
ECONOMIC COMMISSION FOR EUROPE INLAND TRANSPORT COMMITTEE

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

UNECE Reform

Note by the secretariat

Extracts from the report of the Inland Transport Committee on its 68th session (Geneva, 7-9 February 2006) (ECE/TRANS/166)

Documentation: ECE/TRANS/2006/3.

6. The Committee **took note** of the information contained in the above document and additional information provided by the Director of the UNECE Transport Division, in particular about the recently completed reform of the UNECE and its consequences for the priorities in the programme of work and resources of the Transport Division. In this context, the Committee **considered** the ways in which the additional posts allocated to the Division could be effectively engaged in responding to newly assigned work priorities, asked that related job descriptions be circulated to the Committee, and **asked** its Working Parties to consider various items relevant to their work that could be carried out by the newly allocated posts. The Committee further **asked** that documents of strategic importance for the future work of the Committee be circulated ahead of its sessions to allow member Governments the necessary time for consideration.
7. With regard to the review of the Committee's intergovernmental structure, and in the light of discussions held during its sixty-eighth session, the Committee **decided** to request, in the reform, the entrustment to its Bureau of the task of undertaking the necessary analysis in order to present it to the annual session of the Commission in 2007.
8. The Committee **welcomed** the choice of transport made by the Belgian Chairmanship of the theme for the OSCE Economic Forum in 2006. It also **welcomed** the close cooperation established between the OSCE and the UNECE Transport Division, which is based on the mutual interest of both organizations to benefit from their complementarity, and the wish to assist each other in achieving their main objectives in the region. The Committee was reassured that any future cooperation with the OSCE would not require any additional resources for UNECE Transport Division, and asked to be regularly and timely informed about future cooperative activities between the Transport Division and the OSCE.

9. The Committee also **considered** and **approved** the UNECE Transport Division's Strategic Framework for 2008-2009 which will, together with the strategic frameworks of other divisions, be adopted as the UNECE Biennial Programme Plan 2008-2009 by the annual session of the Commission.

....

Documentation: www.unece.org/trans/danger/danger.htm.

- (a) **The Economic and Social Council's Committee of Experts on the Transport of Dangerous Goods and on the Globally Harmonized System of Classification and Labelling of Chemicals**

Documentation: ECE/TRANS/2006/3.

- (b) **Harmonization of the technical requirements of the European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR), the European Agreement concerning the International Carriage of Dangerous Goods by Inland Waterways (ADN) and the Regulations concerning the International Carriage of Dangerous Goods by Rail (RID)**

Documentation: TRANS/WP.15/AC.1/98 and Adds.1-2; TRANS/WP.15/AC.1/100 and Adds.1-3.

- (c) **European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR)**

Documentation: TRANS/WP.15/183 and Add.1; TRANS/WP.15/185 and Adds.1-2.

- (d) **European Agreement concerning the International Carriage of Dangerous Goods by Inland Waterways (ADN)**

Documentation: ECE/TRANS/WP.15/AC.2/21.

106. The Committee **noted** with satisfaction that pursuant to ECOSOC resolution 2005/53:

- (a) the secretariat had published in 2005: the fourteenth revised edition of the Recommendations on the Transport of Dangerous Goods, Model Regulations (ST/SG/AC.10/1/Rev.14); an amendment to the fourth revised edition of the Recommendations on the Transport of Dangerous Goods, Manual of Tests and Criteria (ST/SG/AC.10/11/Rev.4/Amend.1); and the first revised edition of the Globally Harmonized System of Classification and Labelling of Chemicals (GHS) (ST/SG/AC.10/30/Rev.1);
- (b) the Working Party on the Transport of Dangerous Goods, the Joint Meeting of the Working Party and the RID Safety Committee and the Joint Meeting of Experts on the Regulations annexed to ADN had adopted complete new sets of amendments to RID, ADR and ADN in order to give full effect to the revised UN Recommendations as from 1 January 2007.

107. With respect to paragraph 5 of Part A of resolution 2005/53, the Committee **noted** the comments of the representative of the Netherlands, supported by those of Austria and Belgium, that 80% of the provisions contained in the various international legal instruments applicable to the transport of dangerous goods for each of the five modes of transport were of a multimodal nature.

As a consequence, elaborating a convention on the international multimodal transport of dangerous goods would significantly reduce the workload of the various international and regional organizations which presently spend considerable resources for adapting their respective legal instruments to the UN Model Regulations. Each international or regional organization could then concentrate on the remaining 20% provisions which are specific to their respective mode of transport.

108. The Committee **agreed** to request the Working Party on the Transport of Dangerous Goods, and in particular the Joint Meeting of the Working Party on the Transport of Dangerous Goods and the RID Safety Committee to consider how to further rationalize its methods of work in order to better take account of the growing international importance of the UN Model Regulations and noted that these issues could also be considered in the context of the UNECE reform.

