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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, 8-11 September 2009 and
Geneva, 14-18 September 2009
Item 3 of the provisional agenda

REPORTS OF INFORMAL WORKING GROUPS

Report of the informal working group on the safety obligations of unloaders

Note by the secretariat ^{1,2}

SUMMARY

Executive summary:	Reproduction of proposals of amendments to section 1.2.1 and chapter 1.4 of RID/ADR submitted by the informal working group on the safety obligations of unloaders
Action to be taken:	Second reading of the proposed amendments
Related documents:	ECE/TRANS/WP.15/AC.1/2007/35 ECE/TRANS/WP.15/AC.1/110, paras 28-31 ECE/TRANS/WP.15/AC.1/114, paras 59-61 Informal document: INF.22 submitted at the March 2009 session of the Joint Meeting

¹ In accordance with the programme of work of the Inland Transport Committee for 2006-2010 (ECE/TRANS/166/Add.1, programme activity 02.7 (c)).

² Circulated by the Intergovernmental Organisation for International Carriage by Rail (OTIF) under the symbol OTIF/RID/RC/2009/15.

1. At its March 2009 session, the Joint Meeting expressed general support for the texts proposed by the informal working group on the safety obligations of unloaders as contained in informal document INF.22 (report on the informal working group sessions, submitted by the Government of Spain) It requested the secretariat to reproduce these proposals in an official document for second reading at the Autumn session (ECE/TRANS/WP.15/AC.1/114, para 59).

2. The proposals by the informal working group are reproduced hereafter.

Proposals

3. Add a new definition in paragraph 1.2.1 to read as follows:

"Unloader" means any enterprise which:

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

4. Add a new subsection 1.4.3.x to read as follows:

"1.4.3.x Unloader

1.4.3.x.1 In the context of 1.4.1, the unloader shall in particular:

- (a) Ascertain that the correct goods are to be unloaded by comparing the relevant information on the transport document with the package/container/tank/MEMU/MEGC markings;
- (b) Before and during 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 appropriate measures have been taken;
- (c) Comply with all relevant requirements concerning unloading and discharging;

- (d) [ADR only: Ensure that the containers once completely unloaded, cleaned and decontaminated, no longer display danger markings conforming to Chapter 5.3;

RID only: Ensure that the wagons and containers once completely unloaded and cleaned, degassed and decontaminated, no longer display placards and orange plates;]

- (e) Immediately following the discharging of the tank, vehicle/wagon or container:
- (i) Remove any dangerous residues which have adhered to the outside of the tank, vehicle/wagon or container during the process of discharging; and
 - (ii) Ensure the closure of valves and inspection openings; and
- (f) Ensure that the prescribed cleaning and decontamination of the vehicles/wagons or containers will be carried out.

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.”.

5. Amend subsection 1.4.2.3 to read as follows:

RID only:

"1.4.2.3.1: The consignee has the obligation not to defer acceptance of the goods without compelling reasons and to verify, after unloading, that the requirements of RID concerning him have been complied with.

1.4.2.3.2. A wagon or container may only be returned or reused once the requirements of RID concerning the unloading have been complied with.

1.4.2.3.3. If the consignee make use of the services of other participants (unloader, cleaner, decontamination facility, etc) he shall take appropriate measures to ensure that the requirements of 1.4.2.3.1 have been complied with.”.

ADR only:

"1.4.2.3.1 The consignee has the obligation not to defer acceptance of the goods without compelling reasons and to verify, after unloading, that the requirements of ADR concerning him and the unloader have been complied with.

1.4.2.3.2. If, in the case of a container, this verification brings to light an infringement of the requirements of ADR, the consignee shall return the container to the carrier only after the infringement has been remedied.

1.4.2.3.3. If the consignee make use of the services of other participants (unloader, cleaner, decontamination facility, etc) he shall take appropriate measures to ensure that the requirements of ADR have been complied with.”.
