

## **Committee of Experts on the Transport of Dangerous Goods and on the Globally Harmonized System of Classification and Labelling of Chemicals**

**Sub-Committee of Experts on the Transport of Dangerous Goods**

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Item 12 of the provisional agenda

### **Other business**

## **Roap map on how to set up the administrative structures required for implementation of ADR**

### **Note by the secretariat**

1. At its ninetieth session the Working Party on the Transport of Dangerous Goods (WP.15) asked the secretariat to draft a road map on how to set up the administrative structures required for implementation of ADR. The road map could serve as a basis for the Working Party's development of recommendations and/or guidelines to facilitate accession to ADR.
2. At its ninety-third session, WP.15 adopted the road map prepared by the secretariat and welcomed that such a tool to facilitate the accession of new countries to ADR was made available and requested the secretariat to publish the road map as a leaflet to facilitate its dissemination in countries which are not Contracting Parties to ADR (see ECE/TRANS/WP.15/217).
3. This road map is reproduced hereafter for information of the Sub-Committee.

## **Road map on how to set up the administrative structures required for implementation of ADR**

### **Introduction**

The European Agreement Concerning the International Carriage of Dangerous Goods by Road (ADR), done in Geneva on 30 September 1957, entered into force on 29 January 1968 in accordance with its article 7.

On 29 November 2012, there were 48 Contracting Parties to ADR:

Albania, Andorra, Austria, Azerbaijan, Belarus, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Kazakhstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Montenegro, Morocco, Netherlands, Norway, Poland, Portugal, Republic of Moldova, Romania, Russian Federation, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Tajikistan, the former Yugoslav Republic of Macedonia, Tunisia, Turkey, Ukraine and United Kingdom. The status of ADR may be consulted on the United Nations Economic Commission for Europe (UNECE) website at

[http://www.unece.org/trans/danger/publi/adr/legalinst\\_53\\_tdg\\_adr.html](http://www.unece.org/trans/danger/publi/adr/legalinst_53_tdg_adr.html)

The contact details of the ADR Competent Authorities may be consulted on the UNECE website at

[http://www.unece.org/trans/danger/publi/adr/country-info\\_e.html](http://www.unece.org/trans/danger/publi/adr/country-info_e.html)

States members of the UNECE and States admitted to the UNECE in a consultative capacity under paragraph 8 of UNECE's terms of reference (see article 6 (1)) are eligible to become Parties to ADR. States that may participate in certain activities of the UNECE pursuant to paragraph 11 of UNECE's terms of reference may also accede to ADR (see article 6 (2)). This latter statement allows any Member of the United Nations not a member of the UNECE to accede to ADR.

### **Accession steps**

#### **Formal and structured coordination at national level**

The regulations on the transport of dangerous goods may be under the responsibility of different ministries or administrations depending on the nature of the goods (chemicals, explosives, radioactive material, wastes, medicines, pesticides), of the purpose of the carriage and of the administrative structure in place. The ministries, administrations and bodies concerned need to be identified and their representatives should be invited to participate in the process of accession.

A non-exhaustive list of the ministries, administrations and bodies usually concerned by the transport of dangerous goods is: Authorities and bodies in charge of Transport, Road Control and Inspection, Training of drivers, Industry, Interior, Environment, Trade, Defence, Finance, Agriculture, Labour, Science, Education, Public Health, Nuclear safety etc.

Representatives of the private sector and of associations should be consulted and be involved if possible in the process as representatives of the users of the regulations: Chemical/Petroleum/Gas industry; Transport sector, Packaging/tank/vehicle manufacturers;

workers unions, associations for the prevention of accidents in the workplace, training bodies, etc.

A formal coordination of all the participants involved in the process of accession should be organized.

### **Bridging the gap**

Each State wishing to implement ADR should:

- Develop procedures for implementing ADR for the international transport of dangerous goods. These procedures may include the process for translation of the initial text and amendments, checks on road and on sites, interpretation, administrative practices for enforcement, follow-up of updates, timetable for the entry into force, impact of transitional periods...);
- Establish implementation bodies as necessary;
- Designate the relevant competent authorities or bodies for classification of goods, approval, testing and certification of packagings, tanks and vehicles, training and certification of drivers and dangerous goods safety advisers, etc. and make sure they are appropriately trained and have appropriate procedures in place for the certificates they may have to deliver in accordance with ADR. These competencies may be attributed to a single administrative body which may also be in charge of other modes of transport of dangerous goods;
- Designate a coordination focal point for national implementation and cooperation with the other States (through the UNECE Working Party on the Transport of Dangerous Goods) taking into account the availability of expertise and resources. This focal point may represent the competent authority in international meetings and, in that case, should be allowed to take decisions on its behalf;
- Provide the necessary financial and human resources to ensure participation of experts in the sessions of the appropriate international bodies responsible for the development of the regulations and of the standards supporting these regulations.

