INF.8

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PROPOSALS FOR AMENDMENTS TO ANNEXES A AND B OF ADR

Sub-Section 8.2.2: Certificate of Driver's Training
Comments in response to ECE/TRANS/WP.15/2009/14 from the United Kingdom and to ECE/TRANS/WP.15/2009/16 from Ireland

Transmitted by the Government of Sweden

Introduction

The Government of Sweden appreciates the work done by the United Kingdom concerning the revision of Chapter 8.2 and the work done by Ireland in coordinating a working group. Nevertheless, we would like to propose some alternative solutions as well as some further amendments.

Sweden believes that the text in Chapter 8.2 could be rationalized and more user-friendly, partly by using harmonized expressions, and partly to assemble all the provisions that are of a more general nature in the beginning of a sub-section in order to avoid them being repeated. This could e.g. be done with the provisions concerning structure of training (8.2.2.3) and examinations (8.2.2.7).

Furthermore, we believe that it is of great importance that the text is consequent considering the way it presents the different phrases for the training courses. To exemplify, the wording adopted at the May-meeting for sub-section 8.2.2.3 could be compared to the current wording in sub-section 8.2.2.6.1:

"8.2.2.3 Initial and refresher training shall be given in the form of a basic training course, and when applicable, specialization training courses."

"8.2.2.6.1 The training courses shall be subject to approval by the competent authority."

In our understanding, when the phrase "training" is used as in sub-section 8.2.2.6.1, it covers both the initial and the refresher training. For this reason, we believe it might be wise to avoid stating both terms (initial and refresher) as in the underlined text in 8.2.2.3 above, since this could lead to confusion.

MEMUs

We would also like to raise a question concerning the provisions for training of drivers and its applicability for MEMUs. At first, it seemed to be appropriate adding the term "MEMU" in sub-section 8.2.1.3 and 8.2.1.4. However, after further consideration we wonder if this is necessary. According to the definition of MEMU in Chapter 1.2, a MEMU means a unit, or a vehicle mounted with a unit for manufacturing and charging explosives from dangerous goods that are not explosives. However, in cases where the MEMU consist of a unit and not a vehicle, the MEMU must quite likely be positioned on a vehicle – or it could not be transported. Since "vehicle" is already referred to in all places where also "MEMUs" are referred to (with one exception, where specialization is required for mixed loads of Class 1 and 5.1, which might have to be discussed separately), we believe it is sufficient only to refer to vehicles.

Comprehensive course

Moreover, we would like to discuss what the expression "comprehensive course" means. Does it always mean a basic course together with all three specialization courses, or could it consist of a basic course together with only one or two of the specialization courses?

Special provisions S1 and S11

In Chapter 8.2 references are made to Chapter 8.5 (which has precedence to the requirements in Chapters 8.1 to 8.4) and S1 and S11. However, we find some of the texts in these S-provisions rather confusing. The text in S1 (1) (a) and (b) does not seem to add any additional requirements than are already required in Chapter 8.2. We believe that this text might have had a meaning while the provisions in Chapter 8.2 only applied to vehicles with a permissible maximum mass exceeding 3.5 tonnes. The same situation might apply for the text in S11 (1) and (2), which in this case could be deleted. If this is the case, the reference in S11 (3) would have to be amended.

Proposal

Below follows our proposals for amendments (changes underlined or stricken out) together with a comment. In the Annex to this document, we have prepared a consolidated Chapter 8.2 (current text in ADR 2009 including the amendments adopted at the last session, presented in Annex I to the report ECE/TRANS/WP.15/201) in which our proposals for amendments are highlighted (text underlined or stricken out).

A consolidated text including the amendments proposed below is reproduced in INF.8/Add.1.

Amend sub-section 8.2.1.1 as follows:

"8.2.1.1 Drivers of vehicles carrying dangerous goods shall hold a valid driver's certificate…"

Comment: Since this is the first paragraph of this Chapter, it would seem appropriate referring to the certificate as the "driver's certificate". It might also be wise to insert the word "valid".

Amend the fourth sentence in sub-section 8.2.1.2:

"8.2.1.2 …This training ~~which shall include individual practical exercises,~~ shall act as the basis of training for all categories of drivers covering at least the subjects defined in 8.2.2.3.~~2~~7. …"

Comment: The text stricken out is already covered by the provisions in section 8.2.2 and sub-section 8.2.2.3. The reference to 8.2.2.3.2 should be replaced by 8.2.2.3.7 if the amendments we have proposed for this sub-section is amended.

The following amendments proposed for sub-sections 8.2.1.3 and 8.2.1.4 needs to be discussed separately and preferably after having decided on this proposal as a whole:

"8.2.1.3" In the first sentence: delete the words "or MEMUs" twice and replace the reference to 8.2.2.3.3 with 8.2.2.3.8.

