

EXPLANATORY MEMORANDUM TO
THE CARRIAGE OF DANGEROUS GOODS AND USE OF
TRANSPORTABLE PRESSURE EQUIPMENT REGULATIONS 2007

2007 No. 1573

1. This explanatory memorandum has been prepared by the Department for Transport and is laid before Parliament by Command of Her Majesty.

2. Description

2.1 This Statutory Instrument regulates the carriage of dangerous goods by road and rail in Great Britain . It also, in so far as it relates to safety advisers, regulates the carriage of dangerous goods by inland waterway.

2.2 It transposes:

- (i) Commission Directive 2006/89/EC of 3 November 2006 adapting for the sixth time to technical progress Council Directive 94/55/EC of 21 November 1994 on the approximation of the laws of the Members States with regard to the transport of dangerous goods by road; and
- (ii) Commission Directive 2006/90/EC of 3 November 2006 adapting for the seventh time to technical progress Council Directive 96/49/EC of 23 July 1996 on the approximation of the laws of the Member States with regard to the transport of dangerous goods by rail.

2.3 It also replaces:

- (i) the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2004 (the 2004 Carriage Regulations);
- (ii) the Radioactive Materials (Road Transport) Regulations 2002 (RAMRoad); and
- (iii) the Radiation (Emergency Preparedness and Public Information) Regulations 2001 (REPPIR) to the extent that REPPIR applied to transport by rail.

In replacing those Regulations, these Regulations legislate in relation to the same subject matter as that covered by those Regulations. The result is a consolidated set of regulations covering the safe movement of all classes of dangerous goods by road and rail.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Legislative Background

- 4.1 International agreements based on the UN Transport of Dangerous Goods Model Regulations regulate the transport of dangerous goods by road and by rail:
- (i) the European Agreement concerning the international carriage of dangerous goods by road (ADR); and
 - (ii) the Regulation concerning international carriage of dangerous goods by rail (RID).

4.2 The United Kingdom is required to apply the provisions of ADR and RID to national transport within its territory because EC Directives require ADR and RID to be applied (although the UK, like other member States of the European Community, is permitted to modify in certain ways how ADR and RID are applied within its territory.)

The ADR Directive is Council Directive **94/55/EC** with regard to the transport of dangerous goods by road. The RID Directive is Council Directive **96/49/EC** with regard to the transport of dangerous goods by rail.

As ADR and RID are subject to biennial review, the ADR and RID Directives are amended on the same basis to apply the latest revisions to the agreements.

The ADR Directive has been amended by Commission Directive 2006/89/EC to provide that the applicable version of ADR is that which came into force on 1st January 2007.

The RID Directive has been amended Commission Directive 2006/90/EC to provide that the applicable version of RID is that which came into force on 1st January 2007.

In order to meet its obligations under EC law, the UK is required to transpose 2006/89/EC and 2006/90/EC into domestic law. These Regulations do that in relation to Great Britain. Similar Regulations are expected to be introduced in relation to Northern Ireland. The Northern Ireland Department responsible for the Northern Ireland Regulations is the Department of Enterprise, Trade and Investment.

4.3 Prior to the amendments made by 2006/89/EC and 2006/90/EC, the ADR and RID Directives were transposed into law in relation to Great Britain by the 2004 Carriage Regulations (except in relation to those aspects relating to the road transport of radioactive material which were transposed by RAMRoad). The 2004 Carriage Regulations also transposed in relation to Great Britain:

- (i) Council Directive 1996/35/EC on the appointment and vocational qualification of safety advisers for the transport of dangerous goods by road, rail and inland waterway;
- (ii) Council Directive 1999/36/EC of 29th April 1999 concerning the approximation of laws of member States relating to common provision for transportable pressure equipment and methods for inspection; and
- (iii) Directive 2000/18/EC of the European Parliament and of the Council on minimum examination requirements for safety advisers for the transport of dangerous goods by road, rail or inland waterway.

Although there are some changes compared to the way the 2004 Regulations were drafted, these Regulations replicate the transposition of the Directives mentioned at (i) to (iii) above.

4.4 Certain aspects of the ADR Directive relating to the transport of radioactive material by road were transposed by RAMRoad. RAMRoad also transposed Article 5 of TITLE II of 89/618/Euratom and Section 1 of Title IX of 96/29/Euratom in relation to transport by road. These Regulations, other than in relation to the amendments made by 2006/89/EC, cover the same ADR and Euratom subject matter as were transposed by RAMRoad.

4.5 Article 5 of TITLE II of 89/618/Euratom and Section 1 of Title IX of 96/29/Euratom in relation to transport by rail was transposed by REPPiR. This subject matter is now included in these Regulations. This means that Article 5 of TITLE II of 89/618/Euratom and Section 1 of Title IX of 96/29/Euratom are now dealt with in relation both to road and rail in the same set of regulations. The model for the drafting in relation to the Article 5 and Title IX aspects of these Regulations is that previously contained in RAMRoad rather than REPPiR.

4.6 It is expected that in late 2007 or early 2008 there will be a single new Council directive which will replace the ADR and RID Directives. It is also likely to replace Council Directive 1996/35/EC and Directive 2000/18/EC. The consolidation of these EC Directives into a single road and rail transport directive is expected to make it easier for people involved in the carriage of dangerous goods to understand their duties and responsibilities more clearly. This directive will require transposition into UK law (with, in relation to Great Britain, the Regulations being made in 2009). Again, the consolidation of several EC Directives into one directive is expected to have benefits to the transposition process as it will allow for the Regulations to be simpler.

5. Territorial Extent and Application

5.1 This instrument applies to Great Britain.

6. European Convention on Human Rights

6.1 The Minister of State for Transport, Dr Stephen Ladyman, has made the following statement regarding Human Rights:

In my view the provisions of the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2007 are compatible with the Convention rights.

7. Policy background

7.1 The restructuring of ADR and RID in 2001 presented an opportunity to consolidate 14 sets of regulations and 7 approved documents into a single set of Regulations covering most aspects of the carriage of dangerous goods by road and rail. In addition to implementing the changes made by 2006/89/EC and 2006/90/EC, the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2007 (the 2007 Carriage Regulations) presents a further opportunity for

consolidation - this time merging the 2004 Carriage Regulations, RAMRoad and the radiological emergency provisions for rail carriage from REPPIR and making them under the Health and Safety at Work etc Act (HSWA) alone (other than to extent necessary to revoke RAMRoad). In addition, to improve clarity, some regulations have been broken down into shorter ones and some have been reordered.

Using the HSWA as the basis for making the Regulations, including those parts of the Regulations that were previously in RAMRoad

7.2 RAMRoad was made under the Radioactive Material (Road Transport) Act 1991. In developing these Regulations, a decision was made to make all parts of the Regulations, including those parts previously in RAMRoad, under the HSWA. The advantage of doing so is that it creates a unified system of regulation for all classes of dangerous goods (including radioactive material). This reflects ADR which also covers all classes. Whether to make the Regulations only using the HSWA was a specific question asked in the consultation document. Analysis of the responses received following the consultation exercise showed that this approach was fully supported by stakeholders.

Enforcement

7.3 Enforcement of the obligations under these Regulations is through the provisions contained within HSWA, section 19 of which allows for the appointment of inspectors. Sections 21 and 22 enable inspectors to issue improvement and prohibition notices in instances where these Regulations have been contravened. The offences and penalties that apply in the case of the contravention of these Regulations are set out in section 33 of HSWA.

Consultation

7.4 A 12 week consultation exercise on the proposed Carriage Regulations closed on 30 November 2006. The consultation document and draft Regulations were sent to 108 stakeholders including industry trade associations, emergency services, local authorities and other Government departments, 48 responses were received which is not an unusually low number. DfT has engaged in on-going meetings and discussions with the road and rail industry and other Government bodies. The changes to the international agreements are made every two years. During each biennial period we invite industry associations to comment on proposed changes. Their responses inform the UK negotiating line. European and international trade associations also take advantage of the opportunity to participate in the international meetings and UK briefing / debriefing meetings which precede / follow the international meetings.

7.5 Feed back from the consultation exercise has been included in the final Regulatory Impact Assessment . The proposed regulations were well received by stakeholders who are already familiar with the Carriage Regulations. As expected, there was some concern expressed by stakeholders who currently have duties under RAMRoad dealing with carriage of class 7 (radioactive materials) by road. The format of these Regulations, which is based on the format of the 2004 Carriage Regulations, is significantly different to the RAMRoad format which (for the most part) does not use referencing and the concerns expressed reflected their unfamiliarity with the format of ADR and RID . However following a seminar in Birmingham to explain the changes for 2007 and a meeting held specifically for class 7 stakeholders to discuss their

particular concerns in January this year, they are now positive about using ADR and RID and supportive of our the use of referencing in these Regulations.

Use of referencing

7.6 We have continued to pursue the better regulation initiative by referencing ADR and RID in the 2007 Carriage Regulations rather than copying out the respective text from the international agreements. During the consultation exercise and at meetings/seminars industry have continued to express their preference for referencing and want us to go still further when producing future domestic legislation concerning the carriage of dangerous goods. Access to ADR is available to users free online - as well as in priced hard copy - and RID (although not available free online) is used only by a small number of relatively large companies who buy a copy in any event.

7.7 Copying out would lead to Regulations of an enormous length which would largely simply repeat what is said in the international agreements/directives and is not what industry wants . In addition given that the trade in the transport of dangerous goods is an international one, industry does want wish to see ADR and RID interpreted differently elsewhere as is probably more likely to be the case with an approach which is not referencing.

The referencing of ADR and RID as it is done in our Regulations is designed to

- a. apply the ADR and RID directives into GB law
- b. ensure that duty holders are clear as to what duties they are responsible for and
- c. to provide an enforcement regime.

7.8 Although common practice when drafting regulations ,we have decided not to use footnotes in our regulations on every occasion when a word is used which is already defined in ADR/RID and has the meaning given in ADR/RID. The reason for our decision is that in practice users have access to ADR/RID and will use them alongside our regulations. To include footnotes would unnecessarily complicate and lengthen the regulations in these circumstances.

Transposition

7.9 These regulations do more than is necessary to implement the Directives in the following areas:-

Security for explosives and radioactive materials

7.10 In Great Britain we have always had additional security requirements for the transport of certain explosives and radioactive materials. This is permitted by Article 5(1) of the ADR and RID Framework Directives. The additional requirements are supported by industry. Following the 9/11 terrorist activities the EC imposed mandatory security requirements. These were introduced in 2005 and are incorporated in relation to Great Britain in these Regulations. The pre-existing security requirements have been left in place along side the EC requirements and do not cause any conflict. Stakeholders are content with this. We considered that maintaining the additional security measures was justified in the present circumstances.

Display of information on vehicles and trains for the emergency services

7.11 Under ADR and RID, vehicles and trains transporting dangerous goods must display information about the type of hazard (HIN system). This assists the emergency services when dealing with an incident. HM Fire Service Inspectorate has developed a different system to display information about the emergency action to take (EAC system). Article 6(8) of the ADR and RID Framework Directives allow Member States to use this alternative system but restrict it to vehicles registered in that Member State.

7.12 In the consultation on the implementation of the 2004 regulations it was proposed that dutyholders should be given the choice of complying with the EC system or the UK system. After considerable lobbying from emergency responders and some sections of industry, the EAC system has been kept as a mandatory requirement. This is due to be reviewed again for 2009 to coincide with the repeal of the ADR and RID Framework Directives. They are due to be replaced by a single road and rail directive.

Application of the requirements to motorcycles

7.13 The application of the ADR Framework Directive is limited by the definitions in Article 2 to transport by vehicles which have 'at least four wheels and a maximum design speed exceeding 25 k/ph'. Consequently ADR, as applied by the ADR Directive, does not cover motorcycles. In contrast, the United Nations Economic Commission for Europe (known as UNECE), who are the organisation responsible for ADR, have confirmed that, in its view, ADR does apply to motorcycles..

7.14 It is clear from discussions with stakeholders that motorcycles are increasingly used to carry dangerous goods in GB, especially for time-critical consignments such as diagnostic specimens where the speed of delivery is vital for the diagnosis and ultimately the treatment of patients. In order to ensure that such consignments can continue to be safely transported, GB has decided to extend the scope of the regulations to include motorcycles.

8. Impact

8.1 A Regulatory Impact Assessment follows this Memorandum.

9. Contact

9.1 Caroline Billingham at the Department for Transport, (Tel: 020 7944 2755 or e-mail: dangerousgoods.roadrailuk@dft.gsi.gov.uk) can answer any queries regarding the instrument.

Regulatory Impact Assessment

The Carriage of Dangerous Goods and the Use of Transportable Pressure Equipment Regulations 2007 (CDG 2007)

1. The RIA was written within the Consultation Document (CD) that sets out the regulatory proposals to implement European Directives relating to the carriage of dangerous goods, namely:
 - Commission Directive 2006/89/EC adapting for the sixth time to technical progress Council Directive 94/55/EC on the approximation of the laws of the Member States with regard to the transport of dangerous goods by road;
 - Commission Directive 2006/90/EC adapting for the seventh time to technical progress Council Directive 96/49/EC on the approximation of the laws of the Member States with regard to the transport of dangerous goods by rail.
2. In implementing these Directives, we are directly referencing for technical detail the 2007 texts of two documents: Regulations concerning the International Carriage of Dangerous Goods by Rail (RID); and the European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR).
3. The RIA contains three annexes:
 - **Annex 1** - details those changes to ADR and RID which are likely to be either:
 - i. Of low impact upon stakeholders such that exact determination of any costs would involve disproportionate effort, or
 - ii. Of actual net benefit to stakeholders.
 - **Annex 2** - details further changes and planned reviews.
 - **Annex 3** - Feedback on the CDG 2007 consultation exercise.
 - **Annex 4** - List of consultees.
4. The total costs to industry are estimated as follows (one-off in Year 1 only; and recurring only from Year 2 onwards, a breakdown of these totals is given in paras. 28 - 54 of the RIA) -

Total costs to industry:

Year 1: **£190, 000 (one-off)**
Year 2: **£651, 000 to £992, 250**
Year 3: **£651, 000 to £992, 250**
5. These costs do not incorporate the 'per tank' cost estimated for orange-coloured plate marking which equate to **£30,000**, nor the cost to local authorities/ Highways Agency for revisions to tunnel signage estimated at **£126,651 - £127,025**.

6. The requirements of ADR and RID for orange-coloured plates have been amended so that the mounting of the plate must withstand 15 minute's fire engulfment. For RID, the plate (*and any covering*) must also withstand 15 minute's fire engulfment. This would entail some extra costs to industry if the mountings for the plates are not manufactured to the same performance standards as the plates themselves.
7. In respect of tunnels, from 1 January 2010, any restrictions on the carriage of dangerous goods through road tunnels (set by tunnel managers) will need to meet the categorisation system set out in ADR, and signs describing the restriction(s) will have to comply with ADR. The main impact for tunnel managers is a one-off cost for replacing existing signage. This can be done at any time up to the end of 2009 and could be planned to coincide with other maintenance work.
8. The benefits are that, once implemented, managers of the Mersey, Tyne, Dartford and Clyde tunnels will no longer have to review and revise their websites every two years to adopt the biennial ADR changes. Also, information on all 7 tunnels will be published on the DfT or Highways Agency website - making it easier for carriers to plan for delivering dangerous goods.
9. There were 48 responses in total received in the consultation exercise. None of which necessitated any change to the partial RIA issued as part of the Consultation Document.
10. Stakeholders from the radioactive materials transport sector expressed some concern about the consolidation of RAMRoad into the Carriage Regulations 2007 and the referencing of ADR rather than copying out relevant text. Their concerns reflected their unfamiliarity with the format of ADR and RID and we will address these by holding educational seminars and issuing further guidance specifically aimed at those involved in the transport of radioactive material by road and rail.

