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ECONOMIC COMMISSION FOR EUROPE

INLAND TRANSPORT COMMITTEE

(Seventy-first session, 24-26 February 2009,
agenda item 12(g))

**ISSUES THAT NEED CONSIDERATION AND
REQUIRE DECISIONS BY THE COMMITTEE**

Transport and Security

Note by the secretariat

At its seventieth session in 2008, the Inland Transport Committee approved the final report of the Multidisciplinary Group of Experts on Inland Transport Security and requested all ITC subsidiary bodies to act expeditiously upon its recommendations (Annex 1).

Informal Document No. 4 informs the Committee about the implementation of the report's recommendations (Annex 2). It also informs the Committee about the final session of the Expert Group that took place on 15-16 January 2009 and provides recommendations on how to address inland transport security at UNECE.

Mr. Rene VAN BEVER

Chairman of the Multidisciplinary Group of Experts on Inland Transport Security

REPORT OF THE FINAL SESSION (15-16 JANUARY 2009)

1 February 2009

1. On 15-16 January 2009, the Multidisciplinary Expert Group on Inland Transport Security held its last session.
2. On 15 January 2009, the Expert Group organized and hosted an inland transport security seminar entitled “The way ahead: prevention and resilience?” During the seminar, 10 invited speakers presented their views and perspectives about various aspects of inland transport security. The presentations can be found at http://www.unece.org/trans/main/ac11/ac11_seminar.html.
3. The speakers identified the following key transport security issues as most pressing and requiring further discussion/elaboration:
 - (a) In the area of transport security, the division of responsibilities between the public and private sectors is unclear (consequently, it is unclear who should pay for increased security);
 - (b) An overall, integrated approach to inland transport security is lacking (for example, there are no obvious transport security “centres” or institutions);
 - (c) Transport security norms, standards, procedures and rules need to be further developed;
 - (d) Knowledge of the existing security norms should be enhanced;
 - (e) Risk assessment techniques are not well known and, if sufficiently known, they are frequently underutilized;
 - (f) There is a need to provide tangible, practical tools to be used by individuals and firms to enhance transport security;
 - (g) Best practice sharing is one of the best and most effective ways to enhance transport security. UNECE could play a role in providing a forum for exchange;
 - (h) Overall, there is insufficient awareness of the need to enhance transport security.
4. The Chairman of the Expert Group summarized the presentations along three categories of challenges: risk analysis challenges; economic cost-benefit challenges; and challenges for UNECE to amend its international legal instruments, develop new norms and standards and provide a forum for exchange of best practices.
5. On 16 January 2009, the Multidisciplinary Expert Group on Inland Transport Security held its regular session. Of particular significance was a review of submissions by Chairmen of

Inland Transport Committee (ITC) subsidiary bodies (Annex 2) as per recommendations of the Expert Group's Final Report (Annex 1). The Expert Group noted that not all subsidiary body chairmen had submitted the requested reports while the reporting subsidiary bodies have addressed the issue of transport security in varying degrees. In some cases, insufficient attention may have been paid to increasing awareness of the importance of transport security. In other cases, transport security has become a regular agenda item to be considered.

6. The Expert Group believes it has fulfilled its mandate as prescribed by the terms of reference: three inventories of national, international and private sector transport security initiatives have been prepared and made available. The final report with recommendations was issued on 25 January 2008 and subsequently approved by ITC. Some recommendations have begun to be implemented by ITC subsidiary bodies. More work, however, remains to be done at the subsidiary body level and at the ITC level.

7. In this respect, the Expert Group posits the following for ITC consideration at its 24-26 February 2009 session:

- (a) Consistent with its terms of reference, the Multidisciplinary Expert Group on Inland Transport Security (Expert Group) should not continue in its current form;
- (b) However, given the importance of inland transport security, UNECE - as the administrator of 57 international legal instruments - should remain closely engaged in promotion and advancement of security work;
- (c) In general, at UNECE, transport security issues have not received the attention they deserve. This should be acted upon by a structured, gradual and selective introduction of transport security issues into the UNECE work programmes. The overall goal is to give greater emphasis to inland transport security in UNECE work. In this context, first and foremost, more focused transport security work could be pursued by ITC subsidiary bodies;
- (d) To assist UNECE subsidiary bodies in this regard, the "Expert Group" (perhaps to be re-named as "UNECE Inland Transport Security Forum") could be re-activated periodically (preferably annually) to act as the horizontal forum to further address transport security issues already discussed at the UNECE subsidiary body level;
- (e) Moreover, given that best practice sharing is often considered as the most effective way of enhancing transport security, UNECE could also play a role in providing an international forum for exchange of best practices;
- (f) Given this framework, the regular, periodic sessions of the "Expert Group" could consist of a one-day session to take stock and consider transport security work undertaken at UNECE and a one-day seminar to discuss and share national/international/private sector best practices and initiatives;
- (g) The annual "Expert Group" meetings could be scheduled before ITC sessions to facilitate consistent, periodic reporting to ITC.

ANNEX 1

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..."

The Expert Group has agreed on the following recommendations:

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 Director, Transport Division, UNECE.
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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ANNEX 2

Annex 2 contains submissions by Chairmen of Inland Transport Committee's subsidiary bodies (reproduced as received). The submissions are in response to recommendations of the Multidisciplinary Group of Experts on Inland Transport Security stipulated in the Expert Group's Final Report dated 25 January 2008 (see Annex 1) and approved by the ITC in its session of 19-21 February 2008.

