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**REGULATORY INITIATIVES AT THE NATIONAL LEVEL**

**Note by the secretariat**

**17 January 2008**

**AN INVENTORY OF REGULATORY INITIATIVES AT THE NATIONAL LEVEL IN  
THE FIELD OF INLAND TRANSPORT SECURITY**

**DRAFT 3**

**THE MULTIDISCIPLINARY GROUP OF EXPERTS ON INLAND TRANSPORT  
SECURITY**

**United Nations Economic Commission for Europe**

**Geneva**

## Foreword

In March 2007, the Inland Transport Committee of the UNECE established a Multidisciplinary Group of Experts on Inland Transport Security. The following report is a draft background document and contains a collection and summary of relevant regulations, initiatives, policies and legislation concerning inland transport security in the UNECE area. This information may serve as a foundation for future policy recommendations and/or amendments to existing legal instruments, with the overall objective of improving inland transport security.

Content was sourced from all documents available to the general public via the Internet.<sup>1</sup> The search was performed by experts trained to locate these documents and to present the material according to UNECE requirements.

The search focused on documents related to land transport security. This is to be distinguished from transport safety. Transport security involves the protection of infrastructure, goods and persons from deliberate attack or intent to cause damage. Transport safety is concerned with general safeguarding against any form of harm, whether it is a natural disaster, mechanical failure, or attack from an agent. As such, transport safety subsumes some aspects of transport security, but transport security is specifically focused on deliberate action.

Note that all translations are unofficial and were undertaken by the UNECE Secretariat. All Internet references were verified and valid as of 13 July 2007.

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<sup>1</sup> Except Albania, Belgium, France, Germany, Russia, Switzerland, Turkey and Ukraine as these countries have provided national contributions.

## **Methodology**

A thorough search of national institutions was undertaken to find any regulations, initiatives, legislation, policy documents or official releases concerning inland transport security. The following is a summary of what was located in that search.

The majority of research was done on the Internet, with identical search procedures applied for each country. First, a general web search was performed with a search engine to identify starting points and possible focus areas for each country. The searches were carried out using combinations of the following terms: the nation's name, transport, security, legislation, regulations, initiatives, policy and law.

Secondly, government web sites were searched in a similar fashion, using search fields if provided. Specific government ministries were also searched in the same way, typically the ministry of transport, the ministry of defense and the ministry of the interior. Selected ministries were of course subject to the specific countries' government structure.

All documents relating in some way to transport security were recorded and a copy of them saved. These documents were further reviewed and those directly pertaining to inland transport security, and which might contribute to the report's objective, were included and summarized below.

## **Document Summaries**

### **Albania**

Ministry of Public Affairs, Transport and Telecommunication in the course of harmonisation Albanian legislation with EU legislation, has prepared the necessary documentation for the participation of Albania at the international agreements and conventions, with regard of the transport security, which are ratified by the Albanian Parliament, as following:

- European Agreement with regard of Road International Transport of Dangerous Goods,'57 (ADR), ratified with the law Nr. 9272 date 16.09.2004.
- Regulation for the railway transport of dangerous goods (RID)

Following are the main laws of road and railway transport, which have been drafted and improved in accordance with EU legislation:

- Law Nr. 8308 date 18.03.1998 “Road Transport”, changed, which among others indicates the criteria applied on transport of dangerous goods.
- Law Nr. 8378, date 22.07.1998 “Road Code of Republic of Albania” changed, which indicates 1) road control authorities 2) the maximal allowed measures and maximal authorized weights of vehicles 3) the carrier capacity of vehicles, ect.
- Law Nr. 9317 date 18.11. 2004 “The railway Code of Republic of Albania”

There are in the process of drafting:

- Project-Decision “On employment and professional qualification of the consultants of road security transport on dangerous goods”, partially in accordance with the Directive 96/35/CE.
- Project-Decision “On the uniform procedures for the control of road transport of dangerous goods”, partially in accordance with the Directive 95/50/CE.

## Andorra

Legislation in Andorra has focused primarily on training of personnel who will be involved with the transport of dangerous goods.

The **Avís del 9-3-2005 pel qual es vol procedir a la realització d'un curs de capacitació i d'un curs de reciclatge per a l'obtenció del certificat d'aptitud per a conductors de transport de matèries perilloses<sup>2</sup>** states that transporters of dangerous materials must obtain a certificate of capacity through a formal course.

This is further elaborated in the **Avís del 16-4-2004 pel qual es vol procedir a la realització d'un curs de formació per a l'obtenció del certificat d'aptitud per a conductors de transport de matèries perilloses.<sup>3</sup>**

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<sup>2</sup> Avís Del 9-3-2005 Pel Qual Es Vol Procedir a La Realització D'un Curs De Capacitació I D'un Curs De Reciclatge Per a L'obtenció Del Certificat D'aptitud Per a Conductors De Transport De Matèries Perilloses,  
<http://www.bopa.ad/bopa.nsf/c56341fc0d070c89c12566c700571ddd/a8aa1d65144f0fdb1256fc6002779ca?OpenDocument&Highlight=2,seguritat,transport>

<sup>3</sup> Avís Del 16-4-2004 Pel Qual Es Vol Procedir a La Realització D'un Curs De Formació Per a L'obtenció Del Certificat D'aptitud Per a Conductors De Transport De Matèries Perilloses,  
<http://www.bopa.ad/bopa.nsf/c56341fc0d070c89c12566c700571ddd/e4367d1d65314df8c1256e7d0021add2?OpenDocument&Highlight=2,seguritat,transport>

## Austria

**Austria's Transport Master Plan**<sup>4</sup> specifies the need for constant review and revision of the transport security policy. The strategic progress of Austria's transport policy would be assessed at appropriate intervals, about every five years. The aim is to make cautious readjustments, without fundamentally jeopardizing the security of planning which a development program of this kind is meant to guarantee. This constant evaluation allows the state to anticipate the population's transport needs while still actively considering security issues.

**The Verordnung des Bundeskanzlers, mit der die sicherheitstechnischen und organisationsrelevanten Voraussetzungen für Verwaltungssignaturen geregelt werden (VerwSigV)**<sup>5</sup> proposes a number of protocols for the safety and security of the transport system. The overarching theme, however, is data and authorization verification of those involved in the transport of goods through digital or mechanical means.

The recommendations include:

- Methods of verifying signatures
- Use of authorization codes that are carefully guarded and maintained in secure databases
- Methods of updating databases of signatures and authorization codes
- Encoding of data containing signature or authorization code information
- Frequent testing of used devices for functionality

**The Beförderung gefährlicher Güter, Pflichten von Beteiligten, Genehmigung, Ausnahmen, Gefahrgutbeauftragter, Sofortmaßnahmen, Meldungen von Ereignissen, Sicherung Pflichten von Beteiligten**<sup>6</sup> defines the responsibilities of the transporter, and of the loader of containers; requires appropriate paperwork and documentation to be maintained; and requires regulations for handling dangerous goods to be readily accessible to those working with them.

**The Resolution by the Austrian Parliament Security and Defense Doctrine**<sup>7</sup> states that the availability of vital resources (such as food, energy and raw materials) and the protection of key infrastructures (such as communications and transport) should be ensured. State strategies should therefore be developed with regards to transport security, particularly in relation to foreign policy, defense policy and internal security.

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<sup>4</sup> Transport Policy in Austria, <http://www.bmvit.gv.at/en/verkehr/policy.html>

<sup>5</sup> The Verordnung Des Bundeskanzlers, Mit Der Die Sicherheitstechnischen Und Organisationsrelevanten Voraussetzungen Für Verwaltungssignaturen Geregelt Werden, [http://ris1.bka.gv.at/authentic/findbgbl.aspx?name=entwurf&format=html&docid=COO\\_2026\\_100\\_2\\_72782](http://ris1.bka.gv.at/authentic/findbgbl.aspx?name=entwurf&format=html&docid=COO_2026_100_2_72782)

<sup>6</sup> The Beförderung Gefährlicher Güter, Pflichten Von Beteiligten, Genehmigung, Ausnahmen, Gefahrgutbeauftragter, Sofortmaßnahmen, Meldungen Von Ereignissen, Sicherung Pflichten Von Beteiligten, <http://www.bmvit.gv.at/verkehr/gesamtverkehr/gefahrgut/downloads/ggbg2005rev211.pdf>

<sup>7</sup> Resolution by the Austrian Parliament Security and Defence Doctrine, [http://www.austria.gv.at/2004/4/18/doktrin\\_e.pdf](http://www.austria.gv.at/2004/4/18/doktrin_e.pdf)

**The Bundesgesetz: Änderung des Eisenbahngesetzes 1957, des Bundesbahngesetzes und des Bundesgesetzes zur Errichtung einer „Brenner Basistunnel Aktiengesellschaft“<sup>8</sup>** defines a number of security methods to be considered.

The security methods address the following issues:

- The maintenance of rail infrastructure
- The transport of material by railway
- The attainment of common security goals with other European Commission member countries
- The establishment of security regulations and protocols

The law further discusses security and safety certificates, managements systems, and safety reports meant for use in the assessment of transport-related risks.

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<sup>8</sup> The Bundesgesetz: Änderung Des Eisenbahngesetzes 1957, Des Bundesbahngesetzes Und Des Bundesgesetzes Zur Errichtung Einer „Brenner Basistunnel Aktiengesellschaft,  
[http://ris1.bka.gv.at/authentic/findbgl.aspx?name=entwurf&format=pdf&docid=COO\\_2026\\_100\\_2\\_46900](http://ris1.bka.gv.at/authentic/findbgl.aspx?name=entwurf&format=pdf&docid=COO_2026_100_2_46900)

## **Belgium**

### **Royal Decree of 19 July 2003 - Nomination of the members of the Ministerial Committee for Intelligence and Security**

A Ministerial Committee for Intelligence and Security has been established by a Royal Decree of 21 June 1996. The Committee is chaired by the Prime Minister. In 2003, the Minister of Transport was appointed as a full member of the Committee, together with the Ministers of Justice, Foreign Affairs, Interior and Defence. Since then, the Minister of Transport is directly involved in the political decisions about security at governmental level.

### **Law of 19 December 2003 - Terrorist offences**

This law, transposing the EU Council Framework Decision of 13 June 2002 on combating terrorism, introduces the concept of "terrorist offence" in the Belgian Law with specific penalties. A terrorist offence is the one intentionally committed against a country or an international organization with the aim of seriously intimidating a population, or forcing public authorities or an international organization to carry out or to abstain carrying out an action, or seriously altering or destroying the fundamental political, constitutional, economical or social structures of a country or an international organization. When they comply with this definition, the following offences related to inland transport are considered as terrorist offences:

- mass destruction of a transport infrastructure or system or causing floods in such an infrastructure or system, endangering people or causing considerable economical losses;
- unlawful seizure of any means of transport;
- transport of explosives;
- transport of nuclear or chemical weapons;
- threatening to commit any of the offences listed above.

### **Royal Decree of 26 January 2006 - Federal Committee for Railway Security - Intermodal dialogue on security**

Inspired by the Federal Security Committees for Aviation and for Maritime Transport, a Federal Committee for Railway Security has been set up. This Committee makes proposals for a general policy for railway security to the federal government. It is preparing a global security plan for railways in Belgium. In order to achieve this, it ordered a study to determine the state of the art in railway security in Belgium, to prepare the framework of a global security system for the Belgian railways and to prepare an action plan to fulfill this framework. A communication and coordination plan was proposed as well.

At the same time an intermodal dialogue on security matters has been established between the Federal Security Committees respectively for Aviation, Maritime Transport and Railways.

### **Law of 10 July 2006 - Threat analysis**

A new body, called OCAM (Organisme de Coordination pour l'Analyse de la Menace) has been created, formalizing an existing structure within the police forces, in order to collect all information related to security matters and to provide threat analyses to the Belgian authorities. A new element is the direct link between this body and support services, under which the Ministry of Transport, in order to facilitate the exchange of data and information. Through this link, all elements relevant for inland transport security will be directly gathered into a central data bank, together with all other data related to security, and analyzed. On the other hand, analysis of elements in other fields could be helpful for inland transport security.

### **Law of 5 February 2007 and Royal Decree of 21 April 2007 - Maritime Security**

Although we decided to exclude maritime transport from the scope of our report, I mention this initiative that covers ports facilities security, as we decided to address maritime/ports linkages in a special annex. The "supply chain security" concept strengthens the importance of this linkage. Moreover port activities are sometime considered to be part of inland transport.

This law lays down the rules for maritime security in Belgium. It sets up a National Authority for Maritime Security, in charge of the general maritime security policy, and a local maritime security committee in each port. In each port, security levels have to be determined, security evaluations are to be made and security plans established. This work can be done by officially approved organizations.

The National Authority for Maritime Security took over the tasks of the former Federal Committee for Port Facilities security that had been set up in 2004.

## Bosnia and Herzegovina

The EU Weapons Storage and Security Report of 2006<sup>9</sup> deals with transport security for weapons transport. The report states that Bosnia and Herzegovina adheres to the RMDS/G guidelines, concerning security and storage of weapons. The guidelines' subsection on transport security recommends that national civilian legislation and military regulations be combined with international agreements such as ADR or RID.

The report notes that transportation of weapons should be planned and conducted as is customary for other valuable goods. Regulations for cargo verification and inspection mechanisms can help prevent illicit weapon transfers brought about by falsified transport documentation. The importance of documentation is emphasized, as is the need for emergency procedures.

A recent Transport Sector and Security Brief,<sup>10</sup> produced by the Ministry of Civil Affairs and Communications, outlines the transport sector projects that were considered a "priority". It is important to note that none of these related directly to inland transport security, but rather focused on repair and renovation of transport infrastructure after the war.

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<sup>9</sup> The E.U. Weapons Storage and Security Report of 2006,  
[http://www.seesac.org/resources/RMDS%2005.30%20Weapons%20Storage%20\(Edition%204\).pdf](http://www.seesac.org/resources/RMDS%2005.30%20Weapons%20Storage%20(Edition%204).pdf)

<sup>10</sup> Transport Sector and Security Brief,  
<http://wbln0018.worldbank.org/ECA/Transport.nsf/PrintView/43259d444655e22085256b3500706b53?OpenDocument&ExpandSection=4%2C3%2C2>

## Bulgaria

The **National Strategy for Integrated Development of the Infrastructure of the Republic of Bulgaria and Action Plan for the Period 2006 – 2015<sup>11</sup>** comments on the need for improved attention to security, especially for railway infrastructure. In line with the *White Paper: European Transport Policy for 2010: Time to Decide*,<sup>12</sup> it recognizes the need for equal treatment of various transport types. It says a balance must be found between raising transport efficiency and complying with modern requirements for security and environmental protection.

The **National Strategy for Integrated Development of the Infrastructure** includes a number of subprojects to be undertaken. The Government will promote public private partnership as an alternative way of financing long-term development, reconstruction, modernization and maintenance of transport infrastructure.

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<sup>11</sup> National Strategy for Integrated Development of the Infrastructure of the Republic of Bulgaria and Action Plan for the Period 2006 – 2015, [http://www.government.bg/fce/001/0162/files/StrategyNatInfra\\_EN.doc](http://www.government.bg/fce/001/0162/files/StrategyNatInfra_EN.doc)

<sup>12</sup> White Paper European Transport Policy for 2010: Time to Decide,  
[http://ec.europa.eu/transport/white\\_paper/index\\_en.htm](http://ec.europa.eu/transport/white_paper/index_en.htm)

## Canada

Canada not only has extensive transport security regulations, but the country has made these regulations readily accessible to the public through government Internet sites.

