

Economic Commission for Europe

Inland Transport Committee

Working Party on the Transport of Dangerous Goods

1 February 2024

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

Bern, 25-28 March 2024

Item 4 of the provisional agenda:

Interpretation of RID/ADR/ADN

Criminal records requirements for participants in the carriage of dangerous goods

Transmitted by the Government of the United Kingdom

I. Introduction

1. In the United Kingdom, the competent authority conducts, through the auspices of ADR paragraph 1.8.1.1, inspections of those engaged in the carriage of dangerous goods against the requirements of ADR Chapter 1.10, 'Security Provisions'.
2. Dangerous goods can, unfortunately, be used by malicious actors and thus Chapter 1.10 was developed to guard against such eventualities. The United Kingdom, as part of their inspections, asks questions related to the background of drivers and employees involved in the carriage of dangerous goods. The recommendation that the United Kingdom competent authority makes nationally is for employers to check a prospective employee's criminal record by requesting a Disclosure and Barring Service (DBS) check.
3. A DBS check includes several levels, from the basic check allowing employers to see unspent convictions and conditional cautions, to the enhanced check allowing employers to be aware of spent convictions and cautions, as well as additional information held by the Police. The recommendation to complete a DBS check is not legally enforceable but is suggested as an effective way for employers to demonstrate they have taken due diligence.
4. It should be noted that RID/ADR/ADN do not provide any provisions on whether staff with a criminal record should be allowed to be involved with work comprising of, or associated with, the carriage of dangerous goods, or whether background checks should be carried out before employing staff.

II. Questions

5. The United Kingdom is considering adding to the national regulations implementing RID/ADR a legal requirement for employers to request a DBS check for existing and prospective staff. This would only be required for activities involving the carriage of dangerous goods nationally. This would allow employers to be aware of any convictions and make an informed decision.
6. The United Kingdom is thus kindly asking the Joint Meeting to give their views on this issue. We would be interested to hear what other Contracting Parties do nationally. To guide discussion, we ask the following questions:

- (a) What criminal convictions would, or should, result in an individual being barred from work comprising of, or associated with, the carriage of dangerous goods?
 - (b) How far does, or should, barring extend? Should it include those responsible for the manufacture, testing and approval of packaging also for instance? Should it only apply for certain dangerous goods such as High Consequence Dangerous Goods?
 - (c) What penalties are, or should, be imposed on employers who fail to complete these checks?
 - (d) Should ADR/RID/ADN incorporate text stating that employers should ensure employees involved with work comprising of, or associated with, the carriage dangerous goods do not pose a security risk? If agreed, the United Kingdom will submit a formal paper to the Joint Meeting in due course.
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