Regulatory impact assessment

1. This Regulatory impact assessment:
 - summarises changes to ADR and RID 2007, and estimates the cost or benefits arising from these changes;
 - tabulates all changes likely to have a low impact on stakeholders or be of actual positive benefit to them; and,
 - sets out in detail changes identified as being likely to have a higher impact upon stakeholders - along with detailed costs/benefits.
2. The total costs are estimated as follows – a breakdown of these totals is given in paras. 28 - 54:

Total costs to industry:

Year 1: **£190, 000 (one-off)**

Year 2: **£651, 000 to £992, 250**

Year 3: **£651, 000 to £992, 250**

*Above costs are one-off in Year 1 only; and,
recurring only from Year 2 onwards*

This does not incorporate the ‘per tank’ cost estimated for orange-coloured plate marking (see paras. 35 - 37).

Total costs to local authorities / Highways Agency (tunnel signage) are estimated at **£126, 651.20 to £127, 025.60**

Title of proposal

3. The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2007.

Objectives

4. There are three objectives:
 - (1) To minimise the risk of dangerous goods when carried by road or rail that might cause harm to the population, economy or environment;
 - (2) To ensure that any measures introduced to reduce this risk are harmonised for pan- European freight movement; and,
 - (3) To consolidate two sets of regulations (four statutory instruments):
 - The Radioactive Material (Road Transport) Regulations 2002 (RAMRoad) ¹;

[RAMRoad was not updated for the 2005 edition of ADR, as the changes for Class 7 were minimal, and security requirements were implemented through the carriage regulations]

¹ SI 2002 No.1093

- RAMRoad (Amendment) 2003 ²;
- The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2004 (the Carriage Regulations) ³, and
- The CDG (Amendment) Regulations 2005 ⁴

into a single statutory instrument covering the whole of ADR and RID and the Transportable Pressure Equipment Directive, to be made by 1 July 2007.

Background

5. GB is required to harmonise regulations concerning the carriage of dangerous goods across the European Union (EU) boundaries according to the technical specifications referred to as ADR and RID. These are European Agreements setting out harmonised controls on the carriage of dangerous goods by road and rail respectively, which are updated every two years. ADR and RID are currently implemented through The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2004 (and Amendment Regulations 2005).
6. RAMROAD 2002 and the RAMROAD (Amendment) Regulations 2003 are both made under the Radioactive Material (Road Transport) Act 1991 and implement ADR in respect of carriage of class 7 goods by road, including the radiological emergency requirements. The radiological emergency requirements for rail were implemented by HSE in REPPiR, using the Health and Safety at Work etc Act 1974 (HSWA 1974).

Rationale for government intervention

7. These Regulations implement two European Directives relating to the carriage of dangerous goods, and specifically the requirements of ADR and RID. They also implement the Transportable Pressure Equipment Directive (TPED). If the Government did nothing, the 2004 carriage regulations as amended in 2005 and RAMRoad 2002 as amended in 2003 would remain in force - without planned simplifications and without the benefit to industry of the latest changes to ADR and RID.
8. Government regulates in this area for two main reasons:
 - Firstly, to promote safety: Effective regulation seeks to minimise the obvious and inherent risks in transporting dangerous goods ensuring these goods are packaged and carried in a way that prevents leakage and protects the population, environment and economy;
 - Secondly, to promote a level playing field: dangerous goods are transported within the UK and internationally. It is essential each country applies broadly the same regulations to minimise the burden on industry and promote the free movement of dangerous goods while protecting public safety.

² SI 2003 No.1867

³ SI 2004 No.568

⁴ SI 2005 No.1732

Consultation

9. DfT has engaged in on-going meetings and discussions with the road and rail industry and other Government bodies. The changes to the international agreements are made every two years. During each biennial period we invite industry associations to comment on proposed changes. Their responses inform the UK negotiating line. European and international trade associations also take advantage of the opportunity to participate in the international meetings and UK briefing / debriefing meetings which precede / follow the international meetings.

Consultees

10. Annex 2 of the consultation document contains a list of the Government and public consultees.

Options

11. There are three possible options:

Option 1 – “Do nothing” (opposing or not implementing proposed Directive):

This would leave the UK open to infraction proceedings for failure to implement European Directives, and would also create problems for industry which needs harmonised carriage provisions to facilitate multi-modal / trans-boundary carriage.

Option 2 – Partial implementation

The ‘cherry-picking’ option would be impractical to achieve, and would create confusion for industry as well as disadvantaging domestic operators making international journeys.

Option 3 – Current draft directive

Consolidating two sets of regulations (four statutory instruments) and the radiological emergency requirements from REPPiR into one new statutory instrument covering the whole of ADR, RID and the Transportable Pressure Equipment Directive is the option taken under these proposals. This will aid duty holders in determining what ADR and RID requires them to do, and it will also simplify the arrangements for enforcement bodies. What follows is a summary of the changes that will be implemented, along with an indication of their associated costs and benefits.

Changes, costs and benefits

12. Para. 15 outlines the broad sectors and groups affected by the changes; paras. 16 – 26 is a general discussion of the changes and the transitional measures attached to a number of these.
13. Annex 1⁵ details those changes to ADR and RID which are likely to be either:
 - of low impact upon stakeholders such that exact determination of any costs would involve disproportionate effort, or
 - of actual net benefit to stakeholders.

⁵ based on an analysis prepared by Scientifics Limited for the Department for Transport

14. Paragraphs 28 to 48 summarise those ADR and RID changes that have been identified as potentially having a *higher* impact on stakeholders.

Sectors and groups affected

15. CDG 2007 will implement ADR and RID and consolidate two sets of existing regulations – potentially, all enterprises involved in the movement of dangerous goods will be affected. This includes: suppliers, carriers (largely haulage firms), and users / receivers (consignees). The principal suppliers affected will be manufacturers of high consequence dangerous goods including Class 7 goods.

Summary of changes

16. The principal change is the consolidation of existing regulations into a single regulatory framework governing the carriage of all dangerous goods by road and rail, including provisions for radiological emergencies.
17. The impact for the sector carrying class 7 goods by road only is in familiarising themselves with the new format of regulations and some changes in terminology e.g. placing duties on the participants as defined in ADR rather than just the consignor, carrier and consignee. ADR introduces other participants such as the packer, loader and filler (see ADR section 1.2.1 for definitions). This change does not create new duties, it merely assigns duties in relation to the activity. Those consigning class 7 goods by rail should already be familiar with this approach.
18. Direct referencing will also make some duties more explicit e.g. general awareness training (see ADR chapter 1.3), rather than relying on more general health and safety regulations.
19. During the development of the regulations it has become clear there are a number of legal drafting complexities in making the regulations under two Acts – Health and Safety at Work etc Act 1974 (HSWA 1974) and Radioactive Materials (Road Transport) 1991. It would be necessary to set out in the regulations which provisions are made under each act so that inspectors are clear about their enforcement powers and dutyholders are clear on the consequences of any infringement. The differences also have an impact on the arrangements for charging fees. Our detailed review of powers and penalties makes more apparent the anomalies between the two Acts. The main differences between the two Acts affecting the regulations are set out in the following table.

Appointment of inspectors and enforcing authorities	
RMRTA: Section 1	RMRTA: The Secretary of State may appoint inspectors.
HSWA: Sections 13(1)(a) and 19	HSWA: Enforcement by Health and Safety Executive or any appointed enforcing authority. The Health and Safety Commission may also make

	‘agency agreements’ for enforcement by other bodies as at present with the police and VOSA on roadside checks.
Powers of inspectors	
The powers are set out in more detail in HSWA. They are broadly similar, however HSWA makes provision for an appeals procedure. The other significant difference relates to the prohibition notice (PN):	
RMRTA: Sections 3 to 5	RMRTA: a PN may be issued for any breach of the regulations, even if there is no safety risk.
HSWA: Sections 20 to 25	HSWA: a PN may only be issued if there is likely to be a risk of serious personal injury or damage to the environment.
Penalties in a Magistrate’s Court	
In some instances the same infringement under RMRTA would result in lesser penalties e.g:	
RMRTA: Section 6	Obstructing an inspector - a maximum fine of:- RMRTA: £1,000 Contravening a prohibition notice imposing a fine or prison sentence (or both) of a maximum of RMRTA: £5,000 and/or 2 months
HSWA: Section 33	Obstructing an inspector - a maximum fine of:- HSWA: £5,000 Contravening a prohibition notice imposing a fine or prison sentence (or both) of a maximum of HSWA: £20,000 and/or 6 months
Fees	
A packaging approval for class 7 goods carried by road is not subject to fees at present, but for all other classes/modes fee charging provisions apply:	
RMRTA: Section 7	RMRTA: Fees are not currently charged for any competent authority functions because the provisions in the Act are not clear.
HSWA: Section 43	HSWA: Fee charging powers are explicit.

20. The demarcation between the Acts regulating carriage of radioactive materials and other dangerous goods has always been supported by Ministers. However, in light of changes since 1991 such as the ADR and RID Framework Directives, the privatisation of the railways and the more recent Government initiative on deregulation we are proposing to make the regulations under the 1974 Act alone. (The Framework Directives apply to the carriage by both road and rail of *all* classes of dangerous goods, including radioactive materials). This does not in any way water down the regulatory provisions for the carriage of Class 7 goods by road – the provisions of the 1974 Act effectively encompass all corresponding provisions of the 1991 Act.

HSWA gives the ability to seek greater penalties in the Magistrates Court. This is less of an issue for breaches taken through the Crown Court, although prosecutions such as the one outlined below had to be taken jointly under the two Acts (through the Crown Court) to achieve the level of penalties. This supports the case for making the regulations under the HSWA alone.

In March 2002, a specialist contractor was contracted to remove material, previously used in cancer treatment, from a hospital and transport it by road to Windscale, Cumbria, for disposal. At Windscale, very high radiation levels were discovered coming from the specialist container used to transport the material.

A joint prosecution brought by the Health and Safety Executive (HSE) and the Department for Transport (DfT) against the contractor resulted in the company being fined a total of £250,000 and being ordered to pay £151,323 prosecution costs. The company had previously pleaded guilty to criminal charges under health and safety and road transport law, of exposing employees and subcontractors to potentially very high risks from radiation.⁶

In addition, it should be noted that we do not intend to widen charging for competent authority functions without further consultation.

21. Further changes to the regulations are as a result of harmonisation with the UN Model Regulations, International Maritime Dangerous Goods (IMDG) Code and the ICAO Technical Instructions. These ensure that carriage regulations for road, rail, sea and air keep in step in the facilitation of multimodal carriage. Changes that result from the globally harmonised system of classification and labelling benefit industry overall, in that rules governing not only carriage but also supply, use and storage are further aligned, thus reducing costs while improving health and safety.
22. Other changes are the result of proposals from the various sectors of industry and are made for a variety of reasons:
- to provide for the carriage of new products on the market;
 - to provide for changes within the industry and practices employed; and
 - to ease the regulatory burden on industry while still maintaining a satisfactory safety framework.

⁶ <http://www.hse.gov.uk/PRESS/2006/e06017.htm>

23. Such changes are therefore of an overall benefit to the industry even if the change entails some initial outlay to adapt to the new system. Furthermore, a number of the 2007 changes to ADR and RID are of benefit to industry – who have requested that they be permitted to start using relevant provisions in *advance* of their implementation into domestic law (via the Framework Directives) by 1 July 2007.

Transitional measures

24. Some changes have transitional measures attached. These can be open ended (e.g., new impact test for portable tanks), thus allowing existing equipment can be used to the end of its natural life. It also means that the new costs come with new equipment - which is less expensive and disruptive than making retrospective changes to existing equipment.
25. Also, transitional arrangements provide for a reasonable lead in period (e.g., new tanks for Class 3, packing group I), so costs are staggered and (e.g., new label for Class 5.2) existing stocks can be used up. In addition, in cases such as new marking on tanks or pressure receptacles, transitional measures can be timed to coincide with the date of the next inspection so that equipment does not have to be taken out of service.
26. Annex 2 to this RIA summarises further impending changes (some of them originating in earlier versions of ADR and RID but finally coming into force during 2007) which have been identified as likely to have some impact on stakeholders. It also flags up two reviews we are planning to carry out.

Higher-impact changes

27. There are a small number of potentially higher impact changes. These are outlined below at paragraphs 28 - 47.

Change	Paragraph(s)
Assignment of fireworks to hazard divisions	28 - 31
Manlid covers	32 - 34
Orange coloured plate marking	35 - 37
Signage for road tunnels.	38 - 42
Tanks – use of technical codes and standards	43 - 47

Assignment of fireworks to hazard divisions

28. The Enschede fireworks disaster (Holland, 13 May 2000) left 23 people dead and approximately 950 injured; 2,000 homes were destroyed, and 1, 250 people made homeless. The cost of the damage was estimated at €0.5bn.

The UN Committee of Experts on the Transport of Dangerous Goods (UNCETDG) agreed to carry out a major review of the classification of fireworks. A new default table of firework classification criteria, and text, has been added to ADR 2.2.1.1.7, *Assignment of fireworks to hazard divisions*. Also, special provision 645 has been amended to clarify the competent authority's powers for the classification of fireworks under the new fireworks

default classification system adopted in 2.2.1.1.7.2. This will simplify the classification criteria for fireworks and avert the need for package testing.

29. The UK has used a default classification system for a number of years, so there are no additional benefits for GB dutyholders. UK experts and industry representatives have been proactive in the development of this international system, and have limited the impact on the UK fireworks industry as far as safety would permit. Nevertheless for some types of fireworks the classifications have changed – generally moving to a higher classification – therefore there will be some associated cost to industry, as well as a cost associated with the approval of the classification by the competent authority (£60 per hour, and assuming an average of 5 hours per company spent by HSE on reclassification and approval).
30. These costs are extremely difficult to estimate, as the reclassification will depend on factors such as firework size, nature of explosive composition and percentage of flash composition. Current figures suggest that there are approximately 100 companies that have competent authority documents (CADs) for fireworks, and between 10 and a few thousand fireworks on each CAD. Only certain fireworks will need reclassification and this will be done on the basis of additional information supplied by the companies.

31. **We assume that the overall costs are likely to vary but will approximately be a one off payment of £300 per company, giving a total figure of £30,000 - on the basis of:**

(£300 per company x 100 companies = £30,000).

There may be additional costs for fireworks moving from TC2 to TC1 and from TC1 to TC0. Unfortunately, it is impossible for DfT or HSE to estimate these costs. However, the major benefit is in increased safety during transport by properly reflecting the hazards of fireworks – in other words, if these regulations were to avert a single serious injury (*the average monetary impact of which can be estimated at approximately £156,000*) then this far outweighs any associated costs.

