

REPUBLIC OF LITHUANIA
LAW ON CARRIAGE OF DANGEROUS GOODS BY ROAD, RAIL AND
INLAND WATERWAYS

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CHAPTER TWO
STATE ADMINISTRATION OF DANGEROUS GOODS CARRIAGE AND RELATED
ACTIVITIES

Article 6. State Administration of Dangerous Goods Carriage and Related Activities

The state administration of the carriage of dangerous goods and related activities shall be implemented by the Government of the Republic of Lithuania and the institutions authorised by it, the Ministry of Transport and Communications of the Republic of Lithuania, the competent authorities of the Republic of Lithuania, and other authorised public administration entities in accordance with their respective competencies.

Article 7. The Competency of the Government of the Republic of Lithuania and its Authorised Institution

1. The Government of the Republic of Lithuania shall:

- 1) establish procedures for the carriage of dangerous goods by road in the Republic of Lithuania;
- 2) establish procedures for the carriage of dangerous goods by rail in the Republic of Lithuania;
- 3) establish procedures for controls of the carriage of dangerous goods.

2. The Government of the Republic of Lithuania or its authorised institution shall:

- 1) grant the authority to the competent authorities of the Republic of Lithuania to perform functions vested in them by international agreements of the Republic of Lithuania that govern the carriage of dangerous good and to other public administration entities to perform the functions of the state administration of the carriage of dangerous goods and related activities, if such functions are not defined in this law and other legal acts, and coordinate their activities;
- 2) take decisions regarding the derogations set forth in Article 22(1), (3) and (5) of the law;
- 3) where necessary, take decisions regarding special safety requirements for the carriage of dangerous goods and related activities within the territory of the Republic of Lithuania in cases when dangerous goods are carried in the territory of the Republic of Lithuania only or in the Republic of Lithuania and other Member State, or in a country of the European Economic Area, by means of transport to which this law does not apply and/or passenger trains, or regarding requirements for the use of the routes set (including the use by the prescribed modes of transport).

Article 8. The Competency of the Ministry of Transport and Communications of the Republic of Lithuania

1. The Ministry of Transport and Communications shall develop a common national policy in the area of carriage of dangerous goods and related activities.

2. While performing the functions of the competent authority of the Republic of Lithuania, the Ministry of Transport and Communications shall:

- 1) coordinate the compliance with international agreements of the Republic of Lithuania that govern the carriage of dangerous goods;
- 2) issue recommendations to enter into bilateral or multilateral temporary agreements on derogations from the requirements of the international agreements of the Republic of Lithuania governing the carriage of dangerous goods;
- 3) cooperate with the United Nations Economic Commission for Europe, the European Commission and competent authorities of the contracting parties in the area of carriage of dangerous goods and related activities.

3. The Ministry of Transport and Communications shall:

- 1) establish procedures for appointing safety advisers for the carriage dangerous goods in undertakings;
- 2) establish procedures for training and examination of safety advisers for the carriage of dangerous goods, issue, cancellation and renewal of certificates and their duplicates;
- 3) establish procedures for certifying trainers of persons involved in the carriage of dangerous goods and persons seeking to become trainers of persons involved in the transport of dangerous goods, as well as for granting and cancellation of the authority to train;
- 4) establish procedures for the verification of the compliance of a training institutions and the granting, revision, suspension, renewal and cancellation of the authority to train persons involved in the carriage of dangerous goods;
- 5) adopt legal acts required to inspect the carriage of dangerous goods.

Article 9. The Competency of the Competent Authorities and Other Public Administration Entities Authorised to Implement Functions of the State Administration of the Carriage of Dangerous Goods or Related Activities

The competent authorities of the Republic of Lithuania and other public administration entities shall perform, within the limits of their respective competencies, the functions of the state administration of the carriage of dangerous goods or related activities, as well as submit proposals to the Government of the Republic of Lithuania or its authorised institutions regarding the revision of necessary functions and institutions performing them, subject to the amendments to the international agreements of the Republic of Lithuania governing the carriage of dangerous goods.

**CHAPTER THREE
ENSURING SAFE CARRIAGE OF DANGEROUS GOODS AND RELATED ACTIVITIES**

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Article 12. Obligations of the Participants in the Carriage of Dangerous Goods

