

**Information on the United Nations Economic and Social Council's Committee
of Experts on the Transport of Dangerous Goods and on the mechanisms
for implementation of the UN Recommendations
on the Transport of Dangerous Goods**

Transmitted by the secretariat of the United Nations Economic Commission for Europe

This document is intended to provide information on the existing role, functions and working methods of the Committee of Experts on the Transport of Dangerous Goods (CETDG), its place within the UN system and the mechanisms for implementation of its work. It is divided in three parts:

- Part 1: The Committee of Experts on the Transport of Dangerous Goods in the context of the United Nations
- Part 2: Terms of reference and working methods of the CETDG
- Part 3: The UN Recommendations on the Transport of Dangerous Goods and their implementation.

Part 1: The Committee of Experts on the Transport of Dangerous Goods in the context of the United Nations

- 1.1 The Committee of Experts on the Transport of Dangerous Goods (CETDG) is a subsidiary body of the United Nations Economic and Social Council (ECOSOC) and therefore its functions have to be considered in the light of the relevant articles of the Charter of the United Nations concerning international economic and social co-operation (Chapter IX of the Charter) and ECOSOC (Chapter X).
- 1.2 According to Article 55 in Chapter IX of the Charter, the United Nations shall promote, inter alia, solutions to international economic, social, health, and related problems.
- 1.3 According to Article 56, all Members of the United Nations pledge themselves to take joint and separate action in co-operation with the Organization for the achievement of the purposes set forth in Article 55.
- 1.4 Article 57 deal with specialized agencies (such as ILO, WHO, IMO, ICAO) and according to Article 58, the Organization shall make recommendations for the co-ordination of the policies and activities of the specialized agencies.
- 1.5 According to Article 60, the responsibility for the discharge of the functions of the UN in the field of international economic and social co-operation shall be vested in the General Assembly and, under the authority of the General Assembly, in the ECOSOC which shall have for the purpose the powers set forth in Chapter X (i.e. Articles 61 to 72).
- 1.6 It should be noted that the ECOSOC consists of 54 Members elected by the General Assembly, and therefore its membership, as for many other UN organs, is limited.
- 1.7 The functions and powers of the ECOSOC are listed in Articles 62 to 66 of the Charter. It should be noted in particular that the ECOSOC:
 - may make or initiate studies and reports with respect to international economic, social, cultural, educational, health and related matters;
 - may make recommendations with respect to any such matters to the General Assembly, to the Members of the United Nations and to the specialized agencies concerned;
 - may prepare draft conventions for submission to the General Assembly, with respect to matters falling within its competence;
 - may call, in accordance with the rules prescribed by the United Nations, international conferences on matters falling within its competence;
 - may coordinate the activities of the specialized agencies through consultation with and recommendations to such agencies and through recommendations to the General Assembly and to the Members of the United Nations.

Part 2: Terms of reference and working methods of the Committee of Experts on the Transport of Dangerous Goods

2.1 The Committee of Experts on the Transport of Dangerous Goods is a subsidiary body of ECOSOC belonging to the category of “Experts bodies composed of governmental experts”.

2.2 Terms of reference

2.2.1 The Council, in its resolution 468 G (XV) of 15 April 1953, requested the Secretary-General to appoint a committee (subsequently the United Nations Committee of Experts on the Transport of Dangerous Goods) of not more than nine experts that was to make a study and present a report to the Transport and Communications Commission:

(a) Recommending and defining groupings or classification of dangerous goods on the basis of the character of risk involved;

(b) Listing the principal dangerous goods moving in commerce and assigning each to its proper grouping or classification;

(c) Recommending marks or labels for each grouping or classification, which shall identify the risk graphically and without regard to printed text;

(d) Recommending the simplest possible requirements for shipping papers covering dangerous goods.