The **Canada Transportation Act**<sup>13</sup> defines a number of regulations. The most prominent of these include:

- No person shall take or carry, into any car, train, vehicle or station owned or occupied by the company any loaded firearm, or any inflammable, corrosive or offensive article, substance, matter or liquid, or any substance, matter or liquid likely to explode or to become dangerous or offensive to any passenger or property.
- No person shall throw or drop from any car, train, or vehicle of the company any article or thing capable of injuring, damaging or endangering any person or property.
- Private carriages, automobiles, omnibuses, cabs, trucks, or other vehicles, while waiting at, in, or upon any station, wharf, or other property owned or occupied by the company, shall be stationed or parked in such place or places as may be directed by the station master, agent or constable, and every person having charge of such vehicles shall obey the directions of the station master, agent, or constable relating to the use of the company's premises.
- The company may summarily interfere, using reasonable force where necessary, to prevent violation of any of the provisions of these Rules and Regulations, or to enforce observance, and such interference shall not affect any penalty for which such person may otherwise be liable.

The **Railway Safety Act**<sup>14</sup> outlines a variety of regulations pertaining to safety and security. These regulations invest authority in the appropriate government agency, the Governor in Council, to make any regulation:

- Respecting the operation or maintenance of line works, and the design, construction, alteration, operation and maintenance of railway equipment, which regulations may embrace, among other things, performance standards;
- The training of personnel, both before and after appointment to positions,
- Hours of work and rest periods to be observed,

With respect to security, the Governor in Council may create regulations respecting the security of railway transportation, may create emergency directives and may formulate further security measures if there is an immediate threat to safe railway operations or the security of rail transportation.

Surface transportation security is further addressed. The act states that Transport Canada has developed a two-year contribution program, Transit-Secure, targeted towards the high volume passenger areas of commuter rail and urban transit, with a focus on major urban transit systems and equipment. This program will provide financial assistance to commuter and passenger rail and public transit operators to accelerate the implementation of new and enhanced security

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<sup>13</sup> Canada Transportation Act, <http://www.canlii.org/ca/sta/c-10.4/whole.html>

<sup>14</sup> Railway Safety Act, <http://www.tc.gc.ca/acts-regulations/GENERAL/r/rsa/act/rsa.html>

measures. In addition to Transit-Secure, Transport Canada and the Railway Association of Canada established a Memorandum of Understanding on rail security in 1997, which addresses:

- The implementation of security plans;
- Emergency plans to respond to threats against railway operations;
- The conduct of exercises to test those plans;
- The exchange of information, and;
- Reporting of security incidents.

Transport Canada has focused on building common understanding and capacity in the rail security sector. The intelligence-sharing network that Transport Canada established with rail operators in early 2004 has been expanded to include major high volume urban transit operators across the country. Regular communication is maintained through this network, including the sharing of information and best practices.

The document also reports that Transport Canada worked with federal and industry experts to complete a Threat Risk Assessment of the rail and high volume urban transit sector. Transport Canada is working with its partners to complete two important strategic initiatives to lay out policy and priority directions for enhancing transportation security in Canada: an overall rail and urban transit security policy review; and a broad, multi-modal “Transportation Security Strategy” to guide long-range planning and priority setting.

The government of Canada has worked closely with the provinces, and intelligence and law enforcement authorities, to monitor and assess road security-related concerns. According to the report, action has been taken to enhance security at strategic locations such as bridges and tunnels, and to increase awareness of security in the transportation of dangerous goods.

**The Transportation of Goods Regulations SOR/86-1064<sup>15</sup>** defines the following regulations for the transport of goods:

- If, as the result of an accident or other unforeseen event occurring in the course of transporting goods, a seal is damaged or broken, a container or conveyance is damaged or disabled and to preserve the goods they must be removed there from, or a conveyance is damaged or disabled and can no longer be used to transport the goods,
- The person transporting the goods shall forthwith report the accident or event, as the case may be, to the chief officer of customs for the area or place in which the accident or event occurred or the damage, break or disablement was discovered or to the nearest detachment of the Royal Canadian Mounted Police.
- In any case described, the goods being transported shall not be transferred to another conveyance or container unless the person who transports the transferred goods or who causes those goods to be transported complies with the requirements of these regulations; and in the case of goods transferred from a conveyance or container that is sealed, the transfer is conducted in the presence of an officer or a police officer who has been requested by the chief officer of customs to supervise the transfer, and the conveyance or

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<sup>15</sup> The Transportation of Goods Regulations Sor/86-1064, <http://www.tc.gc.ca/tdg/clear/tofc.htm>

container to which the goods are transferred is sealed with a seal issued or approved by the President.

Regarding records of the materials being transported, the regulations state:

- Every person who transports goods into Canada, or transports within Canada goods that have been imported but have not been released, shall keep all invoices, bills, accounts and statements, or a copy thereof, relating to the transportation of the goods
- In addition to these records, the owner or consignee of the goods shall keep the following records:
  - Records relating to goods delivered to the place of business;
  - Records relating to goods that are not delivered to the place of business because;
  - Names and addresses of terminals and warehouses owned or operated by the CSA carrier;
  - Lists of the CSA carrier's equipment used to transport the eligible goods, usage logs and maintenance records for that equipment, and records indicating whether that equipment is owned or leased;
  - The names of commercial drivers that the carrier employs who hold an authorization under those Regulations; and
  - The names and addresses of persons who own and operate transportation equipment and who have a written contract to provide their equipment exclusively to the CSA carrier.
- The records referred to shall be kept for a period of three years commencing on the 1st day of January of the calendar year following the calendar year during which the goods were transported.

## Croatia

The **Screening Report: Croatia**<sup>16</sup> indicates that Croatia has started to align its legislation concerning the requirements for tires, weights and dimensions of vehicles, roadworthiness tests, safety belts, and registration documents for vehicles. The report makes no direct statement concerning the level of harmonization of transport security with EU standards. However, the report does evaluate transport security in a variety of different areas.

Tunnel safety has not been incorporated into the national legislation. In order to follow the latest technical requirements, Croatia applied the Austrian guidelines for tunnel design (RVS) and will continue to apply them in the future.

Croatia considers the **Railway Safety Act** (OG 77/92, 26/93 and 100/04) to be partially aligned with Directive 2004/49 on Safety on the Community's railways. A new Railway Safety Act is under preparation to ensure full alignment by accession.

The Railway Safety Act provides for the establishment of regulatory structures, investigation methods and transparency in safety regulation. However, the independent bodies required by the relevant EU Directive have not yet been established, in particular concerning the national safety authority and the accident investigation body. Specific rules also apply regarding the requirements for executive staff, notably in terms of professional competence, health and rest periods, according to the Railway Safety Act and the ordinance OG 32/94 on executive staff in railway traffic.

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<sup>16</sup> Screening Report: Croatia,  
[http://ec.europa.eu/enlargement/pdf/croatia/screening\\_reports/screening\\_report\\_14\\_hr\\_internet\\_en.pdf](http://ec.europa.eu/enlargement/pdf/croatia/screening_reports/screening_report_14_hr_internet_en.pdf)

## Cyprus

**The Republic of Cyprus Implementation of U.N.S.C. Resolution 1540 (2004) National Report**<sup>17</sup> states that not only does the current legislation withdraw support from any non-state entity that attempts to develop, acquire, or transport nuclear, chemical or biological materials, but that it requires the states to enforce laws prohibiting any attempts to do so and grants the states the power to enforce such measures.<sup>18</sup> This includes measures and regulations for transporting such materials and for border controls.<sup>19</sup> According to the report, the Republic of Cyprus has enacted national rules and regulations for compliance with commitments and obligations.

Finally, the report advises that in accordance with their national legal authorities and legislation, and consistent with international law, states must take cooperative action to prevent illicit trafficking in nuclear, chemical or biological weapons, their means of delivery, and related materials.

**Memo/06/323, Commission Activities in the Fight against Terrorism, of the European Commission's Representation in Cyprus,**<sup>20</sup> comprises a list of proposed legislation for Cyprus, including:

- The Proposal for a Council directive on the supervision and control of shipments of radioactive waste and spent fuel.
- The Proposal for a directive on security in the inter-modal transportation chain (transportation of goods).
- The Commission proposal for the 7th RTD Framework Program, which includes Security Research as a new theme.

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<sup>17</sup> The Republic of Cyprus Implementation of U.N.S.C. Resolution 1540 (2004) National Report, [http://www.mfa.gov.cy/mfa/mfa2006.nsf/All/0E877CF1D6EEF847C22571D3002546A3/\\$file/Cyprus%20Report%20-%20Res%201540.pdf](http://www.mfa.gov.cy/mfa/mfa2006.nsf/All/0E877CF1D6EEF847C22571D3002546A3/$file/Cyprus%20Report%20-%20Res%201540.pdf)

<sup>18</sup> Obligations under NPT, CTBW and CWC are enacted in Cyprus law. Law No. 3(III)/1998 establishes the offence of the development, production, supply, stockpiling, use and transfer of chemical weapons. Maximum penalty is 15 years. There are a number of measures in force to establish effective domestic controls including the Radiation Inspections and Control Service in the Department of Labour Inspection which operates a licensing system for ionizing radiation sources and relevant practices, including nuclear material.

Strict controls are also provided for under the Dangerous Substances and Major Hazards legislation of the Department of Labour Inspection. For the more effective control of these materials the Department of Labour Inspection is in close collaboration with the Customs and Excise Department

<sup>19</sup> The control and checks on the exportation of sensitive goods is the responsibility of the Department of Customs and Excise. Customs officers are empowered by Customs legislation to check whether the goods to be exported are subjected to an export license and to verify that it corresponds to the goods that are to be exported. The legal basis for the enforcement of import and export control is Customs Code Law No. 94(I) of 2004 together with other national legislation providing for prohibitions and restrictions on the import and export of sensitive goods. In addition to the existing mechanisms and in order to exercise more effective controls in the movement of certain goods a Special Anti-smuggling Team was set up in July 2002 by the Customs and Excise Department at Limassol Port.

<sup>20</sup> The European Commission's Representation in Cyprus, <http://www.delcyp.cec.eu.int/en/news/060911b.htm>

Security Research is composed of vertical priorities and cross cutting priorities:

- *Vertical priorities*
  - Protection against terrorism and crime: delivering technology solutions for threat awareness, detection, prevention, identification, protection, neutralization and containment of effects of terrorist attacks and organized crime.
  - Security of infrastructures and utilities: analyzing and securing existing and future public and private critical/networked infrastructure (e.g. in transport, energy, ICT), systems and services (including financial and administrative services).
  - Border security: focusing on technologies and capabilities to enhance the effectiveness and efficiency of all systems, equipment, tools and processes required for improving the security of Europe's land and coastal borders, including border control and surveillance issues.
- *Cross cutting priorities*
  - Security Systems Integration and Interoperability.
  - Technologies to enhance interoperability of systems, equipment, services and processes.
  - Organization, protection of confidentiality and integrity of information, traceability of transactions, and processing.
  - Security and Society.
  - Socioeconomic aspects related to crime, perception of security, ethics, privacy, and society.
  - Foresight, safeguarding of privacy and liberties, vulnerabilities, new threats, management and impact assessment of consequences.
  - Security Research Coordination and Structuring Coordination of security research efforts, development of synergies (civil/security/defense), legal conditions, and use of infrastructures.

## Czech Republic

The **Security Strategy of the Czech Republic**<sup>21</sup> states that the Czech Republic coordinates its security policy with NATO and that it helps develop the common foreign and security policies of the European Union. This policy document also affirms the country's preoccupation with containing acts of terrorism and controlling the proliferation of weapons of mass destruction.

The Czech government policy is preventive. Described as a pre-emptive action, the focus is to identify and prevent any threat to security before it can develop into an attack on civil or public targets. One aspect of this policy is to minimize the Czech Republic's economic dependence on supplies from economically or politically unstable regions, where threats to transport security are greater. To do so, the government aims to:

- Diversify the sources and transport routes.
- To pursue industrial, energy and raw material policies that would reduce energy and raw material consumption in the Czech economy.
- To minimize the economic impacts of delays in raw material supplies.
- To support the development of the defense industry.

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<sup>21</sup> Security Strategy of the Czech Republic, <http://www.czech.cz/en/czech-republic/politics/international-relations/foreign-policy/security-strategy-of-the-czech-republic/>

## **Denmark**

Denmark wishes to achieve the highest possible level of security within transport. To do so, it has passed a variety of legislations to ensure a greater safety of transport infrastructure. These laws include regulations requiring or allowing that:

- All railway organizations must have clearance from the Danish government regarding their infrastructure to make sure it conforms to Danish and international security standards.
- Only a select number of people are to be approved to operate Danish trains.
- The *Trafikministern* (Traffic Minister) is permitted to discontinue any railway organization deemed unfit to continue due to a lack of conformity to Danish security standards and measures.
- The *Trafikministern* is permitted to alter laws concerning transport procedures and the goods being transported.
- Railway companies must satisfy security standards and regulations stipulated by the law.
- All personnel placed within the organization's key positions concerning security/safety must have appropriate qualifications.

## Finland

Legislation in Finland addresses a variety of transport security issues.

**The Government Decree of the Safety Advisor for the Transport of Dangerous Goods by Rail and Road<sup>22</sup>** provides for the post of a safety advisor, whose responsibilities include verifying that operators implement a feasible security plan. Responsibilities also include regulation and training of employees as well as handling any incidents occurring during the transport of dangerous goods. As such, an overseer is appointed with the authority to monitor transport security of the operating company and anticipate possible issues on a case-by-case evaluation.

**The Transport of Dangerous Goods Act<sup>23</sup>** was enacted to prevent and avert any damage or hazard that may affect the transport of dangerous goods. It states that parties directly involved with the transport of dangerous goods should be responsible for their safety and security. Carriers should ensure all vehicles are sufficiently staffed and that vehicles used for transport of dangerous materials be in good condition. Personnel must be adequately trained and evaluated on competence, and drivers must attain driving certificates in compliance with transport regulations. For each shipment containing dangerous goods, documents must be prepared for inspection, detailing the nature of the goods being transported and the danger involved in their transport.

Supply chain security is also addressed by the Act and providing for the government to establish provisions and regulations for dangerous goods' storage.

Other decrees cover certain aspects of transport security indirectly:

- **The Government Decree of Transport of Dangerous Goods by Road<sup>24</sup>** is notable for addressing routing restrictions in transport.
- **The Government Decree of Transport of Dangerous Goods by Road of 2002<sup>25</sup>** and **the Government Decree of Transport of Dangerous Goods by Rail<sup>26</sup>** require specific training of those transporting dangerous materials.
- **The Decree on a Driving Certificate of Vehicles Carrying Dangerous Goods<sup>27</sup>** requires drivers to attain an ADR certificate prior to operation of any vehicle transporting dangerous goods.