Manlid covers

32. Manlids allow access to the interior of a tanker to carry out cleaning or repairs. The design of manlid cover base plates for tanks built from the date these regulations come into force now has to comply with EN 13094 instead of EN 13317 - thus involving a change for UK industry from *cast* manhole cover base plates to the *wrought pressed* design prescribed by EN 13317.
33. In mainland Europe there is less additional pipework &c within tanks than in the UK – since service equipment is often fitted not in the tank interior (as is generally the case in the UK), but on the tank shell or exterior. *Wrought pressed* lids, which are of uniform thickness, require additional flanges and seals to prevent leaks.

34. **Currently there are approximately 650 tanks built per annum - 75% of which are for the GB market; we estimate the cost of building a tank to be in the region of £800 - £1500; therefore, the estimated recurring cost per annum to tank builders and equipment manufacturers is likely to be in the region of £546, 000 to £887, 250. This is on the basis of:**

**(£800 - £1500 per tanker x 487.5 (75% of tanks built pa) =
(£390,000 to £731,250) pa**

The wrought material at selling price costs typically £80 more than the casting; therefore, there is an additional cost to the equipment manufacturers:

**£80 x 4 (compartments per vehicle) x 487.5 (75% of tanks built pa)
= £156,000 per annum.**

This gives a total figure of £546, 000 to £887, 250 = (£390,000 to £731,250) + (£156,000)

Orange coloured plate marking

35. The requirements in ADR and RID 5.3.2 for orange-coloured plates have been amended so that the mounting of the plate must withstand 15 minute's fire engulfment. For RID, the plate *and any covering* must also withstand 15 minute's fire engulfment. This may entail some extra costs to industry if the mountings for the plates are not manufactured to the same performance standards as the plates themselves.
36. It is difficult to anticipate the actual cost to industry as there are approximately 490,000 HGVs⁷, ranging from rigid vehicles, through articulated vehicles (over 3.5 tonnes), to smaller commercial vehicles. Of course, not all of these vehicles would be carrying dangerous goods; nor would all dangerous goods vehicles necessarily need to be fitted with stronger mounting brackets as they may already meet the requirements.
37. We estimate the cost of change to be a one-off payment of approximately £20 per tank (on average). This may vary depending on the degree of wear and tear to the plate holder over of the period of use – however, the impact of this change is lessened by the permitted alternative of self-adhesive sheets. Also, in GB these requirements are already met, by virtue of the same equipment being used for road as for rail.

Signage for road tunnels.

38. From 1 January 2010, any restrictions on the carriage of dangerous goods through road tunnels, set by tunnel managers, will need to meet the categorisation system set out in Section 1.9.5 of ADR. Signs describing the restriction(s) will have to comply with sub-sections 1.9.5.3 and 8.6.2 of ADR; Department for Transport (DfT) will liaise with tunnel managers on an implementation plan, following this consultation.
39. The system allows for 5 categories covering different levels of risk:

⁷ *Transport Statistics Bulletin (Road Freight Statistics 2005)* – 1.5, table 'Population of heavy goods vehicles'

Category	Restriction (See ADR 1.9.5.2.2 for details of restricted dangerous goods)
A	No restrictions for the transport of dangerous goods
B	Restriction for dangerous goods which may lead to a very large explosion
C	Restriction for dangerous goods which may lead to a very large explosion, a large explosion or a large toxic release
D	Restriction for dangerous goods which may lead to a very large explosion, to a large explosion, to a large toxic release or to a large fire
E	Restriction for all dangerous goods other than UN Nos. 2919, 3291, 3331 and 3373

40. Eight tunnels have been identified that currently apply restrictions, none of which are privately owned; in total approximately 54 signs have been identified, covering road tunnels:

Table A: industry-managed tunnels		
Tunnel manager	Tunnel	No. of signs
Transport for London	East India Dock Tunnel	26
	Limehouse Link	26
	Blackwall Tunnel	22
	Rotherhithe Tunnel	6

Table B: other tunnels		
Tunnel manager	Tunnel	No. of signs ⁸
Local Authority	Dartford Tunnel	
	Mersey Tunnel	
	Tyne Tunnel	
Highways Agency	Clyde Tunnel	

⁸ Due to lack of information, it has not been possible to include the total number of signs in non industry-managed tunnels.

41. **Costs: the main impact for tunnel managers is a one-off cost for replacing existing signage. This can be done at any time up to the end of 2009 and could be planned to coincide with other maintenance work.**

We estimate the cost of replacing these signs for LA / Highways Agency - managed tunnels to be approximately

(26 as highest no. of signs x £600 per sign) = £15, 600; £15, 600 x 8 (total no. of tunnels) = £124, 800

However, there would be additional costs in labour and traffic management, on the basis of (£4.45 to £5.35) (min wage per hr) x 2 (workmen) x 26 signs in total = (£231.40 - £278.20).

(£231.40 to £278.20) x 8 (no. of tunnels) = £1, 851.20 to £2, 225.60

Giving a total figure of £124, 800 + (£1, 851.20 to £2, 225.60) = (£126, 651.20 to £127, 025.60)

NB that Mersey, Tyne and Dartford Tunnels would be able to recoup costs from toll charges.

42. Benefits: once implemented, managers of the Mersey, Tyne, Dartford and Clyde tunnels will no longer have to review and revise their websites every two years to adopt the biennial ADR changes. Also, information on all 7 tunnels will be published on the DfT or Highways Agency website - making it easier for carriers to plan routes for delivering dangerous goods.

Tanks – use of technical codes and standards

43. In 2003 the Health and Safety Commission consulted on the implementation of the 2004 Carriage Regulations⁹. The major cost was identified as compliance with ADR tanks standards for the first time. A significant part of the cost was related to an increase in tank-shell thickness and the potential for reduced pay-load. The regulatory impact assessment estimated the cost relating to increased shell thickness at £1,500 per tank.
44. HSC considered that reduced payload could be avoided as tanks are available in a range of sizes. The decision on the size of tank purchased in the future would take account of its capacity. The new tank would be more expensive (this is accounted for above). In the same way that the new general vehicle weight limits (increase in maximum axle weight introduced in 2001) make no operational difference for lower than maximum weight tanks, then the capacity change also makes no operational difference.
45. The Competent Authority has recognised 12 technical codes/standards as meeting the requirements of ADR – which need to be reviewed in the light of new standards directly referenced in ADR. If any of these technical codes/standards need to be withdrawn (or limited in application) by 2009 there

⁹ <http://www.hse.gov.uk/consult/condocs/cd188.pdf>

could be further costs in addition to those estimated for the 2004 regulations. The only technical code causing concern is ASME VIII – which is due to be limited in application (from a date to be agreed, but before 2009) as EN 13094:2004 will from 1 January 2007 be extended to low pressure tanks.

46. It is difficult to estimate the additional costs associated with the limitation of scope of ASME VIII. In 2003 the Freight Transport Association (FTA) estimated that 1,550 new tanks per year were built in the UK (400 rigid; 250 semi-trailers; 500 general chemical tanks; and 400 gas and waste tanks). The FTA do not believe this figure has changed significantly. Several manufacturers have confirmed that about 25% of new tanks would be for Northern Ireland and the Republic of Ireland, with the remaining 75% (1,150 tanks) destined for the GB market. Aluminium and stainless steel tanks are not affected by the change; carbon-steel tanks are affected and these account for about 30% of tanks – 350 tanks per year.
47. A number of companies already manufacture to EN 13094, so are not affected by this change. Other companies manufacture to both ASME VIII and EN 13094 – in other words, they already have the relevant facilities and training in place.

Costs:-

The increase in shell-thickness has already covered by the 2003 consultation. No additional increase is expected.

Testing – extra initial test costs in relation to radiography and finite element analysis do not need to be carried out on every tanks. An inspection body has estimated an overall cost per tank of about £150.

$350 \times £150 \times 2 = £105,000$ (NB £52, 500 falling in each of years 2 and 3, since changes are likely to take place in the second half of 2008)

48. Manual handling: the increase in shell-thickness from 3mm to 4mm may have implications for manual-handling, although most companies (as they already manufacture to EN13094) will already have lifting equipment in place.

Benefits

Consolidation of CDG and RAMRoad

49. This approach has clear advantages to industry: all the requirements relating to carriage by road and rail (including the carriage of radioactive materials – class 7 - by road) would be in a *single* set of regulations. This would:
- remove difficulties arising from having to cross-check requirements across a number of regulations;
 - benefit consignors and carriers, as directly referencing the provisions of ADR and RID would mean fewer differences between domestic and international carriage of dangerous goods;
 - reduce the impact on domestic legislation of the biennial cycle of amendments to ADR and RID.

Update of the 2007 changes

50. A number of the proposed 2007 changes to ADR and RID, in relation technological development of new and refined products/processes, have been adopted at the request of industry, through regular consultation in support of international meetings. Industry can now easily identify those changes and focus on ones that will have a significant impact for them; allowing them to start using relevant provisions and thereby adapt to technical progress in advance of the implementation of these changes into domestic law by 1 July 2007. Some of the relaxations and new options available (e.g., re classification and packaging) will bring actual cost savings to industry.

Costs

51. Paragraphs 52. – 56 detail costs arising from the high-impact changes to ADR and RID identified in paras. 28 - 47 above.
52. Industry will need to become familiar with the requirements of CDG 2007. Familiarisation costs are likely to be low as CDG 2007 would bring together many existing requirements into a single set of Regulations governing the carriage of dangerous goods by road and rail – requirements which at present are spread over a number of statutory instruments. Balanced against these minimal familiarisation costs are several changes to the regime which should simplify and rationalise administrative requirements and lead to cost savings.
53. We estimate approximately £200 per company as the maximum cost of purchasing hard copies of the required documents – i.e., CDG 2007, ADR and RID; and, an estimated 800 companies deal with the carriage of Class 7 dangerous goods. However, since all the required documents will be available (electronically) free of charge, this cost could disappear entirely.

Reporting of accidents and incidents under ADR and RID

54. Under CDG 2007, all serious accidents or incidents that occur during loading, filling and unloading (not simply those that occur during carriage will) need to be reported to Department for Transport. This is a new requirement that will be in addition to, and separate from, the existing system under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR.)
55. In 2005 DfT received notifications of 13 incidents and HSE received reports of 21 incidents under RIDDOR; it is thought that extending the scope of the notification requirement would only lead to a small increase in notifications. Although there is some duplication of information required by the two reporting systems the burden on industry is not expected to be significant and associated costs should be negligible.

Total costs to industry

56. The total costs to industry are estimated as follows:

Year 1: **£190, 000 (one-off)**
Year 2: **£651, 000 to £992, 250**
Year 3: **£651, 000 to £992, 250**

This does not incorporate the ‘per tank’ cost estimated for orange-coloured plate marking.

Total costs to local authorities / Highways Agency (tunnel signage) are estimated at **£126, 651.20 to £127, 025.60**

Below is a summary of costs which may be incurred by industry, split into (a) one-off costs; (b) total costs per annum:

(a) Year 1 (including one-off costs)		Paras.
<i>Change</i>	<i>Costs</i>	
Assignment of fireworks to hazard divisions	£30,000	28 -31
Orange coloured plate marking	£20.00 per tank¹⁰	35 - 37
ADR and RID familiarisation costs for Class 7	£200 per company x 800 companies = £160, 000	52 – 54
	£30,000 + £160, 000 = £190, 000	

(b) Year 2**		Paras.
<i>Change</i>	<i>Costs</i>	
Manlid covers	£546, 000 to £887, 250	32 - 34
Tanks – use of technical codes and standards	£105,000	43 - 47
	£651, 000 to £992, 250	

(b) Year 3**		Paras.
<i>Change</i>	<i>Costs</i>	
Manlid covers	£546, 000 to £887, 250	32 - 34
Tanks – use of technical codes and standards	£105,000	43 47
Signage for road tunnels	£126, 651.20 to £127, 025.60*	38 - 42
	£777, 651.20 to £1, 119, 275.60	
* a cost incurred by local authorities / Highways Agency		
** - these costs recur in Years 2 and 3 only		

¹⁰ Unfortunately, due to lack of evidence, it has not been possible to estimate this specific one-off cost to industry. However, we had consulted industry for their views on these costs, but had received no response or evidence.

Small firms impact test

57. The majority of changes reflected in the draft CDG 2007 regulations are relaxations. Furthermore, additional higher-impact changes (attracting higher costs) will mainly affect large businesses; therefore, we have assessed these higher-impact changes as likely to have little or no impact upon SMEs.

Competition assessment

58. If implemented, this proposal is likely to have little or no effect on competition. It does not significantly distort either trade or transport modal markets - as the proposed Regulations will be applied in harmonisation across road and rail, and will apply equally to domestic and international carriage by both UK and EC operators. If not implemented, GB industry would be disadvantaged with regard to international carriage.

Enforcement

59. The Health and Safety Executive (HSE) is the enforcing authority for most aspects of the carriage regulations in relation to carriage of dangerous goods by road, and some aspects of carriage of dangerous goods by rail. HSE has concluded agency agreements to allow suitably appointed police officers and VOSA (Vehicle and Operators Standards Agency) officers to enforce the regulations "on the road". The Office of Rail Regulation (ORR) is the enforcing authority for most of the carriage by rail provisions. The Secretary of State for Transport is the enforcing authority for most security provisions and many aspects of the carriage of class 7 goods by road.
60. All enforcing authorities follow principles of Proportionality, Targeting, Consistency, Transparency, and Accountability, in accordance with the *Enforcement Concordat* agreed between the Cabinet Office, Home Office, Scottish Executive and Local Authority associations.
61. Enforcement officers have a range of powers that can be applied to the enforcement of the carriage regulations. In general, the approach is to ensure that the action taken is proportionate to the nature of the risk and/or the contravention and takes account of the overall record of the duty holder - enforcement effort being focused on the regulatory requirements that contribute most significantly to the safety of the public with other, less serious, breaches normally attracting either written or verbal advice. This focus is particularly important as the legislation is prescriptive.
62. The proposed CDG 2007 regulations would not substantively alter these arrangements, other than by directly appointing the police as an enforcing authority rather than through an agency agreement with the Health and Safety Commission. This is subject to agreement with Associations of Chief Police Officers representing England, Scotland and Wales.

Monitoring and evaluation

63. Ongoing monitoring of the impact of these regulations will be performed via a number of existing enforcement and industry liaison bodies.

