ECONOMIC COMMISSION FOR EUROPE

INLAND TRANSPORT COMMITTEE

Working Party on the Transport of Dangerous Goods

Eighty-fourth session
Geneva, 5-9 May 2008
Item 2 of the provisional agenda

SEVENTIETH SESSION OF THE INLAND TRANSPORT COMMITTEE

Transport security

1. The Secretariat reproduces thereafter the report of the Multidisciplinary Group of Experts on Inland Transport Security which was submitted to the Inland Transport Committee (ITC) on its 70th session.

2. ITC approved the recommendations of the Group, and as a consequence, the Working Party on the Transport of Dangerous Goods has been requested to review ADR and ADN (see recommendations 2 and 3) and to assess the implementation of chapter 1.10 of ADR, RID and ADN, with the assistance of other relevant international organizations.

3. The Joint Meeting may wish to consider the recommendations and any action deemed appropriate.

ECONOMIC COMMISSION FOR EUROPE

INLAND TRANSPORT COMMITTEE
Eight meeting of the 2006-2007
Bureau of the Inland Transport Committee
(Geneva, 18 February 2008)

Informal Document No. 1

11 February 2008

TRANSPORT AND SECURITY

Prepared the secretariat

I. MANDATE

1. At its seventh meeting, the 2006-2007 Bureau of the Inland Transport Committee was informed about the work of the Multidisciplinary Group of Experts on Inland Transport Security (Informal paper No. 9) established by the ITC during its sixty-ninth session (6-8 February 2007) and endorsed by the UNECE Executive Committee (7 March 2007).

2. According to the Group's terms of reference, the Expert Group was to provide a report of its activities and recommendations to the ITC Bureau in February 2008.

3. The Annex provides the final report by Mr. Rene Van Bever, Chairman of the Multidisciplinary Group of Experts on Inland Transport Security. The following does not include three (voluminous) inventories of national, international and private sector inland transport security measures prepared the Expert Group. These can be accessed at http://www.unece.org/trans/main/ac11/ac11.html.

Annex

Mr. Rene Van Bever

Chairman of the Multidisciplinary Group of Experts on Inland Transport Security

FINAL REPORT

25 January 2008

Background:

The terrorist attacks in New York City, Madrid, London and Moscow have shown the capability of a small number of individuals to kill and cause large-scale destruction. These events have also turned the world's attention to the need to better secure transport systems.

There are many reasons why transport is a relatively easy target. Firstly, transport systems have not been designed to cope with security threats. Transport authorities have typically stressed the development of transport networks which facilitate a smooth flow of passengers and cargo while meeting safety - not security - standards. Secondly, transport means and infrastructure are very accessible. Road vehicles are available everywhere and they can be used as weapons or to transport weapons.

Infrastructure such as roads, rail lines and inland waterways, including bridges and tunnels, are in the open and largely without surveillance. In transport facilities, large numbers of people often congregate in a predictable manner. Thirdly, transport is complex. Each mode has its own specific infrastructure, vehicles and regulatory requirements. Passengers and/or goods are carried. There are thousands of non-transport companies that interact on a daily basis with the transport sector. International aspects add to this inherent complexity as national regulations and norms typically differ. Harmonizing and aligning national security standards across borders could effectively prevent terrorists from exploiting the weakest links.

Given the terrorists' evident interest in transport, the "transport community" could be expected to demonstrate willingness to reduce or eliminate the underlying security threats. The threats should be addressed preventively. The stakeholders should act at a sufficiently early stage with the full range of existing and, when necessary, new measures. Any new initiatives should not lead to excessive obstacles to international transport and trade. This approach would require close co-operation of transport authorities with other authorities such as intelligence, security, customs and border services. The overall objective would be to improve the security of domestic and international transport systems by reducing the likelihood of transport being a target or used as a vehicle for terrorism.

The UNECE and inland transport security:

Given this background, in the wake of 11 September 2001, the UNECE Transport Division proposed to create an ad hoc group of experts to consider inland transport security issues. However, the Inland Transport Committee (ITC) – UNECE's transport governing body – first requested a review of the existing areas of work. Consequently, the UNECE secretariat undertook the review of the existing UNECE transport regulatory instruments. As a result, a number of transport issues were identified in 2001 that could benefit from further security considerations. The following provides a summary (http://www.unece.org/trans/doc/2002/itc/TRANS-2002-15e.doc).

