

**OTIF**



**ORGANISATION INTERGOUVERNEMENTALE POUR  
LES TRANSPORTS INTERNATIONAUX FERROVIAIRES**

**ZWISCHENSTAATLICHE ORGANISATION FÜR DEN  
INTERNATIONALEN EISENBAHNVERKEHR**

**INTERGOVERNMENTAL ORGANISATION FOR INTER-  
NATIONAL CARRIAGE BY RAIL**

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### **RID/ADR/ADN**

Joint Meeting of the RID Committee of Experts and the Working Party on the Transport of Dangerous Goods (Geneva, 17 – 21 September 2012)

### **Agenda item 4: Interpretation of RID/ADR/ADN**

### **Interpretation of the term "written" in the provisions concerning examinations organised by authorities to demonstrate certain knowledge**

### **Question transmitted by Germany**

#### **Introduction**

1. In accordance with ADR 8.2.1.1, drivers of vehicles carrying dangerous goods must hold a certificate attesting to their special knowledge for this task.
2. In accordance with ADN 7.1.3.15 and 7.2.3.15 in the version applicable from 1 January 2013, masters of vessels for the carriage of dangerous goods must also be experts in accordance with ADN 8.2.1 and must have special knowledge of ADN.
3. In accordance with both ADR and ADN, an examination organised by an authority shall be taken to obtain the relevant certificate (ADR 8.2.1.1, ADN 8.2.1.2). Both codes stipulate that these examinations must take the form of a "written examination" (ADR 8.2.2.7.1.6, ADN 8.2.2.7.1.5, 8.2.2.7.2.5).
4. For the examinations on special knowledge in accordance with ADR and ADN, multiple choice tests are widely used.
5. The harmonised requirements as regards the activity of the safety adviser (RID/ADR/ADN 1.8.3) also provide for an examination organised by an authority at the end of relevant training; in accordance with RID/ADR/ADN 1.8.3.12.1, this examination must consist of a "written" test which may, however, be supplemented by an oral examination.

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### Issue to be discussed

6. At the 19<sup>th</sup> session of the ADN Safety Committee in August 2011, the question was raised as to whether this written examination, in this case for the purpose of demonstrating special knowledge of the ADN, may also be taken in an examination room on a computer instead of completing a question sheet by hand.

The report on the 19<sup>th</sup> session of the ADN Safety Committee (document CCNR-ZKR/ADN/WP.15/AC.2/40) states the following in this respect:

"18. In response to the question by the representative of the Netherlands concerning the possibility of using electronic tests as an alternative to written tests, the Chairman suggested that the matter should be raised at the RID/ADR/ADN Joint Meeting, since arrangements for tests and examinations were also relevant to training courses for drivers of vehicles and safety advisers."

7. The Joint Meeting could reach an agreement on whether completing an electronic question sheet on a computer workstation satisfies the "written form" requirement and, if need be, lay down specific requirements for this approach.

### Assessment from the German point of view

8. The German delegation is of the opinion that both in everyday and legal language, "written" refers to handwritten, typewritten or printed texts, which must be signed with a handwritten signature at the end.

By means of these physical documents, it is possible to document the conscious and unambiguous selection of a particular answer by the candidate. Here, the steps of selecting an answer as well as of assessing/correcting it remain transparent and traceable at all times.

By contrast, the electronic assignment of answers as a conscious choice of the candidate, however, cannot be traced in a computer (PC) when checking and can be affected by malfunctions which may distort the test results. The classic written form makes it possible unambiguously to link a physical document/question sheet to the person taking the test; in an electronic computer system with digital data management this is not entirely possible.

9. For the written form to be replaced by electronic data processing possibilities in legal transactions, the German legal system requires that the relevant regulations contain an explicit reference to the possibility of using the "electronic form". There is no such reference in RID/ADR/ADN.

Elsewhere, as a rule, the use of an electronic signature instead of a handwritten signature is required for legally binding declarations.

10. German law already recognises the possibility of answering questions on a computer workstation to obtain a general driving licence for participation in road traffic. Therefore, the German delegation is not entirely opposed to using this possibility within the framework of RID/ADR/ADN as well.

11. However, Germany is of the opinion that the examination in electronic form first has to be expressly laid down in the codes and certain technical and organisational framework conditions for electronic examinations have to be defined. In this context, among other things, the use of electronic signature cards or identity documents with the same function by the candidates, technical specifications for data processing systems and requirements for storing the questions and answers electronically have to be considered.