Declaration and publication

I have read the regulatory impact assessment and I am satisfied that the benefits justify the costs

Signed

Date

**Dr Stephen Ladyman
Minister of State
Department for Transport**

ANNEX 1 to RIA

THIS TABLE IS BASED ON AN ANALYSIS PREPARED BY SCIENTIFICS LIMITED¹¹ FOR THE DEPARTMENT FOR TRANSPORT: ‘MAIN CHANGES MADE TO THE EUROPEAN AGREEMENT CONCERNING THE INTERNATIONAL CARRIAGE OF DANGEROUS GOODS BY ROAD (ADR) AND THE REGULATIONS CONCERNING THE INTERNATIONAL CARRIAGE OF DANGEROUS GOODS BY RAIL (RID) FOR THE 2007 EDITIONS’

Summary of all minor / low-impact changes - numbered sequentially throughout, for ease of reference – so (e.g.) Change #3 = ADR / RID change relating to overpacks

No.	ADR/RID	Subject/Changes	Comments
1	1.1.3.2.(f)	<p>Exemption for storage tanks</p> <p>The scope of this exemption now extends to uncleaned empty static or storage vessels and tanks which have contained non-toxic gases of Class 2, substances of Class 3 or Class 9, PGs II or III and pesticides of Class 6.1, PGs II or III.</p>	<p>A plus for industry as the exemption will be widened.</p> <p>This exemption partially meets the UK road and rail derogations for nominally empty storage tanks and these derogations will be relinquished. For storage tanks not covered by this change, movement will be permitted through the authorisations system</p>
2	1.1.4.2.1	<p>Aquatic pollutants</p> <p>Derogation extended to Class 9 substances to ensure that aquatic pollutants which are not marine pollutants are covered by ADR/RID.</p>	
3	1.2.1 5.1.2.1(a) and (b)	<p>Overpacks</p> <p>Amended definition of overpack - the “Single Consignor” usage will now be restricted to the use of an overpack for Class 7.</p>	<p>These changes are included in the DfT Authorisation 53 for the early implementation of the 2007 editions of ADR/RID at the request of GB industry</p>

¹¹ <http://www.scientifics.com/>

No.	ADR/RID	Subject/Changes	Comments
			and are therefore of a benefit to industry.
4	1.8.3.10 1.8.3.12 1.8.3.12.1 – 3 1.8.3.12.4	DGSA A number of amendments have been made in a review of the DGSA provisions. <i>[include a couple of examples]</i>	No cost to industry - mainly clarifications and are in line with the current GB practice.
5	1.8.5.1	Reporting of accidents and incidents Under the 2007 ADR/RID Regulations 1.8.5.1 Notifications of occurrences involving dangerous goods, it is now a requirement to report serious accidents or incidents that occur during loading, filling and unloading, in addition to those during carriage. Whilst currently reportable under GB legislation e.g. RIDDOR, this will entail another separate report to the Department of Transport.	In 2005 DfT received notifications of 13 incidents and HSE received reports of 21 incidents under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR). It is not expected that the number of notified incidents will increase significantly. Extending the scope of the notification requirement will only lead to a small increase in notifications. Although there is some duplication on the information required for the two reporting systems the burden on industry is not expected to be significant. It is difficult to accurately estimate the costs of this requirement, but it is expected that they will be negligible.
6	2.2.3.1.1	Classification of Flammable liquids The upper classification criteria limit for Class 3 has been changed from 61°C to 60°C	A minor relaxation for industry.
	2.2.41.1.9(b) Table	Self-reactive substances Clarification of how mixtures of oxidizing substances with combustible	A clarification having minimal impact.

No.	ADR/RID	Subject/Changes	Comments
7		organic substances should be classified.	
8	2.2.61.1.7 Table	Toxic substances Acute oral, dermal and inhalation toxicity classification criteria for Class 6.1 table have been amended.	Minimal impact – possibly some administrative benefits to industry arising from harmonised criteria for supply, use and carriage
9	Table A, Chapter 3.2 4.1.4.1 (P650) 1.10.5 (Table)	Class 6.2: Infectious Substances New provisions for the carriage of infectious substances of Class 6.2 in bulk have been introduced. These include new definitions of “cultures” and “patient specimens”, and revised packaging criteria including amendments to packing instruction P650 in 4.1.4.1	These requirements have been covered by updated guidance and are included in the DfT Authorisation 53 for the early implementation of the 2007 Editions of ADR/RID at the request of GB industry and are therefore a benefit to industry
10	LQ19 Table A Chapter 3.2	Limited Quantities LQ19 has been amended to LQ7 for all the substances (except UN2809), thus raising the threshold from 3 litres to 5 litres	Relaxation for industry
11	Table A Chapter 3.2 UN1263 UN3066 UN3469 UN3470	Paints New tank SPs have been added to entries of UN1263 and UN3066 to allow a relaxation in the portable tank requirements if a lower test pressure is acceptable according to the test pressure definition in 6.7.2.1. New entry UN3469 has been added to cover paint and paint related materials which are flammable and corrosive (Class 3); and new entry UN3470 has been added to cover paint and paint related materials which are corrosive and flammable (Class 8)	Relaxation
12	Chapter 3.2 Table A	Chromium Oxide (UN1463) Toxic Labels In addition to 5.1 and 8 labels, packages should bear the toxic label which is	Minimal costs

No.	ADR/RID	Subject/Changes	Comments
		<p>indicated against UN1463.</p> <p>Carriage Restrictions: IBCs including those of type 31HZ2 are to be carried in closed transport units and wagons and the requirements regarding loading with foodstuffs are to be observed.</p>	
13	Chapter 3.2 Table A UN1779 and UN3412	<p>Formic acid</p> <p>UN 1779 has been amended to read “FORMIC ACID with more than 85% acid by mass”. Consequential amendments have been made and two new entries created under UN3412 in Table A to cover formic acid with not < 10% but not > 85% and with not < 5% but < 10% acid.</p>	This change clarifies the classification of FORMIC ACID
14	Chapter 3.2 Table A UN1848 and UN3463)	<p>Propionic acid</p> <p>A new entry, UN3463 for propionic acid with not less than 90% acid has been added to Table A of Chapter 3.2 and UN1848 has been amended to read “PROPIONIC ACID with not < 10% and < 90% acid by mass”.</p>	This change clarifies the classification of PROPIONIC ACID
15	Chapter 3.2 Table A 6.2.4.3.1 6.2.4.3.2 6.2.4.3.3	<p>Aerosols (UN1950) and gas cartridges (UN2037)</p> <p>Various amendments made to UN1950 and UN 2037 in Table A of Chapter 3.2:</p> <p>In line with the text 5.4.1.1.3, for the carriage of waste aerosols new Special provision SP327 has been added in Chapter 3.3. “P204” to be replaced by “P003 LP02” detailing package limits and “PP17 PP87 RR6 L2” has been added to packaging arrangements in 4.1.4.1.</p> <p>New Special provision V14/W14 has been added to 7.2.4 which requires waste aerosols of UN1950 being carried for the purposes of reprocessing or disposal must only be carried in ventilated or open wagons/vehicles or containers.</p> <p>New provisions have been included in 6.2.4.3.1 and 6.2.4.3.2. and 6.2.4.3.3 amended, detailing alternatives to the water bath test for small receptacles containing gas (gas cartridges) (UN2037) and aerosol dispensers (UN1950)</p>	The new requirement is not mandatory. Industry may incur initial outlay costs – but this will be an overall benefit with regard to water-bath testing.

No.	ADR/RID	Subject/Changes	Comments
16	Chapter 3.2 Table A	<p>Hydrazine (UN2030)</p> <p>A number of amendments have been made to UN2030 in Table A of Chapter 3.2. A relaxation in the portable tank code requirement for each packing group has been made in line with the tank rationalised approach. A new entry under UN2030 has been added for aqueous solutions of hydrazine with more than 37% hydrazine but with a flash point of not more than 60°C. Consequentially SP298 in Chapter 3.3 has been deleted.</p>	Relaxation
17	Chapter 3.2 Table A UN2662 and UN3435	<p>Hydroquinone</p> <p>UN2662 and UN3435 have been deleted as they no longer regarded as Class 6.1</p>	Relaxation
18	Chapter 3.2 Table A UN2880	<p>Calcium Hypochlorite</p> <p>Both entries for UN2880 have been amended to allow greater flexibility for the classification of mixtures of hydrated calcium hypochlorite.</p>	Relaxation
19	Chapter 3.2 Table A UN3291 7.3.2.6.2	<p>Clinical Waste</p> <p>Bulk instruction “BK2” has been added to the entry for UN3291 to permit the carriage of clinical waste in bulk containers.</p> <p>New provisions have also been added regarding the carriage of clinical wastes in bulk and for the appropriate precautions to be taken.</p>	Greater flexibility, but costs possibly entailed for industry
20	Chapter 3.2 Table A UN3373	<p>Category B Infectious Substances</p> <p>UN3373 has been amended to read “Biological Substance, Category B” and provisions added for placarding and carriage in portable tanks to provide for the carriage of contaminated blood.</p>	Greater flexibility, but costs possibly entailed for industry
21	Chapter 3.2 Table A UN3473 Chapter 3	<p>Fuel Cell Cartridges</p> <p>New entry under UN3473 has been added for fuel cell cartridges containing flammable liquids.</p>	Greater flexibility, but costs possibly entailed for industry

No.	ADR/RID	Subject/Changes	Comments
	Special Provision 328 Chapter 3.3	P003 and PP88 has been added detailing the precautions to be taken in packaging these cells. New SP328 defines these cells and sets out certain precautions.	
22	Special Provision 216 Chapter 3.3 UN3175	Solids containing flammable liquid SP216 which relates to UN3175 solids or mixture of solids containing flammable liquid, n.o.s has been amended to include articles as well as sealed packets in the exemption for small amounts of flammable liquid.	Relaxation
23	Chapter 3.3 UN3316 Special Provision 251	Carriage of repair kits SP251 has been amended to cover repair kits and extend the relaxation that repair kits carried on board a vehicle or wagon for operating purposes are not subject to ADR/RID.	Relaxation
24	Chapter 3.3 Special Provision 330	Alcohols containing petroleum products SP330 has been added to clarify that alcohols containing up to 5% petroleum products shall be carried under UN1987.	Relaxation
25	Chapter 3.3 Special Provision 601	Pharmaceuticals SP601 which exempts pharmaceutical products ready for use from ADR/RID has been amended to clarify its use solely to pharmaceutical products which are medicines, but which include alternative medicines	Relaxation
26	Chapter 3.3 Special Provision 617 Chapter 3.3	Explosives Information on transport document SP617 (applying to certain blasting explosives) has been amended to allow for a relaxation on information that needs to appear on the transport document.	Relaxation
27	4.1.3.6 4.1.4	Liquids and solids in pressure receptacles 4.1.3.6 text has been amended to set out the provisions for the carriage of liquids and solids in pressure receptacles thereby increasing flexibility in the use of these receptacles. There are related consequential amendments.	Relaxation

No.	ADR/RID	Subject/Changes	Comments
28	P800(2) 4.1.4	Mercury (UN2809) P800 (2) of 4.1.4 the capacity of steel flasks or bottles has been raised from 2.5 litres to 3 litres.	Relaxation which reflects long-established practice
29	4.1.4.3	IBCs (including bowsers) for petrol (UN1203) Special packing provision BB2 has been added to IBC02 in 4.1.4.3 which states IBCs shall only be used for UN1203 when the actual vapour pressure is not more than 110kPa	A restoration of the previous position – no impact as no IBCs have been approved for carriage of petrol in UK.
30	5.2.1.9	Orientation Labels Three new paragraphs have been added detailing the requirements for the design and use of “orientation labels”.	Allows greater flexibility – a benefit
31	5.2.2.1.7	Large packaging - Labelling 5.2.2.1.7 has been amended to the effect that large packagings must be marked and labelled on two opposite sides.	Minimal costs. This will be a more onerous requirement than at present.
32	5.2.2.2.1.1 5.3.1.1.1	Flexibility of labelling 5.2.2.2.1.1 has been amended to permit the use of dotted boundary lines or a contrasting background for labels. A similar provision has been added in 5.3.1.1.1 for placards.	Minor relaxation
33	5.2.2.2.2 1.6.1.2	Class 5.2 Organic peroxides The label has been replaced with a revised style (upper half red; lower half yellow). Consequentially, an additional paragraph has been added to 1.6.1.2 to allow the use of the existing label for these substances until 31 December 2010.	Minimal costs - a reasonable lead-in period has been provided for, costs to industry for replacement labels, amendment of software &c
	5.3.1.1.2	Division 1.4 Compatibility Group S explosives - Placards New paragraph has been added to clarify that wagons/vehicles and large	A clarification.

No.	ADR/RID	Subject/Changes	Comments
34		containers loaded with explosives of Division 1.4S are exempt from bearing placards.	
35	5.4.1.1.6	<p data-bbox="504 338 1238 371">Empty uncleaned means of containment - documentation</p> <p data-bbox="504 384 1509 491">Revised Special Provisions in 5.4.1.1.6 for empty uncleaned means of containment and their declaration on the transport document, have been added to clarify the current requirements and to provide for alternatives.</p>	This was at the request of GB industry - a benefit.
36	5.4.1.2.3.3	<p data-bbox="504 558 1189 592">Competent authority approval for Classes 4.1 and 5.2</p> <p data-bbox="504 604 1503 746">5.4.1.2.3.3 has been amended so that for the carriage for self-reactive substances of Class 4.1 and organic peroxides of Class 5.2 where a competent authority approval has been required, a copy of the approval with the conditions of carriage, has to be attached to the transport document.</p>	Minimal costs to industry
37	6.7.2.19.1 6.7.3.15.1 6.7.4.14.1	<p data-bbox="504 766 949 799">New impact test for portable tanks</p> <p data-bbox="504 812 1503 954">The text and list of Standards in 6.7.2.19.1 dealing with impact tests (of railway origin) for portable tanks meeting the definition of container in CSC, have been replaced by direct reference to the Dynamic Longitudinal Impact Test.</p> <p data-bbox="504 967 1447 1074">Similar amendments have also been to 6.7.3.15.1 (portable tanks for non-refrigerated gases), 6.7.4.14.1 (portable tanks for refrigerated gases) and 6.7.5.12.1 for MEGCs.</p>	Simplification / relaxation
38	6.7.5.5.1 6.7.5.5.2 6.7.5.6.1 6.7.5.6.2	<p data-bbox="504 1096 667 1129">UN MEGCs</p> <p data-bbox="504 1142 1503 1214">The CGA Standards for pressure relief devices in 6.7.5.5.1 and 6.7.5.5.2 have been updated.</p> <p data-bbox="504 1227 1476 1299">The marking requirements for pressure relief devices in 6.7.5.6.1 have been amended and 6.7.5.6.2 deleted.</p>	Minimal impact , since few (if any) MEGCs in GB.
	7.5.7.1 7.5.7.3	<p data-bbox="504 1316 792 1350">Handling and stowage</p> <p data-bbox="504 1362 1514 1396">The current requirements of ADR in 7.5.7.1 to 7.5.7.3 concerning the handling</p>	Minimal impact – consistent with current GB practice

No.	ADR/RID	Subject/Changes	Comments
39		and stowage of packages on vehicles and any related equipping of vehicles to facilitate stowage have been revised. The revised provisions have been added to RID as new requirements.	
40	1.2.1	<p>Tank record</p> <p>New definition of “Tank record” has been added for ADR/RID tanks. This record will contain all the important technical information on the tank, battery wagon/vehicle or a MEGC such as the certificates required in Chapter 6.8 relating to the various inspections and tests the tank is required to undergo. <i>For details of changes see 1.2.1</i></p>	Minimal costs to industry – change reflects current GB best practice
41	1.6.3.31 1.6.4.9 6.8.2.7	<p>Technical codes and Standards no longer recognised</p> <p>New transitional measures 1.6.3.31 and 1.6.4.9 have been added to allow the continued use of tank wagons/fixed tanks (tank vehicles), demountable tanks, battery wagons/vehicles, tank containers and MEGCs designed and constructed in accordance with technical codes no longer recognised according to 6.8.2.7.</p>	A benefit to industry -existing tanks can be retained to the end of their natural life.
42	1.6.3.17 4.3.4.1.2	<p>Tanks for Class 3, PG I</p> <p>A new transitional measure has been added in 1.6.3.17 under which tank wagons/fixed tanks and demountable tanks intended for the carriage of these substances and constructed before 1 July 2007 may continue to be used until 31 December 2018 (ADR) or 31 December 2022 (RID).</p> <p>A similar measure has been added in new 1.6.4.19 for tank containers, and there are further consequential amendments.</p>	No operators have been identified in Great Britain who have dedicated fleets for these products.
43	4.3.4.1.2	<p>Solids carried in tanks for liquids</p> <p>In the "Hierarchy of Tanks" in 4.3.4.1.2 amendments have been made to provide for a relaxation for the carriage of solids in tanks designed for liquids.</p>	A relaxation, allowing greater flexibility to industry
44	4.3.5 (TU26) SP 309	<p>Ammonium nitrate emulsions (UN 3375)</p> <p>Special tank provision TU26 of 4.3.5 which limits the degree of filling of</p>	A change made at the request of industry and included in DfT Authorisation 53; a