REPORT ON TRANSPORT AND SECURITY ACTIVITIES IN THE AREA OF RAIL TRANSPORT

Working Party on Rail Transport (SC.2)

Introduction

Over the last few decades, terrorist attacks on rail links in the ECE region targeted passenger trains and stations rather than freight traffic and facilities (such as intermodal terminals). However, there is no reason to expect that terrorists will not attempt to attack freight trains in the future, including international main lines that have become increasingly important in modern economies.

Incentives matter because terrorists as well as profit-maximizing firms respond to them. Terrorists are most likely to attack soft targets such as poorly guarded rail stations and weakly protected trains. If the objective of rail carriers is to simply maximize efficiency (output over capital and labour inputs), then a competitive system may result in streamlined operations with minimal staffing and security levels. If the objective were instead to maximize effectiveness (output over security, safety and environmental standards implemented), the optimal resource allocation would change, resulting in higher employment, better security and higher prices of rail services.

The proper roles of rail operators, local authorities and central government depend on the institutional environment. In the first case mentioned above (simple profit maximization), the provision of security as a public good would be the responsibility of public authorities while rail operators would focus on efficiency. In the second case (profit maximization subject to diverse constraints), rail carriers themselves and other industry actors (e.g. infrastructure managers) would play a more important role in the provision of security in cooperation with public authorities. In this case, the socially optimal resource allocation is far from obvious, given the serious yet vague threat of terrorist attacks and the evolving structure of rail industry. In reality the relationship between the institutional environment and desired security level could not be determined yet. But a commercial interest in security of the profit-maximizing railway carriers operating in a competitive system has to be underlined.

Most experts emphasize that the predominant one-size-fits-all approach to security wastes resources and argue that 'risk-based' solutions are superior. Although the progress in the area of passenger transport has been limited, risk-based security procedures for air cargo and maritime shipments have been successfully implemented in a number of ECE countries. Whether such security advances provide important lessons for rail security policies remains to be determined, given the recent homeland security bill requiring all US-bound containers to be screened at ports of shipment.

What are the policy options for rail security in the ECE region? The answers may be specific for diverse countries or sub-regions because of diverse security threats and/or available resources. Nevertheless, it may be desirable to define a framework for cooperation, considering both legal and informal measures. Such a framework could also define relevant risk-assessment tools or methodologies.

Legal framework

The European Agreement on Main International Railway Lines (AGC) administered by the SC.2 has only one reference to security. Article 7 of the Agreement specifies that a Contracting Party can limit the application of the Agreement, if it considers this necessary for its external or internal security.

Security concerns could be incorporated into the AGC by amendments that specify the minimum quality of service (i.e. the minimum level of security) as well as necessary improvements of the infrastructure (stations, rolling stock and control systems), identify priority facilities, and stipulate mandatory and recommended security measures. Moreover, SC.2 delegates could adopt a resolution with additional recommendations on best security practices in rail transport.

Recent SC.2 activities concerning rail transport security

At its November 2008 session, SC.2 organized, in cooperation with the UIC, a Workshop on rail security. Following a general introduction by a representative of the UIC, invited experts made presentations on the following topics: the UIC Security Platform, the European rail transport security after the liberalization of passenger services in 2010, the ‘all hazards’ analysis and regional cooperation activities of the Norwegian Railway Administration, and the work performed by the Schengenrail group in cooperation with the EC and European border security agency FRONTEX. During the ensuing discussion, delegates emphasized *inter alia* the need for intersectoral cooperation, effective legal instruments and the willingness to learn from other transport modes.

Moreover, the Working Party decided to establish an informal task force that would follow-up on the major rail security issues identified by the workshop. The secretariat was asked to distribute the draft mandate for this group by 2 December 2008 to delegates. In the event, the draft mandate, approved by the Chairman and Vice-Chairman of SC.2, was distributed to delegates on 1 December 2008.

Informal Task Force on Rail Transport Security

The draft mandate of the informal Task Force on Rail Security is attached. So far, the following organizations expressed their interest to participate in the Task Force: European Commission, US Transport Security Administration, International Union of Railways (UIC), Intergovernmental Organization for International Carriage by Rail (OTIF), European Rail Infrastructure Managers (EIM) and Norwegian Railway Administration. The first session of the Task Force will take place in March or April 2009 in Geneva.

Conclusions

In response to the recommendations concerning inland transport security adopted at the 70th ITC session in February 2008 in Geneva, the Working Party on Rail Transport addressed security challenges in its sphere of competence in two ways. First, SC.2 organized a well

received Workshop on rail security during its first meeting following the 70th session of the ITC. Second, the Working Party decided to establish an informal Task Force on Rail Security that will present its findings and recommendations at the next SC.2 session in November 2009.

