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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

Clarification on using tanks after the deadline specified for the next test or inspection

Transmitted by the International Union of Wagon Keepers (UIP)*,**

Introduction

1. As Poland has already noted in document ECE/TRANS/WP.15/AC.1/2019/19 for the RID/ADR/ADN Joint Meeting at the spring 2019 session, the operation of tanks whose intermediate inspection has expired is not properly dealt with in the regulations, which leads to this issue being handled in different ways by the authorities. It was not possible to come up with a mutually accepted rule at subsequent sessions of the Joint Meeting either.
2. In addition to the discussion on "what may be done with a tank in the three months after the deadline?", the question arose as to "what is to be done with tanks for which these three months have also expired?". At the Joint Meeting's working group on tanks in March 2021 it was however agreed that the type of inspection due (periodic or intermediate) should not be changed; only the text should be improved.
3. For both topics, it was noted that firstly, it is irritating that the regulations on this subject are currently found in different chapters (chapters 6.8 and 4.3), and secondly, that the different choice of words (date or deadline) enables different readings.
4. UIP was asked to prepare a new proposal adapted to these findings.
5. As no consensus could be reached within the working group on tanks on the question of what is allowed during the three-month period, an exchange of views in the Joint Meeting was requested (see report ECE/TRANS/WP.15/AC.1/160/Add.1, paragraphs 11 to 13). As this exchange of views could not take place at the last Joint Meeting due to time constraints, it is recommended that such an exchange take place before the document is submitted to the working group on tanks for consideration.

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

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Proposals

6. The regulations on operation during the tolerance periods of one month for the periodic inspection and three months for the intermediate inspection should appear in Chapter 4.3 under "Use". The regulations relating to the inspections themselves should appear in Chapter 6.8.

7. The term "deadline/date", i.e. the date (month and year) specified by the inspection body at the time of the last inspection, is uniformly defined as "the date specified for the next inspection".

8. Amend 4.3.2.3.7 to read as follows (new text is shown in **bold** and deleted text is crossed out):

“4.3.2.3.7 Tank-wagons, demountable tanks, battery-wagons (RID) / Fixed tanks (tank-vehicles), demountable tanks, battery-vehicles (ADR), tank-containers, tank swap bodies and MEGCs may not be filled or offered for carriage after the **date specified** ~~deadline~~ for the test or inspection required by 6.8.2.4.2, 6.8.3.4.6 and 6.8.3.4.12 ~~has expired~~.

However, tank-wagons, demountable tanks, battery-wagons (RID) / fixed tanks (tank-vehicles), demountable tanks, battery-vehicles (ADR), tank-containers, tank swap bodies and MEGCs filled prior to the ~~date of expiry of~~ **date specified** for the last periodic inspection may be carried:

(a) for a period not to exceed one month after ~~the expiry of these deadlines~~ **this date**;

(b) unless otherwise approved by the competent authority, for a period not to exceed three months after ~~the expiry of these deadlines~~ **this date** in order to allow the return of dangerous goods for proper disposal or recycling. Reference to this exemption shall be mentioned in the transport document.”

9. Insert a new 4.3.2.3.8 as follows:

“4.3.2.3.8 **Tank-wagons, demountable tanks, battery-wagons (RID) / Fixed tanks (tank-vehicles), demountable tanks, battery-vehicles (ADR), tank-containers, tank swap bodies and MEGCs may continue to be operated after the date specified for the next intermediate test or inspection required by 6.8.2.4.3:**

(a) **for a period not to exceed three months after this date;**

(b) **unless otherwise approved by the competent authority, for a period not to exceed six months after this date in order to allow the return of dangerous goods for proper disposal or recycling. Reference to this exemption shall be mentioned in the transport document.”**

10. Amend 1.4.2.2.1 (d) to read as follows (new text is shown in **bold** and deleted text is crossed out):

“(d) Ascertain that the ~~deadline~~ **date specified** for the next inspection for tank-wagons, battery-wagons, wagons with demountable tanks (RID) / tank-vehicles, battery-vehicles, demountable tanks (ADR), portable tanks, tank-containers and MEGCs, **taking into account the provisions of 4.3.2.3.7 and 4.3.2.3.8**, has not expired;

(The Note remains unchanged)”.

11. Amend 1.4.3.3 (b) to read as follows (new text is shown in **bold** and deleted text is crossed out):

“(b) Ascertain that the ~~deadline~~ **date specified for the next inspection** for tank-wagons, battery-wagons, wagons with demountable tanks (RID) / tank-vehicles, battery-vehicles, demountable tanks (ADR), portable tanks, tank-containers and MEGCs, **taking into account the provisions of 4.3.2.3.7 and 4.3.2.3.8**, has not expired;”.