No.	ADR/RID	Subject/Changes	Comments
		<p>tanks to 85%, has been deleted to re-establish the previous situation.</p> <p>Special provision SP309 of Chapter 3.3 which relates to UN 3375, has been amended to clarify the classification criteria for AN emulsions etc. by detailing the differing compositions of emulsions, and suspensions and gels</p>	benefit to industry.
45	6.8.2.2.2	<p>Tanks - liquid tight closures</p> <p>The text in 6.8.2.2.2 has been amended to make it clear that the closure device on the end of the discharge pipe must be liquid tight. Measures must also be taken to enable the safe release of pressure in the discharge pipe before the closure device is removed.</p>	Confirms existing GB good practice; additional costs may be entailed for companies not working to this standard
46	6.8.2.2.3 1.6.3.1.5 1.6.4.17	<p>Flame traps/arrestors</p> <p>Following the reintroduction of a requirement for means to prevent the passage of flame into the tank or for the tank to be explosion pressure proof for substances of Class 3 in 6.8.2.2.3, a new transitional measure has been added in 1.6.3.15 whereby existing tank wagons/fixed tanks and demountable tanks constructed before 1 July 2007 but not so fitted may continue to be used until the next periodic inspection. A similar measure has been added in new 1.6.4.17 for tank containers.</p>	Not a major change - already industry practice as the requirement was adopted when previously in force.
47	6.8.2.5.1 1.6.3.2.5 1.6.4.15 1.6.3.26 1.6.4.6	<p>Marking of tank plate - type of test and external design pressure</p> <p>As a result of the amendment to 6.8.2.5.1 requiring the marking on the tank plate of the letters "P" or "L" to indicate the type of periodic test, new transitional measure 1.6.3.25 has been added. This marking need not be added to the tank plate until the first test after 1 January 2007 has been performed. A similar measure has been added in new 1.6.4.15 for tank containers.</p> <p>6.8.2.5.1 has also been amended to require the marking of the external design pressure on the tank plate. New transitional measure 1.6.3.26 exempts existing tank wagons/fixed tanks and demountable tanks constructed before 1 January 2007 from this requirement. A similar measure has been added in new 1.6.4.6 for tank containers.</p>	The new marking when applicable only has to be carried out on existing tanks at the next inspection thereby minimising the impact of these new measures.

No.	ADR/RID	Subject/Changes	Comments
48	6.8.2.5.2	<p>Marking of tanks - SPs</p> <p>The text in 6.8.2.5.2 has been clarified regarding the marking on tanks, in particular any applicable Special provision TA (dealing with the type approval) need no longer be shown.</p>	A minor relaxation
49	6.8.3.2.11 6.8.3.2.12	<p>Tanks - refrigerated liquefied gases</p> <p>In 6.8.3.2.11 and in 6.8.3.2.12 the text has been clarified in relation to the fitting of safety devices on tanks for the carriage of refrigerated liquefied gases.</p>	Change is response to a proposal from industry, reflecting GB practice.
50	6.9.2.10 6.9.4.2.1 6.9.4.2.2 6.9.4.2.3	<p>Fibre-reinforced plastics (FRP) tanks</p> <p>In 6.9.2.10 and in 6.9.4.2, the various standards referred to have been updated</p>	FRP road tankers are thought not to be currently used in Great Britain, and there is limited use of tank-containers. Simply an updating of European Standards.
51	1.6.2.4 1.6.2.5 6.2.3 6.2.2 6.2.5	<p>Technical codes and Standards no longer recognised</p> <p>New transitional measures have been added in new paragraphs 1.6.2.4 and 1.6.2.5 to allow the continued use without time limit of i) pressure receptacles designed and constructed in accordance with technical codes no longer recognised according to 6.2.3 and ii) pressure receptacles and their closures designed and constructed in accordance with standards applicable at the time of their construction and no longer listed in 6.2.2 or 6.2.5.</p>	A benefit to industry, allowing existing equipment to be retained to the end of its natural life.
52	Special Provision 653 Table A Chapter 3.2	<p>Small cylinders for carbon dioxide</p> <p>New SP653 has been added to this carbon dioxide entry which would simplify the carriage conditions of carbon dioxide (UN 1013) in small cylinders such as soda siphons, with a max capacity of 0.5 litres when packed in a certain way.</p>	A relaxation of carriage conditions for distribution of these commercial products.
53	Table A of Chapter 3.2	<p>Out of date gas entries</p> <p>Out-of-date gas entries have been deleted from Table A of Chapter 3.2, and some also from Tables 1 and 2 of P200 of 4.1.4.</p>	A benefit - follows a proposal from the gas industry to rationalise out-of-date and ill-defined entries for gases.

No.	ADR/RID	Subject/Changes	Comments
54	Special Provision 292 Chapter 3.3	Compressed gas (UN 1956) SP292 has been amended to clarify its use for mixtures containing not > 23.5% oxygen.	A clarification.
55	4.1.4.1 (P200)	Use of pressure receptacles In paragraph (10) of P200 in 4.1.4.1, new text has been added to the Special Provisions. The list of Standards in P200 has also been updated to include EN 1439:2005 and EN 14794:2005 for transportable refillable liquefied petroleum gas cylinders dealing with the procedures for checking before, during and after filling of respectively welded and brazed cylinders, and aluminium cylinders.	Updates which reflect current practice.
56	5.2.2.2.1.2	Pressure receptacles - obsolete or damaged labels Following a proposal from the gas industry, a relaxation has been included in 5.2.2.2.1.2 for carriage of empty pressure receptacles for gases of Class 2 with obsolete or damaged labels for the purposes of refilling or inspection as appropriate and the application of a new label or for disposal of the pressure receptacle.	A benefit - follows a proposal from the gas industry.
57	6.2.1.6.1 (c) 6.2.1.6.1 (d) 6.2.1.7.7 6.2.5.8.7 6.2.2 6.2.3 6.2.5.2.1 6.2.5.2.4 6.2.5.8.2 (g)	Requirements for construction and testing of pressure receptacles etc. <i>For detailed changes see ADR 6.2 &c</i>	A benefit to industry - providing greater flexibility for methods of inspection of pressure receptacles.
58	1.1.4.2.2 1.1.4.2.3	Carriage in a transport chain including maritime carriage For the carriage of dangerous goods under ADR where a sea journey is also involved, in an additional paragraph to 1.1.4.2.2, the allowance to placard and mark in accordance with the IMDG Code rather than ADR, has been extended	A relaxation, which provides greater flexibility in road journeys that also involve carriage by sea.

No.	ADR/RID	Subject/Changes	Comments
		from multimodal units (containers and tanks) to other vehicles and transport units but orange plate marking must still be shown.	
59	1.6.5.8	<p>Transitional measures - EX/II and EX/III vehicles</p> <p>The transitional measure in 1.6.5.8 for use of EX/II + EX/III vehicles first approved before 1 7 2005, are extended to enable their use for their natural life rather than until 31 12 2014. The new requirements are no less onerous than current requirements.</p>	A relaxation
60	7.2.4	<p>Carriage of Division 1.4, Compatibility Group S explosives</p> <p>Clarifies the requirement that explosives of Division 1.4, Compatibility Group S need not be carried in explosives vehicles EX/II or EX/III.</p>	Minimal impact
61	<p>Special Provision 652</p> <p>Chapter 3.3 M160</p>	<p>Gas cylinders used for hot air balloons</p> <p>New SP652, added to Chapter 3.3, which relates to liquefied petroleum gases (UN 1011, UN 1965 and UN 1978), reflects an issue of particular importance in GB. Detailed provisions will now be made in ADR for the carriage of existing gas cylinders not meeting all the requirements of ADR for pressure receptacles but conforming to the air rules for use in hot air balloons and hot air airships. A new multilateral special agreement M160 has been drafted to replace M90 to allow their carriage until 1 July 2007 when the new provisions come into force.</p>	Provisions for the differences relating to pressure receptacles used for hot air ballooning - sought by the hot air ballooning industry particularly in GB.
62	P200 (4.1.4.1)	<p>Procedures for checking before, during and after refilling liquefied petroleum gas cylinders</p> <p>In P200 (10) ta (b) of 4.1.4.1, the reference to EN 1439:1996 dealing with the procedures for checking before, during and after refilling of liquefied petroleum gas cylinders, has been superseded by the adoption of two new Standards on the subject in P200 (11).</p>	Minimal cost.
63	5.4.1.1.1 (h)	<p>Arrangements for sale on delivery carriage</p> <p>To deal with the aspect of deliveries to multiple consignees who cannot be identified at the start of the carriage, new text has been added to 5.4.1.1.1(h)</p>	GB Competent Authority will not be implementing this change – no costs

No.	ADR/RID	Subject/Changes	Comments
		where with the agreement of the competent authority the words "Delivery Sale" may be used instead of the name and address of the consignee.	
64	6.8.2.6	<p>New Standard for tank equipment</p> <p>A new Standard has been added to 6.8.2.6 for the carriage of liquid petroleum products and other substances of Class 3 with a vapour pressure not > 110 kPa at 50 °C and petrol with no toxic or corrosive risk. The new Standard, EN 14595:2005, deals with pressure and vacuum breather vents.</p>	Benefit to industry
65	7.5.1	<p>General provisions concerning loading, unloading and handling</p> <p>The various paragraphs in 7.5.1 relating to the general provisions concerning loading, unloading and handling have been clarified and expanded to detail the safety and security requirements and obligations during the loading, unloading and handling operations which now include container terminals.</p>	A clarification & formalisation of current industry best practice
66	8.1.2.1 (c) 8.1.2.2	<p>Documents to be carried on the transport unit</p> <p>The requirements of 8.1.2.1(c) have been deleted and it will no longer be necessary to carry a copy of the text of a multilateral special agreement on the vehicle. This eases the administrative requirements for road carriers.</p> <p>The requirement in 8.1.2.2 to carry the transport operation permit authorisations for certain explosives of Class 1, self-reactive substances of Class 4.1 and organic peroxides of Class 5.2, has been replaced by a revised requirement. A copy of the competent authority approval is required for explosives samples (see 5.4.1.2.1(c)), construction of compartments or containment systems for the mixed loading of certain explosives (see 5.4.1.2.1(d)) and for self-reactive substances of Class 4.1 and organic peroxides of Class 5.2 (see 5.4.1.2.3.3).</p>	Easing of administrative burdens on road hauliers
67	9.1.1.2 9.1.2.1 9.1.3.1 9.1.3.5	<p>Definitions and requirements for the approval of vehicles</p> <p>Standard EN 590 in the definition for FL vehicles in 9.1.1.2 has been updated to the 2004 edition. If the manufacturer, his representative or the recognised body has issued a declaration of conformity with the requirements of Chapter</p>	A clarification & formalisation of current industry best practice

No.	ADR/RID	Subject/Changes	Comments
	1.6.5.10	<p>9.2 dealing with vehicle construction, the competent authority may waive the first inspection for type approved tractor for a semi trailer. 9.1.2.1 and 9.1.3.1 have been amended to reflect this change.</p> <p>9.1.3.5 has been amended so that when an authorised substance has not been listed in part 10.2 of the Vehicle Approval Certificate, part 9.6 of the Certificate will need to identify which of the Special Provisions TC or TE apply to the vehicle. To enable the continued use (without time limit) of vehicle certificates of approval in 9.1.3.5 as a result of amendments to the certificate, a new transitional measure has been added in new 1.6.5.10.</p>	
68	9.2.1	<p>Vehicle construction</p> <p>9.2.1 has been amended so the existing requirement for speed limitation devices has been extended to all vehicles with a maximum mass exceeding 3.5 tonnes but not more than 12 tonnes registered after 31 December 2007. Clarification has been given regarding the date of application of the requirements for anti lock braking systems in accordance with the technical requirements of ECE Regulations or Directives.</p>	<p>These vehicle construction requirements reflect ECE Regulations / EU Directives which have to be met anyway, and are applicable to <i>all</i> road vehicles.</p>
69	1.4.2.2.5 1.4.3.6	<p>Transmission of data from the carrier to the railway infrastructure Manager</p> <p>To take into account the requirements of the Technical Specification on Interoperability on "Traffic Operation and Management Subsystem" dealing with the procedures to supervise the carriage of dangerous goods, a new 1.4.2.2.5 detailing the carriers additional obligations and an amended 1.4.3.6 concerning the Railway infrastructure manager have been introduced.</p>	<p>In GB, the rule for using Network Rail infrastructure already requires a chain of communication of information including that relating to dangerous goods from the carrier to the infrastructure manager and that information is available prior to the departure of the train – therefore, no additional impact on current GB practice.</p>
70	5.3.1.3.2	<p>Placarding of wagons for piggyback transport</p> <p>5.3.1.3.2 currently lays down those occasions where the placarding of carrying wagons is not necessary. These are where use is made of the "rolling road" system and for other carriage of road tank vehicles and road vehicles carrying dangerous goods in bulk. A new exemption has been added for other carriage of road vehicles</p>	<p>This exemption partly aligns with a UK derogation under RID - whereby a wagon carrying a road vehicle containing packaged dangerous goods does not need to be placarded. This derogation will be</p>

No.	ADR/RID	Subject/Changes	Comments
		<p>carrying packages when those vehicles bear placards corresponding to the packages being carried. Under the current ADR requirements this would only apply to packaged goods of Classes 1 and 7 so for other classes placarding would have to be done on a voluntary basis.</p>	<p>retained, at least for the time being.</p>
71	<p>5.3.2.1.4 5.3.2.1.8 5.3.2.2.1 5.3.2.2.2</p>	<p>Orange-coloured plate marking</p> <p>5.3.2.1.4 already requires that when the dangerous goods have been unloaded and the tanks cleaned, degassed or decontaminated, the orange markings shall no longer be visible. To align with ADR, this has been converted into a new 5.3.2.1.8 which specifically states that orange-coloured marking which does not relate to dangerous goods carried, or residues thereof, shall be removed or covered. In addition, if plates are covered, the covering shall be total and remain effective after 15 minutes' engulfment in fire. 5.3.2.2.1 has also been amended to require that the plate must not become detached from its mount/holder in the event of 15 minutes' fire engulfment and again to align with ADR, a new 5.3.2.2.2 has been added to require that the UN number and the hazard identification number are indelible and remain legible after 15 minutes' fire engulfment.</p> <p>As an alternative self adhesive sheets may be used as currently with no requirements to withstand fire engulfment</p>	<p>The impact of this change is lessened by the permitted alternative of self-adhesive sheets. Also, in Great Britain these requirements are already met - by virtue of the same equipment being used for road as for rail.</p>
72	<p>6.8.4 (TE 25) 1.6.3.32</p>	<p>Buffer override protection on tank wagons for high hazard substances</p> <p>In 6.8.4 SPs, a new TE 25 has been added to set down the requirements for buffer override protection. The shells of tank wagons must be protected against the overriding of buffers and derailment or, failing that, to limit damage when buffers override.</p> <p>Four alternative measures are specified to provide the necessary protection, and a new transitional measure has been added in 1.6.3.32 to allow the continued use of tank wagons for these substances which do not meet the requirements of TE 25.</p>	<p>This new requirement is likely to have little impact in Great Britain - no toxic gases are currently carried in tank wagons, certainly no substances for which a calculation pressure of 15 bar or more is required.</p>

ANNEX 2 to RIA

Further changes and planned reviews

1. This Annex sets out:-
 - reminders of requirements appearing in earlier editions of ADR which are either due to come into force or have just (August 2006) come into effect;
 - proposed review to be carried out during 2006/7.

