

Economic Commission for Europe

Inland Transport Committee

Working Party on the Transport of Dangerous Goods

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

Geneva, 13–23 September 2011

Item 9 of the provisional agenda

Future work

References to competent authorities - Part 1

Note from the secretariat

References in Parts 1 to 3 of ADR

1. As indicated at the last session (see paragraphs 20–21 of ECE/TRANS/WP.15/AC.1/120), the ECE secretariat prepared a list of the references to the competent authority in ADR in order to enable the Joint Meeting to establish unequivocally which competent authorities are meant in those cases that might require interpretation.
2. This document presents the list of the references to the competent authority in Parts 1 to 3 of ADR.
3. The third column “comments” contains proposals for clarification which the Joint Meeting may wish to discuss.

Paragraph	Text	Comment
Foreword - Additional practical information	Any query concerning the application of ADR should be directed to the relevant competent authority .	No change
1.2.1 “Approval” definition	Multilateral approval, for the carriage of Class 7 material, means approval by the relevant competent authority of the country of origin of the design or shipment, as applicable, and by the competent authority of each country through or into which the consignment is to be carried; Unilateral approval, for the carriage of Class 7 material, means an approval of a design which is required to be given by the competent authority of the country of origin of the design only. If the country of origin is not a Contracting Party to ADR, the approval shall require validation by the competent authority of the first Contracting Party to ADR reached by the consignment (see 6.4.22.6);	No change
1.2.1 “competent authority” definition	“ Competent authority ” means the authority or authorities or any other body or bodies designated as such in each State and in each specific case in accordance with domestic law;	No change
1.2.1 “Compliance assurance” definition	“Compliance assurance” (radioactive material) means a systematic programme of measures applied by a competent authority which is aimed at ensuring that the requirements of ADR are met in practice;	No change
1.2.1 “Confinement system” definition	“Confinement system”, for the carriage of Class 7 material, means the assembly of fissile material and packaging components specified by the designer and agreed to by the competent authority as intended to preserve criticality safety;	Country of approval of design
1.2.1 “Inspection body” definition	“Inspection body” means an independent inspection and testing body approved by the competent authority ;	No change
1.2.1 “repaired IBC” definition	Flexible IBCs are not repairable unless approved by the competent authority ;	Of the country of approval
1.3.3 Documentation	Records of training received according to this Chapter shall be kept by the employer and made available to the employee or competent authority , upon request. Records shall be kept by the employer for a period of time established by the competent authority . Records of training shall be verified upon commencing a new employment.	No change
1.4.2.2.4	If, during the journey, an infringement which could jeopardize the safety of the operation is observed, the consignment shall be halted as soon as possible bearing in mind the requirements of traffic safety, of the safe immobilisation of the consignment, and of public safety. The transport operation may only be continued once the consignment complies with applicable regulations. The competent authority(ies) concerned by the rest of the journey may grant an authorization to pursue the transport operation.	No change

Paragraph	Text	Comment
1.6.1.16	Animal material affected by pathogens included in Category B, other than those which would be assigned to Category A if they were in culture (see 2.2.62.1.12.2), may be carried in accordance with provisions determined by the competent authority until 31 December 2014	[by the authority of the country of origin until 31 December 2014. If the country of origin is not a Contracting Party to ADR, the provisions shall be approved by the first country Contracting Party to ADR reached by the consignment] [by the competent authorities of the countries concerned by the journey until 31 December 2014].
1.6.2.10	Refillable welded steel cylinders for the carriage of gases of UN Nos. 1011, 1075, 1965, 1969 or 1978, granted 15 year intervals for periodic inspection in accordance with packing instruction P200 (10), special packing provision v of 4.1.4.1 as applicable until 31 December 2010 by the competent authority of the country (countries) of carriage, may continue to be periodically inspected according to those provisions.	No change
1.6.6.1	Packages not requiring competent authority approval of design under the 1985 and 1985 (as amended 1990) editions of IAEA Safety Series No. 6	No change
1.6.6.2.1	Packagings manufactured to a package design approved by the competent authority under the provisions of the 1973 or 1973 (as amended) Editions of IAEA Safety Series No. 6 may continue to be used, subject to: multilateral approval of package design, the mandatory programme of quality assurance in accordance with the applicable requirements of 1.7.3 and the activity limits and material restrictions of 2.2.7.2.2, 2.2.7.2.4.1, 2.2.7.2.4.4, 2.2.7.2.4.5, 2.2.7.2.4.6, special provision 337 of Chapter 3.3 and 4.1.9.3. No new manufacture of such packaging shall be permitted to commence. Changes in the design of the packaging or in the nature or quantity of the authorized radioactive contents which, as determined by the competent authority , would significantly affect safety shall require that the requirements of ADR be met. A serial number according to the provision of 5.2.1.7.5 shall be assigned to and marked on the outside of each packaging.	No change
1.6.6.2.2	idem	
1.6.6.3	idem	
1.7.2.3	The nature and extent of the measures to be employed in the programme shall be related to the magnitude and likelihood of radiation exposures. The programme shall incorporate the requirements in 1.7.2.2, 1.7.2.4, 1.7.2.5 and 7.5.11 CV33 (1.1). Programme documents shall be available, on request, for inspection by the relevant competent authority .	Of the country(ies) of carriage
1.7.3 Quality assurance	Quality assurance programmes based on international, national or other standards acceptable to the competent authority shall be established and implemented for the design, manufacture, testing, documentation, use, maintenance and inspection of all special form radioactive material, low dispersible radioactive material and packages and for carriage and in-transit storage operations to ensure compliance with the relevant provisions of ADR. Certification that the design specification has been fully implemented shall be available to the competent authority .	Of the country(ies) of carriage

