

## Economic Commission for Europe

### Inland Transport Committee

#### Working Party on the Transport of Dangerous Goods

104<sup>th</sup> session

Geneva, 15-17 May 2018

Item 8 of the provisional agenda:

Any other business

23 April 2018

### Supervision of vehicles, Chapter 8.5

Transmitted by the Government of Sweden

#### *Summary*

**Executive summary:** S1, S16 and S21 in Chapter 8.5 requires supervision at all times. Sweden would like to discuss what minimum level of supervision that would be acceptable and how this could be clarified in ADR.

**Action to be taken:** Discussion

**Related documents:** INF.7 from the 103<sup>rd</sup> session with WP.15, ECE/TRANS/WP.15/239 (report from the 103<sup>rd</sup> session), paras. 61-65 and agenda item 8

### Introduction

At the last session with WP.15 in November 2018, Sweden raised a question concerning supervision of vehicles in relation to transport security. The questions concerned both Chapters 8.4 and 8.5 (see INF.7 from the 103<sup>rd</sup> session). Sweden finds the opinions and information shared by other countries valuable in our ongoing national work concerning different security issues, where also transport of dangerous goods is included. The work is still under progress, but in the meantime, Sweden would like to raise a question related to the requirements on supervision in Chapter 8.5.

In special provisions S1(6) and S16 in Chapter 8.5, it is specifically required that the vehicle shall be supervised at all times. This also applies to S21 but with some listed alternatives. At the last meeting, Sweden asked the following question in relation to the term “supervision”:

“What is meant by the term “supervised”? When the driver has a rest/takes a break, which could be for the night, does the vehicle have to be:

- parked in a fenced area (see 8.4.1 “...secure depot or secure factory premises”)
- alarmed
- supervised by another person
- supervised via camera surveillance.”.

Naturally, there were different opinions about how the obligation to constantly supervise vehicles and loads should be met, as required under special provisions S1, S16 and S21 of

Chapter 8.5. However, to enable drivers to fulfil these requirements, we believe that it might be beneficial to specify the minimum level on how to fulfil the supervision requirement in ADR.

The situation for drivers differs between countries since there are many other factors, apart from ADR, that play part in choosing a safe parking during an ongoing carriage. This could e.g. be traffic density, infrastructure, density of population, size of the country, the driver's economic situation, EU rules on driving hours, breaks and rest, national working laws and the number of available safe parking places. Irrespective of the situation in each country, drivers still have to fulfil the provisions in ADR, which sometimes require that the vehicle shall be supervised at all times whether the parking takes place nationally or in any other ADR-country.

Sweden is aware of the complexity of this question, but we also believe that it is necessary to clarify for the users of the provisions what is actually intended with a certain provision in ADR – in this case what is intended when supervision is required.

For this reason, Sweden would like to discuss the possibility to agree on a minimum level on how to fulfil the supervision requirement in ADR. A provision or recommendation would have to specify what level of supervision that is required for shorter stops as well as a rest for the night.

Sweden would like to discuss the following:

Would it be an acceptable minimum level of supervision if the driver can see the vehicle at all times (visually or via camera)?

Would it be an acceptable minimum level of supervision if the vehicle is alarmed during night break?

If the above suggested levels are not acceptable, we would be interested to hear other ideas of how the requirement to supervise should be met.

We should also discuss how this best could be introduced in the provisions; by introducing a definition, a note or by a footnote giving guidance on how this requirement could be fulfilled.

## **Justification**

On the occasion of the sixtieth anniversary of ADR, the participants in the Working Party took part in a discussion on the possible development of ADR. The importance in improving safety, security and environmental protection was recalled, as well as the importance of providing more training and guidance on the ADR to the users in order to improve compliance.

In our work with ADR and other transport regulations, we regulate to achieve safety, and to some extent also security. However, to succeed in practice this presupposes aware target groups. It also requires that the target groups find all the relevant provisions and have the possibility to understand and apply them. When it comes to user-friendliness, we receive a lot of questions concerning the application of the provisions. Users of ADR sometimes find it difficult to locate the relevant parts in the regulations that are applicable to them, but they also find many of the provisions problematic to understand and, thus, apply.

Sweden believes that introducing a clarification on what is required by “supervision” would be a step in the right direction, facilitating for users to comply with the provisions in ADR.