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**REGULATORY INITIATIVES AT THE NATIONAL LEVEL**

**Note by the secretariat**

**Preliminary draft  
Not to be cited**

**14 September 2007**

**AN INVENTORY OF REGULATORY INITIATIVES AT THE NATIONAL LEVEL IN  
THE FIELD OF INLAND TRANSPORT SECURITY**

**DRAFT 1**

**THE MULTIDISCIPLINARY GROUP OF EXPERTS ON INLAND TRANSPORT  
SECURITY**

**United Nations Economic Commission for Europe**

**Geneva**

## **Foreword**

In March 2007, the Inland Transport Committee of the UNECE established a Multidisciplinary Group of Experts on Inland Transport Security. The following report is a background document for the Group's second session in October 2007 and contains a collection and summary of all relevant regulations, initiatives, policies and legislation concerning inland transport security in the UNECE area. This information may serve as a foundation for future policy recommendations and/or amendments to existing legal instruments, with the overall objective of improving inland transport security.

Content was sourced from all documents available to the general public via the Internet. The search was performed by experts trained to locate these documents and to present the material according to UNECE requirements.

The search focused on documents related to land transport security. This is to be distinguished from transport safety. Transport security involves the protection of infrastructure, goods and persons from deliberate attack or intent to cause damage. Transport safety is concerned with general safeguarding against any form of harm, whether it is a natural disaster, mechanical failure, or attack from an agent. As such, transport safety subsumes some aspects of transport security, but transport security is specifically focused on deliberate action.

Please note that all translations are unofficial and were undertaken by the UNECE Secretariat. All Internet references were verified and valid as of 13 July 2007.

## **Country Summaries**

### **Introduction**

A thorough search of national institutions was undertaken to find any regulations, initiatives, legislation, policy documents or official releases concerning inland transport security. The following is a summary of what was located in that search.

### **Methodology**

The majority of research was done on the Internet, with identical search procedures applied for each country. First, a general web search was performed with a search engine to identify starting points and possible focus areas for each country. The searches were carried out using combinations of the following terms: the nation's name, transport, security, legislation, regulations, initiatives, policy and law.

Secondly, government web sites were searched in a similar fashion, using search fields if provided. Specific government ministries were also searched in the same way, typically the ministry of transport, the ministry of defense and the ministry of the interior. Selected ministries were of course subject to the specific countries' government structure.

All documents relating in some way to transport security were recorded and a copy of them saved. These documents were further reviewed and those directly pertaining to inland transport security, and which might contribute to the report's objective, were included and summarized below.

## Document Summaries

### **Albania**

**The Committee of Experts on Terrorism (Codexter)**, in their *Profiles on Counter-Terrorist Capacity: Albania*,<sup>1</sup> shows that transport security is incorporated in Albania's definition of and legislation concerning terrorism.

Excerpts from the *Profiles on Counter-Terrorist Capacity: Albania*:

“Article 230 of the Criminal Code defines *terrorist act* as a violent act against the life or health of people, against their personal freedom by kidnapping people or hijacking public transport, with the intention of seriously disturbing public order and instilling fear and uncertainty in the public, and is punishable by no less than fifteen years' imprisonment or by life imprisonment.” (Page 1)

“On 15 July 2004, the Parliamentary Assembly adopted the Law on the Measures against Terrorism. This law was drafted in compliance with the UN resolutions and Council of Europe regulations on specific preventive and restrictive measures directed against persons or entities in the fight against terrorism. The law identifies areas such as police and judicial co-operation, transportation security, humanitarian assistance, economic and financial policy.” (Page 3) “[...] It is necessary to facilitate co-operation between law enforcement authorities, to strengthen border security, and to investigate suspect financial transactions.” (Page 4)

The EU's *Key findings of the 2005 Progress Reports on Albania, Bosnia and Herzegovina, Serbia and Montenegro and Kosovo*<sup>2</sup> noted that Albania was making progress in general legislation towards harmonizing its legislation with European standards, including in the area of transport. The report does not note the issue of security in Albanian transport systems.

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<sup>1</sup> The Committee of Experts on Terrorism (Codexter) Profiles on Counter-Terrorist Capacity: Albania, [http://www.coe.int/t/e/legal\\_affairs/legal\\_co-operation/fight\\_against\\_terrorism/4\\_theme\\_files/country\\_profiles/CODEXTER%20Profiles%20\(2006\)%20Albania%20E.pdf](http://www.coe.int/t/e/legal_affairs/legal_co-operation/fight_against_terrorism/4_theme_files/country_profiles/CODEXTER%20Profiles%20(2006)%20Albania%20E.pdf)

<sup>2</sup> The Key Findings of the 2005 Progress Reports on Albania, Bosnia and Herzegovina, Serbia and Montenegro and Kosovo, <http://europa.eu/rapid/pressReleasesAction.do?reference=MEMO/05/410&format=PDF&aged=1&language=EN&guiLanguage=en>

### **Andorra<sup>3</sup>**

Legislation in Andorra has focused primarily on training of personnel who will be involved with the transport of dangerous goods.

The **Avís del 9-3-2005 pel qual es vol procedir a la realització d'un curs de capacitació i d'un curs de reciclatge per a l'obtenció del certificat d'aptitud per a conductors de transport de matèries perilloses<sup>4</sup>** states that transporters of dangerous materials must obtain a certificate of capacity through a formal course.

This is further elaborated in the **Avís del 16-4-2004 pel qual es vol procedir a la realització d'un curs de formació per a l'obtenció del certificat d'aptitud per a conductors de transport de matèries perilloses.<sup>5</sup>**

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<sup>3</sup> Unofficial translation by the UNECE Secretariat

<sup>4</sup> Avís Del 9-3-2005 Pel Qual Es Vol Procedir a La Realització D'un Curs De Capacitació I D'un Curs De Reciclatge Per a L'obtenció Del Certificat D'aptitud Per a Conductors De Transport De Matèries Perilloses, <http://www.bopa.ad/bopa.nsf/c56341fced070c89c12566c700571ddd/a8aa1d65144f0fdb1256fc6002779ca?OpenDocument&Highlight=2,seguritat,transport>

<sup>5</sup> Avís Del 16-4-2004 Pel Qual Es Vol Procedir a La Realització D'un Curs De Formació Per a L'obtenció Del Certificat D'aptitud Per a Conductors De Transport De Matèries Perilloses, <http://www.bopa.ad/bopa.nsf/c56341fced070c89c12566c700571ddd/e4367d1d65314df8c1256e7d0021add2?OpenDocument&Highlight=2,seguritat,transport>

## Austria

**Austria's Transport Master Plan**<sup>6</sup> specifies the need for constant review and revision of the transport security policy. The strategic progress of Austria's transport policy would be assessed at appropriate intervals, about every five years. The aim is to make cautious readjustments, without fundamentally jeopardizing the security of planning which a development program of this kind is meant to guarantee. This constant evaluation allows the state to anticipate the population's transport needs while still actively considering security issues.

**The Verordnung des Bundeskanzlers, mit der die sicherheitstechnischen und organisationsrelevanten Voraussetzungen für Verwaltungssignaturen geregelt werden (VerwSigV)**<sup>7</sup> proposes a number of protocols for the safety and security of the transport system. The overarching theme, however, is data and authorization verification of those involved in the transport of goods through digital or mechanical means.

The recommendations include:

- Methods of verifying signatures
- Use of authorization codes that are carefully guarded and maintained in secure databases
- Methods of updating databases of signatures and authorization codes
- Encoding of data containing signature or authorization code information
- Frequent testing of used devices for functionality

**The Beförderung gefährlicher Güter, Pflichten von Beteiligten, Genehmigung, Ausnahmen, Gefahrgutbeauftragter, Sofortmaßnahmen, Meldungen von Ereignissen, Sicherung Pflichten von Beteiligten**<sup>8</sup> defines the responsibilities of the transporter, and of the loader of containers; requires appropriate paperwork and documentation to be maintained; and requires regulations for handling dangerous goods to be readily accessible to those working with them.

**The Resolution by the Austrian Parliament Security and Defense Doctrine**<sup>9</sup> states that the availability of vital resources (such as food, energy and raw materials) and the protection of key infrastructures (such as communications and transport) should be ensured. State strategies should therefore be developed with regards to transport security, particularly in relation to foreign policy, defense policy and internal security.

## **The Bundesgesetz: Änderung des Eisenbahngesetzes 1957, des Bundesbahngesetzes und des**

<sup>6</sup> Transport Policy in Austria, <http://www.bmvit.gv.at/en/verkehr/policy.html>

<sup>7</sup> The Verordnung Des Bundeskanzlers, Mit Der Die Sicherheitstechnischen Und Organisationsrelevanten Voraussetzungen Für Verwaltungssignaturen Geregelt Werden, [http://ris1.bka.gv.at/authentic/findbgbl.aspx?name=entwurf&format=html&docid=COO\\_2026\\_100\\_2\\_72782](http://ris1.bka.gv.at/authentic/findbgbl.aspx?name=entwurf&format=html&docid=COO_2026_100_2_72782)

<sup>8</sup> The Beförderung Gefährlicher Güter, Pflichten Von Beteiligten, Genehmigung, Ausnahmen, Gefahrgutbeauftragter, Sofortmaßnahmen, Meldungen Von Ereignissen, Sicherung Pflichten Von Beteiligten, <http://www.bmvit.gv.at/verkehr/gesamtverkehr/gefahrgut/downloads/ggbg2005rev211.pdf>

<sup>9</sup> Resolution by the Austrian Parliament Security and Defence Doctrine, [http://www.austria.gv.at/2004/4/18/doktrin\\_e.pdf](http://www.austria.gv.at/2004/4/18/doktrin_e.pdf)

**Bundesgesetzes zur Errichtung einer „Brenner Basistunnel Aktiengesellschaft“<sup>10</sup>** defines a number of security methods to be considered, as proposed by the European Commission.