2.2.2 A call for harmonization and uniformity was first expressed in Council resolution 1743 (LIV) of 4 May 1973, in which the Council, mindful of the increase of unitization and containerization of cargoes as part of total world transportation, invited "international organizations concerned to foster the adoption of a single system of identification, classification and labelling of dangerous goods" and requested the Committee to continue to investigate divergencies currently existing in the modal practices in that respect. This was reflected in Council resolution 1973 (LIX) of 30 July 1975, in which the Council, noting that dangerous goods accounted for an increasingly large proportion of international trade and that their transport in complete safety should not hamper the development of trade or of the participation of developing countries, "requested the Committee to study, in consultation with other bodies concerned, particularly the United Nations Conference on Trade and Development, the Inter-Governmental Maritime Consultative Organization, the International Civil Aviation Organization, the International Air Transport Association and the regional commissions, the possibility of an international convention on the transport of dangerous goods by all modes of transport". This request was repeated in Council resolution 2050 (LXII) of 5 May 1977 with the additional recommendation that the special problems of developing countries should be taken into account. Up to now, the Committee of Experts has considered that it would be preferable to maintain the recommendatory nature of its work, but it has been agreed to develop Model Regulations and the question of an international convention is still open.

2.2.3 The mandate of the Committee was enlarged by the Council in various resolutions adopted since 1953 to include in addition:

- assignment of identification numbers and class numbers;
- indications of the properties and the category of danger of dangerous goods, fire-fighting means and other safety measures;
- packing of dangerous goods, including provisions for the construction, testing and certification of packagings;
- construction, testing and use of tanks intended for the transport of dangerous goods;
- development of consignment procedures;
- development of model regulations for the transport of dangerous goods.

2.3 Composition and membership

2.3.1 Under Council resolution 645 G (XXIII), the Committee was to consist of "not more than nine qualified experts from countries interested in the international transport of dangerous goods". Governments were invited to make available, at the request of the Secretary-General and at their own expense, the members of the Committee of Experts. The Council, in its resolution 1973 (LIX) of 30 July 1975, decided to enlarge the composition of the Committee of Experts by adding five members from developing countries, so as to ensure the adequate participation of such countries. In the past few years, an increasing number of countries have expressed interest in participating in the work of the Committee, either as observers or as full members. Interested countries may apply for full membership by filing a request with the Secretary-General of the United Nations through the Executive Secretary of the Economic Commission for Europe who has the responsibility of the secretariat of the Committee. With a majority of interested countries being located in Europe, the UN secretariat, in accordance with UN policy has sought even the years to improve the regional balance amongst countries that have expert status in the Committee, taking account of the criteria laid down in various ECOSOC resolutions, i.e. the availability of expertise in the applicant country and willingness of the country to make available qualified experts at its own expenses, interest of the country in international transport of dangerous goods, adequate participation of developing countries. Any increase of the membership has to be approved by the Council. The Committee is now composed of 21 full members and about 10 countries also participate as observers.

2.4 Subsidiary bodies of the Committee of Experts

2.4.1 The Group of Rapporteurs, which prior to 1975 was called the Group of Rapporteurs on the packing of dangerous goods, had been instituted by the Committee at its third session in 1963 and the creation of this subsidiary body was tacitly approved by the Council by its resolution 994 (XXXVI). The Group of Experts on Explosives was set up in answer to a request formulated in Council resolution 724 C (XXVIII).

2.4.2 In its resolution 1989/104 of 27 July 1989, the Council endorsed the decision of the Committee to combine its two subsidiary bodies, the Group of Rapporteurs and the Group of Experts on Explosives, into a single Subcommittee of Experts on the Transport of Dangerous Goods. In particular resolutions on the work of the Committee of Experts the Council has made specific recommendations on its tasks.

2.4.3 The composition of the subsidiary bodies of the Committee may differ from that of the Committee (this was the case for the Group of Experts on Explosives). The composition of the Sub-Committee at present is the same as that of the Committee.

2.5 Reporting procedure

2.5.1 The Committee of Experts originally reported to the Transport and Communications Commission. At present, the Secretary-General submits to the Council, on a biennial basis, a report on the work of the Committee of Experts. The Council, when considering the report, adopts a resolution on the work of the Committee during the period covered by the report. The Recommendations on the Transport of Dangerous Goods, as updated by the Committee on that biennial basis are addressed to Members States of the Organization and to international organizations concerned, through that resolution, for implementation at national and international level.

