



Economic and Social Council

Distr.: General
18 February 2021

Original: English

Economic Commission for Europe

Inland Transport Committee

Working Party on the Transport of Dangerous Goods

109th session

Geneva, 3-7 May 2021

Item 5 (b) of the provisional agenda

Proposals for amendments to annexes A and B of ADR: miscellaneous proposals

References to competent authorities in Parts 8 and 9

Note by the secretariat*

Introduction

1. At its 107th session, the Working Party considered the references to competent authorities in Parts 8 and 9 of ADR on the basis of document ECE/TRANS/WP.15/2019/23 prepared by the secretariat and requested the secretariat to submit a new document taking into account the comments received.
2. Updated tables are provided in Annex of this document and detailed additional information is given hereafter.

Paragraphs in which “competent authority” is explicitly defined

3. After discussion, the delegations who spoke confirmed that the references to “competent authority” in 8.1.2.2 (c), 8.6.2, 8.6.3.1, 9.1.2.2, 9.1.3.1 and 9.1.3.2 were sufficiently clear and understandable and did not pose a problem of interpretation. In these paragraphs, “competent authority” is explicitly defined either in the paragraphs themselves or in paragraphs cross-referenced.
4. The Working Party may wish to confirm that no amendment is needed to clarify the scope of the term “competent authority” in these paragraphs.
5. 8.6.3.1 refers to 1.7.4.2 which clearly defines how the special arrangement is issued. Some delegations felt that the reference to “competent authority” was superfluous in 8.6.3.1 and could be deleted.

* A/75/6 (Sect.20), para 20.51.

Proposal 1

6. In 8.6.3.1, replace “approved by the competent authority(ies) on the basis of 1.7.4.2” by “in accordance with 1.7.4.2.”.

Mark of compliance with a standard recognized by a competent authority required in 8.1.4.4

7. Different views were expressed as regards the mark of compliance with a standard recognized by a competent authority required in 8.1.4.4. It appeared that different rules applied from one country to another regarding the scope and nature of this mark. Contracting parties are invited to provide comments and examples on how this the marking requirements of 8.1.4.4 are implemented in practice in their countries.

References to competent authority in Chapter 8.2

8. After discussion, the majority agreed that “competent authority” in Chapter 8.2 referred to the competent authority of the country where the training and examinations take place. It was also agreed that the text did not need further clarification. The Working Party may wish to confirm this interpretation.

References to competent authority in Chapter 8.5, additional requirement S1

9. After discussion, the majority agreed that “competent authority” in additional requirement S1 referred to the competent authority of the countries where the carriage, loading or unloading takes place. It was also agreed that the text did not need further clarification. The Working Party may wish to confirm this interpretation.

References to competent authority in Chapter 8.5, S8 and S9

10. Some delegations suggested that “competent authority” in S8 and S9 might refer to local authorities but not to ADR competent authority in the sense of competent for the implementation of ADR requirements. Should the Working Party agree with this interpretation, it might be appropriate to amend the text for clarification.

Proposal 2

11. In S8 and S9 in Chapter 8.5, replace “competent authorities” by “local authorities”.

References to competent authority in Chapter 8.5, S16 and S21

12. The Working Party agreed that “competent authority” in S16 and S21 referred to competent authorities of the countries where the carriage takes place. It was also agreed that the text did not need further clarification. The Working Party may wish to confirm this interpretation.

References to competent authority in 9.1.2.1

13. ECE/TRANS/WP.15/2019/23 contained a proposal to replace the first occurrence of “competent authority” by either “competent authority of the country of approval” or “competent authority of the country of registration”. There was no consensus on this. Some

delegations thought that the addition of “country of registration” could clarify the text. Others noted that, in some countries, registration was not required for some trailers. The Working Party may wish to continue this discussion.

References to competent authority in 9.1.2.2

14. After discussion, it was agreed that this paragraph referred to the competent authority in accordance with UN Regulation No. 105. It was also agreed that the text did not need further clarification. The Working Party may wish to confirm this interpretation.

Annex

Part 8

<i>Paragraph</i>	<i>Text (ADR 2021)</i>	<i>Comments</i>
8.1.2.2	Where the provisions of ADR require the following documents to be drawn up, they shall likewise be carried on the transport unit: [...] (c) A copy of the competent authority approval, when required in 5.4.1.2.1 (c) or (d) or 5.4.1.2.3.3.	5.4.1.2.1 (c) refers to the competent authority defined in P101. No amendment needed.
8.1.4.4	The fire extinguishers shall be subjected to inspections in accordance with authorized national standards in order to guarantee their functional safety. They shall bear a mark of compliance with a standard recognized by a competent authority and a mark indicating the date (month, year) of the next inspection or of the maximum permissible period of use, as applicable.	Contracting parties are invited to provide comments and examples on how this the marking requirements of 8.1.4.4 are implemented in practice in their countries.
8.2.1.1 and references in subsequent paragraphs in Chapter 8.2	Drivers of vehicles carrying dangerous goods shall hold a certificate issued by the competent authority stating that they have participated in a training course and passed an examination on the particular requirements that have to be met during carriage of dangerous goods.	Refers to the competent authority of the country where the training and examinations take place.
Chapter 8.5, additional requirement S1	... (2) Approved official If the national regulations so provide, the competent authority of a country contracting party to ADR may require an approved official to be carried in the vehicle at the carrier's expense. ... (4) Places of loading and unloading	Refers to the competent authority of the countries where the carriage, loading or unloading takes place.