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<sup>22</sup> The Decree on a Driving Certificate of Vehicles Carrying Dangerous Goods, <http://www.finlex.fi/fi/laki/kaannokset/1998/en19981112.pdf>

<sup>23</sup> Act on Transport of Dangerous Goods, <http://www.finlex.fi/fi/laki/kaannokset/1994/en19940719.pdf>

<sup>24</sup> The Government Decree of Transport of Dangerous Goods by Road, <http://www.finlex.fi/fi/laki/kaannokset/2002/en20020194.pdf>

<sup>25</sup> The Government Decree of Transport of Dangerous Goods by Road of 2002, <http://www.finlex.fi/fi/laki/kaannokset/2002/en20020277.pdf>

<sup>26</sup> The Government Decree of Transport of Dangerous Goods by Rail, <http://www.finlex.fi/fi/laki/kaannokset/2002/en20020195.pdf>

<sup>27</sup> The Decree on a Driving Certificate of Vehicles Carrying Dangerous Goods

## France

The **Law n° 2006-64 of January 23, 2006** about the fight against terrorism includes an important section about CCTV (modifying the **Law n° 95-73 of January 21, 1995** on security: modification of article 10 and insertion of an article 10-1). In particular, the State can order a public transport authority or operator to deploy a CCTV system for anti-terrorist purposes.

On March 5, 2007 (**Law n° 2007-297 of March 5, 2007** on crime prevention), the **Law n° 82-1153 of December 30, 1982** on Inland Transport was amended to insert an article (article 13-3) stating that local authorities in charge of public transport contribute to crime prevention and security of personnel and public in transport systems.

The European framework concerning the safety of the transport of dangerous goods is implemented in France through three ministerial decrees: "**arrêté ADR**" for road transport, "**arrêté RID**" for rail transport, "**arrêté ADNR**" for river transport (each ministerial decree having the corresponding international convention as an annex).

For each mode, chapter 1.10 about security was automatically integrated in the French legal framework through the publication of the amendments to the international conventions. A professional organisation, the CIFMD, elaborated guidelines on elaborating a security plan. These guidelines gained a regulatory value through three ministerial decrees of July 7, 2005 (corresponding to each mode), including the guidelines in the arrêtés ADR, RID and ADNR.

The **Defence Code** was updated by a Law in December 2005, in particular concerning the "assets of vital importance" (articles L. 1332-1 and following). Therefore, the operator responsible of a critical infrastructure is obliged to take protection measures, in particular against terrorist risks. Even if this regulatory framework is not specific to transport stakeholders, the transport sector is of course highly concerned.

The European regulatory framework on Customs (**European regulations n° 648/2005/CE and 1875/2006/CE**), defining in particular the conditions for Authorized Economic Operators (AEO), is on the way to be implemented as from January 1, 2008. It includes in particular security provisions, and transport operators involved in the international supply chain can apply for the AEO status.

The **Civil Aviation Code** (article L. 321-7) defines the concepts of "chargeur connu" ("known consignor") and "agent habilité" ("regulated agent") and determines security measures to be implemented by these operators. The stakeholders applying for such a status can be companies of inland transport, involved in a supply chain using air transport.

## **Germany**

Since 11 September 2001, but even already before this date, the Federal Republic of Germany adopted legislation to counter terrorism. This legislation mainly consists of relevant provisions concerning criminal offences and criminal prosecution but also concerning prevention. Especially in the field of prevention and of responsible entrepreneurship, rules and provisions to combat organised crime, to enhance security at work and to cover liability issues are of importance since they also have an impact on counterterrorism.

The following table gives an overview of the essential acts and provisions on counterterrorism. As a rule, these acts and provisions have a direct and indirect impact on the transport sector in general and on the stakeholders in the delivery chain in particular.

Therefore, lacking specific provisions on counterterrorism in goods transport law, forwarding law, logistics law etc. are not an indication of existing gaps but mean that these issues are covered by other legal instruments. In many cases this involves the implementation of international legal instruments. This is to be briefly illustrated on the basis of the dangerous goods legislation:

The acts and ordinances under dangerous goods law which are currently applicable at national level do not contain any independent material regulations on counterterrorism but only serve the purpose of implementing international dangerous goods legislation on the basis of the recommendations of the UN Model Regulations.

Moreover, the international dangerous goods legislation is to be implemented into the domestic law of the Member States by the ADR and RID Framework Directives of EC.

The UN recommendations are implemented into the relevant modal international statutory framework for dangerous goods by the following organizations:

- OTIF:

Statutory framework:

Regulations governing the international carriage of dangerous goods by rail (RID)

- UN ECE

Statutory framework:

European Agreement concerning the international carriage of dangerous goods by road (ADR) in the future also ADN (European agreement concerning the international carriage of dangerous goods by inland waterway (currently not yet effective, entry into force in 2008).

until the entry into force of the AND:

- CCNR (Central Commission for Navigation on the Rhine)

Statutory framework:

Regulations for the Carriage of Dangerous Substances on the Rhine (ADNR)

The above-mentioned sets of regulations contain rules for the classification, packaging, marking and documentation of dangerous goods as well as their handling during carriage. Material requirements with regard to counter-terrorist security are contained in Chapter 1.10 in each of these Regulations. The relevant text references of the rules are to be seen from the enclosed annexes.

If the relevant initiatives of the organisations (UN Model Provisions, ADR/RID/AND(R) provisions) are to be mentioned as separate initiatives in the INF Document 02, the conformity as to the contents has to be indicated by a cross-reference.

Acts and measures to counter terrorism in the Federal Republic of Germany

Title	Contents/purpose
Act Supplementing the Counter-Terrorism Act (Counter-Terrorism Supplement Act) <u>Federal Law Gazette Part I</u> 2007 no. 1 10 January 2007 p. 2	Implementation of findings from the evaluation of the Counter-Terrorism Act: Retention of the fixed-term regulations by setting further five-year time limits, updating and extension of the powers to provide information for the intelligence services while safeguarding data protection interests, extension to MAD (Military Counterintelligence Service) and BND (Federal Intelligence Service). Powers of the customs authorities to seize cash if its use for the funding of terrorist actions is suspected, retrieval of information about vehicles and vehicle owners from the Central Vehicle Register, amendment of the Ordinance Establishing Security Clearance Checks and six further acts.
Act on Setting up Joint Databases of Police Authorities and Intelligence Services of the Federal Government and the Laender (Act on Joint Databases) <u>Federal Law Gazette Part I</u> 2006 no. 66 30 December 06 p. 3409	Creation of legal bases for the setting up of a common antiterrorism database. Act on Setting up a Standardized Central Counter-Terrorism Database of Police Authorities and Intelligence Services of the Federal Government and the Laender (Counter-Terrorism Database Act).

Title	Contents/purpose
<p>Act on the Treaty of 27 May 2005 between the Kingdom of Belgium, the Federal Republic of Germany, the Kingdom of Spain, the French Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands and the Republic of Austria on the stepping up of cross-border cooperation, particularly in combating terrorism, cross-border crime and illegal immigration.</p> <p><u>Federal Law Gazette Part II</u>  <u>2006 no. 19 17 July 2006</u>  <u>p. 626</u></p>	Ratification of the Treaty signed on 27 May 2005 in Prüm/Eifel, of the Annexes 1 and 2 as well as the Joint Declaration of the Contracting Parties: Provisions on the exchange of information, measures to prevent terrorist crimes and to combat illegal migration, arrangements concerning cross-border police cooperation and with regard to the liaison officers seconded for this purpose, overall data protection provisions.
<p>Act on the Reorganization of Aviation Security Tasks</p> <p><u>Federal Law Gazette Part I</u>  <u>2005 no. 3 14 January 2005</u>  <u>p. 78</u></p>	Combination of the rules for an effective protection of aviation against the hijacking of aircraft, acts of sabotage and other dangerous interferences in a separate act (Aviation Security Act): Tasks and powers of the aviation security authority, security measures, support and administrative assistance by the armed forces in those cases where the police authorities of the Federal Laender do not have the necessary personnel and technical equipment to take action, arrangements concerning competencies and procedures, adaptation to the provisions of the EC Regulation on Civil Aviation Security, amendments to the Civil Aviation Act, Act on the Federal Border Police.
<p>Act implementing the amendments made in December 2002 to the International Convention for the Safety of Life at Sea, 1974 and to the International Code for the Security of Ships and Port Facilities.</p> <p><u>Federal Law Gazette Part I</u>  <u>2004 no. 31 30 June 2004</u>  <u>p. 1389</u></p>	Adaptation of the national law to ensure the full effectiveness of the international statutory regulations concerning the preventive protection of shipping against terrorist attacks, especially the regulation of technical and operational prerequisites, determination of competencies: Amendment of several sections of the Maritime Navigation (Federal Competences) Act, Flag Act and the Ship Safety Act.

Title	Contents/purpose
Setting up of the Federal Office of Civil Protection and Disaster Assistance within the sphere of competence of the Federal Ministry of the Interior.	Performance of the tasks incumbent on the Federal Government with regard to civil protection, the planning and preparation of measures in the sectors of emergency preparedness/emergency planning, the planning and preparation of the cooperation between the Federal Government and the Federal Laender in special danger situations, planning and concept of precautionary measures for the protection of critical infrastructures, training/retraining in the sector of civil protection and disaster assistance, disaster medicine, warning and information of the population, extension of the disaster control research, especially in the ABC sector.
Act on the amendment of the International Convention for the Safety of Life at Sea, 1974 and of the International Code for the Security of Ships and Port Facilities <u>Federal Law Gazette Part II</u> <u>2003 no. 38 31 December 2003</u> <u>p. 2018</u>	Approval of the amendment to the Annex to the SOLAS Convention (Convention of 1974 for the Safety of Life at Sea) and of the technical implementing provisions in the newly drafted International Code for the Security of Ships and Port Facilities (ISPS Code) adopted by the International Maritime Organization in London on 12 December 2002: systematic assessment of risks for ships and port facilities which might be the target of terrorist attacks, as well as arrangements for the appointment of security officers, elaboration of security plans, risk communication network, exercises in the sector of security.
Act on the implementation of the Council Framework Decision of 13 June 2002 on Combating Terrorism and the Amendment of other Acts. <u>Federal Law Gazette Part I</u> <u>2003 no. 65 27 December 2003</u> <u>p. 2836</u>	EU-uniform definition of a terrorist criminal offence as well as the determination of legal sanctions for certain offences; amendment of sections 129a and 261 of the Penal Code and section 112 of the Code of Penal Procedure.
Second Act on the Amendment of the Customs Administration Act and other acts <u>Federal Law Gazette Part I</u> <u>2003 no. 53 05 November 2003</u> <u>p. 2146</u>	Adaptation of the Customs Administration Act to the introduction of a further free zone type into the new EC customs legislation (control type I), legal establishment of the working method of the risk analysis in the customs sector and setting up of a relevant central body, creation of a legal basis for financial sanctions against "EU internal target subjects" in order to prevent the funding of international terrorism, insertion of section 6a and the amendment of several sections of the Customs Administration Act, amendment of sections 49 and 56 of the Federal German Banking Act.

Title	Contents/purpose
Act on the International Convention of 15 December 1997 for the Suppression of Terrorist Bombings <u>Federal Law Gazette Part II</u> <u>2002 no. 38 11 October 2002</u> <u>p. 2506</u>	Instrument to ensure the worldwide prosecution of acts of violence in the form of bombing attacks, obligation of the contracting states to classify such acts as criminal offences subject to criminal prosecution or extradition, establishment of the relevant jurisdiction.
Thirty-fourth Criminal Justice Amendment Act – section 129b Penal Code (34th StrÄndG) (part of the so-called “first Anti-Terror and/or Security Package”) <u>Federal Law Gazette Part I</u> <u>2002 no. 61 29 August 2002</u> <u>p. 3390</u>	Insertion of section 129b Penal Code: application of sections 129 and 129a of the Penal Code also to criminal or terrorist organizations established abroad.
Act to Fight International Terrorism (Counter-Terrorism Act) (So-called “Second Anti-Terror and/or Security Package”) <u>Federal Law Gazette Part I</u> <u>2002 no. 3 11 January 2002</u> <u>p. 361</u>	Adaptation of security acts (so-called Security Package II) to the threat situation caused by international terrorism, extended competencies for the security authorities, improvement of the data exchange, prevention of the entry of terrorist criminals, measures ensuring the identity in the visa procedure, improvement of border controls, more checks on sensitive activities, biometric features in passports and identity cards, restrictions on extremist associations of foreign nationals, computer-aided profiling, use of firearms in civil aircraft only by police officers, ensuring the energy supply, amendment of twenty laws and ordinances.
Amendment of the Act on the Detection of Proceeds from Serious Crimes (Money Laundering Act)	Use of the instruments concerning money laundering to control the funding of terrorism
Elaboration of an Aviation Security Act	Simplification and tightening of competencies, implementation of the EU Aviation Security Regulation and creation of bases under ordinary law for the employment of the federal armed forces to support the Federal Laender, extension of the background checks.
Extension of prohibitions on entry and residence	New reason for refusal to issue visas and residence permits to persons threatening the liberal democratic constitutional system or the security of the Federal Republic of Germany, committing acts of violence in the pursuit of political aims, publicly calling for the use of force or belonging to such an association, supporting international terrorism.

Title	Contents/purpose
Elaboration of measures for the optimization of the handling of proliferation cases affecting the security of the state by customs and police authorities, especially elaboration of a common proliferation situation picture.	Improved definition of the indicators leading to suspicion with regard to proliferation cases linked to terrorism and their handling.
Setting up of a Central Support Group of the Federal Government for serious nuclear threat response.	The inter-agency and inter-departmental Central Support Group involves organizational units of the Federal Criminal Police Office, Federal Border Police, Federal Office for Radiation Protection. The purpose of this group is to combine any multidisciplinary technical knowledge and experience as well as personnel and material logistics for serious nuclear threat response.
Protection of IT-based critical infrastructures in Germany.	1) <u>Analysis of the situation:</u> Sectoral studies and analyses on IT-dependence of critical infrastructures 2) <u>Strategy: Establishment of a National Plan for the Protection of IT-based Critical Infrastructures in Germany</u>
Amendment of the Security Clearance Check Act	Performance of security clearance checks also for preventive personnel counter-sabotage protection.
Background check on personnel in restricted areas	Enhancement of security by personnel counter-sabotage protection.
Extension of the background checks.	1) Extension of checks to the personnel of the air navigation services enterprise 2) Extension of the category of persons to include certain airmen and pilot cadets, i.e. the so-called “pilot’s license” is subject to a check 3) Extension to include persons who are staying on the airport for non-professional reasons, e.g. club members
Introduction of the right to store data of background checks by the security authorities	Guarantee of the duty to pass on information if the security authorities gain new findings
Establishment of common rules in the field of civil aviation security (EC Regulation No 2320/2003)	refers essentially to: Access control to the restricted areas of airports and to aircraft, Screening of passengers and their cabin baggage, Screening of air cargo and mail, Training of the ground staff, Definition of specifications for the equipment to perform the above control and screening,

