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Item 7 of the provisional agenda

Draft road map on how to set up the administrative structures required for implementation of ADR

Draft road map

Note by the secretariat¹

Introduction

1. At its ninetieth session the Working Party asked the secretariat to draft a road map on how to set up the administrative structures required for implementation of ADR. The road map could serve as a basis for the Working Party's development of recommendations and/or guidelines to facilitate accession to ADR.
2. During the ninety-second session, the secretariat presented a draft road map in document ECE/TRANS/WP.15/2012/8.
3. This document contains a new version of the draft road map including the comments raised during the ninety-second session of the Working Party. Participants in the Working Party are invited to comment on this revised draft road map.

¹ The present document is submitted in accordance with paragraph 1(d) of the terms of reference of the Working Party, as contained in document ECE/TRANS/WP.15/190/Add.1, which provides a mandate to "Encourage the accession of new countries to the European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR)".

Draft road map on how to set up the administrative structures required for implementation of ADR

Introduction

The European Agreement Concerning the International Carriage of Dangerous Goods by Road (ADR), done in Geneva on 30 September 1957, entered into force on 29 January 1968 in accordance with article 7.

At the time of drafting this document, the Contracting Parties are Albania, Andorra, Austria, Azerbaijan, Belarus, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Kazakhstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Montenegro, Morocco, Netherlands, Norway, Poland, Portugal, the Republic of Moldova, Romania, Russian Federation, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Tajikistan, the former Yugoslav Republic of Macedonia, Tunisia, Turkey, Ukraine and United Kingdom. The status of ADR may be consulted on the UNECE website at

http://www.unece.org/trans/danger/publi/adr/legalinst_53_tdg_adr.html

The contact details of the ADR Competent Authorities may be consulted on the UNECE website at

http://www.unece.org/trans/danger/publi/adr/country-info_e.html

States members of the Economic Commission for Europe and States admitted to the Commission in a consultative capacity under paragraph 8 of the Commission's terms of reference (see article 6 (1)) are eligible to become Parties to ADR. States that may participate in certain activities of the Commission pursuant to paragraph 11 of the Commission's terms of reference may also accede to ADR (see article 6 (2)). This latter statement allows any Member of the United Nations not a member of the Commission to accede to ADR.

Accession steps

Formal and structured coordination at national level

The regulations on the transport of dangerous goods may be under the responsibilities of different ministries or administrations depending on the nature of the goods (chemicals, wastes, medicines, pesticides), of the purpose of the carriage and of the administrative structure in place. The ministries, administrations and bodies concerned need to be identified and their representatives should be invited to participate in the process of accession.

A non-exhaustive list of the ministries, administrations and bodies usually concerned by the transport of dangerous goods is: Authorities in charge of Transport, Industry, Interior, Environment, Trade, Defence, Finance, Agriculture, Labour, Science, Education, Public Health, Nuclear safety etc.

Representatives of the private sector should be consulted and be involved if possible in the process as representatives of the users of the Regulations: Chemical/Petroleum/Gas industry; Transport sector, Packaging/tank/vehicle manufacturers, etc.

A formal coordination of all the participants involved in the process of accession should be organized.

Bridging the gap

Each State wishing to implement ADR should:

- Develop procedures for implementing ADR for the international transport of dangerous goods. These procedures may include the process for translation of initial text and amendments, checks on road and on sites, interpretation, administrative practices for the enforcement, follow-up of updates, timetable for the entry into force, impact of transitional periods...);
- Establish implementation bodies as necessary;
- Designate the relevant competent authorities or bodies for classification of goods, approval, testing and certification of packagings, tanks and vehicles, training and certification of drivers and dangerous goods safety advisers, etc and make sure they are appropriately trained and have appropriate procedures in place for the agreement they may have to deliver in accordance with ADR. These competencies may be attributed to a single administrative body which may also be in charge of other modes of transport of dangerous goods;
- Designate a coordination focal point for national implementation and cooperation with the other States (through the UNECE Working Party on the Transport of Dangerous Goods) taking into account the availability of expertise and resources. This focal point may represent the competent authority in international meetings and, in that case, should be allowed to take decision on its behalf;
- Provide the necessary financial and human resources to ensure participation of experts in the sessions of the appropriate international bodies responsible for the development of the regulations and of the standards supporting these regulations.

Ruling

The national coordination body should develop or adapt existing national legislation/regulations which might affect the international transport of dangerous goods in line with ADR. The status of existing regulations which may overlap with ADR should be assessed: regulations for security, waste, tunnels, postal services, transport of dangerous goods in other modes, road safety, traffic restrictions, etc.

