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Item 5 (b) of the provisional agenda

Proposals for amendments to RID/ADR/ADN: new proposals

Dangerous goods safety adviser: proposals for new sections and amendments concerning training and dangerous goods safety adviser

**Transmitted by the European Association of Dangerous Goods Safety
Advisers (EASA)^{1, 2}**

¹ In accordance with the draft programme of work of the Inland Transport Committee for 2016-2017, (ECE/TRANS/WP.15/2015/19 (9.2)).

² Circulated by the Intergovernmental Organisation for International Carriage by Rail (OTIF) under the symbol OTIF/RID/RC/2016/3.

Summary

- Executive summary:** The aim of this document is to amend sections 1.3.2 and 1.8.3.
- Action to be taken:** Amend sections 1.3.2 and 1.8.3 as proposed.
- Related documents:** None.

Introduction

1. During their permanent meetings, EASA members took the opportunity to consider their observations and to summarise them regarding certain issues of sections 1.3.2 and 1.8.3 of ADR, RID and ADN.
2. After reviewing and analysing the sections 1.3.2 and 1.8.3 in depth, EASA came to the conclusion that some inconsistencies in these sections may give rise to misunderstandings or misinterpretations.
3. EASA believes that the following amendments and adjustments to the text are necessary in order to enhance the safety of all the involved participants in a sustainable manner.
4. The scope of the standard in chapter 1.3 aims to increase the standard of safety practised in the companies involved in the transport of dangerous goods, by the introduction of general awareness training and function-specific training. To ensure a standard of quality of that training, EASA sees a need for a minimum qualification of the trainer, documented by a training certificate. By the introduction of a new subsection 1.3.2.5 this requirement could be implemented easily.

Proposal 1

5. Add a new 1.3.2.5 to read as follows:
“1.3.2.5 The trainer shall hold a vocational training certificate according to 1.8.3.7.”
6. EASA is of the opinion that the current requirement of the appointment of a safety advisor in 1.8.3.1 is not clear enough and may lead to undesirable interpretations, affecting standards of safety. It is surprising that the current 1.8.3.1 does not cover all participants to which safety obligations are assigned, pursuant to 1.4. Explicitly in ADR/RID/ADN the consignor (and third parties) is (are) not mentioned; in RID the operator of a tank wagon is not mentioned. The standard of safety could be much improved either by mentioning all participants according to 1.4 or by referring to 1.4.

Proposal 2

7. Amend 1.8.3.1 as follows (amendments underlined):
“**1.8.3.1** Each undertaking, the activities of which include the consigning (including third parties), carriage, or the related operations packing, loading, filling or unloading, of dangerous goods by road/rail/inland waterways [RID: or operating a tank-wagon] shall appoint one or more safety advisers, hereinafter referred to as “advisers”, for the carriage of dangerous goods, responsible for helping to prevent the risks inherent in such activities with regard to persons, property and the environment.”

8. In the opinion of EASA, the current 1.8.3.2 a) and b) of ADR and 1.8.3.2 b) and c) of RID are inconsistent with the reference 1.1.3.6 (“not exceeding”), because the wording in this subsection differs from the 1.8.3.2 (“smaller than”), leading to potentially erroneous meanings. Further, EASA has identified two parties whom it considers should not be exempted in this case. The obligations of consignors, whose activities concerning quantities not exceeding those of 1.1.3.6, remain the same, regardless of the quantity of the dangerous goods. It seems irrational to exempt the consignor from the obligation of appointing a Safety adviser. Secondly, a carrier of dangerous goods in limited quantities exceeding limit in 3.4.13 has to fulfil additional obligations. A justification for an exemption does not therefore seem justified.

Proposal 3

9. Amend 1.8.3.2 as follows (amendments and new text underlined):

“1.8.3.2 The competent authorities of the Contracting Parties may provide that these requirements shall not apply to undertakings:

(a) the activities of which concern quantities in each transport unit ~~smaller than~~not exceeding those referred to in 1.1.3.6 1.7.1.4 and in Chapters 3.3, 3.4 and 3.5; or ...

NOTE 1: 1.8.3.2 a) is not applicable to consignors whose activities concern quantities not exceeding those referred to in 1.1.3.6.

NOTE 2: 1.8.3.2 a) is not applicable to carriers of dangerous goods in limited quantities exceeding the limit prescribed in 3.4.13.”

10. The duties of the Safety adviser are listed in 1.8.3.3. One of the duties is the preparation of an annual report to the management of the undertaking on their activities in the carriage of dangerous goods. The report serves as a valuable document as well as a basis for decisions of the management of the undertaking. Since there is no legal minimum requirement for the report in terms of form and content, the standard of quality demonstrated by different reports from different contracting parties differs hugely. EASA is of the opinion that the standard of reporting has to be strengthened to reflect the quality of the work done by the Safety adviser. Ensuring a standard of reporting in future is the most appropriate way to provide recommendations and interpretations which will enhance the standard of the work of the Safety adviser. This would benefit both the undertaking and the competent authorities. EASA therefore proposes the following form of reporting containing minimum requirements, as well as a slight amendment of the text of 1.8.3.3.

Proposal 4

11. Amend the third indent of 1.8.3.3 as follows (amendments underlined):

“– preparing an annual report, conforming to the model shown below, to the management of his undertaking or to a local public authority, as appropriate, on the undertaking’s and the adviser’s activities in the carriage of dangerous goods.”.