Vehicle Regulations

- Extension of the provisions concerning vehicle alarm and immobilization systems to trucks and buses;
- Agreement on provisions for immobilizing vehicles after unauthorized use;
- Installation of positioning systems in vehicles to facilitate location.

Dangerous Goods and Special Cargoes

- Consider developing security recommendations for transport of dangerous goods;
- Consider amending the requirements to train drivers and other persons employed in the transport of dangerous goods to include security.

Road Transport and Road Safety

- Develop regulations to harmonize access to driving profession;
- Consider developing regulations concerning illegal migration;
- Review the requirements for the issuance of driving permits.

Infrastructure networks

- Consider introducing best security practices for infrastructure network agreements;
- Develop best practices in surveillance key infrastructure points;
- Provide regulations to prevent the use of vessels or trains by unauthorized persons;
- Introduce automatic alarm systems in vessels in case of use by an unauthorized person;
- Consider security provisions for pipelines.

Border Crossing Facilitation

- Introduce modern communications means among Customs authorities;
- Consider establishing a new Annex to the "Harmonization Convention" concerning security for international goods transport.

Following the review, the UNECE has continued to co-operate with the World Customs Organization and others on the use of sealing devices and on integrity of loading units. In 2006 and 2007, the UNECE Transport Division organized a Round Table on Transport and Security in the UNECE area and a capacity building seminar concerning the approval and control of TIR vehicles.

An update of the 2001 review was undertaken in the course of 2007 (http://www.unece.org/trans/doc/2007/its/AC11-2007-inf12e.pdf). Information below describes the progress made since 2001 and outlines planned UNECE inland transport security initiatives.

Working Party on Road Traffic Safety (WP.1)

Driving permits

New provisions concerning national and international driving permits will become mandatory in March 2011. The validity of the international permit will be recognized only if it is presented together with the corresponding domestic permit on the basis of which it has been issued.

Registration of vehicles

To counter an unsatisfactory number of vehicles in international traffic using the distinguishing sign of the state of registration, the Vienna Convention on Road Traffic has been modified to allow the possibility of incorporating the distinguishing sign into the registration plate (provisions entered into force in March 2006).

Working Party on Road Transport (SC.1)

Infrastructure

In order to increase safety (in particular tunnel safety), Annex 2 of the AGR has been modified (new provisions entered into force in January 2006). These measures may have indirectly enhanced road transport security (particularly sections IV.5; V.4.1; V.4.2; V.4.4).

Professional drivers and heavy vehicles

Recommendations may be introduced into the Consolidated Resolution on Road Transport (R.E.4) in the areas of: awareness of professional drivers, security in parking areas (motorways and border crossings) and vehicles (GPS equipment to detect the location of vehicles, electronic anti-theft system). The security of passengers is also in the SC.1 program of work for 2008-2009.

Rail transport (SC.2)

SC.2 has adopted (i) the definition of railway safety as “the socially required level of absence of risk of danger in the rail transport system where risk relates to personal accident, injury or material damage; and (ii) the definition of security in railways: “the protection of human beings, transport means and transport infrastructure against unauthorized and unexpected actions of any kind”.

In 2004, SC.2 noted that, within its area of competence, it could contribute towards raising awareness of the importance of security in the railways sector. Nevertheless, SC.2 agreed that, at that time, there was no need to establish an ad hoc expert group which would be entrusted with developing recommendations for security and safety in rail transport.

SC.2 has asked International Union of Railways (UIC) to organize a joint workshop on security in the rail transport sector focusing on a. responsibilities of national authorities and railway companies, b. rules and procedures, and c. the use of technology. After the workshop, the member States could adopt recommendations for 2009. This workshop will take place in November 2008 after the 62nd session of the working party.

Working Party on Inland Water Transport (SC.3)

A draft Annex IV to the AGN Agreement entitled "Protection of the network from the intentional external influence" was considered by SC.3 in October 2006 as well as by SC.3/WP.3 in June 2007. Delegations abstained from approving the amendment, seeking to ensure that the new annex IV would not contradict in any way the results of the ongoing discussions about inland transport security in the European Union, within River Commissions and elsewhere.

Draft Annex IV to the European Agreement on Main Inland Waterways of International Importance (AGN)

Protection of the Network of Inland Waterways of International Importance from the Intentional External Influence

1. Inland waterways used for international shipping and their infrastructure should be adequately protected from intentional external influence that might cause harm to navigation, health and human life as well as to the environment.

2. The Contracting Parties, governmental bodies, local authorities and basin administrations, shipping companies and ports should take effective measures with a view to revealing the threat of, and preventing, the intentional external influence that might cause such harm.