### **Ruling**

The national coordination body should develop or adapt existing national legislation/regulations which might affect the international transport of dangerous goods in line with ADR. The status of existing regulations which may overlap with ADR should be assessed: regulations for security, waste, tunnels, postal services, transport of dangerous goods by other modes, road safety, traffic restrictions, etc.

To facilitate the implementation of ADR, it is recommended to align the legislation applicable to the national transport of dangerous goods with ADR as far as possible.

### **Acceding**

The procedure for accession should be launched in accordance with national law/constitution in consultation with the administrations competent for international affairs (e.g. Department of international relations or Ministry of Foreign Affairs).

To allow the entry into force of the Protocol of amendment of 1993 amending article 1 (a), articles 14 (1) and article 14 (3) (b) of ADR, it is necessary that the State deposits an instrument of accession to both ADR and the Protocol of 1993.

The Head of State or Government or the Minister of Foreign Affairs or a person exercising the power of one of these authorities *ad interim* signs the instrument of accession which should be deposited with the Secretary-General.

Information on the procedure to follow, forms to be filled in and appropriate contact details for technical assistance may be found on the United Nations Office of Legal Affairs website at the following address:

[http://untreaty.un.org/ola/div\\_treaty\\_techassist.aspx?section=treaty](http://untreaty.un.org/ola/div_treaty_techassist.aspx?section=treaty)

### **Updating**

Annexes A and B of ADR are regularly amended and updated in accordance with the decisions of the Working Party on the Transport of Dangerous Goods (WP.15) and of the Joint Meeting of the RID Committee of Experts and the Working Party on the Transport of Dangerous Goods (RID/ADR/ADN Joint Meeting) (WP.15/AC.1).

Representatives of contracting parties to ADR may participate as full participants with voting rights in the sessions of WP.15 and of the Joint Meeting.

The terms of reference and rules of procedure of WP.15 are contained in ECE/TRANS/WP.15/190/Add.1 which may be consulted on the UNECE website at:

<http://www.unece.org/trans/main/dgdb/wp15/wp15rep.html>

The terms of reference and rules of procedure of the Joint Meeting are contained in ECE/TRANS/WP.15/AC.1/112/Add.2 which may be consulted on the UNECE website at:

<http://www.unece.org/trans/main/dgdb/ac1/ac1rep.html>

A mechanism for follow-up should be put in place. This implies *inter alia* regular participation in the sessions of WP.15 and of the Joint Meeting, giving information to stakeholders and putting in place procedures to implement the sets of amendments adopted every two years by Contracting Parties.

## **Additional implementation issues**

### **Issuance of certificates**

In some cases, ADR requires the issuance of certificates which will be recognized by the other Contracting Parties (certificates of approval of tanks, packagings, type approval of vehicles, certificates for the training of drivers, etc). It may be useful to define an organization which will enable the fast and efficient issuance of these certificates and which should also include a mechanism for appropriate data collection. The issuance of certificates may be under the responsibility of local agencies or authorities. In that case a central authority should ensure harmonization and gather the necessary data.

### **Communications to the UNECE secretariat**

In accordance with ADR, the Contracting Parties are also required to notify certain information to the secretariat of the UNECE which shall bring them to the attention of the Contracting Parties. This includes special agreements, the list of Competent Authorities, restrictions of circulation, recognized technical codes, etc. (see annex I).

### **Procedures for checks**

ADR is an Agreement between States, and there is no overall enforcing authority. In practice, highway checks are carried out by Contracting Parties, and non-compliance may then result in legal action by national authorities against offenders in accordance with their

domestic legislation. Procedures for checks and procedures to prevent, identify, monitor and manage cases of infringement should be defined.

#### **Procedures in case of accident**

Accidents involving dangerous goods often require the intervention of different emergency responders and procedures for the mutual exchange of information and coordination should be put in place. Cooperation between neighbouring States should also be studied.

Emergency preparedness may also include participation in programmes related to the application of Intelligent Transport Systems to the tracing and tracking of dangerous goods.

#### **Special agreements**

In accordance with Article 4, paragraph 3 of ADR and section 1.5.1 of Annex A, competent authorities of Contracting Parties may agree directly among themselves to authorize certain transport operations on their territories by temporary derogation from the requirements of ADR, provided that safety is not compromised. The procedure for the signature and notification of such bilateral or multilateral agreements is reproduced in annex II.