DRAFT MANDATE OF THE TASK FORCE ON RAIL SECURITY

1. Following the report of the Expert Group on Inland Transport Security (<http://www.unece.org/trans/doc/2008/ac11/AC11-2008-inf01r1e.pdf>) and recommendations contained therein, the Working Party on Rail Transport (SC.2) has decided on 19 November 2008 to establish a task force to address security issues in the rail sector.
2. The task force will aim to address selected rail security issues, including the cooperation between government agencies and railway sector (infrastructure managers, railway undertakings, etc.), in the framework of the recommendations mentioned above.
3. The task force will include experts from the public sector (e.g. government line Ministries, European Commission, OSJD, OTIF) and the business sector (International Union of Railways – UIC and possibly other representative organisations).
4. The task force will collect and exchange information about best practices in securing heavy rail systems, cost-benefit assessments, regional and international cooperation. The task force will focus on issues of international cooperation regarding railway security between UNECE countries that have not yet been taken up by the EU, OTIF or OSJD; e.g. on issues of cooperation on railway security between EU countries and non-EU countries.
5. The task force will prepare recommendations for the sixty-third session of the SC.2 in Geneva on 18-20 November 2009.
6. The business of the task force will be conducted in English.
7. The establishment and functioning of the task force will be consistent with pertinent UNECE guidelines (www.unece.org/hlm/docs/guidelines%20teams%20specialists%202003%20e.pdf).



25 December 2008

**Transport and security:
Note by the Chairman of the Working Party on Inland Water transport (SC.) to the
Inland Transport Committee**

Dear Mrs Molnar,

During the meeting on 19-21 February 2008, the Inland Transport Committee (ITC) invited its subsidiary bodies to express their opinion on the recommendations issued by the Multidisciplinary Group of Experts on Inland Transport Security (informal document N°1, ITC Bureau). As chairman of the Working Party on Inland Water Transport (SC.3) between November 2003 and October 2008, I would like to communicate to the Committee the position of SC.3 on the issue of inland water transport security.

The issue of "transport and security" was added to the agenda of the Working Party on Inland Water transport at its forty-sixth session in November 2002 at the request of the ITC sixty-fourth session. The Working Party agreed to evaluate the need to amend UNECE instruments concerning inland navigation, such as European Agreement on Main Inland Waterways of International Importance (AGN), European Code for Inland Waterways (CEVNI), the Recommendations on Technical Requirements for Inland Navigation Vessels, with provisions aimed at enhancing security on board vessels when under way and in ports. (TRANS/SC.3/158, para.23).

During its forty-seventh, forty-eighth and forty-nine sessions the Working Party reviewed the reports by the secretariat on the initiatives undertaken by relevant international organizations (International Maritime Organization, International Standardization Organization, International Labor Organization, European Conference of Ministers of Transport, European Barge Union), by European Commission, by River Commissions (Central Commission for the Navigation of the Rhine, Danube Commission) and by individual member-States¹. The results of these discussions are summarized in the SC.3 reports: TRANS/SC.3/161 (paras. 5 – 11), TRANS/SC.3/163 (paras. 8 – 9), TRANS/SC.3/168 (paras. 6-10).

Mrs. Eva Molnar
Director
Transport division
United Nations Economic Commission for Europe (UNECE)

¹ Documents : TRANS/SC.3/2003/12, TRANS/SC.3/2004/9, TRANS/SC.3/2004/20, TRANS/SC.3/2005/4, TRANS/SC.3/2004/9.

At the SC.3 forty-ninth session in October 2005, Ukraine submitted a proposal concerning possible amendment of the AGN Agreement with provisions concerning the protection of inland waterway infrastructure from terrorist acts (TRANS/SC.3/168, para. 10). Based on this proposal, the secretariat prepared a draft annex IV to the AGN Agreement concerning the protection of the network of inland waterways of international importance from intentional external influence (ECE/TRANS/SC.3/2006/7/Add.1).

This proposal on draft annex IV to the AGN Agreement entitled "Protection of the Network of Inland Waterways of International Importance from the Intentional External Influence" was first considered at the SC.3 fiftieth session in October 2007 and the Working Party agreed to study the proposal taking into account the work on this item that was under way within the European Union (ECE/TRANS/SC.3/174, paras.21-22). The Working Party forwarded the proposal to the group of technical experts which prepare the decisions of the Working Party on navigational issues and technical and safety requirements (Working Party on the Standardization of Technical Safety Requirements in Inland Navigation (SC.3/WP.3)).

At its thirty-third session in June 2008, SC.3/WP.3 noted that the outcome of the relevant activities of other international bodies, such as IMO and European Union, reviewed by the Working Party, was not yet known and concluded that, in this context, adoption of the annex IV appeared premature. Therefore, SC.3/WP.3 recommended either postponing the discussions on Annex IV to a later stage or transforming the draft Annex IV into a separate SC.3 Resolution promoting the use of the measures contained in the annex. (ECE/TRANS/SC.3/WP.3/66, para. 18).

At its fifty-second session, the Working Party agreed with the SC.3/WP.3 proposal to postpone the discussions on Annex IV until the results of the relevant international initiatives became available. To that end, the Working Party agreed to keep the item "inland water transport and security" on its agenda and asked the Working Party on the Standardization of Technical Safety Requirements in Inland Navigation to monitor major developments in this area. The Working Party also took note of the recommendations by the ITC Multidisciplinary Group of Experts on Inland Transport Security and, in particular, the recommendations to undertake a review of international legal instruments on the security of inland water transport and to integrate security provisions into existing legal agreements (ECE/TRANS/SC.3/181, para.12).