Alternative proposal

12. The above proposals partly differ from the discussions at the working group on tanks in September 2020 and March 2021 for the following reasons:

- Harmonisation with the regulations for the periodic inspection (no refilling permitted after the date specified);
- Harmonisation with Chapter 6.7 – no refilling in the three months after the date in this case either.

Therefore, a UIC/UIP proposal for the Joint Meeting in September 2020 is again set out below as an alternative. The Joint Meeting is asked to take a decision based on these two alternatives.

13. Amend 4.3.2.3.7 to read as follows (new text is shown in **bold** and deleted text is crossed out):

“4.3.2.3.7 Tank-wagons, demountable tanks, battery-wagons (RID) / fixed tanks (tank-vehicles), demountable tanks, battery-vehicles (ADR), tank-containers, tank swap bodies and MEGCs may not be filled or offered for carriage after the **date specified** ~~deadline~~ for the **next** test or inspection required by 6.8.2.4.2, **6.8.2.4.3**, 6.8.3.4.6 and 6.8.3.4.12 ~~has expired~~.

However, tank-wagons, demountable tanks, battery-wagons (RID) / fixed tanks (tank-vehicles), demountable tanks, battery-vehicles (ADR), tank-containers, tank swap bodies and MEGCs filled prior to the date of ~~expiry of the last periodic~~ **specified for the next** inspection may be carried:

(a) for a period not to exceed one month after ~~the expiry of these deadlines~~ **the date specified if the inspection due is a periodic inspection in accordance with 6.8.2.4.2;**

(b) unless otherwise approved by the competent authority, for a period not to exceed three months after the expiry ~~of these deadlines~~ **of the date specified, if the inspection due is a periodic inspection in accordance with 6.8.2.4.2**, in order to allow the return of dangerous goods for proper disposal or recycling. Reference to this exemption shall be mentioned in the transport document;

(c) **for a period not to exceed three months after the date specified, if the inspection due is an intermediate inspection in accordance with 6.8.2.4.3.”**

14. Amend 1.4.2.2.1 (d) to read as follows (new text is shown in **bold** and deleted text is crossed out):

“(d) Ascertain that the ~~deadline~~ **date specified** for the next inspection for tank-wagons, battery-wagons, wagons with demountable tanks (RID)/tank-vehicles, battery-vehicles, demountable tanks (ADR), portable tanks, tank-containers and MEGCs, **taking into account the provisions of 4.3.2.3.7**, has not expired;

(The Note remains unchanged)”.

15. Amend 1.4.3.3 (b) to read as follows (new text is shown in **bold** and deleted text is crossed out):

“(b) Ascertain that the ~~deadline~~ **date specified for the next inspection** for tank-wagons, battery-wagons, wagons with demountable tanks (RID)/tank-vehicles, battery-vehicles, demountable tanks (ADR), portable tanks, tank-containers and MEGCs, **taking into account the provisions of 4.3.2.3.7**, has not expired;”.

Consequential amendment

16. As a consequence of these new provisions in Chapter 4.3 and to harmonise with the provisions for the periodic inspection, the second sentence of 6.8.2.4.3 ("These intermediate inspections may be performed within three months before or after the specified date.") can be deleted.

Further amendments in Chapter 6.8

17. To clarify how to proceed with the inspection itself after another missed deadline, the following amendments are proposed for 6.8.2.4.2 and 6.8.2.4.3:

In 6.8.2.4.2 add the following text after the first sub-paragraph:

"If, for any reason, the periodic inspection is performed before the date specified for this inspection, the dates for the next inspections shall be specified on the basis of this date."

In 6.8.2.4.3 amend the first three subparagraphs to read as follows, taking into account the amendments adopted by the Joint Meeting in March 2021 (see report ECE/TRANS/WP.15/AC.1/160, Annex II) (new text is shown in **bold**, deleted text is crossed out).

"6.8.2.4.3 Shells and their equipment shall undergo intermediate inspections no later than four (RID) / three (ADR)/two and a half years after the initial inspection and each periodic inspection. ~~These intermediate inspections may be performed within three months before or after the specified date.~~

However, the intermediate inspection may be performed at any time before the specified date.

If an intermediate inspection is performed more than three months before the specified date, another intermediate inspection shall be performed no later than four (RID) / three (ADR)/two and a half years after this earlier date **or a periodic inspection shall be performed in accordance with 6.8.2.4.2.**

If the intermediate inspection is performed after the specified date (see [4.3.2.3.8/4.3.2.3.7 (c)], the original date specified for the periodic inspection in accordance with 6.8.2.4.2 shall not be affected."
