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PROPOSALS FOR AMENDMENTS TO RID/ADR/ADN

Chapter 1.4: Incorporation of new obligations for the loader and the consignee

Transmitted by the Government of Germany*

The secretariat has received from the Central Office for International Carriage by Rail (OCTI) the proposal reproduced below.

SUMMARY

Executive summary:

It has emerged that the cause of a serious accident that occurred during the discharge of an IBC into a tank, during which toxic and corrosive vapours formed, was a confusion in the use of IBCs containing dangerous goods. None of the participants had checked whether the basic classification particulars in the transport document were in accordance with the IBC particulars, which would have made it possible to avoid any confusion. The applicable requirements of RID/ADR do not contain any such specific obligation.

Action to be taken:

Incorporation of the obligation for the loader and the stevedore as the main participants to carry out a basic check.

* Circulated by the Central Office for International Carriage by Rail (OCTI) under the symbol OCTI/RID/GT-III/2004/8.

Proposal

1.4.2.3.1 Introduction of a new (a) to read:

“(a) check, on acceptance of dangerous goods in IBCs, large packagings, containers and tanks, whether the UN number and the class of the primary and subsidiary risks in the consignment note/transport document are in accordance with the marking and labelling;”.

The existing (a) and (b) become (b) and (c).

1.4.3.1.1 Introduction of a new (c) to read:

“(c) he shall check, when dangerous goods are handed over in IBCs, large packagings, containers and tanks, whether the UN number and the class of the primary and subsidiary risks in the consignment note/transport document are in accordance with the marking and labelling;”.

The existing (c), (d) and (e) become (d), (e) and (f).

1.4.3.1.2 Amend “1.4.3.1.1 (a), (d) and (e)” to read “1.4.3.1.1 (a), (e) and (f).”

Justification

Following an accident during the carriage of dangerous goods, the cause was ascertained to have been, during the loading on a vehicle of various IBCs containing dangerous goods, the selection and loading of an unsuitable IBC, although it did not correspond to the particulars in the consignment note/transport document and contained sodium hypochlorite instead of hydrochloric acid. No check was made, during loading and discharging of the dangerous substance, as to whether the particulars contained in the consignment note/transport document and the particulars for the dangerous goods to be loaded/discharged were in accordance with those indicated on the IBC. When this substance was discharged into a tank filled with hydrochloric acid, reactions occurred. Corrosive and toxic gases formed and caused considerable injuries to a large number of workers.

It was noted during the preparation of the criminal proceedings, that it could not be clearly demonstrated that there had been a breach of the relevant obligations. RID/ADR contains no requirement establishing an obligation for the loader, vehicle-driver or consignee to check that the transport document is in accordance with the goods carried. The presence of a requirement of that nature would be necessary for a criminal prosecution.

For this reason, it is proposed that an obligation to carry out a general check should be included in RID/ADR for the participants referred to in the proposal, as regards the basic verifications that are always required to ensure that the documents are in accordance with the load.

The obligation to check that this is the case cannot concern all the information contained in the transport document. This would be out of all proportion to the problem and the respective obligations incumbent on the participants.

It would similarly be impractical to focus attention on all types of container (for example, the different packagings) in this rule. For reasons of pragmatism, a specific volume of the recipient or a specific quantity of dangerous goods (hazard potential) should be taken into account. This is why the intention is to focus only on large packagings, containers and tanks. The term “tank” includes all recipients taken into account in the RID/ADR definition.

A rule of this type also seems judicious from the standpoint of the security of the carriage of dangerous goods.