The security methods address the following issues:

- The maintenance of rail infrastructure
- The transport of material by railway
- The attainment of common security goals with other European Commission member countries
- The establishment of security regulations and protocols

The law further discusses security and safety certificates, managements systems, and safety reports meant for use in the assessment of transport-related risks.

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<sup>10</sup> The Bundesgesetz: Änderung Des Eisenbahngesetzes 1957, Des Bundesbahngesetzes Und Des Bundesgesetzes Zur Errichtung Einer „Brenner Basistunnel Aktiengesellschaft“, [http://ris1.bka.gv.at/authentic/findbgbl.aspx?name=entwurf&format=pdf&docid=COO\\_2026\\_100\\_2\\_46900](http://ris1.bka.gv.at/authentic/findbgbl.aspx?name=entwurf&format=pdf&docid=COO_2026_100_2_46900)



## Belgium

Belgium aligns its transport policy with international standards, specifically with EU policies. As such, Belgium uses ADR and RID regulations for national and international transport.<sup>11</sup> Legislation has thus been focused on bringing national controls into closer conformity with EU standards.

The *Transport Situation In Belgium In 2005*<sup>12</sup> report states that traffic code and transport regulations were made more stringent with, amongst others, additional police and camera controls.

The *Transport Situation In Belgium In 2006*<sup>13</sup> report notes the same for 2006 but makes no remark on the specific impact on transport security.

The document *National And Regulatory Framework: National Policy*<sup>14</sup> also comments on Belgian transport security.

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<sup>11</sup> Country Local and International Regulations,  
[http://www.dhl.com/publish/etc/medialib/g0/downloads/integration.Par.0016.File.tmp/dangerous\\_goods\\_product\\_service\\_capability\\_matrix.pdf](http://www.dhl.com/publish/etc/medialib/g0/downloads/integration.Par.0016.File.tmp/dangerous_goods_product_service_capability_matrix.pdf)

<sup>12</sup> Transport Situation in Belgium in 2005, <http://www.unece.org/trans/doc/transsitdocs/2005belgium.pdf>

<sup>13</sup> Transport Situation in Belgium in 2006, <http://www.unece.org/trans/doc/transsitdocs/2006belgium.pdf>

<sup>14</sup> National and Regulatory Framework: National Policy, <http://www.nea.fr/html/rwm/rf/belgium.pdf>

## **Bosnia and Herzegovina**

*The EU Weapons Storage and Security Report of 2006*<sup>15</sup> deals with transport security for weapons transport. The report states that Bosnia and Herzegovina adheres to the RMDS/G guidelines, concerning security and storage of weapons. The guidelines' subsection on transport security recommends that national civilian legislation and military regulations be combined with international agreements such as ADR or RID.

The report notes that transportation of weapons should be planned and conducted as is customary for other valuable goods. Regulations for cargo verification and inspection mechanisms can help prevent illicit weapon transfers brought about by falsified transport documentation. The importance of documentation is emphasized, as is the need for emergency procedures.

A recent **Transport Sector And Security Brief**,<sup>16</sup> produced by the Ministry of Civil Affairs and Communications, outlines the transport sector projects that were considered a "priority". It is important to note that none of these related directly to inland transport security, but rather focused on repair and renovation of transport infrastructure after the war.

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<sup>15</sup> The E.U. Weapons Storage and Security Report of 2006,  
[http://www.seesac.org/resources/RMDS%2005.30%20Weapons%20Storage%20\(Edition%204\).pdf](http://www.seesac.org/resources/RMDS%2005.30%20Weapons%20Storage%20(Edition%204).pdf)

<sup>16</sup> Transport Sector and Security Brief,  
<http://wbln0018.worldbank.org/ECA/Transport.nsf/PrintView/43259d444655e22085256b3500706b53?OpenDocument&ExpandSection=4%2C3%2C2>

## **Bulgaria**

The *National Strategy For Integrated Development Of The Infrastructure Of The Republic Of Bulgaria And Action Plan For The Period 2006 – 2015*<sup>17</sup> comments on the need for improved attention to security, especially for railway infrastructure. In line with the **White Paper: European Transport Policy for 2010: Time to Decide**,<sup>18</sup> it recognizes the need for equal treatment of various transport types. It says a balance must be found between raising transport efficiency and complying with modern requirements for security and environmental protection.

The *National Strategy For Integrated Development Of The Infrastructure* includes a number of subprojects to be undertaken. The Government will promote public private partnership as an alternative way of financing long-term development, reconstruction, modernization and maintenance of transport infrastructure.

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<sup>17</sup> National Strategy for Integrated Development of the Infrastructure of the Republic of Bulgaria and Action Plan for the Period 2006 – 2015, [http://www.government.bg/fce/001/0162/files/StrategyNatInfra\\_EN.doc](http://www.government.bg/fce/001/0162/files/StrategyNatInfra_EN.doc)

<sup>18</sup> White Paper European Transport Policy for 2010: Time to Decide, [http://ec.europa.eu/transport/white\\_paper/index\\_en.htm](http://ec.europa.eu/transport/white_paper/index_en.htm)

## Canada

Canada not only has extensive transport security regulations, but the country has made these regulations readily accessible to the public through government Internet sites.

The *Canada Transportation Act*<sup>19</sup> defines a number of regulations. The most prominent of these include:

- No person shall take or carry, into any car, train, vehicle or station owned or occupied by the company any loaded firearm, or any inflammable, corrosive or offensive article, substance, matter or liquid, or any substance, matter or liquid likely to explode or to become dangerous or offensive to any passenger or property.
- No person shall throw or drop from any car, train, or vehicle of the company any article or thing capable of injuring, damaging or endangering any person or property.
- Private carriages, automobiles, omnibuses, cabs, trucks, or other vehicles, while waiting at, in, or upon any station, wharf, or other property owned or occupied by the company, shall be stationed or parked in such place or places as may be directed by the station master, agent or constable, and every person having charge of such vehicles shall obey the directions of the station master, agent, or constable relating to the use of the company's premises.
- The company may summarily interfere, using reasonable force where necessary, to prevent violation of any of the provisions of these Rules and Regulations, or to enforce observance, and such interference shall not affect any penalty for which such person may otherwise be liable.

*The Railway Safety Act*<sup>20</sup> outlines a variety of regulations pertaining to safety and security. These regulations invest authority in the appropriate government agency, the Governor in Council, to make any regulation:

- Respecting the operation or maintenance of line works, and the design, construction, alteration, operation and maintenance of railway equipment, which regulations may embrace, among other things, performance standards;
- The training of personnel, both before and after appointment to positions,
- Hours of work and rest periods to be observed,

With respect to security, the Governor in Council may create regulations respecting the security of railway transportation, may create emergency directives and may formulate further security measures if there is an immediate threat to safe railway operations or the security of rail transportation.

Surface transportation security is further addressed. The act states that Transport Canada has developed a two-year contribution program, Transit-Secure, targeted towards the high volume passenger areas of commuter rail and urban transit, with a focus on major urban transit systems and equipment. This program will provide financial assistance to commuter and passenger rail and

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<sup>19</sup> Canada Transportation Act, <http://www.canlii.org/ca/sta/c-10.4/whole.html>

<sup>20</sup> Railway Safety Act, <http://www.tc.gc.ca/acts-regulations/GENERAL/r/rsa/act/rsa.html>

public transit operators to accelerate the implementation of new and enhanced security measures. In addition to Transit-Secure, Transport Canada and the Railway Association of Canada established a Memorandum of Understanding on rail security in 1997, which addresses:

- The implementation of security plans;
- Emergency plans to respond to threats against railway operations;
- The conduct of exercises to test those plans;
- The exchange of information, and;
- Reporting of security incidents.

Transport Canada has focused on building common understanding and capacity in the rail security sector. The intelligence-sharing network that Transport Canada established with rail operators in early 2004 has been expanded to include major high volume urban transit operators across the country. Regular communication is maintained through this network, including the sharing of information and best practices.

The document also reports that Transport Canada worked with federal and industry experts to complete a Threat Risk Assessment of the rail and high volume urban transit sector. Transport Canada is working with its partners to complete two important strategic initiatives to lay out policy and priority directions for enhancing transportation security in Canada: an overall rail and urban transit security policy review; and a broad, multi-modal “Transportation Security Strategy” to guide long-range planning and priority setting.

The government of Canada has worked closely with the provinces, and intelligence and law enforcement authorities, to monitor and assess road security-related concerns. According to the report, action has been taken to enhance security at strategic locations such as bridges and tunnels, and to increase awareness of security in the transportation of dangerous goods.

**The Transportation of Goods Regulations SOR/86-1064,**<sup>21</sup> also known as the Transportation of Goods Regulations, defines the following regulations for the transport of goods:

- If, as the result of an accident or other unforeseen event occurring in the course of transporting goods, a seal is damaged or broken, a container or conveyance is damaged or disabled and to preserve the goods they must be removed there from, or a conveyance is damaged or disabled and can no longer be used to transport the goods,
- The person transporting the goods shall forthwith report the accident or event, as the case may be, to the chief officer of customs for the area or place in which the accident or event occurred or the damage, break or disablement was discovered or to the nearest detachment of the Royal Canadian Mounted Police.
- In any case described, the goods being transported shall not be transferred to another conveyance or container unless the person who transports the transferred goods or who

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<sup>21</sup> The Transportation of Goods Regulations Sor/86-1064, <http://www.tc.gc.ca/tdg/clear/tofc.htm>

causes those goods to be transported complies with the requirements of these regulations; and in the case of goods transferred from a conveyance or container that is sealed, the transfer is conducted in the presence of an officer or a police officer who has been requested by the chief officer of customs to supervise the transfer, and the conveyance or container to which the goods are transferred is sealed with a seal issued or approved by the President.

