



Gap analysis of DG implementation in CLMV and T

Presented by

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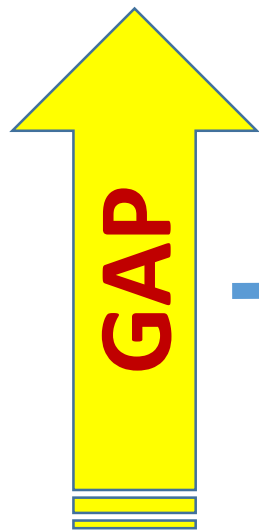


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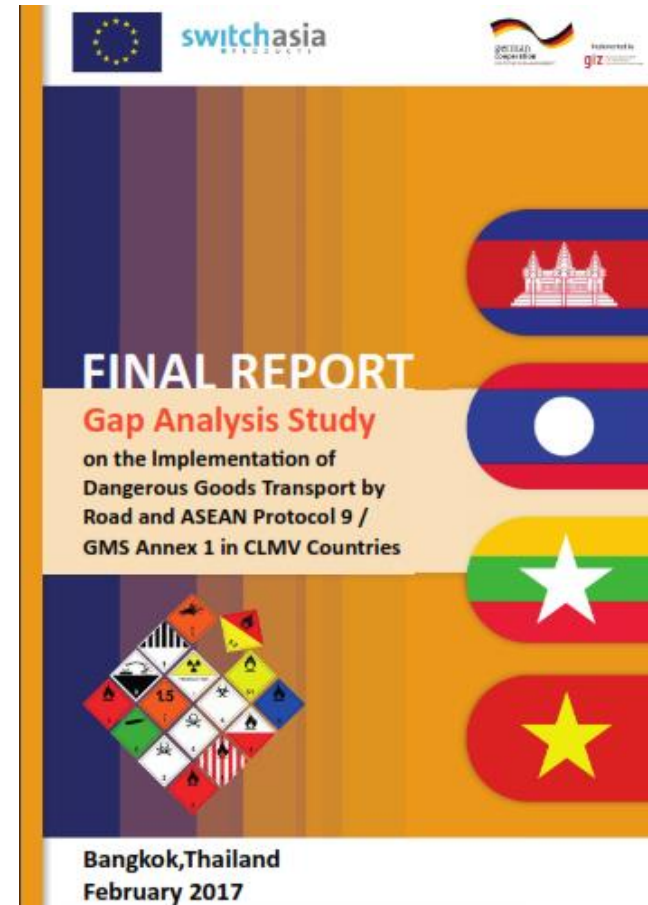


1) Concept of analysis



Areas considered

- a) **Policies / Regulations**
- b) **Competent Authorities**
- c) **Implementation / Real Practices**
- d) **Law Enforcement**





a) Policies / Regulations

- on the requirements in the ASEAN Protocol 9 and GMS Annex 1
- Existing laws and regulations in the country



b) Competent Authorities

- coordinating with member countries / national coordination,
- testing inspecting and approval of containment system,
- driver trainings, examination and issuing training certificates,
- vehicle inspection, approval and issuing certificates,
- law enforcement



c) Implementation / Real Practices

- on the requirements in the ASEAN Protocol 9 and GMS Annex 1
- Existing laws and regulations in the country



d) Law Enforcement

- checks and law enforcement, particularly to the areas specified by relevant national laws relevant to ASEAN Protocol 9 and GMS Annex 1



Situations on Policies / Regulations



Cambodia

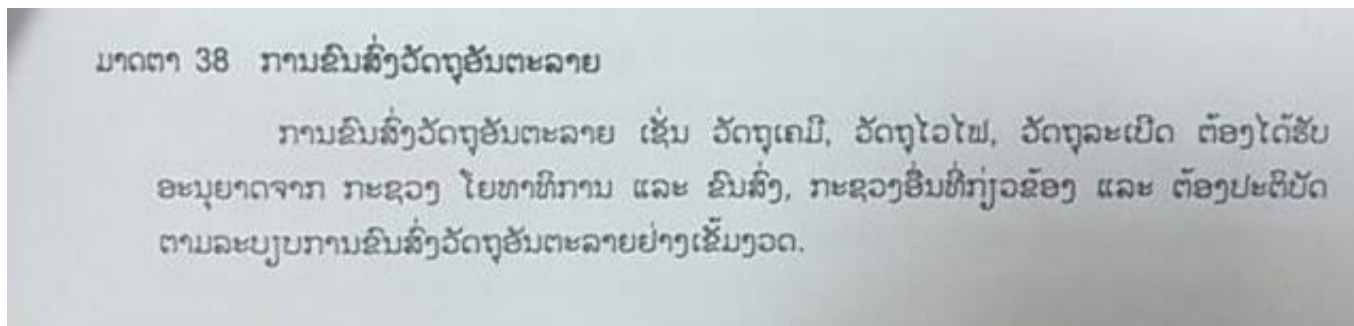
- Ratified both ASEAN Protocol 9 and GMS Annex 1
- Article 5 - In case of loading or carrying dangerous goods, dangerous goods must be carefully stored or safely packaged and write name of that cargoes and their classes with labels
- Sub-Decree No. 180 ANKr/BK dated October 20, 2009 on the Management on Classification and Labeling of Chemicals which is considered most relevant but more focus is made on the Globally Harmonized System (GHS)





