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**ECONOMIC COMMISSION FOR EUROPE**

**INLAND TRANSPORT COMMITTEE**

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agenda item 7)

**TRANSPORT AND SECURITY**

**Note by the secretariat**

**BACKGROUND**

1. In the wake of the tragic events of 11 September 2001, both Governments and international organizations are confronted with a new challenge: how to effectively combat terrorism and prevent further terrorist attacks. This is, in particular, the case in the field of transport, as transport equipment was a key instrument of the attacks and the transport of dangerous goods or key transport infrastructures were subsequently evoked as either the instrument or the target of possible further attacks.
2. Both the United Nations General Assembly<sup>1</sup> and the United Nations Security Council<sup>2</sup> have called for intensified international cooperation and action to prevent and suppress terrorist acts effectively in response to the serious threat that such acts represent to international security.
3. It is in this context that the Bureau of the Committee has asked the secretariat to prepare the present note in order to assist the Committee in its evaluation of the security aspects of transport in the ECE region. Below is provided, firstly, an overview of provisions already in place in the existing ECE transport regulatory work which address, directly or indirectly, the question of security; secondly, an outline of the issues which might benefit from additional security considerations; and, thirdly, proposals on how to proceed with this issue in the framework of the Committee and its subsidiary bodies.

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<sup>1</sup> Resolution 56/1 of 18 September 2001.

<sup>2</sup> Resolutions 1368 (2001) of 12 September 2001 and 1373 (2001) of 28 September 2001.

## **SECURITY RISKS IN TRANSPORT**

4. In transport, security risks may include dysfunctions, disruptions or misuse of the transport system, or of any of its components, caused intentionally and not as a result of the development of traffic or by a natural cause. Major security risks for the transport systems include: vehicle theft; vehicle misuse as bombs; theft of dangerous substances during their transport; illegal border crossing of elements contributing to terrorist attacks; and attacks to key infrastructure points like tunnels and bridges.

## **EXISTING SECURITY RELATED UNECE TRANSPORT REGULATIONS**

5. The Terms of Reference of the Committee do not specifically mention security among the objectives of the Committee's work and security related issues have seldom been directly addressed by the Committee. Nevertheless, a number of legal instruments developed and administered by the Committee and its subsidiary bodies contain provisions that actually have important security implications.

6. The following inventory provides an overview of such provisions categorized according to the areas of work covered by the Committee.

### **(a) Vehicle Regulations**

7. Existing UNECE vehicle regulations annexed to the 1958<sup>3</sup> Agreement already cover vehicle theft. They provide uniform requirements for the construction and installation of vehicle anti-theft devices and vehicle alarms. These regulations are the following:

?? Regulation No. 18: Uniform Provisions concerning the Approval of Motor Vehicles with regard to their Protection against their Unauthorized Use; and

?? Regulation No. 97: Uniform Provisions concerning the Approval of Vehicle Alarm Systems (Vas) and of Motor Vehicles with regard to their Alarm Systems (As)

?? Draft Regulation: Uniform Technical Prescriptions concerning the Protection of Motor Vehicles against Unauthorized Use.

This draft Regulation, which is currently following the adoption procedures within WP.29, is actually a merger of Regulations Nos. 18 and 97. All three Regulations, however, apply to passenger vehicles and small goods vehicles only.

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<sup>3</sup> Agreement concerning the Adoption of Uniform Technical Prescriptions for Wheeled Vehicles, Equipment and Parts which can be fitted and/or be used on Wheeled Vehicles and the Conditions for Reciprocal Recognition of Approvals Granted on the Basis of these Prescriptions.

(b) **Transport of Dangerous Goods**

8. The ECE legal instruments concerning transport of dangerous goods (ADR and ADN) address principally the safety of the transport of dangerous goods. Transport of dangerous goods according to ADR and ADN is either not permitted when the goods are identified as too dangerous, or authorized provided that the very stringent safety requirements of their annexes are fully complied with. The high level of safety provided by the transport equipment required (packaging, tanks, vehicles, vessels, which are subject to initial and periodic testing, inspection and approval requirements) is in itself a factor of security.

9. The ADR, and in the near future ADN as well, specifies clearly the safety obligations of each participant in the carriage of dangerous goods (consignor, carrier, consignee, loader, packer, filler, tank-container operator), and the strict observance of its own obligation by each participant implies self-checking at various stages of the transport operation, which at the end also contributes to enhancing security.

10. Certain safety provisions of ADR and ADN can be assimilated to security provisions since their application for safety purposes can also be used for security purposes, e.g. those contained in Chapter 8.4 of ADR (Supervision of vehicles), or concerning places of loading and unloading, parking of vehicles; berthing /mooring of vessels, reporting duty, etc.

