

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

10 September 2014

Geneva 15-19 September 2014

Item 4 of the provisional agenda

Interpretation of RID/ADR/ADN

Clarification of the provisions of the section 1.8.3 Safety Adviser in RID/ADR/ADN

Transmitted by the Government of Romania

1. The Romanian delegation wants to have the opinion of the Joint Meeting with regard to some logical inconsistencies occurring in section 1.8.3 Safety Adviser of RID/ADR/ADN.
2. Subsection 1.8.3.1 stipulates:
 - 1.8.3.1 Each undertaking, the activities of which include the carriage, or the related **packing, loading, filling or unloading**, of dangerous goods by road shall appoint one or more safety advisers for the carriage of dangerous goods, responsible for helping to prevent the risks inherent in such activities with regard to persons, property and the environment.
3. The following paragraphs have, however, a different wording and refer to “*the carriage, loading or unloading*” without mentioning *packing and filling*.
 - 1.8.3.2 The competent authorities of the Contracting Parties may provide that these requirements shall not apply to undertakings:
 - (b) The main or secondary activities of which are not the carriage or the related loading or unloading of dangerous goods but which occasionally engage in the national carriage or the related loading or unloading of dangerous goods posing little danger or risk of pollution.
 - 1.8.3.3 (3rd para.) The adviser's duties also include monitoring the following practices and procedures relating to the relevant activities of the undertaking (...):
 - the procedures for checking the equipment used in connection with the *carriage, loading or unloading* of dangerous goods; (...)
 - the implementation of proper emergency procedures in the event of any accident or incident that may affect safety during the *carriage, loading or unloading* of dangerous goods;
 - investigating and, where appropriate, preparing reports on serious accidents, incidents or serious infringements recorded during *the carriage, loading or unloading* of dangerous goods; (...)
 - verification that employees involved in *the carriage, loading or unloading* of dangerous goods have detailed operational procedures and instructions;

- the introduction of measures to increase awareness of the risks inherent in *the carriage, loading and unloading* of dangerous goods; (...)
 - the implementation of verification procedures to ensure compliance with the requirements governing *loading and unloading* (...).
- 1.8.3.6 Whenever an accident affects persons, property or the environment or results in damage to property or the environment during *carriage, loading or unloading* carried out by the undertaking concerned, the adviser shall, after collecting all the relevant information, prepare an accident report to the management of the undertaking or to a local public authority, as appropriate.
- 1.8.3.9 The main aims of the training shall be to provide candidates with sufficient knowledge of the risks inherent in the *carriage of dangerous goods*, of the laws, regulations and administrative provisions applicable to the modes of transport concerned and of the duties listed in 1.8.3.3.
- 1.8.3.11 b) Requirements under national law, international conventions and agreements, with regard to the following in particular: (...)
- handling and stowage (loading and unloading - filling ratios -, stowage and segregation);
 - cleaning and/or degassing before loading and after unloading;

1.8.3.18 Form of certificate

Valid until for undertakings which transport dangerous goods and for undertakings which carry out related *loading or unloading*:

- by road by rail by inland waterway

4. The Joint Meeting is asked to express its opinion with regard to whether companies which pack dangerous goods for transport are obliged or not to have a dangerous goods Safety adviser according to subsection 1.8.3.1.
5. If the answer is positive, we think that the term “filling” should be introduced in the above mentioned subsections, in order to comply with 1.8.3.1.
6. If the Joint Meeting will decide that the companies which pack dangerous goods prior to carriage should not hire a Safety adviser, the following proposals have to be made:

Proposal 1

7. In 1.8.3.1, delete “packing, ”.
8. Amend the following provisions as follows (new text in bold):
- 1.8.3.2 9 (...)
- (b) The main or secondary activities of which are not the carriage or the related **filling**, loading or unloading of dangerous goods but which occasionally engage in the national carriage or the related **filling**, loading or unloading of dangerous goods posing little danger or risk of pollution.
- 1.8.3.3 (3rd para.) The adviser's duties also include monitoring the following practices and procedures relating to the relevant activities of the undertaking (...):
- the procedures for checking the equipment used in connection with the carriage, **filling**, loading or unloading of dangerous goods; (...)

- the implementation of proper emergency procedures in the event of any accident or incident that may affect safety during the *carriage, filling, loading or unloading* of dangerous goods;
 - investigating and, where appropriate, preparing reports on serious accidents, incidents or serious infringements recorded during *the carriage, filling, loading or unloading* of dangerous goods; (...)
 - verification that employees involved in *the carriage, filling, loading or unloading* of dangerous goods have detailed operational procedures and instructions;
 - the introduction of measures to increase awareness of the risks inherent in *the carriage, filling, loading and unloading* of dangerous goods; (...)
 - the implementation of verification procedures to ensure compliance with the requirements governing *filling, loading and unloading* (...).
- 1.8.3.6 Whenever an accident affects persons, property or the environment or results in damage to property or the environment during *carriage, filling, loading or unloading* carried out by the undertaking concerned, the adviser shall, after collecting all the relevant information, prepare an accident report to the management of the undertaking or to a local public authority, as appropriate.
- 1.8.3.9 The main aims of the training shall be to provide candidates with sufficient knowledge of the risks inherent in the *carriage, filling, loading or unloading* of dangerous goods, of the laws, regulations and administrative provisions applicable to the modes of transport concerned and of the duties listed in 1.8.3.3.
- 1.8.3.11 b) Requirements under national law, international conventions and agreements, with regard to the following in particular: (...)
- handling and stowage (*filling, loading and unloading* - filling ratios -, stowage and segregation);
 - cleaning and/or degassing before *filling, loading and* after *unloading*;
- 1.8.3.18 *Form of certificate***
- Valid until for undertakings which transport dangerous goods and for undertakings which carry out related *filling, loading or unloading*:
- by road by rail by inland waterway

Proposal 2

9. If the Joint Meeting decides that the companies packing dangerous goods for carriage are obliged to have a safety adviser, further thought should be given to the coherence of the present section with the exemptions under 1.1.3.

10. In this case, all amendments proposed in paragraph 8 should be supplemented with the insertion of the word “packing” before “filling”.