

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

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Item 4 of the provisional agenda

Interpretation of RID/ADR/ADN

Obligations of the loader

Corrections to ECE/TRANS/WP.15/AC.1/2015/6 and 2015/7

Transmitted by the Government of Sweden and Spain

Summary

Executive summary:	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.
Action to be taken:	Amend the proposed texts.
Related documents:	OTIF/RID/CE/GTP/2014/17 (Sweden), ECE/TRANS/WP.15/AC.1/2015/6 (Sweden) and ECE/TRANS/WP.15/AC.1/2015/7 (Spain), Informal document 2015/46 (Sweden and Spain)

Introduction

1. The definitions for loader and unloader are given in 1.2.1, and are valid for the whole RID/ADR. The general rule is that these definitions are applied throughout the complete text, without the necessity to make a reference to this definition each time the term appears in the text.

2. Nevertheless, it may be deemed necessary to establish a link in between the defined words “loader” and “unloader” and the process of “loading” and “unloading”. According to the definitions:

“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.

3. The relationship in between loader and loading could be thought as quite straightforward, but this same relationship is not as clear for unloader and unloading, because in the definition of unloader the verb “unloading” is only used in one of the three indents.

4. A possible solution would be to include the following wording:

- “Loading” refers to all actions included in the definition of “loader” in 1.2.1
- “Unloading” refers to all actions included in the definition of “unloader” in 1.2.1

The term loading and unloading are widely used in ADR/RID. Most of the times, this all-including interpretation is appropriate, but on occasions, and by the specific context, only one of the actions for loading/unloading is meant. Also, in one case, “loading” is used as the action performed by the filler.

5. If the proposed definitions for loading and unloading are included into 1.2.1, as a note to the definitions of loader and unloader, they would be valid for all of the cases, but in some cases, by the context, they would be restricted to only one of the actions described in the definitions of loader and unloader.

6. Alternatively, if the proposed definitions for loading and unloading would be included in a note under specific points, these chapters/sections would benefit from the wider and clearer interpretation, but this could be interpreted as that for the rest of ADR/RID the meaning of the words loading and unloading is not the one of all the actions stated in the definitions for loader and unloader. This could leave to not intended interpretations for example in 1.8.3 (safety adviser) or 1.8.5 (notification of occurrences), where it would be necessary to include a note also.

7. The above mentioned problems are independent from the task of solving the problem of not having listed every receptacle/containment in 1.4.3.1, and from the suggested simplification of eliminating “small and large” before “container” in 7.5.1.1 and 7.5.1.2. Therefore, the proposals related to these points are presented separately for discussion.

8. Text stricken out from the proposal in INF 21 appears ~~stricken out~~, and shaded in grey, new text appears *in italics* and shaded in grey).

Proposal

Text for 1.4.3.1.1, 7.5.1.1 and 7.5.1.2

Amend sub-section 1.4.3.1.1 (c) in RID and ADR as follows:

"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"

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

"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."

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

"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.”

Modification of notes

Amend 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.

NOTE: “Loading” refers to all actions included in the definition of “loader”

"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.

NOTE: “Unloading” refers to all actions included in the definition of “unloader”

Amend sub-section 1.4.3.7:

“1.4.3.7 Unloader

~~NOTE: In this sub-section, unloading covers removal, unloading, and discharging as indicated in the definition of unloader in 1.2.1.~~

1.4.3.7.1 ...”

Amend sub-section 7.5.1.2 in RID as follows:

“Chapter 7.5 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 General provisions...”

Amend sub-section 7.5.1 in ADR as follows:

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 ...”

Consequential amendments:

- Under the following paragraphs loading/loadings should be substituted by load/loads:
P650, 4.1.1.1, 4.1.3.8.1, 4.1.5.2 (c), 6.7.2.2.12 (d), 6.7.3.2.9 (d), 6.7.4.2.12 (d), 6.7.5.2.2, 6.7.5.2.8 (d), 6.11.4.2
 - Under the following paragraphs loading should be substituted by filling:
1.2.1 Definition of vacuum operated waste tanks
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