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Item 2 of the provisional agenda

Tanks

Exemption of accreditation in case of competent authorities performing inspection tasks

Transmitted by the Government of the Netherlands*, **

Introduction

1. In 1.8.6.2.1, the last paragraph was introduced to exempt competent authorities from having accreditation while the requirement of 1.8.6.3 applies. 1.8.6.3 gives the general contents that would be followed when being accredited, to have at least the same level of organization as an accredited inspection body.
2. However, the last sentence of 1.8.6.3.1 reads “The inspection body shall additionally be accredited according to the standard EN ISO/IEC 17020:2012 (except clause 8.1.3)”. As a result, competent authorities performing inspection tasks still have to be accredited, which should not be the case according to 1.8.6.2.1.
3. As competent authorities according to the last paragraph in 1.8.6.2.1 are RID Contracting States/Contracting Parties to ADR and from a legal point of view it is not common to include obligations for the RID Contracting States/Contracting Parties to ADR in the annexes of this ADR treaty.

Proposal

4. Delete the last sentence of subsection 1.8.6.3.1.
~~“The inspection body shall additionally be accredited according to the standards EN ISO/IEC 17020:2012 (except clause 8.1.3).”~~

* A/77/6 (Sect.20), para. 20.6.

** Circulated by the Intergovernmental Organisation for International Carriage by Rail (OTIF) under the symbol OTIF/RID/RC/2023/28.

Justification

5. The deletion of the last sentence of subsection 1.8.6.3.1 has no effect on the mandatory accreditation of inspection bodies approved by competent authorities as it is already required by subsection 1.8.6.2.1.

6. Ensuring a more systematic approach and a better rationale in RID/ADR helps to develop clearer legal texts and avoid different criteria among different Contracting Parties/States and inspection services, and thus helps to implement the United Nations Sustainable Development Goal number 16: Peace, justice and strong institutions.