3. The implementation of such measures shall require the development, on request by the Government of a Contracting Party, of relevant security plans for inland waterway infrastructure and ports that should provide for the security of the above-mentioned objects and of the vessels situated on them.

4. These plans should contain as a minimum:

- measures designed to prevent unauthorized access to the area of the port through organizing physical protection, installation of barriers, fences and technical means of control;
- measures designed to prevent weapons or any other dangerous substances intended for use against persons, vessels or ports and the carriage of which is not authorized, from being introduced into the port or on board a vessel;

- measures designed to supervise and effectively control the shore-based and floating aids to navigation, their sources of energy and other supplies by using mobile means of control and other techniques;
- procedures for responding to security threats or breaches of security, including provisions for maintaining critical operations of the port or vessel/port interface;
- measures designed to ensure an effective liaison and coordination between the port authorities and responsible ship's officer and the consistency of security activities of port authorities and crews;
- procedures for evacuation in case of security threats or breaches of security;
- duties of port personnel assigned security responsibilities and of other port personnel on security aspects;
- procedures for interfacing with vessel security activities;
- procedures for the periodic review of the plan and updating;
- procedures for reporting security incidents;
- identification of the port security officer;
- measures to ensure the security of the information contained in the plan.

5. Port security officers and appropriate port security personnel shall have knowledge and have received training, taking into account the provisions in paragraph 4 above.

6. The port security assessment is an essential and integral part of the process of developing and updating the port security plan. The Government of a Contracting Party within whose territory the port is located shall carry out this assessment. The Contracting Party may authorize a recognized security organization to carry out the security assessment of a specific port.

7. The port security assessment shall be reviewed and updated.

Working Party on the Transport of Perishable Foodstuffs (WP.11)

WP.11 administers the Agreement on the International Carriage of Perishable Foodstuffs and on the Special Equipment to be used for such Carriage (ATP). WP.11 has not addressed security issues as they pertain to crime or the risk of international terrorist attack during the transport of perishable foodstuffs. It is currently working on securing ATP documents to make it more difficult to falsify documents.

Working Party on the Transport of Dangerous Goods (WP.15)

For transport of dangerous goods, the UN Recommendations on the Transport of Dangerous Goods, Model Regulations, Chapter 1.4 and section 7.2.4 of Chapter 7.2 are applicable. For international transport by road, rail and inland waterway in Europe (and domestic traffic in the EU), the UN recommendations were considered by WP.15 for ADR, RID, and ADN and the relevant provisions were included, in 2005, in chapter 1.10 of ADR, ADN and RID. The UN security provisions for transport of dangerous goods have also been included, in 2005, in the International Maritime Dangerous Goods Code and in the ICAO Technical Instructions for the Safe Transport of Dangerous Goods by air.

Since the UN recommendations are the basis for harmonization of international transport by all modes, WP.15, as a matter of principle, is reluctant to consider possible changes that would not have been previously discussed and agreed by the UN/ECOSOC Committee of Experts.

Working Party on Intermodal Transport and Logistics (WP.24)

In March 2004 and in September 2005 the Working Party considered the issue of "intermodal transport and security" and decided there was no need to embark on new activities in this field at that time. No new or additional initiatives have since been taken up by the Working Party.

World Forum for Harmonization of Vehicle Regulations (WP.29) and Working Party on General Safety Provisions (GRSG)

At its March 2005 session, WP.29 requested the Working Party on General Safety Provisions (GRSG) to advance the development of prescriptions regarding Vehicle Degradation Systems (VDS). The VDS are systems fitted to a vehicle aimed at preventing and restricting the vehicle being driven away during unauthorized use. In the context of transport security, the VDS can prevent the use of stolen vehicles as "car bombs" in explosive attacks.

Development of VDS work at the GRSG

In April 2004, GRSG agreed to set up an informal VDS group of experts to develop the proposal further. In October 2004, GRSG noted concerns about possible consequences of an external access to the vehicle electronic systems and about the incompatibility of the VDS with the 1968 Vienna Convention. The Vienna Convention establishes that "every driver shall at all times be able to control his vehicle". Experts were requested to reflect on "vehicle tracking systems" that could be considered as an alternative to the VDS. In April 2005, the VDS proposal was withdrawn because a possibility of remote access to vehicle electronic systems was not acceptable. As the VDS cannot be isolated from other vehicle electronic systems, a remote intervention from the outside could facilitate criminal attacks on the vehicle electronics (such as software viruses) and could lead to malfunctions of the vital vehicle safety and emissions systems for example to the engine, steering controls, braking and stability systems. GRSG agreed that the VDS informal group should continue working to elaborate requirements for "Advanced Vehicle Security Systems (AVSS)".