2.6 Working procedures

2.6.1 *Rules of procedures*

2.6.1.1 The rules of procedures of the Economic and Social Council are contained in document E/5715/Rev.2. In accordance with Rule 27, the rules contained in Chapters VI and VIII to XII apply to the proceedings of the committees and sessional bodies of the Council and their subsidiary bodies, unless provided otherwise. Consequently, the following rules of procedures of ECOSOC apply mutatis mutandis to the proceedings of the Committee of Experts on the Transport of Dangerous goods.

Chapter VI: Secretariat - Rules 28 to 31
Chapter VIII: Public and private meetings - Rule 36
Chapter IX: Records- Rules 37 to 40
Chapter X: Conduct of business - Rules 41 to 57
Chapter XI: Voting and elections
Chapter XII: Participation of non-members of the Council

2.6.1.2 The Committee has had to adopt its own rules for matters not covered by the above chapters. Generally, the rules laid down in the other chapters are used, except when they are not appropriate. In practice, the working methods are as follows:

2.6.2 *Sessions*

2.6.2.1 The Subcommittee meets twice a year in odd years and once during the first half of the even year. The Committee of Experts meets during the second half of the even year. The number of sessions and the dates thereof have to be approved by the Council.

2.6.2.2 All sessions take place in Geneva.

2.6.2.3 Invitations are sent to the Ministry of Foreign Affairs of Members of the Committee and of States having expressed interest in participating as observers, as well as to interested specialized agencies, international organizations and non-governmental organizations. No invitations are sent for Sub-Committee sessions. Proposals and documents submitted by participants have to be received at the latest 10 weeks before the opening of the session.

2.6.3 *Documentation:*

2.6.3.1 Agenda are prepared by the secretariat on the basis of the decisions taken by the Committee or the Council with respect to the work programme. Agenda and documents are translated and circulated to all participants in English and French. Reports are also circulated in English and

French. ECOSOC resolutions, the Recommendations on the Transport of Dangerous Goods as well as draft amendments adopted by the Sub-Committee and amendments adopted by the Committee are published in all official languages of the United Nations (English, French, Spanish, Arabic, Chinese, Russian).

2.6.3.2 Documents are circulated by the secretariat as soon as possible once they are available in English and French, normally 6 weeks prior to the session. The original version may be consulted via INTERNET (home page:<http://www.unece.org/trans/danger/danger/htm>).

2.6.4 Interpretation

At present, interpretation services in English, French, Spanish, Chinese and Russian are available during plenary sessions.

2.6.5 Representation

Governments and organizations participating in the work of the Committee are requested to nominate their representative (which is called “Expert” for Members of the Committee, “Observer” for representatives of non-member countries, and “Representative” for international governmental or non-governmental organizations).

2.6.6 Bureau

2.6.6.1 The current practice is to elect, at the end of a Committee session, a chairman and a vice-chairman who hold office for the following three Sub-Committee sessions and the next Committee session.

2.6.6.2 In the past, the Committee of Experts, the Group of Rapporteurs and the Group of Experts on Explosives elected their own chairman and vice-chairman at the beginning of each of their session.

2.6.7 Sessional bodies and subsidiary organs

2.6.7.1 The Committee of Experts is not entitled to create either standing or ad hoc intersessional subsidiary bodies without prior approval of the Council.

2.6.7.2 However, it is common practice to establish ad hoc working or drafting groups during sessions of the Committee or the Sub-committee to give preliminary consideration to technical documents. These ad hoc groups work without interpretation services.

2.6.7.3 Many informal groups are also convened intersessionally at the invitation of individual Governments. The hosting Government normally submit the report of such informal groups to the Sub-Committee.

2.6.8 Secretariat

Chapter VI of the Rules of the procedures of ECOSOC (Rule 28: Duties of the Secretary-General, Rule 29: Duties of the secretariat; Rule 30: Statement by the secretariat; Rule 31: Estimates of expenditure) are applicable. For reasons of economy and good administration, the Secretary-General decided in 1963 to transfer the responsibility for the secretariat of the Committee to the secretariat of the UN Economic Commission for Europe.

2.6.9 Conduct of business

2.6.9.1 Rules concerning the conduct of business during meetings are contained in Chapter X (Rules 41 to 57) of the Rules of procedures of ECOSOC which are applicable mutatis mutandis.

