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REGULATORY INITIATIVES AT THE INTERNATIONAL LEVEL

Note by the secretariat

This document outlines the existing inland transport security provisions. The provisions solely originate with UNECE international legal instruments in the area of inland transport. In addition, this document provides a status quo description of security related activities at various UNECE transport fora. Both the provisions and security activities are described and categorized according to a working party or sub-committee of the UNECE's Inland Transport Committee.

Working Party on Road Traffic Safety (WP.1)

Driving permits

New provisions concerning national and international driving permits will become mandatory in March 2011. The validity of the international permit will be recognized only if it is presented together with the corresponding domestic permit on the basis of which it has been issued. The new provisions aim at increasing security of international driving permits which have frequently been the subject of fraud.

Registration of vehicles

There have been an unsatisfactory number of vehicles in international traffic using the distinguishing sign of the state of registration. To counter this, the Vienna Convention on Road Traffic has been modified to allow the possibility of incorporating the distinguishing sign into the registration plate (provisions entered into force in March 2006). In the future, WP.1 could introduce provisions concerning the obligation to reinforce the security of registration certificates. In this respect, WP.1 could draw its inspiration from the EU directive 1999/37 (29 April 1999).

Working Party on Road Transport (SC.1)

Infrastructure

In order to increase safety (in particular tunnel safety), Annex 2 of the AGR has been modified (new provisions entered into force in January 2006). These measures may have indirectly enhanced road transport security (particularly sections IV.5; V.4.1; V.4.2; V.4.4).

Professional drivers and heavy vehicles

A draft ECMT-IRU study “Attacks on Drivers of International Heavy Goods Vehicles” has demonstrated the importance of this area. Partly as a result, SC.1 has decided that these safety and security topics should be considered in its work program of 2008-2009. On the basis of the study’s results, recommendations may be introduced into the Consolidated Resolution on Road Transport (R.E.4) in the areas of: awareness of professional drivers, security in parking areas (motorways and border crossings) and vehicles (GPS equipment to detect the location of vehicles, electronic anti-theft system).

The security of passengers is also in the SC.1 program of work for 2008-2009.

Concerning secure parking areas, a draft guideline titled “Light and Heavy Goods Vehicle Parking Security Guidance – Definition of a Safe and Secure Truck Parking Site (SSTPS)” defines many measures that aim at improving security.

Rail transport (SC.2)

At its 2002 session, the Working Party noted that discussions about security issues were taking place in many transport fora such as the European Conference of Ministers of Transport (ECMT), European Union (EU) and International Union of Railways (UIC). Given this background, SC.2 decided to adopt (i) the definition of railway safety as “the socially required level of absence of risk of danger in the rail transport system where risk relates to personal accident, injury or material damage; and (ii) the definition of security in railways: “the protection of human beings, transport means and transport infrastructure against unauthorized and unexpected actions of any kind.

In 2002, the Working Party decided to await the finalization of security related discussions in other international organizations before embarking on new initiatives related to the security of European railway transport. Nevertheless, the Working Party stressed that the question of security and safety provisions for railway tunnels would be closely monitored.

At its 2004 session, the Working Party noted that, within its area of competence, it could contribute towards raising awareness of the importance of security in the railways sector. Nevertheless, the Working Party agreed that, at that time, there was no need to establish an ad hoc expert group which would be entrusted with developing recommendations for security and safety in rail transport.

Working Party on Inland Water Transport (SC.3)

At the October 2005 session of the Working Party on Inland Water Transport, Ukraine proposed to include in the European Agreement on Main Inland Waterways of International Importance (AGN) a new annex IV with provisions aimed at ensuring greater security of inland waterways. The Working Party invited governments to present their proposals on possible contents of Annex IV concerning the protection of the network of E waterways and ports from intentional external influence.

At the fiftieth session of SC.3, the secretariat presented a draft Annex IV to the AGN Agreement entitled "Protection of the network from the intentional external influence". The text was prepared by a consultant, based on the general instructions received from the governments, the discussions held by the Working Party on the Standardization of Technical and Safety Requirements in Inland Navigation (SC.3/WP.3), relevant activities of different international organizations, such as IMO, and the exchange of views that have taken place within UNECE under the item of "transport and security".

The draft was considered by SC.3 in October 2006, as well as by SC.3/WP.3 in June 2007. While no objections were raised, delegations abstained from approving the amendment, seeking to ensure that the new annex IV would not contradict in any way the results of the ongoing discussions about inland transport security in the European Union, within River Commissions and elsewhere. Governments also submitted additional comments on Annex IV.

At its fifty-first session in October 2007, the Working Party taking the note of the newly created Multidisciplinary Group of Experts on Inland Transport Security, asked the secretariat to circulate the draft annex IV to the group to ensure that the AGN provisions coincide with the relevant initiatives led by other competent bodies, such as the EC and IMO.

