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SECURITY IN THE TRANSPORT OF DANGEROUS GOODS

Transmitted by the Government of Switzerland

Summary

Executive summary: The derogations contained in Chapters 8.4 and 8.5 of ADR which currently apply to the supervision of vehicles should also apply to the security provisions for which the new Chapter 1.10 provides.

Action to be taken: Extension of the scope of the supervision requirements to security issues.

Related documents: TRANS/WP.15/AC.1/92/Add.2, TRANS/WP.15/AC.1/94,
TRANS/WP.15/AC.1/94/Add.1
INF.10 (September-October 2003 Joint Meeting).

Introduction

In order to take account of users' needs, for example, as expressed by the gas industry in informal document INF.10 at the last Joint Meeting in September 2003, avoid the proliferation of requests of this nature and facilitate the entry into force and the acceptance by all users of the security provisions, we think that a more global approach is needed to the problem. It seems timely to take account of experience acquired in the security sphere in the course of the many years of the existence in legislation of such provisions. In Chapters 8.4 and 8.5, ADR provides an example of provisions for supervision which are comparable to security requirements. Road transport in Europe has been able to exist without encountering difficulties in respect of these exceptions which constitute a balanced means of putting supervisory provisions into effect while taking account of the respective hazards of the substances carried.

A perusal of Chapter 1.X of document TRANS/WP.15/AC.1/92/Add.2 gives rise to the following comments:

Table 1.X.1, List of high consequence dangerous goods, provides exemption only from provisions relating to security plans (see 1.x.3.2.1) and has no general coverage. The texts of 1.x.1 (including protection of sites and terminals), security training (1.x.2), existence of telemetry equipment (1.x.3.3), the carrier's obligation to ensure anti-theft systems (1.x.3.4), training of other participants (1.3.1), etc. are applicable to all goods regardless of the quantity carried. For this reason EIGA has endeavoured to diminish the problem by proposing to modify table 1.X.1. What EIGA has apparently not noticed is that this table is only useful for exemption purposes in respect of security plans. The Joint Meeting has, moreover, adopted certain exemptions for carriage in packages. Carriage in tanks remains subject to the security requirements of Chapter 1.10.

As indicated, we think that the exemptions should go further for the reasons given at the beginning.

Switzerland therefore proposes the following changes:

Proposal

Insert a section 1.X.2 to follow section 1.X.1 to read:

“1.X.2 Exemptions

The carriage of dangerous goods referred to in table 1.X.1, List of high consequence dangerous goods, for which the table establishes a quantity, when such carriage does not exceed the quantities established in the table, is exempt from the requirements of this Chapter.

The carriage of dangerous goods referred to in table 1.X.1, List of high consequence dangerous goods, for which the table does not establish a quantity, is exempted from the requirements of this Chapter insofar as the quantities carried are less than those established in the special provisions S1 (6), S14 to S21 allocated to those substances.

The carriage of dangerous goods not referred to in table 1.X.1, List of high consequence dangerous goods, to which a special provision S1, S14 to S21 is allocated in column (19) of Table A of Chapter 3.2 are also exempted from the provisions of this Chapter insofar as the quantities carried are less than those established in the special provisions S1 (6), S14 to S21 allocated to those substances.

Dangerous goods which are not referred to in table 1.X.1, List of high consequence dangerous goods, and to which no special provision S1, S14 to S21 has been allocated in column (19) of Table A of Chapter 3.2 are also exempted from the provisions of this Chapter.”

Renumber the following sections.

Amend the wording of provisions S1 (6), S14 to S21 by inserting after “The provisions of Chapter 8.4 concerning the supervision” the phrase “and of Chapter 1.X concerning security”.

Justification

By introducing section 1.x.2, Exemptions, we make the list in table 1.X.1 general since we define the quantities to which it applies in each case and the substances referred to in this list are exempted from all the provisions of Chapter 1.X.

We have also solved the question raised by EIGA in document INF.10 and the question of the substances of Class 1, Divisions 1.1, 1.2, 1.3 and 1.5, Classes 3 and 4.1, desensitized explosives, Classes 6.1 and 6.2.

We have also resolved the case of substances not appearing in the list of 1.X.1, all quantities of which would otherwise, in any case, be subject to these provisions except for those relating to security plans.

The carriage of dangerous goods has also been made more flexible insofar as the provisions of Chapter 8.5 permit.