Title	Contents/purpose
<p>Measures taken by the Ship Safety Committee (MSC) of the International Maritime Organisation (IMO) to enhance ship and port facility security: Supplements to the International Convention for the Protection of Life at Sea (SOLAS) and introduction of the International Ship and Port Facility Security Code (ISPS Code) of 12 December 2002</p>	<p>The supplements to SOLAS and the ISPS Code include security measures on the ship and in the relevant port facilities. This includes especially the</p> <ul style="list-style-type: none"> <li>* Introduction of ship, company and port facility security officers</li> <li>* Preparation of risk assessments for ships and port facilities;</li> <li>* Preparation of ship and port facility security plans; Introduction of communication procedures for the transmission of notices of endangerment to and from ship and/or port facilities;</li> <li>Definition of security levels 1 (normal), 2 (increased) and 3 (exceptional), triggering off enhanced internal security measures of the shipowners and the seaport companies on the ships and in the port facilities.</li> <li>Accelerated introduction of automatic identification systems of ships (AIS);</li> <li>Introduction of a ship identification number (corresponds to the chassis number for cars and is affixed to the transport means);</li> <li>Introduction of a continuous synoptic recording of the ship's history which has to be carried on board the ship;</li> <li>Introduction of a "silent alarm system" which may be triggered off in a specific threat situation, without being noticed by the attacker,</li> <li>- Mandatory and enhanced duty of seamen to prove their identity (and to undergo a background check)</li> <li>Coordination of the domestic implementation measures with those of other IMO Member States</li> </ul>
<p>Introduction of a central register containing the small watercraft navigating on the Federal inland waterways.</p>	<p>Watercraft with a length of up to 20 m will be registered.</p>
<p>Introduction of rules to enhance security (counter-terrorism) for the carriage of dangerous goods in the UN Model Regulations and the mode-specific statutory regulations</p>	<p>The new rules contain, among other things, the commitment to prepare a security plan for all those involved in the carriage (sender, forwarder and others) of dangerous goods with a high risk potential which may especially be misused by terrorists for attacks with disastrous consequences. The amendments are contained in the 2003 version of the UN Model Regulations. Their implementation into the mode-specific statutory regulations and thus into German law was effected on 1 January 2005.</p>

Title	Contents/purpose
	<p>They contain the following elements:</p> <ul style="list-style-type: none"><li>Establishing the identity of the carrier, securing and illumination of terminals and the areas for temporary storage (marshalling yards, depots, berthing areas and others)</li><li>Vehicle crews must hold a photo ID document.</li><li>Security training</li><li>Security plans (spheres of competence, affected dangerous goods, risk analysis and corresponding security measures, behavioural and test procedures, physical protection of the security plans and of other relevant information)</li><li>Telematics systems</li><li>Theft protection</li></ul>

Planned measures to combat  
terrorism in the Federal Republic of Germany

Title	Contents/purpose
Elaboration of a Maritime Security Act	<p>Enhancing the protection against terrorist attacks at sea and from sea, especially by:</p> <p>Arrangements for the procedure and the measures to support the police by the armed forces (landward and seaward side of the territorial sea);</p> <p>Introduction of background checks for certain seamen as well as for employees of shipping companies and authorities who have access to security-related documents;</p> <p>Combination of the rules under federal law concerning general maritime security to be ensured by the police in one act.</p>
Supplement to section 12a of the Customs Administration Act	<p>With the supplement to section 12a of the Customs Administration Act, a further legal instrument to combat the funding of international terrorism is to be created. The objective of this amendment is to prevent persons carrying cash or other equivalent means of payment on their bodies from evading the international financial sanctions.</p>
Introduction of a technical system for the worldwide detection and tracking of ships (“Long—Range Identification and Tracking” – LRIT)	<p>Better monitoring of international ship movements as well as early knowledge of the ship's position in the case of potential abductions:</p> <p>Entitlement as flag state 24h monitoring possible in order to identify the position of ships flying the German flag and, if necessary, to detect deviations from the route</p> <p>Entitlement as port/coastal state:</p> <p>possibility of tracking and tracing in advance the route of ships intending to call at a German port or to cruise the German territorial sea (additional information about ports underway or ship encounters on the high seas)</p> <p>Consultations within the framework of the International Maritime Organisation in MSC 81 and 82 largely concluded; open questions are to be settled in MSC 83 (October 2007)</p>
Recording of terrorist persons / organisations in Common Positions and EC Regulation (listing, clearing house)	<p>Imposition of financial sanctions (freezing of accounts/assets, ban on provision) travel restrictions for the persons/organisations listed</p>
Recording of terrorist persons/organisations in lists of the UN Security Council on the basis of UN-SCR 1267, 1333, 1390, 1455 (al Qaida/Taliban Sanctions Committee, ATSC)	<p>Freezing of any assets and other economic resources as well as the prohibition to make such assets and resources available, travel and arms embargo applying to the persons/organisations listed.</p>

Draft ratifying legislation as well as a transposing act to the Convention of the United Nations for the Suppression of Acts of Nuclear Terrorism	The International Convention for the Suppression of Acts of Terrorism using Nuclear Material targets in particular the penalization and the obligation to prosecute such acts as well as the increased cooperation in this area (exchange of information, investigation, legal assistance, extradition etc.). Objective of the national legislative procedure: Creation of the national prerequisites for ratification; implementation requirement in Germany: Amendment of sections 309, 310 of the Penal Code.
Proliferation Security Initiative	Strategy interdicting the carriage of weapons of mass destruction, delivery means and relevant materials. Improvement of the cooperation of the intelligence services, of the multilateral decision procedures and of the operational capabilities. Review and further development of the national and international legal framework.
Ratification of an Amending Protocol to the 1988 Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (so-called "SUA Convention")	The Convention is supplemented by a series of penal provisions referring to acts with terrorist background. Moreover, it contains rights of intervention on the high seas to ward off terrorist risks. The negotiations were held at the International Maritime Organisation (IMO) in London.
G8 Evian Action Plan on Transport Security and ManPADS	<ul style="list-style-type: none"> <li>- Control of Man-portable Air Defence Systems (ManPADS – man portable ground-to-air missiles / air defence systems)</li> <li>- 7-point strategy including strict standards on the development, manufacturing, export, storage etc. of ManPADS</li> </ul>
Wassenaar Arrangement –export control regime for conventional weapons und Dual-Use-Goods	<p>In-depth discussion on possibilities of export control within the framework of terrorism prevention</p> <p>Prevention of the acquisition of sensitive goods by terrorists</p> <p>Discussion on the listing and control of special terrorism-relevant goods</p> <p>Discussion on the control of unlisted dual-use goods in the case of their possible use for terrorist attacks (extended “catch-all” arrangement)</p> <p>Discussion on measures to safeguard their final destination (German paper)</p> <p>Discussion on national reports concerning the implementation of the Wassenaar Elements for Export Controls on ManPADS</p> <p>Review of the functioning of the WA in 2007 (assessment year). Meeting of the Ad-hoc Group of Security and Intelligence Experts on the subject of terrorism</p>

Introduction of the requirement of approval for new goods and/or adaptation of the parameters	Export control of these goods to prevent terrorist activities Sensitive goods are listed and are thus subject to an export authorization
Enhancing the safety of highly radioactive sources at European level	Improvement of the monitoring of highly radioactive source to prevent the exposure of persons, materials or the environment to “orphan” sources. This is also to reduce the availability of radioactive materials which might serve terrorist purposes or blackmailing attempts (“dirty bombs”) Better monitoring, inter alia by imposing the requirement to gain approval for the handling, carriage and transfer of highly radioactive sources, making it mandatory for personnel coming into contact with possibly lost sources at scrap yards, steel mills etc. to get the relevant instructions and technical knowledge for the use of highly radioactive sources. - Creation of a national register collecting all information about highly radioactive sources.
Global Initiative to Combat Nuclear Terrorism	Acquisition, carriage and use of nuclear material and radioactive sources for terrorist purposes as well as to prevent terrorist attacks against nuclear facilities. Strengthening the cooperation among the participating countries by, among other things, workshops and the exchange of information
Concept of the protection of critical infrastructures against terrorist activities	Definition of cross-sectoral and sector-specific awareness and security measures for critical infrastructures. Baseline Protection Concept published Contact groups (each consisting of staff of the Federal Ministry of the Interior, the relevant sector and the responsible government department) for the protection of the critical infrastructure sectors of electricity, railways, mineral oil, “gas”, “drinking water”, “telecommunications”, “banks”, “chemical / biological agents were set up.
Adoption of a Second Ordinance concerning the amendment of the Ordinance Establishing Security Clearance Checks	Definition of further institutions for which measures of preventive personnel counter-sabotage protection are to be carried out in accordance with the Security Clearance Check Act. The result of the exchange of information on counter-sabotage and security protection at the Federal Ministry of the Interior on 16 November 2005 was that the scenarios described will lead to an amendment of the Ordinance Establishing Security Clearance Checks.

Measures agreed with the Federal Laender in the sector of road construction	Examination/retrofitting of existing accesses to hollow piers, abutments, box girders, tunnel operation centres etc. Raising the awareness of the road and motorway maintenance staff to report unusual incidents
Planned measures in the road transport sector in the case of an imminent threat of terrorist attacks (responsibility of the Federal Laender)	Regular and frequent inspections of the structures; Enhanced access protection; Guarding of the structures; Provision of emergency measures making short-term closures and rerouting possible.
Preventive measures to guarantee security for DB AG	DB AB has already comprehensive experience as regards the prevention of attacks on facilities and rolling stock (e.g. in connection with the transport of Castor containers). Preventive measures involving the federal police are the following: Daily situation briefing with the situation centre of the Federal Ministry of the Interior. Findings from the situation briefing are transmitted to the bodies responsible for the internal security of the DB AG together with recommendations for action, Raising the awareness of the security and law enforcement services of the DB AG, <ul style="list-style-type: none"> <li>- Review of the access control to sensitive facilities and buildings,</li> <li>- Paying increased attention to abandoned objects and information to travellers by announcements via the public address system, supervision of lockers,</li> <li>- Checks on the railway personnel with regard to relations with the sympathizer's scene and potential complicity (e.g. religious-extremist),</li> <li>- Searching of passenger trains,</li> <li>- Supervision of the storage areas,</li> <li>- Performance of evacuation exercises,</li> <li>- Increased supervision of US military trains,</li> <li>- Monitoring of the routes.</li> </ul>
Permanent recording of the video surveillance at the stations by the federal police.	The purpose of video surveillance by the federal police is, by using automatic cameras, to monitor selected facilities of the federal railways in order to provide targeted support to the police assessment of risk-prone situations, ensure an orderly and precise approach of operational forces if the situation so requires, purposefully clear up unclear threat situations. support the apprehension and identification of criminals.

German – US cooperation in the customs sector within the framework of the US Container Security Initiative	<p>Protection of the legal maritime transport of goods in containers between Germany and the USA against their misuse for terrorist purposes: e.g. transport of weapons of mass destruction</p> <p>Elements of the project:</p> <p>US customs authorities: Collection of export ship's manifest data on the basis of the so-called 24-hour regulation and assessment under risk aspects, if necessary, loading ban ("no-load message" to the shipowner);</p> <p>US team and German customs authorities on-site: Enhanced information about suspicious containers;</p>
Use of Container inspection systems, ion-mobility spectrometers Radiation measuring devices Dogs for the detection of drugs, money and explosives	<p>Search for drugs, explosives, radioactive materials and others in international goods transport and during customs clearance (at frontier customs offices, airport customs offices, postal customs offices and in the inland); combating money laundering.</p>
Tightening of the security measures in the customs sector by Regulation (EC) No 648/2005 ("security package") and Regulation (EC) No 1875/2006 (Implementing Regulation of the Community Customs Code)	<p>Binding framework for a European risk management</p> <p>Introduction of the "Authorised Economic Operator (AEO)" for reliable economic stakeholders subject to their compliance with certain criteria.</p> <p>Obligatory pre-arrival and pre-departure information for all goods brought into or out of the customs territory of the Community to perform an adequate risk analysis</p>
Elaboration of a handbook to cover the relevant ABC agents and summarizing information about the mode of action, the availability to terrorists, the probability of being used and the possible and/or implemented counter-measures.	<p>The compilation serves the purpose of giving an overview of the findings available and of the measures taken as well as the identification of weak points.</p>

Further explanations taking transport companies as an example:

Counter-terrorism is not a separate issue but has to be seen in the context of operational safety, health and safety at work, disaster control or liability law etc.. Therefore, there is a series of laws and ordinances which directly or indirectly establish the obligation to ensure and maintain security in the transport companies.

The guarantee of a secure and orderly business and operational management is, therefore, subject to a variety of standards and laws obliging the entrepreneur and the manager to take action in order to ward off danger from the staff, the company, its customers and the public.

The Annex deals in more detail with the rules which are relevant in this connection.

## Annex: Operational safety in the legal context

Operational safety in public short-distance transport is a central legal subject with many linking factors, some of which are to be mentioned here as an example, mainly from the perspective of transport operators and managers:

A. Direct obligations of transport operators and managers to guarantee operational safety:  
Transport operators as well as managers have various direct obligations in connection with safety.

I. Standards set by the Ordinance on the Construction and Operation of Tramways (BOStrab)  
The requirements as to the safety and order of the operation of tramways are regulated in accordance with section 57 subsection 1 No. 1 of the Carriage of Passengers Act by the BOStrab:

The operator is, as a matter of priority, obliged to ensure that the requirements as to the safety and order of the operational facilities, vehicles and the employees are complied with (section 7 in connection with sections 2 and 4 of the BOStrab). The following separate subjects are to be mentioned:

Maintenance of operational facilities, vehicles, selection and surveillance of employees.  
Reporting of circumstances constituting a threat to or a disruption of operations as laid down in the service instructions adopted by the manager (e.g. registration plan)  
Adoption of arrangements for the speedy elimination of operational disruptions.

The operator has to ensure that the manager can perform the task incumbent on him in proper form (section 7 subsection 5 of the BOStrab)).

Subject to this condition, the manager is responsible for the safe and orderly overall management (section 8 of the BOStrab). The essential requirement to comply with the obligations incumbent on the manager is the elaboration of service instructions for the employees. These service instructions contain, as a rule, standards for interference free operations and measures for incidents. The manager has to ensure compliance with the service instructions.

Apart from these general principles, the BOStrab regulates in numerous separate provisions the relevant requirements as to the safety of operational facilities and vehicles as well as their operation.

II. Standards set by the Ordinance on the Operation of Road Transport Companies (BOKraft):  
The requirements as to the safety and order of the operation of road transport companies are regulated in accordance with section 57 subsection 1 No. 2 of the Carriage of Passengers Act by the BOKraft:

The operation of the company and the equipment and condition of the vehicles must comply with the special requirements resulting from the confidence in safe and orderly transport operations (section 2 of the BOKraft). In this connection, the operator (section 3 of the BOKraft) is on the whole responsible for the safe and orderly management of the company. Moreover, under certain

conditions, the operator will be obliged to establish service instructions for the scope of functions and the behaviour of the personnel. The obligations of the operator are mainly the following:

Responsibility for the orderly condition of vehicles and operational facilities, selection and surveillance of employees.

Reporting duty and, if necessary, elaboration of a catalogue of measures to be applied in the case of serious operational disruptions in regular services and accidents as well as other incidents causing public sensation.

Irrespective of his own responsibility, the operator may appoint a manager to perform the tasks incumbent on him and to transfer to this manager in part the obligations placed on him (section 4 of the BOKraft).

Apart from the above-mentioned general principles, the BOKraft also contains a variety of separate provisions regulating the safety and order of the company.

B. Other regulations concerning safety in transport companies:

Apart from the BOStrab and the BOKraft, there is a series of laws and ordinances which directly or indirectly establish an obligation to ensure and maintain safety in (transport) companies.

