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Item 5 (b) of the provisional agenda

Proposals for amendments to RID/ADR/ADN: new proposals

Chapter 1.4: Safety obligations of the participants - terminology

Transmitted by the Government of Sweden^{1, 2}

Summary

Executive summary: In several places in Chapter 1.4 the words "he", "his" and "him" are used. The text should be amended to be gender-neutral.

Action to be taken: Amend the text in relevant places in Chapter 1.4.

Related documents: -

Background

1. In several places in Chapter 1.4, text concerning safety obligations to be carried out by the participants refers to "he", "his" and "him". Sweden believes these references should be amended to be gender-neutral.

¹ In accordance with the programme of work of the Inland Transport Committee for 2010–2014 (ECE/TRANS/208, para.106, ECE/TRANS/2010/8, programme activity 02.7 (c)).

² Circulated by the Intergovernmental Organisation for International Carriage by Rail (OTIF) under the symbol OTIF/RID/RC/2011/13.

Proposal

2. All amendments proposed below are underlined or stricken out and applies for RID/ADR if not otherwise specified.

Under "Consignor", amend the following sub-sections:

- "1.4.2.1.1 The consignor of dangerous goods is required to hand over for carriage only consignments which conform to the requirements of RID/ADR. In the context of 1.4.1, ~~he~~ the consignor shall in particular:"
((a) – (e) remain unchanged)
- "1.4.2.1.2 If the consignor uses the services of other participants (packer, loader, filler, etc.), ~~he shall take~~ appropriate measures shall be taken to ensure that the consignment meets the requirements of RID/ADR. ~~He~~ The consignor may, however, in the case of 1.4.2.1.1 (a), (b), (c) and (e), rely on the information and data made available ~~to him~~ by other participants."
- "1.4.2.1.3 When the consignor acts on behalf of a third party, the latter shall inform the consignor in writing that dangerous goods are involved and make available ~~to him~~ all the information and documents he neededs to perform ~~his~~ these obligations."

Under "Carrier", amend the following sub-sections:

- "1.4.2.2.2 The carrier may, however, in the case of 1.4.2.2.1 (a), (b), (e) and (f), rely on information and data made available ~~to him~~ by other participants."
- "1.4.2.2.3 If the carrier observes an infringement of the requirements of RID/ADR, in accordance with 1.4.2.2.1, ~~he~~ the carrier shall not forward the consignment until the matter has been rectified."
- "1.4.2.2.4 If, during the journey, an infringement which could jeopardize the safety ...
In case the required compliance cannot be achieved and no authorization is granted for the rest of the journey, the competent authority(ies) shall provide the carrier with the necessary administrative assistance. The same shall apply in case the carrier informs this/these competent authority(ies) that the dangerous nature of the goods carried was not communicated ~~to him~~ by the consignor and that ~~he~~ the carrier wishes, by virtue of the law applicable in particular to the contract of carriage, to unload, destroy or render the goods harmless."

RID only:

- "1.4.2.2.5 The carrier shall ensure that the manager of the railway infrastructure being used is able to obtain at any time during carriage rapid and unrestricted access to the information allowing ~~him~~ the carrier to meet the requirements of 1.4.3.6 (b)."
(Note remains unchanged)

Under "Consignee", amend the following sub-sections:

- "1.4.2.3.1 The consignee has the obligation not to defer acceptance of the goods without compelling reasons and to verify, after unloading, that the requirements of RID/ADR concerning ~~him~~ the consignee have been complied with."

"1.4.2.3.3 If the consignee makes use of the services of other participants (unloader, cleaner, decontamination facility, etc.) ~~he shall take~~ appropriate measures shall be taken to ensure that the requirements of 1.4.2.3.1 and 1.4.2.3.2 of RID/ADR have been complied with."

