

## Economic Commission for Europe

### Inland Transport Committee

#### Working Party on the Transport of Dangerous Goods

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Work of the RID/ADR/ADN Joint Meeting

16 October 2015

### Amendments to sub-section 1.4.2.2 Carrier

#### Transmitted by the Government of Romania

#### Introduction

1. Romania provides below:
  - the updated proposals regarding the amendments to the sub-section 1.4.2.2 of ADR taking into account the comments received at the last session of the Joint Meeting RID/ADR/ADN on document ECE/TRANS/WP.15/AC.1/2015/34, and
  - the consolidated text of the sub-section 1.4.2.2 of ADR containing the updated proposals – in Annex.
2. As stipulated in the report of the September 2015 session of the Joint meeting:

*“Several delegations said that the obligations of the carrier differed according to the mode of transport and that the differences were justified. It was not necessary to harmonise the wording of RID, ADR and ADN.”*
3. Our proposals presented below deal mainly with the obligations related to the equipment (including fire-fighting equipment) and the instruction in writing from a comprehensive analysis of the sub-section.
4. We propose also to replace *vehicle* by *transport unit* in several places (paragraphs (c), (f), (h) and final phrase), for the consistency of the text of the sub-section with the other provisions of ADR starting from the definition of *transport unit* which *means a motor vehicle without an attached trailer, or a combination consisting of a motor vehicle and an attached trailer*.
5. In paragraphs (c), (f) and in the ending phrase of 1.4.2.2.1 is proposed the term **cargo** in square brackets because the use of the term **cargo transport unit** instead of the term **transport unit** may extend the obligations of the carrier. At the paragraph 26 of the Report of the September session of the Joint meeting RID/ADR/ADN was noted that *was decided to amend the definition of cargo transport unit to cover all units that could be used in the frame work of RID/ADR/ADN and to delete the NOTE currently included in the definition*.
6. During the reading of the report at the last session of WP.15, IRU asked the Working Party to keep between square brackets the new text adopted for 1.4.2.2.6 in ADR (similar to RID) because the obligations of the carrier are mainly provided under 1.4.2.2.1 from (a) to (g) and this one is out of this area - in another paragraph.

## Proposals

### Paragraph (c)

7. The final phrase of 1.4.2.2.1 provides an instrument by means of a ***visual inspection*** to check the upper obligations listed. In this regard we propose the deletion of the term ***visually*** in paragraph (c) because it seems superfluous in the context of the ending phrase of the paragraph which covers all the obligations, as follows:

*“Where appropriate, this shall be done on the basis of the transport documents and accompanying documents, ***by a visual inspection of the vehicle or the containers and, where appropriate, the load.***”*

8. The current text of the paragraph (c), as it is worded concerning the missing equipment, not cover the equipment for personal use of the members of the vehicle crew or the equipment required for certain classes. The fire-fighting equipment might be clear contained here as well. By including all equipment together the treatment will be similar.

### Proposal 1

9. Amend the text of the paragraph (c) of sub-section 1.4.2.2 to read as follows:

(c) Ascertain **visually** that ***both the equipment prescribed in the instructions in writing and the fire-fighting equipment according to ADR are on board the transport unit and the [cargo] transport unit vehicles*** and loads have no obvious defects, leakages or cracks, missing equipment, etc.;

### Paragraph (f)

10. The rewording of the text of paragraph (f) regarding the ***marks and orange-coloured plates*** was adopted at the last session of the Joint meeting in basis of the informal document INF.48 submitted by the United Kingdom.

### Proposal 2

11. Amend the text of the paragraph (f) of sub-section 1.4.2.2 to read as follows:

(f) Ascertain that the placards, marks and orange-coloured plates prescribed for the ***[cargo] transport unit vehicles*** in Chapter 5.3 have been affixed;

### Paragraph (g)

12. We propose that the obligation of 1.4.2.2.6 adopted at the May 2015 session of WP.15 to be reworded and inserted here.