11. Both ADR and ADN contain requirements concerning the training of the vehicle/vessel crew, with detailed provisions concerning the structure of training, duration and contents of courses, refresher courses, examinations and issuance of training certificates. This mandatory training of personnel is a crucial safety factor in transport of dangerous goods operations, as drivers are made well aware of the potential danger of the loads and of essential safety precautions. This awareness of personnel is also indirectly a security factor.

12. In addition, ADR and ADN require that each undertaking, the activities of which include the carriage, or the related packing, loading, filling or unloading, of dangerous goods appoint one or more safety advisers who have to be trained and hold a vocational training certificate. The safety adviser has various duties, including monitoring compliance with the requirements, advising its undertaking, preparing reports to the management, and monitoring inter alia the following procedures for compliance and checking; proper training of employees; implementation of emergency measures; preparing reports on accidents or infringements; implementation of measures to avoid recurrence of accidents, incidents, infringements; choice of sub-constructor or third parties; verification that employees have detailed operational procedures and instructions; measures to increase the awareness of the risks; implementation of verification procedures.

13. In accordance with Article 4, paragraph 1 of ADR and Article 6 of ADN, each Contracting Party retains the right to regulate or prohibit, for reasons other than safety during carriage, the entry of dangerous goods into its territory. There are indeed in most countries in the ECE region additional regulations concerning the control of import/export of certain categories of dangerous goods, notably explosive substances and articles, nuclear material, hazardous wastes or certain other specific chemical substances, e.g. used as psychotropes or for chemical weapons, etc.

14. Although passengers are not allowed on board vehicles carrying dangerous goods according to ADR, in some cases (carriage of explosives), the national competent authority may require an approved official to be carried in the vehicle at the carrier's expense if the national regulations so

provide. For certain highly sensitive dangerous goods (e.g. primary explosives, nuclear material, military weapons), a police escort is frequently required by national security regulations.

15. In accordance with paragraph 1.9.3, Contracting Parties to ADR may also apply to vehicles engaged in international transport of dangerous goods by road on their territories certain provisions not included in ADR provided that they apply equally to vehicles engaged in domestic traffic. They may be applied in specified conditions, which include restrictions concerning the use of bridges or tunnels, routing requirements to avoid commercial or residential areas, restrictions on movement of dangerous goods traffic on certain days.

(c) **Road Transport and Road Safety**

16. The existing UNECE legal instruments aimed at improving road traffic safety, including the Vienna Convention on Road Traffic, of 1968, and the European Agreement supplementing it, of 1971, do not address security issues directly. However, a large number of their safety provisions serve also the purpose of security.

17. The recently finalized Recommendations of the Ad hoc Multidisciplinary Group of Experts on Safety in Tunnels contained in document TRANS/AC.7/9, include a number of measures which, by improving safety in road tunnels, help also prevent security risks and minimize their consequences in this key element of the inland transport infrastructure networks.

18. The Consolidated Resolution on the Facilitation of International Road Transport covers the question indirectly, in as far as this Resolution aims at facilitating international road transport, where the trend has so far been towards greater flexibility of the rules and, for example, the road transport industry has argued in favour of issuing annual multiple-entry visas to drivers without unnecessary formalities or restrictions. This trend may require other kind of rules and/or more efficient controls in order to prevent security problems.

(d) **Infrastructure networks**

19. The legal instruments establishing the infrastructure networks for the various modes of inland transport (AGR, AGC, AGTC and AGN) do not in general contain provisions concerning transport and security. Provisions concerning these issues are left to national regulation.

20. In inland water transport, regulations such as the CEVNI<sup>4</sup> provide recommendations concerning the circulation of vessels. Vessels must carry a ship's certificate, which provides information about the vessel construction, equipment and crew and requires that the boat master be licensed and that the crew be listed in an obligatory document.

(e) **Border Crossing Facilitation**

21. The main purpose of the conventions administered by UNECE in this field is to facilitate international transport and trade (goods and transport vehicles) while safeguarding at the same time fiscal, economic and public health interests of the Contracting Parties to the Conventions. These

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<sup>4</sup> The European Code for Inland Waterways

Conventions comprise the TIR Convention, the Conventions on Temporary Importation of Road Vehicles, Conventions on Containers and Pallets and the “Harmonization” Convention.

22. The issue of security is not dealt with directly in any of these Conventions. However, in the framework of the TIR Convention, restricted access for operators to use the facilitation measures provided by the Convention has been introduced recently. This restricted access to the TIR regime, while mainly aimed at preventing customs fraud, may actually serve security purposes.