"8.2.1.4" In the first sentence: delete the words "or MEMUs" and replace the reference to 8.2.2.3.4 with 8.2.2.3.9 and the reference to 8.2.2.3.5 with 8.2.2.3.10.

Comment: As explained in the introduction to this proposal, we believe it is sufficient to only refer to vehicles, and subsequently delete "MEMUs". However, it might be necessary to keep the second reference to MEMU, since these text also covers substances and articles of Division 1.4, compatibility group S.

Regarding the amendments of the references, this would only be necessary if our proposed amendments for these sub-sections will be adopted.

Furthermore, sub-section 8.2.1.4 refers to additional requirement in S1 in Chapter 8.5 for carriage of Class1, and to special provisions S11 and S12 for carriage of Class 7. However, the text in S1 (1) (a) and (b) and S11 (1) and (2) does not seem to have any additional requirements than are already stated in Chapter 8.2. It appears as if the text in these parts of the S-provisions were needed when Chapter 8.2 only applied to vehicles with a permissible maximum mass exceeding 3.5 tonnes. For this reason, we believe that the text in S1 (1) (a) and (b) and S11 (1) and (2) could be deleted. A consequential amendment would then be to replace the reference to (2) in the current S11 (3) with 8.2.2.3.10 (which is 8.2.2.3.5 in the current provisions).

Amend the text in Chapter 8.5 as follows:

"S1: Additional requirements concerning the carriage of explosive substances and articles (Class 1)

(1) ***Special training of drivers***

~~(a) The requirements of 8.2.1 shall apply to drivers of vehicles carrying substances or articles of Class 1, other than~~

~~substances and articles of Division 1.4, compatibility group S;~~

~~(b) Drivers of vehicles carrying substances or articles of Class 1, other than substances and articles of Division 1.4, compatibility group S, shall attend a specialization training course covering at least the subjects defined in 8.2.2.3.4;~~

~~(c)~~ If, according to other regulations applicable in the country of a Contracting Party, a driver has followed equivalent training under a different regime or for a different purpose, covering the subjects referred to in (b), the specialization course may be totally or partially dispensed with.

S11: ~~(1) The requirements of 8.2.1 shall apply.~~

~~(2) Drivers shall attend a specialization training course covering at least the subjects defined in 8.2.2.3.5.~~

~~(3)~~ If, according to other regulations applicable in the country of a Contracting Party, a driver has followed equivalent training under a different regime or for a different purpose covering the subjects referred to in 8.2.2.3.10~~(2)~~, the specialization course may be totally or partially dispensed with."

Delete sub-section 8.2.1.5

Comment: We believe that the provisions that deal with renewal and validity should be gathered in the same sub-section, and therefore be transferred to sub-section 8.2.2.8.2.

Delete sub-section 8.2.1.6

Comment: This text deals with the structure of training and should be transferred to the proposed new sub-section 8.2.2.3.2.

Renumber and amend sub-section 8.2.1.7 as follows:

"8.2.1.~~7~~5 ~~Initial training courses, refresher t~~Training courses, practical…"

Comment: In our understanding, the phrase "training" covers both the initial and the refresher training (compare sub-section 8.2.2.6.1). The text could therefore be simplified.

Renumber and amend sub-section 8.2.1.8 as follows:

"8.2.1.~~8~~6" Replace the reference to 8.2.2.8.3 with 8.2.2.8.

Comment: We believe that there are more paragraphs that relates to the conditions for the issuing of a certificate. Referring to sub-section 8.2.2.8 therefore seems more appropriate.

Amend 8.2.1.9 as follows:

~~"8.2.1.9 *(Deleted)"*~~

Amend sub-section 8.2.2.2 as follows:

"8.2.2.2" Replace the references to sub-sections 8.2.2.3.2 with 8.2.2.3.7 and 8.2.2.3.5 with 8.2.2.3.10. Amend the last sentence to read: "The ~~initial training and refresher~~ training shall also include individual practical exercises (see 8.2.2.~~4.5~~3.6)."

Comment: In our understanding, the phrase "training" covers both the initial and the refresher training (compare sub-section 8.2.2.6.1). The text could therefore be simplified. Regarding the amendments of the references, this would only be necessary if our proposed amendments for these sub-sections will be adopted.

Simplify the text in sub-section 8.2.2.3.1 and add clarifying references:

"8.2.2.3.1 ~~Initial and refresher t~~Training shall be given in the form of a basic training course and, when applicable, specialization training courses (see 8.2.2.4 and 8.2.2.5)."

