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**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, 7-11 March 2005)

**NEW PROPOSALS FOR AMENDMENTS TO RID/ADR/ADN**

**Definition of the safety obligations of unloaders**

**Transmitted by the Government of Spain\***

***Summary:***

At the September 2004 Joint Meeting, document TRANS/WP.15/AC.1/2003/41 was submitted with the intention of clarifying the safety obligations of unloaders in Chapter 1.4. Following discussions and consultations with professional bodies, a new proposal was submitted.

***Action to be taken:*** Include a new 1.4.3.x.

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## **Introduction**

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.

Although some participants were in favour of this proposal, others considered that it was not necessary to specify the obligations of the unloader in Chapter 1.4; these obligations are nevertheless of similar importance to those of other participants. 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.

It should also be borne in mind that the fact of clearly defining the obligations of the unloader does not interfere with national legislation concerning legal consequences (penalty, liability, etc.) (see 1.4.1.3).

Some participants also considered that the provisions proposed for the discharging of tanks were not satisfactory. In view of the comments made, new wording is proposed.

## **Proposal**

### **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 has the following obligations in particular:

(a)    He shall ensure that all the requirements of RID/ADR concerning the unloading of wagons/vehicles are complied with and that all necessary operations are performed;

(b)    He shall, when unloading the packed dangerous goods or uncleaned empty packagings, check whether the packagings have been damaged. He may not unload a package the packaging of which is damaged (e.g. a packaging which is not leakproof which may lead to leakages or the possibility of leakages of the dangerous substance) until appropriate measures have been taken (e.g. salvage packagings have been used); this obligation also applies to empty uncleaned packagings;

- (c) He shall, prior to the departure of the tank, wagon, MEGC or vehicle:
  - (i) clean any residues which have impregnated or soiled the outside of the tank, wagon, MEGC or vehicle during unloading;
  - (ii) take note of the closure of valves and inspection openings.

1.4.3.x.2 The unloader may, however, in the case of 1.4.3.x.1 (a), rely on information and data made available to him by other participants.”

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