As former chairman of the Working Party, I would like propose that the Inland Transport Committee take note of these developments and the current position of the Working Party and acknowledge that the two recommendations of the Multidisciplinary Group of Experts on Inland Transport Security had already been addressed by the Working Party. Integrating security provisions into AGN had been considered in depth and not adopted for the reasons stated above. As for the review of international legal instruments on the security of inland water transport, an important part of this information had been compiled in the secretariat's notes and SC.3 reports, listed earlier. More information will be received, as Governments and International Organizations are invited to report on this agenda items at both SC.3 and SC.3/WP.3 sessions. However, a more detailed report on all initiatives related to the inland water transport security is a resource-consuming activity, which cannot be undertaken using the existing resources.

Nevertheless, I would like to confirm to the Inland Transport Committee that the Working Party on Inland Water Transport will continue monitoring the most important events and initiatives in the area of the security of inland water transport and, when the time is appropriate, will revert to discussing possible amendments to the AGN Agreement or other relevant UNECE instruments with the provisions related to security.

Best regards,



Mr. Istvan VALKAR
Chairman of the Working Party on Inland Water Transport
Director General
Danube Commission (DC)



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

Chairman, Mr. Telmo Nobre (Portugal)

The WP.11 is responsible for the Agreement on the International Carriage of Perishable Foodstuffs and on the Special Equipment to be used for such Carriage (ATP).

In the context of the ATP, the most pressing problem at the moment in the area of security is that of fake (forged) ATP certificates. This is quite a common problem and one which permits the selling and use of old vehicles that normally have already reached the end of their lifetime and can no longer guarantee the efficiency of ATP equipment and should be destroyed.

This is one of the reasons why WP.11 proposed some years ago the establishment of a working group to study this problem and this year adopted a new standardized ATP certificate.

Another way to try to deal with this problem would be through the creation of an international database of ATP certified vehicles, but this proposal has not yet been universally accepted. Some delegations totally refuse this kind of control.

Regarding the safety of the perishable foodstuffs transported, this is more or less guaranteed if the transport equipment is genuine ATP equipment and not fake or old equipment.

In this respect, it is perhaps possible that a better temperature control method could be implemented, for example through the use of temperature stamps or labels that change color if the temperature of the product goes higher than the foreseen upper limit during transport.

Regarding the possibility of terrorist attacks using ATP equipment, there have been no cases up until now. However, there is always the possibility that such equipment could be used for terrorism or even that goods transported in ATP equipment could be used as agents to carry and spread a biological, chemical or even radioactive attack.

At its 64th session in 2008, a brief introduction was made to WP.11 on the work of the UNECE Multidisciplinary Group of Experts on Inland Transport Security and on its recommendations that ITC subsidiary bodies, *inter alia*, review international legal instruments under their responsibility and create an inventory of existing security measures and a list of potentially desirable additional security provisions. The WP.11 decided to undertake this work at its session in 2009.

REPORT ON TRANSPORT AND SECURITY ACTIVITIES IN THE AREA OF ROAD VEHICLES

Highlights on regulatory initiatives by WP.29 and GRSG

Legal framework

Two Agreements (the 1958 and 1998 Geneva Agreements) administered by the World Forum for Harmonization of Vehicle Regulations (WP.29) provide the legal framework for the development of new regulations and for the harmonization of existing regulations regarding vehicle safety, environmental pollution, energy saving and anti-theft performance.

WP.29 contribution concerning transport security issues

At its March 2005 session, WP.29 requested the Working Party on General Safety Provisions (GRSG), to advance the development of the prescriptions regarding Vehicle Degradation Systems (VDS) (TRANS/WP.29/1039, para. 26). (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, VDS can prevent the use of stolen vehicles as "car bombs" in explosive attacks).

Development of VDS work at GRSG

In **April 2002**, GRSG considered a proposal (TRANS/WP.29/GRSG/2001/16/Rev.1) by the United Kingdom (UK) introducing new provisions for vehicle degradation systems, which can be used to immobilize the vehicle after having being reported as a stolen vehicle in a controlled manner. The VDS should be activated by authorized people (e.g. police forces).

In **May 2003**, the expert from Germany introduced new provisions for the VDS (TRANS/WP.29/GRSG/2003/8) to be inserted into Regulation No. 97 (vehicle alarm systems). This new proposal superseded the initial proposal by the UK. The necessary introduction of a new part of Regulations Nos. 97 and 116 (protection of vehicles against unauthorized use) regulating the use of VDS to be harmonised was agreed to be an urgent task, because the market of such systems showed already a variety of such degradation, most of them being immobilising systems without considering any circumstances and the environmental conditions of the vehicles (i.e. traffic situation). This proposal aimed at giving approval authorities the possibility to approve well designed systems and reject/withdraw any other already existing systems showing dangerous behaviour.

In **October 2003**, GRSG considered an updated proposal by Germany on VDS (TRANS/WP.29/GRSG/2003/26)

In **April 2004**, GRSG agreed to set up an informal group of experts for the further development of the proposal. WP.29 gave its consent at its June 2004 session. The members of the informal group discussed in detail the proposal for amending the Regulations Nos.97 and 116. Different approaches from very low-level equipment and functions until very sophisticated and smart systems using GPS signals and detailed degradation measures were developed. The technical basis for the proposal was nearly finished. Reviewing the technical provisions lead more and more to the crucial aspects of use, misuse and security of VDS-Systems. The VDS informal

group decided to ask the advice of the GRSG and Contracting Parties. The group agreed not to immobilize the vehicles straight away but to degrade the driving ability step by step.

