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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**

Bern, 20–24 March 2023

Item 8 of the provisional agenda

Future work**References in RID/ADR/ADN to “competent authority”:
proposed mandate of an informal working group**

Transmitted by the Government of Switzerland* **

Summary

Executive summary:	The Joint Meeting has repeatedly recognized the need to clarify which authorities and countries are covered by the term “competent authority” used in RID/ADR/ADN.
Action to be taken:	The Joint Meeting is invited to establish an informal working group on references to the competent authority and to define its terms of reference on the basis of the proposed draft.
Related documents:	ECE/TRANS/WP.15/AC.1/120, paragraphs 20 and 21; Informal document INF.48 of the autumn 2011 session ECE/TRANS/WP.15/AC.1/124, paragraphs 124 and 125; Informal document INF.21 of the autumn 2018 session ECE/TRANS/WP.15/AC.1/152, paragraphs 57–59; ECE/TRANS/WP.15/2021/5 ECE/TRANS/WP.15/253, paragraphs 36–39

* A/77/6 (Sect.20), para.20.76.

** Circulated by the Intergovernmental Organisation for International Carriage by Rail (OTIF) under the symbol OTIF/RID/RC/2023/17.



Introduction

1. Switzerland would like to invite the RID/ADR/ADN Joint Meeting to resume its discussions on the interpretation and clarification of the term “competent authority” and to set up an informal working group to consider the issue, as decided during the autumn 2018 session.
2. The present document summarizes the work undertaken by the Joint Meeting and the Working Party on the Transport of Dangerous Goods (WP.15). It proposes draft terms of reference for an informal working group and makes suggestions as to how the group should work.

Work of the Joint Meeting

3. In 2010, the Joint Meeting was faced with a question concerning the competence of the authorities of countries not party to RID/ADR/ADN to approve transport equipment. To follow up on that issue, it instructed the secretariat of the Economic Commission for Europe to draw up a list of all references in ADR to “competent authority”. The list was intended to enable the Joint Meeting to establish unequivocally which competent authorities were being referred to in the various cases that might require interpretation (ECE/TRANS/WP.15/AC.1/120, paras. 20 and 21).
4. The secretariat published the list of references in Parts 1 to 3 of ADR in informal document INF.48 of the autumn 2011 session and the list of references in Parts 1 to 7 of ADR in informal document INF.21 of the autumn 2018 session.
5. In accordance with the request of the Joint Meeting, informal document INF.21 also contains several factors to be taken into account in respect of the concept of a competent authority. In addition, the list of references proposes a clarification for the term whenever necessary (ECE/TRANS/WP.15/AC.1/124, paras. 124 and 125).
6. Acknowledging that it would be difficult to analyse in plenary all the questions raised, in September 2018 the Joint Meeting agreed to entrust their consideration to an informal working group and invited interested delegations to submit proposals for the group’s terms of reference. It was suggested that the outcome of the discussions of the informal working group on the inspection and certification of tanks in respect of references to the competent authority should also be taken into account (ECE/TRANS/WP.15/AC.1/152, paras. 57–59).

Work of the Working Party on the Transport of Dangerous Goods

7. The Working Party on the Transport of Dangerous Goods (WP.15) continued the discussions and reviewed the references in Parts 8 and 9 of ADR.
8. At its May 2021 session, it determined that some of the references to the competent authority were clear and not open to interpretation. In those cases, the text of ADR did not need to be changed. Some of the other references, however, could be interpreted in different ways and required clarification, although there would be no need for any amendments to the text of ADR (ECE/TRANS/WP.15/253, paras. 36–39).
9. WP.15 provided interpretations for those references, which the secretariat published on the Economic Commission for Europe website, on a dedicated page for interpretations of ADR (https://unece.org/transport/dangerous-goods/adr-interpretation-list?accordion=0#accordion_5).

Draft terms of reference of the informal working group on references to competent authorities

10. The work of the informal working group should result in a clear and unambiguous understanding of the term “competent authority” in Parts 1 to 7 of RID/ADR/ADN. It should make it clear, in each case, which authority of which country is concerned. The informal working group will proceed in two stages:

- (a) Development of guiding principles
 - Draw up a set of principles for defining the type of competent authority concerned;
 - Define how to refer to the term “competent authority”;
 - Determine the procedure to be followed when the authority concerned is that of a country not party to RID/ADR/ADN (a third country);
 - Propose action to clarify the terms, such as the publication of a list of interpretations on the OTIF and Economic Commission for Europe websites and amendments to the RID/ADR/ADN texts;
 - Determine the criteria for deciding that the references require action of one or the other type. To do this, it will be necessary to weigh up the advantages and drawbacks of both types of action and to take account of the fact that some references come from the UN Model Regulations;
 - Have these principles validated by the Joint Meeting;
- (b) Review and clarification of the references
 - Review the references according to the stated principles;
 - Draw up a list of interpretations for adoption by the Joint Meeting and publication on the websites of OTIF and the Economic Commission for Europe;
 - Draft proposed amendments to RID/ADR/ADN;
 - Where appropriate, transmit to the Sub-Committee of Experts the proposed amendments to the Recommendations on the Transport of Dangerous Goods.

Way of working of the informal working group

11. Switzerland thinks that the informal working group could hold its first meeting online in the spring of 2023 and then meet a second time at the 2023 autumn session of the Joint Meeting in Geneva. It should be possible to draft the guiding principles during these first two meetings. Thereafter, in-person meetings would be preferable to allow for a better exchange of views and more efficient work.

12. The group should have the services of one person to lead the work and one person to provide secretarial services. That will include maintaining a list of references, interpretations and proposed changes. Furthermore, references in RID and ADN that differ from the ADR references already listed should also be included in the list.

13. At its autumn 2018 session, the Joint Meeting thought it desirable that the secretariat participate in the meetings of the informal working group, as time and resources allow. The secretariats of OTIF and the Economic Commission for Europe are invited to inform the Joint Meeting about the resources available.

14. The Swiss delegation can take on the task of organizing the meetings and, if necessary, provide the secretariat of the group. To ensure that the list of references is up to date, it has updated informal document INF.21 from the autumn 2018 session to include the ADR 2023 texts. It now includes the new texts on the inspection and approval of tanks where reference is made to the competent authority (see informal document INF.3).

15. The Joint Meeting is invited to vote on the draft terms of reference presented and on the way of working of the informal working group. Delegations interested in participating in the group are asked to make themselves known as soon as possible.