I. Carriage of Passengers Act (PBefG):

A license to operate regular services may only be issued to a reliable operator who must, moreover, guarantee and prove the safety and efficiency of his company (section 13 subsection 1 and section 12 subsection 2 of the PBefG). Accordingly, the license may be revoked subsequently if the safety and efficiency of the company is no longer guaranteed (section 25 subsection 1 of the PBefG).

II. Federal Ordinance on the General Conditions of Carriage:

This ordinance regulates the relationship between passenger and operator, especially also with regard to the safe carriage (cf. e.g. sections 3, 4, 11 and 13 of the Ordinance on the General Conditions of Carriage).

III. Fire prevention and disaster response acts at Federal Laender Level:

They regulate preventive measures the operators of facilities and property owners have to take (e.g. sections 44 ff of the Hessian Fire Prevention and Disaster Response Act). Fire prevention and disaster response applies to all sectors of the (transport) company but is surely of particular importance in connection with the operation of tunnels.

IV. Safety regulations for employees:

Companies engaged in public short-distance transport require large numbers of staff. In this respect, arrangements concerning operational safety, ranging from the Hours of Work Act and Operational Safety and Health Act via the Act on Vehicle Crews, the Ordinance on Vehicle Crews as well as relevant European Regulations and their implementing regulations to the arrangements adopted by the professional associations on operational safety, are of particular importance.

V. Environmental legislation:

The protection of the environment is increasingly in the focus of attention. In this connection, for example the Closed Substance Cycle and Waste Management Act and the implementing acts and ordinances adopted on this basis are of importance.

VI. Risk management and Trading (Control and Transparency) Act

The Trading (Control and Transparency) Act adopted already in May 1998 obliges companies, among other things, to set up a monitoring system for the early detection of developments threatening the existence of the company. Thus, the obligation of the management to implement a company-wide risk management was established by law.

C. Liability provisions:

The detection of safety risks establishes, under different aspects, a liability to be incurred by transport companies, operators and managers:

I. Liability in accordance with the criminal law and administrative regulations:

The above-mentioned arrangements concerning safety contain numerous references to criminal law and administrative regulations. Thus, for example a violation of the obligation to manage the company in a proper and safe way in accordance with the BOKraft, irrespective of a possibly more stringent criminal liability (e.g. for negligent homicide in accordance with section 222 of the Penal Code), establishes an administrative offense and may be punished by a fine (cf. section 45 subsection 1 Nos. 1, 2 and 4 of the BOKraft in connection with section 61 subsection 1 No. 4 of the PBefG). The general violation of the supervisory responsibility in companies is punished by section 130 of the Regulatory Offenses Law). Violations of the environmental legislation are either treated as criminal offense (sections 324 ff of the Penal Code) or as administrative offenses (e.g. section 61 of the Closed Substance Cycle and Waste Management Act).

II. General third party liability:

The violation of the safety obligations contained in the above-mentioned regulations can, vis-à-vis third parties in the case of damage, lead to a general non-contractual liability in accordance with the Civil Code (section 823 ff of the Civil Code).

Moreover, the transport company must in any case be able to furnish proof that it has exercised the necessary care, especially with regard to the selection and training of its employees.

Otherwise, there is a liability to compensation in accordance with section 831 of the Civil Code incurred by the company for the vicarious agent.

III. Special third party liability, liability in accordance with the Road Traffic Act, Liability Act:  
The Road Traffic Act and the Liability Act contain arrangements for the strict liability of motor vehicle owners (section 7 subsection 1 of the Penal Code) and railway operators (section 1 subsection 1 of the Liability Act) for accidents in connection with the operation of vehicles and rolling stock. For the overhead lines of tramways, moreover, section 2 subsection 1 of the Liability Act establishes a liability of the tramway company as the facility operator in the case of accidents.

D. Note:

The above list can only serve as an example but it shows that in order to ensure a safe operation, a variety of standards and laws is necessary which lead to extensive obligations for the operator and the manager to take action.

## Greece

**The Presidential Decree No. 158,**<sup>28</sup> which aligns Greek legislation with Directive 2004/51/EC of the European Parliament, concerns the development of communal railways and links Greek rail infrastructure to EU railway systems. Under this decree, all railway undertakings shall have access to tracks and supply of services, in the terminals and ports linked to rail activity, in a non-discriminatory and transparent manner.

The decree further stipulates that any railway undertaking engaged in rail transport services shall conclude the necessary administrative, technical and financial agreements with the infrastructure managers of the railway infrastructure used. Security provisions would thus be a requirement under this Act, as rail transport from Greece to an EU zone must adhere to EU standards.

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<sup>28</sup> Presidential Decree No 158, <http://ec.europa.eu/transport/rail/countries/el/doc/el-2004-51-en.pdf>

## Hungary

The ECMT seminar of 1996 produced an evaluation of **Privatization and Transport Regulation in Hungary**,<sup>29</sup> which indicates that Hungary's transport police focused on quotas of licenses, road connections, and "favourable conditions". Operators' licenses were granted on the basis of professional reliability, competence, and financial solvency. Security concerns in this document were minor.

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<sup>29</sup> Privatization and Transport Regulation in Hungary, <http://www.gksoft.com/govt/en/hu.html>

**Ireland**

It appears that transport regulations are largely left to the individual companies handling the transport of goods.

## Israel

The **Order on Movement and Travel**,<sup>30</sup> dealing with the transport of Palestinians in Israeli vehicles, was the only legal source located for Israel land transport security. The order states:

...an Israeli will not transport in an Israeli vehicle within the area a person who is not Israeli, except for according to a permit given to him or given to the person who is not Israeli by a military commander or someone empowered by him to do so.

The remainder of the order outlines exceptions given to those who have obtained the correct permit or those who are authorized to operate a bus, in which Palestinians are to be transported. Enforcement is entrusted to the Israeli army, which is given extensive authority in enforcing the act.

Documents concerning transport of dangerous goods by ship were also found. However, they related to transport security by significantly defining the acceptable transport containers, as well as regulations for loading and unloading from vessels. Security of the transport chain at one end is thus thoroughly addressed. Diagrams were included for the container specifications, as well as a division between explosive-transporting containers and non-explosive transporting containers.

The **Local Outline Plan of Jerusalem**,<sup>31</sup> produced in 2000, does not mention transport security, although it attempts to address the infrastructure as a whole.

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<sup>30</sup> Order on Movement and Travel (Restriction of Travel in Israeli Vehicle),  
<http://www.yesh-din.org/site/images/Military%20order%20-%20eng.pdf>

<sup>31</sup> Local Outline Plan of Jerusalem,  
[http://www.pcc-jer.org/arabic/Publication/jerusalem\\_master\\_plan/engchapt/infrastructure\\_16.pdf](http://www.pcc-jer.org/arabic/Publication/jerusalem_master_plan/engchapt/infrastructure_16.pdf)

## Italy

The documents below are of special note concerning Italian inland transport security:

First, **Una proposta di articolazione dei Piani della Sicurezza Stradale Urbana**<sup>32</sup> discusses urban transport security. It proposes a system in which national agencies work closely with both provincial and communal offices. The coordination would permit a national strategy that could meet the specific needs of smaller regions. In addition, the local authority would be split into a department of the director and a department of implementation, the former dealing with financing and agenda and the latter with actual implementation of transport security. These agencies, in coordination with the national agency, would address the overall national transport security needs.

Second, **Le linee guida al Piano Nazionale della Sicurezza**,<sup>33</sup> published in 2000. This document outlines the general guidelines to a national security policy, with many of its recommendations addressing issues of the transport sector. The general guidelines are divided into the following categories:

- Creation of an environment of road security
- Support of activities to prevent, control, and repress behaviour that threatens road security
- Strengthening of frameworks to reduce the effect of incidents

Other transport specific issues:

- Enhanced levels of security for vehicles
- Utilization of the registry office for incidents
- Enhanced control of transport of dangerous materials
- Adherence to regulations
- Introduction of revised regulations for transport (safety and security)

Issues relating to infrastructure and traffic regulation:

- Clearer elaboration of regulations
- Improved flow of information
- Incentives for adherence and enhancement of sector

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<sup>32</sup> Una Proposta Di Articolazione Dei Piani Della Sicurezza Stradale Urbana,  
[http://www.infrastrutturetrasporti.it/page/standard/mop\\_all.php?p\\_id=00724&PHPSESSID=8418b17cb80667d7198cac41d1b33fe4](http://www.infrastrutturetrasporti.it/page/standard/mop_all.php?p_id=00724&PHPSESSID=8418b17cb80667d7198cac41d1b33fe4)

<sup>33</sup> Le Linee Guida Al Piano Nazionale Della Sicurezza,  
[http://www.infrastrutturetrasporti.it/page/standard/mop\\_all.php?p\\_id=00596&PHPSESSID=54f848c0062c196243852b554385b29d](http://www.infrastrutturetrasporti.it/page/standard/mop_all.php?p_id=00596&PHPSESSID=54f848c0062c196243852b554385b29d)

## Latvia

**Par bīstamo kravu pārvadājumu koordinēšanas, uzraudzības, drošības un aizsardzības jautājumu risināšanu<sup>34</sup>** is a policy document adopted by the Latvian Cabinet of Ministers concerening dangerous goods transport coordination, monitoring, safety and securtiy issues.

It reflects the current responsibilities of different institutions, underlining that there is no single policy at the state level and no coordination mechanism among all those institutions. The document also points out the risk of potential abuse of dangerous goods by terrorists, making security aspect more and more important. It mentions that Sweden, Netherlands, Germany, Norway, Belgium, France, Finland and Poland all have such coordination centres. They are responsible for the elaboration of legal and technical requirements for inland surface transportation of dangerous goods.

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<sup>34</sup> Par bīstamo kravu pārvadājumu koordinēšanas, uzraudzības, drošības un aizsardzības jautājumu risināšanu,  
<http://ppd.mk.gov.lv/ui/DocumentContent.aspx?ID=4472>

## Liechtenstein

The **Vertrag zwischen dem Fürstentum Liechtenstein, der Schweizerischen Eidgenossenschaft und der Republik Österreich über die grenzüberschreitende Zusammenarbeit der Sicherheits- und Zollbehörden<sup>35</sup>** emphasizes the security of supply chain. Specifically, it encourages greater control of illegal weapons, stolen merchandise, and money laundering. The report suggests greater controls at the country borders, especially of containers and goods originating from non-EU.

**The Verordnung vom 25. April 1995 über das Amt für Handel und Transport<sup>36</sup>** includes the responsibilities of the Bureau of Transport and Goods such as the development of regulations for inland transport, regulation of documentation of goods being transported, evaluation of the transport supply chain and evaluation of the inland transport situation for Liechtenstein.

**The Verordnung vom 3. März 1998 über den Transport gefährlicher Güter auf der Strasse (VTGGS)<sup>37</sup>** establishes that the RID guidelines are to be utilized for international rail transport, the CSC regulations are to be employed for international container transport, and the IBC guidelines for intermediate bulk container transport. Also, the ADR regulations are instituted for road transport. This order requires companies to take responsibility for the safety and security of their inland transport operations and demands that all incidents occurring during transport be reported to the associated agency.

**The Gesetz vom 22. Juni 2006 über die Zulassung als Strassentransportunternehmen und die grenzüberschreitenden Personen und Gütertransporte auf der Strasse (Strassentransportgesetz; STG)<sup>38</sup>** requires companies involved in transport to strictly enforce established regulations.

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<sup>35</sup> The Vertrag Zwischen Dem Fürstentum Liechtenstein, Der Schweizerischen Eidgenossenschaft Und Der Republik Österreich Über Die Grenzüberschreitende Zusammenarbeit Der Sicherheits- Und Zollbehörden, [http://www.gesetze.ch/sr/0.360.163.1/0.360.163.1\\_000.htm](http://www.gesetze.ch/sr/0.360.163.1/0.360.163.1_000.htm)

<sup>36</sup> The Verordnung Vom 25. April 1995 Über Das Amt Für Handel Und Transport, [http://www.gesetze.li/get\\_pdf.jsp?PDF=1995112.pdf](http://www.gesetze.li/get_pdf.jsp?PDF=1995112.pdf)

<sup>37</sup> The Verordnung Vom 3. März 1998 Über Den Transport Gefährlicher Güter Auf Der Strasse (Vtggs), [http://www.gesetze.li/get\\_pdf.jsp?PDF=1998057.pdf](http://www.gesetze.li/get_pdf.jsp?PDF=1998057.pdf)

<sup>38</sup> The Gesetz Vom 22. Juni 2006 Über Die Zulassung Als Strassentransportunternehmen Und Die Grenzüberschreitenden Personen Und Gütertransporte Auf Der Strasse (Strassentransportgesetz; Stg), [http://www.gesetze.li/get\\_pdf.jsp?PDF=2006185.pdf](http://www.gesetze.li/get_pdf.jsp?PDF=2006185.pdf)

## Luxembourg

**The Loi du 24 décembre 1999 relative aux conseillers à la sécurité pour le transport par route, par rail ou par voie navigable de marchandises dangereuses<sup>39</sup>** addresses numerous issues of inland transport security. Most notably, it provides a legislative basis for the creation of a security advisor. This advisor is responsible for facilitating the transport of dangerous materials according to regulations and to ensure conditions for optimal security. The post of security advisor shall be maintained as a permanent position within the company (and not as an external source of expertise), and the nominee shall report directly to the head of the company. Only candidates who have attained the necessary qualifications can be authorized to work with the transport of dangerous materials as security advisors.

The law further outlines the responsibilities of the security advisor, summarized as follows:

- To verify and review the regulations utilized in the transport of dangerous materials.
- To provide advice to the company, to be considered before making decisions on acts concerning dangerous materials.
- To enact emergency procedures concerning dangerous materials when necessary.
- To evaluate the risks involved with the transport of dangerous materials.
- To verify personnel and staff working for a company transporting dangerous materials.

Finally, the law outlines the certification of the security advisor and how that certification is to proceed.

**The Règlement grand-ducal du 31 janvier 2003 sur les transports par route de marchandises dangereuses, modifié par celui du 3 mars 2004<sup>40</sup>** harmonizes the classification of dangerous materials in Luxembourg with those of the United Nations. The law also specifies that documentation concerning the goods must be kept with dangerous materials shipment and that any report of accident must be made in either French or German. Finally, the law outlines the responsibilities of the transporter and the receiver of the shipment.

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<sup>39</sup> The Loi Du 24 Décembre 1999 Relative Aux Conseillers À La Sécurité Pour Le Transport Par Route, Par Rail Ou Par Voie Navigable De Marchandises Dangereuses,  
[http://www.legilux.public.lu/leg/textescoordonnes/codes/code\\_route/MARCHANDISES\\_DANGEREUSES.pdf](http://www.legilux.public.lu/leg/textescoordonnes/codes/code_route/MARCHANDISES_DANGEREUSES.pdf)

<sup>40</sup> The Règlement Grand-Ducal Du 31 Janvier 2003 Sur Les Transports Par Route De Marchandises Dangereuses, Modifié Par Celui Du 3 Mars 2004, <http://www.snpl.lu/CDR/Rg31012003.pdf>

## **Malta**

The **Malta Transport Authority Annual Report**<sup>41</sup> states that the ADR regulations were adopted in 2005.

**The Cargo Clearance and Transport Act**<sup>42</sup> refers to regulations on cargo transport and customs, but no specific reference to security is made. Licensing of personnel is addressed, however.