In **October 2004**, GRSG noted concerns on the possible consequences of an external access to the vehicle electronic systems and on 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". Nevertheless, GRSG agreed that the VDS informal group should continue its work. In the meantime, experts were requested to reflect on "vehicle tracking systems" that could be considered as an alternative to VDS.

In **April 2005**, the expert from Germany withdrew the proposal on VDS because the possible external remote access to vehicle electronic systems was not acceptable for his country (see informal document No. GRSG-88-17). He explained that VDS cannot be isolated from other vehicle electronic systems and, therefore, a remote intervention from outside on networked vehicle electronics (e.g. VDS) could allow possible abusive criminal attacks on the vehicle electronics (i.e. software viruses) and may lead to malfunctions of vital vehicle safety and emissions systems e.g. engine, steering controls, braking and stability systems. Since there are still big concerns about the misuse of remote access to vehicle and the necessity of secure and safe electronic encrypting and authorisation measures are not sufficient, the VDS informal group decided to wait until technical and much higher standards will be developed. Meanwhile, GRSG agreed that the VDS informal group should continue working to elaborate requirements for "Advanced Vehicle Security Systems (AVSS)", like vehicle tracking systems. The use of tracking systems today is not in the scope of any Regulation except the fulfilment of the provisions of Regulation No. 10 regarding Electromagnetic compatibility (EMC).

In **October 2005**, GRSG noted that the VDS informal group was awaiting inputs from the industry concerning vehicle tracking systems.

In **October 2006**, the Chairman of the informal group on AVSS informed GRSG that new information on VDS was received from Japan, but that the work of the informal group was still suspended, awaiting more inputs from its participants. The GRSG Chairman invited the experts to reflect on vehicle security issues and consider them at its next session in April 2007.

In **April and October 2007**, the Secretariat informed GRSG about the decision of the Inland Transport Committee to set up an informal group on Inland Transport Security and that the Terms of Reference of such an informal group were endorsed by the ITC (ECE/TRANS/192, para. 19 and Annex I). Experts interested in the subject were invited to contact their focal point on the matter. GRSG noted that information on the activities of this informal group would be available at the following Transport Division website <http://www.unece.org/trans/main/its/its.html>.

Conclusions

The World Forum for Harmonization of Vehicle Regulations (WP.29) has adopted, in the framework of the 1958 Agreement, Regulations Nos. 18 (Protection against unauthorized use (anti-theft) of motor vehicles), 97 (Vehicle alarm systems (VAS) and 116 (Protection of motor vehicles against unauthorized use), which provide enough security to motor vehicles. The World

Forum considers that the update of these Regulations to the technical progress will continue to guarantee such a security.

The informal group dealing with "Advanced Vehicle Security Systems (AVSS)" is awaiting inputs from its participants since October 2005 in order to be able to submit concrete proposals on this area. Since the group is not active, the World Forum recommends suspending working activities of the informal group. Once new inputs are available WP.29 may reconsider the reactivation of the informal group activities.

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

In the area of transport of dangerous goods, this matter was brought to the attention of Working Party on the Transport of Dangerous Goods at its 84th session (5-8 May 2008), and the outcome of the discussion was recorded in the report ECE/TRANS/WP.15/197, paras 6-10 as follows:

Informal document: INF.3 (secretariat)

6. The Working Party took note of the report of the Multidisciplinary Group of Experts on Inland Transport Security and of the Committee's request that it assess the implementation of chapter 1.10 of ADR, with the assistance of the other relevant international organizations.
7. It was noted that the issue of security had been a constant item on the Working Party's agenda.
8. The Working Party noted that the European Commission was carrying out a study of the application and suitability of the security requirements for the three land transport modes and that the report containing the findings of that study would probably be finalized in October 2008.
9. The Chair said that he would circulate an evaluation questionnaire, similar to that used by the European Commission for its study, to Contracting Parties to ADR that were not members of the European Union.
10. He also said that he would report as fully as possible on the situation in the Multidisciplinary Group of Experts. It was the view of the Working Party, however, that it was not realistic to expect detailed findings on the application of the requirements in all the Contracting Parties by December. "

The issue was discussed again this week at the 85th session. Since May, the European Commission has completed its study, but the report and final conclusions on the basis of the analysis of the questionnaire sent to EU and EEA member States are not yet officially available, and therefore could not be discussed by WP.15. They should be available in December and they will be discussed first by the EU member States and then by WP.15 in May next year. A preliminary list of likely conclusions-that will have to be discussed- has been provided by the European commission, see <http://www.unece.org/trans/doc/2008/wp15/ECE-TRANS-WP15-85-inf14e.pdf>

The Chairman is now going to send the same questionnaire to non-EU non-EEA member States which are parties to ADR and is expected to prepare a report on the basis of the answers received that should also be discussed in May next year.