Regarding records of the materials being transport, the regulations state:

- Every person who transports goods into Canada, or transports within Canada goods that have been imported but have not been released, shall keep all invoices, bills, accounts and statements, or a copy thereof, relating to the transportation of the goods
- In addition to these records, the owner or consignee of the goods shall keep the following records:
  - Records relating to goods delivered to the place of business;
  - Records relating to goods that are not delivered to the place of business because;
  - Names and addresses of terminals and warehouses owned or operated by the CSA carrier;
  - Lists of the CSA carrier's equipment used to transport the eligible goods, usage logs and maintenance records for that equipment, and records indicating whether that equipment is owned or leased;
  - The names of commercial drivers that the carrier employs who hold an authorization under those Regulations; and
  - The names and addresses of persons who own and operate transportation equipment and who have a written contract to provide their equipment exclusively to the CSA carrier.
- The records referred to shall be kept for a period of three years commencing on the 1st day of January of the calendar year following the calendar year during which the goods were transported.

## Croatia

The *Screening Report: Croatia*<sup>22</sup> indicates that Croatia has started to align its legislation concerning the requirements for tires, weights and dimensions of vehicles, roadworthiness tests, safety belts, and registration documents for vehicles. The report makes no direct statement concerning the level of harmonization of transport security with EU standards. However, the report does evaluate transport security in a variety of different areas.

Tunnel safety has not been incorporated into the national legislation. In order to follow the latest technical requirements, Croatia applied the Austrian guidelines for tunnel design (RVS) during the previous middle-term period and will continue to apply them in the future.

With respect to the transport of dangerous goods, the *Screening Report* notes that Croatia accepted the European agreement concerning the international carriage of dangerous goods (ADR). It also passed the *Transport Of Hazardous Substances Act*<sup>23</sup>, which includes a wide range of provisions that are close to EU requirements.

According to the *Screening Report* Croatia has not yet aligned its legislation to Directive 96/49 related to the transport of dangerous substances by rail. Nonetheless the country is party to the Intergovernmental Organization for International Carriage by Rail (COTIF) convention and applies the RID regulation as stated in the Transport of Hazardous Substances Act.

Croatia considers the *Railway Safety Act* (OG 77/92, 26/93 and 100/04) to be partially aligned with Directive 2004/49 on Safety on the Community's railways. A new Railway Safety Act is under preparation to ensure full alignment by accession.

The Railway Safety Act provides for the establishment of regulatory structures, investigation methods and transparency in safety regulation. However, the independent bodies required by the relevant EU Directive have not yet been established, in particular concerning the national safety authority and the accident investigation body. Specific rules also apply regarding the requirements for executive staff, notably in terms of professional competence, health and rest periods, according to the Railway Safety Act and the ordinance OG 32/94 on executive staff in railway traffic.

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<sup>22</sup> Screening Report: Croatia,

[http://ec.europa.eu/enlargement/pdf/croatia/screening\\_reports/screening\\_report\\_14\\_hr\\_internet\\_en.pdf](http://ec.europa.eu/enlargement/pdf/croatia/screening_reports/screening_report_14_hr_internet_en.pdf)

<sup>23</sup> OG 97/93 – 34/95 and 151/03

## Cyprus

***The Republic Of Cyprus Implementation Of U.N.S.C. Resolution 1540 (2004) National Report***<sup>24</sup> states that not only does the current legislation withdraw support from any non-state entity that attempts to develop, acquire, or transport nuclear, chemical or biological materials, but that it requires the states to enforce laws prohibiting any attempts to do so and grants the states the power to enforce such measures.<sup>25</sup> This includes measures and regulations for transporting such materials and for border controls.<sup>26</sup> According to the report, the Republic of Cyprus has enacted national rules and regulations for compliance with commitments and obligations.

Finally, the report advises that in accordance with their national legal authorities and legislation, and consistent with international law, states must to take cooperative action to prevent illicit trafficking in nuclear, chemical or biological weapons, their means of delivery, and related materials.

***Memo/06/323, Commission Activities in the Fight against Terrorism, of the European Commission's Representation in Cyprus,***<sup>27</sup> comprises a list of proposed legislation for Cyprus, including:

- The Proposal for a Council directive on the supervision and control of shipments of radioactive waste and spent fuel.
- The Proposal for a directive on security in the inter-modal transportation chain (transportation of goods).
- The Commission proposal for the 7th RTD Framework Program, which includes Security Research as a new theme.

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<sup>24</sup> The Republic of Cyprus Implementation of U.N.S.C. Resolution 1540 (2004) National Report, [http://www.mfa.gov.cy/mfa/mfa2006.nsf/All/0E877CF1D6EEF847C22571D3002546A3/\\$file/Cyprus%20Report%20-%20Res%201540.pdf](http://www.mfa.gov.cy/mfa/mfa2006.nsf/All/0E877CF1D6EEF847C22571D3002546A3/$file/Cyprus%20Report%20-%20Res%201540.pdf)

<sup>25</sup> Obligations under NPT, CTBW and CWC are enacted in Cyprus law. Law No. 3(III)/1998 establishes the offence of the development, production, supply, stockpiling, use and transfer of chemical weapons. Maximum penalty is 15 years. There are a number of measures in force to establish effective domestic controls including the Radiation Inspections and Control Service in the Department of Labour Inspection which operates a licensing system for ionizing radiation sources and relevant practices, including nuclear material. Strict controls are also provided for under the Dangerous Substances and Major Hazards legislation of the Department of Labour Inspection. For the more effective control of these materials the Department of Labour Inspection is in close collaboration with the Customs and Excise Department.

<sup>26</sup> The control and checks on the exportation of sensitive goods is the responsibility of the Department of Customs and Excise. Customs officers are empowered by Customs legislation to check whether the goods to be exported are subjected to an export license and to verify that it corresponds to the goods that are to be exported. The legal basis for the enforcement of import and export control is Customs Code Law No. 94(I) of 2004 together with other national legislation providing for prohibitions and restrictions on the import and export of sensitive goods. In addition to the existing mechanisms and in order to exercise more effective controls in the movement of certain goods a Special Anti-smuggling Team was set up in July 2002 by the Customs and Excise Department at Limassol Port.

<sup>27</sup> The European Commission's Representation in Cyprus, <http://www.delcyp.cec.eu.int/en/news/060911b.htm>



Security Research is composed of vertical priorities and transversal priorities:

- *Vertical priorities*
  - Protection against terrorism and crime: delivering technology solutions for threat awareness, detection, prevention, identification, protection, neutralization and containment of effects of terrorist attacks and organized crime.
  - Security of infrastructures and utilities: analyzing and securing existing and future public and private critical/networked infrastructure (e.g. in transport, energy, ICT), systems and services (including financial and administrative services).
  - Border security: focusing on technologies and capabilities to enhance the effectiveness and efficiency of all systems, equipment, tools and processes required for improving the security of Europe's land and coastal borders, including border control and surveillance issues.
  
- *Transversal priorities*
  - Security Systems Integration and Interoperability.
  - Technologies to enhance interoperability of systems, equipment, services and processes.
  - Organization, protection of confidentiality and integrity of information, traceability of transactions, and processing.
  - Security and Society.
  - Socioeconomic aspects related to crime, perception of security, ethics, privacy, and society.
  - Foresight, safeguarding of privacy and liberties, vulnerabilities, new threats, management and impact assessment of consequences.
  - Security Research Coordination and Structuring Coordination of security research efforts, development of synergies (civil/security/defense), legal conditions, and use of infrastructures.

The report also includes commentary on legislation and the desire to participate in a more international dimension. These include:

- Promoting the implementation of relevant international norms and legal instruments through targeted technical assistance, political dialogue and co-operation in international and regional organizations.
- Actions taken to combat terrorism are balanced against the need to protect individual rights and freedoms. Support for the United Nations, including regular contacts and meetings with UN bodies, particularly the Counter-Terrorism Committee (CTC), the Counter-Terrorism Executive Directorate (CTED), the 1267 Sanctions Committee and UNODC (UN Office for the fight against Drugs and Crime).

- Action in favour of the adoption and implementation of UN instruments, support for development of a comprehensive UN Convention against Terrorism and a global counter-terrorism strategy. Working with international and regional organizations.
- Develop technical assistance. The Community provides counter-terrorism related assistance to help countries implement UNSCR 1373 (2001), which is handled from within regular Community assistance programs.

The report notes that counter-terrorism is a key element of political dialogue and counter-terrorism clauses are included in agreements with third countries.

## Czech Republic

The *Security Strategy of the Czech Republic*<sup>28</sup> posted on the government website states that the Czech Republic coordinates its security policy with NATO and that it helps develop the common foreign and security policies of the European Union. This policy document also affirms the country's preoccupation with containing acts of terrorism and controlling the proliferation of weapons of mass destruction.

The Czech government policy is preventive. Described as a pre-emptive action, the focus is to identify and prevent any threat to security before it can develop into an attack on civil or public targets. One aspect of this policy is to minimize the Czech Republic's economic dependence on supplies from economically or politically unstable regions, where threats to transport security are greater. To do so, the government aims to:

- Diversify the sources and transport routes.
- To pursue industrial, energy and raw material policies that would reduce energy and raw material consumption in the Czech economy.
- To minimize the economic impacts of delays in raw material supplies.
- To support the development of the defense industry.