**The Malta Transport Authority Act** provides for the creation of the Malta Transport Authority. The Act specifies that the agency has authority over the regulation, management, safety and control of roads and over traffic and transport of persons and goods. No other reference to transport security is made.

**The Public Transport (Regulation of Employment) Act**<sup>43</sup> makes no reference to transport security.

**The Public Procurement of Entities Operating in the Water, Energy, Transport and Postal Services Sectors Regulations**<sup>44</sup>, a policy dealing with the acquisition of certain transport related entities, provides for security in so far as declaring that contracts requiring security measures, or having to do with security regulations, are excluded from the document's regulations. No other reference to transport security is made.

The **Traffic Regulation Ordinance** makes no reference to security of transport lines.

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<sup>41</sup> Malta Transport Authority Annual Report,  
<http://www.maltatransport.com/en/upannualreports/2006annualreport.pdf>

<sup>42</sup> Act on Transport of Dangerous Goods

<sup>43</sup> The Government Decree of Transport of Dangerous Goods by Road of 2002

<sup>44</sup> The Government Decree of Transport of Dangerous Goods by Rail

## Monaco

**Loi n° 1.264 du 23 décembre 2002 relative aux activités privées de protection des personnes et des biens,**<sup>45</sup> a document that is indirectly related to transport security, authorizes those in charge of security of private property to be armed.

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<sup>45</sup> Loi N° 1.264 Du 23 Décembre 2002 Relative Aux Activités Privées De Protection Des Personnes Et Des Biens,  
<http://www.monaco.gouv.mc/Dataweb/Jourmon.nsf/966e69337756d51ac12568c40037f872/8bd3b2fea02f279cc1256caa0057ac15!OpenDocument&Highlight=2,transport,sécurité>

**Montenegro**

No legislation concerning transport security regulations, initiative or legislation could be located.

## Norway

Norwegian law defines regulations and procedures in railway transport, ensuring adequate security measures in order to maximise the level of security on all Norwegian railroads. These regulations include:

- Systematic investigations into the railway system to make sure security measures are implemented appropriately
- Applying thorough screening processes to individuals who seek positions in the railway system
- Undertaking risk assessments after changes in their system, which could influence accident levels
- Provision of clear security rules to all personnel
- Annual reports done by railway companies for the government to illustrate future aims, possible failures in their security measures/system and internal assessments
- Creation of entities to enforce security measures

## Poland

Poland has witnessed a decline in the reliance on inland modes of transport as recorded by the report **Transport Situation in Poland in 2005**.<sup>46</sup> The report notes a variety of obstacles to transport development, including low levels of road transport safety, inefficiency in road administration, obsolete and underdeveloped transport infrastructure, inefficient rail transport and an old transport fleet.

The **National Security Strategy of the Republic of Poland**<sup>47</sup> report addresses inland transport security indirectly. Poland, in attempts to maintain strong ties with its neighbouring states, is developing a number of logistics centres throughout the country. The impact of these on transport security is unknown. The document also conveys an aspiration for a better communications system, including an efficient and secure government information infrastructure. Such an information infrastructure will likely be of great benefit to transport security.

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<sup>46</sup> Transport Situation in Poland in 2005, <http://www.unece.org/trans/doc/transsitdocs/2005poland.pdf>

<sup>47</sup> National Security Strategy of the Republic of Poland, <http://merln.ndu.edu/whitepapers/Poland-2003.pdf>

## Portugal

The **Intervenção sobre infra-estruturas de Transportes**<sup>48</sup> allocates 53 million Euros to a new technological plan which includes video surveillance, inter-modality facilitation of the transport infrastructure, and security improvement.

The report of the **Congresso Nacional do Transporte Ferroviário**<sup>49</sup> describes current policy as focusing on the increasing rail transport security as well as interoperability with rail systems in the EU system.

The **Comunicado do Conselho de Ministros de 27 de Maio de 2003**<sup>50</sup> emphasizes the need to harmonize and enhance the quality of existing legislation concerning rail transport.

The document **Apresentação das Orientações Estratégicas para o Sector Ferroviário**<sup>51</sup> identifies the need to raise levels of security, efficiency and punctuality of rail transport. Increased rail transport security can be achieved through the enhancement of administrative, technical and operational foundations.

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<sup>48</sup> Intervenção Sobre Infra-Estruturas De Transportes,  
[http://www.portugal.gov.pt/portal/pt/governos/governos\\_constitucionais/gc17/ministerios/moptc/comunicacao/intervencoes/20050706\\_moptc\\_int\\_set\\_infraestruturas\\_transportes.htm](http://www.portugal.gov.pt/portal/pt/governos/governos_constitucionais/gc17/ministerios/moptc/comunicacao/intervencoes/20050706_moptc_int_set_infraestruturas_transportes.htm)

<sup>49</sup> Congresso Nacional Do Transporte Ferroviário,  
[http://www.portugal.gov.pt/portal/pt/governos/governos\\_constitucionais/gc17/ministerios/moptc/comunicacao/intervencoes/20061109\\_moptc\\_int\\_set\\_transporte\\_ferroviario.htm](http://www.portugal.gov.pt/portal/pt/governos/governos_constitucionais/gc17/ministerios/moptc/comunicacao/intervencoes/20061109_moptc_int_set_transporte_ferroviario.htm)

<sup>50</sup> Comunicado Do Conselho De Ministros De 27 De Maio De 2003,  
[http://www.portugal.gov.pt/portal/pt/governos/governos\\_constitucionais/lho\\_de\\_ministros/comunicados\\_e\\_conferencias\\_de\\_imprensa/20030527.htm](http://www.portugal.gov.pt/portal/pt/governos/governos_constitucionais/lho_de_ministros/comunicados_e_conferencias_de_imprensa/20030527.htm)

<sup>51</sup> Apresentação Das Orientações Estratégicas Para O Sector Ferroviário,  
[http://www.portugal.gov.pt/portal/pt/governos/governos\\_constitucionais/gc17/ministerios/moptc/comunicacao/intervencoes/20061028\\_moptc\\_int\\_set\\_estrategia\\_ferroviaria.htm](http://www.portugal.gov.pt/portal/pt/governos/governos_constitucionais/gc17/ministerios/moptc/comunicacao/intervencoes/20061028_moptc_int_set_estrategia_ferroviaria.htm)

## Romania

**The Emergency Ordinance of July 7, 1998<sup>52</sup>** provides for the reorganization of Romanian railways in an attempt to align Romanian rail procedures and technology with the European rail system in terms of compatibility and interoperability. According to this document, security is assigned to the various rail companies involved in transport. In addition to complying with various rail regulations, the companies must organize their own security and order structures, in accordance with the law.

**The National Security Strategy of Romania of 2005<sup>53</sup>** considers possible security threats to the transport framework, and stating that: “Romania reasserts its willingness to participate, alongside the international community, in the fight against international terrorism and it will permanently decide on the most appropriate means to counter it.”

This policy document then outlines a series of factors which might compromise domestic security, including:

- Prevailing economic, financial, and social problems generated by prolonged transition and delayed structural reforms
- Increased corruption and mismanagement of public resources, resulting in deeper social inequities and underground economy proliferation
- Inefficient responses of the state institutions to the acute stage reached by economic crime and the disturbance of public order and citizen safety
- Non-observance of environmental norms in industrial facilities’ operations, spurring the likelihood of ecological disasters, natural catastrophes and environmental degradations occurring
- Disparities in the development of the country’s regions
- Migration of specialists from various technological domains, a phenomenon that affects the development potential of Romanian society

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<sup>52</sup> The Emergency Ordinance of July 7, 1998,  
[http://GOVERNMENT%20EMERGENCY%20ORDINANCE%20No.%2012%20/1998%20\(r1\)](http://GOVERNMENT%20EMERGENCY%20ORDINANCE%20No.%2012%20/1998%20(r1))

<sup>53</sup> The Official National Security Strategy of Romania of 2005,  
<http://merln.ndu.edu/whitepapers/RomaniaNationalSecurity.pdf>

## Russian Federation

Federal Law № 16-ФЗ from February 9, 2007 **On Transport Security** provides the legal framework for the creation of a common State transport security system in the Russian Federation.

Transport security measures are aimed at ensuring stable and secure functioning of the transport sector, protecting the transportation interests of individuals, the public and the State from unlawful interference. The basic functions of the common state transport security system are:

- Elaboration of State policy in the sphere of transport security
- Coordination of activity of the authorities of all transportation modes in the implementation of State policy in transport security
- Effective allocation of State financial and material resources given for the establishment and effective performance of the common State transport security system
- Coordination and control of planning and implementation of transport security measures on all transportation modes
- Methodic and organizational management of processes of categorization and vulnerability assessment of objects of transport infrastructure and means of transport on all transportation modes, composition of a register of categorized objects of transport infrastructure for all modes of transport
- Elaboration of transport security requirements taking into account levels of security for different categories of objects of transport infrastructure and transportation means
- Establishment and operation of the common State transport security information system which includes the automated passenger personal information database of all modes of transport
- Establishment and operation of the automated system of monitoring of transport security condition and control of compliance with transport security requirements of all modes of transport
- Establishment and operation of the transport emergency response system in cooperation with other relevant federal bodies
- Establishment of a system of training and supervision of personnel dealing with transport security of all modes of transport
- Coordination of activity of the Ministry of Transport of the Russian Federation and its subsidiary Federal Agencies in the sphere of transport security with other relevant federal bodies in this sphere
- International cooperation in the sphere of transport security.

## **Serbia**

Serbia's description of its border control<sup>54</sup> implies that certain locations need more attention in order to bring infrastructure to desired levels of functionality, particularly along the border of former Yugoslav republics. More clearly defined codes of rights for entrants and border guards also need more attention.

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<sup>54</sup> Integrated Border Management Strategy in the Republic of Serbia,  
[http://www.srbija.sr.gov.yu/uploads/documents/strategy\\_border.pdf](http://www.srbija.sr.gov.yu/uploads/documents/strategy_border.pdf)

## Slovak Republic

The self defined mission of the Slovak Republic's security policy is to actively exert influence with a view to protect, promote, safeguard, defend and assert the security interests of the country. **The Security Strategy of the Slovak Republic<sup>55</sup>** describes the security interests of the Slovak Republic as:

- Guaranteeing the security of its citizens and protecting their human rights and fundamental freedoms
- Guaranteeing its territorial integrity, sovereignty, inviolability of borders, political independence, and identity
- Developing democracy, rule of law, and a market economy
- Creating prerequisites for sustainable economic, social, environmental, and cultural development
- Strengthening strategic transatlantic partnership, co-guaranteeing the security of its allies
- Improving effectiveness of international organizations of which the Slovak Republic is a member and supporting NATO and EU enlargement
- Developing good relations and mutually beneficial cooperation with countries of common interests with the Slovak republic
- Contributing to strengthening and expanding freedom and democracy, respect for human rights, rule of law, international law, peace and stability in the world

The **Security Strategy of the Slovak Republic** declares that the Slovak Republic will adopt measures to reduce the vulnerability of critical infrastructure, in particular, communication systems. The country will jointly formulate and implement the common foreign and security policy of the EU and it will contribute to the implementation of the European integration objectives.

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<sup>55</sup> Security Strategy of the Slovak Republic, <http://www.mosr.sk/dokumenty/eng/sk-security-strategy-2005.pdf>

## Slovenia

In **Measures to Strengthen International Co-Operation in Nuclear, Radiation and Waste Safety**,<sup>56</sup> under the section “Safety of Transport of Radioactive Materials”, Slovenia was reported as requesting assistance in carrying out an appraisal of its implementation of the transport regulations. In June 1999, a three-man TranSAS team visited Ljubljana and evaluated Slovenia's legislative framework for the transport of radioactive materials and the associated division of responsibilities among competent authorities, approval procedures, and inspection and emergency preparedness arrangements.

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<sup>56</sup> Measures to Strengthen International Co-Operation in Nuclear, Radiation and Waste Safety,  
<http://www.iaea.org/About/Policy/GC/GC43/Documents/gc43-9.html>

## Spain

Spain has a variety of legislative instruments designed to address the transport of dangerous goods and risks associated with that transport. The **Real Decreto 387/1996, de 1 de Marzo**,<sup>57</sup> among other measures, creates a national committee to co-ordinate to address the problems associated with the transport.

The **Directriz Basica de Planificacion de Proteccion Civil ante el Riesgo de Accidentes en los Transportes de Mercancias Peligrosas por Carretera y Ferrocarril**<sup>58</sup> provides for improved mapping of terrain and waterways, to be used in case of an accident or emergency. It proposes a state plan of action to address risk in transport, but also calls for communities and sub-national government organizations to address the possibility of emergencies arising in their respective geographic locations.

The **Real Decreto 551/2006, de 5 de Mayo**<sup>59</sup> further regulates the operations of transport carriers, concentrating on personnel and technical regulations to be applied to inland transport. It applies the ADR standards to inland transportation of dangerous goods.

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<sup>57</sup> Real Decreto 387/1996, De 1 De Marzo, Por El Que Se Aprueba La Directriz Básica De Planificación De Protección Civil Ante El Riesgo De Accidentes En Los Transportes De Mercancías Peligrosas Por Carretera Y Ferrocarril, [http://noticias.juridicas.com/base\\_datos/Admin/rd387-1996.html](http://noticias.juridicas.com/base_datos/Admin/rd387-1996.html)

<sup>58</sup> Directriz Basica De Planificacion De Proteccion Civil Ante El Riesgo De Accidentes En Los Transportes De Mercancías Peligrosas Por Carretera Y Ferrocarril, <http://www.proteccioncivil.org/centrodoc/legisla/Dbasica6.pdf>

<sup>59</sup> Real Decreto 551 2006, De 5 De Mayo, Por El Que Se Regulan Las Operaciones De Transporte De Mercancías Peligrosas Por Carretera En Territorio Español. (B.O.E N° 113, De 12 De Mayo De 2006), [http://www.proteccioncivil.org/centrodoc/legisla/rd551\\_2006.pdf](http://www.proteccioncivil.org/centrodoc/legisla/rd551_2006.pdf)

## **Sweden**

The Swedish government tries to ensure that each employee is capable of fulfilling its duties effectively. This approach is especially emphasized for employees responsible for train security and rail infrastructure. Employees are monitored regularly and subject to frequent medical check-ups. The government has legislated that any problem is to be reported immediately to authorities so that the risk of accidents or danger to either staff or passenger is diminished.

The Swedish government manages the transportation of dangerous goods by focusing on safety standards for employees and the safety of the goods being transported. Swedish law classifies explosives separately from dangerous goods. Extraordinary requirements include having GPS tracking systems in vehicles transporting explosives, in case they are stolen, and requiring the destruction of any explosive if it is found not to conform to the established guidelines for explosive cargo.

## **Switzerland**

They are subject to negotiations between Switzerland and its main trading partners. Up to the present they were based on international conventions and agreements and then implemented in Swiss national law for example:

- \* transposing the "International Convention for the Suppression of Terrorist Bombings" of 15th December 1997 Switzerland has introduced in its Criminal Code specific penalties as for offences related to inland transport;
- \* in the Convention of 20th May 1987 and the Agreement of 21st November 1990 between the European Union and Switzerland the partners agreed on a common transit procedure and the simplifications of inspections and formalities in respect of the carriage of goods;
- \* the "Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management" of 5th September 1997 has been transposed into the national legislation about nuclear energy;
- \* the "European Agreement concerning the international carriage of dangerous goods by road (ADR)" and rail (RID) of 30th September 1957 have been transposed into similar prescriptions on national legislation.

