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Working Party on the Transport of Dangerous Goods

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TANKS

Tank record – Negative tests

Submitted by the Swiss government

SUMMARY

Summary:	This document proposes a solution to prevent “tourism” of tanks which fail periodic inspections.
Measures to be taken:	Amendments of sub-sections 6.8.2.4.5 and 6.8.3.4.16 with a view to establishing a document of certification/response in the event of a negative test.

Introduction

1. One of the issues that is a matter of concern to experts in Switzerland regards tank wagon owners or operators who apply to other inspection bodies following the refusal on the part of an expert to issue an inspection certificate.
2. This information on the refusal of a certificate could have been included in the tank record introduced in RID/ADR 2007. Due to the fact that the form of this document has not yet been regulated, Switzerland submitted a proposal to the 43rd session of the RID Committee of Experts in Helsinki in October 2006, including a clarification regarding the content of the tank record and a new provision to prevent the “tourism” of tanks to inspection bodies that are less stringent.
3. Switzerland, having taken into account the comments formulated, has undertaken to submit a proposal to the Joint Meeting. In the meantime, the working group of chapter 6.2 (whose scope was extended to the revision of certain provisions of chapter

6.8, but limited to class 2) has studied the issue of the documents that need to be provided at the time of periodic inspections, without conducting a detailed examination of the content of the tank record. This issue will be the subject of a separate proposal.

4. Belgium submitted a proposal to the Joint Meeting of September 2005 in document 2005/45. As indicated in § 5 of document TRANS/WP.15/AC.1/Add.1 (Report of the group on tanks), the problem has been recognised and the aims has been approved in general terms. However, the proposal to require that repeat inspections following a negative inspection be conducted by the same inspection bodies was not adopted.
5. It should also be noted that the issue regarding tank wagon owners or operators who apply to other inspection bodies following the refusal on the part of an expert to issue an inspection certificate was discussed at the 41st session of the RID Committee of Experts from 15 to 18.11.2004 in Meiningen at Switzerland's request (see report A 81-03/511.2004 § 95 to 98 et doc. OCTI/RID/CE/41/6i)). The idea of requiring experts to inform a central service of the identity of tanks not issued with an inspection certificate was not accepted on data protection grounds.
6. During the 43rd session of the RID Committee of Experts in Helsinki in October 2006, Switzerland proposed to use a document **of certification/response**: the expert who had refused to issue an inspection certificate on account of nonconformity delivers a document to the tank owner or operator. In this document the expert indicates the reasons for refusal and a time limit for returning the document duly stamped by an expert who will have subsequently established that the tank was brought up to conformity. In the absence of a response by the time limit, the case will be passed on either to the authority of the country issuing the certification, or to a central organisation.
7. Switzerland suggests to adapt its proposal to use a document of certification/response and to reconsider the proposal made by Belgium in 2005 by completing the corresponding RID/ADR sub-sections as follows :

Proposal:

8. Completion of 6.8.2.4.5 as follows (the new text is underlined):

The tests, inspections and checks in accordance with 6.8.2.4.1 to 6.8.2.4.4 shall be carried out by the expert approved by the competent authority. Certificates shall be issued showing the results of these operations. These certificates shall refer to the list of the substances permitted for carriage in this tank or to the tank code, in accordance with 6.8.2.3.

A copy of the certificates shall be attached to the tank record of each tank, battery-wagon / battery-vehicle or MEGC tested (see 4.3.2.1.7).

In the event that the results of the abovementioned tests, checks or inspections are negative, the expert will issue a document to the tank owner or operator indicating the reasons for refusal and a time limit for returning the document to him duly

stamped by an expert who will have subsequently established that the tank was brought up to conformity. In the absence of a response, once the time limit has expired, the case will be passed on to the competent authority of the country of approval.

9. Completion of 6.8.3.4.16 as follows:

The tests, inspections and checks in accordance with 6.8.3.4.10 à 6.8.3.4.15 shall be carried out by the expert approved by the competent authority. Certificates shall be issued showing the results of these operations. These certificates shall refer to the list of the substances permitted for carriage in this battery-wagon / battery-vehicle or MEGC in accordance with 6.8.2.3.1.

A copy of the certificates shall be attached to the tank record of each tank, battery-wagon / battery-vehicle or MEGC tested (see 4.3.2.1.7).

In the event that the results of the abovementioned tests, checks or inspections are negative, the expert will issue a document to the tank owner or operator indicating the reasons for refusal and a time limit for returning the document to him duly stamped by an expert who will have subsequently established that the tank was brought up to conformity. In the absence of a response, once the time limit has expired, the case will be passed on to the competent authority of the country of approval.

Justification

10. When a tank fails to pass an inspection on account of a technical defect, the expert who established this defect must be able to ensure that the appropriate repairs have been carried out.
11. The option of including a list of the inspections carried out, which also indicates negative inspections in the tank record had been considered. This type of document, however, is easily lost. With this proposal, the “loss” of documents will not have an effect on the traceability of negative inspections.

Feasibility

12. Given that the number of cases is likely to be limited, the administrative cost of this solution should remain within reasonable proportions.