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<sup>28</sup> Security Strategy of the Czech Republic, <http://www.czech.cz/en/czech-republic/politics/international-relations/foreign-policy/security-strategy-of-the-czech-republic/>

## Denmark

Denmark wishes to achieve the highest possible level of security within transport. To do so, it has passed a variety of legislations to ensure the safety of transport infrastructure. These laws include regulations requiring or allowing that:

- All railway organizations must have clearance from the Danish government regarding their infrastructure to make sure it conforms to Danish and international security standards.
- Only a select number of people are to be approved to operate Danish trains.
- The *Trafikministern* (Traffic Minister) is permitted to discontinue any railway organization deemed unfit to continue due to a lack of conformity to Danish security standards and measures.
- The *Trafikministern* is permitted to alter laws concerning transport procedures and concerning the goods being transported.
- Railway companies must satisfy security standards and regulations stipulated by the law.
- All personnel placed within the organization's key positions concerning security/safety must have appropriate qualifications.

## Finland

Legislation in Finland addresses a variety of transport security issues.

*The Government Decree of the Safety Advisor for the Transport of Dangerous Goods by Rail and Road*<sup>29</sup> provides for the post of a safety advisor, whose responsibilities include verifying that operators implement a feasible security plan. Responsibilities also include regulation and training of employees as well as providing for any incidents occurring during the transport of dangerous goods. As such, an overseer is appointed with the authority to monitor transport security of the operating company and anticipate possible issues on a case-by-case evaluation.

*The Act on the Transport of Dangerous Goods*<sup>30</sup> was enacted to prevent and avert any damage or hazard that may affect the transport of dangerous goods. It states that parties directly involved with the transport of dangerous goods should be responsible for their safety and security. Carriers should ensure all vehicles are sufficiently staffed and that vehicles used for transport of dangerous materials be in good condition. Personnel must be adequately trained and evaluated on competence, and drivers must attain driving certificates in compliance with transport regulations. For each shipment containing dangerous goods, documents must be prepared for inspection, detailing the nature of the goods being transported and the danger involved in their transport.

Supply chain security is also addressed by the Act and providing for the government to establish provisions and regulations for dangerous goods' storage, although no provisions were located by the time of this report's creation.

Other decrees cover certain aspects of transport security indirectly:

- **The Government Decree of Transport of Dangerous Goods by Road**<sup>31</sup> is notable for addressing routing restrictions in transport.
- **The Government Decree of Transport of Dangerous Goods by Road of 2002**<sup>32</sup> and **the Government Decree of Transport of Dangerous Goods by Rail**<sup>33</sup> require specific training of those transporting dangerous materials.
- **The Decree on a Driving Certificate of Vehicles Carrying Dangerous Goods**<sup>34</sup> requires drivers to attain an ADR certificate prior to operation of any vehicle transporting dangerous goods.

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<sup>29</sup> The Decree on a Driving Certificate of Vehicles Carrying Dangerous Goods, <http://www.finlex.fi/fi/laki/kaannokset/1998/en19981112.pdf>

<sup>30</sup> Act on Transport of Dangerous Goods, <http://www.finlex.fi/fi/laki/kaannokset/1994/en19940719.pdf>

<sup>31</sup> The Government Decree of Transport of Dangerous Goods by Road, <http://www.finlex.fi/fi/laki/kaannokset/2002/en20020194.pdf>

<sup>32</sup> The Government Decree of Transport of Dangerous Goods by Road of 2002, <http://www.finlex.fi/fi/laki/kaannokset/2002/en20020277.pdf>

<sup>33</sup> The Government Decree of Transport of Dangerous Goods by Rail, <http://www.finlex.fi/fi/laki/kaannokset/2002/en20020195.pdf>

<sup>34</sup> The Decree on a Driving Certificate of Vehicles Carrying Dangerous Goods

## Germany

*The Vertragsbedingungen für den Güterkraftverkehrs- und Logistikunternehmer*<sup>35</sup> declares the sender of any dangerous good to be responsible for the correct and valid documentation for the shipment as well as for ensuring regulations are adhered to. Violation of transport policies is subject to extreme fines. Those responsible for implementation are especially concerned.

*The Verordnung über den grenzüberschreitenden Güterkraftverkehr und den Kabotageverkehr*<sup>36</sup> makes no note on security.

*The Straßenverkehrsgesetz*<sup>37</sup> further elaborates on procedures for transport. It stresses the suitability of machinery used in transport and the need for appropriate personnel.

*The Güterkraftverkehrsgesetz*<sup>38</sup> stresses again the need for adequate documentation and authorization. It requires that certification verifying fulfilment of safety, technical and environmental protocols be maintained with the transporter during the transport. This document must be produced upon demand.

*The Gesetz über die Beförderung gefährlicher Güter*<sup>39</sup> extends this demand for adequate paperwork for shipments of dangerous goods, stating that if the documentation is not produced, the transport can be delayed until the documents are produced, or until it can be demonstrated that the shipment satisfies the appropriate security and safety requirements. The law also states that regulations should be clearly explained by the appropriate authorities.

Finally, the department of transport is given additional authority to supervise shipments and transport regulations. *The Beschlussempfehlung und Bericht des Ausschusses für Verkehr, Bau und Stadtentwicklung of 2006*<sup>40</sup> provides for a Rail safety advisor, who is to inform the appropriate authorities of safety and security issues in the railway infrastructure.

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<sup>35</sup> The Vertragsbedingungen Für Den Güterkraftverkehrs- Und Logistikunternehmer, <http://www.transportrecht.org/dokumente/VBGL.pdf>

<sup>36</sup> Verordnung Über Den Grenzüberschreitenden Güterkraftverkehr Und Den Kabotageverkehr, [http://www.transportrecht.org/dokumente/KabotageVO\\_04.pdf](http://www.transportrecht.org/dokumente/KabotageVO_04.pdf)

<sup>37</sup> Straßenverkehrsgesetz, <http://bundesrecht.juris.de/bundesrecht/stvg/gesamt.pdf>

<sup>38</sup> Güterkraftverkehrsgesetz, [http://www.transportrecht.org/dokumente/GueKG%209\\_04\\_01.pdf](http://www.transportrecht.org/dokumente/GueKG%209_04_01.pdf)

<sup>39</sup> Gesetz Über Die Beförderung Gefährlicher Güter, <http://www.transportrecht.org/dokumente/GGBefG02.pdf>

<sup>40</sup> Beschlussempfehlung Und Bericht Des Ausschusses Für Verkehr, Bau Und Stadtentwicklung of 2006, <http://www.bundestag.de/ausschuesse/a15/berichte/16-3554.pdf>

## Greece

*The Presidential Decree No. 158*,<sup>41</sup> which aligns Greek legislation with Directive 2004/51/EC of the European Parliament, concerns the development of communal railways and links Greek rail infrastructure to EU railway systems. Under this decree, all railway undertakings shall have access to tracks and supply of services, in the terminals and ports linked to rail activity, in a non-discriminatory and transparent manner.

The decree further stipulates that any railway undertaking engaged in rail transport services shall conclude the necessary administrative, technical and financial agreements with the infrastructure managers of the railway infrastructure used. Security provisions would thus be a requirement under this Act, as rail transport from Greece to an EU zone must adhere to EU standards.

*The Nuclear Legislation In OECD Countries: Regulatory and Institutional Framework for Nuclear Activities for Greece*<sup>42</sup> states that the transport of nuclear materials is regulated by the OECD.<sup>43</sup>

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<sup>41</sup> Presidential Decree No 158, <http://ec.europa.eu/transport/rail/countries/el/doc/el-2004-51-en.pdf>

<sup>42</sup> The Nuclear Legislation in O.E.C.D. Countries: Regulatory and Institutional Framework for Nuclear Activities for Greece, <http://www.nea.fr/html/law/legislation/greece.pdf>

<sup>43</sup> Organization for Economic Co-operation and Development

## **Hungary**

The ECMT seminar of 1996 produced an evaluation of *Privatization and Transport Regulation in Hungary*,<sup>44</sup> which indicates that Hungary's transport police focused on quotas of licenses, road connections, and "favourable conditions". Operators' licenses were granted on the basis of professional reliability, competence, and financial solvency. Security concerns in this document were minor.

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<sup>44</sup> Privatization and Transport Regulation in Hungary, <http://www.gksoft.com/govt/en/hu.html>



## **Ireland**

It appears that transport regulations are largely left to the individual companies handling the transport of goods.

Ireland employs the RID and ADR regulations for its domestic and international road regulations.

## Israel

The *Order on Movement and Travel*,<sup>45</sup> dealing with the transport of Palestinians in Israeli vehicles, was the only legal source located for Israel land transport security. The order states:

...an Israeli will not transport in an Israeli vehicle within the area a person who is not Israeli, except for according to a permit given to him or given to the person who is not Israeli by a military commander or someone empowered by him to do so.

The remainder of the order outlines exceptions given to those who have obtained the correct permit or those who are authorized to operate a bus, in which Palestinians are to be transported. Enforcement is entrusted to the Israeli army, which is given extensive authority in enforcing the act.

Documents concerning transport of dangerous goods by ship were also found. However, they related to transport security by significantly defining the acceptable transport containers, as well as regulations for loading and unloading from vessels. Security of the transport chain at one end is thus thoroughly addressed. Diagrams were included for the container specifications, as well as a division between explosive-transporting containers and non-explosive transporting containers.

It is worth noting that the *Local Outline Plan of Jerusalem*,<sup>46</sup> produced in 2000, is largely void of any mention of transport security, although it attempts to address the infrastructure as a whole.