23. Like in the Consolidated Resolution on the Facilitation of International Road Transport, the trend in the framework of the “Harmonization” Convention has so far been towards greater flexibility of the rules and, for example, the road transport industry has argued in favour of issuing annual multiple-entry visas to drivers without unnecessary formalities or restrictions, which may raise, among others, security problems.

24. Nevertheless, the mentioned facilitation measures do not preclude application of restrictions and controls imposed under national regulations on grounds of public security and safety (Article 47 of the TIR Convention and Articles 11 and 12 of the “Harmonization” Convention). Furthermore, the purpose of the instruments is to relieve Customs authorities from routine procedures and allow for more target-oriented controls based on risk assessment and intelligence.

#### **ISSUES WHICH MIGHT BENEFIT FROM ADDITIONAL SECURITY CONSIDERATIONS**

25. The evaluation of whether additional regulatory measures to improve inland transport security in the UNECE region might be necessary should be guided by an overall strategy taking into consideration the level of security that member States would like to achieve and the broad social, political and economic costs of implementing those additional measures. Measures to be considered with priority would be those that would achieve the desired level of security at the lowest possible political, social and economic cost. Particular attention should be paid to the need for minimizing restrictions to political freedom, social well-being and freedom of movement. Technological improvements could be included in this category of priority measures.

26. In this context, it is essential to consider the additional security measures that UNECE member States have implemented or are planning to implement at national level.

27. The role of the Committee and its subsidiary bodies could consist of harmonizing and aligning national measures and filling gaps between national regulations to ensure that security is consistent and that terrorists cannot take advantage of differences between national systems and possible deficiencies in the communication between national systems.

28. As a first step, the secretariat has undertaken a preliminary review of the existing UNECE transport regulatory instruments and identified the following areas, which possibly could be the focus of further security considerations. It should be stressed that introducing further provisions in existing or new legal instruments, introducing further restrictions or tighter controls in the transport systems should be carefully considered as they might establish new barriers to international transport and trade. It could also be noted that security measures could run counter to traffic safety, which should be avoided.

(a) **Vehicle Regulations**

- ?? Extension of the provisions concerning vehicle alarm and immobilization systems to trucks and buses.
- ?? Agree on provisions for immobilizing vehicles after unauthorized use.
- ?? Installation of positioning systems in vehicles to facilitate location of stolen vehicles.

(b) **Dangerous Goods and Special Cargoes**

- ?? Considering developing security recommendations for undertakings concerned by transport of dangerous goods and for drivers, masters of vessels and safety advisers.
- ?? Considering amending the present structure of training for drivers, safety advisers, ADN experts and other persons employed in the transport of dangerous goods to include a security dimension.

(c) **Road Transport and Road Safety**

- ?? Developing regulations harmonizing access to the profession of road transport and licensing requirements.
- ?? Considering developing regulations for illegal immigrants.
- ?? Review of the requirements for the issuing of driving permits.

(d) **Infrastructure networks**

- ?? Consideration of introducing a set of best transport security practices for all infrastructure network agreements.
- ?? Best practices in surveillance key infrastructure points such as bridges and tunnels.
- ?? Providing regulations with regard to technical means for preventing the use of vessels or trains by unauthorized persons.
- ?? Introduction of automatic alarm systems on vessels in case of use of an unauthorized person.
- ?? Consideration of provisions for pipelines.

(e) **Border Crossing Facilitation**

- ?? Introduction of modern communications means between Customs authorities.
- ?? Consideration of establishing a new Annex to the “Harmonization” Convention on security for international goods transport by road, rail and inland waterways.

**NEXT STEPS AND FURTHER ACTION**

29. The Committee may, as a first step, invite its relevant subsidiary bodies to consider the areas under their responsibility identified above by the secretariat which possibly require additional security considerations and give them the follow-up they deem appropriate.

30. In order to consider the specific needs of UNECE member States in relation to transport security, it would be necessary to make an overview of the regulations introduced at the national level with the aim of increasing security in transport. Consequently, the Committee might consider

inviting member States to provide the secretariat with information on such regulations and on studies or discussions in progress. From these replies, it would then be possible to analyse in concrete terms the problems and to examine further eventual effects.

31. In order to carry out this analysis, it might be relevant that the Committee decides to set up an Ad hoc Group of Experts with precise terms of reference and a timeframe. This group would provide guidance for the Committee and its subsidiary bodies and make recommendations on how best to address security in transport.

32. It goes without saying that, in considering transport-related security matters, this Group should take due note of developments in other intergovernmental organizations, in particular in the ECMT and its Steering Group on Crime in Transport.

33. In addition to considering the security aspects in the UNECE region, it could also be relevant to consider how to address the issue of transports and goods arriving from other world regions given the intercontinental nature of transport. In this respect, cooperation with other regional United Nations bodies and specialized agencies would be beneficial.

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