

## **Economic Commission for Europe**

### **Inland Transport Committee**

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

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##### **Status of the European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR) and related issues**

### **Deletion of the word "European" from the title of ADR**

#### **Transmitted by the International Road Transport Union (IRU)**

#### **I. Background**

1. For several years now, IRU has been discussing internally and with Contracting Parties to ADR the possibility of deleting the word “European” from the title of ADR.

2. During the 73<sup>rd</sup> session of the UNECE Inland Transport Committee, a Roundtable on the global and regional dimensions of the transport of dangerous goods was organized on 1 March 2011. The Chairman of the IRU Group of Experts on Transport of Dangerous Goods (GEMD) presented subsequent developments which would be crucial for the dangerous goods sector in the decade to come, along with the IRU future vision while other participants also presented their views.

3. As explained in the ITC’s Chair conclusions (ECE/TRANS/221, annex, para. 8), there were discussions regarding the accession to legal instruments and it was highlighted that ADR had 47 Contracting Parties (-now 48-), including 45 (-now 46-) UNECE countries out of 56, and two non-UNECE countries (Morocco and Tunisia). Some non-UNECE countries in the Middle East, Southern Asia and Latin America also apply some of its provisions to domestic transport.

Although an increasing number of non-UNECE countries had expressed an interest in acceding to ADR, the technical regulations are complex and their implementation requires expertise and properly organised administrative structures.

The Government of Turkey, one of the most recent UNECE acceding countries, explained the difficulties it had faced in the accession/implementation process.

4. It was also noted that governments recognised the necessity of multimodal harmonisation, but considered that harmonisation had already

been achieved for inland transport in Europe, in countries which apply UNECE and OTIF legal instruments - RID, ADR and ADN.

Nevertheless, there were still countries, parties to these legal instruments, which did not apply the same rules to domestic transport, or had obsolete national regulations. It was highly recommended that contracting parties to RID, ADR and ADN, which had not yet done so, apply the same requirements to domestic transport of dangerous goods (ECE/TRANS/221, annex, para.5).

## **II. Title, contents and scope of international legal instruments in dangerous goods transport**

### **A. Titles**

5. The titles of the main international legal instruments are:
  1. ICAO: Technical Instructions for the Safe Transport of Dangerous Goods by Air (ICAO TI) (linked to Annex 18 to the Chicago Convention on International Civil Aviation), and related IATA “Dangerous Goods Regulations”.
  2. IMO: International Maritime Dangerous Goods Code (linked to the International Convention for the Safety of Life at sea (SOLAS) and to the International Convention for the Prevention of Pollution from Ships (MARPOL))
  3. OTIF: Regulations concerning the International Carriage of Dangerous Goods by Rail (RID) (linked to the COTIF).
  4. OSJD: (Annex 2 to the SMGS) (Equivalent of RID, harmonization with RID in process).
  5. UNECE: (a) European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR)  
b) European Agreement concerning the International Carriage of Dangerous Goods by Inland Waterways (ADN).

### **B. Contents**

6. All these legal instruments have a common characteristics: their provisions are harmonized on the basis of the United Nations Recommendations on the Transport of Dangerous Goods, Model Regulations, which means that in practice 80% of the provisions contained therein are the same, and are also the same as those contained in national regulations applied in other parts of the world, e.g. USA, Canada, Australia,

etc. In the case of ADR, the only differences with the UN Model Regulations are:

- Provisions specific to road and rail transport (Chapters 6.9, 6.10 and 6.12 and Part 7) and to road transport (Parts 8 and 9).
- Provisions which are alternative to UN provisions (i.e. which do not prevent from applying the UN provisions) (Carriage of gases (Chapter 6.2), carriage in bulk (Chapter 7.3), carriage in tanks (Chapters 4.3 and 6.8).

### **C. Scope**

7. Except for ADN, where participation is restricted to UNECE member States whose territory contains inland waterways, other than those forming a coastal route, which form part of the network of inland waterways of international importance as defined in the AGN, all other instruments are open to all UN member States without any geographical restriction, the only restriction being of course for the country to be party to the parent convention when there is one (e.g. (OTIF for RID, SMGS, SOLAS for the IMDG Code and Chicago Convention for the ICAO TI).

8. ADR is open to all UNECE and all UN member States and counts already parties in Europe, Caucasus, Central Asia, North Africa. Several countries outside the UNECE region have made its provisions, or some of its provisions, applicable to domestic traffic, e.g. Thailand, several South American countries; or even to international transport (Protocol 9 to the ASEAN Framework Agreement on the Facilitation of Goods in Transit and Annex I of the Greater Mekong Subregion Cross-Border Transport Agreement).

