Republic of Latvia

Cabinet

Regulation No. 363

Adopted 4 July 2023

**Regulations for Safety Advisers (Consultants) Regarding Carriage of Dangerous Goods by Road and by Rail**

*Issued pursuant to*

*Section 10.¹, Paragraph two of the Law on the Movement of Dangerous Goods*

**I. General Provisions**

1. The Regulation prescribes the procedures by which the requirements laid down in the Agreement concerning the International Carriage of Dangerous Goods by Road (ADR) and Appendix C, Regulation concerning the International Carriage of Dangerous Goods by Rail (RID), to the Protocol of 3 June 1999 for the Modification of the Convention concerning International Carriage by Rail (COTIF) of 9 May 1980 referred to in Section 3, Paragraphs three and four of the Law on the Movement of Dangerous Goods (hereinafter – the international agreements) are applied in Latvia, the requirements for obtaining a certificate of vocational training of a safety adviser (consultant) (hereinafter – the certificate) and the examination requirements as well as the requirements in relation to the training courses and their supervision.

2. The Regulation shall not apply to participants in the movement of dangerous goods whose activities are related to cargoes the volume of which in each transport unit or carriage does not exceed the limit values specified in paragraphs 1.1.3.6 and 1.7.1.4 and Chapters 3.3, 3.4, and 3.5 of the international agreements, and also to participants in the movement of dangerous goods whose activities include carriage of dangerous goods by using means of transport which belong to the National Armed Forces or which fall under their responsibility.

3. A participant in the movement of dangerous goods (carrier, consignor, packer, filler, loader, and unloader) shall appoint in writing as a safety adviser (consultant) a person or several persons who have acquired the professional qualification of a safety adviser (consultant).

4. A participant in the movement of dangerous goods shall ensure compliance with the requirements of section 1.8.3 of the international agreements applicable to the participant in the movement of dangerous goods.

5. To ensure efficient and safe movement of dangerous goods, a participant in the movement of dangerous goods shall appoint one or several safety advisers (consultants) depending on the type and volume of the activities. The participant in the movement of dangerous goods shall develop an internal procedure indicating the way in which a safety adviser (consultant) shall be provided with the information and ancillary devices or equipment necessary for the fulfilment of his or her duties and, if several safety advisers (consultants) have been appointed, the duties of each safety adviser (consultant) to coordinate their activities.

6. Within one month after a safety adviser (consultant) has started the fulfilment of his or her duties, a participant in the movement of dangerous goods shall submit a notification (Annex 1) regarding the appointing of a safety adviser (consultant) to *valsts sabiedrība ar ierobežotu atbildību “Autotransporta direkcija”* [State limited liability company Road Transport Administration] (hereinafter – the Road Transport Administration) if dangerous goods are carried by road or to the State Railway Technical Inspectorate if dangerous goods are carried by rail.

7. The activities of safety consultants (advisers) shall be supervised and controlled by the State Police (if dangerous goods are carried by road) and the State Railway Technical Inspectorate (if dangerous goods are carried by rail).

8. Within one month after a safety adviser (consultant) has terminated the fulfilment of the duties of office, the safety adviser (consultant) and the participant in the movement of dangerous goods shall notify the Road Transport Administration if dangerous goods are carried by road or the State Railway Technical Inspectorate if dangerous goods are carried by rail.

9. A safety adviser (consultant) shall prepare an annual report on the activities related to the carriage of dangerous goods in the previous year (hereinafter – the report). The report shall be signed by the responsible official of the participant in the movement of dangerous goods and the safety adviser (consultant). The report shall include:

9.1. information on the participant in the movement of dangerous goods (for a natural person – the given name, surname, place of residence, or other information which may help identify the person; for a legal person or union of persons – the name, address, registration number);

9.2. contact information of the participant in the movement of dangerous goods and the safety adviser (consultant);

9.3. information on the mode of carriage (carriage by road or carriage by rail);

9.4. information on activities (carriage, shipment, receipt, loading, filling, unloading) involving dangerous goods, stating the class of dangerous goods, the identification number of the cargo, the packaging group, the quantity of goods in tonnes, and also the person carrying out the activities and the places of loading and unloading. Information on processed dangerous goods with high risk potential shall be provided separately;

9.5. information on the training personnel involved in the movement of cargoes.

10. The report shall be submitted by the participant in the movement of dangerous goods to the Road Transport Administration if dangerous goods are carried by road or to the State Railway Technical Inspectorate if dangerous goods are carried by rail by 1 April of the current year.