109. The Committee **approved** the reports of the Working Party on the Transport of Dangerous Goods on its seventy-eighth and seventy-ninth and resumed seventy-ninth sessions, of the Joint Meeting of Experts on the Regulations annexed to ADN on its tenth session, and of the Joint Meeting of the Working Party on the Transport of Dangerous Goods and the RID Safety Committee on its Spring and Autumn 2005 sessions, and expressed deep satisfaction for the work accomplished.

110. For ADR, the Committee **noted** that accession to, or ratification of, the 1993 protocol amending articles 1(1), 14(1) and 14(3)(b) of ADR, by the following countries remained necessary to enable the protocol to enter into force: Albania, Azerbaijan, Belarus, Bosnia and Herzegovina, Croatia, Germany, Greece, Kazakhstan, Morocco, Republic of Moldova, Serbia and Montenegro, The former Yugoslav Republic of Macedonia and Ukraine.

111. Furthermore, the Committee **also noted** that the set of amendments to ADR adopted by the Working Party on the Transport of Dangerous Goods for acceptance by the Contracting Parties and entry into force on 1 January 2007 will be circulated as documents TRANS/WP.15/186 and Add.1.

112. The Committee **noted** also with great satisfaction that the Working Party had completed its work on the safety of the transport of dangerous goods in road tunnels and that relevant provisions had been included in the draft 2007 amendments to ADR.

113. The Committee **endorsed** the request of the Working Party on the Transport of Dangerous Goods to initiate consultations with OTIF and OSZhD in order to study the possibilities of closer cooperation with OSZhD for ensuring harmonization of Annex 2 of SMGS with RID and ADR to the extent possible.

114. For ADN, the Committee **noted** that Austria, Hungary, Netherlands and the Russian Federation are already Contracting States. It encouraged the other signatory countries (Bulgaria, Croatia, Czech Republic, France, Germany, Italy, Luxembourg, Republic of Moldova and Slovakia) and other interested States to take the necessary action to ratify or accede to ADN as soon as possible.

115. Furthermore, the Committee **noted** that the Joint Meeting of Experts on the Regulation annexed to ADN had adopted amendments to the 2005 version of the Regulations annexed to ADN. They will have to be formally adopted by the ADN Administrative Committee upon entry into force of ADN, but, in accordance with the resolution adopted by the Diplomatic Conference for the adoption of ADN on 25 May 2000, the Committee **invited** all interested Governments to implement these new amendments through national law as from 1 January 2007, pending entry into force of ADN (to be circulated as documents ECE/TRANS/WP.15/AC.2/21/Add.1 and - /Add.2).

Outcome of meetings of the ITC Bureau (Geneva, 10 February and 6 June 2006)

In the context of the UNECE reform, the secretariat was requested by the Bureau to consult the chairpersons of all ITC subsidiary bodies (including WP.15, WP.15/AC.1, WP.15/AC.2) to seek their views on ways to increase efficiency of their working Parties, strengthen relevance of activities, ensure consistency with allocated resources and, if necessary, reorganize and/or streamline the institutional set up.

A report on these consultations was prepared by Mr. Paeffgen (Germany) chairman of the ITC until 2006, and the preliminary conclusions of the Bureau on the basis of Mr. Paeffgen's notes is that the working methods and programme of work of WP.15 (including WP.15/AC.1 and WP.15/AC.2) should not be changed.

Terms of reference and rules of procedure of WP.15

In the context of the UNECE reform, and for the sake of clarity and transparency, the WP.15 has started an exercise consisting in laying down its terms of reference and rules of procedures. Extracts of the report on the last session are reproduced below. These terms of reference and rules of procedures will be discussed again (second reading) at the next session (25-27 October 2006) (Document ECE/TRANS/WP.15/2006/11).

TERMS OF REFERENCE AND RULES OF PROCEDURE OF THE WORKING PARTY

Document: ECE/TRANS/WP.15/2006/10 (Chair)

Informal documents: INF.4 and INF.5 (Chair)
INF.10, INF.15 and INF.33 (Secretariat)

56. The Working Party was informed of the decisions taken by the Commission regarding the general reform of ECE, including the charting of a new system of governance with the establishment of an Executive Committee overseeing the activities of the sectoral committees (including the Committee on Inland Transport) and their subsidiary bodies (including WP.15). In that system, the Executive Committee was responsible for approving the terms of reference of each sectoral committee, while the sectoral committees were responsible for ensuring the relevance of the terms of reference of their own subsidiary bodies and verifying their conference servicing needs, with a view to finalizing their work before February 2007. Accordingly, the terms of reference of WP.15 must be clearly defined, together with its rules of procedure and work schedule, so that they could be presented and justified to the Committee on Inland Transport and the Executive Committee.