Renumber the current sub-sections 8.2.2.3.2 – 8.2.2.3.5 to be 8.2.2.3.7 – 8.2.2.3.10 and insert all text that deals with the structure of training:

"8.2.2.3.2 ~~Initial or refresher~~ Basic training courses and ~~initial or refresher~~ specialization training courses may be given in the form of comprehensive [training] courses, conducted integrally, on the same occasion and by the same training organization.

8.2.2.3.3 The total duration of a comprehensive [training] course may be determined by the competent authority, who shall maintain the duration of the basic training course and the specialization training course for tanks, but may supplement it with shortened specialization training courses for Classes 1 and 7.

8.2.2.3.4 Teaching units are intended to last 45 minutes.

8.2.2.3.5 Normally, not more than eight teaching units shall be permitted on each training day.

8.2.2.3.6 Individual practical exercises shall take place in connection with the theoretical basic training course and the specialization training course for carriage in tanks, and shall at least cover first aid, fire-fighting and what to do in case of an incident or accident."

Comment: Today, this text are stated twice: under the provisions for the initial training programme (8.2.2.4.2 – 8.2.2.4.5) and, partly, under the provisions for the refresher training programme (8.2.2.5.3 last sentence and 8.2.2.5.4). However, in the current text for the refresher training programme, some of these provisions have been left out (e.g. that teaching units are intended to last 45 minutes and the scope of the practical exercises). Since we believe that these provisions should apply for all courses, the text could be rationalized by only stating them once.

We would also like to raise the question whether the word "training" also should be included for the comprehensive courses (see square brackets above).

Add the word "training" in sub-section 8.2.2.4.1:

"8.2.2.4.1 The minimum duration of the theoretical element of each initial training course or part of the comprehensive [training] course shall be …"

Delete the following sub-sections and its texts:

~~"8.2.2.4.2 The total duration of the comprehensive course…"~~
~~"8.2.2.4.3 Teaching units are intended to last…"~~
~~"8.2.2.4.4 Normally, not more than eight teaching units…"~~
~~"8.2.2.4.5 The individual practical exercises shall take place…"~~

Comment: This text is transferred to the amended sub-sections 8.2.2.3.3 – 8.2.2.3.6 and could therefore be deleted.

Amend the reference in sub-section 8.2.2.5.2:

"8.2.2.5.2" Replace the reference to 8.2.1.5 with 8.2.2.8.2

Comment: This amendment would only be necessary if our proposed amendments for these sub-sections will be adopted.

Amend sub-section 8.2.2.5.3 and its footnote as follows:

"8.2.2.5.3 The minimum duration of the theoretical element of each refresher training course or part of the comprehensive [training] course shall be as follows:

Basic training course	9 teaching units [1]
Specialization training course for carriage in tanks	6 teaching units [1]
Specialization training course for carriage of substances and articles of Class 1	4 teaching units
Specialization training course for carriage of radioactive material of Class 7"	4 teaching units

Amend the reference in the footnote by replacing 8.2.2.4.5 with 8.2.2.3.6.

Comment: We are of the opinion that the minimum duration concerning the refresher training programme should be structured in the same way as for the initial training programme in order to have a harmonized text. Furthermore, considering that a teaching unit is only 45 minutes, we propose that the minimum duration should be at least half of the time allocated to the initial training programme.

Delete sub-section 8.2.2.5.4 and its text:
~~"8.2.2.5.4 Normally, not more than eight teaching units…"~~

Comment: This text is transferred to the amended sub-section 8.2.2.3.5 and could therefore be deleted.

Amend sub-section 8.2.2.7.1 to read:
"8.2.2.7.1 *Examinations for the ~~initial~~ basic [or restricted basic training] course*"

Comment: We believe that the examinations for an initial and a refresher training course should be held on the same conditions. We therefore propose to simplify the text by only stating the provisions once. By deleting the word "initial" the text applies for the initial as well as for the refresher training courses.

Amend sub-section 8.2.2.7.1.3:
"8.2.2.7.1.3" Delete the words "…or the examination body approved by that authority…" and replace the reference to 8.2.2.3.2 to 8.2.2.3.7.

Comment: The definition of Competent Authority in Chapter 1.2 already covers that part of the text. Regarding the amendment of the reference, this would only be necessary if our proposed amendments for this sub-section will be adopted.

Amend the second and third sentences in 8.2.2.7.1.6 to read as follows:
"8.2.2.7.1.6 The examination shall take the form of a written examination or a combination of a written and oral examination. Each candidate shall be asked at least 25 written questions for the initial basic training course and at least 15 written questions for the refresher basic training course. The duration of these examinations shall be at least 45 or 30 minutes respectively. The questions may be of a varying degree of difficulty and be allocated a different weighting".

Comment: Since we have proposed that this text shall cover both initial and refresher training courses, its content must be adapted in order to specify the different scopes of an initial and a refresher training course concerning lower time limits and amount of questions.

