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INLAND TRANSPORT COMMITTEE

Working Party on the Transport
of Dangerous Goods
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**QUESTIONS OF SECURITY IN THE FIELD OF
TRANSPORT OF DANGEROUS GOODS**

Note by the Chairman

1. Following the tragic events of 11 September 2001, both the United Nations General Assembly¹ and the United Nations Security Council² have called for intensified international cooperation and action to prevent and suppress terrorist acts.
2. In the field of transport, as transport equipment was considered a key instrument of the attacks and the transport of dangerous goods or key transport infrastructures were subsequently evoked as either the instrument or the target of possible further attacks, the secretariat of the Inland Transport Committee prepared the document TRANS/2002/15, in order to assist the 64th session of the Committee (18-21 February 2002) in its evaluation of the security aspects of transport in the ECE region.
3. In its conclusions, the Committee “felt that a clear definition of the concept of security in transport was necessary in order to evaluate if and how this issue should be further considered in the framework of the UNECE”.

¹ Resolution 56/1 of 18 September 2001.

² Resolutions 1368 (2001) of 12 September 2001 and 1373 (2001) of 28 September 2001.

4. In addition, the Committee “also noted that security in transport should be carefully balanced against transport facilitation, in particular through the use of new technology”, and “requested all its subsidiary bodies, in the shortest possible time frame, to identify, in their respective areas, how to differentiate between the concepts of safety and security and what are the concrete safety and security issues to be addressed”.

5. In general, it is possible to say that “security risks may include dysfunctions, disruptions or misuse of the transport system, or of any of its components, caused intentionally and not as a result of the development of traffic or by a natural cause. Major security risks for the transport systems include:

- a) vehicle theft;
- b) vehicle misuse as bombs;
- c) theft of dangerous substances during their transport;
- d) illegal border crossing of elements contributing to terrorist attacks; and
- e) attacks to key infrastructure points like tunnels and bridges”.

6. The above mentioned document pointed out that “a number of legal instruments developed and administered by the Inland Transport Committee and its subsidiary bodies contain provisions that actually have important security implications”, in the following areas of work covered by the Committee:

- a) Vehicle Regulations (WP.29);
- b) Transport of Dangerous Goods (WP.15);
- c) Road Transport and Road Safety (SC.1, WP.1 and AC.7);
- d) Border Crossing Facilitation (WP.30);
- e) Infrastructure networks (AGR, AGC, AGN and AGTC agreements).

7. Aiming to assist the Working Party on the Transport of Dangerous Goods, the present note was prepared, based in the document TRANS/2002/15, stressing the points that are more relevant in the field of the WP.15.

EXISTING SECURITY RELATED DANGEROUS GOODS TRANSPORT PROVISIONS

8. In the field of transport of dangerous goods, we must endorse the statement of the Committee that our legal instruments (ADR and ADN) “address principally the safety of the transport of dangerous goods”...“Transport of dangerous goods according to ADR and ADN is either not permitted when the goods are identified as too dangerous, or authorised provided that the very stringent safety requirements of their annexes are fully complied with”.

9. Nevertheless, it may be stressed that “the high level of safety provided by the transport equipment required (packaging, tanks, vehicles, vessels, which are subject to initial and periodic testing, inspection and approval requirements) is in itself a factor of security”.

10. In the same line, specifying “the safety obligations of each participant in the carriage of dangerous goods (consignor, carrier, consignee, loader, packer, filler, tank-container operator)”, and enforcing “the strict observance of its own obligation by each participant” implies “self-checking at various stages of the transport operation, which at the end also contributes to enhancing security”.

11. We agree that “certain safety provisions can be assimilated to security provisions since their application for safety purposes can also be used for security purposes” (e.g. supervision of vehicles, places of loading and unloading, parking of vehicles, etc.).

12. Furthermore, we also agree that “mandatory training of personnel is a crucial safety factor in transport of dangerous goods operations, as drivers are made well aware of the potential danger of the loads and of essential safety precautions”. So, “this awareness of personnel is also indirectly a security factor”. The same must be said about the obligation of appointing “one or more safety advisers who have to be trained and hold a vocational training certificate” and who have “various duties, including monitoring compliance with the requirements, ..., preparing reports on accidents or infringements, ..., etc.”.