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<sup>45</sup> Order on Movement and Travel (Restriction of Travel in Israeli Vehicle),  
<http://www.yesh-din.org/site/images/Military%20order%20-%20eng.pdf>

<sup>46</sup> Local Outline Plan of Jerusalem,  
[http://www.pcc-jer.org/arabic/Publication/jerusalem\\_master\\_plan/engchapt/infrastructure\\_16.pdf](http://www.pcc-jer.org/arabic/Publication/jerusalem_master_plan/engchapt/infrastructure_16.pdf)

## Italy

No legislation, initiatives or regulations concerning specific inland transport security issues could be located for Italy, although general guidelines were found as discussed below.

Three documents are of special note concerning Italian inland transport security:

1. *Una proposta di articolazione dei Piani della Sicurezza Stradale Urbana*<sup>47</sup> discusses urban transport security. It proposes a system in which national agencies work closely with both provincial and communal offices. The coordination would permit a national strategy that could meet the specific needs of smaller regions. In addition, the local authority would be split into a department of the director and a department of implementation, the former dealing with financing and agenda, and the latter with actual implementation of transport security. These agencies, in coordination with the national agency, would address the overall national transport security needs.

2. The second document of note is *Le linee guida al Piano Nazionale della Sicurezza*<sup>48</sup>, published in 2000. This document outlines the general guidelines to a national security policy, with many of its recommendations addressing issues of the transport sector. The general guidelines are divided into the following categories<sup>49</sup>:

- Creation of an environment of road security.
- Support of activities to prevent, control, and repress behaviour that threatens road security.
- Strengthening of frameworks to reduce the effect of incidents.

Other transport specific issues:

- Enhanced levels of security for vehicles;
- Utilization of the registry office for incidents;
- Enhanced control of transport of dangerous materials;
- Insurance of adherence to regulations;
- Introduction of revised regulations for transport (safety and security).

Issues relating to infrastructure and traffic regulation:

- Clearer elaboration of regulations;
- Improved flow of information;
- Incentives for adherence and enhancement of sector;
- Other suggestions similar to above.

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<sup>47</sup> Una Proposta Di Articolazione Dei Piani Della Sicurezza Stradale Urbana,  
[http://www.infrastrutturetrasporti.it/page/standard/mop\\_all.php?p\\_id=00724&PHPSESSID=8418b17cb80667d7198cac41d1b33fe4](http://www.infrastrutturetrasporti.it/page/standard/mop_all.php?p_id=00724&PHPSESSID=8418b17cb80667d7198cac41d1b33fe4)

<sup>48</sup> Le Linee Guida Al Piano Nazionale Della Sicurezza,  
[http://www.infrastrutturetrasporti.it/page/standard/mop\\_all.php?p\\_id=00596&PHPSESSID=54f848c0062c196243852b554385b29d](http://www.infrastrutturetrasporti.it/page/standard/mop_all.php?p_id=00596&PHPSESSID=54f848c0062c196243852b554385b29d)

<sup>49</sup> Unofficial translation from the Italian by the UNECE Secretariat

## Latvia

The „*Par bīstamo kravu pārvadājumu koordinēšanas, uzraudzības, drošības un aizsardzības jautājumu risināšanu*”<sup>50</sup> is a policy document adopted by the Latvian Cabinet of Ministers on dangerous goods transport coordination, monitoring, safety and security issues.

It reflects the current responsibilities of different institutions, underlining that there is no single policy at the state level and no coordination mechanism among all those institutions. The document also points out the risk of potential abuse of dangerous goods by terrorists, making security aspect more and more important. Finally, it mentions that Sweden, Netherlands, Germany, Norway, Belgium, France, Finland and Poland all have such coordination centres. They are responsible for the elaboration of legal and technical requirements for inland surface transportation of dangerous goods.

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<sup>50</sup> Par bīstamo kravu pārvadājumu koordinēšanas, uzraudzības, drošības un aizsardzības jautājumu risināšanu, <http://ppd.mk.gov.lv/ui/DocumentContent.aspx?ID=4472>

## Liechtenstein

*The Vertrag zwischen dem Fürstentum Liechtenstein, der Schweizerischen Eidgenossenschaft und der Republik Österreich über die grenzüberschreitende Zusammenarbeit der Sicherheits- und Zollbehörden*<sup>51</sup> emphasizes supply chain security. Specifically, it encourages greater control of illegal weapons, stolen merchandise, and money laundering. The report suggests greater controls at the country borders, especially of containers and goods originating from non-EU.

*The Verordnung vom 25. April 1995 über das Amt für Handel und Transport*<sup>52</sup> includes the responsibilities of the Bureau of Transport and Goods, such as the development of regulations for inland transport, regulation of documentation of goods being transported, evaluation of the transport supply chain, and evaluation of the inland transport situation for Liechtenstein.

*The Verordnung vom 3. März 1998 über den Transport gefährlicher Güter auf der Strasse (VTGGS)*<sup>53</sup> establishes that the RID guidelines are to be utilized for international rail transport, the CSC regulations are to be employed for international container transport, and the IBC guidelines for intermediate bulk container transport. Also, the ADR regulations are instituted for road transport. This order requires companies to take responsibility for the safety and security of their inland transport operations and demands that all incidents occurring during transport be reported to the associated agency. Regulation is left to the local police for enforcement.

*The Gesetz vom 22. Juni 2006 über die Zulassung als Strassentransportunternehmen und die grenzüberschreitenden Personen und Gütertransporte auf der Strasse (Strassentransportgesetz; STG)*<sup>54</sup> requires companies involved in transport to strictly enforce established regulations.

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<sup>51</sup> The Vertrag Zwischen Dem Fürstentum Liechtenstein, Der Schweizerischen Eidgenossenschaft Und Der Republik Österreich Über Die Grenzüberschreitende Zusammenarbeit Der Sicherheits- Und Zollbehörden, [http://www.gesetze.ch/sr/0.360.163.1/0.360.163.1\\_000.htm](http://www.gesetze.ch/sr/0.360.163.1/0.360.163.1_000.htm)

<sup>52</sup> The Verordnung Vom 25. April 1995 Über Das Amt Für Handel Und Transport, [http://www.gesetze.li/get\\_pdf.jsp?PDF=1995112.pdf](http://www.gesetze.li/get_pdf.jsp?PDF=1995112.pdf)

<sup>53</sup> The Verordnung Vom 3. März 1998 Über Den Transport Gefährlicher Güter Auf Der Strasse (Vtggs), [http://www.gesetze.li/get\\_pdf.jsp?PDF=1998057.pdf](http://www.gesetze.li/get_pdf.jsp?PDF=1998057.pdf)

<sup>54</sup> The Gesetz Vom 22. Juni 2006 Über Die Zulassung Als Strassentransportunternehmen Und Die Grenzüberschreitenden Personen Und Gütertransporte Auf Der Strasse (Strassentransportgesetz; Stg), [http://www.gesetze.li/get\\_pdf.jsp?PDF=2006185.pdf](http://www.gesetze.li/get_pdf.jsp?PDF=2006185.pdf)

## Luxembourg

*The Loi du 24 décembre 1999 relative aux conseillers à la sécurité pour le transport par route, par rail ou par voie navigable de marchandises dangereuses*<sup>55</sup> addresses numerous issues of inland transport security. Most notably, it provides a legislative basis for the creation of a security advisor. This advisor is responsible for facilitating the transport of dangerous materials according to regulations and to ensure conditions for optimal security. The post of security advisor shall be maintained as a permanent position within the company (and not as an external source of expertise), and the nominee shall report directly to the head of the company. Only candidates who have attained the necessary qualifications can be authorized to work with the transport of dangerous materials as security advisor.

The law further outlines the responsibilities of the security advisor, summarized as follows:

- To verify and review the regulations utilized in the transport of dangerous materials.
- To provide advice to the company, to be considered before making decisions on acts concerning dangerous materials.
- To enact emergency procedures concerning dangerous materials when necessary.
- To evaluate the risks involved with the transport of dangerous materials.
- To verify personnel and staff working for a company transporting dangerous materials.

Finally, the law outlines the certification of the security advisor and how that certification is to proceed.

*The Règlement grand-ducal du 31 janvier 2003 sur les transports par route de marchandises dangereuses, modifié par celui du 3 mars 2004*<sup>56</sup> harmonizes the classification of dangerous materials in Luxembourg with those of the United Nations. The law also specifies that documentation concerning the goods must be maintained with any dangerous materials shipment; that documentation must be in the language of the conductor; and that any report of accident must be made in either French or German. ADR standards are the minimum regulations of safety and security for corporations involved in transport. Finally, the law outlines the responsibilities of the transporter and the receiver of the shipment.

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<sup>55</sup> The Loi Du 24 Décembre 1999 Relative Aux Conseillers À La Sécurité Pour Le Transport Par Route, Par Rail Ou Par Voie Navigable De Marchandises Dangereuses,  
[http://www.legilux.public.lu/leg/textescoordonnes/codes/code\\_route/MARCHANDISES\\_DANGEREUSES.pdf](http://www.legilux.public.lu/leg/textescoordonnes/codes/code_route/MARCHANDISES_DANGEREUSES.pdf)

<sup>56</sup> The Règlement Grand-Ducal Du 31 Janvier 2003 Sur Les Transports Par Route De Marchandises Dangereuses, Modifié Par Celui Du 3 Mars 2004, <http://www.snpgl.lu/CDR/Rg31012003.pdf>

## Malta

An evaluation of a variety of Maltese legislative instruments showed that transport security is not emphasized in the country's transport policy.

The *Malta Transport Authority Annual Report*<sup>57</sup> states that the ADR regulations were adopted in 2005. No other reference to transport security is made in the document.

*The Cargo Clearance and Transport Act*<sup>58</sup> refers to regulations on cargo transport and customs, but no specific reference to security is made. Licensing of personnel is addressed, however.

*The Malta Transport Authority Act* provides for the creation of the Malta Transport Authority. The Act specifies that the agency has authority over the regulation, management, safety and control of roads, and to traffic and the transport of persons and goods. No other reference to transport security is made.