Amend sub-section 8.2.2.7.2:
"8.2.2.7.2 *Examinations for ~~initial~~ specialization [or restricted specialization] training~~]~~ courses for carriage in tanks or for carriage of ~~explosive~~ substances and articles of Class 1 or radioactive material of Class 7*"

Comment: By deleting the word "initial" the text applies for the initial as well as for the refresher specialization training courses. We are of the opinion that examinations

for an initial and a refresher specialization training course should be held on the same conditions.

In order to harmonize the expressions; the word “training” should remain in the text and we should also use the same wording as in other parts of this Chapter when Class 1 and/or 7 are mentioned.

Amend sub-section 8.2.2.7.2.1:

“8.2.2.7.2.1 After having sat the examination on the basic course and after having attended the specialization [or restricted specialization] training~~]~~ course for carriage in tanks or for the carriage of ~~explosive~~ substances and articles of Class 1 or radioactive material of Class 7, the candidate shall be allowed to take part in the corresponding examination.

Comment: Harmonize the expressions (see comment above).

Amend references in sub-section 8.2.2.7.2.2:

“8.2.2.7.2.2” Replace 8.2.2.3.3 with 8.2.2.3.8, 8.2.2.3.4 with 8.2.2.3.9 and 8.2.2.3.5 with 8.2.2.3.10.

Comment: The amendments would only be necessary if our proposed amendments for these sub-sections will be adopted.

Amend sub-section 8.2.2.7.2.3 as follows:

“8.2.2.7.2.3 With respect to each specialization training course, ~~A~~at least 15 written questions shall be asked for the initial training course and at least 10 written questions shall be asked for the refresher training course ~~with respect to each specialization course~~. The duration of these examinations shall be at least 30 minutes respectively.”

Comment: Since we have proposed that this text shall cover both initial and refresher specialization training courses, its content must be adapted in order to specify the different scopes of an initial and a refresher training course concerning lower time limits and amount of questions.

Add a new sub-section 8.2.2.7.2.4 to read as follows:

“8.2.2.7.2.4 If an examination is based on a restricted basic training course, this limits the examination of the specialization course to the same scope.”

Comment: This text is transferred from sub-section 8.2.2.7.4.

Delete the following sub-sections:

~~“8.2.2.7.3 Examinations for refresher training~~
~~8.2.2.7.3.1 After having undertaken refresher training…~~
~~8.2.2.7.3.2 The examination shall be held and supervised on the same…~~
~~8.2.2.7.3.3 In the examination at least 15 questions shall…~~
~~8.2.2.7.4 I an examination is based on a restricted basic training course, …”~~

Comment: We believe that the examinations for an initial and a refresher training course should be held on the same conditions. By stating all of these general provisions in sub-section 8.2.2.7.1 (see 8.2.2.7.1 above) there is no need to repeat the

same text again under a separate sub-section for the refresher training. Therefore, these sub-sections could be deleted.

Amend the reference in 8.2.2.8.1:
Comment: If our proposed amendments are adopted, the reference to 8.2.1.8 should be replaced by 8.2.1.6.

Amend 8.2.2.8.2 to read as follows:
"8.2.2.8.2 ~~The certificate shall be renewed if the candidate furnishes proof of his participation in refresher training in accordance with 8.2.1.5 and if he has passed an examination in accordance with 8.2.2.7.3.~~ The date of validity of a driver's certificate shall be five years from the date the driver passes a basic [or restricted basic] training examination or an examination based on a comprehensive course.

When a driver has completed appropriate training according to this Chapter and passed the corresponding examination within 12 months before the date of expiry of the certificate, the validity shall be extended by five years, beginning with the date of expiry of the certificate.

When a driver has passed a specialization [or restricted specialization] training examination, this shall only be valid until the date of expiry of the certificate."

Comment: We do not believe it is necessary to state that the candidate shall furnish proof of his participation in a refresher training course. It should be sufficient to simply refer to a passed examination. Instead, the provision in 8.2.2.7 "Examinations" should clearly state that it is only allowed to take part in an examination after having completed an appropriate training course. Furthermore, we believe that the training required to be completed could be a basic training as well as refresher training.

Amend sub-section 8.2.2.8.5:
Comment: To avoid differences between the countries certificates, we suggest including some kind of markings that illustrates where the text of a second language (as required in 8.2.2.8.4) shall be displayed.

We would also like it to be clarified what kind of information that might be included under ten ("10. National comments") in the certificate. Is this space reserved for logotypes or other information that could be of value on an international driver's certificate?

Furthermore, we propose to leave out the information about the size of the certificate. It should be sufficient to refer to the standard in sub-section 8.2.2.8.3.

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