11. If an accident has taken place during movement of dangerous goods which meets the criteria defined in section 1.8.5 of the international agreements, the safety adviser (consultant) shall prepare and the participant in the movement of dangerous goods shall, within one month after the accident, submit a report conforming to the sample provided in section 1.8.5 of the international agreements to the State Police (if dangerous goods are carried by road) or the State Railway Technical Inspectorate (if dangerous goods are carried by rail).

**II. Obtaining the Qualification of Safety Adviser (Consultant)**

12. The qualification of a safety adviser (consultant) may be acquired by a person who has the right to reside in the Republic of Latvia.

13. To acquire the qualification of a safety adviser (consultant), a candidate according to his or her choice shall complete the training course for carriage by road or carriage by rail referred to in Paragraphs 14 and 15 of this Regulation and successfully pass the relevant examination.

14. In order to acquire the qualification of a safety adviser (consultant), a candidate shall complete at least 72-hour basic training course for the movement of dangerous goods (except for Class 1 and Class 7 dangerous goods) related to carriage by road or carriage by rail.

15. To acquire the right to also handle Class 1 and Class 7 dangerous goods, a candidate shall also complete at least 16-hour additional training course regarding the movement of dangerous goods of each class.

16. A candidate who has acquired the qualification in the field of carriage by road or carriage by rail may acquire the qualification for the second type of transport if he or she completes at least 24-hour training course for the other type of transport in which he or she learns the differences between the types of transport and successfully passes the relevant examination.

**III. Requirements for Training Courses and Their Supervision**

17. A training institution shall develop a training course programme in accordance with the requirements laid down in paragraph 1.8.3.11 of the international agreements.

18. The duration of one training hour shall be 45 minutes. There shall be not more than eight training hours in one day.

19. The training courses shall be provided by teachers who have at least second level vocational higher education, professional qualification of the safety adviser (consultant) for work with all classes of dangerous goods in the relevant mode of transport, and practical work experience in the work of the safety adviser (consultant) of at least three years.

20. The training institution shall submit an application for the commencement of its activities to the examination commission referred to in Paragraph 27 of this Regulation. The application shall be accompanied by documents certifying the fulfilment of the requirements referred to in this Chapter, including a detailed training programme, and also information on teachers, place of training, and teaching aids used.

21. The examination commission shall examine the documents submitted by the training institution and provide an opinion on the compliance of the training institution with the requirements of this Regulation. The training institution shall commence its activity after receipt of a positive opinion of the examination commission.

22. The training institution shall, without delay, inform the examination commission on any changes in the information previously provided by the training institution.

23. When commencing training of persons, the training institution shall inform the examination commission on trainees, the mode, time, and place of training, and also agree with the examination commission on the time of the examination.

24. After completion of training, the training institution shall permit a trainee to take the examination, and also provide information to the examination commission on completion of training of candidates and permission for the person to take the examination, specifying the given name, surname, and personal identity number of the person, and also the volume of the training course completed by the relevant person.

25. The examination commission shall control how the training institutions comply with the requirements of this Regulation in their activities. Representatives of the examination commission have the right to enter study rooms without hindrance, to request and receive from the training institution all documents related to training of safety advisers (consultants), and also to ascertain that trainees are present in accordance with the information provided in Paragraph 23 of this Regulation.

26. If violations are detected, the representative of the examination commission shall draw up a deed on non-conformities of attendance or study content. The commission is entitled to prohibit individual persons or a training group from taking the examination until elimination of non-conformities.

**IV. Examination and Evaluation of Results**

27. The examination shall be conducted by an examination commission approved by the Ministry of Transport. The commission shall consist of representatives from the Ministry of Transport, the Road Transport Administration, and the State Railway Technical Inspectorate. The Road Transport Administration and the State Railway Technical Inspectorate (in conformity with the mode of transport) shall ensure the material and technical provision for the activities of the examination commission.

28. The qualification examination of safety advisers (consultants) for carriage of dangerous goods shall be organised at least once in three months.

29. To apply for the examination, a person shall submit a submission to the Road Transport Administration or the State Railway Technical Inspectorate (depending on the type of transport), indicating:

29.1. the given name, surname;

29.2. the personal identity number;

29.3. the address of the place of residence or electronic mail address;

29.4. the type of the certificate to be obtained.