Meanwhile, security problems continue to be discussed as they occur on a routine basis, and this may result in amendments to some particular provisions, e.g. amendments to ADR vehicle supervision requirements will enter into force on 1 January 2009. Other amendments have been adopted for entry into force in 2011. But this kind of on the spot amendments do not put into question the overall security system currently applied for all modes of transport of dangerous goods.

For carriage of dangerous goods by inland waterways, the work described above is also relevant but the issue will be discussed separately next January by WP.15/AC.2 in order to see how all

this fits in the overall work carried out by SC3 as regards the introduction of security provisions in AGN.

05 novembre 2008

Transport et sûreté :
Avis du président du Groupe de travail du transport intermodal et de la logistique (WP.24)
au Comité des transports intérieurs (CTI)

Chère Mme. Molnar,

Lors de la réunion du 19 au 21 février 2008, le Comité des transports intérieurs (CTI) a invité les présidents des organes subsidiaires à émettre leurs avis sur les recommandations formulées par le groupe multidisciplinaire d'experts de la sûreté des transports intérieurs (document informel n°1 du bureau du CTI). A cet égard, je vous prie de bien vouloir trouver ci-après celui du groupe d'experts « transport intermodal et logistique ».

Le dossier « transport et sûreté » a fait l'objet d'un point spécifique à l'ordre du jour de la 50^e session du WP.24, qui s'est réuni les 6 et 7 octobre 2008. Il a notamment permis d'examiner les recommandations du groupe multidisciplinaire d'experts de la sûreté des transports intérieurs afin de recueillir les avis des Etats membres et des organismes non gouvernementaux.

En mars 2004 et en septembre 2005, le WP.24 avait déjà examiné les questions concernant la sûreté dans les transports en se référant à l'étude réalisée en 2004 par la CEMT, en collaboration avec l'OCDE, sur la sûreté du transport de conteneurs dans les différents modes de transport. Le résultat de ces examens figurent dans les rapports TRANS/WP.24/103, par. 24 et TRANS/WP.24/109, par. 44 et 45.

A l'époque, compte tenu du partage des activités entre la CEMT et la CEE/ONU dans le domaine du transport intermodal, le WP.24 avait estimé qu'il n'était pas utile de se lancer dans de nouvelles activités dans ce domaine, tant que la CEMT travaillait sur le sujet.

A présent, la CEMT étant dissoute, le WP 24 reprend cet important dossier. C'est pourquoi, préalablement à la 50^e session, le secrétariat du WP.24 a élaboré le document ECE/TRANS/WP.24/2008/7 en s'appuyant sur le document informel n°1 du bureau du CTI, daté du 11 février 2008, qui malheureusement n'est disponible qu'en anglais. Le secrétariat a aussi transmis le même document au groupe d'experts des transports par chemin de fer (ECE/TRANS/SC.2/2008/7) et au groupe d'experts des transports par voie navigable (ECE/TRANS/SC.3/2008/2).

Après des échanges fructueux sur ce sujet, le WP.24 a conclu que le transport intermodal de fret est d'utiliser les différents modes de transport tout en assurant la meilleure articulation possible entre chacun de ces modes.

Mme. Eva Molnar
Directrice
Division des transports

Ainsi, la volonté du groupe est de laisser l'examen de la sûreté à chacun des groupes mono-modaux respectifs pour ce qui concerne la traction et les réseaux d'infrastructures. Quant au WP 24, il pourrait se charger d'examiner plus particulièrement l'aspect « articulation », c'est à dire: la sûreté dans les terminaux de transbordement. Le groupe estime que la démarche appropriée pour cet examen pourrait être la suivante:

- procéder à un état des lieux des instruments juridiques internationaux existants pouvant répondre à la sûreté et à la sécurité dans les terminaux de transbordement;
- analyser le résultat de cet inventaire;
- sur la base de l'étude initiée par l'UIRR dans le cadre du programme Marco Polo, examiner les risques de menaces possibles et apprécier la vulnérabilité des terminaux;
- si nécessaire, inviter les Etats membres de la CEE et les autres parties intéressées à communiquer les dispositions réglementaires et les initiatives prises;
- analyser l'ensemble des dispositions (nationales et internationales) et examiner la transposabilité des instruments juridiques existants sur les terminaux vulnérables. Cet examen est primordial pour éviter une lourdeur administrative et incohérente avec le développement du transport combiné;
- établir la liste des mesures de sûreté supplémentaires qu'il serait souhaitable d'adopter;
- définir le type de document dans lequel il faudra les inclure.

Toutefois, cette démarche nécessite des moyens (financiers, experts spécifiques), que le WP.24 ne possède pas actuellement, pour aboutir à un résultat sans équivoque sur un sujet aussi important qu'est la sûreté et la sécurité dans les transports intérieurs.

En effet, le WP.24 n'a pas d'expertise spécifique dans le domaine de la sûreté dans les terminaux de transbordement. Pour pallier à ce manque, il faudrait peut-être concevoir un questionnaire spécifique qui serait envoyé aux services compétents (publics et privés) des 56 Pays membres de la CEE/ONU, y compris les autorités régionales et locales.

Je propose que la démarche d'expertise et l'élaboration du questionnaire soient initiées par le groupe spécifique « sûreté - sécurité » de la CEE/ONU. Ceci permettrait d'une part, de concentrer les moyens en un seul endroit et d'autre part, d'assurer une cohérence dans le traitement des documents qui pourraient également servir, moyennant quelques aménagements spécifiques, au groupes mono-modaux. Dans ce cadre, les organes subsidiaires viendraient en appui pour apporter leurs connaissances.