2.6.9.2 It should be noted in particular that only full Members of the Committee (“Expert” countries”) may vote, each member having one vote, and that the decisions are made by a majority of the Members present and voting.

2.6.10 Participation of non-member States

In accordance with Rule 72 of the Rules of procedures, States which are not members of the Committee may be invited to participate in its deliberations on any matter of particular concern to that State. States thus invited participate as “Observers”: they do not have the right to vote but they may submit proposals which may be put to the vote on request of any member of the Committee.

2.6.11 Participation of and consultation with specialized agencies

2.6.11.1 Specialized agencies of the United Nations are entitled to be represented at meetings of the Committee and to participate through their representatives without the right to vote, and to submit proposals which may be put to the vote at the request of any member of the Committee.

2.6.11.2 The secretariat has to carry out preliminary consultation with specialized agencies when such agencies propose to place an item on the provisional agenda of a session. The secretariat has also to enter into consultation with specialized agencies when an item proposed for inclusion in the provisional agenda contains a proposal for new activities to be undertaken by the United Nations which relates to matters which are of direct concern to those agencies.

2.6.11.3 Whenever the Council is to consider a proposed international convention, the Secretary-General shall, at the same time that he requests Governments to comment on the proposed convention, consult specialized agencies in respect of any provision of the proposed convention that may affect the activities of such agencies. The views of such agencies shall be brought before the Council together with the comments received from Governments.

2.6.12 Participation of other intergovernmental organizations

Representatives of intergovernmental organizations accorded permanent observer status by the General Assembly and of other intergovernmental organizations designated on an ad hoc or a continuing basis by the Committee on the recommendations of the Bureau may participate, without the right to vote, in the deliberations of the Committee on questions within the scope of the activities of the organizations.

2.6.13 Consultation with non-governmental organizations

Non-governmental organizations in consultative status with the Economic and Social Council and other NGO’s accredited by the Committee itself may participate in the work of the Committee. In practice, those NGOs having expressed interest in the work of the Committee receive regularly the relevant documentation, invitations, etc. They may submit written documents/proposals which are put to the vote when supported by one Member of the Committee.

Part 3: UN Recommendations on the Transport of Dangerous Goods and their implementation

3.1 Introduction

- 3.1.1 At the United Nations level, all work related to the transport of dangerous goods is coordinated by the Economic and Social Council (ECOSOC) Committee of Experts on the Transport of Dangerous Goods, which produces the "Recommendations on the Transport of Dangerous Goods", also called the "Orange Book", and, in the special case of radioactive material, by the International Atomic Energy Agency (IAEA) which produces the Regulations for the Safe Transport of Radioactive Material.
- 3.1.2 These Recommendations and Regulations are addressed not only to all Governments for the development of their national requirements for domestic traffic of dangerous goods, but also to international organizations such as the International Maritime Organization, the International Civil Aviation Organization (ICAO) and regional commissions such as the UN Economic Commission for Europe for regulations and international/regional agreements or conventions governing the international transport of dangerous goods by sea, and inland waterways.
- 3.1.3 Although the ECOSOC Committee of Experts on the Transport of Dangerous Goods is not a UN/ECE body, but is a body with activities of worldwide scope, the secretariat of the UN/ECE is responsible for its service.

3.2 United Nations Recommendations on the Transport of Dangerous Goods

- 3.2.1 The UN Recommendations on the Transport of Dangerous Goods address the following main areas:
- List of dangerous goods most commonly carried and their identification and classification;
 - Consignment procedures: labelling, marking, and transport documents;
 - Standards for packagings, test procedures, and certification;
 - Standards for multimodal tank-containers, test procedures and certification.
- 3.2.2 These recommendations contain all basic provisions for the safe carriage of dangerous goods, but they have to be completed by additional requirements which may have to be applied at national level or for international transport depending on the mode of transport envisaged.
- 3.2.3 These recommendations, in the 10th revised edition published in 1997, are presented in a new form of Model regulations so that they can be more easily transposed into national or international legislation.

