

## Economic Commission for Europe

### Inland Transport Committee

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

##### Joint Meeting of the RID Committee of Experts and the Working Party on the Transport of Dangerous Goods

Bern, 23-27 March 2015

Item 5 (b) of the provisional agenda

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

12 March 2015

### Obligations of the loader

#### Corrections to ECE/TRANS/WP.15/AC.1/2015/6

#### Transmitted by the Government of Sweden

##### *Summary*

<b>Executive summary:</b>	The aim with this proposal is to align the texts concerning loaders obligations for different types of transport units in Chapters 1.2, 1.4 and 7.5.
<b>Action to be taken:</b>	Amend the proposed texts.
<b>Related documents:</b>	OTIF/RID/CE/GTP/2014/17 (Sweden)

### Introduction

1. In document ECE/TRANS/WP.15/AC.1/2015/6 some errors in the text have been noted. These have been corrected in this informal paper. In the proposal under point 11 to 13 you will find the proposal showing the suggested amendments.
2. At the fourth Session of the RID Committee of Experts' standing working group in Madrid, 17 to 20 November 2014, Sweden presented document OTIF/RID/CE/GTP/2014/17 "Loaders and unloaders obligations".
3. The discussions at the meeting resulted in support for the proposals in principle, but that a decision must be taken at the Joint Meeting since some of the amendments also concern text in ADR. Therefore, Sweden was invited to transmit a proposal to the Joint Meeting.

## Background

4. Enforcement at road/rail terminals in Sweden has revealed that loaders and unloaders often only fulfil obligations for container handling, but not the visual inspection of road vehicles. The requirements concerning loaders obligations in sub-section 1.4.3.1.1, do not explicitly mention loading of a road vehicle (trailer) onto a wagon. However, in sub-section 7.5.1.2 of ADR, the requirement of a visual inspection of the road vehicle prior to loading is included.

5. During the last RID Committee of Experts' standing working group in November 2014, it was decided to supplement the obligations for the loader and unloader to include loading or removal of road vehicles onto or from wagons. The following amendments were adopted in sub-sections 1.2.1 and 1.4.3.1.1 (c) in RID (adopted text underlined and bold in paragraphs 6 and 7):

6. **“1.2.1 Definitions**

"Loader" means any enterprise which:

- (a) Loads packaged dangerous goods, small containers or portable tanks into or onto a wagon or a container; or
- (b) Loads a container, bulk-container, MEGC, tank-container, ~~or~~ portable tank **or road vehicle** onto a wagon;

"Unloader" means any enterprise which:

- (a) Removes a container, bulk-container, MEGC, tank-container, ~~or~~ portable tank **or road vehicle** from a wagon; or
- (b) Unloads packaged dangerous goods, small containers or portable tanks out of or from a wagon or a container; or
- (c) Discharges dangerous goods from a tank (tank-wagon, demountable tank, portable tank or tank-container) or from a battery-wagon or MEGC or from a wagon, large container or small container for carriage in bulk or a bulk-container.

7. **1.4.3.1 Loader**

1.4.3.1.1: In the context of 1.4.1, the loader has the following obligations in particular:

- (a) He shall hand the dangerous goods over to the carrier only if they are authorized for carriage in accordance with RID;
- (b) He shall, when handing over for carriage packed dangerous goods or uncleaned empty packagings, check whether the packaging is damaged. He shall not hand 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, or a large or small container, **or when loading a road vehicle onto a wagon** comply with the special requirements concerning loading and handling;...”

The rest of the sub-section remained unchanged.

8. During the RID meeting, discussions also took place concerning discrepancies between the provisions concerning the obligations of the loader in Chapter 1.4 and the

definition stated in Chapter 1.2. It was supported in principle to add bulk containers, MEGCs, tank-containers and portable tanks to the obligations of the loader in 1.4.3.1.1 (c). It was also suggested that the Joint meeting should check whether it was necessary to add “or onto” a wagon/a vehicle” in 1.4.3.1.1 (c). In sub-section 7.5.1.2 small containers and MEGCs should be added.

