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Inland Transport Committee

Working Party on the Transport of Dangerous Goods

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Item 6 (b) of the provisional agenda

Proposal for amendments to Annexes A and B of ADR:

Miscellaneous proposals

Training of drivers for Class 7

Transmitted by the Government of Switzerland¹

Summary

- Executive summary:** Include in ADR a provision for a restricted basic training course limited to Class 7 or to certain Class 7 entries.
- Action to be taken:** Provide an interpretation of the texts which allows for the inclusion of restricted basic training courses limited to Class 7, or create a special provision for Class 7 entries, whereby basic training limited to Class 7 or to certain entries of Class 7 may be approved by the competent authority if it is already given in compliance with other regulations in force.
- Related documents:** Informal document INF.8 of the May 2012 session of WP.15 and ECE/TRANS/WP.15/215

¹ The present document is submitted in accordance with paragraph 1 (c) of the terms of reference of the Working Party, as contained in document ECE/TRANS/WP.15/190/Add.1, which provides a mandate to “develop and update the European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR)”.

Introduction

1. At its May 2012 session, WP.15 considered informal document INF.8, which looked at the possibility of providing for specific training for Class 7 or 1, or for certain UN Numbers in these classes, based on existing texts. Despite the fact that the current wording of ADR does not exclude this possibility, several delegations indicated that, in their view, in accordance with 8.2.1.4, drivers carrying goods of Classes 1 and 7 must hold an appropriate specialization certificate, and that Classes 1 and 7 could not be included in the scope of a restricted basic training course limited to certain dangerous goods or to one or more classes (see ECE/TRANS/WP.15/215, para. 21).
2. Given that INF.8 is only an informal document available in one language, we consider it pertinent to return to this issue. Before taking a decision, WP.15 should consider the specific conditions governing such transport in each country.
3. We would like to address the case of radioactive material only. Transport of radioactive material is governed by other regulations, than transport regulations. In accordance with these regulations specifically applying to radioactive material, persons involved in such transport undergo special training lasting several days, which focuses on the hazards inherent in the products they handle. Therefore, it is important and required by national legislation that they receive extensive training on Class 7 risks.
4. In addition, transport companies require a specific authorization in accordance with national regulations on Class 7, which means international transport cannot be carried out without prior authorization from the countries in which it takes place.
5. For this reason, most of such transport is limited to national transport.
6. As it is longer than an ADR specialization course, and highly specific, the training provided under the legislation on radioactive products far exceeds the requirements of the basic Class 7 specialization training provided under ADR.
7. Until now this type of training has been regulated at the national level and could be documented for the purpose of road checks by entering the words “for national regulations only” on page 4 of the ADR certificate. Since the new-format ADR training certificate was introduced, this entry has rightly been removed.
8. Furthermore, in most countries that undertook to apply Directive 2008/68/EC, the ADR rules are applied at the national level and derogations from common rules are prohibited. As this is probably the situation in many ADR Contracting Parties, it appears necessary to take it into account in ADR in order to limit national exceptions as far as possible.
9. Such specialized training is most useful for those who transport very specific objects which belong, inter alia, to UN Numbers 2915, 2916 and 3332 (e.g. isotope gauges for measuring the thickness of materials on construction sites, devices for measuring humidity) and for those who transport only radioactive products – for hospitals, for example. These drivers carry out Class 7 transport only and no international transport. They receive specific in-depth training on the instruments and objects for which they are responsible. The duration and content of the basic and refresher courses for such specialists in Switzerland are identical and exceed the requirements imposed by ADR. The specific Class 7 training is longer than the ADR Class 7 specialization training. The level of awareness of the risks and the knowledge of transport rules acquired in these courses easily satisfy ADR requirements. As the structure of these courses differs from that of the ADR training because there is no general training provided for other Classes, the scope of application of such training has until now been limited to national transport, which does not conflict with the ADR Class 7 specialization training for international transport.

10. On the 2011 ADR certificate it is no longer possible to indicate that a given training is restricted to national use only, which means that if the principle of a restricted basic training course could not be introduced into ADR, it would necessitate new exceptions to ADR at the national level, in respect of both the format of the certificate and the training itself. Such exceptions are contrary to the objectives set by ADR and by Directive 2008/68/EC.

11. In our view, the time has come to integrate such training in the ADR structure, without affecting transport safety. To this end, the current wording of ADR would need to be interpreted as drafted, i.e. as allowing for specific training consisting of a restricted basic course limited to Class 7 or to certain UN Numbers in Class 7.

12. Although we do not consider it necessary in view of the legal framework under which this training is currently provided, i.e., exclusively for national transport, if other delegations deem it necessary, the scope of application of this rule could be limited by specifying that an ADR certificate valid for Class 7 only shall be limited to national transport, as is already the case in all countries. Given that it derives not from ADR but from each country's regulations on radioactive material, this restriction is not really essential; however, nothing prevents it from being restated in the text of ADR, if necessary. This approach would make it possible to take such training into account in ADR without having to provide for national exceptions outside the ADR framework.

13. As we already mentioned in informal document INF.8 at the previous session, the wording of ADR does not preclude an interpretation whereby restricted basic courses for Class 7 or for certain UN Numbers in Class 7 may be provided and documented in the ADR training certificate (see 8.2.1.2 and 8.2.2.8.1 (c)). For this reason, there is no need to change the wording of ADR to allow specific training of this kind. It would be sufficient for the Working Group to confirm this interpretation, and in that case, the proposal below would not be necessary.

14. However, if in the end it appears necessary to better define the scope of application of this restricted basic training for Class 7, then in view of the quality of this kind of training, and the need for it, we suggest that ADR should define the framework for it by means of a special provision for Class 7 UN Numbers. This provision is based on the existing special provision S11, the only difference being that, in this case, the training would not be specialization training permitting transport of Classes 2 to 9, but rather restricted basic training for Class 7 only.

15. In both these cases (paras. 13 and 14), the ADR certificate will differ from the Class 7 specialization certificate in that it will mention only Class 7 and no other classes. Accordingly, this restricted training will be easy to identify.

16. Delegations who deem it necessary may endorse one of the options in square brackets specifying the scope of national application, although in our view this is redundant for the above-mentioned reasons.

Proposal

17. Add a new special provision DSXXX in chapter 3.3 with the following wording:

“DS XXX

If, according to other regulations applicable in the country of a Contracting Party, a driver has followed equivalent training under a different regime or for a different purpose, covering the subjects defined in 8.2.2.3.5, the competent authority may authorize restricted basic training for Class 7 or for certain dangerous goods in this

class. In this case, the ADR training certificate will mention only Class 7 or the relevant UN Numbers in Class 7, and no other classes [and will be valid only in the country of issuance.][and will be valid only in countries that have recognized this training]”.

Assign DSXXX to UN Numbers 2908 to 2913, 2915 to 29019, 2977, 2978, 3323 to 3333.