30. A candidate may take safety adviser (consultant) qualification examinations for not longer than two years after receipt by the examination commission of the information on the completion of training and permission for the person to take the examination referred to in Paragraph 24 of this Regulation. If the candidate fails to take the examinations within the abovementioned period or fails the examination, he or she shall repeatedly complete the training courses indicated in Chapter III of this Regulation to acquire the qualification.

31. To take the examination, a candidate shall present a personal identification document to the examination commission.

32. During the examination, a candidate shall certify his or her professional knowledge and skills in performance of the duties of the safety adviser (consultant) in writing.

33. Each candidate shall take examination independently, without the assistance of other persons or ancillary materials (except the official text of international contracts and the regulatory enactments of Latvia regulating the transport of dangerous goods), as well as shall not disturb other takers of the examination. It shall not be permitted to use electronic communication equipment during the examination.

34. The examination shall consist of two parts:

34.1. a test with multiple-choice questions;

34.2. a case study.

35. The examination commission shall prepare the multiple-choice questions and case studies in accordance with the requirements indicated in sub-paragraph 1.8.3.12.4 of the international agreements, ensuring that the candidates are unaware of the selection of questions and case studies. Different questions are prepared for each examination. The examination commission shall ensure that tests and case studies assigned to a candidate are not repeated.

36. The content of multiple-choice questions shall be selected according to the training course completed by a candidate for the respective mode of carriage. Each multiple-choice question shall have three to five answer options from which only one shall be the correct one. Answers marked in a corresponding manner shall be considered to be correct, and only one answer must be marked as the answer to each question.

37. The content of the practical task shall include questions which reflect situations that may occur in everyday life, while working as a safety adviser (consultant) for dangerous goods.

38. A case study shall consist of a description of the case and questions that allow to check the skills of a candidate:

38.1. to analyse and evaluate information;

38.2. to find regularities;

38.3. to recommend a solution;

38.4. to use laws and regulations;

38.5. to justify the answer provided.

39. Each case study question is evaluated individually. The following criteria shall determine the assessment of the answer:

39.1. situational awareness and understanding;

39.2. relevance of an answer based on knowledge and ability to apply a regulatory enactment;

39.3. justification of the answer, indicating a particular regulatory enactment and its paragraph (clause).

40. It shall not be disclosed to the candidate before an examination, which questions will be selected in the examination.

41. The duration of parts of the examination, the number of questions, and the minimum number of correct answers necessary for passing the examination shall correspond to the training course completed by a candidate and the mode of carriage (Annex 2).

42. A candidate who has successfully passed both parts of the examination shall obtain the certificate.

43. Within ten working days after taking the examination, the examination commission shall send a notification on the assessment of the examination and the procedures for the receipt of the certificate or on possibilities to take the examination repeatedly to the address of a candidate referred to in to Sub-paragraph 29.3 of this Regulation.

44. The examination may be taken repeatedly not earlier than five working days after notification of the results of the examination.

45. If a candidate has passed only one part of the examination, then, in taking the examination within six months after notification of the results of the examination, the part passed need not be taken again.

46. If the candidate disagrees with the assessment of the examination, he or she may dispute the assessment of the examination within the time period specified in the Administrative Procedure Law after notification of the results of the examination by submitting a relevant submission to the Ministry of Transport. The conformity of the assessment of the examination with the requirements of this Regulation shall be checked by a commission created by the Ministry of Transport the composition of which shall not include the representatives of the examination commission referred to in Paragraph 27 of this Regulation. An applicant may appeal the decision of the Ministry of Transport to a court in accordance with the procedures laid down in the Administrative Procedure Law.

**V. Certificate of Vocational Training of a Safety Adviser (Consultant)**

47. The Ministry of Transport shall issue a certificate to a person who has successfully passed the examination in accordance with the requirements referred to in Chapter IV of this Regulation and obtained the qualification. The Road Transport Administration shall perform registration of safety advisers (consultants) of the carriage of dangerous goods, administration of obtaining the qualification and issuance of a certificate in the field of carriage of dangerous goods by road, and the State Railway Technical Inspectorate – in the field of carriage of dangerous goods by rail.

48. The Ministry of Transport shall indicate the information specified in paragraph 1.8.3.18 of the international agreements in the certificate.

49. The period of validity of the certificate shall be five years from the day of passing the basic course examination, except for:

49.1. the case referred to in Paragraph 50 of this Regulation – if not more than 12 months are left until the end of the period of validity of the previously issued certificate, the certificate shall be issued for a period of five years, counting from the date of expiry of the period of validity of the previously issued certificate;

49.2. in the cases referred to in Paragraphs 15 and 16 of this Regulation, the certificate shall be issued for a period which conforms to the period of validity of the certificate issued previously after passing the basic course examination.