End of driver training exemption for vehicles under 3.5 tonnes

2. **REMINDER:** Under ADR 2005, drivers of vehicles with a permissible maximum weight of 3.5 tonnes or less and carrying dangerous goods commercially will fall *within* the scope of regulation from 1 January 2007 – having previously been exempt from the requirement to hold a driver training certificate (commonly known as an ‘ADR Licence’). A certificate, valid for five years, can be obtained by attending training courses approved by the Department and sitting and passing relevant examinations.

End of transitional measure for provision of fire extinguishers

3. **REMINDER:** With effect from 31 December 2007, the requirement of ADR 2004 8.1.4.1 will come into force - all transport Units will have to be equipped with at least one fire extinguisher.

Removal of competent persons regime

4. **REMINDER:** With effect from 1 July 2006 "old" (constructed before 10 May 2004) tanks and pressure receptacles can no longer be permitted to be inspected by a "competent person". The periodic inspection now has to be carried out by, or under the control of, an "inspection body".

Revocation of Acetylene Regulations

5. Revocation of the *Compressed Acetylene (Importation) Regulations*¹² was proposed in the Consultative Document - as the Regulations had been felt to impose an administrative burden while in fact being no longer necessary. However (see Annex 3 to RIA, heading ‘*Acetylene Import License System*’), following post-consultation meetings with the GB acetylene filling companies, it was agreed that the import licence system should remain in place to facilitate the movement of acetylene in cylinders that are not TPED compliant.

Radiological emergencies

6. The provisions for radiological emergencies during carriage are treated inconsistently in the current legislation - provisions for carriage by road are set out in RAMRoad 2002, whereas provisions for carriage by rail appear in REPPIR. Also, varying provisions apply to each mode.

7. It is proposed to end this anomaly and harmonise the provisions by extending the road provisions to rail carriage, and revoking the REPPIR provisions. In practice

¹² SI 1978 No. 1723

duty holders complying with the requirements for carriage by road will already be doing enough to comply with the rail provisions.

Authorisations

8. There are a number of Authorisations with end dates of 30 June 2007 and beyond – and a further small number which are valid either ‘until the next revision of the Carriage Regulations’ or ‘until ADR and RID 2007 is referenced in the Carriage Regulations’. If these Authorisations are to continue to remain in force they will have to be re-issued under the new provisions of CDG 2007 – and stakeholders wishing an authorisation or authorisations to be renewed will have to apply to DfT’s Dangerous Goods Division setting out a case for renewal.

No.	Subject	Valid until
* = Valid until the next revision of the Carriage Regulations		
** = Valid until ADR and RID 2007 referenced in the Carriage Regulations		
All current authorisations are downloadable from the following DfT Internet page: http://www.dft.gov.uk/stellent/groups/dft_freight/documents/divisionhomepage/028556.hcsp		
1	Browsers used for the carriage of diesel. Conditions for deeming them to be Intermediate Bulk Containers.	9 May 2019
11	Application of ADR Multilateral Agreement M130 to domestic carriage (UN3375 in tanks).	1 Jan 2008
12	Application of ADR and RID Multilateral Agreements M138 and 1/2003 to domestic carriage (UN2672 ammonia solution)	31 Jan 2008
13	Allows industry to anticipate a change to a UK derogation for retail distribution by road. [Regulation 7(4)].	*
14	Allows industry to anticipate proposed changes relating to disposal of waste aerosols	30 Jun 2007
16	Allows industry to carry UN 3065 ALCOHOLIC BEVERAGES with > 70% abv and of Packing Group II in non-UN type approved barrels.	30 Jun 2010
19	Extends the provisions of Multilateral Agreement M160 to carriage within Great Britain (cylinders for hot-air balloons)	*
20	Extends the provisions of Multilateral Agreement M162 to carriage within Great Britain (carriage of fireworks).	12 Sep 2009
21	Packaging of experimental warheads.	31 Jul 2009
22	Hazard warning panels on vehicles.	*
24	Wheel chocks.	17 Oct 2009
25	Extends the provisions of the ADR and RID multilateral agreements to carriage.	30 Jun 2007
32	Allows industry to anticipate RID and ADR changes relating to classification of UN3375 adopted for 2007.	**
35	Transitional measure: vehicles carrying diesel.	30 Jul 2019
37	Extends some provisions of the Carriage Regulations to carriage of Class 7 by rail.	30 Jun 2007
38	Alternative labelling provisions for UN3291 in LP621.	31 Dec 2015
47	Allows alternative packaging, marking and labelling provisions for UN0143 (nitroglycerin, desensitized).	1 Jan 2010
50	Allows the carriage of firework lancework as unpackaged	31 Dec 2009

No.	Subject	Valid until
* = Valid until the next revision of the Carriage Regulations		
** = Valid until ADR and RID 2007 referenced in the Carriage Regulations		
	articles.	
53	Allows industry to anticipate certain RID and ADR changes adopted for 2007.	**
54	Alternative classification procedure for fireworks.	31 Mar 2008
57	Extends the provisions of ADR Multilateral Agreement M175 to carriage within Great Britain.	30 June 2007

Review of the technical codes and standards recognised by the GB competent authority (Regulation 66)

9. We have recognised 12 technical codes/standards as meeting the requirements of ADR and RID (see paras. 43 - 47). The consultation document address the likely change of scope for technical code ASME VIII.

10. We will be carrying out a review of the technical codes/standards to ensure they still meet the requirements of ADR and RID. The review will include stakeholder consultation.

Review of the record keeping provisions (Regulation 90)

11. The Department carried out a major exercise through autumn 2005 / spring 2006 to measure the total cost of "Administrative Burdens" imposed by Government regulation. The measurement focussed on "Information Obligations" resulting from Government regulation, and the burdens covered were the "red tape" costs such as form filling, keeping records, and complying with inspections.

12. We will be publishing the findings of the exercise in October. We have identified the retention of records in relation to carriage of radioactive material by road as a high cost 'information obligation' and are planning to carry out a review of the provisions relating to record keeping in the new year. The review will include stakeholder consultation.

ANNEX 3 to RIA

Feed-back on the CDG 2007 consultation exercise

Proposal

To revoke the following regulations implementing the ADR and RID Framework Directives as amended and the Dangerous Goods Safety Adviser Directive as amended:-

The Carriage of Dangerous Goods and Use of Transportable Pressure Receptacles Regulations 2004, as amended <i>The Carriage Regulations</i>	Health and Safety at Work Act 1974	2005 ADR and RID the European agreements on the international carriage of dangerous goods by road and rail respectively
Radioactive Materials (Road Transport) Regulations 2002, as amended <i>RAMRoad</i>	Radioactive Materials (Road Transport) Act 1991	IAEA TS-R-1

And to replace them with

The Carriage of Dangerous Goods and Use of Transportable Pressure Receptacles Regulations 2007 <i>CDG 2007</i>	Health and Safety at Work Act 1974	2007 ADR and RID the European agreements on the international carriage of dangerous goods by road and rail respectively
---	------------------------------------	---

Response

The proposed regulations have been well received by stakeholders who are already familiar with the Carriage Regulations. However, as expected, there was some concern expressed by stakeholders who currently have duties under RAMRoad dealing with carriage of class 7 (radioactive materials) by road. The CDG 2007 format is significantly different to the RAMRoad format.

The Carriage Regulations and CDG 2007 assign duties to specific participants involved with the carriage of dangerous goods and include references to the relevant sections of ADR and RID for details of the duties. RAMRoad generally copies out the duties based on IAEA TS-R-1.

DfT hosted a series of seminars to explain the changes for 2007 and also an ad hoc meeting for RAM stakeholders to discuss their particular concerns.

Making the regulations under HSWA

The proposal to make CDG 2007 under the Health and Safety at Work Act alone was fully supported. Initial concerns expressed by the Ministry of Defence were resolved.

Enforcement

Appointing the police and VOSA inspectors as enforcing authorities was generally well received, but there were some concerns about the potential for enforcing officers overstepping their remit. This will be addressed in a Memorandum of Understanding between all enforcing authorities. HSE will also ensure the MoU arrangements are covered in the CDG enforcement manual on the HSE website.

Standards

The withdrawal of the ASME VIII technical code for low pressure tanks was supported by some, but not others. ASME VIII has to be withdrawn by the end of 2008, but the proposal is to withdraw it on 1 July 2007. Since publishing the consultation document a transitional measure has been adopted in ADR to clarify that the changes are not retrospective [ADR 1.6.4.9]. Existing tanks may continue in use.

One RAM stakeholder raised a problem about uncertificated tanks used for class 7 goods. It is likely that grandfather rights might cover these tanks.

Other essential standards were notified for retention. These are not being withdrawn. DfT will improve the system for notification of recognised standards.

Notices 1 to 6 will be withdrawn and reissued. A new notice will be issued for each standard and technical code recognised by DfT.

Tunnels

Response from one operator (3 tunnels)

Tunnel users generally thought a harmonised system would be beneficial.

Fireworks

Only one freight-forwarder thought it will significantly increase transport costs and security requirements. These will obviously be passed on to the customer and eventually the consumer who will ultimately pay the bill.

Acetylene import licence system

Following meetings with the GB acetylene filling companies it was agreed that the import licence system should remain in place to facilitate the movement of acetylene in cylinders that are not TPED compliant.

Changes to CDG 2007

Accuracy/Clarity: A number of drafting changes have been made to correct errors and improve clarity.

PART 1: INTRODUCTORY PROVISIONS

Regulation 2: Interpretation: Those definitions that refer specifically to section 1.2.1 of ADR and RID have been deleted as it is sufficient to rely on the ADR and RID definitions.

Regulation 3: Interpretation – armed forces: Clarification in relation to the Ministry of Defence Police.

Regulation 4: The sending of documents: Simplification of requirements to electronic documents.

Regulation 6: Competent authority: New reference to the Northern Ireland competent authority.

Regulation 7/Schedule 1: Appointments: Following further consultation of relevant stakeholders, significant re-editing of the appointment scheme for bodies/experts to carry out initial and periodic examination and inspection of tanks and pressure equipment. (New regulation 6 and Schedule 1 bringing together and simplifying provisions previously in regulations 66 and 77 and Schedules 2 and 3).

Regulations 9 to 32: Exceptions and derogations: The mandatory requirements are set out in Part 2 (RID and ADR), Part 4 (TPE Directive) and Part 5 (GB additional provisions). The ADR and RID derogation exemptions set out in Part 1 have been amended to make it clear that they relate only to Parts 2 and 5.

Regulation 9: Authorisations: Simplified provisions for the issue of authorisations and automatic application of ADR and RID multilateral agreements to domestic carriage.

Regulation 10: Application to the armed forces: Following discussions with Ministry of Defence the provisions have been revised, particularly in relation to class 7.

Regulation 12: Vehicles in scope: Amended to make it clear that vehicles with less than 4 wheels are in scope.

Regulation 17: Carriage of liquefied gas: The competent authority provisions for this derogation were previously in Part 3. The two sets of provisions have been combined and simplified.

Regulations 15 and 16 and Schedules 2 and 3: Old tanks and old pressure receptacles: The 'used at work' application provisions have been simplified and the exemptions have been moved from schedules 2 and 3 to the regulations. The appointment provisions have been moved from Schedules 2 and 3 to Schedule 1. In Schedule 3, paragraph 5(6) the date format now allows for two or four digits for the date.

Regulation 14: Crossing of public roads: The scope of this exemption for class 7 goods has been aligned with the scope for class 1 goods.

Regulation 21: Derogation for metal IBCs and metal drums: This has been moved from Part 6 and redrafted in the derogation format. The provisions remain unchanged.

Regulation 22: Carriage of alcohol: Re-instatement of original text regarding display of information.

Regulation 23: Class 7 Alternative placards: Now applies to 10 packages and is optional. The requirements for the notice have been set out in a clearer way.

Regulation 24: Piggyback carriage: Clearer drafting.

Regulations 30 + 32: Exemptions for the transport document and prohibition on opening packages: Clarification that these exemptions do not apply to class 7 goods.

Regulation 33: Supervision of vehicles carrying class 1 goods: Removal of provisions overlapping with regulation 15.

PART 2: REQUIREMENTS OF ADR AND RID

Regulation 42 and Schedule 5: Class 7 goods/Radiological emergencies: Clarification of relationship with the Ionising Radiation Regulations; clarification of duties for the packer, filler and loader, duties in relation to 1.7.6 changed from copy-out to reference; references to 'matters under the control of' deleted as they are not necessary; definitions removed. In the Schedule, deletion of unnecessary provisions, corrections to references to HPA and fire and rescue authorities.

Regulation 43: DGSAs: Savings provisions added for existing certificates.

Regulation 44: Accident reporting: Duties assigned to specific participants rather than 'any person'.

Regulation 45: Security provisions: Amended to clarify the exemption in relation to the Nuclear Industries Security Regulations.

Regulation 57: Class 7 packaging: Clarification of the requirements regarding shipment approvals and related applications.

Regulation 59: Large packaging: Savings provisions added for PEC registrations.

Regulation 64: Driver training: Savings provisions added for existing certificates.

PART 3: COMPETENT AUTHORITY FUNCTIONS

Regulation 66/Schedule 3: Functions: Simplified way of setting out the functions and deletion of Schedule 3.

Regulation 67: Delegation: Simplified way of setting out the delegation arrangements (e.g. driver training regime to SQA) and deletion of the related fees provision in relation to the delegation.

Regulation 68: Fees: Simplified way of setting out the fee charging provisions for provision of a competent authority function.

Regulation 69: Appointments: Most of the provisions relating to appointments have been simplified and moved to Schedule 1.

PART 4: TRANSPORTABLE PRESSURE EQUIPMENT

Regulation 72: Savings provisions added for TPE meeting the requirements of previous regulations; provisions for Acetylene Order in Council No 30 moved from Part 6.

Regulations 72 and 74: Savings provisions added for TPE and periodic inspections in accordance with previous regulations and Order in Council No 30.

Regulation 79: Appointments: Most of the provisions relating to appointments have been simplified and moved to Schedule 1.

PART 5: REQUIREMENTS IN ADDITION TO ADR AND RID

Regulation 90: Keeping of information: This is now consistent with the previous provision in the Carriage Regulations. i.e. now only information in the transport document needs to be kept by the carrier for three months. Other information needs to be kept as appropriate to the activities as required by ADR or RID.