*The Public Transport (Regulation of Employment) Act*<sup>59</sup> makes no reference to transport security.

*The Public Procurement Of Entities Operating In The Water, Energy, Transport And Postal Services Sectors Regulations*<sup>60</sup>, a policy dealing with the acquisition of certain transport related entities, provides for security in so far as declaring that contracts requiring security measures, or having to do with security regulations, are excluded from the document's regulations. No other reference to transport security is made.

The *Traffic Regulation Ordinance* makes no reference to security of transport lines.

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<sup>57</sup> Malta Transport Authority Annual Report, <http://www.maltatransport.com/en/upannualreports/2006annualreport.pdf>

<sup>58</sup> Act on Transport of Dangerous Goods

<sup>59</sup> The Government Decree of Transport of Dangerous Goods by Road of 2002

<sup>60</sup> The Government Decree of Transport of Dangerous Goods by Rail

**Monaco**

*Loi n° 1.264 du 23 décembre 2002 relative aux activités privées de protection des personnes et des biens*,<sup>61</sup> a document that is indirectly related to transport security, authorizes those in charge of security of private property to be armed.

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<sup>61</sup> Loi N° 1.264 Du 23 Décembre 2002 Relative Aux Activités Privées De Protection Des Personnes Et Des Biens,  
<http://www.monaco.gouv.mc/Dataweb/Jourmon.nsf/966e69337756d51ac12568c40037f872/8bd3b2fea02f279cc1256caa0057ac15!OpenDocument&Highlight=2,transport,sécurité>



**Montenegro**

No legislation concerning transport security regulations, initiative or legislation could be located.

## **Norway**

As with the other Scandinavian countries, Norway conforms to international conventions, including United Nations regulations and the EU standards and regulations. Norwegian law defines regulations and procedures in railway transportation, ensuring adequate security measures in order to maximise the level of security on all Norwegian railroads. These regulations include:

- Systematic investigations into the railway system to make sure security measures are handled appropriately.
- Applying thorough screening processes to individuals who seek positions in the railway system that are crucial to its security.
- Risk assessments by companies after any change in their system, which could influence accident levels.
- Clear security rules available for all personnel.
- Yearly reports created by railway companies for the Government, illustrating their future aims, possible failures in their security measures/system, and internal assessments.
- Railway companies must create enforcement entities for their security measures.

## Poland

Poland has witnessed a decline in the reliance on inland modes of transport; as recorded by the report *Transport Situation In Poland In 2005*.<sup>62</sup> The report notes a variety of obstacles to transport development, including low levels of road transport safety, inefficiency in road administration, obsolete and underdeveloped transport infrastructure, inefficient rail transport, and an old transport fleet.

The *National Security Strategy Of The Republic Of Poland*<sup>63</sup> report addresses inland transport security indirectly. Poland, in attempts to maintain strong ties with its neighbouring states, is developing a number of logistics centres throughout the country. The impact of these on transport security is unknown. The document also conveys an aspiration for a better communications system, including an efficient and secure government information infrastructure. Such an information infrastructure will likely be of great benefit to transport security.

The *National Strategy* document further elaborates on security by acknowledging the lack of legal regulations for the handling of dangerous goods. However, it asserts that the Polish penal law addresses activities threatening inland transport security.<sup>64</sup>

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<sup>62</sup> Transport Situation in Poland in 2005, <http://www.unece.org/trans/doc/transsitdocs/2005poland.pdf>

<sup>63</sup> National Security Strategy of the Republic of Poland, <http://merln.ndu.edu/whitepapers/Poland-2003.pdf>

<sup>64</sup> Penal Code of the Republic of Poland of 6th June 1997

## Portugal

The *Intervenção sobre infra-estruturas de Transportes*<sup>65</sup> allocates 53 million Euros to a new technological plan which includes video surveillance, inter-modality facilitation of the transport infrastructure, and security improvement.

The report of the **Congresso Nacional do Transporte Ferroviário**<sup>66</sup> describes current policy as focusing on the elevation of rail transport security as well as interoperability with rail systems in the EU system.

The *Comunicado do Conselho de Ministros de 27 de Maio de 2003*,<sup>67</sup> emphasizes the need to harmonize and enhance the quality of existing legislation concerning rail transport.

The document *Apresentação das Orientações Estratégicas para o Sector Ferroviário*<sup>68</sup> identifies the need to raise levels of security, efficiency and punctuality of rail transport. Increased rail transport security can be achieved through the enhancement of administrative, technical and operational foundations.

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<sup>65</sup> Intervenção Sobre Infra-Estruturas De Transportes,  
[http://www.portugal.gov.pt/portal/pt/governos/governos\\_constitucionais/gc17/ministerios/moptc/comunicacao/intervencoes/20050706\\_moptc\\_int\\_set\\_infraestruturas\\_transportes.htm](http://www.portugal.gov.pt/portal/pt/governos/governos_constitucionais/gc17/ministerios/moptc/comunicacao/intervencoes/20050706_moptc_int_set_infraestruturas_transportes.htm)

<sup>66</sup> Congresso Nacional Do Transporte Ferroviário,  
[http://www.portugal.gov.pt/portal/pt/governos/governos\\_constitucionais/gc17/ministerios/moptc/comunicacao/intervencoes/20061109\\_moptc\\_int\\_set\\_transporte\\_ferroviano.htm](http://www.portugal.gov.pt/portal/pt/governos/governos_constitucionais/gc17/ministerios/moptc/comunicacao/intervencoes/20061109_moptc_int_set_transporte_ferroviano.htm)

<sup>67</sup> Comunicado Do Conselho De Ministros De 27 De Maio De 2003,  
[http://www.portugal.gov.pt/portal/pt/governos/governos\\_constitucionais/lho\\_de\\_ministros/comunicados\\_e\\_conferencias\\_de\\_imprensa/20030527.htm](http://www.portugal.gov.pt/portal/pt/governos/governos_constitucionais/lho_de_ministros/comunicados_e_conferencias_de_imprensa/20030527.htm)

<sup>68</sup> Apresentação Das Orientações Estratégicas Para O Sector Ferroviário,  
[http://www.portugal.gov.pt/portal/pt/governos/governos\\_constitucionais/gc17/ministerios/moptc/comunicacao/intervencoes/20061028\\_moptc\\_int\\_set\\_estrategia\\_ferroviana.htm](http://www.portugal.gov.pt/portal/pt/governos/governos_constitucionais/gc17/ministerios/moptc/comunicacao/intervencoes/20061028_moptc_int_set_estrategia_ferroviana.htm)

## Romania

*The Emergency Ordinance of July 7, 1998*<sup>69</sup> provides for the reorganization of Romanian railways in an attempt to align Romanian rail procedures and technology with the European rail system in terms of compatibility and interoperability. According to this document, security is assigned to the various rail companies involved in transport. In addition to complying with various rail regulations, the companies must organize their own security and order structures, in accordance with the law.

*The National Security Strategy of Romania of 2005*<sup>70</sup> considers possible security threats to the transport framework, and stating that: “Romania reasserts its willingness to participate, alongside the international community, in the fight against international terrorism and it will permanently decide on the most appropriate means to counter it.”

This policy document then outlines a series of factors which might compromise domestic security, including:

- Prevailing economic, financial, and social problems generated by prolonged transition and delayed structural reforms
- Increased corruption and mismanagement of public resources, resulting in deeper social inequities and underground economy proliferation
- Inefficient responses of the state institutions to the acute stage reached by economic crime and the disturbance of public order and citizen safety
- Non-observance of environmental norms in industrial facilities’ operations, spurring the likelihood of ecological disasters, natural catastrophes and environmental degradations occurring
- Disparities in the development of the country’s regions
- Shortcomings in complying with NATO commitments
- Migration of specialists from various technological domains, a phenomenon that affects the development potential of Romanian society

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<sup>69</sup> The Emergency Ordinance of July 7, 1998,  
[http://GOVERNMENT%20EMERGENCY%20ORDINANCE%20No.%2012%20/1998%20\(r1\)](http://GOVERNMENT%20EMERGENCY%20ORDINANCE%20No.%2012%20/1998%20(r1))

<sup>70</sup> The Official National Security Strategy of Romania of 2005,  
<http://merln.ndu.edu/whitepapers/RomaniaNationalSecurity.pdf>

## Russian Federation

The Federal "*Law on Transport Safety*"<sup>71</sup> was adopted on 9 February 2007 and will enter into force on 14 August 2007. The law deals with:

- Evaluation of vehicle and transport infrastructure vulnerability to illegal actions
- Categorization of vehicles and infrastructure objects
- Security levels: listing of those levels and procedures of announcement of those levels to be established by the Government of Russian Federation
- Establishment and implementation of safety/security plans
- Working restrictions for certain persons to work in the fields that are directly related with transport safety/security. The Government of Russian Federation shall establish the list of professions that "are directly related with transport safety/security"
- Establishing a common database on transport safety/security

The "*Concept Paper on Transport Safety in the Russian Federation*"<sup>72</sup>, of the Ministry of Transport's Policy Document:

- Describes transport infrastructure and its safety/security as a part of national safety/security and stability, including general national interests; economic development; social issues; domestic stability; ecological safety; military power; and international political influence.
- Defines transport safety/security, or "warning about (preventing) terrorism in transport", in five systems:
  - a) A system warning about potential criminal activities and terrorism;
  - b) A system warning about natural disasters and industrial catastrophes;
  - c) A system aimed at preventing or minimizing material and moral damage resulting from criminal activities or emergencies;
  - d) A system aimed at improving ecological safety during transportation;
  - e) A system aimed at reaching national safety goals in the transport sector.

