

**Economic Commission for Europe**

**Inland Transport Committee**

**Working Party on the Transport of Dangerous Goods**

**2 May 2011**

**Ninetieth session**

Geneva, 3-5 May 2011

Item 3 of the provisional agenda

**Seventy-third session of the inland transport committee**

**Note by the secretariat**

**Outcome of the Inland Transport Committee**

The secretariat reproduces hereafter excerpts from the draft report of the Inland Transport Committee at its seventy-third session.

## X. Round table discussion on “Transport of dangerous goods: Global and regional dimensions” (agenda item 8)

*Documentation:* Informal document No. 3 and Rev.1

27. High-level officials from UNECE countries together with the members of the Inland Transport Committee, representatives from European and international organizations attended the policy-oriented segment (Round table) on “Transport of dangerous goods: Global and regional dimensions” held in the afternoon of 1 March 2011. The Round table aimed to identify policy recommendations on this subject. The agenda of the Round table was circulated as Informal document No. 3 and Rev.1.

28. The Committee endorsed the outcome of the policy-oriented segment (Round table), and agreed that its summary report, in the form of Chair’s conclusions, be annexed to the full report of the session.

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## M. Review of the most important issues related to the transport of dangerous goods

*Documentation:* ST/SG/AC.10/C.3/74 and Corr.1 and Add.1, ST/SG/AC.10/C.3/76, ST/SG/AC.10/C.4/38 and Add.1–3, ST/SG/AC.10/C.4/40, ST/SG/AC.10/38, ECE/TRANS/WP.15/204 and Corr.1 and Add.1, ECE/TRANS/WP.15/206, ECE/TRANS/WP.15/208, ECE/TRANS/WP.15/AC.1/118 and Add.1, ECE/TRANS/WP.15/AC.1/120 and Add.1; ECE/TRANS/WP.15/AC.2/36 and Corr.1, ECE/TRANS/WP.15/AC.2/38, ECE/ADN/9 and Corr.1–2, ECE/ADN/11, ECE/ADN/13, ECE/TRANS/215, ECE/TRANS/220

79. The Committee **noted** that the Economic and Social Council’s Sub-Committee of Experts on the Transport of Dangerous Goods had met from 21 to 30 June 2010 (see report ST/SG/AC.10/C.3/74 and Corr.1 and Add.1) and from 29 November to 7 December 2010 (see report ST/SG/AC.10/C.3/76). The Sub-Committee of Experts on the Globally Harmonized System of Classification and Labelling of Chemicals had met from 30 June to 2 July 2010 (see report ST/SG/AC.10/C.4/38) and from 7 to 9 December 2010 (see report ST/SG/AC.10/C.4/40). Moreover, the Committee of Experts on the Transport of Dangerous Goods and on the Globally Harmonized System of Classification and Labelling of Chemicals held its fifth session on 10 December 2010, considered the work of both sub-committees over the 2009–2010 biennium and adopted recommendations reproduced in addenda 1–3 to its report ST/SG/AC.10/38. These recommendations should be published by the secretariat in 2011, as the seventeenth revised edition of the Recommendations on the Transport of Dangerous Goods, Model Regulations; addendum 1 to the fifth revised edition of the Recommendations on the Transport of Dangerous Goods, Manual of Tests and Criteria; and the fourth revised edition of the Globally Harmonized System of Classification and Labelling of Chemicals.

80. The Committee **noted** that the Joint Meeting of Experts on the Regulations annexed to ADN (ADN Safety Committee) (WP.15/AC.2) and the ADN Administrative Committee held respectively their eighteenth and sixth sessions from 24 to 28 January 2011.

81. The Committee also **noted** that, following the accession by Iceland, there are 47 Contracting Parties to the European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR). The Protocol amending articles 1 (a), 14 (1) and 14 (3) (b) of the ADR, adopted by the Conference of the Contracting Parties on 28 October

1993, has not yet entered into force as not all Contracting Parties to the ADR have become Parties to it. Thirty-three Contracting Parties have done so to date. The Committee urged the Contracting Parties to the ADR that have not done so (Azerbaijan, Belarus, Bosnia and Herzegovina, Croatia, Iceland, Kazakhstan, Malta, Montenegro, Morocco, Serbia, the former Yugoslav Republic of Macedonia, Tunisia, Turkey and Ukraine) to become Contracting Parties to the Protocol amending articles 1 (a), 14 (1) and 14 (3) (b) of the ADR in order to allow the Protocol to come into force.

82. Moreover, the Committee **noted** that, following accession by Poland, Serbia and Switzerland, there are 16 Contracting Parties to the European Agreement concerning the International Carriage of Dangerous Goods by Inland Waterways (ADN).