13. In accordance with ADR and ADN, it is possible to each country “to regulate or prohibit, for reasons other than safety during carriage, the entry of dangerous goods into its territory”, and we must recognise that there are many national “regulations concerning the control of import/export of certain categories of dangerous goods, notably explosive substances and articles, nuclear material, hazardous wastes or certain other specific chemical substances, e.g. used as psychotrops or for chemical weapons, etc.” which are relevant for security.

14. Also according to ADR, the national competent authorities “may require an approved official to be carried in the vehicle(s) at the carrier's expense if the national regulations so provide. For certain highly sensitive dangerous goods (e.g. primary explosives, nuclear material, military weapons), a police escort is frequently required by national security regulations”.

15. At last, we shall remember that national competent authorities, in accordance with ADR, “may also apply to vehicles engaged in international transport of dangerous goods by road on their territories certain provisions not included in ADR provided that they apply equally to vehicles engaged in domestic traffic. They may be applied in specified conditions, which include restrictions concerning the use of bridges or tunnels, routing requirements to avoid commercial or residential areas, restrictions on movement of dangerous goods traffic on certain days”.

ADDITIONAL SECURITY CONSIDERATIONS IN THE DANGEROUS GOODS TRANSPORT PROVISIONS

16. The Inland Transport Committee, in its 64th session, considered that additional regulatory measures to improve inland transport security in the UNECE region might be necessary in the field of dangerous goods transport.

17. These measures “should be guided by an overall strategy taking into consideration the level of security that member States would like to achieve and the broad social, political and economic costs of implementing those additional measures”.

18. In addition, “measures to be considered with priority would be those that would achieve the desired level of security at the lowest possible political, social and economic cost. Particular attention should be paid to the need for minimizing restrictions to political freedom, social well-being and freedom of movement. Technological improvements could be included in this category of priority measures”.

19. Also for the field of dangerous goods transport, “in this context, it is essential to consider the additional security measures that UNECE member States have implemented or are planning to implement at national level”.

20. In accordance with paragraph 27 of the document TRANS/2002/15 (whose importance the Chairman of WP.15 has underlined before the Inland Transport Committee, in its 64th session) “the role of the Committee and its subsidiary bodies could consist of harmonizing and aligning national measures and filling gaps between national regulations to ensure that security is consistent and that terrorists cannot take advantage of differences between national systems and possible deficiencies in the communication between national systems”.

21. As a first step, the secretariat of the Committee has identified in its document certain areas, which could be the focus of additional security measures, but has “stressed that introducing further provisions in existing or new legal instruments, introducing further restrictions or tighter controls in the transport systems should be carefully considered as they might establish new barriers to international transport and trade” and “noted that security measures could run counter to traffic safety, which should be avoided”.

22. The areas identified by the secretariat, in the field of dangerous goods transport, were “the following:

- a) Considering developing security recommendations for undertakings concerned by transport of dangerous goods and for drivers, masters of vessels and safety advisers.
- b) Considering amending the present structure of training for drivers, safety advisers, ADN experts and other persons employed in the transport of dangerous goods to include a security dimension”.

23. The WP.15 is invited by the Committee to “consider the areas ... identified above by the secretariat which possibly require additional security considerations and give them the follow-up (it deem appropriate”.

24. Considering that “it would be necessary to make an overview of the regulations introduced at the national level with the aim of increasing security in transport”, the WP.15 may wish to request its own delegations to respond to the invitation made by the Committee to UNECE member States “to provide the secretariat with information on such regulations and on studies or discussions in progress. From these replies, it would then be possible to analyse in concrete terms the problems and to examine further eventual effects”.

25. In order to carry out this analysis, the WP.15 may wish to include in the agenda for its 73th and 74th sessions, the study of new specific security measures to be introduced in the text of Part 1 (obligations), and of Parts 4 to 9 of ADR, for the preparation of which it would be very useful that some delegations - Governments or professional organisations - became volunteers.