Working Party on Customs Questions affecting Transport (WP.30)

The TIR Convention contains the following security elements:

- Access to the TIR system is granted only to transport operators who have been authorized by Customs authorities on the basis of strict criteria. The authorization can be withdrawn if these criteria are no longer fulfilled

- Vehicles performing TIR transports need to be equipped with Customs secure loading units and need to fulfill specific sealing requirements

- Mutual recognition of Customs controls, aimed at reducing check procedures en route to a minimum. In particular, goods should be thoroughly checked at departure and put under Customs seal

Multidisciplinary Group of Experts on Inland Transport Security:

In February 2007, the Inland Transport Committee reviewed its work in the area of transport security and, stressing the importance of this issue, agreed to establish a multidisciplinary group of experts. The ITC also requested further endorsement by the UNECE Executive Committee (ExCom).

The UNECE Executive Committee agreed with Inland Transport Committee's recommendation to do more to improve transport security. In March 2007, the ExCom endorsed the decision of the Inland Transport Committee to establish a Multidisciplinary Group of Experts on Inland Transport Security and approved its Terms of Reference (http://www.unece.org/commission/EXCOM/2007/EXCOM_March_07_index.htm).

The Terms of Reference point at three major areas of transport security: a. Inventory of regulatory initiatives at the national level; b. Inventory of regulatory initiatives at the international level; c. Inventory of standards, initiatives, guidelines, best practices by the private sector. The Terms of Reference stipulate that the Expert Group should be composed of experts in transport security matters appointed by Member States of the UNECE as well as representatives of relevant international governmental and non-governmental organizations.

The Group of Experts has met four times. The first session was held on 24-25 May 2007, the second on 9-10 October 2007, the third on 26 November 2007 and the final session on 24-25 January 2008. The Secretariat has created a dedicated website where agendas, reports, presentations and informal documents can be accessed http://www.unece.org/trans/main/its/its.html.

Delegates from Belgium, France, Germany, Luxembourg, Russia, Slovenia, Switzerland, Turkey, Ukraine and the United Kingdom have participated as members of the Expert Group. In addition, international organizations and NGOs such as the United Nations Conference on Trade and Development (UNCTAD), European Civil Aviation Conference (ECAC), International Atomic Energy Agency (IAEA), International Container Security Organization (ICSO), International Council of Chemical Association (ICCA), Organisation intergouvernementale pour les transports internationaux ferroviaires (OTIF), Organization for Security and Co-operation in Europe (OSCE), International Federation of Freight Forwarders Associations (FIATA), International Maritime Organization (IMO), International Organization for Standardization (ISO), International Road Federation (IRF), International Road Transport Union (IRU) and International Union of Railways (UIC) have participated. The European Commission (EC) has also participated.

In the course of its work, the Expert Group took note of presentations by national delegations, international organizations and private sector. By doing so, the Group was able to take stock of

current work being undertaken in the area of inland transport security. The Expert Group also worked on and created national, international and private sector inventories of inland transport security regulations.

The Expert Group discussed the definition of security in relation to safety. The Group considered a broad approach to the security concept. The Group defined security for its work as: "the protection of human beings, transport means and transport infrastructure against unlawful acts of any kind, including crime, vandalism and terrorism". This broad approach should facilitate decisions related to cost/effectiveness about investments to be made for combating terrorism. The focus of the Group's work, however, was the threat of terrorist attacks, bearing in mind the priority of protecting human beings and political stability.

The Expert Group also considered the scope of its inquiry. The Group kept in mind that, as the global policy in security matters is in most of the countries a competence of the Ministers of Home Affairs and/or Justice, the actions undertaken by the Ministers of Transport have to be in line with this global policy. First, whilst protection of goods is generally ensured by the transport sector, protection of passengers depends on a co-operation between transport sector and police. Second, "inland transport" was defined not to include maritime transport. However, in order not to ignore important maritime/ports linkages some critical issues that fall outside the scope of "inland transport" were taken into account. Finally, urban transport should be considered as a specific aspect of "inland transport", but it is often run under control of local or national authorities, without international implications. However, as urban transport has been one of the main targets of terrorism during the last years, an effort should be made on international level to tackle this aspect of transport security.