83. The Committee also **noted** that the draft amendments to Annexes A and B of the ADR adopted in 2008, 2009 and May 2010, as reproduced in ECE/TRANS/WP.15/204 and Corr.1 and Add.1 have been submitted by the Government of Portugal for acceptance by Contracting Parties and have been deemed accepted on 1 October 2010. They entered into force on 1 January 2011, and the secretariat has published accordingly a new "2011" consolidated edition of ADR (ECE/TRANS/215, Vols. I and II).

84. Similarly, draft amendments to the Regulations annexed to ADN adopted in 2008, 2009 and January 2010, as reproduced in ECE/ADN/9 and Corr.1 have been deemed accepted on 1 October 2010 and entered into force on 1 January 2011. Other amendments adopted in August 2010, reproduced in ECE/ADN/9/Corr.2 have also been circulated for acceptance and entered into force on 1 January 2011. The secretariat has published accordingly a new "2011" consolidated edition of ADN (ECE/TRANS/220, Vols. I and II).

85. As regards the discussion that took place at the last session in relation to the legal procedures to be followed for removing the word "European" from the title of ADR (see ECE/TRANS/208, paras. 77–78), the Committee **noted** that the Chair of the Working Party on the Transport of Dangerous Goods (WP.15), in the light of the objection raised by Germany, concluded that the non-objection acceptance method for the amendment of ADR could not be applied, as it presupposed that there would be a consensus among the Contracting Parties.

86. The Committee **noted** that, according to paragraph 1.9.5.3.7 of ADR, restrictions to the passage of vehicles carrying dangerous goods through road tunnels applied by Contracting Parties to ADR must be published officially and made publicly available. Contracting Parties must notify the UNECE secretariat of such restrictions so that the UNECE secretariat may make this information publicly available on its website. The International Federation of Freight Forwarders Associations (FIATA), IRU and the European Chemical Industry Council (CEFIC) informed WP.15 that the failure of many Contracting Parties to do so posed numerous logistical problems. As the authorities responsible for road safety are not necessarily the same as those competent for ADR, the Committee **requested the appropriate administrations of the Contracting Parties to ADR to transmit to the secretariat information concerning restrictions on the passage of vehicles carrying dangerous goods through road tunnels in order to allow the secretariat to make this information public pursuant to paragraph 1.9.5.3.7 of ADR.**

87. The Committee **noted** that the Joint Meeting adopted draft amendments to the common requirements of the Regulation concerning the International Carriage of Dangerous Goods by Rail (RID), ADR and ADN which should come into force on 1 January 2013. The Committee **approved the new rules 38 and 33a of the rules of procedures of the Joint Meeting of the RID Committee of Experts and the Working Party on the Transport of Dangerous Goods (ECE/TRANS/WP.15/AC.1/120, para. 68 and annex III).**

88. The Committee **expressed** its appreciation for the important work carried out in the field of dangerous goods.

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## Annex

### **Round table discussion on “Transport of dangerous goods: Global and regional dimensions” (1 March 2011)**

#### **Chair’s conclusions**

##### **Introduction**

1. The session consisted of presentations by high-level speakers from the Governments of France, Germany, Kazakhstan, Turkey and the United Kingdom, and by representatives of the European Commission, IMO, CCNR, CEFIC, IRU and UIC, followed by a panel discussion involving the speakers and moderated by the secretariat.
2. Discussions showed that transport of dangerous goods remains a subject of deep concern for the fifty-six countries of the UNECE. The mechanisms put in place by the United Nations for regulating the transport of dangerous goods by all modes of transport at global and regional levels are efficient and ensure a high level of safety when effectively implemented by Governments.
3. The UNECE plays a major role in this field, firstly by providing secretariat services to the United Nations Sub-Committee of Experts on the Transport of Dangerous Goods, and secondly by ensuring full implementation of these mechanisms through its own legal instruments, the ADR for road transport and, in cooperation with the CCNR, ADN for inland waterways, as well as the OTIF legal instrument RID for rail. Other organizations, notably IMO for sea transport and the International Civil Aviation Organization (ICAO) for air transport, also contribute to this successful worldwide implementation. As a consequence, a comprehensive and coherent system for regulating the transport of dangerous goods is available to all UNECE countries. If implemented correctly, this system offers a very high level of safety and security during transport and contributes significantly to facilitation of transport between countries that apply the system. This is the case in particular in the European Union, where the system applies not only to international transport but also to domestic transport, and is regularly kept up to date and fully harmonized thanks in particular to the work of WP.15, the RID/ADR/ADN Joint Meeting and the ADN Safety Committee and the RID Committee of Experts.
4. Nevertheless, the round table showed that there are still a number of shortcomings that should be looked into by the UNECE and cooperating organizations.