Paragraph	Text	Comment
1.7.4.1	Special arrangement shall mean those provisions, approved by the competent authority , under which consignments which do not satisfy all the requirements of ADR applicable to radioactive material may be transported.	Of the country(ies) of carriage
1.7.4.2	Consignments for which conformity with any provision applicable to Class 7 is impracticable shall not be transported except under special arrangement. Provided the competent authority is satisfied that conformity with the Class 7 provisions of ADR is impracticable and that the requisite standards of safety established by ADR have been demonstrated through alternative means the competent authority may approve special arrangement transport operations for single or a planned series of multiple consignments.	Of the country(ies) of carriage
1.7.6 Non-compliance	communicate to the competent authority (ies) on the causes of the noncompliance and on corrective or preventive actions taken or to be taken; The communication of the non-compliance to the consignor and competent authority (ies), respectively, shall be made as soon as practicable and it shall be immediate whenever an emergency exposure situation has developed or is developing.	Of the country(ies) of carriage
1.8.1.3	The participants in the carriage of dangerous goods (Chapter 1.4) shall also make the vehicles or parts of vehicles and the equipment and installations accessible for the purpose of checking where this is possible and reasonable. They may, if they deem necessary, designate a person from the enterprise to accompany the representative of the competent authority .	No change
1.8.3.5	Each undertaking concerned shall, on request, inform the competent authority or the body designated for that purpose by each Contracting Party of the identity of its adviser.	No change
1.8.3.7	An adviser shall hold a vocational training certificate, valid for transport by road. That certificate shall be issued by the competent authority or the body designated for that purpose by each Contracting Party.	No change
1.8.3.8	To obtain a certificate, a candidate shall undergo training and pass an examination approved by the competent authority of the Contracting Party.	No change
1.8.3.10	The examination shall be organized by the competent authority or by an examining body designated by the competent authority .	No change
1.8.3.14	The competent authority or the examining body shall keep a running list of the questions that have been included in the examination.	No change
1.8.3.16.1	The certificate shall be valid for five years. The period of the validity of a certificate shall be extended from the date of its expiry for five years at a time where, during the year before its expiry, its holder has passed an examination. The examination shall be approved by the competent authority .	No change
1.8.5.1	If a serious accident or incident takes place during loading, filling, carriage or unloading of dangerous goods on the territory of a Contracting Party, the loader, filler, carrier or consignee, respectively, shall ascertain that a report conforming to the model prescribed in 1.8.5.4 is made to the competent authority of the Contracting Party concerned.	No change
1.8.5.3	An occurrence subject to report in accordance with 1.8.5.1 has occurred if dangerous goods were released or if there was an imminent risk of loss of product, if personal injury, material or environmental damage occurred, or if the authorities were involved and one or more of the following criteria has/have been met: [...] If necessary, the competent authority may request further relevant information.	Of the country of approval?
1.8.5.4 Model for report	The competent authority shall remove this cover sheet before forwarding the report	No change

