



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****Requirements on security for dangerous goods carried in
accordance with 1.1.3.6****Transmitted by the Governments of Norway and Sweden****Summary*

Executive summary:	The provisions in 1.1.3.6 of ADR are inconsistent and does not meet the purpose of the provisions in Chapter 1.10.
Action to be taken:	Modify 1.1.3.6 so that the provisions of Chapter 1.10 apply.
Related documents:	Informal document INF.8 (document from Sweden and Norway to the 109 th session) ECE/TRANS/WP.15/253 paras. 56-57 (report from the 109 th session) ECE/TRANS/WP.15/2021/8 (proposal from Sweden and Norway to the 110 th session) + informal documents INF.3 and INF.6 ECE/TRANS/WP.15/255 paras. 55-57 (report from the 110 th session of WP.15)

Introduction

1. At the last session of the Working Party, Norway and Sweden submitted document ECE/TRANS/WP.15/2021/8 (see also correction in informal document INF.6), together with informal document INF.3 (list of concerned substances and articles). Several delegations

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

expressed their principal support for the proposal but wished more time to investigate potential consequences due to the proposed measures.

2. The aim with the proposal from Sweden and Norway is to increase the security level for transport in accordance with 1.1.3.6. For this reason, it is proposed that the security provisions should apply to all substances and articles listed as high consequence dangerous goods from 0 kg, also when carried in accordance with 1.1.3.6.

Background

3. The provisions in ADR are originally developed to increase safety for carriage of dangerous goods. To meet technical developments and other societal factors, the provisions are under a process of constant modification. Since 2005, the regulations have been supplemented by provisions specifically aimed at promoting security (Chapter 1.10). In this chapter, Table 1.10.3.1.2 presents substances and articles that are considered as high consequence dangerous goods, regardless of the amount to be carried.

4. At present, there are two factors that could affect whether a substance covered by Table 1.10.3.1.2 is subject to the provisions in Chapter 1.10 or not:

- (a) The same substances or articles could be packaged into a different classification (e.g., detonators, detonating cords and shaped charges);
- (b) The substance may be transported in accordance with a certain exemption, such as 1.1.3.6.

5. In our view, we do not see that any of these factors have any real effect on the extent to which a particular substance or article would be desirable for criminal use. Naturally, a theft-attractive substance or article does not become any less attractive due to its classification. Neither would a perpetrator care if the goods are carried under a certain provision, such as 1.1.3.6. In relation to factors 1 and 2 above, Sweden and Norway have the following conclusions:

(a) During its 109th session, the Working Party clarified that it does not have the mandate to initiate amendments (neither additions nor deletions) to Table 1.10.3.1.2. The list of high consequence dangerous goods in Table 1.10.3.1.2 is a result of harmonization of ADR with the Model Regulations. The table has been prepared by the Experts of the Sub-committee and, therefore, proposals for amendments to this list should be brought to the attention of the Sub-Committee of Experts on the Transport of Dangerous Goods. From our point of view the packaging issue with explosives is certainly an argument for widening the scope of Class 1 explosives.

2. We believe that when 1.1.3.6 is applied, the current exemption from the security provisions in Chapter 1.10, gives improper signals concerning the security risks connected to high consequence dangerous goods. The provisions of the ADR should be consistent and meet the purpose of the provisions, both in terms of safety and security.

Proposal

Note: Concerning consequential amendments in section 1.10.4, a document has been submitted for the Joint Meeting's March 2022 session, see ECE/TRANS/WP.15/AC.1/2022/14.

Alternative 1

6. Amend the first indent in 1.1.3.6.2 as follows (added text underlined, deleted text strikethrough):

“- Chapter 1.10 except for high consequence dangerous goods (in accordance with 1.10.3.1) ~~Class 1 explosives of UN Nos. 0029, 0030, 0059, 0065, 0073, 0104,~~

~~0237, 0255, 0267, 0288, 0289, 0290, 0360, 0361, 0364, 0365, 0366, 0439, 0440, 0441, 0455, 0456, 0500, 0512 and 0513~~ and except for Class 7 excepted packages of UN Nos. 2910 and 2911 if the activity level exceeds the A₂ value;”

Alternative 2

7. In case the proposal above would not be adopted, we propose a second alternative which only deals with amendments covering Class 1.

8. Amend the first indent in 1.1.3.6.2 as follows (added text underlined, deleted text strikethrough):

“- Chapter 1.10 except for high consequence dangerous goods of Class 1 explosives (in accordance with 1.10.3.1) of UN Nos. ~~0029, 0030, 0059, 0065, 0073, 0104, 0237, 0255, 0267, 0288, 0289, 0290, 0360, 0361, 0364, 0365, 0366, 0439, 0440, 0441, 0455, 0456, 0500, 0512 and 0513~~ and except for Class 7 excepted packages of UN Nos. 2910 and 2911 if the activity level exceeds the A₂ value;”

Justification

9. According to the police, stops or breaks during an ongoing transport is a weak link, and also a quite easy target for criminals to provide themselves with large amounts of products they need. The load from one transport unit can support criminals for a very long time.

10. During this work, we have consulted a number of different actors dealing with Class 1 products. These have consisted of consignors, carriers and manufacturers, representing different kinds of markets. All have expressed a strong interest in increasing the security level for their transports, which also included support for this proposal.

11. Except for specific UN numbers, sub-section 1.1.3.6 exempts application of Chapter 1.10. Thus, when goods are carried in accordance with 1.1.3.6, training is only required in accordance with Chapter 1.3, but with exemption from the last sentence in 1.3.1 addressing security training. This, and the exemption from the other security provisions in Chapter 1.10, gives improper signals concerning the security risks connected to high consequence dangerous goods and are not in line with the security threats we face today. Introducing requirements on security would promote the security awareness and increase the safety of the driver.