(a) Loading or unloading of substances and articles of Class 1 shall not take place in a public place in a built-up area without special permission from the **competent authorities**;

(b) Loading or unloading of substances and articles of Class 1 in a public space elsewhere than in a built-up area without prior notice thereof having been given to the **competent authorities** shall be prohibited, unless operations are urgently necessary for reasons of safety;

...

(5) Convoys

...

(b) The **competent authority** may lay down rules for the order or composition of convoys.

(6) Supervision of vehicles

...

In addition, these substances and articles, when subject to the provisions in 1.10.3, shall be supervised in accordance with the security plan in 1.10.3.2 at all times to prevent any malicious act and to alert the driver and the **competent authorities** in the event of loss or fire.

Chapter 8.5, S8 and S9

S8 When a transport unit is loaded with more than 2 000 kg of these substances, stops for service requirements shall as far as possible not be made near inhabited places or frequented places. A longer stop near such places is permissible only with the consent of the **competent authorities**.

Refers to local authorities.

S8 During the carriage of these substances, stops for service requirements shall as far as possible not be made near inhabited places or frequented places. A longer stop near such places is permissible only with the consent of the **competent authorities**.

Chapter 8.5, S16 and S21

S16 ... In addition, vehicles carrying more than 500 kg of these substances, when subject to the provisions in 1.10.3, shall be supervised in accordance with the security plan in 1.10.3.2 at all times to prevent any malicious act and to alert the driver and **competent authorities** in the event of loss or fire.

Refers to the competent authority of the countries where the carriage takes place.

S21 ... In addition, these goods, when subject to the provisions in 1.10.3, shall be supervised in accordance with the security plan in 1.10.3.2 at all times to prevent any

malicious act and to alert the driver and the **competent authorities** in the event of loss or fire.

- 8.6.2 The tunnel category, assigned in accordance with 1.9.5.1 by the **competent authority** to a given road tunnel for the purpose of restricting the passage of transport units carrying dangerous goods, shall be indicated as follows by means of road signs and signals:
- 8.6.3.1 ...When ‘(—)’ is indicated instead of one of the tunnel restriction codes, the dangerous goods are not subject to any tunnel restriction; for the dangerous goods assigned to UN Nos. 2919 and 3331, restrictions to the passage through tunnels may, however, be part of the special arrangement approved by the **competent authority(ies)** on the basis of 1.7.4.2.
- Refers to the competent authority of a country contracting Party to ADR responsible for the categorization of tunnels within its jurisdiction in accordance with 1.9.5.1.
- Refers to the competent authority defined in 1.7.4.2. The reference to competent authority is superfluous.
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Part 9

Paragraph	Text (ADR 2021)	Comments
9.1.1.2, definition of ADR approval	"ADR approval" means certification by a competent authority of a Contracting Party that a single vehicle intended for the carriage of dangerous goods satisfies the relevant technical requirements of this Part as an EX/II, EX/III, FL or AT vehicle or as a MEMU.	Defined.
9.1.2.1	<p>... Every complete or completed vehicle shall be subjected to a first inspection by the competent authority in accordance with the administrative requirements of this Chapter to verify conformity with the relevant technical requirements of Chapters 9.2 to 9.8.</p> <p>The competent authority may waive the first inspection for a tractor for a semi-trailer type approved in accordance with 9.1.2.2 for which the manufacturer, his duly accredited representative or a body recognised by the competent authority has issued a declaration of conformity with the requirements of Chapter 9.2...</p>	<p>Of the country of approval / Of the country of registration?</p> <p>No consensus. Further discussion needed.</p>
9.1.2.2	At the request of the vehicle manufacturer or his duly accredited representative, vehicles subject to ADR approval according to 9.1.2.1 may be type-approved by a competent authority . The relevant technical requirements of Chapter 9.2 shall be considered to be fulfilled if a type approval certificate has been issued by a competent authority in accordance with UN Regulation No. 105 ² provided that the technical requirements of the said Regulation correspond to those of Chapter 9.2 of this Part and provided that no modification of the vehicle alters its validity. In the case of MEMUs, the type approval mark affixed in accordance with UN Regulation No. 105 may identify the vehicle as either MEMU or EX/III. MEMUs need only be identified as such on the certificate of approval issued in accordance with 9.1.3.	Competent authority in accordance with UN Regulation No. 105.
9.1.3.1	Conformity of EX/II, EX/III, FL and AT vehicles and MEMUs with the requirements of this Part is subject to a certificate of approval (certificate of ADR approval) ⁴ issued by the competent authority of the country of registration for each vehicle whose inspection yields satisfactory results or has resulted in the issue of a declaration of conformity with the requirements of Chapter 9.2 in accordance with 9.1.2.1.	Defined.
9.1.3.2	A certificate of approval issued by the competent authority of one Contracting Party for a vehicle registered in the territory of that Contracting Party shall be accepted, so long as its validity continues, by the competent authorities of the other Contracting Parties .	Defined.