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<sup>71</sup> Law on Transport Safety, <http://transbez.com/officially/laws/transportafety-law.html>

<sup>72</sup> Concept Paper on Transport Safety in the Russian Federation, <http://transbez.com/officially/programs/transbez-part1.html>

- Identifies main threats:
  - a) Terrorist and diversion activities (stealing vehicles, explosive attacks to railway stations);
  - b) Other illegal activities (putting various objects on railroads, damaging railroad construction, illegal blocking of airports and motorways);
  - c) Criminal attacks towards passengers;
  - d) Criminal attacks towards goods;
  - e) Emergencies caused by various reasons: technical condition of transport systems, violations of in-use instructions and natural factors.
    - Defines the character of those threats:
      - a) Social threat (related to human behaviour and activities);
      - b) Technical threats (unsatisfactory technical condition);
      - c) Natural threats (flood, earthquake, hurricane).
- Identifies "international" and "domestic" threats
- Describes further activities that are necessary in order to improve transport security/safety:
  - a) Elaboration and adoption of necessary legal acts;
  - b) Carrying out of special theoretical and practical analysis (economical, technical, legal, administrative, psychological);
  - c) Emphasize the link between transport security/safety and national security interests;
  - d) Creation of special public funds (like in the US, Canada and Western European countries).

## **Serbia**

Serbia's transport security system is aligned with EU and UN Member States in the transport of dangerous goods. Serbia also participates in the Proliferation Security Initiative set forth by the United States.

*Short-term Measures*<sup>73</sup> were located for "Saving the Rails" in the region, an attempt to revitalize the nation's rail infrastructure in the years 2001-2002. Through these Measures, a national department of transportation was created, providing further regulatory control over the rail transport industry. Further training in "quality control systems" for rail infrastructure is intended. Also notable is the suggestion that regulations be consolidated and made more readily available to a wider circle of experts. It remains uncertain if this has been undertaken.

Serbia's description of their border control<sup>74</sup> suggests that certain locations need attention to bring infrastructure to desired levels of functionality, particularly on the border of former Yugoslav republics. Another suggestion was for clearly defined codes of rights for entrants and border guards. Other locations have better maintained infrastructure with facilitated border management.

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<sup>73</sup> Short Term Measures, <http://www.invest-in-serbia.com/analysis/rails/rail.htm>

<sup>74</sup> Integrated Border Management Strategy in the Republic of Serbia,  
[http://www.srbija.sr.gov.yu/uploads/documents/strategy\\_border.pdf](http://www.srbija.sr.gov.yu/uploads/documents/strategy_border.pdf)



## Slovak Republic

*The Dangerous Goods Transport Legislation Implementation in The Slovak Republic*<sup>75</sup> reports that as a result of its entry into the EU on 1 May 2004, Slovakia began harmonizing national legislation with EU legislation in the transport of dangerous goods. The legislation does not solve all issues sufficiently but creates the base frame. For example, dispatchers of international transport are forced to solve problems that are not included in the international regulations. The RID and ADR contain only general recommendations and their interpretation is often subject to disputes among control bodies.

The report says many firms are undertaking educational activities, primarily of driver training and for security advisors.

The self defined mission of the Slovak Republic's security policy is to actively exert influence with a view to protect, promote, safeguard, defend and assert the security interests of the country. *The Security Strategy of the Slovak Republic 2005*<sup>76</sup> describes the security interests of the Slovak Republic as:

- Guaranteeing the security of its citizens and protecting their human rights and fundamental freedoms
- Guaranteeing its territorial integrity, sovereignty, inviolability of borders, political independence, and identity
- Developing democracy, rule of law, and a market economy
- Creating prerequisites for sustainable economic, social, environmental, and cultural development
- Strengthening strategic transatlantic partnership, co-guaranteeing the security of its allies
- Improving effectiveness of international organizations of which the Slovak Republic is a member, and supporting NATO and EU enlargement
- Developing good relations and mutually beneficial cooperation with countries of common interests with the Slovak republic
- Contributing to strengthening and expanding freedom and democracy, respect for human rights, rule of law, international law, peace and stability in the world

Article II. The *Security Strategy of the Slovak Republic* declares that the Slovak Republic will adopt measures to reduce the vulnerability of critical infrastructure, in particular, communication systems. The country will jointly formulate and implement the common foreign and security policy of the EU, and it will contribute to the implementation of the European integration objectives.

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<sup>75</sup> Dangerous Goods Transport Legislation Implementation in the Slovak Republic,  
[http://fcio.at/Admin/Docs/04\\_Cermak.pdf](http://fcio.at/Admin/Docs/04_Cermak.pdf)

<sup>76</sup> Security Strategy of the Slovak Republic, <http://www.mosr.sk/dokumenty/eng/sk-security-strategy-2005.pdf>

## **Slovenia**

The only source located was entitled *Measures To Strengthen International Co-Operation In Nuclear, Radiation And Waste Safety*.<sup>77</sup> Under the section “Safety of Transport of Radioactive Materials”, Slovenia was reported as requesting assistance in carrying out an appraisal of its implementation of the transport regulations. In June 1999, a three-man TranSAS team visited Ljubljana and evaluated Slovenia's legislative framework for the transport of radioactive materials and the associated division of responsibilities among competent authorities, approval procedures, and inspection and emergency preparedness arrangements. The Slovene authorities are currently considering the TranSAS team's report.

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<sup>77</sup> Measures to Strengthen International Co-Operation in Nuclear, Radiation and Waste Safety, <http://www.iaea.org/About/Policy/GC/GC43/Documents/gc43-9.html>

## Spain

Spain has a variety of legislative instruments designed to address the transport of dangerous goods and risks associated with that transport. The **Real Decreto 387/1996, De 1 De Marzo**,<sup>78</sup> among other measures, creates a national committee to co-ordinate to address the problems associated with the transport.

The **Directriz Basica De Planificacion De Proteccion Civil Ante El Riesgo De Accidentes En Los Transportes De Mercancias Peligrosas Por Carretera Y Ferrocarril**<sup>79</sup> provides for improved mapping of terrain and waterways, to be used in case of an accident or emergency. It proposes a state plan of action to address risk in transport, but also calls for communities and sub-national government organizations to address the possibility of emergencies arising in their respective geographic locations.

The **Real Decreto 551/2006, De 5 de Mayo**<sup>80</sup> further regulates the operations of transport carriers, concentrating on personnel and technical regulations to be applied to inland transport. It applies the ADR standards to inland transportation of dangerous goods.

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<sup>78</sup> Real Decreto 387/1996, De 1 De Marzo, Por El Que Se Aprueba La Directriz Básica De Planificación De Protección Civil Ante El Riesgo De Accidentes En Los Transportes De Mercancias Peligrosas Por Carretera Y Ferrocarril, [http://noticias.juridicas.com/base\\_datos/Admin/rd387-1996.html](http://noticias.juridicas.com/base_datos/Admin/rd387-1996.html)

<sup>79</sup> Directriz Basica De Planificacion De Proteccion Civil Ante El Riesgo De Accidentes En Los Transportes De Mercancias Peligrosas Por Carretera Y Ferrocarril, <http://www.proteccioncivil.org/centrodoc/legisla/Dbasica6.pdf>

<sup>80</sup> Real Decreto 551 2006, De 5 De Mayo, Por El Que Se Regulan Las Operaciones De Transporte De Mercancias Peligrosas Por Carretera En Territorio Español. (B.O.E N° 113, De 12 De Mayo De 2006), [http://www.proteccioncivil.org/centrodoc/legisla/rd551\\_2006.pdf](http://www.proteccioncivil.org/centrodoc/legisla/rd551_2006.pdf)

## **Sweden**

The Swedish Government addresses the issue of security in its rail system by ensuring each employee is capable of fulfilling their duties in the train system effectively. This approach is especially emphasized for employees responsible for train security and rail infrastructure. Employees are monitored regularly and subject to frequent medical check-ups. The government has legislated that any break or fault in the regulations are to be reported immediately to authorities so that the risk of accidents or danger to either staff or passenger will be diminished. As with regulations for security in trains, the Swedish Government manages the transportation of dangerous goods by focusing on safety standards for employees and the safety of the goods being transported.

Swedish law classifies explosives separately from dangerous goods. Extraordinary requirements include having GPS tracking systems in vehicles transporting explosives, in case they are stolen, and requiring the destruction of any explosive if it is found not to conform to the established guidelines for explosive cargo.

## Switzerland

A postulate concerning the **Transport Of Dangerous Materials**<sup>81</sup> available through the Swiss Parliamentary web site reaffirms Switzerland's use of the ADR and RID regulations, as well as the deployment of the UN model regulations for transport security. This document also states that laws and regulations are under continuous review and revision process. Another document from the Swiss Parliamentary site concerning the **Transport Of Dangerous Goods**<sup>82</sup> reveals that the cantons are responsible for any disasters relating to inland transport. Commentary relating to tunnel security is also included.

The *International CIIP Handbook*<sup>83</sup> discusses critical sectors of security in Switzerland, including transport. It describes a security policy report of 2000, in which the Swiss Federal Council recognizes the CIP<sup>84</sup>/CIIP as a goal of its security policy. The Swiss Government report stated, "The federal council's primary objective regarding security of this infrastructure is to maintain Switzerland's ability to decide and to act, and to create the conditions supporting the functioning of the Swiss 'Information Society'." An attempt to locate the report itself was unsuccessful.