Paragraph	Text	Comment
1.8.6.1 Approval of inspection bodies	The competent authority may approve inspection bodies for conformity assessments, periodic inspections, intermediate inspections, exceptional checks and surveillance of the inhouse inspection service as specified in 1.8.7.	Of the country of approval?
1.8.6.2	Operational obligations for the competent authority , its delegate or inspection body	Of the country of approval?
1.8.6.4.1 Delegation of inspection tasks	The inspection body shall inform the competent authority about the above mentioned arrangements.	Of the country of approval?
1.8.6.4.5	The inspection body shall keep at the disposal of the competent authority the relevant documents concerning the assessment of the qualifications and the work carried out by the above mentioned entities.	Of the country of approval?
1.8.6.5	The competent authority shall ensure the monitoring of the inspection bodies	Of the country of approval?
1.8.6.6	The competent authority shall ensure the monitoring of the inspection bodies and shall revoke or restrict the approval given, if it notes that an approved body is no longer in compliance with the approval and the requirements of 1.8.6.8 or does not follow the procedures specified in the provisions of ADR.	Of the country of approval?
1.8.6.7	If the approval of the inspection body is revoked or restricted or if the inspection body ceased activity, the competent authority shall take the appropriate steps to ensure that the files are either processed by another inspection body or kept available.	Of the country of approval?
1.8.6.8	An inspection body starting a new activity may be approved temporarily. Before temporary designation, the competent authority shall ensure that the inspection body meets the requirements of the standard EN ISO/IEC 17020:2004.	Of the country of approval?
1.8.7.1.2	Each application shall be lodged by the applicant with a single competent authority , its delegate or an approved inspection body of his choice.	No change.
1.8.7.1.3 (c)	A written declaration that the same application has not been lodged with any other competent authority , its delegate or inspection body;	[The competent authority of any other country]
1.8.7.1.3 (e)	A statement allowing the competent authority , its delegate or inspection body access for inspection purposes to the locations of manufacture, inspection, testing and storage and providing it with all necessary information.	Of the country of approval?
1.8.7.1.4	Where the applicant can demonstrate to the satisfaction of the competent authority or its delegated inspection body conformity with 1.8.7.6 the applicant may establish an in-house inspection service which may perform part or all of the inspections and tests when specified in 6.2.2.10 or 6.2.3.6.	Of the country of approval?
1.8.7.1.6	When a manufacturer or owner intends to cease operation, he shall send the documentation to the competent authority . The competent authority shall then retain the documentation for the rest of the period specified in 1.8.7.1.5.	Of the country of approval?
1.8.7.2.3	Where the type satisfies all applicable provisions, the competent authority , its delegate or the inspection body, shall issue a type approval certificate to the applicant.	Of the country of approval?
1.8.7.6.4	The notice of suspension or withdrawal shall be transmitted to the competent authority . A report shall be provided to the applicant giving detailed reasons for the decisions taken by the inspection body.	Of the country of approval?
1.8.8.1.1	Conformity assessment shall be carried out by the competent authority , its delegate or its approved inspection body of a Contracting Party to ADR.	No change

Paragraph	Text	Comment
1.9.4	The competent authority of the Contracting Party applying on its territory any additional provisions within the scope of 1.9.3 (a) and (d) above shall notify the secretariat of the United Nations Economic Commission for Europe of the additional provisions, which secretariat shall bring them to the attention of the Contracting Parties.	No change
1.9.5 Tunnel restrictions	the competent authority shall assign the road tunnel to one of the tunnel categories defined in 1.9.5.2.2.	No change
1.10.1.6	The competent authority shall maintain up-to-date registers of all valid training certificates for drivers stipulated in 8.2.1 issued by it or by any recognized organization.	No change
1.10.2.4	Records of all security training received shall be kept by the employer and made available to the employee or competent authority , upon request. Records shall be kept by the employer for a period of time established by the competent authority .	No change
2.2.1.1.3	Table A of Chapter 3.2 to an n.o.s entry of Class 1 or UN No. 0190 SAMPLES, EXPLOSIVE as well as the assignment of certain substances the carriage of which is subject to a specific authorization by the competent authority according to the special provisions referred to in Column (6) of Table A of Chapter 3.2 shall be made by the competent authority of the country of origin. This competent authority shall also approve in writing the conditions of carriage of these substances and articles. If the country of origin is not a Contracting Party to ADR, the classification and the conditions of carriage shall be recognized by the competent authority of the first country Contracting Party to ADR reached by the consignment.	No change
2.2.1.1.7.2	Assignment of fireworks to UN Nos. 0333, 0334, 0335 and 0336 may be made on the basis of analogy, without the need for Test Series 6 testing, in accordance with the default fireworks classification table in 2.2.1.1.7.5. Such assignment shall be made with the agreement of the competent authority . Items not specified in the table shall be classified on the basis of test data derived from Test Series 6.	[of the country of [origin][manufacture]][of any country contracting Party to ADR]. If the country of [origin][manufacture] is not contracting Party to ADR, the assignment shall be recognized by the competent authority of [first country contracting Party to ADR reached by the consignment][any country contracting Party to ADR concerned by the journey]
2.2.1.1.8 Glossary of names "SAMPLES, EXPLOSIVE"	New or existing explosive substances or articles, not yet assigned to a name in Table A of Chapter 3.2 and carried in conformity with the instructions of the competent authority	No change see 2.2.1.1.3
2.2.2.1.5	Where insufficient data are available to use these methods, tests by a comparable method recognized by the competent authority of the country of origin may be used. If the country of origin is not a Contracting Party to ADR these methods shall be recognized by the competent authority of the first country Contracting Party to ADR reached by the consignment.	No change

