Transport of dangerous goods in Belgium

MULTIMODALITY IN PRACTICE – CHALLENGES IN THE WB REGION AND THE BELGIAN SOLUTION

14-16 December 2022
1. Transport of dangerous goods: Overview of international legislations
- ICAO: International Civil Aviation Organisation
- ICAO – TI: ICAO Technical Instructions
- IATA: International Air Transport Association
- IATA – DGR: IATA Dangerous Goods Regulations
- IMO: International Maritime Organisation
- IMDG: International Maritime Dangerous Goods
- UN: United Nations
- UNECE: UN Economic Council for Europe
- ECOSOC: UN Economic and Social Council
- SCETDG: Sub – committee of Experts on Transport of Dangerous Goods
- GHS: Globally Harmonised System of Labelling and Classification of Chemicals
- SCEGHS: Sub – comitee of Experts on GHS
- OTIF: Office Central de Transports Internationaux par Chemin de Fer
- WP 15: Working Party 15 on the transport of dangerous goods
- ADR: Accord européen relatif au transport international des marchandises dangereuses par route
- ADN: Accord européen relatif au transport international des marchandises dangereuses par voie de navigation intérieure
- RID: Règlement international concernant les transports des marchandises dangereuses par chemin de fer
2. Organisation in Belgium
Belgium is a federal country with 3 regions
<table>
<thead>
<tr>
<th>Federal government</th>
<th>Flemish region</th>
<th>Brussels region</th>
<th>Region of Wallonia</th>
</tr>
</thead>
<tbody>
<tr>
<td>For the whole of Belgium</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Transport of explosive substances and articles (all modes of transport)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Transport of radioactive material (all modes of transport)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Transport of animal (infectious) substances</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>RID (rail)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>IMDG (maritime)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ICAO TI (aviation)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>For the Flemish territory</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ADR (road)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ADN (inland waterways)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>→ EXCEPT</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>o for explosive substances and articles</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>o For radioactive material</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>o For animal substances</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>For the Brussels territory</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ADR (road)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ADN (inland waterways)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>→ EXCEPT</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>o for explosive substances and articles</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>o For radioactive material</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>o For animal substances</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>For the territory of Wallonia</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ADR (road)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ADN (inland waterways)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>→ EXCEPT</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>o for explosive substances and articles</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>o For radioactive material</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>o For animal substances</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

For the whole of Belgium:
- Transport of explosive substances and articles (all modes of transport)
- Transport of radioactive material (all modes of transport)
- Transport of animal (infectious) substances
- RID (rail)
- IMDG (maritime)
- ICAO TI (aviation)

For the Flemish territory:
- ADR (road)
- ADN (inland waterways)
  → EXCEPT
  o for explosive substances and articles
  o For radioactive material
  o For animal substances

For the Brussels territory:
- ADR (road)
- ADN (inland waterways)
  → EXCEPT
  o for explosive substances and articles
  o For radioactive material
  o For animal substances

For the territory of Wallonia:
- ADR (road)
- ADN (inland waterways)
  → EXCEPT
  o for explosive substances and articles
  o For radioactive material
  o For animal substances
<table>
<thead>
<tr>
<th>Transport of explosive substances and articles (all modes of transport)</th>
<th>Transport of radioactive material (all modes of transport)</th>
<th>RID (rail)</th>
<th>IMDG (maritime)</th>
<th>ICAO TI (aviation)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Federal Public Service Economie</td>
<td>Federal Agency for Nuclear Control (FANC)</td>
<td>Federal Public Service Mobility and Transport DG Sustainable Mobility and Rail Policy + NSA BE</td>
<td>Federal Public Service Mobility and Transport DG Shipping Services: -Safety and environmental issues (policy) -Hazmat (operational level)</td>
<td>Federal Public Service Mobility and Transport Belgian Civil Aviation Authority</td>
</tr>
</tbody>
</table>
Federal Public Service Mobility and Transport

- DG Belgian Civil Aviation Authority
- DG Shipping
- DG Sustainable Mobility and Rail Policy
- DG Road Transport

- Sea

+ NSA BE
UN Sub-Committee of Experts on the Transport of Dangerous Goods (excl. class 7)

IAEA Transport Safety Standard Committee (class 7)

Recommendations on the Transport of Dangerous Goods

ICAO Dangerous Goods Panel

IMO Maritime Safety Committee

UN joint-meeting ADR/RID/ADN

CCR Comité Gevaarlijke Stoffen


OTIF RID Committee of Experts

ICAO TI’s

IMDG

ADN

ADR

RID

BCAA Operations and Inspection

DG Shipping

Flemish region Brussels region Region of Wallonia

Flemish region Brussels region Region of Wallonia

DG SMRP/NSA BE

Class 1 (explosive) : FPS Mobility & Transport

Class 7 (radioactive) : Federal Agency for Nuclear Control
3. RID
• **RID**:
  Regulations concerning the International Carriage of Dangerous Goods by Rail
  
