



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, 12-16 September 2022

Item 2 of the provisional agenda

Tanks**Digital inspection reports or electronic tank record****Transmitted by the International Union of Wagon Keepers (UIP)*, ******Description of the problem**

1. At the Joint Meeting's autumn 2014 session, UIP proposed in informal document INF.14 to introduce a note to RID/ADR 4.3.2.1.7 to clarify that, in the age of digitalisation, tank documents (the tank record) can also be archived electronically:

“**Note:** The tank record may also be maintained in suitable, tamper-proof electronic archiving systems.”

2. After a discussion, the working group on tanks agreed on the following amended wording (see report ECE/TRANS/WP.15/AC.1/136/Add.1 (OTIF/RID/RC/2014-B/Add.1), paragraphs 18 and 19):

“**Note:** The tank record may alternatively be maintained in suitable, secure electronic form.”

3. When the report of the working group on tanks was dealt with at the Joint Meeting, the proposal was supported in principle, but was not adopted, as it was considered that there were legal problems concerning authenticity (see report ECE/TRANS/WP.15/AC.1/136 (OTIF/RID/RC/2014-B), paragraph 12).

4. In 2017, France took up this issue again with reference to tank inspection certificates in electronic form (see report ECE/TRANS/WP.15/AC.1/148/Add.2 (OTIF/RID/RC/2017-B/Add.2), paragraph 40). The result was similar. The working group on tanks saw no problems with electronic documents and their signatures but referred the issue to the plenary. It was then established here that such documents do not meet the same traceability requirements as would be required according to standard EN 17020 (see report ECE/TRANS/WP.15/AC.1/148 (OTIF/RID/RC/2017-B), paragraph 8).

* A/76/6 (Sect.20), para. 20.76.

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5. Regarding these two statements in the Joint Meeting plenary sessions in 2014 and 2017, it should be noted that they do not reflect Regulation (EU) 910/2014, or at least not fully. This Regulation sets out some fundamental observations on electronic documents in the European Union (EU) area. Among others, it establishes that:

- a “qualified” electronic signature replaces the requirement for a handwritten signature on paper and
- the Member States are obliged to implement the EU Regulation.

6. It is now the case that inspection bodies accredited/recognised in accordance with standard EN 17020 send electronically generated inspection certificates without a signature. This corresponds to the “simple electronic signature” in which only the name of the responsible employee is entered. Certificates sent in as original paper are sometimes only available upon request or for an additional charge.

7. In this situation, tank operators/keepers are not in the position to keep paper documentation as “original”, but file the documents electronically, which they receive in accordance with the accreditation bodies’ usual various procedures and specifications, but hardly ever in paper form.

8. UIP wishes to return to the 2014 proposal and requests that a note be added to RID/ADR 4.3.2.1.7:

“**Note:** The tank record may alternatively be maintained in suitable, secure electronic form.”

Assessment

9. It is the responsibility of the accreditation bodies to ensure the traceability of inspections carried out by inspection bodies accredited according to standard EN 17020. Also, according to the rules adopted for RID/ADR 2023, inspection bodies are obliged to archive certificates of inspections carried out.

10. In accordance with RID/ADR 4.3.2.1.7, the operator or, in the case of tank-wagons, the keeper must ensure that the tank record is available at the request of the competent authority, even after the tank has been taken out of service. The choice of a suitable solution for archiving is the responsibility of the operator/keeper.

11. The proposed footnote merely introduces the already widespread handling of the tank record as an option and removes the legal uncertainties caused by the above-mentioned negative decisions on electronic archiving.

12. It would certainly be helpful to establish uniform minimum requirements for the documentation to be transmitted if this is considered necessary. At the present, operators/keepers are hardly in a position to carry out an assessment of the papers handed over, as the requirements of the accreditation bodies are not harmonised in this respect.
