



**Economic and
Social
Council**

Distr.
GENERAL

TRANS/WP.15/AC.1/2003/49
13 juin 2003

Original: ENGLISH

ECONOMIC COMMISSION FOR EUROPE

INLAND TRANSPORT COMMITTEE

Working Party on the Transport of Dangerous Goods

Joint Meeting of the RID Safety Committee and the
Working Party on the Transport of Dangerous Goods
(Geneva, 1-10 September 2003)

DANGEROUS GOODS TRANSPORT SECURITY

Transmitted by the Government of Belgium */

1. INTRODUCTION

During the session of the RID/ADR Joint Meeting held in Bern from 24 to 28 March 2003, it was decided to introduce security provisions in ADR, RID and ADN (point 82 of the report TRANS/WP.15/AC.1/92). After having discussed paragraphs 1.x.1.3 and 1.4.1.2, the Chairman declared that the text of document INF. 25 would be annexed to the report of the meeting, between square brackets. Delegates wishing to modify this text were requested to introduce official proposals (point 91 of the report).

2. PROPOSALS

2.1. CONCERNING SUB-SECTION 1.x.1.1

Identification of the problem

In this sub-section it is not clear whether the “security requirements commensurate with their responsibilities” are limited to the requirements set out in chapter 1.x (and the additional

*/ Circulated by the Central Office for International Carriage by Rail (OCTI) under the symbol OCTI/RID/GT-III/2003/49/Rev.1.

security provisions introduced by competent authorities on the basis of note 1 of chapter 1.x) or have to be interpreted in a more general way (left to the wisdom of the courts). Belgium is of the opinion that the first interpretation is the correct one, and that this precision is to be introduced in the text of 1.x.1.1.

Proposal

Change 1.x.1.1 as follows :

“All persons engaged in the transport of dangerous goods shall consider the security requirements for the transport of dangerous goods set out in this chapter or introduced by competent authorities on the basis of note 1 of this chapter, commensurate with their responsibilities.”

2.2. CONCERNING SUB-SECTION 1.x.1.2

Identification of the problem

The security problem addressed in this sub-section is the possibility of loading dangerous goods on a vehicle that is under the control of people who want to misuse these goods. The words “offer dangerous goods to carriers” do not cover this problem properly, because they can also mean “give the carriage order to carriers” (at that moment the carrier is always properly identified, and sub-section 1.x.1.2 is not necessary).

Proposal

Change 1.x.1.2 as follows:

“Consignors shall only hand over dangerous goods to carriers when the transport unit and its crew members have been appropriately identified.”

Note : It is questionable whether this paragraph is of any practical use for rail transport.

2.3. CONCERNING SUB-SECTION 1.x.1.5

Identification of the problem

This paragraph is superfluous:

- 1.8.1 deals with “administrative controls of dangerous goods” ; their field of application is defined in 1.8.1.1 as “checks to verify whether the requirements concerning the transport of dangerous goods have been met”. With the introduction of chapter 1.x, the security provisions will automatically be part of this field of application. At the most, the words “AND SECURITY PROVISIONS” might be added to the heading of chapter 1.8.

- the same goes for 7.5.1, where the vehicle and the driver have to “comply with the regulatory provisions”.

Proposal

Eliminate 1.x.1.5 and add the words “AND SECURITY PROVISIONS” to the heading of chapter 1.8.

2.4. CONCERNING SECTION 1.x.2

Identification of the problems

- 1.x.2.1 indicates that the security training is part of the more general training of chapter 1.3. Sub-sections 1.x.2.3 and 1.x.2.4 therefore duplicate 1.3.1 and 1.3.3. Moreover, the small redactional differences in the corresponding texts could create problems.
- The wording “commensurate with the responsibilities of individuals” in 1.x.2.2 could be misleading, because workers are not personally responsible for the tasks they are ordered to do ; in the equivalent section 1.3.1 the wording “appropriate to their responsibilities and duties” is used.
- For reasons of user-friendliness, it is important to have a reference to the provisions concerning security training in chapter 1.3.

Proposals

- Eliminate 1.x.2.3 and 1.x.2.4.
- Replace “the responsibilities of individuals” with “the responsibilities and duties of individuals” in 1.x.2.2.
- Add the following NOTE 3 at the end of section 1.3.1: “**NOTE 3:** *With regard to security training, see 1.x.2.*”

2.5. CONCERNING SUB-SECTION 1.x.3.1

Identification of the problem

This sub-section is a recommendation (as the UN-Committee of Experts intended it to be). As a consequence, it has no place in our regulatory texts.

Proposal

Eliminate 1.x.3.1 and renumber the subsequent sub-sections and paragraphs accordingly.