Lao PDR

- Ratified both ASEAN Protocol 9 and GMS Annex 1
- Article stating in general and very broad scopes about the safe transport of dangerous goods
- Article 38: Transport of Dangerous Materials: The transport of dangerous materials, such as: chemical materials, flammable materials, explosive materials, must receive permits/approvals from the Ministry of Public Works and Transport in coordination with concerned ministries and must strictly comply with the regulations regarding the transport of dangerous materials
- Ministry of Industry and Trade issued regulation about Classification and Labeling of Chemicals based on GHS





Myanmar

- Ratified both ASEAN Protocol 9 and GMS Annex 1
- Ministry of Industry issued regulation about Classification and Labeling of Chemicals based on GHS



Vietnam

- Ratified both ASEAN Protocol 9 and GMS Annex 1
- Vietnam has more advance than other CLM countries on the existing regulations concerning the safe transport of dangerous goods by road
- that Decree 104 /2009/ND-CP dated 9th Nov 2009 is main regulation to control road transport of dangerous goods
- Article 4 of Decree 104 states the **classification of dangerous goods** based on UN Classification System. The list of dangerous goods is stated in Article 5 of this Decree
- Chapter III of Decree 104 covering Article 7-10 states the **packing and labeling of dangerous goods**
- Article 9 of Decree 104 states the **danger placard and orange rectangle**. Article 13 (4) also states about the **marking of vehicles**
- Article 11-19 specifies the transport of dangerous goods including **training of persons involved, loading and unloading of dangerous goods, vehicle requirements, checks of dangerous goods transport**
- Article 15 (3) (a) is relevant to the **transport document** for carrying dangerous goods.
- Article 15 (4) is relevant to **Instruction in Writing** based on ADR requirements
- Article 11 (1) **drivers must be trained and hold training certificate** grant by line ministries.
- Articles 11 (2) requires **store keepers and escorts must be trained**
- Article 13 and 14 state somehow on **the precaution against fire and/or explosions**



Thailand

- Ratified both ASEAN Protocol 9 and GMS Annex 1
- After several big accidents involving dangerous goods transport by road during 1990-1993, Thailand just has stepped up the safety measures, e.g. classification, driver training, vehicle marking and tank registration
- Until 2016, Thailand issued Ministerial Regulation on Safety in Transport of Dangerous Goods by Road, B.E 2558 (2015) and its notifications issued under the authority of the Department of Land Transport (DLT) in line with ADR in B.E. 2016 (2559)



Situations on Competent Authorities



Cambodia

- **Regional:** General Department of Transportation, Ministry of Public Works and Transport (MPWT)
- **National:** NTTCC or CCCDG



Lao PDR

- **Regional:** Ministry of Public Works and Transport (MPWT)
- **National:** NTTCC?



Myanmar

- **Regional**: Ministry of Transport and Communications (MoTC)
- **National**: National Transport Facilitation Committee-NTFC
- Inspecting and issuing certificate for Tank vehicles are taking care by Ministry of Electricity and Energy
- Road Transport Administration Department issuing order and notification on Tank constructing for Tank Vehicles
- Checking vehicles on public road is taking care by Myanmar Police Force



Vietnam

- **Regional:** Ministry of Transport, (Directorate for Road of Vietnam: DRVN)
- **National:** Ministry of Transport
- Appoint many line ministries to perform relevant works on various aspects according to dangerous goods transport by road



Thailand

- **Regional:** Ministry of Transport
- **National:** Department of Land Transport (DLT)
- Not clear about competent authority on classification
- Several tank competent authorities, e.g. Department of Energy Business for certain flammable gases and liquids, Department of Industrial Works for certain chemicals
- UN-mark issuing competent authority (not yet international recognized by all modes of transport) is Marine Department
- DG driver training is done by DLT
- Law enforcement competent authorities are police and DLT's inspecting division



Situations on Implementation / Real Practices



Cambodia

- DGs are mainly listed by name and imported from abroad
- Packing normally carried out by the origin/ imported countries
- Labelling on packages and packaging also carried out by origin/ imported countries



