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Working Party on the Transport of Dangerous Goods

Joint Meeting of the RID Safety Committee and the
Working Party on the Transport of Dangerous Goods
(Geneva, 13-23 September 2005)

PROPOSAL OF AMENDMENTS TO RID/ADR/ADN

Particulars in the consignment note/transport document

Transmitted by the Government of Belgium

1. Introduction

1.1. During the previous session of the RID/ADR Joint Meeting in March 2005, the German document INF. 15 concerning the indication of the date and signature in the transport document was discussed. It was pointed out that neither RID nor ADR required the transport document/consignment note to be dated and signed, and that – if this situation was to be changed – a written proposal to amend ADR would have to be submitted (see TRANS/WP.15/AC.1/98, paragraph. 46-48).

1.2. Because Belgium is of the opinion that this date and signature are necessary for several reasons, it proposes the introduction of this requirement in ADR and RID.

2. Proposal

In 5.4.1.1.1 of ADR, add the following new indent j):

“j) *(Reserved)* “

In 5.4.1.1.1 of RID and ADR, add three new indents with the following content:

“k) the place at which and the day on which the consignment note/transport document is made out;

- l) the signature of the consignor and carrier;
- m) the place and the day of taking over of the goods".

3. Justification

3.1. A document (be it an application, declaration, notification, contract, ...) only possesses a legal status when it is signed and dated.

3.2. The consignment note/transport document is a very important source of information before and during transport:

- It is not true that the consignment note/transport document has nothing to do with the RID/ADR obligations of participants and that the information required by RID/ADR is related to safety only as a safety issue. This becomes very clear by looking at 1.4.2.2.1, where it is explicitly stated that the carrier shall fulfil his obligations "*on the basis of the transport documents and accompanying documents, ...*"
- during controls, the consignment note/transport document is a vital piece of information, which is used in court as evidence when infringements have been detected.

The need for its legal status is therefore unquestionable.

3.3. This need is recognized by the other international regulations that deal with the transport of goods in general : both CIM and CMR require places, dates and signatures (in the same wording as the Belgian proposal).

3.4. In spite of the fact that this requirement already exists in CIM and CMR, it is also needed in RID/ADR, for the following reasons:

- CMR does not cover all road transports;
- when CMR transport documents without dates or signatures are discovered during an ADR-road control, problems may arise in some countries (e.g. Belgium) for specialized controllers whose mandate covers the ADR regulations, but not CMR;
- in the field of the transport of dangerous goods, some consignors systematically refuse to sign the transport document (especially when infringements against CMR are less severely punished than those against ADR).