Under "Loader", amend the following sub-sections:

- "1.4.3.1.1 In the context of 1.4.1, the loader has the following obligations in particular:
- (a) ~~He shall h~~Hand the dangerous goods over to the carrier only if they are authorized for carriage in accordance with RID/ADR;
 - (b) ~~He shall,~~ When handing over for carriage packed dangerous goods or uncleaned empty packagings, check whether the packaging is damaged. ~~He shall not~~ A damaged package shall not be handed over ~~a package the packaging of which is damaged,~~ especially if it is not leakproof, and there are leakages or the possibility of leakages of the dangerous substance, until the damage has been repaired; this obligation also applies to empty uncleaned packagings;
 - (c) ~~He shall,~~ When loading dangerous goods in a wagon/vehicle, or a large or small container, comply with the special requirements concerning loading and handling;
 - (d) **RID:** ~~He shall,~~ When ~~he handings~~ dangerous goods over for carriage directly, comply with the requirements concerning placarding on the wagon or large container or the orange plates on the wagon or large container;
ADR: ~~He shall,~~ After loading dangerous goods into a container comply with the requirements concerning danger markings conforming to Chapter 5.3;
 - (e) ~~He shall,~~ When loading packages, comply with the prohibitions on mixed loading taking into account dangerous goods already in the wagon/vehicle or large container and requirements concerning the separation of foodstuffs, other articles of consumption or animal feedstuffs."
- "1.4.3.1.2 The loader may, however, in the case of 1.4.3.1.1 (a), (d) and (e), rely on information and data made available ~~to him~~ by other participants."

Under "Packer", amend the following sub-section:

- "1.4.3.2 In the context of 1.4.1, the packer shall comply with in particular:
- (a) the requirements concerning ...
 - (b) when ~~he preparinges~~ packages for carriage, the requirements concerning marking and labelling of the packages."

Under "Filler", amend the following sub-section:

- "1.4.3.3 "In the context of 1.4.1, the filler has the following obligations in particular:
- (a) ~~He shall~~ Ascertain prior to the filling of tanks that both they and their equipment are technically in a satisfactory condition;
 - (b) ~~He shall~~ Ascertain that the date of the next test for tank-wagons/tank-vehicles, battery-wagons/battery-vehicles, demountable tanks, portable tanks, tank-containers and MEGCs has not expired;

- (c) ~~He shall~~ Only fill tanks with the dangerous goods authorized for carriage in those tanks;
- (d) ~~He shall~~, In filling the tank, comply with the requirements concerning dangerous goods in adjoining compartments;
- (e) ~~He shall~~, During the filling of the tank, observe the maximum permissible degree of filling or the maximum permissible mass of contents per litre of capacity for the substance being filled;
- (f) ~~He shall~~, After filling the tank, check the leakproofness of the closing devices;
- (g) ~~He shall~~ Ensure that no dangerous residue of the filling substance adheres to the outside of the tanks filled ~~by him~~;
- (h) **RID:** ~~he shall~~, In preparing the dangerous goods for carriage, ensure that the orange plates and placards or labels prescribed are affixed on the tanks, on the wagons and on the large and small containers in accordance with the requirements;
ADR: ~~He shall~~, In preparing the dangerous goods for carriage, ensure that the orange plates and placards or labels prescribed are affixed on the tanks, on the vehicles and on the large and small containers for carriage in bulk in accordance with the requirements;
- (i) **RID:** ~~he shall~~, Before and after filling tank-wagons with a liquefied gas, observe the applicable special checking requirements;
ADR: *(Reserved)*;
- (j) ~~He shall~~, When filling vehicles or containers with dangerous goods in bulk, ascertain that the relevant provisions of Chapter 7.3 are complied with."

Under "Railway Infrastructure Manager", amend the following sub-section:

RID only:

"1.4.3.6 (b) shall ensure that ~~he has~~ rapid and unrestricted access to the following information at any time during carriage:" *(The rest remain unchanged)*

Under "Unloader", amend the following sub-section:

"1.4.3.7.2 If the unloader makes use of the services of other participants (cleaner, decontamination facility, etc.) ~~he shall take~~ appropriate measures shall be taken to ensure that the requirements of RID/ADR have been complied with."