

Economic Commission for Europe

Inland Transport Committee

Working Party on the Transport of Dangerous Goods

Joint Meeting of the RID Committee of Experts and the Working Party on the Transport of Dangerous Goods

Geneva, 12-16 September 2022

Item 11 of the provisional agenda

Any other business

15 August 2022

Guidelines for the use of 5.4.0.2 in RID/ADR/ADN – use of the data model in the context of the eFTI-regulation – update on the work in the DTLF forum

Transmitted by the Governments of France and Germany

Introduction

1. The Joint Meeting at its session in autumn 2019 welcomed the work progress of the informal working group on telematics and agreed on the guidelines for the use of paragraph 5.4.0.2 of RID/ADR/ADN. The Joint Meeting also agreed that the guidelines could be applied on a voluntary basis and for each transport mode separately. However, when used, they must be applied consistently. At its February 2020 session the ITC “encouraged the continuation of the work of WP.15 on telematics for the transport of dangerous goods” (see ECE/TRANS/294, para. 30).

2. The electronic dangerous goods transport document will be also subject to another legal framework. The Regulation (EU) 2020/1056 of the European Parliament and of the Council of 15 July 2020 on electronic freight transport information lays down the conditions based on which competent authorities are required to accept regulatory information when that information is made available electronically by the economic operators concerned. The eFTI-regulation applies among others to the information in the dangerous goods transport (TDG) document as laid down in Chapter 5.4 ADR/RID/ADN. It provides a general framework for electronic communication between economic operators and competent authorities, but further delegated and implementing acts are needed for the implementation.

3. A group was established under the umbrella of the DTLF (Digital Transport and Logistics Forum) to assist the Commission in implementing the eFTI-regulation, Subgroup 1 “paperless transport” of the DTLF (DTLF SG 1). The task of the group is to provide advice and technical expertise to the Commission and its services in relation to the preparation of legislative proposals and policy initiatives in the field of digital transport and logistics, as well as in their implementation. This includes in particular coordination and cooperation with Member States and stakeholders.

4. The German, French and Italian delegates and their consulting experts in that field have taken active part in the DTLF forums to represent the Joint Meeting and the interest of TDG competent authorities and the TDG sector. This document aims at informing the Joint Meeting about the latest developments in relation with the guideline as well as connected projects and work at EU level, and some issues that might become very problematic if no correction measures are taken to the direction the work goes in DTLF.

Updated information and issues

5. In the past, the experts from France and Germany have already informed the Joint Meeting on the progress of the work and potential issues related with some developments

that do not take into account the specificity of the situation in the transport of dangerous goods (see informal document INF.6 of the March 2021 session of the Joint Meeting).

6. The experts from France, Germany and Italy have consistently cooperated with the DTLF forums in clarifying the need of TDG competent authorities and the sector. Nevertheless, the causes of fear that the development resulting from the work in that forums will cause eFTI to be in noncompliance with the regulations and the needs of TDG have increased.

7. In particular the following issues have been identified and should be taken very seriously by the Joint Meeting:

a) There seems to be a general attitude to discard the progress made by the Joint Meeting and its considerable work and investment in the Telematics Working Group, in spite of the fact that these efforts, which led to the development of the guidelines agreed on by the Joint Meeting and published on the UNECE website, would allow to ensure perfect compliance with the TDG regulation and satisfy the needs of eFTI.

b) The data model used to describe the eFTI data requirements is based on UNCEFACT work and ignores the regulatory TDG data model that is linked to the guidelines. This model that is under finalization in the context of DTLF is not compliant with the requirements of the transport of dangerous goods regulations (RID/ADR/ADN as annexed to directive 2008/68/EC) concerning the information that must follow each transport of dangerous goods operation. In particular it does not contain all the data that are mandatory, especially the conditional data e.g. linked to some special provisions and some special parts of 5.4. Therefore, the transport document produced on the basis of that data model under eFTI will not be in conformity with the prescriptions of RID/ADR/ADN. Conversely the chosen UNCEFACT model contains some information that are not required by RID/ADR/ADN such as the Flashpoint that is a requirement of International Maritime Dangerous Goods (IMDG) code. It is acceptable to allow some optional information to be in conformity with other regulation in the case of a multimodal journey but that should not lead to generalization of these data for all trip in the case of land transport only. Continuing to work with the development of a non-compliant data model will lead to non-compliant transport document, which, under the directive for roadside checks (95/50/EC), will lead to sanctions and immobilizations.

Furthermore the design approach of the model that is under finalization in the context of DTLF is tailor-made for the needs of commerce and related trade software developers, while the TDG data model is the digital twin of RID/ADR/ADN in the sense of mapping the complex (conditional) regulatory rules and avoiding room for errors.

c) Some recent discussions in the DTLF aim at neglecting remote access to the TDG information such as allowed by connection to TP1 under the guidelines which are equivalent to National Access Points (NAP) in the eFTI context. This is particularly problematic in the context of TDG because it eliminates many use cases linked to the improvement of safety and security in particular the possibility for emergency responders to know the content of a damaged vehicle before arriving at the place of accident. The way it is now developed under eFTI could even be a burden to access some information as is with paper documents for the authorities. It seems that the nature of the TDG information is not emphasized enough as safety and security information where non-conformity and delay could create life threatening situations.

8. The French and German experts will provide additional presentations to illustrate these issues as well as a presentation of a well-functioning system based on the guidelines.

Conclusion

9. Seeing that there are still compliance issues between the results of the work in DTLF and the requirement of the dangerous goods regulations it seems appropriate to provide a clear statement that could take the form of a declaration attached to the report of the current session. The Joint Meeting is invited to decide if it can endorse that declaration drafted as follows:

“Noting the recent development for the establishment of a dematerialized transport document under eFTI regulations and noting that in the work done in the field of dangerous goods some issues in the DTLF such as the adoption of a data model non-compliant to the RID/ADR/ADN regulations and the fact that the potential discarding of the possibility for a remote access to the transport information could create serious safety and security concerning in the transport of dangerous goods, because the TDG information are essential to perform safety and security functions and that wrong or delayed information would create life threatening situations.

When developing a data exchange architecture in relation with the implementing acts and in the context of dangerous goods the Joint Meeting invites the European Commission (DG MOVE D1):

- a) To consider the full use of the guidelines for the use of 5.4.0.2 in RID/ADR/ADN developed by the Joint Meeting that are the best way to ensure full compliance with the RID, ADR and ADN regulations.*
- b) To develop a data model in compliance with the data model developed by the Joint Meeting and linked to the above mentioned guidelines. If the new development under eFTI require a new format the new data model should nevertheless contain all the data contained and their dependencies covered in the data model developed by the Joint Meeting to ensure compliance with the RID, ADR and ADN regulations.*
- c) To consider that the transport of dangerous goods information shall be accessible remotely through national access point (similar to the TPI interfaces described in the guidelines) to improve the delay to access the information for authorities; in particular it has to be noted that the guidelines as provided by the Joint Meeting and applied inter-alia in France and Germany already allow this functionality.*
- d) To consider the establishment of an updating system of the data model in close relation to the Joint Meeting to take into account the biannual evolution of the regulations.”*

10. The Joint Meeting might also consider reconvening the telematics working group to do a final check of the outcome of the DTLF work before starting the elaboration of the delegated and implementing acts concerning the transport of dangerous goods (first quarter of 2023).
