



Economic Commission for Europe**Inland Transport Committee****Working Party on the Transport of Dangerous Goods****111th session**

Geneva, 9–13 May 2022

Item 5 (b) of the provisional agenda

**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. During the session of the Working Party in November, Germany proposed, in informal document INF.15, deleting the supervision requirements in Chapters 8.4 and 8.5 to harmonize the requirements with the existing security provisions in Chapter 1.10. The proposal has been updated taking into account the comments submitted.
2. 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 annexes.
3. 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 International Maritime

* A/76/6 (Sect.20), para 20.76.

Dangerous Goods Code) and aviation (Chapter 1.7 of International Civil Aviation Organization's Technical Instructions for the Safe Transport of Dangerous Goods by Air).

4. 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.

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

6. 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)).

7. 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)).

8. 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.

9. 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.

10. 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 because there are different limits for the same goods, so that the two regimes cannot readily be linked.

11. 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.

12. The specification of parking facilities in accordance with the order of precedence in (a) to (c) of the second sentence of 8.4.1 of ADR, in conjunction with the third sentence, 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.

13. 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.

14. Mobile explosives manufacturing units (MEMUs) are a special case. These vehicles are used to carry substances intended for the manufacture of explosives; hence, it seems appropriate to maintain the supervision requirement stipulated in 8.4.2 for loaded MEMUs, even if loaded MEMUs are, as a general rule, probably also subject to the security provisions for high consequence dangerous goods. It appears appropriate to transfer the existing text to a new sub-section 4.7.2.6.

15. With regard to the deletion of the supervision requirements in Chapter 8.5, delegations have also expressed misgivings because the scope of these requirements is wider than that of the provisions in Chapter 1.10 for high consequence dangerous goods. If the requirements were deleted, certain substances and goods currently subject to supervision would in the future no longer have to be supervised.

16. In this context, however, it also has to be taken into account that exemptions in accordance with 1.1.3.6 may also be used for high consequence dangerous goods, which means that they are no longer subject to the provisions of Chapter 1.10. Here, it was found that there is a discrepancy between the quantity limits in S1(6) of Chapter 8.5 and in the exemption provision in accordance with 1.1.3.6. For example, while class 1.6N is subject to supervisions from a quantity of 50 kg in accordance with S1(6) of Chapter 8.5, in accordance with the exemption provision in 1.1.3.6 the maximum quantity for carriage is 333 kg without applying the provisions of Chapter 1.10 though these are deemed high consequence dangerous goods from a quantity of 0 kg.

17. In consequence, to take these misgivings into account, the exemption options in 1.1.3.6 should be limited. The security provisions of Chapter 1.10 should apply to all goods contained in the list of high consequence dangerous goods in Table 1.10.3.1.2, even when they are carried in accordance with 1.1.3.6. This is also in line with Alternative 1 of the proposal “Requirements on security for dangerous goods carried in accordance with 1.1.3.6” submitted by Sweden and Norway (ECE/TRANS/WP.15/2022/3), which we support. Furthermore, we believe that our proposal should be considered in connection with the proposal made by Sweden and Norway.

Proposal

18. Amend as follows:

Chapter 8.4: Delete 8.4.1 and 8.4.2 and add “8.4.1 and 8.4.2 (*Deleted*)”.

Chapter 8.5: In the first and in the second sentence replace “8.4” by “8.3” and delete S1 (6) and S14 to S24.

Chapter 3.2, table A, column (19): Delete the references to S14, S15, S16, S16, S17, S18, S19, S20, S21, S22, S23 and S24.

Chapter 4.7: insert a new sub-section 4.7.2.6 as follows:

“4.7.2.6 Loaded MEMUs shall be supervised or alternatively may be parked, unsupervised, in a secure depot or secure factory premises. Empty uncleaned MEMUs are exempted from this requirement.”

Consequential Amendments:

Amend the sixth indent in 1.1.3.6.2 to read as follows (text to be inserted underlined, text to be deleted stricken through):

- Part 8 except for

- 8.1.2.1 (a),
- 8.1.4.2 to 8.1.4.5,
- 8.2.3,
- 8.3.3,
- 8.3.4,
- 8.3.5,
- ~~Chapter 8.4,~~
- ~~S1(3) and (6),~~
- ~~S2(1),~~
- ~~S4; S5,~~
- ~~S14 to S21 and~~
- ~~S24 of Chapter 8.5;~~

Chapter 3.2, section 3.2.1, explanatory notes for Column (19): 8.5: In the second sentence replace “8.4” by “8.3” (twice).

Justification

19. 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.

20. 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.

21. 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.