Draft Annex IV to the European Agreement on Main Inland Waterways of International Importance (AGN)

<http://www.unece.org/trans/conventn/agn.pdf>

Protection of the Network of Inland Waterways of International Importance from the Intentional External Influence

1. Inland waterways used for international shipping and their infrastructure should be adequately protected from intentional external influence that might cause harm to navigation, health and human life as well as to the environment.
2. The Contracting Parties, governmental bodies, local authorities and basin administrations, shipping companies and ports should take effective measures with a view to revealing the threat of, and preventing, the intentional external influence that might cause such harm.
3. The implementation of such measures shall require the development, on request by the Government of a Contracting Party, of relevant security plans for inland waterway infrastructure

and ports that should provide for the security of the above-mentioned objects and of the vessels situated on them.

4. These plans should contain as a minimum:
 - measures designed to prevent unauthorized access to the area of the port through organizing physical protection, installation of barriers, fences and technical means of control;
 - measures designed to prevent weapons or any other dangerous substances intended for use against persons, vessels or ports and the carriage of which is not authorized, from being introduced into the port or on board a vessel;
 - measures designed to supervise and effectively control the shore-based and floating aids to navigation, their sources of energy and other supplies by using mobile means of control and other techniques;
 - procedures for responding to security threats or breaches of security, including provisions for maintaining critical operations of the port or vessel/port interface;
 - measures designed to ensure an effective liaison and coordination between the port authorities and responsible ship's officer and the consistency of security activities of port authorities and crews;
 - procedures for evacuation in case of security threats or breaches of security;
 - duties of port personnel assigned security responsibilities and of other port personnel on security aspects;
 - procedures for interfacing with vessel security activities;
 - procedures for the periodic review of the plan and updating;
 - procedures for reporting security incidents;
 - identification of the port security officer;
 - measures to ensure the security of the information contained in the plan.
5. Port security officers and appropriate port security personnel shall have knowledge and have received training, taking into account the provisions in paragraph 4 above.
6. The port security assessment is an essential and integral part of the process of developing and updating the port security plan. The Government of a Contracting Party within whose territory the port is located shall carry out this assessment. The Contracting Party may authorize a recognized security organization to carry out the security assessment of a specific port.
7. The port security assessment shall be reviewed and updated.

Working Party on the Transport of Perishable Foodstuffs (WP.11)

WP.11 administers the Agreement on the International Carriage of Perishable Foodstuffs and on the Special Equipment to be used for such Carriage (ATP). WP.11 has not addressed security issues as they pertain to crime or the risk of international terrorist attack during the transport of perishable foodstuffs. It is currently working on the securing of ATP documents but this initiative is aimed at making it more difficult to falsify documents that certify that ATP vehicles still retain the necessary refrigerating capacity to ensure food hygiene.

Working Party on the Transport of Dangerous Goods (WP.15)

For transport of dangerous goods, the UN Recommendations on the Transport of Dangerous Goods, Model Regulations, Chapter 1.4 and section 7.2.4 of Chapter 7.2 are relevant.

For international transport by road, rail and inland waterway in Europe (and domestic traffic in the EU), the UN recommendations were considered by WP.15 for ADR, RID, and ADN and the relevant provisions were included, in 2005, in chapter 1.10 of ADR, ADN and RID.

The UN security provisions for transport of dangerous goods have also been included, in 2005, in the International Maritime Dangerous Goods Code and in the ICAO Technical Instructions for the Safe Transport of Dangerous Goods by air.

Since the UN recommendations are the basis for harmonization of international transport by all modes, WP.15, as a matter of principle, is reluctant to consider possible changes that would not have been previously discussed and agreed by the UN/ECOSOC Committee of Experts.

In addition, WP.15 has expressed the view that since security requirements were introduced in ADR for mandatory application only two years ago, not enough experience has been gained so far with their implementation that would justify currently their review.

Working Party on Intermodal Transport and Logistics (WP.24)

In March 2004 and in September 2005 the Working Party considered the issue of "intermodal transport and security" and decided there was no need to embark on new activities in this field at that time.

In view of the arrangements concerning the division of labour between ECMT and UNECE in the field of intermodal transport, ECMT has carried out, on the basis of the 2002 ECMT Ministerial Declaration on Combating Terrorism in Transport, a study on container transport security across modes. This study was finalized in 2004 and the findings were agreed by the ECMT Council of Ministers in Ljubljana in May 2004.

The study highlighted the vulnerability of both inland and maritime container transport. The study focused on maritime containers as they are the most numerous in international trade and are intermodal. The study focused specifically on the potential threat of containers being used by terrorists as a delivery vehicle for chemicals, biological, radiological or nuclear weapons. No new or additional initiatives have since been taken up by the Working Party.

