



## Economic and Social Council

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### 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

Bern, 13–17 March 2017

Item 4 of the provisional agenda

##### Interpretation of RID/ADR/ADN

### Interpretation of 1.8.3.15: acceptance of safety adviser certificates

Transmitted by the Government of Spain<sup>\*,\*\*</sup>

#### *Summary*

**Executive summary:** Interpretation on the obligation to accept safety advisers certificates from other countries.

**Action to be taken:** The Joint Meeting is invited to make an interpretation on the subject.

### Introduction

1. When analyzing the validity of one specific safety adviser certificate from a country not member of the European Union for a Spanish company, the more general question has been posed about the general obligation to accept certificates from other countries, and specifically from countries not members of the European Union.

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\* In accordance with the programme of work of the Inland Transport Committee for 2016-2017, (ECE/TRANS/2016/28/Add.1 (9.2)).

\*\* Circulated by the Intergovernmental Organisation for International Carriage by Rail (OTIF) under the symbol OTIF/RID/RC/2017/2.

2. 1.8.3.15 clearly says that “The certificate... shall be recognized by all Contracting States/Parties”. Nevertheless, RID/ADR are agreements for international transport, and it could be argued that the certificate from a different Contracting State/Party has only to be accepted for international carriage.
3. For national transport of dangerous goods, and specifically as safety advisor of a national company (for which it is presumed that national transport takes place), it is unclear if a safety adviser from a different Contracting State/Party has to be accepted.
4. For countries of the European Union, Directive 68/2008 makes RID/ADR also mandatory for inner transport, but with the substitution of the wording “Contracting States/Parties” through “EU Member States”. This means, that countries of the European Union have to accept certificates from other countries of the European Union under all circumstances, but leaves unclear the situation in regards to third countries.
5. Also, in other countries not members of the European Union RID/ADR has been adopted also for inner transport, without the substitution of “Contracting States/Parties” through “EU Member States”. In those cases, all certificates from all Contracting States/Parties should be accepted in all cases.
6. In different countries, different specific regulations to the subject exist (see informal document INF.4); some countries specifically limit the applicability of the certificates from other countries, some specifically accept all of them. In others, as is the case in Spain, the subject is simply not explicitly regulated.

## **Interpretation**

7. It would be interesting for Spain if the Joint Meeting could debate the subject and indicate if the safety adviser certificate of a different country, according to RID/ADR, has to be accepted also for national transports and national companies, or if each country has the possibility to regulate this specific point as it sees fit.
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