3.3 Implementation through international legal instruments of worldwide application

3.3.1 Cooperation with the International Maritime Organization (IMO)

3.3.1.1 Transport of dangerous goods by sea is regulated by Chapter VII of the International Convention for the Safety of Life at Sea (SOLAS 74) and Annex III of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (MARPOL 73/78). Both conventions contain basic requirements as regards classification, labelling, marking, packaging and documentation for the transport of dangerous goods and marine pollutants by sea, and require Governments of Contracting Parties to issue or cause to be issued detailed requirements in that respect. They refer in particular to the IMO International Maritime Dangerous Goods Code (IMDG Code).

3.3.1.2 In fact, the development of the IMDG Code, its adoption by Governments at national level and the continued cooperation with the UN/ECOSOC Committee of Experts on the Transport of Dangerous Goods is linked to Recommendation 56 of the International Conference on Safety of Life at Sea (1960), whereby the Conference, when adopting the 1960 SOLAS Convention, recommended that:

(a) Contracting Governments should adopt a unified international code for the carriage of dangerous goods by sea; and

(b) IMO should pursue its studies, in cooperation with the (UN/ECOSOC) Committee of Experts on such an international code (...). Any such code proposed for international adoption should take account of existing maritime practices (...).

3.3.1.3 Since then, cooperation between IMO and the Committee has continued to be very active and the IMDG Code is regularly kept very closely harmonized with the UN Recommendations on the Transport of Dangerous Goods.

3.1.1.4 There are 133 Contracting Parties to SOLAS 74 and 99 Parties to MARPOL 73/78 (March 1997).

3.3.2 Cooperation with the International Civil Aviation Organization

3.3.2.1 Transport of dangerous goods by air is regulated by Annex 18 to the Convention on International Civil Aviation (Chicago Convention). Annex 18 is amplified by the “Technical Instructions for the Safe Transport of Dangerous Goods by Air” and Contracting Parties to the Chicago Convention are required to implement these Technical Instructions or to notify ICAO of those cases where they have adopted provisions different from those contained in the Technical Instructions. The ICAO Technical Instructions have always been developed and kept up to date on the basis of the UN Recommendations on the Transport of Dangerous Goods (and IAEA Regulations in the case of radioactive material).

3.3.3 Cooperation with the United Nations Environment Programme (Hazardous Wastes)

3.3.3.1 The UN Recommendations on the transport of dangerous goods and all legal instruments

applicable to the transport of dangerous goods apply to the transport of hazardous wastes which, for safety reasons, are regulated as other dangerous substances. However, for control purposes, the movement of hazardous wastes is also subject to the Basel Convention of the Control of Transboundary Movements of Hazardous Wastes and their Disposal.

3.3.3.2 In order to ensure consistency between the Basel Convention and other conventions applicable to the transport of hazardous wastes, the classification system of the Basel Convention, at least with respect to the identification of hazardous characteristics (Annex III of the Basel Convention) is based on the UN Recommendations on the Transport of Dangerous Goods

3.4 Implementation through international legal instruments of regional application

3.4.1 Cooperation with the United Nations Economic Commission for Europe (UN/ECE)

3.4.1.1 One of the main principal subsidiary bodies of the UN/ECE is the Inland Transport Committee (ITC) which is concerned only with inland transport (i.e. road, rail and inland waterways) in ECE countries (55 countries including the United States of America and Canada). The ITC has its own subsidiary bodies, which, for the transport of dangerous goods are:

(1) the Working Party on the Transport of Dangerous Goods (WP.15), which, inter alia, is responsible for the European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR) and the European Provisions concerning the International Carriage of Dangerous Goods by Inland Waterways (ADN); and

(2) the Joint Meeting of the Working Party on the Transport of Dangerous Goods and the RID Safety Committee, also called the RID/ADR Joint Meeting. The RID/ADR Joint Meeting is serviced jointly by the ECE secretariat and the secretariat of the Intergovernmental Organization for International Carriage by Rail (OTIF); it is responsible for ensuring harmonization between ADR and RID (Regulations concerning the international carriage of dangerous goods by rail).

