



Economic and Social Council

Distr.: General
9 February 2011

Original: English

Economic Commission for Europe

Inland Transport Committee

Working Party on the Transport of Dangerous Goods

Ninetieth session

Geneva, 2–6 May 2011

Item 9 of the provisional agenda

Any other business

Dangerous goods at terminals, transhipment points and other temporary storage places

Transmitted by the Government of Sweden¹

Summary

- Executive summary:** ADR does not cover temporary storage, loading and unloading in the same extent as forwarding. This document proposes actions to enhance/harmonize regulations for temporary storage and include some intentions of the Seveso directive in ADR.
- Action to be taken:** Discussion
- Related documents:** Informal document INF.20 (Secretariat) submitted at the eighty-sixth session of the Working Party

¹ The present document is submitted in accordance with paragraph 1 (f) of the terms of reference of the Working Party, as contained in document ECE/TRANS/WP.15/190/Add.1, which provides a mandate to "discuss and resolve problems relating to the interpretation and enforcement of the European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR)".

Introduction

Regulation for intermediate temporary storage

1. Transport of dangerous goods including temporary storage or reloading at terminals, transshipment points etc are covered by the regulations for carriage of dangerous goods.
2. However, when the goods are reloaded or temporary stored during the transport chain, the regulations are more or less restricted to cover the goods itself and in some extent actions that are directly connected to the goods. E.g. for UN No.1492 Ammonium nitrate, additional provision CV24 “Before loading, vehicles and containers shall be thoroughly cleaned and in particular be free of any combustible debris (straw, hay, paper, etc.)...” says nothing on temporary storage. Naturally, to apply all land transport regulations for carriage of dangerous goods for handling at terminals etc does not seem appropriate. In absence of temporary storage provisions in the transport regulations national regulations would apply. These could spoil all efforts of harmonized transport conditions. Nevertheless, it could be discussed if it would be relevant to require some kind of safety conditions for these sites.
3. However, there are two parts of ADR that cover intermediate temporary storage and these are the security provisions in Chapter 1.10 and the special provision CV33 in section 7.5.11.
4. Council Directive 95/50/EC of 6 October 1995 on uniform procedures for checks on the transport of dangerous goods by road is also focused on the change of place, although it make some openings for checks at the premises of undertakings. However, the checklist in Annex I and especially Annex III — Report to the Commission concerning infringements and penalties — do not send primary signals to check conditions at sites for intermediate temporary storage.
5. At the eighty-sixth session of the Working Party the secretariat presented informal document INF.20 on the biennial evaluation. It could be seen from the evaluation that not many countries had full control of the checks conducted according to sub-section 1.8.1.3 in ADR.

Include topics in ADR similar to areas covered by the Seveso directive.

6. The Seveso directive (Council Directive 96/82/EC of 9 December 1996 on the control of major-accident hazards involving dangerous substances) does not apply to the transport of dangerous goods on any mode. Nor does it apply to intermediate temporary storage, to loading and unloading or to the transport between different modes at docks, wharves or marshalling yards, outside establishments. However, the directive includes a broad range of measures to be taken to reduce risk and consequences from accidents with dangerous substances. This could be seen for example in recitals (17) to (19):.

“(17) Whereas, in order to demonstrate that all that is necessary has been done to prevent major accidents, to prepare contingency plans and response measures, the operator should, in the case of establishments where dangerous substances are present in significant quantities, provide the competent authority with information in the form of a safety report containing details of the establishment, the dangerous substances present, the installation or storage facilities, possible major accidents and the management systems available, in order to prevent and reduce the risk of major accidents and to enable the necessary steps to be taken to limit the consequences thereof;

(18) Whereas, in order to reduce the risk of domino effects, where establishments are sited in such a way or so close together as to increase the probability and possibility of major accidents, or aggravate their consequences, there should be provision for the exchange of appropriate information and cooperation on public information;

(19) Whereas, in order to promote access to information on the environment, the public should have access to safety reports produced by operators, and persons likely to be affected by a major accident should be given information sufficient to inform them of the correct action to be taken in that event;”.

7. In 2001, the International Union on Railways (UIC) and the Federation for the Community of European Railways (CER) prepared guidance for emergency planning at marshalling yards which resulted in requirements in the Regulations concerning the International Carriage of Dangerous Goods by Rail (RID) for internal emergency plans for marshalling yards and requirements for railway infrastructure managers to ensure that plans are prepared. It shall be noted that not all marshalling yards are included. The RID seems to have adopted regulations that are in line with the Seveso directive. It would also seem relevant to treat dangerous substances in approximately the same way during storage as during a transport operation.

Extract from RID

“1.4.3.6 Railway infrastructure manager

In the context of 1.4.1, the railway infrastructure manager has in particular the following obligations. The railway infrastructure manager

a) Shall ensure that internal emergency plans for marshalling yards are prepared in accordance with Chapter 1.11;”

“Chapter 1.11 Internal emergency plans for marshalling yards

Internal emergency plans shall be drawn up for the carriage of dangerous goods in marshalling yards. The aim of emergency plans shall be that in the event of an accident or incident in marshalling yards, all those involved shall co-operate in a co-ordinated way and the consequences of the accident or incident for human life or for the environment shall be minimised to the greatest possible extent.

The requirements of this Chapter are considered to have been complied with if UIC Leaflet 201 (Carriage of dangerous goods – Emergency planning guidance for rail marshalling yards) is applied.”.

Discussion

8. Sweden would like to know the view from the Working Party concerning the following:

- Development of more detailed rules in ADR for intermediate temporary storage (to be discussed at the Joint Meeting RID/ADR/ADN if a positive response),
- Include topics in ADR similar to recitals 17-19 in the Seveso directive.
- To include rules in ADR similar to 1.4.3.6 (a) and 1.11 in RID (e.g. instead of railway infrastructure manager, “owner of the intermediate temporary storage facility” could be included).