

ECONOMIC COMMISSION FOR EUROPE

INLAND TRANSPORT COMMITTEE

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

Bern, 26-30 March 2007

PROPOSALS OF AMENDMENTS TO RID/ADR/ADN */

Definition of the safety obligations of unloaders, relating document
ECE/TRANS/WP.15/AC.1/2006/32

Transmitted by Spain

Summary:	Several proposals have been submitted with the intention of clarifying the safety obligations of unloaders in Chapter 1.4. The principle of introducing a new participant – the unloader – with a definition and obligations has been approved (see ECE/TRANS/WP.15/AC.1/102, par. 52). Bearing in mind the most recent comments made by the Governments of Austria (INF 27-2007), Belgium (INF 23-2006), and France (INF 27-2006), Switzerland (INF 31E-2006), and United Kingdom, the Government of Spain is once again submitting a proposal.
Action to be taken:	Add a new definition in 1.2.1 as well as a new 1.4.3.x and adapt 1.4.2.3.

*/ Circulated by the Central Office for International Carriage by Rail (OCTI) under the symbol OCTI/RID/GT-III/2006/32.

Introduction

1. The obligations of the unloader are not clearly defined in Chapter 1.4. The proposal submitted by Spain in September 2004 was intended to clarify this issue. According to the data on incidents during carriage, the origin of a considerable percentage of these can be found in a clumsy manoeuvre during unloading.
2. In view of the comments made, a new definition is proposed, where it is envisaged to cover both unloader of packages and unloader/discharger of bulk or tanks.
3. The obligations of the unloader cover also, where appropriate, those of the discharger and the cleaner.
4. Bearing in mind the areas where the unloader's and the consignee's duties would now overlap, the duties of the consignee are adapted accordingly.

Proposals

(a) **Add a new definition in paragraph 1.2.1:**

““*Unloader*” means any enterprise which:

- unloads packaged dangerous goods from within a vehicle/wagon or a large container or

-discharges dangerous goods from a tank (tank-wagon/vehicle, demountable tank, portable tank or tank-container) or from a battery-wagon/vehicle or MEGC and/or from a wagon/vehicle, large container or small container for carriage in bulk;”

(b) **Add a new paragraph 1.4.3.x:**

“**1.4.3.x** *Unloader*

1.4.3.x.1 In the context of 1.4.1, the unloader shall in particular:

- (a) check the good(s) concerned correspond to the documentation;
- (b) when unloading or discharging, check whether the packagings, the tank, the vehicle/wagon or container have been damaged to an extent which would endanger the unloading or discharging operation. In these instances, unloading shall not be carried out until the appropriate emergency measures have been taken;
- (c) comply with the requirements concerning unloading and handling;

- (d) immediately following the discharging of the tank, wagon/vehicle or container:
 - remove any dangerous residues which have adhered to the outside of the tank, vehicle/wagon or container during the process of discharging;
 - ensure the closure of valves and inspection openings;
- (e) carry out the prescribed cleaning and decontamination of the wagons/vehicles or containers;
- (f) ensure that the placards and markings conforming to Chapter 5.3 are removed if they are not longer required by RID/ADR.

1.4.3.x.2 If the unloader makes use of the services of other participants (cleaner, decontamination facility, etc.) he shall take appropriate measures to ensure that the requirements of RID/ADR have been complied with.”

- (c) **Paragraph 1.4.2.3 shall read as follows:**

"1.4.2.3 The consignee has the obligation not to defer acceptance of the goods without compelling reasons.

A <RID only: wagon or> container may only be returned or reused once the requirements of RID/ADR concerning the unloader have been complied with."

- (d) **Proposal INF 27-2006, from France, should be included in 1.4.2.3.2, which shall read as follows:**

“1.4.2.3.2 If the consignee makes use of the services of other participants (unloader, cleaner, decontamination facility, etc.) he shall take appropriate measures to ensure that the requirements of RID/ADR have been complied with. **The consignee shall ensure that the equipment necessary for the unloader to perform the duties defined in 1.4.3.x is available on his facilities.**”
