

## Economic Commission for Europe

### Inland Transport Committee

Working Party on the Transport of Dangerous Goods

8 September 2023

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

Geneva, 19–27 September 2023

Item 6 of the provisional agenda:

**Interpretation of RID/ADR/ADN**

## **Withdrawal of the certificate for dangerous goods safety adviser**

**Transmitted by the Government of Poland**

### **Introduction**

1. Pursuant to 1.8.3.15 of the RID/ADR/ADN, the certificate for dangerous goods safety adviser (hereinafter "the certificate") required in accordance with 1.8.3.7 should be in accordance with the specimen provided in 1.8.3.18 and should be recognized by all Contracting Parties to the RID/ADR/ADN. According to the above provision, if the certificate complies with the requirements of the RID/ADR/ADN, i.e. has been issued by the competent authority or by a unit designated by a Contracting Party to the RID/ADR/ADN (see 1.8.3.7) and in accordance with the formula set out in 1.8.3.18, then there are no grounds for questioning it. The above provision results in the obligation to recognize the rights embodied in this certificate, which results in the possibility of exercising all rights resulting from the possession of a certificate in a specific scope, as well as performing all duties resulting from this fact. Pursuant to 1.8.3.3 of the RID/ADR/ADN, one of the duties arising from the possession of a certificate is the preparation of an annual report on the undertaking's activities in the carriage of dangerous goods.

2. It should be noted that the RID/ADR/ADN do not provide for any sanctions regarding the violation by the safety adviser for the carriage of dangerous goods (hereinafter the "DGSA adviser") of the duties set out in 1.8.3.3.

3. In accordance with Polish law, the competent authority, by way of an administrative decision, withdraws the certificate if the adviser has grossly violated the regulations on the carriage of dangerous goods. Polish law provides that failure to prepare an annual report on the undertaking's activities in the carriage of dangerous goods, and therefore the violation of the duties set out in 1.8.3.3 of RID/ADR/ADN and, causes a particularly serious violation.

4. In the context of the above legal status, a matter requiring clarification is the case where a DGSA adviser in performing his/her activities in the territory of a country other than the country whose competent authority issued him/her a certificate, violated the obligations set out in 1.8.3.3 of the RID/ADR/ADN or in the national law. Bearing in mind the obligation of mutual recognition of certificates issued by the competent authorities of all Contracting Parties to the RID/ADR/ADN (see 1.8.3.15), it should be recognized that the DGSA adviser may perform his/her duties in all countries which are the Contracting Parties to the RID/ADR/ADN.

### **Questions**

5. Should the competent authority of the country on whose territory the DGSA adviser has violated his/her duties (defined in the RID/ADR/ADN or the national law) notify the competent authority of the country that issued the certificate of this fact, i.e. the violation of DGSA adviser's duties? What action should the competent authority of the issuing country take once it receives such information?

In accordance with 1.8.2 of the RID/ADR/ADN, the Contracting Parties should agree on mutual administrative support for the implementation of the RID/ADR/ADN.

6. The Joint Meeting is kindly invited to clarify this issue.
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