57. The Working Party welcomed the preliminary work carried out by the Chair and proceeded to a first reading of the draft terms of reference and the rules of procedure. The resulting text would be circulated by the secretariat in the form of a new working document for a second reading and adoption at the next session (see document ECE/TRANS/WP.15/2006/11).

58. The Working Party also stated its view that it would be necessary to provide a clear explanation to the Committee on Inland Transport of the synergies between the work conducted by the ECOSOC Committee of Experts (whose secretariat services were provided by ECE but on a quite different scale and system than those of ECE), that of WP.15 and that of other European

organizations, such as OTIF, CCNR and the European Commission. It was also pointed out that the work of WP.15 was supported by the unofficial work of a large number of parallel groups organized on the initiative of Governments or non-governmental organizations, with no budgetary implications for ECE, which enabled WP.15 to make considerable savings in its working time.

59. Regarding the draft Rules of Procedure of WP.15, the Working Party was of the view that States not members of ECE that are Contracting Parties to agreements within the Working Party's terms of reference should be entitled to vote on decisions relating to these agreements and should therefore automatically participate in meetings of WP.15 devoted to discussion of these agreements.

60. The Working Party noted that the ECE Executive Committee had envisaged this possibility in the draft guidelines on the terms of reference of working parties, and the question should be re-examined once a final decision had been taken. Granting non-member States the right to vote would possibly require an amendment to the mandate of ECE, which would then have to be approved by the Economic and Social Council. Language to this effect had been provided for in articles 1 (b) and 28, between square brackets (see document ECE/TRANS/WP.15/2006/11).

61. As to the organization of meetings (Rule 4), the secretariat was requested to draft a text that conformed to the Rules currently applied.

62. As to decisions made by voting (Rule 29), a number of delegations took the view that a quorum should be specified for votes on amendments to legal instruments currently in force, for example the presence of at least one third of the participating Contracting Parties to the instrument in question (i.e., currently, for ADR, at least 14 Contracting Parties at the time of voting).

63. The Chairman further proposed that, as in the RID Committee of Experts, a decision to amend a legal instrument could only be adopted if at least one third of the ex officio participants voted in favour, thereby preventing decisions from being adopted with a large number of abstentions.

64. Some delegations said that this proposal could have perverse consequences. In very technical fields such as construction of vehicles and tanks, only a handful of countries are closely interested in the evolution of techniques, and it often happens that there are a large number of abstentions when proposals on these topics are put to a vote. Such a rule could therefore hamper the technical development of regulation.

65. It was decided to place this rule, as well as that referring to the quorum for voting, between square brackets under Rule 29.

66. According to current Rule 39 of the Rules of Procedure of ECE, if a proposal garners an equal number of votes for and against, the decision is postponed to the following session. This rule is not currently followed by WP.15 because in such cases the proposal is rejected. It was agreed that this rule should henceforth be applied. The question did, however, arise as to whether a vote on a proposal should also be postponed to the next session in the cases referred to above (lack of a quorum or less than one third of the Contracting Parties present voting in favour of a proposal). The secretariat was requested to mention these eventualities between square brackets.

67. It was also decided that the Rules of Procedure of ECE, which are reproduced as footnotes in the Chairman's proposal (Rules 25 to 28 and 30 to 33), should be wholly incorporated as Rules of Procedure of WP.15.

68. The Working Party recalled that a procedure for streamlining its work had been in place since 1998 (see document TRANS/WP.15/147, annex 4) and noted that it worked properly and that it had been updated, particularly since the adoption of the ADN agreement. Since few people seemed aware of it, the Chair was requested to draw the attention of the Bureau of the Committee on Inland Transport to the procedure, which had been set up to ensure optimal use of the available resources and to avoid duplication of efforts, and to explain how it worked.

69. As part of the ECE reform process, the Working Party noted the emphasis placed on the policy of mobility for secretariat staff in paragraph 98 of document E/ECE/1434/Rev.1. Conceding the merits of staff mobility and the way in which that policy had been usefully applied in various areas with the legitimate aim of career advancement, it stressed that staff assigned to jobs relating to the transport of dangerous goods should have an appropriate basic scientific education and familiarity with the rules and regulations on the transport of dangerous goods, something which took a long time to acquire. It also highlighted the importance of such expertise and of the secretariat's institutional memory, qualities which would enhance the image of ECE. Accordingly, it suggested that the policy being advocated should be applied with due discernment and should not result in the unnecessary erosion of the secretariat's competence.

70. The Chair pointed out that the Working Party invested virtually all its resources in the actual work which it performed and suggested that it should consider investing some resources in efforts to give greater political visibility to its results. The fiftieth anniversary of the conclusion of the ADR agreement could be such an occasion.