#### **I. Harmonization**

5. Governments recognize the necessity of multimodal harmonization but consider that harmonization has already been achieved for inland transport, in Europe, in countries which apply UNECE and OTIF legal instruments (RID, ADR and ADN). Nevertheless, there are still countries, parties to these legal instruments, which do not apply the same rules to domestic transport, or have obsolete national regulations. It is highly recommended that

parties to RID, ADR and ADN, which have not yet done so, apply the same requirements to domestic transport of dangerous goods.

6. To facilitate Euro-Asian transport, harmonization of the Agreement on International Goods Transport by Rail (SMGS), annex II (applicable in Central and Eastern Europe and Asia) with RID (applicable in Western and Central Europe, the Middle East and North Africa) would be highly desirable. WP.15, OTIF and OSJD may wish to consider joint procedures or activities, or to strengthen existing mechanisms to accelerate the updating of annex II of SMGS and resolve remaining differences between RID and SMGS, annex II as deemed appropriate.

7. Industry advocates further harmonization between land transport regulations and air or sea transport regulations, including, in the opinion of the IRU, abolishment of RID/ADR tank container provisions on exclusive use of United Nations portable tanks. On the other hand, representatives of Governments stressed that further harmonization between inland transport and maritime and air transport instruments should not jeopardize safety. Some air or sea transport requirements which are more stringent than those for inland transport are justified from the safety standpoint, while certain less stringent provisions for inland transport, which do not affect safety in a land transport context, are to the economic benefit of industry in Europe.

## **II. Accession to legal instruments/implementation/technical assistance**

8. The ADR now counts 47 Contracting Parties, including 45 UNECE countries out of 56, and two non-UNECE countries (Morocco and Tunisia). Some non-UNECE countries in the Middle East, Southern Asia and Latin America also apply some of its provisions to domestic transport. Although an increasing number of non-UNECE countries have expressed an interest in acceding to ADR, the technical regulations are complex and implementation requires the availability of expertise and properly organized administrative structures for the management of such regulations and their enforcement. The Government of Turkey, one of the most recent UNECE acceding countries, explained the difficulties it had faced in the accession/implementation process.

9. The WP.15 could consider the possibility of developing guidelines/recommendations for the establishment of appropriate administrative structures at national level for the proper implementation and enforcement of ADR, so as to facilitate accession and effective implementation by new countries.

10. The Committee or WP.15 may wish to establish a capacity-building strategy in order to coordinate or streamline the various technical cooperation activities that are currently undertaken bilaterally without much coherence. This could be done in cooperation with major donor organizations such as the European Union or NGOs such as the IRU with a view to progressively ensuring the adoption of ADR in UNECE countries which are not yet parties, but also in neighbouring countries in particular in Asia, Africa and the Middle East.

11. Technical assistance would be needed to help UNECE countries with economies in transition and neighbours of UNECE countries to put in place appropriate legislation and administrative structures to join international legal instruments and implement them properly.

### **III. Training**

12. Training, including training of competent authorities, is an important factor of safety and security, and more efforts should be made to ensure the availability of expertise in governmental administrations and the training of all participants in the chain of transport of dangerous goods.

13. All parties to RID, ADR and ADN and especially those which do not yet apply these instruments to domestic transport should be reminded of the importance of the functions of the Dangerous Goods Safety Adviser (DGSA) for improving safety and compliance with the regulations.

14. The attention of the United Nations Sub-Committee of Experts on the Transport of Dangerous Goods, IMO and ICAO should be drawn to the RID/ADR/ADN provisions requiring the involvement of Dangerous Goods Safety Advisers to ensure better compliance with regulations on the transport of dangerous goods and such requirements should be considered in other parts of the world and for maritime and air transport.

15. The WP.15 may wish to cooperate with IMO in order to clarify the training required by the International Maritime Dangerous Goods (IMDG) Code for drivers of road vehicles in port areas or in roll-on-roll-off (RORO) traffic who already possess an ADR driver training certificate.

### **IV. Conclusion**

16. The Round Table provided a very useful opportunity for exchange of information on the global and regional dimensions of the transport of dangerous goods and suggestions for possible further developments and action for better effective harmonization and implementation.

17. It is recommended that relevant authorities of UNECE member States, the Committee itself, WP.15, the RID/ADR/ADN Joint Meeting, the ADN Safety Committee and cooperating organizations consider the outcome of these discussions and take action as deemed relevant and appropriate.

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