Ceci représente l'avis et les propositions concrètes du WP.24 au CTI sur lesquels ce dernier devrait se prononcer tant sur les modalités que sur les ressources nécessaires pour aboutir à un résultat complet des dispositions liées au domaine de la sûreté et de la sécurité dans les transports intérieurs.

Michel Viardot
Président
Groupe de travail du transport intermodal
et de la logistique (WP.24)

P.S. Je vous joins un extrait du rapport de la cinquantième session du WP.24 concernant le point « Transport et Sûreté ».

Extrait du rapport de la cinquantième session du WP.24 (ECE/TRANS/WP.24/121)

(à présent disponible uniquement en Anglais)

“VII. TRANSPORT AND SECURITY (Agenda item 6)

13. On the basis of a document prepared by the secretariat (ECE/TRANS/WP.24/2008/7), the Working Party took note of recommendations prepared by a UNECE Multidisciplinary Expert Group on Inland Transport Security. These recommendations included inter alia a review of all UNECE international legal instruments in transport and, as appropriate, the inclusion of security provisions therein.

14. The Working Party recalled its considerations on this issue at its March 2008, September 2005 and March 2004 sessions and referred to the comprehensive study on container transport security across modes that had been undertaken by ECMT in 2004 (ECE/TRANS/WP.24/119, paragraph 5; TRANS/WP.24/109, paragraphs 44-45; TRANS/WP.24/103, paragraph 24). Since then the European Commission had undertaken consultations on freight and intermodal transport security and the intermodal transport industry (UIRR) had prepared comprehensive studies on this subject.

15. The Working Party underlined the importance of land transport security, but noted that information on national security measures were often dealt with by other authorities than Ministries of Transport and, sometimes, at regional and local levels. While information on road, rail and inland water transport security measures might be obtained by other competent UNECE Working Parties, security related information on transshipment operations and storage of containers and other intermodal loading units at intermodal terminals could possibly be collected and analyzed by the Working Party via questionnaires to be designed by transport security experts. Following an analysis of the replies received, the possible incorporation of security provisions into the AGTC could be considered.

16. In this context, the Working Party noted that the Working Party on the Standardization of Technical and Safety Requirements in Inland Navigation (WP.3/SC.3) had decided not pursue for the moment work on the inclusion of security provisions into the European Agreement on Main Inland Waterways of International Importance (AGN) (ECE/TRANS/SC.3/WP.3/66, paragraph 20).”

**Security-related issues and activities of the
Working Party on Customs Questions affecting Transport (WP.30)**

Note by Mr. G. Jacobs (Netherlands), WP.30 Chairman

I. MANDATE AND BACKGROUND

1. The present document has been prepared in line with the request by the Inland Transport Committee (ECE/TRANS/200, para.36) to look into security-related issues with regard to the field of competence of WP.30.

II. REVIEW OF EXISTING SECURITY FEATURES

A. 2002 review

2. In 2002, at the request of the ITC Bureau, the UNECE secretariat undertook a first review of the security aspects of transport in the UNECE region, including the existing UN legal instruments (TRANS/2002/15). According to the review, the main purpose of the conventions administered by UNECE in the field of border crossing facilitation is to facilitate international transport and trade (goods and transport vehicles) while safeguarding at the same time fiscal, economic and public health interests of the Contracting Parties to the Conventions. These Conventions comprise the TIR Convention, the Conventions on Temporary Importation of Road Vehicles, Conventions on Containers and Pallets and the “Harmonization” Convention.

3. The issue of security is not dealt with directly in any of these Conventions. However, in the framework of the TIR Convention, restricted access for operators to use the facilitation measures provided by the Convention was introduced in 1999. The purpose of this restricted access to the TIR regime was mainly to try to prevent customs fraud as well as to reduce the risk on the non-payment of the customs duties. The trend in the framework of the “Harmonization” Convention has so far been towards greater flexibility of the rules and, for example, the road transport industry has argued in favour of issuing annual multiple-entry visas to drivers without unnecessary formalities or restrictions, which may raise, among others, security problems. Nevertheless, the mentioned facilitation measures do not preclude application of restrictions and controls imposed under national regulations on grounds of public security and safety (Article 47 of the TIR Convention and Articles 11 and 12 of the “Harmonization” Convention). Furthermore, the purpose of the instruments is to relieve Customs authorities from routine procedures and allow for more target-oriented controls based on risk assessment and intelligence.

4. Document TRANS/2002/15 pointed two issues which might benefit from additional security considerations:

- introduction of modern communications means between Customs authorities;
- consideration of establishing a new Annex to the “Harmonization” Convention on security for international goods transport by road, rail and inland waterways.