  • Appendix C of the Convention concerning International Carriage by Rail (COTIF)

• Directive 2008/68/EC on the inland transport of dangerous goods
  • Annex 2

• **Arrêté royal du 02/11/2017** relatif au transport des marchandises dangereuses par chemin de fer, à l'exception des matières explosibles et radioactives

---

International legal framework: no (or little) national rules
RID: competent authorities for class 2, 3 to 9 (except 7)

- Royal Decree RID 02/11/2017, annex 1 defines the competent authority for each paragraph where the term "competent authority" is used in RID.
RID: competent authorities for class 2, 3 to 9 (except 7)

Defined in Royal Decree RID 02/11/2017

<table>
<thead>
<tr>
<th>FPS Mobility and Transports DGPMOD</th>
<th>NSA BE</th>
<th>Approved/ notified bodies</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Regulations</td>
<td>• Safety controls and inspection</td>
<td>• Type approval, inspections and tests of tanks, packages, cylinders,...</td>
</tr>
<tr>
<td>• Approval and supervision of inspection bodies</td>
<td>• National derogations (according to directive 2008/68/EC, art.6)</td>
<td></td>
</tr>
<tr>
<td>• Multimodal authorizations (for rail part)</td>
<td>• Multilateral agreement (Temporary derogations according to RID 1.5.1)</td>
<td></td>
</tr>
<tr>
<td>• Security controls and inspection (for railways)</td>
<td>• Monitoring of RID incidents</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Authorization for specific RID transport</td>
<td></td>
</tr>
</tbody>
</table>
4. ADN
The ADN regulations are European regulations, but in Belgium the competencies are divided between a number of federal and regional authorities. Due to the 6th state reform in 2014, ADN has become a regional competence of:

- Brussels Capital Region
- Walloon Region
- The Flemish Region

Except for:

- Explosive substances and articles are the responsibility of the Federal Public Service Economy
- Radioactive materials are held by the Federal Agency for Nuclear Control
- Animal substances are the responsibility of the Federal Public Service of Public Health
Regional Competent Authorities for Flanders
Lydia Peeters, Flemish Minister of Mobility and Public Works
The Flemish Ministerial Decree of 21/12/2018 and 3/12/2021 assigns the competencies under ADN to:

➢ Department of Mobility and Public Works
(approval of training courses and training centers, and safety advisor examination; transposition of ADN, cabinet and parliamentary questions)

➢ The Flemish Waterway

➢ The Committee of Experts: mainly construction regulations

➢ Persons authorized for shipping control
REFORM IN PROGRESS

There are currently three decrees in force:

Decree of the Government of the Brussels-Capital Region of 20 September 2022 (which combines ADN and ADR). This decree assigns the ADN competence to the Minister.

Decree of the Government of the Brussels-Capital Region of 28 March 2013 (to be repealed and its content integrated into the 2022 decree).

Following the Government Decree of 20 September 2022, an implementing decree will have to be adopted. To do this, BM will start discussions with the Port of Brussels to clarify who will be the competent authority.

Royal Decree of 31 July 2009. This decree assigns powers to the port authority.
After 6th State reform, Wallonia (ADR-ADN unit of the SPW ARNE) is competent for the following aspects:

1. ADR driver training and exams
2. Issuance of licenses and duplicate ADR driver's licenses
3. Recognition of examination and training centers for ADR drivers and ADN experts
4. Training and exams for ADR and ADN security advisors
5. Issuance of ADR security advisor certificates
6. Recognition of examination and training centers for ADR or ADN security advisors
7. Accident reporting in the context of ADR
8. Approval and technical control of ADR vehicles (AT, FL, OX)
9. Roadside checks in the context of ADR
10. Audits of companies subject to ADR or ADN
11. Granting of ADR or ADN derogations
5. Coordination between competent authorities
Need of coordination between federal government (RID, IMDG, ICAO IT) AND Regions (ADN, ADR)

- Contact with European commission, CEE-ONU
- Belgian position at international meetings
- Multimodal authorization
- Coordination for signature of bilateral and multilateral agreements (European commission, CEE-ONU)
- Approval and supervision of inspection bodies for multimodal “containing” (packaging, tank-containers, portable tanks,...)
- **Translation of the regulations** (RID, ADR, ADN)
Coordination between competent authorities: example of the directive 2008/68/EC transposition

- 9 Decrees to transpose directive 2008/68!!
Thanks

Caroline Bailleux : caroline.Bailleux@nsarail.fgov.be (RID)
Mohssine El Kahloun : mohssine.elkahloun@mow.vlaanderen.be (AND)