Paragraph	Text	Comment
2.2.41.1.13	Classification of self-reactive substances not listed in 2.2.41.4, 4.1.4.2, packing instruction IBC520 or 4.2.5.2, portable tank instruction T23 and assignment to a collective entry shall be made by the competent authority of the country of origin on the basis of a test report. The statement of approval shall contain the classification and the relevant conditions of carriage. If the country of origin is not a Contracting Party to ADR, the classification and the conditions of carriage shall be recognized by the competent authority of the first country Contracting Party to ADR reached by the consignment.	No change
2.2.52.1.8	idem	No change
2.2.52.1.13	Water may only be used for the desensitization of organic peroxides which are listed in 2.2.52.4 or in the competent authority decision according to 2.2.52.1.8 as being "with water" or "as a stable dispersion in water". Samples of organic peroxides or formulations of organic peroxides not listed in 2.2.52.4 may also be desensitized with water provided the requirements of 2.2.52.1.9 are met.	No change
2.2.62.1.12.1	Unless an infectious substance cannot be consigned by any other means, live animals shall not be used to consign such a substance. A live animal which has been intentionally infected and is known or suspected to contain an infectious substance shall only be carried under terms and conditions approved by the competent authority	[the competent authorities of the countries concerned by the journey]
2.2.62.2 Substances not accepted for carriage	Live vertebrate or invertebrate animals shall not be used to carry an infectious agent unless the agent cannot be carried by other means or unless this carriage has been approved by the competent authority	idem
2.2.7.2.2.2	the radionuclide values in Table 2.2.7.2.2.2 may be used without obtaining competent authority approval.	No change
2.2.7.2.3.3.2	the leakage rate for the volumetric leakage assessment test specified in ISO 9978:1992 "Radiation Protection - Sealed Radioactive Sources - Leakage Test Methods", would not exceed the applicable acceptance threshold acceptable to the competent authority .	No change (unilateral approval)
2.2.7.2.3.3.8	The alternative volumetric leakage assessment shall comprise any of the tests prescribed in ISO 9978:1992 "Radiation Protection - Sealed radioactive sources -Leakage test methods", which are acceptable to the competent authority .	No change (unilateral approval)
2.2.7.2.4.6.1	Packages not otherwise classified in 2.2.7.2.4 (2.2.7.2.4.1 to 2.2.7.2.4.5) shall be classified in accordance with the competent authority approval certificate for the package issued by the country of origin of design.	No change
3.1.2.6	For gases: the conditions of carriage shall be approved by the competent authority .	[of the country of origin- if the country of origin is not the Contracting Party to the ADR, the conditions shall be approved by the competent authority of the first Country Contracting Party reached by the consignment][of the countries concerned by the journey]
List (column 10)	If no code is given, carriage in portable tanks is not permitted unless a competent authority approval is granted as detailed in 6.7.1.3.	No change [to be specified in 6.7.1.3]