Regulation 91: Placards etc within GB: This has been disapplied to class 7 goods as HM Fire Service Inspectorate has not developed Emergency Action Codes for class 7 goods.

PART 6

Regulation 93: Defences: This regulation included all of the defence clauses from the Carriage Regulations and RAMRoad. The defence in the last paragraph (from RAMRoad) has been deleted because it was similar to the defence in the second paragraph (from the Carriage Regulations) relating to class 7 goods by rail and all other classes by road and rail. The defence relating to metal drums and metal IBCs has been moved to regulation 19.

Schedule 8: Amendments: Corrections to the REPPIR amendments, as agreed with HSE; additional amendments.

Schedule 9: Revocations: Cancellation of the revocation of The Compressed Acetylene (Importation) Regulations. Following meetings with the GB acetylene filling companies it was agreed that the import licence system should remain in place to facilitate the movement of acetylene in cylinders that are not TPED compliant.

Guidance

Responders' made a number of suggestions for additional guidance. These will be considered as part of our reorganisation and updating of the Dangerous Goods pages on the DfT website.

Guidance on carriage of class 7 is being prepared, in particular on excepted packages and radiological emergencies.

Where it is not practical to amend the regulations updated or additional guidance is also being considered e.g. training; appointment of DGSAs; combinations of old and new tanks and vehicles; clarification of shared or obscure duties; and movement of fixed storage tanks with reference to LPG CoP 26.

We are also considering guidance for bodies/experts to carry out initial and periodic examination and inspection of tanks and pressure equipment on engineering judgement and service targets.

Matters deferred until, or relevant to the 2009 update

For the 2009 the ADR and RID Framework Directives and the DGSA Directive will be repealed and replaced with a single inland transport of dangerous goods directive, applying to road, rail and inland waterways. It will also include the 2009 updates to ADR and RID.

Because of the proposed changes for 2009 two issues raised in this consultation exercise are being deferred until then these are a review of the mandatory GB Emergency Action Code/telephone number provisions and whether agricultural and forestry tractors should be brought into scope.

There were also concerns on the extension of scope of the accident/incident reporting requirements. The number of reports are extremely low and based on advice from HSE are not expected to increase significantly. Reporting numbers will be monitored and reviewed if appropriate for 2009.

For the 2001 and 2003 updates HSE commissioned research reports to evaluate the impact of the changes to ADR and RID. DfT also commission research reports for the 2005 and 2007 ADR and RID.

These reports are well received by stakeholders. This type of research report should become a cornerstone to all biennial updates. Stakeholders were keen to see more information of a referential nature on identifying what has changed, as well as the impact.

Not undertaken

The following requests were not actioned:

- A number of stakeholders preferred the 'copy-out' style of RAMRoad. They felt looking up the relevant ADR references would be too time-consuming. It would not be practical to 'copy-out' 1,200 pages from ADR and a similar quantity of pages from RID.
- Separate sets of regulations for dutyholders and competent authorities. This is not practical, however we have reduced considerably the sections dealing with competent authority functions and enforcing authority powers.
- Reduce the regulations by including a default reference to ADR and RID with schedules to highlight the differences and set out additional GB duties. Our legal advisers considered possible formats for the regulations and concluded that the format chosen was the best one, subject to further improvements which have been made.
- Radiation Protection Advisers (RPAs) should be accepted as DGSA's for transporting radioactive material without any further training. Very few businesses would only handle class 7 goods, so allowing an RPA to become a DGSA for class 7 only is unlikely to meet the overall requirement for a DGSA. Only the DGSA exam is mandatory. Candidates may have a copy of ADR with them in the exam. The objective is to prove knowledge of ADR and RID rather than expert knowledge of class 7.

- Not including “radioactive materials” in the title may cause difficulties as users may not realise that these regulations also apply to carriage of radioactive materials.
- Definitions: Put all definitions together in Regulation 2; add definitions for the sub-divisions of Classes 4 to 6; and extend the definition of “package” includes IBCs and LPs. After further scrutiny by our legal adviser it was not considered necessary to make these changes
- Environment Agency exemptions. Not necessary. There are adequate administrative provisions for the competent authorities to authorise non-compliant transport operations subject to appropriate conditions as they arise. The system has worked well since 2004.
- Extend the retail distribution derogation to class 7 or develop similar provisions for hospitals. Following discussions with the RAM stakeholders this request was withdrawn.
- Disapply the placarding etc requirement for the loader, consignor and filler. Although ultimately it falls to the carrier to ensure the information is displayed is in accordance with the transport document, only the loader, consignor or filler know what the dangerous goods are
- Merge the general awareness and vehicle crew training into a single regulation. The general awareness training is set out in Part 1 of ADR and RID and applies to both road and rail. The vehicle crew training is set out in Part 8 of ADR and applied to road only. The convention of Part 2 of the regulations is to follow the Part order or ADR and RID.
- Change the title from vehicle crew training to driver training. Chapter 8.2 deals primarily with training of drivers, but section 8.2.3 deals with other members of the vehicle crew, so the title is correct.

Changes to the international agreements

A number of responders’ suggested changes to ADR and RID. These will be referred to the DGD International negotiations team for consideration.

Changes to the security provisions

TRANSEC are planning to carry out a review of the security provisions. Proposals regarding security will be referred to TRANSEC.

Authorisations

All authorisations will be withdrawn from 1 July 2007. A new numbering system will be introduced to allow for HSE and DfT issued authorisations.

The following authorisation will be reissued.

By DfT: Nos 1, 16, 24 33, 35 and 38. No 33 to be extended by 2 years.

By HSE: Nos 21, 47, 50 and 54.

Certificate of exemption No 1 will also be withdrawn and re-issued as an authorisation.

RIA

002: concerned if the tank increases are passed on by the companies from whom we hire tanks	
002+013: reservations about the suggestion that the additional reporting requirements will have a negligible impact. Although the number of reports may be small (an indication of the good care taken to avoid incidents and accidents), procedures (and some training) will have to be put in place, which will have an administrative cost. For our own members alone, the overall cost could be £20,000 – this figure needs to be multiplied up to cover GB as a whole.	Unlikely to involve significant training. It is straightforward on a standard form. Timing of report is not prescribed.
Training/re-training costs could be significant. RAM impact of the new regulations goes considerably further than that doesn't cover comprehension of the regulations and the time and expense incurred in understanding the requirements or the expense of consulting specialist advisers and updating documentation etc implementing and complying with schedule 4 requirements have not been fully assessed	
036. We feel that adequate consideration has not been given to the increased costs to the manufacture of carbon steel tanks. With particular reference to ASME VIII as compared to EN 13094, concerning shell thickness, and or change in materials used. We feel that the introduction of the proposed changes will leave carbon steel tank manufactures unfairly disadvantaged.	Costings provided by industry
The purchase of orange-coloured plates able to withstand 15 minutes fire engulfment is also expected to cost much more than £20 per vehicle.	Cost relates to brackets, not OCPs

ANNEX 4 to RIA

CDG 2007: List of consultees

CONSULTEES
Government
Cabinet Office
Channel Islands Legislation Unit
Civil Aviation Authority
Department for Communities and Local Government
Department for Environment, Food and Rural Affairs
Department of Economic Development, Northern Ireland
Department of the Environment, Northern Ireland
Department of Trade and Industry
Department of Transport, Isle of Man
Environment Agency
Fire Authorities for Wales
Fire Authority for Northern Ireland
Government of Gibraltar Legislation Unit
Health and Safety Commission
Health and Safety Executive
Health Protection Agency
Highways Agency
HM Customs and Excise
HM Fire Services, Scotland
HM Treasury
Home Office
Maritime and Coastguard Agency
Ministry of defence
National Assembly for Wales
NHS Trusts Association
Northern Ireland Office
Office of Civil Nuclear Security
Office of the Rail Regulator
Scottish Environment Protection Agency
Scottish Executive
Scottish Qualifications Authority
Vehicle and Operator Services Agency
Water Inspectorate
Local authority / emergency services
Association of Chief Police Officers
Association of Chief Police Officers (Scotland)
Chief Fire Officers' Association
Convention of Scottish Local Authorities
Local Government Association
Northern Ireland Local Government Association
Police Federation of England and Wales
Police Service of Northern Ireland

CONSULTEES
Scottish Police Federation
Trade Unions
Amalgamated Engineering and Electrical Union
Amicus
Associated Society of Locomotive Engineers and Firemen
Communications Workers Union
Fire Brigades Union
GMB
National Farmers' Union
National Farmers' Union of Scotland
RMT
Trades Union Congress
Transport and General Workers Union
Transport and Salaried Staffs' Association
Union of Construction, Allied Trades and Technicians
Union of Shop, Distributive and Allied Workers
United Road Transport Union
Industry
Agricultural Industries Confederation
Association of the British Pharmaceutical Industry
Association of British Balloonists
Association of British Insurers
Association of Clinical Biochemists
Association of Consulting Engineers
Association of Drum Manufacturers
Association of Liquid Gas and Equipment Distributors
Association of Train Operating Companies
British Adhesives and Sealants Association
British Aerosol Manufacturers' Association
British Battery Manufacturers' Association
British Chemical Distributors and Traders Association
British Coatings Federation
British Compressed Gases Association
British International Freight Association
British Pest Control Association
British Shooting Sports Council
Chartered Institute of Logistics and Transport
Chemical Industries Association
Company Chemists' Association Limited
Confederation of British Industry
Confederation of British Industry, Explosives Industry Group
Confederation of Paper Industries
Construction Confederation
Cosmetics, Toiletries and Perfumeries Association
Direct Rail Services
English Welsh and Scottish Railways Limited

CONSULTEES
Federation of European Explosives Manufacturers
Federation of Petroleum Suppliers
Fertiliser Manufacturers' Association
Forestry and Timber Association
Freight Transport Association
Freightliner Limited
GB Railfreight
LP Gas Association
Mining Association of the United Kingdom
National Chemical Emergency Centre
National Pharmaceutical Association
PIRA International
Private Wagon Federation
Radioactive Materials Transport Association
Rail Freight Group
Road Haulage Association
Royal Mail
Sanitary Medical Disposal Services Association
Scientifics
Shooters' Rights Association
Solvents Industry Association
UK Cleaning products Industry Association
UK Petroleum Industry Association

THE CARRIAGE OF DANGEROUS GOODS AND USE OF TRANSPORTABLE PRESSURE EQUIPMENT REGULATIONS 2007

TRANSPOSITION NOTE

Purpose

1. The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2007 (“CDG 2007”) transpose the following Directives in relation to Great Britain in their most recently amended form:

ADR (as amended by 2006/89/EC) and RID (as amended by 2006/90/EC)

Directives

- (i) Council Directive 94/55/EC on the approximation of the laws of Member States with regard to the transport of dangerous goods by road (the ADR Directive”) as last amended by Commission Directive 2006/89/EC adapting for the sixth time to technical progress Council Directive 94/55/EC on the approximation of the laws of the Member States with regard to the transport of dangerous goods by road; and
- (ii) Council Directive 96/49/EC on the approximation of the laws of Member States with regard to the transport of dangerous goods by rail (“the RID Directive”) as last amended by Commission Directive 2006/90/EC adapting for the seventh time to technical progress Council Directive 96/49/EC on the approximation of the laws of the Member States with regard to the transport of dangerous goods by rail.

The transposition of the following Directives (or parts of the Directives) is restated in relation to Great Britain by CDG 2007:

Safety Advisers

- (i) Council Directive 96/35/EC of 3rd June 1996 on the appointment and vocational qualification of safety advisers for the transport of dangerous goods by road, rail and inland waterway (“the DGSA Directive”) as read with the connected Directive 2000/18/EC of the European Parliament and of the Council of 17th April 2000 on minimum examination requirements for safety advisers for the transport of dangerous goods by road, rail or inland waterway;

Transportable Pressure Equipment

- (ii) Council Directive 1999/36/EC of 29th April 1999 on transportable pressure equipment as last amended by Commission Directive 2002/50/EC of 6 June 2002 (“the transportable pressure equipment Directive”);

Radiological Emergencies

- (iii) Article 5 of TITLE II of Council Directive 89/618/Euratom of 27 November 1989 on informing the general public about health protection measures to be applied and steps to be taken in the event of a radiological emergency in so far as it is relevant to carriage by road and by rail; and

- (iv) Title IX, Section 1 (Intervention in cases of radiological emergency) of Council Directive 96/29/Euratom of 13th May 1996 laying down basic safety standards for the protection of the health of workers and the general public against the dangers arising from ionizing radiation, in so far as Section 1 of Title IX is relevant to carriage by road and by rail.

This note explains how CDG 2007, implements the main elements of these Directives.

Transposition

2. These regulations do more than is necessary to implement the Directives in the following areas:-

As compared to the ADR and RID Framework Directives, CDG 2007 imposes:

- (i) additional security requirements for the transport of certain explosives and radioactive material; and
- (ii) an alternative placarding system for vehicles registered in Great Britain in relation to carriage wholly within Great Britain.

As compared to the ADR Framework Directive, CDG 2007 imposes obligations in relation to the use of motorcycles to carry dangerous goods.