13. Comparing the obligation of the *carrier* and of the *consignor* as stipulated in 1.4.2.2.1 (b) and 1.4.2.1.1 (b), we find out that they are correlated:

- 1.4.2.2.1 (b) “ascertain that all information prescribed in ADN related to the dangerous goods to be carried has been ***provided by the consignor before carriage***, that the prescribed documentation ***is on board of the transport unit*** or (...)”, but it is clear enough that the instructions in writing are not included any more in the prescribed documentation from ADR 2009 when the regime of the instructions where changed;
- 1.4.2.1.1 (b) “***Furnish the carrier with information and data*** in a traceable form and, if necessary, the required transport documents and accompanying documents

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(authorizations, approvals, notifications, certificates, etc.), taking into account in particular the requirements of Chapter 5.4 and of the tables in Part 3;”.

### Proposal 3

14. Amend the text of the paragraph (g) of sub-section 1.4.2.2 to read as follows:

(g) ~~ascertain that the equipment prescribed in ADR for the vehicle, vehicle crew and certain classes is on board the vehicle~~ Ascertain that the instructions in writing as prescribed in ADR are in the vehicle crew’s cab;

#### Ending phrase of 1.4.2.2.1

15. The proposal consists in the replacement of the terms *vehicle* by *transport unit* or *vehicle or the containers* by *cargo transport unit* for the consistency with the sections 8.1.2, 8.1.4, 8.1.5, 5.4.3, etc.

### Proposal 4

16. Amend the text of the ending phrase of 1.4.2.2.1 to read as follows:

Where appropriate, this shall be done on the basis of the transport documents and accompanying documents, by a visual inspection of the [cargo] transport unit ~~vehicle or the containers~~ and, where appropriate, the load.

## Annex

### Consolidated text of 1.4.2.2 as amended by above proposals

1. Stricken out text is to be replaced and new text is underlined. Red is used to enhance visibility of deleted text and green for proposed amendments. Any other colours or signs are used for orientation purposes only.

#### 1.4.2.2 Carrier

1.4.2.2.1 In the context of 1.4.1, where appropriate, the carrier shall in particular:

- (a) Ascertain that the dangerous goods to be carried are authorized for carriage in accordance with ADR;
- (b) Ascertain that all information prescribed in ADR related to the dangerous goods to be carried has been provided by the consignor before carriage, that the prescribed documentation is on board the transport unit or if electronic data processing (EDP) or if electronic data interchange (EDI) techniques are used instead of paper documentation, that data is available during transport in a manner at least equivalent to that of paper documentation;
- (c) Ascertain ~~visually~~ that both the equipment prescribed in the instructions in writing and the fire-fighting equipment according to ADR are on board the transport unit and the [cargo] transport unit ~~vehicles~~ and loads have no obvious defects, leakages or cracks, missing equipment, etc.;
- (d) Ascertain that the deadline for the next test for tank-vehicles, battery-vehicles, demountable tanks, portable tanks, tank-containers and MEGCs has not expired;  
*NOTE: Tanks, battery-vehicles and MEGCs may however be carried after the expiry of this deadline under the conditions of 4.1.6.10 (in the case of battery-vehicles and MEGCs containing pressure receptacles as elements), 4.2.4.4, 4.3.2.4.4, 6.7.2.19.6, 6.7.3.15.6 or 6.7.4.14.6.*
- (e) Verify that the vehicles are not overloaded;
- (f) Ascertain that the placards, marks and orange-coloured plates prescribed for the [cargo] transport unit ~~vehicles~~ in Chapter 5.3 have been affixed;
- (g) ~~ascertain that the equipment prescribed in ADR for the vehicle, vehicle crew and certain classes is on board the vehicle~~ Ascertain that the instructions in writing as prescribed in ADR are in the vehicle crew's cab;

Where appropriate, this shall be done on the basis of the transport documents and accompanying documents, by a visual inspection of the [cargo] transport unit ~~vehicle or the containers~~ and, where appropriate, the load.

- 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 ADR, in accordance with 1.4.2.2.1, he 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 of the operation is observed, the consignment shall be halted as soon as possible bearing in mind the requirements of traffic safety, of the safe immobilisation of the consignment, and of public safety.

The transport operation may only be continued once the consignment complies with applicable regulations. The competent authority(ies) concerned by the rest of the journey may grant an authorization to pursue the transport operation.

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 wishes, by virtue of the law applicable in particular to the contract of carriage, to unload, destroy or render the goods harmless.

1.4.2.2.5     *(Reserved)*

1.4.2.2.6     *(Reserved)* ~~The carrier shall provide the vehicle crew with the instructions in writing as prescribed in ADR.~~

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