2.6. CONCERNING SUB-SECTION 1.x.3.2

Identification of the problem

Belgium is of the opinion that the safety adviser is responsible for the following-up of the security plan (some of the duties mentioned in 1.x.3.2.2 are already allocated to him in 1.8.3.3). Sub-section 1.8.3.3 needs to take account of this new situation.

Proposal

Add, at the end of 1.8.3.3, the following indent :

“- the introduction and implementation of the security plan indicated in 1.x.3.2.”

2.7. CONCERNING SUB-PARAGRAPH 1.x.3.2.2 (b)

Identification of the problem

The consignors and other participants (e.g. loaders, packers, fillers) will never transport dangerous goods; therefore, the word “transported” in 1.x.3.2.2 (b) is badly chosen.

Proposal

Replace the word “transported” with “concerned” in sub-paragraph 1.x.3.2.2 (b).

2.8. CONCERNING SUB-PARAGRAPH 1.x.3.2.2 (d)

Identification of the problem

This sub-paragraph contains a lot of elements and is very complex. In most cases it is not clear whether the measures that are mentioned are examples or minimum requirements. The sub-paragraph applies to all participants in the carriage of dangerous goods (as stated in 1.x.3.2.1), but some of the measures that are mentioned are clearly of no concern to most of them; others are to be dealt with by the competent authority (e.g. restrictions in the choice/use of routes).

Proposal

Change sub-paragraph 1.x.3.2.2 (d) to:

“clear statements of measures that are to be taken to reduce security risks, commensurate with the responsibilities and duties of the participant, including:

- training;
- security policies (e.g. response to higher threat conditions, new employee/employment verification, etc.);

- operating practices (e.g. access to dangerous goods in temporary storage);
- equipment and resources that are to be used to reduce security risks;”

2.9. CONCERNING SUB-PARAGRAPH 1.x.3.2.2 (h)

Identification of the problems

- It is dangerous nonsense to limit security as far as possible, as is stated in sub-paragraph 1.x.3.2.2 (h).
- Moreover, sub-paragraph 1.x.3.2.2 (h) is in contradiction with the provisions of chapters 5.2 and 5.3 (labelling, placarding and marking); the exception concerning the provision of transport documentation required by chapter 5.4 should therefore be extended to include these chapters.

Proposal

Change sub-paragraph 1.x.3.2.2 (h) to: “measures to ensure that the distribution of transport information is limited as far as possible (such measures shall not preclude marking and labelling according to chapter 5.2, placarding and marking according to chapter 5.3 or provision of transport documentation required by chapter 5.4)”.

2.10. CONCERNING SUB-SECTION 1.x.3.3

Identification of the problem

The words “When appropriate” are open for interpretation and are to be avoided in our regulatory texts. This leaves us with three possibilities:

- eliminate the words “appropriate and”;
- indicate with some precision in which cases telemetry or tracking methods are to be used;
- eliminate 1.x.3.3 altogether.

2.11. CONCERNING SUB-SECTION 1.x.3.4

Identification of the problem

In some cases, it is not the carrier that has to fulfil the obligations imposed by this paragraph. It is not his responsibility to ensure the application:

- to containers or tank-containers with dangerous goods, and

- to filled wagons offered as such to railway companies for transport of devices, equipment or arrangements to prevent the theft of the cargo (with the container, tank-container or wagon being left behind). This is clearly an obligation of the consignor. The carrier has to deal with the theft prevention of the cargo together with the container, tank-container or wagon.

Proposal

As the situation is different for road and rail transport, it is proposed that the text of this sub-section is dealt with in WP.15 and the RID Committee of Experts.

2.12. CONCERNING TABLE 1.x.1

Identification of the problems

- This list of high consequence dangerous goods contains some substances (flammable gases in bulk, flammable liquids in bulk of packing group II, ammonium nitrate fertilisers in bulk) that are of everyday use and that are being transported in enormous amounts. To include these substances in the list would – on the one hand - increase the work-load for the monitoring and supervision of the transports of the high consequence dangerous goods dramatically, to the detriment of the other substances in the list. On the other hand, the increase of security by including them is very questionable; they are substances that can be bought in bulk on the open market by would-be terrorists without arousing any suspicion.
- Class 2.1 and class 2.3 do not exist in RID/ADR.

Proposals

- Eliminate flammable gases in bulk, flammable liquids in bulk of packing group II and ammonium nitrate fertilisers in bulk from the list of high consequence dangerous goods.
 - Replace “Class 2.1” by “Class 2, division 2.1” and “Class 2.3” by “Class 2, division 2.3”.
-