ADR

3.4.1.2 ADR is based on the UN Recommendations on the Transport of Dangerous Goods as regards the listing and classification of dangerous goods, their marking and labelling and packaging standards, but it also contains much more detailed provisions as regards

- the types of packagings which may be used
- the consignment procedures
- transport equipment (vehicle to be used, vehicle construction and equipment)
- transport operation (training of drivers, supervision, emergency procedures, loading and unloading, placarding of vehicles).

3.4.1.3 The ADR is intended primarily to increase the safety of international transport by road, but it is also an important trade facilitation instrument. Except for dangerous goods which are totally prohibited for carriage, and except when carriage is regulated or prohibited for reasons other than safety, the international carriage of dangerous goods by road is authorized by ADR

on the territory of Contracting Parties provided that the conditions laid down in annexes A and B are complied with.

- 3.4.1.4 There are at present 33 Contracting Parties to ADR as follows:
Austria, Belarus, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Netherlands, Norway, Poland, Portugal, Romania, Russian Federation, Slovakia, Slovenia, Spain, Sweden, Switzerland, the Former Yugoslav Republic of Macedonia, United Kingdom, Yugoslavia.
- 3.4.1.5 It should be noted that the requirements of Annexes A and B of ADR have been annexed to the European Union Council Directive 94/55/EC on the approximation of the laws of the Member States with regard to the transport of dangerous goods, and therefore these requirements have become applicable not only to international transport of dangerous goods but also to domestic traffic in all countries of the European Union since 1 January 1997.

ADN

- 3.4.1.6 The status of the European Provisions for the International Carriage of Dangerous Goods by Inland Waterways is different from that of ADR as ADN is only a recommendation directed to Governments for their national regulations and to river commissions for regulating the international carriage of dangerous goods on specific inland waterways under their responsibility.
- 3.4.1.7 One well known example of such regulations is the "Regulations for the Carriage of Dangerous Substances on the Rhine (ADNR)" developed by the Central Commission for the Navigation of the Rhine (CCNR).
- 3.4.1.8 A draft european agreement concerning the international carriage of dangerous goods by inland waterways ("ADN" agreement) is under preparation under the joint auspices of the UN/ECE and the CCNR.

RID

- 3.4.1.9 The Regulations concerning the international carriage of dangerous goods by rail are annexed to the Convention concerning international carriage by rail (COTIF) which counts 39 Contracting Parties in Europe, Middle-East and North Africa (Albania, Algeria, Austria, Belgium, Bosnia-Herzegovina, Bulgaria, Czeck Republic, Croatia, Denmark, Finland, France, Germany, Greece, Hungaria, Irak, Iran, Ireland, Italy, Lebanon, Liechtenstein, Lithuania, Luxemburg, Morocco, Monaco, Norway, the Netherlands, Poland, Portugal, Romania, United Kingdom, Slovakia, Slovenia, Spain, Sweden, Switzerland, Syria, the Former Yugoslav Republic of Macedonia, Tunisia and Turkey.
- 3.4.1.10 The provisions of RID are completely harmonized with those of ADR. As for ADR, they are also made applicable to domestic traffic in the European Union countries through directive 96/49/EC.

3.4.2 Implementation at regional level outside Europe

3.4.2.1 There is at present no instrument equivalent to ADR or RID for regulating international road or rail transport of dangerous goods outside Europe. However, the development of legislation based on the Model Regulations annexed to the UN Recommendations on the Transport of Dangerous Goods is under consideration:

- in North America for international transport between NAFTA countries (Mexico, United States, Canada)
- In South America (MERCOSUR)
- In Asia under the auspices of the United Nations Economic and Social Commission for Asia and Pacific (ESCAP).

3.4.3 Implementation through national legislation applicable to domestic traffic

The Recommendations on the Transport of Dangerous Goods are relatively well implemented through national legislations, but the degree of implementation may vary from country to country. Usually, national legislations for air and sea transport are based on the ICAO Technical Instruments and the IMDG Code, and therefore they are perfectly consistent with the UN Recommendations. For regulations applicable to road/rail domestic inland traffic (which is usually much more important than international inland traffic), Governments have progressively adapted their own system to the United Nations system and national regulations in most countries of the world are now based on the UN Recommendations on the Transport of Dangerous Goods, even though variations may exist.