In Switzerland the cantons are responsible for any disasters relating to inland transport. The tunnel security is also included.

## Turkey

Turkey has addressed road transport security largely through legislation. In 2005 ADR was accepted by the Parliament (Law no. 5434) and the process to be an ADR member country is still ongoing. However, Turkey has already transposed most parts of the ADR into national legislation. In the "**Regulation Transport of Dangerous Goods by Road**"<sup>60</sup>, issued in March 2007, special provisions and permits for transport safety and security, authorized institutions to approve the transport permits, security measures for transportation on bridges and tunnels, dangerous goods transportation routes and parking areas are identified. Additionally, it is also mentioned in the Regulation that a future notification will be issued to formulate provisions for "security advisory".

**The Review of the Transport Situation in UNECE Member Countries and of Emerging Development Trends of 2007**<sup>61</sup> gives more information into the transport sector in Turkey. It notes that renovation of transport infrastructure has been a priority lately. Although initiatives to strengthen road regulations were introduced, restoration works on border crossings, facility and increased speed of passage, and track maintenance have been the most recent focus for the transport sector.

The **Land Transportation Sector in Turkey Of 2004**<sup>62</sup> report gives a short list of current legislations and regulations adapted after 2003. In addition to the report, according to various **Informal Documents of the Ministry of Transport in 2007**<sup>63</sup>, through both regulatory and practical initiatives in the new period after 2003, license system is introduced in domestic freight transport market in the first time and the number of the licensed operators increased by 62 times more. The operations that were previously performed in classical methods (on paper) have been implemented only in electronic format by U-NET Automation System which is also integrated and in line with the other relevant institutions.

Here are the new regulations listed below:

- Road Transport Law No. 4925 (framework law for access to the market and profession); Road Transport Regulation (a secondary legislation for access to the market and profession); Regulation on Training for Professional Competence in Road Transport Operations; Regulation on Establishment and Management of Vehicle Technical Inspection Stations and Vehicle Inspection; Regulation of Vehicle Service for Public Entities/Institutions; Regulation about the Revolving Capital; Regulation for the Transport of Dangerous Goods by Road

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<sup>60</sup> The document in Turkish is available at <http://www.kugm.gov.tr/dosyalar/diger/y52.doc>

<sup>61</sup> Review of the Transport Situation in UNECE Member Countries and of Emerging Development Trends of 2007, <http://www.unece.org/trans/doc/2007/itc/ECE-TRANS-2007-05e.doc>

<sup>62</sup> Land Transportation Sector in Turkey, <http://www.cemt.org/topics/road/Istanbul04/DericiE.pdf>

<sup>63</sup> Related documents and information are available in web site: [www.kugm.gov.tr](http://www.kugm.gov.tr)

The new regulations introduce:

- ⌚ conditions for admission to occupation and market access
- ⌚ licensing system/mechanism for transport operations
- ⌚ licensing system for certain auxiliary transport categories
- ⌚ rights, responsibilities and obligations for the personnel-who works in the sector carriers, transport undertakings as well as consumers/users
- ⌚ conditions for vehicles to be used
- ⌚ rules regarding competition in the sector
- ⌚ rules for control and inspection,
- ⌚ the rules and procedures for training and obtaining the Professional Competence Certificate
- ⌚ the rules and procedures for Transport of Dangerous Goods by Road

Through these regulations, below listed new items are introduced to transport market:

- Three basic qualitative criteria for access to the transport market; professional competence, financial competence and good reputation.
- Regulation of the entire road transport activities and introduction of new types of licenses.
- Implementation of administrative fine and administrative fault/infringement record.
- Financial liability insurance in passenger transport.
- Complete laws relating to goods and passenger terminals.
- Determination of the obligations, responsibilities and rights of the operators, passengers, freight forwarders and the sector employers.

According to the **Documents of Ministry of Transport**, international goods transport by road has been given special importance and there have been great efforts for a more liberalized transport policy. There are bilateral road transport agreements with 55 countries. Furthermore bilateral and transit transport have been liberalized with 16 countries. Among the reflections of the new policies in the transportation;

- Actors are more selective regarding the type of the road transport activity that they are going to perform.
- Small and individual actors in the sectors are trying to institutionalize by converging their facilities.
- Actors in the sector are trying to specialize in their fields.
- Making unfair and effortless profits are getting difficult.

**The National Report On The Implementation Of The United Nations Programme Of Action To Prevent, Combat And Eradicate The Illicit Trade In Small Arms And Light Weapons In All Its Aspects April 2005 for Turkey<sup>64</sup>** notes that the country instituted procedures aimed at maximizing transport security for small arms and light weapons. According to the existing legislation, providers and recipients of SALW and related confidential information, documents or equipments, should take necessary physical security measures during transportation. Transportation plans must be approved by the Ministry of National Defense. For security reasons, small arms and light weapons and related ammunition are transported separately. At the national level, customs officials and security forces assume an important role in implementing the Program of Action through institutional information exchange, training schemes of personnel and records of all small arms and light weapons transport transactions.

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<sup>64</sup> National Report on the Implementation of the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects April 2005 for Turkey,  
<http://disarmament2.un.org/cab/nationalreports/2005/Turkey%20SALW%202005.pdf>

## **Ukraine**

The Law of Ukraine "**Transportation of Dangerous Goods**" done on 6 April 2000 and came into force on 6 April 2000.

The basic aspects:

- Determination of legal, organizational, social and economic aspects of activity associated with carriage of dangerous goods by railway, river, highway and air transport;
- Implementation of requirements for radiation, fire and environmental safety, human health advocacy, on-the-job safety and well-being of population and safety on traffic;
- Establishment of standards, works and services requirements for the transportation of dangerous goods; compliance control of carriage conditions; creation of the harm responsibility insurance system, which can be caused by the dangerous goods` transportation;
- Social providing of workers, who perform the transportation of dangerous goods, and persons suffering from the mentioned transportation;
- Standardization and certification in the field of transportation of dangerous goods;
- Rights and obligations of parties of dangerous goods transportation;
- Government control and government safety regulation in the field of dangerous goods transportation.

The Law of Ukraine "**Antiterrorist Protection**" done on 20 March 2003 and came into force on 20 March 2003.

The basic aspects:

Basic principles of antiterrorist protection:

- Legality and observance of human and citizens rights;
- Exercising legal, political, social - economic, informative and other feasibilities of preventive events;
- Inevitability of punishment in case of participating in terrorist attacks;
- Priority of life and rights defence for persons who are in danger as a result of terrorist attacks;
- Combination of public and secret methods of antiterrorist protection;
- Nondisclosure information about technique and tactic constrictions of antiterrorist protection and also about entry list;
- Undivided authority in guidance by forces and facilities which are attracted for antiterrorist operations;
- Cooperation in the field of antiterrorism protection with the foreign states, their law-enforcement agencies and special services, and also with the international organizations which make antiterrorism protection.
- Protection of the person, the state and society against terrorism, revealing and elimination of the reasons and conditions which generate it;

- Powers and duties of executive body, the organizations, authorities and separate citizens in the field of antiterrorism protection, the order of coordination of their activity;
- Guarantees of legal and social protection of citizens in connection with participation in activities against terrorism;
- The international cooperation in the field of antiterrorism protection.

## United Kingdom

### Aviation

The Transport Security and Contingencies Directorate (Transec) of the UK's Department for Transport (DfT) is the appropriate authority for policy and regulation of protective counter-terrorism security measures on all modes of transport. Transec employs risk assessment to devise appropriate measures to mitigate the terrorist threat, ensuring that for aviation its requirements are equivalent to, or exceed, those in **EU regulation 2320, ECAC Document 30 and ICAO Annex 17**. Industry is legally obliged to undertake those measures in the UK and Transec Inspectors monitor and enforce their compliance.

All cargo to be transported by air from or within the UK must be "known" in security terms, i.e. that it does not contain an explosive or incendiary device that may be used to endanger aviation. An item of cargo may be given known status by a) a known consignor from whom the cargo originates and whose security procedures are validated annually on a site specific basis by an independent validator reporting directly to the DfT; b) a Regulated Agent who applies an approved security procedure appropriate to the cargo such as x-ray screening and whose security procedures are monitored by DfT inspectors or; c) where carriage is on a cargo-only aircraft, an account consignor who has a bona fide business arrangement with the carrier or regulated agent and from whom the cargo originates. Most of these security operations take place off-airport higher up the supply chain. In each case the physical, procedural and personnel security measures required are set by Transec including control of access to the cargo from the time it was made "known" to loading on the aircraft to maintain its security integrity.

### Railways

The Department for Transport took on the responsibility for setting and enforcing railway security standards in 2000, with the railway industry being responsible for the day to day delivery of security.

As with the Aviation, Maritime and Channel Tunnel sectors, the responsibility for setting standards, inspecting against them and taking necessary enforcement action to ensure compliance is undertaken by Transec.

Security standards for Railways are set out in the National Railways Security Programme (NRSP). This document is issued to Train Operating Companies and others with direct involvement in railway security. The document details both mandatory and best practice standards for the industry. The legislative basis for security regulation on the railways is contained in the **Railways Act 1993**. This enables the Secretary of State for Transport to issue legal Instructions to the railway industry to protect against acts of violence. In light of the changing threat climate the central element of the NRSP- station security- was mandated in May 2004. This Instruction has recently been revised and updated and was reissued alongside a new Instruction relating to passenger train security in September 2007.

The Department continues to monitor the security standards set out in the NRSP and the Instructions. The security regime builds upon the sound and proportionate measures developed by Railways and British Transport Police (BTP) during more than 30 years of direct experience in dealing with the terrorist threat.

Following the attacks in Madrid in 2004, the Department conducted a comprehensive review of counter-terrorist security on the railway network in conjunction with the industry and the Police. Whilst recognising the limitations imposed by the essentially open nature of the system, a number of recommendations were made. These have largely been implemented.

The Department seeks to provide a secure environment for all persons, staff and goods using the rail network within Great Britain whilst ensuring that users can continue to use the system without unnecessary restrictions. The security regime is designed to be proportionate and responsive to the assessed level of threat.

## **Dangerous Goods**

In response to the events of 11 September 2001, the United Nations agreed proposals to enhance the security of transporting dangerous goods. These proposals have been taken forward by the international bodies responsible for the international carriage of dangerous goods by road and rail - with some small changes that were relevant to their particular modes of transport.

The European Commission has adopted the new road and rail security measures. The requirements are split into two levels: a general level applicable to the carriage of all dangerous goods and a higher level for the carriage of high consequence dangerous goods. These are defined as those which have the potential for misuse in a terrorist incident and which may, as a result, produce serious consequences such as mass casualties or mass destruction.

The measures for road and rail are currently in place through the **Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2007** and are supported by a comprehensive set of guidance and best practice.

The movement of all civil nuclear material, as defined by the **Nuclear Industries Security Regulations 2003 (NISR)**, is not covered by these regulations and guidance. The transport of such material is regulated separately by the Office for Civil Nuclear Security (OCNS) in accordance with the NISR.

## **Underground and Light Rail Security**

London Underground and the British Transport Police (BTP) have over 30 years of direct experience in dealing with terrorism. During this period, sound measures to deter the threat posed by terrorists have been devised and implemented successfully. However, there had been no regulatory overview of this, so in July 2003 the Department for Transport issued Instructions to London Underground Ltd under the **Railways Act 1993** to formalise the protective security measures already in place. These Instructions came into effect in October 2003. A supporting London Underground Security Programme, developed in consultation with LUL and BTP, was issued in August 2003.

London Underground Ltd continues to be responsible for the day to day delivery of security. The Department acts as regulator: an inspection regime to monitor and enforce compliance has been established. BTP continue to police the Underground system and to be closely involved in contingency planning. Close liaison between all three parties (The Department, LUL and BTP) on security matters remains an important element.

In response to the London attacks of July 2005, there was a tightening of security measures. Security remains at a high level. The security regime for the Underground is designed to be responsive to the level of threat, and to be proportionate. It is kept under constant review.

The wider review of rail security, following the Madrid attacks, recommended that security regimes be extended to other underground, light rail and tram systems in the UK. Regulatory security regimes have now been put in place for two key systems and best practice security guidance has been issued for the remaining 7 systems.

### **Channel Tunnel Security**

**The Channel Tunnel (Security) Order 1994** requires the operators of the tunnel and the trains that go through it to carry out counter-terrorist security measures. The operators are responsible for the day to day delivery of security. Amongst other measures, all traffic using the tunnel, both passenger and freight, is liable to be screened.

The Department for Transport Inspectors monitor the security arrangements in place to ensure that the required standards are, and continue to be, met. Security measures are closely tailored to the risk taking account of the threat, as assessed by the Government's security advisors, and the vulnerability of the system.

Security in France and Belgium are the responsibility of the French and Belgium Governments. Government officials meet regularly to discuss security and ensure continued comparability of security standards.

## United States of America

**The Department of Homeland Security Border and Transportation Security Directorate; Notice of 30-Day Information Collection Under Review for United States Visitor and Immigrant Status Indicator Technology Program (US-VISIT)**<sup>65</sup> is provided here as notice of an intended program, gathering biometric information from non-immigrant visa holders. The intent is to monitor travellers using machine readers installed at all ports of entry, allowing better tracking of individuals and better allocation of human resources through the use of technology.

The **National Infrastructure Protection Plan**<sup>66</sup> was designed to build a safer, more secure, and more resilient America by enhancing protection of the nation's critical infrastructure and key resources (CI/KR) to prevent, deter, neutralize, or mitigate the effects of deliberate efforts by terrorists to destroy, incapacitate, or exploit them; and to strengthen national preparedness, timely response, and rapid recovery in the event of an attack, natural disaster, or other emergency. The plan is designed to achieve this by:

- Coordinating risk-based CI/KR plans and programs addressing known and potential threats and hazards
- Creating structures and processes that are flexible and adaptable to incorporate operational lessons learned and best practices and quickly adapt to a changing threat or incident environment
- Placing processes to identify and address dependencies and interdependencies to allow for more timely and effective implementation of short-term protective actions and more rapid response and recovery, and
- Granting access to robust information-sharing networks that include relevant intelligence and threat analysis and real-time incident reporting.

**The Sensitive Security Information and Transportation Security: Issues and Congressional Options**<sup>67</sup> analysis of 2004 provides background information on and analysis of issues concerning the SSI regulations. Additionally, it identifies the transportation security and information issues at the heart of this debate. Finally, the report outlines and assesses policy options for Congress, including endorsing current regulations, giving greater specificity to TSA's protection requirements, setting time limits for protection, creating an advisory commission, requiring periodic congressional briefings, or establishing an oversight board.