3. The Annexes listed below provide details about how the Directives listed in section 1 of this note have been implemented through the Carriage Regulations:

Annex 1 - The ADR Directive

Annex 2 - The RID Directive

Annex 3 - The DGSA Directive

Annex 4 - The transportable pressure equipment Directive

Annex 5 – Article 5 of TITLE II of 89/618/Euratom

Annex 6 - Articles 48 to 52 inclusive of TITLE IX of 96/29/Euratom

ANNEX 1 to Transposition Note

The ADR Directive as last amended by Commission Directive 2006/89/EC

Articles	Objectives	Implementation	Responsibility
1 (1)	General application to Member States (MS); exemption for the Armed Forces	Regulations 8 and 10. Armed Forces exemption not carried forward, in line with Govt policy	Secretary of State
1 (2)	Enabling provision for MS to lay down requirements in relation to (i) vehicles not covered by the Directive, (ii) road traffic regulations and (iii) quality control measures for specific transport operations.	(i) regulation 12 (ii) provided for in other legislation. (iii) – regulation 89 for explosives	Secretary of State
2	Definitions	Regulations 2 (interpretation) and 13 (enclosed area)	Secretary of State
3 (1)	Prohibition of the transport of dangerous goods by road unless otherwise specified	Regulation 48	Secretary of State
3 (2)	Transport of dangerous goods listed in ADR shall be authorized subject to compliance requirements and in particular with regards to packaging and labelling; and to the construction, equipment and proper operation of the vehicle	Regulation 8 (application) and Parts 2 and 3 of the Regulations (regulations 38 to 70)	Secretary of State
4	Enabling provision to allow the retention of provisions consistent with the UN Recommendations on the Transport of Dangerous Goods	Not used as it would be inconsistent with overall policy of harmonisation	Secretary of State
5 (1)	MS allowed to regulate or prohibit the transport of certain dangerous goods within their own territories for the purposes of national security or environmental protection	Regulations 81 to 83; 85 to 87 and 89 in respect of the transport of explosives by road	Secretary of State
5 (2)	MS allowed to apply additional provisions in respect of routing, restrictions on movements on certain days/weeks of the year and emergency parking	Not used; not deemed necessary to provide for specifically in these Regulations (eg routing through tunnels governed by bye-laws)	Secretary of State

Articles	Objectives	Implementation	Responsibility
5 (3)	MS allowed to apply more stringent provisions, except construction requirements, in respect of transport performed by vehicles registered or put into circulation within its territory. Time limited.	Not used	Secretary of State
5 (4)	Power to MS to introduce urgent additional safety measures on the occasion of an incident. In such an event, there is a requirement to notify the EC.	Allowed for under other legislation	Secretary of State
5 (5)	Enabling provision to allow MS to maintain closely ring-fenced national provisions in relation to the transport of certain explosives, gases, dioxins or furans or transport in tanks of certain substances.	Not used; not deemed necessary	Secretary of State
6 (1)	Authorisation of transport by road where goods classified, packaged and labelled in accordance with international requirements for air or sea	Regulation 37	Secretary of State
6 (2)	Flexibility in applying language provisions within a single MS	Not used	Secretary of State
6 (3)	Grandfather clause in respect of use of existing vehicles constructed before 1st January 1997; and tanks and vehicles built after 1/1/97 compliant with contemporaneous construction requirements permitted for use within MS	Regulation 34 (vehicles); Regulation 15 and Schedules 1 and 2 (Tanks)	Secretary of State
6 (4)	Maintenance of national provisions relating to the construction, use and conditions of carriage of tanks, pressure drums and cylinder racks until 1/7/05	Regulations 15 and 16 and Schedules 1 to 3	Secretary of State
6 (5)	Flexibility for maintaining national provisions with regard to the reference temperatures for transport of liquefied gases within individual MS territory	Regulation 17	Secretary of State
6 (6)	Transitional provision allowing the continued use of certain packagings for up to 15 years	Regulation 21	Secretary of State

Articles	Objectives	Implementation	Responsibility
	from their date of manufacture		
6 (7)	Transitional provision allowing the transport of dangerous goods packaged between 1/1/97 and 31/12/98	No longer available	Secretary of State
6 (8)	Maintenance of national provisions with regard to the display of an emergency action code on national vehicles on national journeys	Regulation 91 and Schedule 7	Secretary of State
6 (9)	Enabling provision allowing MS to apply to the EC for derogations permitting less stringent rules on the carriage of dangerous goods in small amounts or in respect of local transport limited to their territory	Regulations 14,18 to 20,22 to 33	Secretary of State
6 (10)	Power for MSs to grant temporary 5 year derogations in advance of ADR amending requirements coming into force, via multilateral agreements	Regulation 40(1)	Secretary of State
6 (11)	Provision to allow MS to grant authorisations to carry out clearly defined, time limited ad hoc transport operations of dangerous goods	Regulation 9(1) to (4)	Secretary of State
6 (12)	Transitional measure to 31/12/98	No longer available	Secretary of State
7	Access of non-EU vehicles transporting dangerous goods in compliance with ADR to the community	Regulation 35	Secretary of State
8	Adoption of amending Directives	Not applicable – procedural	Secretary of State
9	Establishment of Committee on the transport of dangerous goods to assist the Commission	Not applicable – procedural	Secretary of State
10	Direction to MSs to bring the requirements of the Directive, as amended, into force and to advise the Commission accordingly	Not applicable – procedural	Secretary of State
11	Consequentials	No longer applicable	Secretary of State
12	Directive addressed to MS	Not applicable - procedural	Secretary of State

ANNEX 2 to Transposition Note

The RID Directive as last amended by Commission Directive 2006/90/EC

Article	Objective	Implementation	Responsibility
1 (1)	General application to Member States; exemption for the Armed Forces	Regulations 8 and 10. Armed Forces exemption not carried forward in line with Govt policy	Secretary of State
1 (2)	Enabling provision for MS to lay down requirements in relation to (i) running of trains, (ii) marshalling of freight wagons, (iii) ancillary operating rules, (iv) training and management information and (v) special rules for the transport of dangerous goods in passenger trains.	Marshalling provided for in regulation 88. Otherwise provided for in other legislation	Secretary of State
2	Definitions	Regulations 2 (interpretation) and 13 (enclosed area)	Secretary of State
3 (1)	Prohibition of the transport of dangerous goods by rail unless otherwise specified	Regulation 48	Secretary of State
3 (2)	Without prejudice to the rules for market access or to rules generally applicable to the transport of dangerous goods by rail, transport of goods listed in RID shall be authorized subject to compliance requirements laid down in the agreement	Regulation 8 (application) and Parts 2 and 3 of the Regulations (regulations 38 to 70)	Secretary of State
4	Enabling provision to allow the retention of provisions consistent with the UN Recommendations on the Transport of Dangerous Goods	Not used as it would be inconsistent with overall policy of harmonisation	Secretary of State
5 (1)	MS allowed to regulate or prohibit the transport of certain dangerous goods within their own territories for the purposes of national security or environmental protection	Regulations 84-85 in respect of the transport of explosives and radioactive materials by rail	Secretary of State
5 (2)	France and UK permitted to impose more stringent requirements than RID for carriage of dangerous goods through the Channel Tunnel; allowance for other MS to apply equivalent requirements for	Provided for in other Regulations	Secretary of State

Article	Objective	Implementation	Responsibility
	similar tunnels.		
5 (3)	Power to MS to introduce urgent additional safety measures on the occasion of an incident. In such an event, there is a requirement to notify the EC.	Allowed for under other legislation	Secretary of State
5 (4)	Enabling provision to allow MSs to maintain national provisions in relation to the transport and packaging of substances containing dioxins or furans	Not used; not deemed necessary	Secretary of State
6 (1)	Authorisation of transport by rail where goods classified, packaged and labelled in accordance with international requirements for air or sea	Regulation 37	Secretary of State
6 (2)	Flexibility in applying language provisions within a single MS	Not used	Secretary of State
6 (3)	Grandfather clause in respect of use of existing wagons constructed before 1st January 1997; and tanks and wagons built after 1/1/97 compliant with contemporaneous construction requirements permitted for use within MS	Regulation 27 (wagons) Regulation 15 and Schedules 1 and 2 (tanks)	Secretary of State
6 (4)	Maintenance of national provisions relating to the construction, use and conditions of carriage of tanks, pressure drums and cylinder racks until 1/7/05	Regulations 15 and 16 and Schedules 1 to 3	Secretary of State
6 (5)	Flexibility for maintaining national provisions with regard to the reference temperatures for transport of liquefied gases within individual MS territory	Regulation 17	Secretary of State
6 (6)	Transitional provision allowing the continued use of certain packagings for up to 15 years from their date of manufacture	Regulation 21	Secretary of State
6 (7)	Transitional provision allowing the transport of dangerous goods packaged between 1/1/97 and 31/12/98	No longer available	Secretary of State
6 (8)	Maintenance of national provisions with regard to the display of an emergency action code on national rail transport	Regulation 91 and Schedule 7	Secretary of State
6 (9)	Enabling provision allowing MS to apply to the EC for derogations permitting less stringent rules on	Regulations 18, 19, 24, 25 and 28	Secretary of State

Article	Objective	Implementation	Responsibility
	the carriage of dangerous goods in small amounts limited to their territory		
6 (10)	Provision to allow MS to grant authorisations to carry out clearly defined, time limited ad hoc transport operations of dangerous goods	Regulation 9(1) to (4)	Secretary of State
6 (11)	Provision to allow MS to grant authorisations to carry out operations that are of a local nature and tightly controlled under clearly specified conditions.	Regulation 9(1) to (4)	Secretary of State
6 (12)	Power for MS to grant temporary 5 year derogations in advance of ADR amending requirements coming into force, via multilateral agreements	Regulation 40(1)	Secretary of State
6 (13)	Transitional measure to 31/12/98	No longer available	Secretary of State
6 (14)	Power for MS to authorise less stringent conditions for local transport over short distances within the perimeters of ports, airports and industrial sites	Regulation 9 1) to (4)	Secretary of State
7	Access of non-EU rail transport involving dangerous goods in compliance with RID to the community	Regulation 35	Secretary of State
8	Adoption of amending Directives	Not applicable - procedural	Secretary of State
9	Establishment of Committee on the transport of dangerous goods to assist the Commission	Not applicable - procedural	Secretary of State
10	Direction to MSs to bring the requirements of the Directive, as amended, into force and to advise the Commission accordingly	Not applicable - procedural	Secretary of State
11	Consequential	No longer applicable	Secretary of State
12	Directive addressed to MS	Not applicable - procedural	Secretary of State

ANNEX 3 to Transposition Note

The DGSA Directive as read with the connected Directive 2000/18/EC

Article	Objective	Implementation	Responsibility
1	Application to MS and scope for appointing safety advisers	The application provisions for road and rail are set out in regulations 8(1) and 43(3); and inland waterways by regulations 8(2) and 43(3)	Secretary of State
2	Definitions	Regulation 2 calls up the definitions set out in ADR and RID	Secretary of State
3	MS may allow exemptions for the armed forces, small quantities and occasional ancillary carriage	Regulations 43(1) and (2) deal with occasional ancillary carriage and small quantities. In line with Government policy the armed forces are not generally exempted (Regulation 10)	Secretary of State
4 (1)+(2)	Role and employment status of the safety adviser	Regulations 43(3) by reference to sub-sections 1.8.3.1 and 1.8.3.3 to 1.8.3.9 of ADR and RID	Secretary of State
4 (3)	Enabling provision to require the undertaking to inform the competent authority of the identity of the adviser	Regulation 43(4) by reference to sub-section 1.8.3.5 of ADR and RID	Secretary of State
5 (1)+(2)	(1) and (2) Requirement for the adviser to hold a valid DGSA certificate; undergo training and pass an examination to obtain a certificate; (3) to (5) Sets out the aim of the training; the subjects to be covered in the examination; and the format of the certificate	Regulations 43(3) by reference to sub-sections 1.8.3.1 and 1.8.3.3 to 1.8.3.9 of ADR and RID	Secretary of State
5 (6)	The certificate shall be recognised by all MS	Regulation 66	Secretary of State
6	Certificates shall be valid for 5 years and shall be automatically extended if the adviser undertakes refresher training and an examination in the last year before expiry of the certificate	Regulation 66	Secretary of State
7	Requirement for the adviser to prepare an accident report	Regulations 43(3) and (4) by reference to sub-	Secretary of State

Article	Objective	Implementation	Responsibility
	for the undertaking or local public authority as appropriate	sections 1.8.3.1 and 1.8.3.3 to 1.8.3.9 of ADR and RID	
8	Adaptation of the directive	Not applicable – procedural	Secretary of State
9	Establishment of Committee on the transport of dangerous goods to assist the Commission	Not applicable - procedural	Secretary of State
10	The Directive is without prejudice to Directive 89/39/EEC and individual implementing directives on the safety and health of workers	Regulations are made under Health and Safety at Work Act to ensure no conflict	Secretary of State
11	Direction to MSs to bring the requirements of the Directive, as amended, into force and to advise the Commission accordingly	Not applicable - procedural	Secretary of State
12	Directive addressed to MS	Not applicable - procedural	Secretary of State

ANNEX 4 to Transposition Note

The Transportable Pressure Equipment Directive

Article	Objective	Implementation	Responsibility
1	General application to Member States (MS)	Regulation 72	Secretary of State
2	Definitions of 'transportable pressure equipment', 'mark', 'conformity assessment procedures', 'reassessment of conformity', 'notified body', and 'approved body'.	Regulations 2 and 71	Secretary of State
3	Conformity assessment of new transportable pressure equipment. No MS shall prohibit, restrict or impede the placing on the market or putting into service transportable pressure equipment conforming to the Directive	Regulation 73	Secretary of State
4	Relaxation for new transportable pressure equipment placed on the national market	Regulation 73	Secretary of State
5	Reassessment of conformity for existing transportable pressure equipment	Regulation 75	Secretary of State
6	Periodic inspection and repeated use of transportable pressure equipment	Regulation 76	Secretary of State
7	Grandfather rights for national provisions	Regulation 15 and Schedules 1 and 3	Secretary of State
8	Appointment and requirements for notified bodies	Regulations 77 and 79	Secretary of State
9	Appointment and requirements for approved bodies	Regulations 78 and 79	Secretary of State
10	Marking of transportable pressure equipment	Regulation 80	Secretary of State
11	Enabling power to restrict or prohibit unsafe transportable pressure equipment	Regulation 92 and powers under Health and Safety at Work Act	Secretary of State
12	Enabling power to deal with unduly marked transportable pressure equipment	Regulation 92 and powers under Health and Safety at Work Act	Secretary of State
13	Procedure for dealing with decisions leading to refusal or restriction of transportable pressure equipment	Regulation 92 and powers under Health and Safety at Work Act	Secretary of State
14	Adaptation of the directive	Not applicable –	Secretary of

Article	Objective	Implementation	Responsibility
		procedural	State
15	Establishment of Committee on the transport of dangerous goods to assist the Commission	Not applicable - procedural	Secretary of State
16	Direction to MSs to bring the requirements of the Directive, as amended, into force and to advise the Commission accordingly	Not applicable - procedural	Secretary of State
17	Direction to MSs to bring the deferred requirements of the Directive, as amended, into force in accordance with the decision on application dates	Not applicable - procedural	Secretary of State
18	Transitional measure for existing transportable pressure equipment	Regulation 75(1)	Secretary of State
19	Direction to MSs to lay down a system of penalties for breaches of the national provisions	Regulation 92 and powers under Health and Safety at Work Act	Secretary of State
20	Applicability of provisions of other Directives	Not applicable - procedural	Secretary of State
21	Entry into force date	Not applicable - procedural	Secretary of State
22	Directive addressed to MS	Not applicable - procedural	Secretary of State

ANNEX 5 to Transposition Note

Article 5 of TITLE II of 89/618/Euratom

Articles	Objectives	Implementation	Responsibility
5 (1)	Direction on Member States to provide information about health protection measures and action to be taken in the event of an emergency .	Schedule 5. Paragraph 2(1) (a)	Secretary of State
5 (2)	Direction on Member States on the elements to be included in the information provided.	Schedule 5. Paragraph 2	Secretary of State
5 (3)	Direction on Member States to communicate the information .	Schedule 5. Paragraph 2(1) (a)	Secretary of State
5 (4)	Direction on Member States to update the information and circulate it at regular intervals and whenever there are significant changes to the arrangements	Schedule 5. Paragraph 2 (4) and (5)	Secretary of State

ANNEX 6 to Transposition Note

Articles 48 to 52 inclusive of TITLE IX of 96/29/Euratom

Articles	Objectives	Implementation	Responsibility
48 (1)	General application to Member States	Regulation 8 and Schedule 5.	Secretary of State
48 (2)	Compliance principles for the implementation and extent of any intervention	Schedule 5. Paragraph 4 (3)	Secretary of State
50 (2)	The drawing up and testing of intervention plans	Schedule 5 Paragraph 4(1) – (2) and (4)	Secretary of State
51 (1)	Immediate notification of any radiological emergency occurring on its territory	Schedule 5. Paragraph 5 (1) – (6)	Secretary of State
51 (2)	Requirement to make an initial assessment of the circumstances and consequences of the emergency	Schedule 5 Paragraph 5	Secretary of State
52	Provision for situations involving emergency occupational exposure	Schedule 5 Paragraph 4	Secretary of State