9. Furthermore, the Joint meeting should check whether the note at the beginning of Chapter 7.5 in RID and ADR would still be necessary if the proposed additions were adopted.

10. As a consequence of the discussions at the RID meeting, Sweden suggests to amend the obligations of the loader in sub-sections 1.4.3.1.1 (c) and Chapter 7.5 in RID/ADR, in order to specify all the different means of containment that are defined in sub-section 1.2.1. The wording “or onto” is put in square brackets as well the note in Chapter 7.5 in RID and ADR since this has to be discussed further.

## Proposal

11. *Amend sub-section 1.4.3.1.1 (c) in RID and ADR as follows (changes underlined and bold):*

"1.4.3.1 Loader

1.4.3.1.1 In the context of 1.4.1, the loader has the following obligations in particular:

- (a) He shall hand the dangerous goods over to the carrier only ...;
- (b) He shall, when handing over for carriage packed dangerous goods ...;
- (c)(ADR)He shall, when loading dangerous goods in [or onto] a vehicle, or a large or small container or when loading a bulk container, MEGC, tank-container or portable tank in [or onto] a vehicle, comply with the special requirements concerning loading and handling;
- (c)(RID)He shall, when loading dangerous goods in [or onto] a wagon, or a large or small container or when loading a bulk container, MEGC, tank-container, portable tank or road vehicle in [or onto] a wagon, comply with the special requirements concerning loading and handling;
- (d) He shall, when he hands dangerous goods over for ...;
- (e) He shall, when loading packages, comply with ....”.

12. *Amend sub-section 7.5.1.2 in RID as follows (changes underlined and bold):*

### **“Chapter 7.5 Provisions concerning loading, unloading and handling**

[NOTE: Within the meaning of this Chapter, placing a container, bulk-container, tank-container, portable tank or road vehicle onto a wagon is considered as loading, and removing it is considered as unloading.]

#### 7.5.1 General provisions

7.5.1.1 The requirements in force at the forwarding station shall be complied with for the loading of goods, provided they do not conflict with the requirements of this chapter.

7.5.1.2 Unless otherwise specified in RID, the loading shall not be carried out :

- an examination of the documents; or

- a visual inspection of the wagon or of the **small or** large container(s), bulk container(s), **MEGC(s)**, tank-container(s), portable tank(s) or road vehicle(s), if any, as well as of their equipment used in loading and unloading,

shows that the wagon, **a small or** large container, a bulk-container, **a MEGC**, a tank-container, a portable tank, a road vehicle or their equipment do not comply with the regulatory provisions.

The interior and exterior of a wagon or container shall be inspected prior to loading to ensure that there is no damage that could affect its integrity or that of the packages to be loaded in it.”

13. *Amend sub-section 7.5.1 in ADR as follows (changes underlined and bold)*

**Chapter 7.5 Provisions concerning loading, unloading and handling**

**“7.5.1 General provisions concerning loading, unloading and handling**

*[NOTE: Within the meaning of this section, placing a container, bulk-container, tank-container or portable tank onto a vehicle is considered as loading, and removing it is considered as unloading.]*

7.5.1.1 The vehicle and its driver, as well as the **small or** large container(s), bulk-container(s), **MEGC(s)**, tank-container(s) or portable tank(s) if any, shall comply with the regulatory provisions (especially those concerning safety, security, cleanliness and satisfactory operation of the equipment used in loading and unloading) upon arrival at the loading and unloading sites, which include container terminals.

7.5.1.2 Unless otherwise specified in ADR, the loading shall not be carried out :

- (a) an examination of the documents; or
- (b) a visual inspection of the vehicle or of the **small or** large container(s), bulk container(s), **MEGC(s)**, tank-container(s) or portable tank(s) or if any, as well as of their equipment used in loading and unloading,

shows that the vehicle, the driver, **a small or** large container, a bulk-container, **a MEGC**, a tank-container, a portable tank or their equipment do not comply with the regulatory provisions.

The interior and exterior of a vehicle or container shall be inspected prior to loading to ensure that there is no damage that could affect its integrity or that of the packages to be loaded in it.”

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