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Joint Meeting of the RID Committee of Experts and the Working Party on the Transport of Dangerous Goods

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Item 5 (a) of the provisional agenda

Proposals for amendments to RID/ADR/ADN: pending issues

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

Transmitted by the Government of Romania^{1,2}

Summary

- Executive summary:** The dispositions in section 1.8.3 of RID/ADR/ADN should be clarified in order to reflect the fact that the undertakings involved in the packing and filling of dangerous goods have to comply with the requirements applicable for the safety adviser.
- Action to be taken:** Amend section 1.8.3 in RID/ADR/ADN to include the undertakings involved in the *packing* and *filling* of dangerous goods.
- Related documents:** Informal document INF.34 (Clarification of the provisions of the section 1.8.3 Safety Adviser in RID/ADR/ADN) of the September 2014 session;
Report of the Joint Meeting on its autumn 2014 session ECE/TRANS/WP.15/AC.1/136, para. 19.

¹ In accordance with the programme of work of the Inland Transport Committee for 2014–2015 (ECE/TRANS/240, para. 100, ECE/TRANS/2014/23, cluster 9, para.9.2).

² Circulated by the Intergovernmental Organisation for International Carriage by Rail (OTIF) under the symbol OTIF/RID/RC/2015/18.

Introduction

1. At the last session of the RID/ADR/ADN Joint Meeting, Romania presented informal document INF.34, Clarification of the provisions of the section 1.8.3 Safety Adviser in RID/ADR/ADN.

2. In our paper, we asked the Joint Meeting to clarify if the requirements of paras. 1.8.3.2, 1.8.3.3 (3rd sub-para.), 1.8.3.6, 1.8.3.9, 1.8.3.11 b), and 1.8.3.18 should include a reference to the undertakings which “pack” and “fill” dangerous goods. The question was raised in the context of the dispositions of 1.8.3.1:

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/rail/inland waterways 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. As mentioned in the report (ECE/TRANS/WP.15/AC.1/136, para. 19), “several delegations were in favour” of the proposal that “filling and packing should be mentioned in the paragraphs of 1.8.3, where reference was currently made only to transport, loading and unloading. However, the Joint Meeting considered that no decision could be taken” at that session and we were asked to present an official document for this session.

4. Thus, we suggest to add “packing, filling” in 1.8.3.2.9, 1.8.3.3, 1.8.3.6, 1.8.3.11 b), and 1.8.3.18, and a reference to “packing, filling, loading or unloading” in paragraph 1.8.3.9.

Proposal

5. Amend the following provisions as follows (the new text is bold and underlined):

1.8.3.2 9 (...)

(b) The main or secondary activities of which are not the carriage or the related **packing, filling**, loading or unloading of dangerous goods but which occasionally engage in the national carriage or the related **packing, filling**, loading or unloading of dangerous goods posing little danger or risk of pollution.

1.8.3.3 (3rd sub-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, **packing, 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, **packing, filling**, loading or unloading of dangerous goods;
- investigating and, where appropriate, preparing reports on serious accidents, incidents or serious infringements recorded during the carriage, **packing, filling**, loading or unloading of dangerous goods; (...)
- verification that employees involved in the carriage, **packing, 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, packing, filling, loading and unloading* of dangerous goods; (...)
 - the implementation of verification procedures to ensure compliance with the requirements governing packing, 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, packing, 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, packing, 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 (packing, filling, loading and unloading - filling ratios -, stowage and segregation);
 - cleaning and/or degassing before packing, filling, loading and after *unloading*;
- 1.8.3.18** *Form of certificate*
- (8th para.) Valid until for undertakings which transport dangerous goods and for undertakings which carry out related packing, filling, loading or unloading:
- by road by rail by inland waterway

Justification

6. It is the current practice to require that undertakings performing packing or filling of dangerous goods employ a safety adviser.
7. Historically, in the implementation of the RID/ADR/ADN, the obligations for filler were drafted later on.
8. All activities involving dangerous goods should be treated equally according to this section.
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