1. The main obligations of the consignor are as follows:
 - 1) To ascertain that the dangerous goods are classified and authorised for carriage;
 - 2) To furnish the carrier with information and data, transport and accompanying documents related to the dangerous goods required in accordance with the international agreements of the Republic of Lithuania governing the carriage of dangerous goods;
 - 3) To use only packagings, large packagings, intermediate bulk containers and tanks approved for and suited to the carriage of the substances concerned and bearing the markings prescribed in the international agreements of the Republic of Lithuania governing the carriage of dangerous goods;
 - 4) To comply with the procedures and restrictions on the dispatch of dangerous goods prescribed in the international agreements of the Republic of Lithuania governing the carriage of dangerous goods;
 - 5) If the consignor uses the services of other participants in the carriage of dangerous goods and relies upon information provided by them, the consignor shall ensure that the consignor's obligations in this Article are properly met;
 - 6) To provide, in accordance with the legal acts, the inspecting authorities with information required for conducting inspections, to implement their legitimate decisions and instructions.
2. The main obligations of the carrier are as follows:
 - 1) To ascertain that the dangerous goods to be carried are authorised for carriage;
 - 2) To ascertain that the transport and accompanying documents prescribed in the international agreements of the Republic of Lithuania governing the carriage of dangerous goods are submitted;
 - 3) To ascertain visually that the transport used for the carriage and loads have no obvious defects, leakages or cracks, and that no equipment that must be present and complete in accordance with the international agreements of the Republic of Lithuania governing the carriage of dangerous goods is missing (including the equipment prescribed in written instructions);

4) To ascertain that the tank has been tested and the date of the next test for the tank has not expired;

5) To verify that the transport used for the carriage of dangerous goods is not overloaded;

6) To ascertain that the placards and markings prescribed for the transport used for the carriage of dangerous goods have been affixed in accordance with the international agreements of the Republic of Lithuania governing the carriage of dangerous goods;

7) If, prior to or during the journey, an infringement which could jeopardize the safety of the operation is observed, the consignment shall be halted and the transport operation may only be continued once the infringement is eliminated;

8) To provide, in accordance with the legal acts, the inspecting authorities with information required for conducting inspections (controls), to implement their legitimate decisions and instructions.

3. The main obligations of the consignee are as follows:

1) Not to defer acceptance of the goods without compelling reasons;

2) If the consignee makes use of the services of other participants in the carriage of dangerous goods, the consignee shall take appropriate measures to ensure that the consignee's obligations in this Article are properly met;

3) To return only neat containers to the carrier, without any non-conformities to the requirements prescribed in the international agreements of the Republic of Lithuania governing the carriage of dangerous goods, if such non-conformities have been detected;

4) To provide, in accordance with the legal acts, the inspecting authorities with information required for conducting inspections (controls), to implement their legitimate decisions and instructions.

4. The participants indicated in paragraphs 1, 2 and 3 above, as well as other participants in the carriage of dangerous goods, must also perform other duties prescribed in the international agreements of the Republic of Lithuania governing the carriage of dangerous goods, this and other laws, as well as other legal acts governing the carriage of dangerous goods.

Article 13. Safety Adviser for the Carriage of Dangerous Goods

1. Except for the cases in paragraph 2 below, each undertaking, the activities of which include the transport, or the related loading, unloading, filling or packing of dangerous goods shall appoint one or more safety advisers for the carriage of dangerous goods, responsible for helping to prevent the risks inherent in such activities with regard to persons, property and the environment.

2. Appointment of safety advisers for the carriage of dangerous goods is not required in undertakings meeting at least one of the conditions below:

1) The undertaking transports or is engaged in the related loading, unloading, filling or packing of dangerous goods only in exceptional cases referred to in the international agreements of the Republic of Lithuania governing the carriage of dangerous goods and other legislation;

2) The main or secondary activities of the undertaking are not the carriage or the related loading, unloading or filling of dangerous goods but the undertaking occasionally, maximum once a month, engages in the carriage of dangerous goods of transport category 4 or in the related loading or unloading of such goods exclusively within the territory of the Republic of Lithuania and in accordance with the international agreements of the Republic of Lithuania governing the carriage of dangerous goods;

3) The undertaking is just the ultimate consignee of dangerous goods (the unloaded dangerous goods are stored, used in production processes or sold on retail markets) and is not engaged in the carriage or related loading, unloading, filling or packing of dangerous goods.

3. A safety adviser shall hold a certificate of safety adviser for the carriage of dangerous goods, valid for the relevant mode of transport and the type of dangerous goods, issued in the Republic of Lithuania or another contracting party.

4. To obtain a certificate of safety adviser for the carriage of dangerous goods, a candidate shall undergo relevant training in a training institution for the appropriate mode of transport and the type of dangerous goods and pass an examination in the relevant competent authority of the Republic of Lithuania. The certificate shall be valid for five years. The period of validity of a certificate shall be extended for five years from the date of expiry if, during the final year before its expiry, its holder has passed an examination.

5. A duplicate certificate of safety adviser for the carriage of dangerous goods shall be issued at a holder's request if the original certificate has been lost or destroyed, or the personal data of the holder have changed.

6. The competent authority of the Republic of Lithuania which has issued a certificate of safety adviser for the carriage of dangerous goods or its duplicate may withdraw the certificate if it turns out that a person, in giving information required for the issue of the certificate or its duplicate, has made false statements, at a holder's request or in the event of his or her death.

