway. Furthermore, this limitation may not be in line with some principles for granting authorizations in the EU (see Directive 2006/123/EC). It is therefore proposed to amend 1.8.6.2.2.2 as drafted in **proposal 2**.

Proposals

Proposal 1

Delete the note under 6.1.8.5.5.

In 6.1.8.5 add a new note under the first paragraph to read as follows:

"NOTE: These provisions apply, subject to the compliance of the inspection bodies with the provisions of 1.8.6, and without prejudice to rights and obligations, in particular notification and recognition, fixed for them by agreements or legal acts (e.g. Directive 2010/35/EU) otherwise binding RID Contracting States/Contracting Parties of ADR".

Proposal 2

Amend 1.8.6.2.2.2 to read as follows:

"1.8.6.2.2.2 The competent authority shall ensure that the inspection body continuously meets the conditions for its approval and shall end it as soon as these conditions are not met. However, in the case of suspension of the accreditation, the approval is only suspended during the suspension period of the accreditation".