SP 178	This designation shall be used only when no other appropriate designation exists in Table A of Chapter 3.2, and only with the approval of the competent authority of the country of origin (see 2.2.1.1.3).	No change
SP 181	Packages containing this type of substance shall bear a label conforming to model No. 1 (see 5.2.2.2.2) unless the competent authority of the country of origin has permitted this label to be dispensed with for the specific packaging employed because test data have proved that the substance in this packaging does not exhibit explosive behaviour (see 5.2.2.1.9).	No change
SP 237	In addition the competent authority may determine, on the basis of the results of suitable burning rate tests taking account of the standard tests in the Manual of Tests and Criteria, Part III, sub-section 33.2.1, that nitrocellulose membrane filters in the form in which they are to be carried are not subject to the requirements applicable to flammable solids in Class 4.1.	of the country of origin If the country of origin is not the Contracting Party to the ADR, this decision shall be approved by the competent authority of the first Country Contracting Party reached by the consignment.
SP 239	Batteries or cells shall not be offered for carriage at a temperature such that liquid elemental sodium is present in the battery or cell unless approved and under the conditions established by the competent authority of the country of origin. If the country of origin is not a Contracting Party to ADR, the approval and conditions of carriage shall be recognized by the competent authority of the first country Contracting Party to ADR reached by the consignment.	No change
SP 250	The chemical sample may only be carried providing prior approval has been granted by the competent authority or the Director General of the Organisation for the Prohibition of Chemical Weapons and providing the sample complies with the following provisions:	[of any country contracting Party to ADR concerned by the journey][of the country of origin]
SP 266	This substance, when containing less alcohol, water or phlegmatizer than specified, shall not be carried unless specifically authorized by the competent authority (see 2.2.1.1).	[of any country contracting Party to ADR concerned by the journey][of the country of origin]
SP 271	The competent authority may authorize these mixtures to be classified in Class 4.1 on the basis of a test Series 6(c) of Section 16 of Part I of the Manual of Tests and Criteria on at least three packages as prepared for carriage. Mixtures containing at least 98%, by mass, of phlegmatizer are not subject to the requirements of ADR.	of the country of origin
SP 272	This substance shall not be carried under the provisions of Class 4.1 unless specifically authorized by the competent authority (see UN No. 0143).	of the country of origin
SP 278	These substances shall not be classified and carried unless authorized by the competent authority on the basis of results from Series 2 tests and a Series 6(c) test of Part I of the Manual of Tests and Criteria on packages as prepared for carriage (see 2.2.1.1). The competent authority shall assign the packing group on the basis of 2.2.3 criteria and the	of the country of origin

	package type used for the Series 6(c) test.	no change for the second phrase
SP 283 (d)	Each article is manufactured in accordance with a quality assurance standard acceptable to the competent authority ;	of the country of manufacture
SP 288	These substances shall not be classified and carried unless authorized by the competent authority on the basis of results from Series 2 tests and a Series 6(c) test of Part I of the Manual of tests and Criteria on packages as prepared for carriage (see 2.2.1.1).	of the country of origin
SP 309	Substances shall satisfactorily pass Test Series 8 of the Manual of Tests and Criteria, Part I, Section 18 and be approved by the competent authority .	of the country of origin
SP 311	Substances shall not be carried under this entry unless approved by the competent authority on the basis of the results of appropriate tests according to Part I of the Manual of Tests and Criteria. Packaging shall ensure that the percentage of diluent does not fall below that stated in the competent authority approval, at any time during carriage.	of the country of origin no change for the second phrase
SP 356	Metal hydride storage system(s) installed in conveyances or in completed conveyance components or intended to be installed in conveyances shall be approved by the competent authority of the country of manufacture ¹ before acceptance for carriage. The transport document shall include an indication that the package was approved by the competent authority of the country of manufacture ¹ or a copy of the competent authority of the country of manufacture ¹ approval shall accompany each consignment.	No change
SP 645	The classification code as mentioned in Column (3b) of Table A of Chapter 3.2 shall be used only with the approval of the competent authority of a Contracting Party to ADR prior to carriage. The approval shall be given in writing as a classification approval certificate (see 5.4.1.2.1 (g)) and shall be provided with a unique reference. When assignment to a division is made in accordance with the procedure in 2.2.1.1.7.2, the competent authority may require the default classification to be verified on the basis of test data derived from Test Series 6 of the Manual of Tests and Criteria, Part I, Section 16.	No change
SP 652 (d)	When the exemptions from (c) are not applied, the receptacles shall be designed for a reference temperature of 65° C and shall be equipped with pressure relief devices with a nominal set pressure specified by the competent authority of the country of use;	No change