Application of multilateral agreements

Transmitted by the Government of Sweden

Introduction

Sweden would like to raise some questions related to the applicability of multilateral agreements, and especially M333 (Driver training certificates in accordance with 8.2.2.8.2 of ADR) and M334 (Safety adviser certificates in accordance with 1.8.3.7).

Multilateral agreements are only applicable for carriage within and, when possible, between those countries signatory to the agreement.

Consequently, a driver whose certificate has expired is not authorized to carry dangerous goods within/through a country which has not signed M333. However, we have had queries from companies where the circumstances for the transport are slightly different and might open for different interpretations:

Case 1 – M333

A driver holds an ADR-certificate issued in a country that has not signed M333. The validity of the certificate expired e.g. 1 April 2021.

Question: Is it possible for that driver to continue to carry dangerous goods within countries that has signed M333, if all the conditions stipulated in the agreement are met?

Case 2 – M334

A safety advisor holds a DGSA certificate issued in a country that has not signed M334. The validity of the certificate expired e.g. 1 April 2021. The person is only active as DGSA for a company/companies located in a country that has signed M334.

Question: Is it possible for that DGSA to make use of M334 and, thus, continue to work for companies situated in countries signatory to M334, even though the DGSA works from a country not signatory to M334?

Sweden would appreciate views from other countries on these questions.