Lao PDR

- DGs are mainly listed by name and imported from abroad for mining industry, e.g. Sulphuric Acid
- Packing normally carried out by the origin/ imported countries, e.g. Thailand, Vietnam, China
- Labelling on packages and packaging also carried out by origin/ imported countries



Myanmar

- DGs are mainly listed by name and imported from abroad
- There is no dangerous good production in Myanmar and dangerous goods are imported from abroad, but, retailing the dangerous goods in country by importing from abroad.
- Packing normally carried out by the origin/ imported countries, e.g. Thailand, Singapore, China
- Labelling on packages and packaging also carried out by origin/ imported countries



Vietnam

- DGs are mainly listed by name and imported from abroad
- There are some dangerous good production in Vietnam and some dangerous goods are imported from abroad
- Packing normally carried out by the origin/ imported countries
- Labelling on packages and packaging also carried out by origin/ imported countries
- The ADR practices were still hardly seen during the visit



Thailand

- There are several chemical industrial estate in Thailand, intensively in the eastern seaboard area where the dangerous goods transport is highly dense
- Majority of the trucks carrying dangerous goods are marked and placarded according to ADR as Thailand has ADR in Thai version available since 2004, a so-called TP-II
- Tank manufacturers and 3rd party inspection have quite good knowledge about ADR and the implementation
- New notifications just started to enter into force and many transport operators are still not able to follow some issues



Situations on Law enforcement



Cambodia

- Ministry of Industry and Handicraft is starting to prepare a draft law on Dangerous Goods Management (as of Nov 2016)



Lao PDR

- Limited as there is no ADR specific regulation



Myanmar

- Limited as there is no ADR specific regulation



Vietnam

- Limited as there is no ADR specific regulation



Thailand

- The knowledge according to ADR of the law enforcement officials are still limited and require trainings



3) Analysis for improvement for CLMVT countries

- No regional body of contracting parties to discuss on the regional harmonized activities according to the GMS Annex 1 implementation
- The policy of the government is not clear on the safety issues for dangerous goods transport in the country, including modal specific and multi-modal aspects
- Many countries are still mixed up / confused about the differences and similarities between “Dangerous Goods” and “Hazardous Substances”
- Not clear assignment / structure of “Competent Authorities” or “Responsible Agencies” to perform specific tasks following issued specified by the ADR (GMS Annex 1)
- There are still limited knowledge of both government who has a certification, supervision and law enforcement as well as the private sector who has to implement the regulations
- Trainings and capacity buildings are strongly required to all parties involved to ensure sound implementation of both domestic and cross-border transport of dangerous goods
- Law enforcement and supervision shall be scheduled and performed by competent authorities



4) Recommendations for CLMVT countries

- 1) Translation of ADR in national official language of each ASEAN / GMS member country considering to skip or reserve irrelevant chapters for future considerations,
- 2) Publish the translated version of ADR and make it available to public, particularly the participants involved in the process of road transport of dangerous goods,
- 3) Create awareness and understand of ADR to participants involved in the process of road transport of dangerous goods,
- 4) Review and draft national regulations to cover relevant issues following the ASEAN Protocol 9 and GMS Annex 1 in the extent agreed by the member countries,
- 5) Set up main competent authority of the country as well as other competent authorities / responsible agencies in respective fields,
- 6) Conduct capacity building for competent authority and responsible authorities on ADR and their respective fields,
- 7) Prioritize the groups of activities required according to the Protocol 9 / Annex 1 for transitional period considerations,
- 8) Set up working party on dangerous goods under ASEAN / GMS framework to harmonize the aspects according to the agreements,
- 9) Start implementation and maintain / update / exchange country implementation experiences



Example of Grouping for priority to be considered

- 1) Dangerous goods list (DGL):** Publish notification / circular on dangerous goods list based on Myanmar language of ADR.
- 2) Vehicle marking and placarding:** Issue regulation on marking and placarding of vehicles / transport units based on ADR
- 3) Transport operations / conditions:** Based on the DGL, the transport operations / conditions giving priority to tank transport should be regulated
- 4) Special provisions for carriage:** Based on the DGL, the transport operations / conditions giving priority to tank transport should be regulated
- 5) ADR Driver Training Certificates:** Competent authority on qualification and issuing of driver training certificate should be formed
- 6) Training of drivers / vehicle crew:** Competent authority should decide if the training of drivers will be conducted by government sector or recognize private sector / association to perform training
- 7) Instruction in Writing:** Standard document for drivers in case of emergency
- 8) Fire-fighting equipment:** Issue regulation on provision of fire-fighting equipment on board vehicles / transport units based on ADR requirements



Thank you very much