B. TIR Convention, 1975

5. The following elements have been identified within the TIR Convention:

- access to the TIR system is granted only to transport operators who have been authorized by Customs authorities on the basis of strict criteria laid down in Annex 9, part II. The main objectives of these criteria are:
 - sound financial standing;
 - absence of serious or repeated offences against Customs or tax legislation;
 - proven experience or capability to engage in international transport and knowledge in the application of the TIR Convention;
 - a written declaration of commitment that the operator will comply with all Customs formalities and will pay the sums due if requested to do so by the competent authorities;
- 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 (Annex 2);
- 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;
- use of a unique and secure document, the TIR Carnet, which serves as Customs declaration and guarantee up to \$50 thousand^{1/} per TIR Carnet (Annex 1);
- the TIR Carnet contains a number of visible and invisible elements as a tool to reduce the risk of falsified TIR Carnets;
- the opportunity to prescribe time-limits, itineraries and/or escorts in case of transport of high-risk goods;
- establishment of a control system for the termination of TIR transports to facilitate trade and insurers to apply risk management tools in the commercial operation of the TIR system (Annex 10);
- the UNECE has established and maintains a database (ITDB) on all transport operators who have been admitted to the TIR system or excluded from the system. The ITDB is accessible on-line for Customs authorities. A mechanism has been introduced (so-called Fraud Report Form) to share information about fraud among Customs authorities, national associations, insurers, IRU etc.;
- at present, joint efforts by Customs and trade are undertaken to fully computerize the TIR system (so-called eTIR project) with the aim to further enhance global facilitation. The main objective of the computerization is the establishment of an international, centralized database in order to facilitate the secure exchange of data between national Customs systems and the management by Customs of data on guarantees. The availability of TIR related data in an electronic format as advance cargo information at a stage prior to the acceptance of the Customs declaration at the Customs office of departure or the arrival of goods at a Customs office en route or at destination, will allow Customs to develop and apply internationally integrated risk management tools. These activities are carried out in

^{1/} An amendment proposal is being considered with a view to changing this amount to Euro 60 thousand.

the Informal Ad hoc Expert Group on Conceptual and Technical Aspects of Computerization of the TIR Procedure.

C. Activities by other international governmental and non-governmental organizations

6. Since 2001, a significant number of initiatives have been launched by various organizations with a view to addressing security challenges. From the perspective of border crossing facilitation, the major development was the adoption in 2005 of the Framework of Standards to Secure and Facilitate Global (SAFE Framework) by the World Customs Organization. The SAFE Framework aims to:

- Establish standards that provide supply chain security and facilitation at a global level to promote certainty and predictability;
- Enable integrated supply chain management for all modes of transport;
- Enhance the role, functions and capabilities of Customs to meet the challenges and opportunities of the 21st Century;
- Strengthen co-operation between Customs administrations to improve their capability to detect high-risk consignments;
- Strengthen Customs/Business co-operation;
- Promote the seamless movement of goods through secure international trade supply chains.

7. The SAFE Framework consists of four core elements. First, it harmonizes the advance electronic cargo information requirements on inbound, outbound and transit shipments. Second, each country that joins the SAFE Framework commits to employing a consistent risk management approach to address security threats. Third, it requires that at the reasonable request of the receiving nation, based upon a comparable risk targeting methodology, the sending nation's Customs administration will perform an outbound inspection of high-risk containers and cargo, preferably using non-intrusive detection equipment such as large-scale X-ray machines and radiation detectors. Fourth, the SAFE Framework defines benefits that Customs will provide to businesses that meet minimal supply chain security standards and best practices.

8. The SAFE Framework, based on the previously described four core elements, rests on the twin pillars of Customs-to-Customs network arrangements and Customs-to-Business partnerships. The two-pillar strategy has many advantages. The pillars involve a set of standards that are consolidated to guarantee ease of understanding and rapid international implementation.

9. As far as NGOs are concerned, the International Organization for Standardization (ISO) works in the security area on the following subjects: identification of containers, container door end security, mechanical seals for containers, electronic seals for containers, supply chain application of radio frequency identification (RFID), security management for the supply chain, current list of management systems standards (MSS), societal security, road-traffic safety management systems. ISO keeps the Working Party regularly informed of developments which relate to the competence of WP.30.

IV. FURTHER CONSIDERATIONS BY THE WORKING PARTY

10. The principle question for the ITC and the WP.30 is at first to decide whether the TIR Convention should be adapted in such a way that it could serve as a security tool within the WCO SAFE Framework. One should not forget that one of the consequences will be that the

facilitation of the international transport and trade will be restricted. Facilitation and security can be regarded as contradictory. Furthermore a consequence could be that only so called Authorized Economic Operators are able to fulfill the “security” conditions. This could exclude from the TIR system the small and medium sized operators.

Based on the above considerations and pursuant to the ITC request, the following directions for future security-related activities by WP.30 could be envisaged:

- consider whether the TIR Convention would benefit from the incorporation of the WCO SAFE Standards;
- stay informed of the ISO activities in the area of container security, including seals, and study how the relevant ISO standards can be recommended in the framework of the UNECE legal instruments in the area of border crossing facilitation;
- liaise on security-related issues with WCO, EC, IRU, other international governmental and non-governmental organizations as well as with the Governments;
- consider preparing examples of best practices to address, inter alia, the application of security provisions or drafting and adopting a resolution on security issues within WP.30 terms of reference;
- speed up the eTIR project; this project envisages to incorporate some of the WCO SAFE standards, such as: advance cargo information, risk assessment by Customs, controlled access for holders (in particular to avoid financial risks);
- foster exchange of intelligence between competent authorities with a view to combating smuggling and other abuses of legal instruments for border crossing facilitation.

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