World Forum for Harmonization of Vehicle Regulations (WP.29) and Working Party on General Safety Provisions (GRSG)

Legal framework

The 1958 and 1998 Geneva Agreements - administered by the World Forum for Harmonization of Vehicle Regulations (WP.29) - provide the legal framework for developing vehicle regulations. They are also a basis for harmonizing the existing regulations regarding vehicle safety, environmental pollution, energy saving and anti-theft performance.

WP.29 contributions concerning transport security issues

At its March 2005 session, WP.29 requested the Working Party on General Safety Provisions (GRSG) to advance the development of prescriptions regarding Vehicle Degradation Systems (VDS). The VDS are systems fitted to a vehicle aimed at preventing and restricting the vehicle being driven away during unauthorized use. In the context of transport security, the VDS can prevent the use of stolen vehicles as "car bombs" in explosive attacks.

Development of VDS work at the GRSG

April 2002: GRSG considered a proposal by the United Kingdom to introduce new provisions for vehicle degradation systems, which can be used to immobilize the vehicle in a controlled manner after having being reported as a stolen vehicle.

May 2003: an expert from Germany introduced new provisions for the VDS to be inserted into Regulation No. 97. This new proposal superseded the initial proposal by the UK.

October 2003: GRSG considered an updated proposal by Germany concerning the VDS.

April 2004: GRSG agreed to set up an informal group of experts to develop the proposal further. WP.29 gave its consent in June 2004.

October 2004: GRSG noted concerns about possible consequences of an external access to the vehicle electronic systems and about the incompatibility of the VDS with the 1968 Vienna Convention. The Vienna Convention establishes that "every driver shall at all times be able to control his vehicle". Nevertheless, GRSG agreed that the VDS informal group should continue its work. In the meantime, experts were requested to reflect on "vehicle tracking systems" that could be considered as an alternative to the VDS.

April 2005: an expert from Germany withdrew the VDS proposal because a possibility of remote access to vehicle electronic systems was not acceptable. As the VDS cannot be isolated from other vehicle electronic systems, a remote intervention from the outside could facilitate criminal attacks on the vehicle electronics (such as software viruses) and could lead to malfunctions of the vital vehicle safety and emissions systems for example to the engine, steering controls, braking and stability systems. GRSG agreed that the VDS informal group should continue working to elaborate requirements for "Advanced Vehicle Security Systems (AVSS)".

October 2005: GRSG noted that the VDS informal group was awaiting inputs from the industry concerning vehicle tracking systems.

October 2006: The Chairman of the informal group on AVSS informed GRSG that new information about the VDS was received from Japan, but that the work of the informal group was still suspended, awaiting more inputs from its participants. The GRSG Chairman invited the experts to reflect about vehicle security issues and consider them at its next session in April 2007.

April and October 2007: The secretariat informed GRSG about the decision of the Committee on Inland Transport to create an informal group on Inland Transport Security.

Working Party on Customs Questions affecting Transport (WP.30)

The TIR Convention contains the following security elements:

- access to the TIR system is granted only to transport operators who have been authorized by Customs authorities on the basis of strict criteria laid down in Annex 9, part II. The authorization can be withdrawn if these criteria are no longer fulfilled;
- vehicles performing TIR transports need to be equipped with Customs secure loading units and need to fulfill specific sealing requirements (Annex 2);
- mutual recognition of Customs controls, aimed at reducing check procedures en route to a minimum. In particular, goods should be thoroughly checked at departure and put under Customs seal;
- use of a unique and secure document, the TIR Carnet, which serves as Customs declaration and guarantee up to \$50 thousand per TIR Carnet (Annex 1);

The TIR Carnet contains a number of visible and invisible security elements:

- the opportunity to prescribe time-limits, itineraries and/or escorts in case of transport of high-risk goods;
- establishment of a control system for the termination of TIR transports to facilitate trade and insurers to apply risk management tools in the commercial operation of the TIR system (Annex 10).

The UNECE has established and maintained a database (ITDB) on all transport operators who have been admitted to the TIR system or excluded from the system. The ITDB is accessible on-line for Customs authorities. A mechanism has been introduced (so-called Fraud Report Form) to share information about fraud among Customs authorities.

At present, joint efforts by Customs and trade are undertaken to fully computerize the TIR system with the aim to further enhance global facilitation and provide supply chain security.

The main objective of the computerization is the establishment of an international, centralized database in order to facilitate the secure exchange of data between national Customs systems and the management by Customs of data on guarantees. The availability of TIR related data in an electronic format as advance cargo information at a stage prior to the acceptance of the Customs declaration at the Customs office of departure or the arrival of goods at a Customs office en route or at destination, will allow Customs to develop and apply internationally integrated risk management tools. These activities are carried out in the Informal Ad hoc Expert Group on Conceptual and Technical Aspects of Computerization of the TIR Procedure.

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