50. The period of validity of a certificate shall be extended by issuing a new certificate to a person if the owner of the certificate has completed a training course which conforms to the qualification of a safety adviser (consultant) before expiry of the period of validity of the certificate (the volume of the training course shall conform to at least 50 % of the volume referred to in Paragraphs 14, 15, and 16 of this Regulation) and has successfully passed examinations in accordance with Chapter IV of this Regulation. In such case, the case study referred to in Sub-paragraph 34.2 of this Regulation need not be completed. If the person has failed the examination, the repeated examination shall also include a case study.

51. If the period of validity of a certificate has expired, a person shall renew the qualification in accordance with the procedures indicated in Chapter II of this Regulation.

**VI. Closing Provisions**

52. Certificates issued in accordance with Cabinet Regulation No. 156 of 21 February 2006, Regulations Regarding Appointment of Safety Advisers (Consultants), Vocational Qualification and Activities Thereof in the Field of Transport of Dangerous Goods, shall be valid until the end of the period indicated therein.

53. Cabinet Regulation No. 156 of 21 February 2006, Regulations Regarding Appointment of Safety Advisers (Consultants), Vocational Qualification and Activities Thereof in the Field of Transport of Dangerous Goods, is repealed.

Prime Minister A. K. Kariņš

Minister for Transport J. Vitenbergs

**Annex 1**

Cabinet Regulation No. 363

4 July 2023

**Notification on the Appointing of a Safety Adviser (Consultant) in Carriage of Dangerous Goods**

**1. Information on a Participant in the Movement of Dangerous Goods**

|  |  |  |
| --- | --- | --- |
| 1.1. | Name |  |
| 1.2. | Registration number |  |
| 1.3. | Address |  |
| 1.4. | Telephone, email |  |
| 1.5. | Location of principal activities |  |
| 1.6. | Address |  |
| 1.7. | Telephone, email |  |
| 1.8. | Other operating sites  (*to be completed for each operating site, if any*) |  |
| 1.9. | Address |  |
| 1.10. | Telephone, email |  |

**2. Information on the Responsible Safety Adviser (Consultant) of Dangerous Goods**

|  |  |  |
| --- | --- | --- |
| 2.1. | Safety adviser (consultant) |  |
|  |  | (given name, surname) |
| 2.2. | Certificate number |  |
| 2.3. | Telephone, email |  |

**3. Activities Involving Dangerous Goods**

|  |  |  |
| --- | --- | --- |
|  | Goods are intended for carriage by road | If goods are intended for transport by rail |
| 3.1. Transport |  |  |
| 3.2. Classification procedures |  |  |
| 3.3. Packaging |  |  |
| 3.4. Loading |  |  |
| 3.5. Unloading |  |  |
| 3.6. Filling up of tanks |  |  |
| 3.7. Preparation of transport documents |  |  |
| 3.8. Forwarding services |  |  |
| 3.9. Performance of shunting operations |  |  |
|  | (*mark the type of activity*) |  |

|  |  |
| --- | --- |
|  |  |
| Person having the signatory power |  |
|  | (*signature*)\* |
| Safety adviser (consultant) |  |
|  | (*signature*)\* |
| Date of drawing up the notification\* |  |
| Note. \* The detail of the document shall not be completed if the electronic document has been prepared in accordance with the laws and regulations regarding the drawing up of electronic documents. | |

**Annex 2**

Cabinet Regulation No. 363

4 July 2023

**Duration of Parts of the Examination, Number of Questions, and the Minimum Number of Correct Answers Required to Pass the Examination**

1. Test:

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| No. |  | Duration (minutes) | Number of questions | Minimum share of correct answers | Minimum number of correct answers |
| 1.1. | Basic course for the first type of carriage | 150 | 40 | 80 % | 32 |
| 1.2. | Basic course for the second type of carriage | 75 | 20 | 80 % | 16 |
| 1.3. | Additional course for each class | 60 | 15 | 80 % | 12 |

2. Case study:

2.1. duration – 120 minutes;

2.2. the maximum number of points which may be obtained by answering the question shall be indicated for each question. The maximum number of points of the case study shall be 100 points;

2.3. in order to pass a case study task successfully, the candidate needs to obtain at least 70 points.