7. The training and examinations of safety advisers for the carriage of dangerous goods shall be carried out, certificates or their duplicates shall be issued, withdrawn or extended in accordance with the procedure prescribed by the Ministry of Transport and Communications of the Republic of Lithuania and in compliance with the international agreements of the Republic of Lithuania governing the carriage of dangerous goods.

8. An undertaking which has appointed a safety adviser for the carriage of dangerous goods shall notify the competent authority of the Republic of Lithuania within 10 calendar days by giving a notification in writing or sending an electronic notice with the electronic signature.

Article 14. Training of Drivers of Vehicles Carrying Dangerous Goods

1. Drivers of vehicles carrying dangerous goods by road must hold an ADR training certificate for drivers of vehicles carrying dangerous goods issued in the Republic of Lithuania or in another ADR contracting party, stating that they have knowledge of the particular requirements that have to be met during the carriage of dangerous goods by road.

2. To obtain an ADR training certificate for drivers of vehicles carrying dangerous goods, a driver shall undergo a relevant training course in a training establishment and pass an examination in the competent authority of the Republic of Lithuania. The certificate shall be valid for five years from the date of passing the examination. The period of validity of a certificate shall be extended for five years from the date of expiry if, during the final year before its expiry, its holder has followed refresher courses and passed a relevant examination.

3. A duplicate ADR training certificate for drivers of vehicles carrying dangerous goods shall be issued at a holder's request if the original certificate has been lost or destroyed, or the personal data of the holder have changed.

4. The competent authority of the Republic of Lithuania which has issued an ADR training certificate for drivers of vehicles carrying dangerous goods or its duplicate may withdraw the certificate if it turns out that a person, in giving information required for the issue of the certificate or its duplicate, has made false statements, or at a holder's request or in the event of his or her death.

5. The training and examinations of drivers of vehicles carrying dangerous goods shall be carried out, ADR training certificates for drivers of vehicles carrying dangerous goods or their duplicates shall be issued, withdrawn or extended in accordance with the procedure prescribed by the Ministry of Transport and Communications of the Republic of Lithuania and in compliance with ADR.

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Article 20. Inspections of the Carriage of Dangerous Goods

1. Inspections of the carriage of dangerous goods (including the rated loading, filling and unloading) are divided into:

- 1) inspection of carriage;
- 2) inspection of undertaking's activity.

2. The main principles of organising and carrying out checks of the carriage of dangerous goods include:

1) The carriage checks shall be random, covering a possibly larger section of the road network;

2) The carriage checks shall be performed at appropriate transport facilities (except for those in residential and public gathering areas) permitting, where appropriate, safe halting of the transport operations;

3) The inspecting authorities shall perform partial or thorough checks of vehicles carrying dangerous goods and their loads;

4) The findings of the carriage check shall be recorded in a report of inspection of the carriage of dangerous goods. A model form of the statement shall be prescribed by the Ministry of Transport and Communications of the Republic of Lithuania. The statement of inspection of dangerous goods shall be made in two copies, one copy shall be issued to a person in charge for the carriage of dangerous goods and the other one shall be retained by the inspecting authority;

5) The duration of the checks shall not exceed a reasonable length of time for performance of the necessary actions;

6) Where appropriate, and provided that this does not constitute a safety hazard, samples of the dangerous goods transported may be taken for laboratory analysis;

7) For the purpose of carrying out checks of the carriage of dangerous goods, failures to be regarded as infringements are classified into three risk categories, category 1 being the most serious. A model list of main infringements classified into the risk categories, as well as the description of the risk categories, shall be made by the Ministry of Transport and Communications of the Republic of Lithuania. A final decision on ascribing each of the detected infringements to an appropriate risk category shall be made by the inspecting authority (officer), taking into account particular circumstances.

3. Checks of undertaking's activities, as a part of monitoring of economic entity's practice, shall be carried out in the undertakings which are participants in the carriage of dangerous goods. The checks of undertaking's activities shall be conducted when an infringement which could jeopardise the safety of the carriage of dangerous goods is observed during the carriage checks, and as a preventive measure or mutual administrative support to the competent authorities of the contracting parties.

4. If it is observed during the carriage or undertaking's activity checks that the requirements of the carriage of dangerous goods or related activities have been infringed and jeopardise the public order, public safety, public health or environmental safety, the relevant carriage of dangerous goods or the related transport operation and/or the undertaking's activity in the carriage of dangerous goods or the related activities shall be temporary suspended, the vehicle carrying dangerous goods shall be prohibited from entering the territory of the European Union, and measures to rectify the infringements shall be prescribed.

5. The checks of the carriage of dangerous goods shall be carried out in compliance with the procedure prescribed by the Law on Public Administration of the Republic of Lithuania, this law and the Government of the Republic of Lithuania.

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