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Item 7 of the provisional agenda

Draft road map on how to set up the administrative structures required for implementation of ADR

Draft road map

Note by the secretariat¹

Introduction

1. At its ninetieth session the Working Party asked the secretariat to draft a road map on how to set up the administrative structures required for implementation of ADR. The road map could serve as a basis for the Working Party's development of recommendations and/or guidelines to facilitate accession to ADR.
2. During the ninety-first session, the secretariat presented a framework for this road map.
3. Delegations that wished to do so were invited to forward to the secretariat any information they considered useful on that subject. The secretariat did not receive additional information. Therefore, the following draft road map is prepared on the basis of the accession steps included in informal document INF.35 at the previous session.
5. Participants in the Working Party are invited to comment on the draft road map proposed, share their own experience and indicate to the secretariat any other item which they think should appear in the Road map.

¹ The present document is submitted in accordance with paragraph 1(d) 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 "Encourage the accession of new countries to the European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR)".

Draft road map on how to set up the administrative structures required for implementation of ADR

Introduction

The European Agreement Concerning the International Carriage of Dangerous Goods by Road (ADR), done in Geneva on 30 September 1957, entered into force on 29 January 1968 in accordance with article 7.

ADR now counts 48 Contracting Parties. The status of ADR may be consulted on the UNECE website at

http://www.unece.org/trans/danger/publi/adr/legalinst_53_tdg_adr.html

States members of the Economic Commission for Europe and States admitted to the Commission in a consultative capacity under paragraph 8 of the Commission's terms of reference (see article 6 (1)) are eligible to become Parties to ADR. States that may participate in certain activities of the Commission pursuant to paragraph 11 of the Commission's terms of reference may also accede to ADR (see article 6 (2)). This latter statement allows any Member of the United Nations not a member of the Commission to accede to ADR.

Accession steps

Establishment of a national coordination Committee under the responsibility of the Prime Minister office or a focal point ministry (e.g. Ministry of Transport)

The regulations on the transport of dangerous goods may be under the responsibilities of different ministries depending on the nature of the goods (chemicals, wastes, medicines, pesticides) and of the purpose of the carriage. The ministries and agencies concerned need to be identified and their representatives should be invited to participate in the process of accession.

A non-exhaustive list of the ministries and agencies usually concerned by the transport of dangerous goods is: Authorities in charge of Transport, Industry, Interior, Environment, Trade, Defence, Finance, Agriculture, Labour, Science, Education, Public Health, Nuclear safety etc.

Representatives of the private sector shall also be involved in the process as representatives of the users of the Regulations: Chemical/Petroleum/Gas industry; Transport sector, Packaging/tank/vehicle manufacturers, etc.

The national coordination Committee headed by the Prime Minister office or a focal point ministry (e.g. Ministry of Transport) gather all the participants involved in the process of accession form.

Bridging the gap

The national coordination Committee will:

- Develop procedures for implementing ADR within the national law. These procedures may include the process for translation of initial text and amendments, checks on road and on sites, interpretation, administrative practices for the enforcement, follow-up of updates, timetable for the entry into force, impact of transitional periods...);
- Establish the necessary implementation bodies;

- Designate the relevant competent authorities or bodies for classification of goods, approval, testing and certification of packagings, tanks and vehicles, training and certification of drivers and dangerous goods safety advisers, etc and make sure they are appropriately trained and have appropriate procedures in place for the agreement they may have to deliver in accordance with ADR. These competencies may be attributed to a single administrative body which may also be in charge of the transport of dangerous goods for all inland modes (road, rail and inland waterway).
- Designate his focal point for national implementation and cooperation with the other States (through the UNECE Working Party on the Transport of Dangerous Goods) taking into account the availability of expertise and resources. This focal point will represent the competent authority in international meetings and should be allowed to take decision on its behalf.

Ruling

The national coordination Committee will develop or adapt exiting national legislation/regulations in line with ADR. The status of existing regulations which may overlap with ADR should be assessed: regulations for national security, waste, tunnels, postal services, transport of dangerous goods in other modes, road safety, traffic restrictions, etc.

The corresponding law for implementation should also be adapted or replaced as appropriate.

Acceding

Once all conditions are met for accession, the procedure for accession should be launched in accordance with national law/constitution in consultation with the Department of international relations and Ministry of Foreign Affairs.

To allow the entry into force of the Protocol of amendment of 1993 amending article 1 (a), articles 14 (1) and article 14 (3) (b) of ADR, it is recommended that the State deposit an instrument of accession to both ADR and the Protocol of 1993.

The Head of State or Government or the Ministry of Foreign Affairs or a person exercising the power of one of these authorities *ad interim* deposit the instrument of accession with the Secretary-General.

Updating

The key article of ADR is the second, which say that apart from some excessively dangerous goods, other dangerous goods may be carried internationally in road vehicles subject to compliance with:

- the conditions laid down in Annex A for the goods in question, in particular as regards their packaging and labelling; and
- the conditions laid down in Annex B, in particular as regards the construction, equipment and operation of the vehicle carrying the goods in question.

Annexes A and B are regularly amended and updated and therefore, a mechanism for follow-up should be put in place. This implies inter alia a regular participation in the meetings of WP.15, information of stakeholders and procedures in place to implement the sets of amendments adopted every two years by the Contracting Parties.

Additional implementation issues

Issuance of certificates and communications to the UNECE secretariat

In some cases, ADR require the issuance of certificates recognized by the other Contracting Parties (certificates of approval of tanks, packagings, agreements of vehicles, certificate for the training of drivers, etc). It may be useful to define an organisation which will enable fast and efficient issuance of these certificates and which should also include appropriate data collection. The issuance of certificates may be under the responsibility of local agencies or authorities. In that case a central authority should ensure harmonization and gather data.

In accordance with ADR, the Contracting Parties shall also notify certain information to the secretariat of the United Nations Economic Commission for Europe which shall bring them to the attention of the Contracting Parties. This includes special agreements, the list of Competent Authorities, restrictions of circulation, recognized technical codes, etc.

Note: The list of information to be notified could be annexed to the final road map.

Procedures for checks

ADR is an Agreement between States, and there is no overall enforcing authority. In practice, highway checks are carried out by Contracting Parties, and non-compliance may then result in legal action by national authorities against offenders in accordance with their domestic legislation. ADR itself does not prescribe any penalties. Procedures for checks and procedures to prevent, identify, monitor and manage cases of infringement should be defined.

Procedures in case of accident

Accidents involving dangerous goods often require the intervention of different emergency responders and procedures of mutual information and coordination should be put in place. Cooperation between neighbouring states should also be studied.

Emergency preparedness can also include participation in programmes related to the application of Intelligent Transport Systems to the tracing and tracking of dangerous goods.

Alignment with other classification/labelling systems

In order to prevent the risk presented by dangerous goods, not only during their transport, but also through the different steps of their life from their production to their use and disposal, countries should have a consistent and appropriate information on the chemicals they import or produce.

The "Globally Harmonized System of Classification and Labelling of Chemicals (GHS)", developed under the auspices of the UNECE, addresses classification of chemicals by types of hazard and proposes harmonized hazard communication elements, including labels and safety data sheets. The classification of dangerous goods in ADR is consistent with the classification proposed in GHS. A step forward could be to implement the GHS classification in the other regulations related to dangerous goods, taking into account that GHS provides a basis for harmonization of rules and regulations on chemicals at national, regional and worldwide level, an important factor also for trade facilitation.