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<sup>81</sup> 86.164 - Postulat. Transport Gefährlicher Materialien,  
[http://www.parlament.ch/afs/data/d/gesch/1986/d\\_gesch\\_19860164\\_002.htm](http://www.parlament.ch/afs/data/d/gesch/1986/d_gesch_19860164_002.htm)

<sup>82</sup> Einfache Anfrage. Transport Gefährlicher Güter,  
[http://www.parlament.ch/afs/data/d/gesch/1986/d\\_gesch\\_19860729\\_002.htm](http://www.parlament.ch/afs/data/d/gesch/1986/d_gesch_19860729_002.htm)

<sup>83</sup> International Ciip Handbook, [http://cms.isn.ch/public/docs/doc\\_454\\_290\\_en.pdf](http://cms.isn.ch/public/docs/doc_454_290_en.pdf)

<sup>84</sup> Critical Infrastructure Protection

## Turkey

Turkey has addressed road transport security largely through legislation. The *National Report On The Implementation Of The United Nations Programme Of Action To Prevent, Combat And Eradicate The Illicit Trade In Small Arms And Light Weapons In All Its Aspects April 2005 for Turkey*<sup>85</sup> notes that the country instituted procedures aimed at maximizing transport security for small arms and light weapons. According to the existing legislation, providers and recipients of SALW and related confidential information, documents or equipments, should take necessary physical security measures during transportation. Transportation plans must be approved by the Ministry of National Defense. For security reasons, small arms and light weapons and related ammunition are transported separately. At the national level, customs officials and security forces assume an important role in implementing the Program of Action through institutional information exchange, training schemes of personnel and records of all small arms and light weapons transport transactions.

The *Land Transportation Sector In Turkey Of 2004*<sup>86</sup> report gives a short list of current legislations and regulations. Through these regulations:

- Vehicles to be used for road transport were determined and detailed
- Areas for specialization were determined in transportation sector
- Rights, responsibilities and obligations of transportation sector personnel were determined
- Rights, responsibilities and obligations of transport companies were determined
- Rights, responsibilities and obligations of consumers and users were determined.

The report further notes that new legislation that has been introduced markedly improved the inland transport system:

- A good reputation, professional competence and financial standing are now the criteria for access to the sector, as opposed to the previous system when there were no such clear criteria.
- The *Road Transport Law Nr. 4925* stipulates penalties for certain infringements, whereas previously there was no legal support for applying administrative penalties.
- Statistical data suitable for EU harmonization processes will be compiled and made available.
- The rights of passengers and individual customers are now presented in legislative form.
- Complete laws relating to goods and passenger terminals have been established.

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<sup>85</sup> National Report on the Implementation of the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects April 2005 for Turkey, <http://disarmament2.un.org/cab/nationalreports/2005/Turkey%20SALW%20%202005.pdf>

<sup>86</sup> Land Transportation Sector in Turkey, <http://www.cemt.org/topics/road/Istanbul04/DericiE.pdf>

*The Review of the Transport Situation in UNECE Member Countries and of Emerging Development Trends of 2007*<sup>87</sup> gives more information into the transport sector in Turkey. It notes that renovation of transport infrastructure has been a priority lately. Although initiatives to strengthen road regulations were introduced, restoration works on border crossings, facility and increased speed of passage, and track maintenance have been the most recent focus for the transport sector.

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<sup>87</sup> Review of the Transport Situation in UNECE Member Countries and of Emerging Development Trends of 2007,  
<http://www.unece.org/trans/doc/2007/itc/ECE-TRANS-2007-05e.doc>

<sup>88</sup> Turkey Is Still Unfit to Join the EU– Commission Report 8 November 2006,  
<http://www.lobbyforcyprus.org/statements/eucommissionnov06/eucommission06.htm>

## United Kingdom

The *Statutory Instrument 1994 No. 570: The Channel Tunnel (Security) Order 1994*<sup>89</sup> defines security violations in the Channel Tunnel in strict terms. It spells out what constitutes as hijacking of a Channel Tunnel train, seizing control of any other part of the Channel Tunnel system, damaging any part of it, or placing items on the train that will endanger its operation, each of which carries a maximum penalty of imprisonment for life.

The *Regulatory Impact Assessment concerning The Carriage of Dangerous Goods and the Use of Transportable Pressure Equipment (Amendment) Regulations 2005, Security requirements*<sup>90</sup> elaborates on other aspects of security policy. It establishes that new security measures will require carriers to be “properly identified”, that transit sites containing dangerous goods are to be made secure, and that security training must be provided to personnel.

The regulatory assessment discusses three possible options with respect to the security of dangerous goods in carriage. The first is to introduce a voluntary Code of Practice, based on the ADR and RID security provisions, designed to reduce the risks associated with the carriage of dangerous goods. This, the assessment notes, has already been done. The second option is to implement the ADR and RID provisions. The third option is to do nothing. Option two is recommended by the assessment.

With regards to dangerous goods, certain general provisions are outlined:

- All persons engaged in the carriage of dangerous goods shall consider the security set out in this chapter commensurate with their responsibilities.
- Dangerous goods shall only be offered for carriage to carriers that have been appropriately identified.
- Areas within temporary storage terminals, temporary storage sites, vehicle depots, berthing areas and marshalling yards used for the temporary storage during carriage of dangerous goods shall be properly secured, well lit and, where possible and appropriate, not accessible to the general public.
- Each crewmember of a vehicle carrying dangerous goods shall carry with them means of identification, which includes their photograph, during carriage.
- Safety inspections shall cover appropriate security measures.
- The competent authority shall maintain up-to-date registers of all valid training certificates for drivers issued by it or by any recognized organization.
- The training and the refresher training shall also include elements of security awareness.
- Security awareness training shall address the nature of security risks, recognizing security

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<sup>89</sup> Statutory Instrument 1994 No. 570: The Channel Tunnel (Security) Order 1994,  
[http://www.opsi.gov.uk/si/si1994/Uksi\\_19940570\\_en\\_1.htm#end](http://www.opsi.gov.uk/si/si1994/Uksi_19940570_en_1.htm#end)

<sup>90</sup> Regulatory Impact Assessment Concerning the Carriage of Dangerous Goods and the Use of Transportable Pressure Equipment (Amendment) Regulations 2005, Security Requirements,  
<http://www.dft.gov.uk/consultations/aboutria/ria/carriageofdangerousgoodsandu5506> (open in Acrobat)



risks, methods to address and reduce such risks and actions to be taken in the event of a security breach. It shall include awareness of security plans (if appropriate) commensurate with the responsibilities and duties of individuals and their part in implementing security plans.

- "High consequence dangerous goods" are those which have the potential for misuse in a terrorist incident and which may, as a result, produce serious consequences such as mass casualties or mass destruction.
- Carriers, consignors and other participants engaged in the carriage of high consequence dangerous goods shall adopt, implement and comply with a security plan that addresses at least the elements specified below:
  - Specific allocation of responsibilities for security to competent and qualified persons with appropriate authority to carry out their responsibilities;
  - Records of dangerous goods or types of dangerous goods concerned;
  - Review of current operations and assessment of security risks, including any stops necessary to the transport
  - Operation, the keeping of dangerous goods in the vehicle, tank or container before, during and after the journey and the intermediate temporary storage of dangerous goods during the course of inter-modal transfer or trans-shipment between units;
  - Clear statement of measures that are to be taken to reduce security risks, commensurate with the responsibilities and duties of the participant, including:
    - Training;
    - Security policies (e.g. Response to higher threat conditions, new employee/employment verification, etc);
    - Operating practices (e.g. Choice/use of routes where known, access to dangerous goods in intermediate temporary storage proximity to vulnerable infrastructure etc);
    - Equipment and resources that are to be used to reduce security risks;
  - Effective and up to date procedures for reporting and dealing with security threats, breaches of security or security incidents;
  - Procedures for the evaluation and testing of security plans and procedures for periodic review and update of the plans;
  - Measures to ensure the physical security of transport information contained in the security plan; and
  - Measures to ensure that the distribution of information relating to the transport operation contained in the security plan is limited to those who need to have it. Such measures shall not preclude the provision of information required elsewhere in ADR.
  - Devices, equipment or arrangements to prevent the theft of the vehicle carrying high consequence dangerous or its cargo, shall be applied and measures taken to ensure that these are operational and effective at all times. The application of these protective measures shall not jeopardize emergency response.

*The Railways And Transport Safety Act 2003*<sup>91</sup> notably creates a police authority for the British Transport Police Force, transferring responsibility for the BTP from the Strategic Rail Authority ("SRA") and existing BTP Committee to the new police authority. It also gives the BTP a wholly statutory, rather than part-statutory and part-contractual, jurisdiction over the railways.

*The Transport Security Directorate (TRANSEC) Annual Report to Secretary of State for Transport April 2006 - March 2007*<sup>92</sup> provides for domestic rail and underground security. It states that revised requirements for station operators and new instructions to train operators will be issued. The current work builds on lessons learnt from the 7 July 2005 London bomb attacks and the methods used by international terrorists, whilst also taking into account obvious constraints and practical difficulties in securing an open, mass-transit system like the railways. The report further notes that revised security advice for domestic rail freight carriers has been undertaken, and security guidance to the seven light rail operators has been issued. TRANSEC has continued its close working relationship with the British Transport Police, and has clarified the respective roles and responsibilities of the organizations in countering terrorism through a new document, the high level statement on "the roles of TRANSEC and BTP in countering terrorism;" and through a revised strategic framework document, "counterterrorism policing within the mass transit rail environment".

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<sup>91</sup> The Railways and Transport Safety Act 2003, [http://www.opsi.gov.uk/acts/en2003/ukpgaen\\_20030020\\_en.pdf](http://www.opsi.gov.uk/acts/en2003/ukpgaen_20030020_en.pdf)

<sup>92</sup> Transport Security Directorate (TRANSEC) Annual Report to Secretary of State for Transport April 2006 - March 2007, <http://www.dft.gov.uk/pgr/security/about/transsecannualreport067> (open in Acrobat)

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