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Geneva, 11-21 September 2007
Item 6 (a) of the provisional agenda

PROPOSALS OF AMENDMENTS TO RID/ADR/ADN */

Pending issues

Definition of the safety obligations of unloaders

Transmitted by the Government of Spain

Summary:	Several proposals have been submitted with the intention of clarifying the safety obligations of unloaders in Chapter 1.4. The principle of introducing a new participant – the unloader – with a definition and obligations has been approved (see ECE/TRANS/WP.15/AC.1/102, par. 52). Bearing in mind the most recent comments made, the Government of Spain is once again submitting a proposal.
Action to be taken:	Add a new definition in 1.2.1 as well as a new 1.4.3.x and adapt 1.4.2.3.
Relevant documents:	ECE/TRANS/WP.15/AC.1/2006/32 ECE/TRANS/WP.15/AC.1/106, para. 24.

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Introduction

1. The obligations of the unloader are not clearly defined in Chapter 1.4. The proposal submitted by the Government of Spain in September 2004 was intended to clarify this issue. 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.
2. In view of the comments made, a new definition is proposed, where it is envisaged to cover both unloader of packages and unloader/discharger of dangerous goods carried in bulk or in tanks. The text proposed this time is what was agreed by most of the members of the working group during lunch time at the last session.
3. The obligations of the unloader cover also, where appropriate, those of the discharger and the cleaner.
4. Bearing in mind the areas where the unloader's and the consignee's duties would now overlap, the duties of the consignee have been adapted accordingly.

Proposals

5. Add a new definition in paragraph 1.2.1:

""**Unloader**"" means any enterprise which:

- unloads dangerous goods from a vehicle/wagon or a large container; or

-which discharges dangerous goods from a tank (tank-vehicle, demountable tank, portable tank or tank-container) or from a battery-vehicle or MEGC and/or from a vehicle, large container or small container for carriage in bulk;"

6. 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 shall in particular:

- (a) Check that the goods concerned correspond to the documentation;
- (b) When unloading or discharging, check whether the packagings, the tank, the vehicle/wagon or container have been damaged to an extent which would endanger the unloading or discharging operation. In these instances, unloading shall not be carried out until the appropriate emergency measures have been taken;
- (c) Comply with the requirements concerning unloading and handling;

- (d) Immediately following the discharging of the tank, wagon/vehicle or container:
 - remove any dangerous residues which have adhered to the outside of the tank, vehicle/wagon or container during the process of discharging;
 - ensure the closure of valves and inspection openings;
- (e) Carry out the prescribed cleaning and decontamination of the wagons/vehicles or containers;
- (f) Ensure that the placards and markings conforming to Chapter 5.3 are removed if they are no longer required by RID/ADR.

1.4.3.x.2 If the unloader makes use of the services of other participants (cleaner, decontamination facility, etc.) he shall take appropriate measures to ensure that the requirements of RID/ADR have been complied with."

7. Paragraph 1.4.2.3 shall read as follows:

"1.4.2.3 The consignee has the obligation not to defer acceptance of the goods without compelling reasons.

A <RID only: wagon or> container may only be returned or reused once the requirements of RID/ADR concerning the unloader have been complied with."