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<sup>65</sup> DEPARTMENT OF HOMELAND SECURITY, Border and Transportation Security Directorate; Notice of 30-Day Information Collection Under Review for United States Visitor and Immigrant Status Indicator Technology Program (US-VISIT) <http://a257.g.akamaitech.net/7/257/2422/01jan20051800/edocket.access.gpo.gov/2005/05-4475.htm>

<sup>66</sup> National Infrastructure Protection Plan [http://www.dhs.gov/xlibrary/assets/NIPP\\_Plan.pdf](http://www.dhs.gov/xlibrary/assets/NIPP_Plan.pdf)

<sup>67</sup> Sensitive Security Information and Transportation Security: Issues and Congressional Options <http://www.firstamendmentcenter.org/pdf/CRS.security2.pdf>

The **Standard Protocols for Managing Security Incidents Involving Surface Transit Vehicles**<sup>68</sup> are mainly directed towards the transit vehicle operator. They address inspection of transit vehicles to prevent the placement of an explosive device or hazardous substance, list circumstances that may constitute a terrorist attack and illustrate measures to be taken when responding to a possible terrorist attempt. The focus is identification of a threat and a quick neutralization of that threat, including detailing warning signs and clear guidelines to be followed in the case of a positive identification of a terrorist attack.

The **National Security and Homeland Security Presidential Directive**<sup>69</sup> establishes a comprehensive national policy on the continuity of Federal Government structures and operations and a single National Continuity Coordinator responsible for coordinating the development and implementation of Federal continuity policies. This policy establishes "National Essential Functions," prescribes continuity requirements for all executive departments and agencies and provides guidance for State, local, territorial, and tribal governments and private sector organizations.

The proposed **Minimum Standards for Driver's Licenses and Identification Cards Acceptable by Federal Agencies for Official Purposes**<sup>70</sup> proposes to establish minimum standards for State-issued driver's licenses and identification cards that Federal agencies would accept for official purposes after 11 May 2008, in accordance with the REAL ID Act of 2005. This rule proposes standards to meet the minimum requirements of the REAL ID Act of 2005, including: information and security features that must be incorporated into each card; application information to establish the identity and immigration status of an applicant before a card can be issued; and physical security standards for locations where driver's licenses and applicable identification cards are issued.

The **Surface Transportation and Rail Security Act of 2007**<sup>71</sup> is designed to improve security of the railway transport infrastructure throughout the United States. It is divided into two subsections. The first, Improved Rail Security, provides for:

- A rail transportation security risk assessment
- System wide Amtrak security upgrades
- Fire and life-safety improvements
- Freight and passenger rail security upgrades
- Rail security research and development
- Oversight and grant procedures
- Amtrak plan to assist families of passengers involved in rail accidents
- A northern border rail passenger report
- A rail worker security training program

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<sup>68</sup> Standard Protocols for Managing Security Incidents Involving Surface Transit Vehicles <http://transit-safety.volpe.dot.gov/Security/pdf/standards.pdf>

<sup>69</sup> National Security and Homeland Security Presidential Directive <http://www.whitehouse.gov/news/releases/2007/05/20070509-12.html>

<sup>70</sup> Minimum Standards for Driver's Licenses and Identification Cards Acceptable by Federal Agencies for Official Purposes [http://ciir.cs.umass.edu/cgi-bin/ua/web\\_fetch\\_doc?dataset=ua&db=agendaFall2006&query=and&doc\\_id=49](http://ciir.cs.umass.edu/cgi-bin/ua/web_fetch_doc?dataset=ua&db=agendaFall2006&query=and&doc_id=49)

<sup>71</sup> Surface Transportation and Rail Security Act of 2007 [http://rpc.senate.gov/\\_files/L4S184RailSecurityPL.pdf](http://rpc.senate.gov/_files/L4S184RailSecurityPL.pdf)

- A whistleblower protection program
- High hazard material security threat mitigation plans
- Enforcement authority authorization for DHS and TSA
- Rail security enhancements
- Plans to increase public awareness and
- Railroad high hazard material tracking.

The second subsection is Improved Motor Carrier, Bus, and Hazardous Material Security, consisting of:

- Hazardous materials highway routing
- Motor carrier high hazard material tracking
- Hazardous materials security inspections and enforcement
- A truck security assessment
- A national public sector response system
- Over-the-road bus security assistance
- A pipeline security and incident recovery plan, and
- A pipeline security inspections and enforcement.

The **Transit Security Design Considerations**<sup>72</sup> regulate vehicle design in consideration of security against attack. The design specifications are based on a "systems approach" that encompasses all aspects of an organization: the people, the processes, the equipment and the technology. Although this document offers security design strategies for each major element of a transit system - access management, communications, infrastructure, and vehicles - it does so in a context of interdependence, where each element is part of a much larger whole. It is this interdependence that makes the protection of a transit system complex and challenging, as the entire system needs to be considered and secured simultaneously. An inclusive view also recognizes that public transit systems are linked to other elements of the transportation network not only physically, but also through an intricate network of technology, law, and regulation.

The Considerations outline aspects of vehicle design and site management, identifying possible threats at various levels of transport. Among its factors are:

- Potential threats to transit vehicles
- Explosives placed on or under a vehicle
- Armed assault on board a vehicle
- Attack by another vehicle
- Chemical, biological, or radiological release on a vehicle.

Additionally, it evaluates previous transport security related scenarios to identify past problems to be addressed by future design.

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<sup>72</sup> Transit Security Design Considerations <http://transit-safety.volpe.dot.gov/security/SecurityInitiatives/DesignConsiderations/CD/ftasesc.pdf>

The **National Strategy for Homeland Security, Border and Transportation Security**<sup>73</sup> subsection, provides the major initiatives of the National Strategy adopted by the Department of Homeland Security. These include ensuring accountability in border and transportation security, creating “smart borders”, increasing the security of international shipping containers and reforming immigration services. The “National Vision” is also defined in this document: the Department of Homeland Security will manage who and what enters our homeland in order to prevent the entry of terrorists and the instruments of terror while facilitating the legal flow of people, goods, and services on which our economy depends.

The **New York Anti-Terrorism Act of 2001**<sup>74</sup> is designed to amend the penal law and the criminal procedure law in relation to criminal penalties for a crime of terrorism, soliciting or providing support for an act of terrorism, terrorist threats, and the hindering of terrorism prosecution and to repeal certain provisions of the criminal procedure law relating thereto. It outlines the legal ramifications of activities relating to terrorism, including soliciting or providing support for an act of terrorism, making a terrorist threat, hindering prosecution of terrorism, or committing an act of terrorism. Recognizing the importance of individual States to take action against terrorism, the ultimate goal of the Act is to complement federal laws in the fight against terrorism and to better protect all citizens against terrorist deeds.

The **Critical Incident Management Guidelines**<sup>75</sup> have been designed to provide practical assistance to transit personnel with responsibility for planning, managing, and recovering from emergencies and disasters. Definitions and characteristics of these events and their impact on organizations and systems are provided. The evolution of emergency management in the transit environment is detailed, and specific emergency management tools are explained.

Response to terrorism is divided into two components: crisis management and consequence management. Crisis management is defined as measures to resolve the hostile situation, investigate and prepare a criminal prosecution, including measures to confirm a threat and steps toward interdiction or preventing a terrorist attack. Consequence Management is defined as measures to alleviate the damage, loss, and hardship or suffering caused by emergencies. These include actions to restore essential services, protect public health and safety and provide emergency relief to affected State and local governments.

Terrorist incidents in the transport setting are classified as intentional disasters. The response, scene management, resource management, and emergency measures employed in the “consequence management” of terrorist incidents are similar to those encountered in conventional disasters. These similarities form a basis for formulating response and building response skills. Risk assessment and threat management are also addressed, with the guidelines suggesting that transit systems must develop and maintain effective mechanisms for addressing terrorist threats and actual incidents. Procedures for response to threats and for safe search and evacuations are given as are procedures for detecting different forms of attack.

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<sup>73</sup> National Strategy For Homeland Security, Border and Transportation Security  
[http://www.whitehouse.gov/homeland/book/nat\\_strat\\_hls.pdf](http://www.whitehouse.gov/homeland/book/nat_strat_hls.pdf)

<sup>74</sup> New York Anti-Terrorism Act of 2001  
[http://www.security.state.ny.us/legislation\\_files/antiterror%20act%20of%202001.pdf](http://www.security.state.ny.us/legislation_files/antiterror%20act%20of%202001.pdf)

<sup>75</sup> The Critical Incident Management Guidelines  
<http://onlinepubs.trb.org/onlinepubs/security/FinalCrisisManagementGuidelines.pdf>

The **National Infrastructure Protection Plan**<sup>76</sup> provides the coordinated approach to establish national priorities, goals and requirements for critical infrastructure protection so that Federal funding and resources are applied in the most effective manner to reduce vulnerability, deter threats, and minimize the consequences of attacks and other incidents. It establishes the overarching concepts relevant to all critical infrastructure sectors and addresses the physical, cyber, and human considerations required for effective implementation of comprehensive programs. The plan specifies the key initiatives, milestones, and metrics required to achieve the Nation's critical infrastructure protection mission. It sets forth a comprehensive risk management framework and clearly defined roles and responsibilities for the Department of Homeland Security; Federal Sector-Specific Agencies; and other Federal, State, local, tribal, and private sector security partners.

The National Infrastructure Protection Plan was developed through extensive coordination with security partners at all levels of government and the private sector. The processes described herein can be adapted and tailored to sector and individual security partner requirements. Participation in the implementation of the plan provides the government and the private sector with the opportunity to use collective expertise and experience to more clearly define protection issues and practical solutions, and to ensure that existing critical infrastructure protection planning efforts, including business continuity and resiliency planning, are recognized.

To support on-going implementation of State Safety Oversight security requirements, FTA has prepared the **Transit Security Handbook**.<sup>77</sup> This Handbook provides a comprehensive description of the system security process. It gives an overview of:

- The rail security function, including the development of a State Security Oversight Program
- The establishment of a rail transit police or security department
- The development of a System Security Program Plan
- The deployment of uniformed and plainclothes police and security personnel
- Crime Prevention through Environmental Design and Situation Crime Prevention techniques for rail facility design and operation
- The use and management of security technology, and techniques for crime data collection and analysis.

The **Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001**<sup>78</sup> is an all-encompassing act designed to combat terrorism on American soil and internationally. The Act has ten titles, each containing numerous sections:

- Title I: Enhancing Domestic Security against Terrorism deals with measures that counter terrorism (Secretary of Homeland Security)

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<sup>76</sup> National Infrastructure Protection Plan [http://www.dhs.gov/xlibrary/assets/NIPP\\_Plan.pdf](http://www.dhs.gov/xlibrary/assets/NIPP_Plan.pdf)

<sup>77</sup> Transit Security Handbook <http://onlinepubs.trb.org/onlinepubs/security/TransitSecurityHandbook.pdf>

<sup>78</sup> Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001 <http://www.epic.org/privacy/terrorism/hr3162.html>

- Title II: Enhanced Surveillance Procedures gave increased powers of surveillance to various government agencies and bodies. There were 25 sections, with one of the sections containing a sunset clause (Directorate of Information Analysis and Infrastructure Protection)
- Title III: International money laundering abatement and anti-terrorist financing act of 2001 (Secretary of Homeland Security)
- Title IV: Protecting the border (Directorate of Border and Transportation Protection)
- Title V: Removing obstacles to investigating terrorism
- Title VI: Providing for victims of terrorism, public safety officers and their families
- Title VII: Increased information sharing for critical infrastructure protection
- Title VIII: Strengthening the criminal laws against terrorism
- Title IX: Improved intelligence
- Title X: Miscellaneous.

The Act dramatically expanded the authority of U.S. law enforcement agencies for the stated purpose of fighting terrorism in the United States and abroad. Among its provisions, the Act increased the ability of law enforcement agencies to search telephone and e-mail communications and medical, financial, and other records; eased restrictions on foreign intelligence gathering within the United States; expanded the Secretary of the Treasury's authority to regulate financial transactions, particularly those involving foreign individuals and entities; and enhanced the discretion of law enforcement and immigration authorities in detaining and deporting immigrants suspected of terrorism-related acts. The Act also expanded the definition of terrorism to include "domestic terrorism", thus enlarging the number of activities to which the Patriot Act's expanded law enforcement powers can be applied.

**The Homeland Security Act of 2002 Summary of Legislation to Establish a Department of Homeland Security** creates a Department of Homeland Security, at cabinet level, to plan, coordinate, and integrate U.S. Government activities relating to homeland security, including border security, intelligence and critical infrastructure protection, emergency preparedness and response, and science and technology.

**The Directorate of Border and Transportation Protection** (Title IV) shall be headed by an Under Secretary appointed by the President and confirmed by the Senate. The Directorate shall be responsible for securing borders, territorial waters, ports, terminals, waterways, and air, land, and sea transportation systems of the United States, including coordinating governmental activities at ports of entry; and administering the duties of the entities transferred to the Directorate. Those entities are:

- The Customs Service (although some revenue functions will remain at Treasury)
- That portion of the Animal Plant and Health Inspection Service that governs agricultural import and entry inspections at points of entry
- The enforcement programs of the Immigration and Naturalization Service (which shall be organized into a separate Bureau of Border Security with responsibility for border patrol, inspections, detention, removal, and investigations)
- The Federal Law Enforcement Training Center of the Department of the Treasury

- The Transportation Security Administration (which must be maintained as a distinct entity within the Department for at least two years)
- The Office of Domestic Preparedness of the Department of Justice (which will also absorb the operations of the Office of National Preparedness in FEMA)
- The Federal Protective Service of the General Services Administration.

The **Electronic Code of Federal Regulations, TITLE 49—Transportation, SUBCHAPTER D--MARITIME AND LAND TRANSPORTATION SECURITY**<sup>79</sup> focuses on falsification of records and inspection of credentials of authorized persons. It classifies as unlawful any misrepresentation of credentials or utilization of unlawful access to systems. Personnel are also required to present their credentials upon request and are subject to verification of their identity. Owners and operators must prove compliance with this regulation.

The **Implementation of the 9/11 Commission Report Act**<sup>80</sup> is notable in that it requires an annual assessment to be given on the vulnerability of critical infrastructure. This report will compare specific sectors to their states the previous year. It will include the Secretary's explanations and comments on the greatest risks to critical infrastructure for each such sector, and the recommendations of the Secretary for mitigating such risks. This legislation also provides that the Secretary of Homeland Security shall establish a Strategic Transportation Security Information Sharing Plan, which shall ensure the robust development of tactical and strategic intelligence products for disseminating, to public and private stakeholders, security information relating to threats and vulnerabilities of transportation modes, including aviation, bridge and tunnel, commuter rail and ferry, highway, maritime, pipeline, rail, mass transit, and over-the-road bus transportation. The plan should specifically include a description of how intelligence analysts in the Transportation Security Administration are coordinating their activities with other intelligence analysts in the Department of Homeland Security and other Federal, State and local agencies; reasonable deadlines for completing any organizational changes within the Department of Homeland Security required to accommodate implementation of the plan; and a description of resource needs for fulfilling the plan.

The **Rail Transit Security and Safety Act of 2007**<sup>81</sup> provides for the security and safety of rail and rail transit transportation purposes. It requires a rail transportation security risk assessment, calls for a study of foreign rail transport security programs and security assistance grants, provides for rail security research and development and implements whistleblower protections for rail employees. It also calls for greater training of employees in terrorism prevention, passenger evacuation, and response activities.

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<sup>79</sup> Electronic Code of Federal Regulations, TITLE 49—Transportation, SUBCHAPTER D--MARITIME AND LAND TRANSPORTATION SECURITY

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<sup>80</sup> Implementation of the 9/11 Commission Report Act [http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=108\\_cong\\_bills&docid=f:s2774pcs.txt.pdf](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=108_cong_bills&docid=f:s2774pcs.txt.pdf)

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