In terms of recommendations, the Group of Experts focused on perceived deficiencies in the area of inland transport security. First, as security of passengers, more specific on urban transport, appears to be neglected on international level as compared to efforts undertaken to enhance security in the area of transport of goods, there may be a need for re-balancing. Second, while many protective measures already exist in ports and airports, inland transport seems to be relatively under-protected due to its "open environment". For example, security of containers is well ensured within ports but it effectively disappears outside of them. Inland transport appears to be the weakest link in today's supply chain.

Vulnerable points such as rail stations, railways, roadways, tunnels and bridges are difficult to protect, due to their public access, compared to others transport modes. Therefore, a support to research in new infrastructure protection technologies (such as control and detection systems) is of high importance. Screening and vetting of the personnel working in the inland transport sector, particularly in or close to critical infrastructures, could be a relevant means to reduce the risks.

Third, there is no international body for land transport security, of both goods and passengers, equivalent to IMO and ICAO (which have been instrumental in increasing worldwide maritime and air security). The existence of these two organizations made it possible to have international standards and rules adopted and applied worldwide in the maritime and aviation sectors, including security aspects. However, international co-operation takes place in certain mode-

specific professional organizations and in an "International Working Group on Land Transport Security" created by interested governments.

Finally, the Expert Group believed that recommendations in the final report should focus on the UNECE international legal instruments. In this context, all UNECE transport subsidiary bodies should begin, as appropriate, work towards incorporating security provisions in the relevant legal instruments. They should also examine the implementation of existing security provisions and to evaluate if they are sufficient. In particular, in the area of transport of dangerous goods, WP.15 with other relevant international organizations could evaluate the implementation of Chapter 1.10. In general, subsidiary bodies should explore cost effectiveness of the existing and/or future security provisions.

Recommendations by the Multidisciplinary Group of Experts on Inland Transport Security:

The Expert Group's terms of reference stipulate that the Group is "to prepare in a coordinated manner recommendations and/or proposals to the UNECE Governments for consideration by the ITC for improving inland transport security in inter alia the following areas of activity: infrastructure, personnel, goods, transport means, information exchange and borders." Moreover, the Terms of Reference state that "the above recommendations and/or amendments to existing legal instruments should, inter alia, be aimed at minimizing the risk of terror attacks in the field of inland transport…"

<u>The Expert Group has agreed on the following recommendations:</u>

1. The Expert Group invites all UNECE member States and other interested parties to provide the secretariat with the up-to-date information about inland transport security regulations and initiatives in order to complete and maintain the inventories of national legislation and regulations, international regulatory initiatives and private sector standards and best practices.

2. The Expert Group recommends that all UNECE Inland Transport Committee subsidiary bodies review international legal instruments under their respective areas of responsibility. As the first necessary step, each subsidiary body will place "transport security" on the agenda of its first session after 20 February 2008.

3. The reviews – by each subsidiary body - will necessarily include the following elements and be undertaken in order to:

(a) create an inventory of the existing security measures;
(b) provide a clear rationale/justification why there exist no security measures, if appropriate;
(c) provide a preliminary evaluation concerning the appropriateness/sufficiency of the existing security measures;
(d) examine the effectiveness of the implementation of the existing security provisions
(e) create a list of potentially desirable additional security measures;
(f) explore the cost effectiveness of future security provisions.

4. The Expert Group recommends that Chairmen of all UNECE subsidiary bodies provide preliminary, written reports on their findings not later than two months prior to the 2009 ITC meeting. The reports are to be sent to the Director, UNECE Transport Division.

5. In addition to work on recommendations 2, 3 and 4, as appropriate, UNECE ITC subsidiary bodies should begin and/or continue work towards incorporating security provisions in the relevant international legal instruments under their responsibility.

6. All subsidiary bodies should explore the relevance/applicability of the draft annex IV to the AGN agreement to be used as a possible approach.

7. In the area of transport of dangerous goods, WP.15 with assistance of other relevant international organizations should assess the implementation of Chapter 1.10 of ADR, ADN and RID.

8. The Expert Group recommends that ITC delegates take note that Russia, with assistance of the UNECE, may convene an international conference to address issues of future co-operation in inland transport security.

9. Other areas of possible future security work by UNECE subsidiary bodies could include the following inland transport areas: container security beyond maritime/ports; public urban transport security, critical transport infrastructure protection and research in the area of transport security technology.

10. In order to take stock of the above work, the Expert Group should be re-activated for a two-day session prior to the 2009 ITC meeting.

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