#### **Alignment with other classification/labelling systems**

In order to prevent the risks presented by dangerous goods, not only during their transport, but also through the different steps of their life from their production to their use and disposal, countries should have consistent and appropriate information on the chemicals they import or produce.

The "Globally Harmonized System of Classification and Labelling of Chemicals (GHS)", developed under the auspices of the United Nations Economic and Social Council addresses classification of chemicals by types of hazard and proposes harmonized hazard communication elements, including labels and safety data sheets. The classification of dangerous goods in ADR is consistent with the classification proposed in GHS. A step forward could be to implement the GHS classification in other regulations related to dangerous goods, taking into account that GHS provides a basis for harmonization of rules and regulations on chemicals at the national, regional and worldwide level, an important factor for trade facilitation.

## **Annex I**

### **List of information to be notified to the UNECE secretariat**

<i>Notifications to the UNECE secretariat</i>	<i>Reference in the annexes of ADR</i>
Agreements for vehicles conveyed otherwise than by road haulage	1.1.4.5
Derogations as regards the transfer of the safety obligations of the participants	1.4.1.3
Temporary derogations from the requirements of ADR (bilateral or multilateral agreements)	1.5.1
List of competent authorities and bodies designated by them	1.8.4

<i>Notifications to the UNECE secretariat</i>	<i>Reference in the annexes of ADR</i>
Notifications of occurrences involving dangerous goods	1.8.5
Additional provisions applying to vehicles engaged in the international carriage of dangerous goods (additional safety requirements or restrictions concerning vehicles using certain structures such as bridges, vehicles using combined transport modes such as ferries or trains, or vehicles entering or leaving ports or other transport terminals / Restrictions on movement of dangerous goods traffic on certain days of the week or year)	1.9.3 (a) and (d)
Restrictions to the passage of vehicles carrying dangerous goods through road tunnels	1.9.5
Competent authority approval for the carriage of damaged lithium batteries if not collected and presented for carriage for disposal	Chapter 3.3, Special provision 661
Translated versions of the instructions in writing	5.4.3
<i>Note: At its eighty-fifth session, the Working Party on the Transport of Dangerous Goods agreed that the Contracting Parties to ADR should send their official translations of the standard instructions in writing set forth in 5.4.3.4 to the secretariat for circulation via the UNECE website.</i>	
List of technical codes recognised by the competent authority for non-UN pressure receptacles not designed, constructed and tested according to referenced standards	6.2.5
List of technical codes recognised by the competent authority for tanks which are not designed, constructed and tested according to referenced standards	6.8.2.7
List of technical codes recognised by the competent authority for battery-vehicles and multiple-element gas containers which are not designed, constructed and tested according to referenced standards	6.8.3.7

## Annex II

### Procedures to be followed for the communication of multilateral agreements concluded in accordance with section 1.5.1 of Annex A of ADR

- 1) The initiating country contacts the secretariat and informs it of its intention to initiate a multilateral agreement, the draft of which it transmits by **fax** and by **e-mail**.
- 2) The secretariat registers the title of the draft agreement and assigns it a serial number which it communicates immediately to the initiating country.
- 3) The initiating country includes the serial number in the heading of the draft agreement (e.g. "Multilateral agreement M252") and then proposes it to the other Contracting Parties to ADR.
- 4) As soon as the initiating country has reached agreement with the parties concerned on the final version of the clauses of the multilateral agreement, it transmits its signed copy to the secretariat in hard copy and electronically and transmits unsigned copies to the other Contracting Parties to ADR.
- 5) Each signatory country returns its signed copy to the initiating country and transmits a signed copy to the secretariat.
- 6) As soon as the secretariat receives the copy signed by a second signatory, the agreement is entered in a database which may be consulted on Internet (<http://www.unece.org/trans/danger/multi/multi.html>).
- 7) Each Contracting Party which revokes an agreement shall immediately so inform the secretariat.
- 8) The final clause of a multilateral agreement should be worded as follows:

*"This agreement shall be valid until (...)\* for the carriage on the territories of those ADR Contracting Parties signatory to this agreement. If it is revoked before then by one of the signatories, it shall remain valid until the above mentioned date only for carriage on the territories of those ADR Contracting Parties signatory to this agreement which have not revoked it.*

*(date ...)\*\**

*The competent authority for ADR of ... .. (Signature)".*

- 9) Where a signatory country signs a multilateral agreement with reservations regarding its application, these reservations shall be expressly mentioned in the copy which it transmits to the secretariat.

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\* Date of expiry of the multilateral agreement which must be indicated by the initiating country in the final version it transmits to the secretariat and to the other Contracting Parties in accordance with paragraph (4) above. This date of expiry must correspond to a maximum period of validity of five years as from the date of signature by the initiating country.

\*\* Date of signature for each country concerned.