To facilitate the implementation of ADR, it is recommended to align the legislation applicable to the national transport of dangerous goods with ADR as far as possible.

Acceding

The procedure for accession should be launched in accordance with national law/constitution in consultation with the administrations competent for international affairs (e.g. Department of international relations and Ministry of Foreign Affairs).

To allow the entry into force of the Protocol of amendment of 1993 amending article 1 (a), articles 14 (1) and article 14 (3) (b) of ADR, it is necessary that the State deposit an instrument of accession to both ADR and the Protocol of 1993.

The Head of State or Government or the Ministry of Foreign Affairs or a person exercising the power of one of these authorities *ad interim* deposit the instrument of accession with the Secretary-General.

Information on the procedure to follow, forms to be filled and appropriate contact details for technical assistance may be found on the United Nations Office of Legal Affairs website at the following address:

http://untreaty.un.org/ola/div_treaty_techassist.aspx?section=treaty

Updating

Annexes A and B of ADR are regularly amended and updated in accordance with the decisions of the Working Party on the Transport of Dangerous Goods (WP.15) and of the Joint Meeting of the RID Committee of Experts and the Working Party on the Transport of Dangerous Goods (RID/ADR/ADN Joint Meeting) (WP.15/AC.1).

Representatives of contracting parties to ADR may participate as full participants with voting right in the sessions of WP.15 and of the Joint Meeting.

The terms of reference and rules of procedure of the WP.15 are contained in ECE/TRANS/WP.15/190/Add.1 which may be consulted on the UNECE website at

<http://www.unece.org/trans/main/dgdb/wp15/wp15rep.html>

The terms of reference and rules of procedure of the Joint Meeting are contained in ECE/TRANS/WP.15/AC.1/112/Add.2 which may be consulted on the UNECE website at

<http://www.unece.org/trans/main/dgdb/ac1/ac1rep.html>

A mechanism for follow-up should be put in place. This implies inter alia a regular participation in the sessions of WP.15 and of the Joint Meeting, information of stakeholders and procedures in place to implement the sets of amendments adopted every two years by the Contracting Parties.

Additional implementation issues

Issuance of certificates

In some cases, ADR require the issuance of certificates recognized by the other Contracting Parties (certificates of approval of tanks, packagings, agreements of vehicles, certificate for the training of drivers, etc). It may be useful to define an organisation which will enable fast and efficient issuance of these certificates and which should also include appropriate data collection. The issuance of certificates may be under the responsibility of local agencies or authorities. In that case a central authority should ensure harmonization and gather data.

Communications to the UNECE secretariat

In accordance with ADR, the Contracting Parties shall also notify certain information to the secretariat of the United Nations Economic Commission for Europe which shall bring them to the attention of the Contracting Parties. This includes special agreements, the list of Competent Authorities, restrictions of circulation, recognized technical codes, etc.

Note: The list of information to be notified will be annexed to the final road map.

Procedures for checks

ADR is an Agreement between States, and there is no overall enforcing authority. In practice, highway checks are carried out by Contracting Parties, and non-compliance may then result in legal action by national authorities against offenders in accordance with their domestic legislation. Procedures for checks and procedures to prevent, identify, monitor and manage cases of infringement should be defined.

Procedures in case of accident

Accidents involving dangerous goods often require the intervention of different emergency responders and procedures of mutual information and coordination should be put in place. Cooperation between neighbouring states should also be studied.

Emergency preparedness can also include participation in programmes related to the application of Intelligent Transport Systems to the tracing and tracking of dangerous goods.

Multilateral agreements

In accordance with Article 4, paragraph 3 of ADR, the competent authorities of the Contracting Parties may agree directly among themselves to authorize certain transport operations in their territories by temporary derogation from the requirements of ADR, provided that safety is not compromised thereby. The procedure for the signature and notification of such bilateral or multilateral agreement is reproduced in annex.

Note: The procedure for multilateral agreements will be annexed to the final road map.

Alignment with other classification/labelling systems

In order to prevent the risk presented by dangerous goods, not only during their transport, but also through the different steps of their life from their production to their use and disposal, countries should have a consistent and appropriate information on the chemicals they import or produce.

The "Globally Harmonized System of Classification and Labelling of Chemicals (GHS)", developed under the auspices of the UNECE, addresses classification of chemicals by types of hazard and proposes harmonized hazard communication elements, including labels and safety data sheets. The classification of dangerous goods in ADR is consistent with the classification proposed in GHS. A step forward could be to implement the GHS classification in the other regulations related to dangerous goods, taking into account that GHS provides a basis for harmonization of rules and regulations on chemicals at national, regional and worldwide level, an important factor also for trade facilitation.
