

**ECONOMIC COMMISSION FOR EUROPE
INLAND TRANSPORT COMMITTEE**

**Working Party on the Transport
of Dangerous Goods**
(Seventy-first session,
Geneva, 5-9 November 2001)

INF. 44

Original: ENGLISH

SPANISH REPLY TO THE QUESTIONNAIRE ABOUT THE CRTD

(1) What are the reasons that your country has not yet signed / ratified, approved, acceded to or accepted the Convention: what are considered to be the main obstacles for a possible decision to ratify, approve, accede or accept the Convention?

The main reason why Spain has not signed the Convention is that partner in road and railway transport sectors cannot satisfy the insurance costs. Top Companies have a specific contract covering risks, but small Companies cannot afford the fee premium.

(2) Are the limits of liability regarding the different modes of transport considered to be appropriate, too low or too high? Would ratification be facilitated by amending the present limits? If so, at what level should the limits be set in order to facilitate acceptance of the Convention by your country?

The maximum limit being covered now by voluntary insurance in Spain is between six and ten times lower than the one specified by the article 9 of the CRTD. So we think that the operative limit should be decreased.

(3) Can you provide (statistical) information on the average height of damage (in SDR's) for the different modes, in your country, caused by accidents during the transport of dangerous goods?

There is statistical information about accidents, but not about costs.

Currently, Spain is working to improve in the future its statistical taking of data, but as the Police role is traffic enforcement, not the assessment damage in case of casualties.

This kind of information is taken by the Insurance Companies after the litigation.

(4) Would the process of accession be facilitated by a lower level of compulsory insurance in comparison to the liability limits or even by complete abandonment of the compulsory insurance obligation? If so, what level should be appropriate?

The maximum limit of liability in Spain is covered by the voluntary insurance which is far below the limit fixed by the CRTD. Obviously, the operative limit should be decreased, or adapted to the different kind of risks. For example, CRTD would have to establish different liability levels for each dangerous goods and vehicles. What it should be listed in the ADR restructured.

The toxic gas insurance in Spain is twice more expensive than the petrol one. This guarantee level can be adapted to the parties in the contract. So it can be fair for all parties that the liability limits should be lowered according to the potential danger of each substance and mode of transport.

(5) Does the obligation to have a compulsory insurance certificate create difficulties for insurance institutions to (re-)insure the limits of liability provided for in the Convention?

The re-insurance Companies should adapt their capacity on their own.

(6) Are there any other concerns about (the level of) the limitation of liability?

No.