

## Economic Commission for Europe

### Inland Transport Committee

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

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**Interpretation of ADR**

20 October 2017

### Supervision of vehicles, Chapter 8.4

Transmitted by the Government of Sweden

#### *Summary*

**Executive summary:** Chapter 8.4 contains requirements concerning the supervision of vehicles. Sweden would like to hear other delegations view on what is intended by the term “supervised”. We would also like to have a clarification on in what cases a vehicle may be left unsupervised.

**Action to be taken:** Interpretation

### Introduction

Heavy vehicles have been used as weapons in terror attacks in several places in Europe. In order to increase the safety for people staying in urban environments, several missions are in progress in Sweden, including the possibilities to prevent the hijacking of heavy vehicles. As a part of this work, the question has arisen concerning the supervision of a vehicle and what is acceptable or should be required. These discussions cover all types of goods, including dangerous goods. For this reason, the Government of Sweden would like to address this issue in relation to the requirements concerning the supervision of vehicles in ADR.

### Background

Chapter 8.4 in ADR contains requirements concerning the supervision of vehicles carrying dangerous goods in the quantities shown in the special provisions in Chapter 8.5.

### Discussion and interpretation

The requirements concerning the supervision of vehicles in Chapter 8.4 seem to address safety, i.e. incidental damages, as well as security. Chapter 8.4 is only applicable for goods covered by certain special provisions in Chapter 8.5. Some of these special provisions contain security aspects, e.g. S15, which contains protection against illicit unloading, and S16 and S21 that refer to prevention of malicious acts.

The fundamental rule in Chapter 8.4 is that the vehicle shall be supervised or, alternatively, parked unsupervised in a secure depot or secure factory premises. However, if such facilities are not available other options are also permitted and the vehicle may be parked in an isolated position meeting the requirements stated in (a), (b) or (c) in the same sub-section.

When reading Chapter 8.4, and especially the different options in (a) – (c), a number of questions arise. In this document, we would like to discuss some of these questions.

Firstly, we would like to ask if the meeting would agree on the following interpretation:

1. A vehicle is parked in accordance with the options in 8.4.1 (b) or (c). Since the requirements in the second sentence in 8.4.1 are options in case the requirements in the first sentence are not possible to fulfil, this indicates, in our view, that the vehicle does not have to be supervised. Thus, as long as the requirements in (a), (b) or (c) is met, Chapter 8.4 should be considered fulfilled. We are aware of that (a) addresses supervision, but in relation to the area and not of the individual vehicle.

2. Secondly, 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. The following questions arise:

a) Does this mean that a stop, e.g. due to the regulations on breaks and rest, at a public parking is not allowed during the carriage?

b) 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

Since most transports are carried out with only one crew member, the driver, the responsibility to supervise the vehicle is usually the driver's. Considering the security issues, but also legislation other than ADR, e.g. EU rules on driving hours, breaks and rest, we would welcome other delegations' view on how the provisions in Chapter 8.4 should be interpreted and applied.

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## Annex

### Extract from ADR

#### CHAPTER 8.4

#### REQUIREMENTS CONCERNING THE SUPERVISION OF VEHICLES

8.4.1 Vehicles carrying dangerous goods in the quantities shown in special provisions S1 (6) and S14 to S24 of Chapter 8.5 for a given substance according to Column (19) of Table A of Chapter 3.2 shall be supervised or alternatively may be parked, unsupervised, in a secure depot or secure factory premises. If such facilities are not available, the vehicle, after having been properly secured, may be parked in an isolated position meeting the requirements of (a), (b) or (c) below:

- (a) A vehicle park supervised by an attendant who has been notified of the nature of the load and the whereabouts of the driver;
- (b) A public or private vehicle park where the vehicle is not likely to suffer damage from other vehicles; or
- (c) A suitable open space separated from the public highway and from dwellings, where the public does not normally pass or assemble.

The parking facilities permitted in (b) shall be used only if those described in (a) are not available, and those described in (c) may be used only if facilities described in (a) and (b) are not available.

8.4.2 Loaded MEMUs shall be supervised or alternatively may be parked, unsupervised, in a secure depot or secure factory premises. Empty uncleaned MEMUs are exempted from this requirement.

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