

Economic Commission for Europe

Inland Transport Committee

Working Party on the Transport of Dangerous Goods

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

Chapters 8.4/8.5 – Requirements concerning the supervision of vehicles

Transmitted by the Government of Germany

Summary

Executive summary: The requirements concerning the supervision of vehicles in accordance with Chapter 8.4 as well as S1 (6) and S14 to S24 in Chapter 8.5 are redundant, as their protection objective is already covered by the security provisions in accordance with Chapter 1.10.

Action to be taken: Delete Chapter 8.4 as well as S1 (6) and S14 to S24 in Chapter 8.5.

Introduction

1. The requirements of ADR concerning the supervision of vehicles in Chapters 8.4 and 8.5 have existed almost without modifications for several decades and were contained in marginal 10 321 before the restructuring of the code.

2. The security provisions in Chapter 1.10 were incorporated into ADR/RID in 2005 and later also into ADN and are intended to prevent, where possible, the theft or misuse of dangerous goods that may endanger persons, property or the environment. There are comparable provisions for maritime transport (Chapter 1.4 of the IMDG Code) and aviation (Chapter 1.7 of ICAO-TI).

3. Originally, the requirements concerning supervision were only intended to prevent the release of dangerous goods from unsupervised vehicles as a result of damage or manipulation by third parties. In the meantime, however, security provisions have also been added (prevention of malicious acts in S1 (6), S16 and S21 of Chapter 8.5). The 2021 amendments to ADR ultimately abandoned the previous approach, adding express references to the security plan in accordance with 1.10.3.2 to S1 (6), S16 and S21 of Chapter 8.5.

4. Besides general provisions and provisions on training and the identification of persons, Chapter 1.10 also contains requirements for vehicles during transport.

For high consequence dangerous goods and high consequence radioactive material, it stipulates that the security plan has to contain, as a minimum, a review of current operations and assessment of security risks, including any stops necessary to the transport operation, the keeping of dangerous goods in the vehicle, tank or container before, during and after the journey and the intermediate temporary storage of dangerous goods during the course of intermodal transfer or transshipment between units as appropriate (1.10.3.2.2 (c)).

Moreover, the measures that are to be taken to reduce security risks with regard to operating practices regarding the choice and use of routes as well as access to dangerous goods in intermediate temporary storage have to be clearly stated (1.10.3.2.2 (d)).

In accordance with 1.10.3.3, devices, equipment or arrangements to prevent the theft of the vehicle carrying high consequence dangerous goods or high consequence radioactive material and its cargo have to be applied and measures have to be taken to ensure that these are operational and effective at all times. In accordance with the corresponding note, telemetry or other tracking methods or devices should be used where appropriate and when the necessary equipment is already fitted.

5. Thus, the security provisions in accordance with Chapter 1.10 and the requirements concerning supervision in accordance with Chapters 8.4 and 8.5 now essentially have the same protection objective, with the provisions in Chapter 1.10 being better tailored to the current needs as well as considerably more detailed and comprehensive.

Currently, however, the parties involved have to implement both regimes separately. This creates issues in practice, on the sole grounds that the relevant quantity limits in accordance with Chapter 8.4/8.5 refer to the individual vehicle, while the relevant quantity limits in accordance with Chapter 1.10 refer to the entire transport unit, and also because there are different limits for the same goods, so that the two regimes cannot readily be linked.

Within the course of incorporating Chapter 1.10 into ADR, the existing provisions in accordance with Chapters 8.4 and 8.5 were apparently not reviewed. This is the only possible explanation for the failure to eliminate or harmonize the existing redundancies and different quantity limits.

6. The specification of parking facilities in accordance with the order of precedence in (a) to (c) of the second sentence, in conjunction with the third sentence, of 8.4.1 of ADR does not ensure a higher level of safety, given that in the event that more secure parking facilities are not available, less secure parking facilities can be used without first having to check whether there is a more suitable parking facility located within an acceptable distance.

7. Moreover, ADR does not lay down who is responsible for implementing the supervision in accordance with Chapters 8.4 and 8.5. It is also not readily apparent to the driver whether there is a supervision obligation, as no entry to that effect in the transport document is intended. In accordance with 8.2.2.3.2 (o), the vehicle crew must only be made aware of the security issue as part of their training.

Proposal

8. Delete Chapter 8.4 as well as S1 (6) and S14 to S24 in Chapter 8.5.

Justification

9. It is not apparent why road transport should be the only mode of transport for which additional provisions concerning supervision apply in addition to the security provisions in Chapter 1.10, since considerably larger quantities of dangerous goods can be carried by rail or inland waterway vessels, which entails a considerably higher potential for misuse.

Currently, the provisions on security and supervision in ADR have to be implemented separately, causing practical problems and increasing the workload without any discernible added value in terms of safety. This adversely affects acceptance of the provisions and ultimately endangers the achievement of the protection objective.

The proposed deletion would further harmonize ADR with the provisions of RID and ADN and thus result in improved transparency and simplified legislation without reducing safety. On the contrary, this amendment could improve acceptance among the parties involved and thus increase the safety level.

10. If the Working Party in general supports this proposal, Germany could present an official document for the next session. In a prior consultation also the question arose, if regarding loaded MEMUs a supervision requirement (see 8.4.2 ADR) is superfluous or if this requirement should be kept somewhere else. MEMUs are usually loaded with dangerous goods not listed as high consequence dangerous goods, although some units might have special compartments for packaged explosives. Thus, many are not subject to 1.10.3. Maybe 4.7.2.5 could be a place to integrate the supervision requirement which can currently be found in 8.4.2.