12. Add the following table at the end of 1.8.3.3:

“**Model of annual report**

<u>DANGEROUS GOODS SAFETY ADVISER’S ANNUAL REPORT</u>	
For period:	
The report relates to activities within the scope	<input type="checkbox"/> ADR

of:	<input type="checkbox"/> RID <input type="checkbox"/> ADN									
Identity of participants to which this report relates (address of operations and/or headquarters, and telephone number):										
Were there any accidents, incidents or non-compliances within the scope of dangerous goods? If so, provide a brief description of each, with date and place of occurrence:	<input type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> not applicable							
Are all relevant persons involved in the carriage of dangerous goods trained in accordance with 1.3?	<input type="checkbox"/> yes	<input type="checkbox"/> no								
If applicable, is there a security plan in accordance with 1.10?	<input type="checkbox"/> yes	<input type="checkbox"/> no								
Method of carriage:	<input type="checkbox"/> in packages	<input type="checkbox"/> in tanks	<input type="checkbox"/> in bulk							
Information on the kind of carriage operations and quantities of goods										
Class	Type of transport operations						Quantity (t/annum)			
	Consigning	Carriage	Packing	Loading	Filling	Unloading	< 5	5-50	50-1000	> 1000
1										
2										
3										
4.1										
4.2										
4.3										
5.1										
5.2										
6.1										
6.2										
7										
8										
9										
DGSA TASKS										
	Task	Yes	No	N/A						
1	Are there procedures for compliance with the requirements governing the identification of dangerous goods being transported?									
2	Does the undertaking's practice take into account, when purchasing means of transport, of any special requirements in connection with the dangerous goods being transported?									
3	Are there procedures for checking the equipment used in connection with the carriage loading or unloading of dangerous goods?									
4	Is there proper training of the undertaking's employees, and the maintenance of records of such training?									
5	Is there implementation of proper emergency procedures in the event of any accident or incident that may affect safety during the carriage, loading or unloading of dangerous goods?									

6	Is there investigation and, where appropriate, preparation of reports on serious accidents, incidents or serious infringements recorded during the carriage, loading or unloading of dangerous goods?			
7	Is there the implementation of appropriate measures to avoid the recurrence of accidents, incidents or serious infringements?			
8	Is account taken of the legal prescriptions and special requirements associated with the carriage of dangerous goods, in the choice and use of sub-contractors or third parties?			
9	Is there verification that employees involved in the carriage, loading or unloading of dangerous goods have detailed operational procedures and instructions?			
10	Is there the introduction of measures to increase awareness of the risks inherent in the carriage, loading and unloading of dangerous goods?			
11	Is there the implementation of verification procedures to ensure the presence on board the means of transport of the documents and safety equipment which must accompany transport and the compliance of such documents and equipment with the regulations?			
12	Is there the implementation of verification procedures to ensure compliance with the requirements governing loading and unloading?			
13	Does a security plan as indicated in 1.10.3.2 exist?			
Comments:				
The report is prepared by:				
Adviser's name and surname	Adviser's certificate code	Adviser's signature	Date of preparation	
			Signature of responsible person of undertaking	

”.

13. 1.8.3.3 (ninth indent), only refers to employees involved in the carriage, loading or unloading of dangerous goods. As already mentioned in part II of this document, it is not clear why some participants, to which safety obligations are assigned pursuant to 1.4, are covered. EASA is of the opinion that detailed operational procedures and instructions for all the involved participants listed in 1.4 should be verified by the Safety adviser.

Proposal 5

14. Amend the ninth indent of 1.8.3.3 as follows (amendments underlined):

“– verification that employees involved in the consigning, carriage, packing, filling, loading or unloading of dangerous goods have detailed operational procedures and instructions, ...”.

15. In order to harmonise the standard of knowledge of the safety advisors of contracting parties, EASA believes that harmonisation of the examination is required. To achieve this aim, the first approach is that competent authorities for the examination should keep lists of harmonised questions and ensure public access. In ADN it is already best practice that a catalogue of questions, from which the examination questions are selected, is published on the UNECE website. In addition, EASA looked at the minimum pass-rates to gain an examination pass from the competent authority: the pass rates range from 50% to 90%. EASA aims to propose the following amendment:

Proposal 6

16. Amend 1.8.3.14 as follows (amendments underlined):

“1.8.3.14 The competent authority or the examining body shall keep a public running list of the harmonized questions that have been included in the examination.”.

17. If the delegates are not yet able to vote in favour, EASA offers to initiate an informal working group both on the harmonisation of existing catalogues of examination questions, and on harmonised examination conditions, including a standard minimum threshold for a successful examination pass.

18. The text in 1.8.3.16.1 in our opinion needs clarification because an examination for the renewal of the certificate does not require the attendance at a training course. In practice there was considerable discussion about different interpretations of the text.

Proposal 7

19. In 1.8.3.6.1, add the following forth sentence: “It is not mandatory for the candidate to complete a training course.”.

20. In 1.8.3.18 (form of certificate) the current wording is: “Valid until for undertakings that transport dangerous goods and for undertakings which carry out related packing, filling, loading or unloading: ...”. Again, as explained under part II, all participants should be mentioned, so that 1.8.3.18 should read:

Proposal 8

21. Amend the eighth entry of the certificate in 1.8.3.14 as follows (amendments underlined):

“Valid until for undertakings which transport dangerous goods and for undertakings which carry out related consigning, packing, filling, loading or unloading: ...”.