### **III. Word “European” in the title ADR**

9. IRU understands that at the time of drafting ADR in the 1950s, international transport operations outside Europe were not envisaged either for political reasons (cold war, colonies) or simply for geographical reasons since Europe was not linked by road to all other continents. However the situation has changed considerably since then: strong development of international road transport, of international road infrastructures; globalization of trade; industrialization of developing countries; Ro-Ro traffic.

10. As explained in section II above, ADR is already applied in certain non-European countries. The UN Model Regulations cover only aspects which concern all modes of transport and they are not sufficient to regulate all safety aspects of road transport of dangerous goods. European countries themselves are promoting the use of ADR in other countries outside Europe. For example the adoption of ADR for application to domestic traffic in

Thailand is linked to considerable technical assistance provided by the Government of Germany. The European Union has also launched a technical cooperation project called EuroMed Road Rail and Urban Transport project which includes a segment for the promotion of UNECE Road Transport Agreements in its Mediterranean neighbour countries, with quite a number of ADR related events in North Africa and Middle East. Both IRU and the UNECE secretariat provide support to this project. WP.15 may also wish to recall that the Council of Arab Ministers of Transport decided, in 2011, to call on Member States of the Arab League to accede to ADR (Informal document INF.40 presented at the 91<sup>st</sup> session).

11. At the autumn session of the RID/ADR/ADN Joint Meeting, the representative of the NGO “Dangerous Goods Trainers Association” (DGTA) which was seeking consultative status explained that although many members of his association were from North America, they were providing training courses on ADR in North America for companies exporting dangerous goods to Europe, but also in Latin America because many countries in South America have national regulations based on ADR. IRU has members in South America and is also promoting ADR in these countries.

12. Through its relations with Ministries of Transport, IRU has noticed that, indeed, many countries outside Europe would be interested in becoming parties to ADR or at least to adopt the provisions of its annexes A and B to regulate domestic traffic. However, the simple fact that the title of ADR includes the word “European” prevents the competent authorities from convincing their hierarchy not only that they should become Party to ADR, but also that they could use the provisions of ADR for regulating domestic traffic. The qualifying word “European” is very often understood as qualifying “EU” products that would not be suitable for use in another geographical context and politicians do not understand that ADR is in fact a UN product.

13. Therefore IRU is convinced that although ADR is perfectly suited to the safety needs of road transport of dangerous goods throughout the world, this word “European” is a major diplomatic obstacle to its universal application.

14. IRU, through its Academy, carry out many training activities throughout the world. In a complex area such as safety of transport of dangerous goods, it is particularly difficult to achieve results if the regulations differ from one country to the other, in particular for training trainers.

15. IRU, together with other NGOs, had tried to convince the UN Sub-Committee of Experts on the Transport of Dangerous Goods to develop a global international convention on the transport of dangerous goods which would apply to all modes of transport. This was not a new idea, it was already foreseen when ADR was done in 1959, as indicated in article 9,

paragraph 2. Unfortunately, some countries are still reluctant to this idea. At least, in the maritime and air transport sectors, operators and carriers have to deal only with one set of regulations applicable to their mode. Great progress has also been made for rail transport on the Euro-Asia continent with the progressive harmonization of RID and Annex 2 of SMGS following the conclusions of the ITC Round Table. For road transport, very little progress has been made regarding globalization of ADR although the UN General Assembly declared the decade 2011-2020 as the Decade of Action for Road Safety.

16. IRU remains convinced that dropping the work “European” from the title of ADR would contribute significantly to its promotion and implementation in many more countries, and therefore to the global improvement of road safety worldwide. This has been discussed in the past few years by WP.15 and there was a large support for this idea, which led the WP.15 Chairman to propose to ITC to envisage the deletion of this word (see ECE/TRANS/206, para. 93, and ECE/TRANS/2010/2). However there was no consensus and since the possibility of objection from one or two countries was likely to prevent a fast-track procedure of amendment, the idea was not pursued (ECE/TRANS/WP.15/201, para.15).

17. Nevertheless, IRU would like to invite WP.15 members not to abandon this idea and to continue to envisage the possibility of dropping the word “European” from the title of ADR or any other possibility of regulating international inland transport of dangerous goods at a wider scale through a single international instrument with the same technical contents.

18. This would facilitate the international movement of goods by inland transport modes, improve competitiveness, safety and security in the road transport sector, while at the same time reduce the adverse effects of dangerous goods transport activities on the environment and contribute effectively to sustainable development.

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