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

Bern, 16–20 March 2020

Item 5 (a) of the provisional agenda

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

Carriage of empty uncleaned tanks

Transmitted by the Government of Spain^{*, **}

Summary

Executive summary: The purpose of this document is to exchange views on the responsibilities of the participants during an international carriage of empty uncleaned tanks.

Action to be taken: Clarify responsibilities of participants in this transport operation.

Background information

1. The consignor of dangerous goods is required to hand over for carriage only consignments which conform to the requirements of RID/ADR. He shall in particular furnish the carrier with information and data in traceable form and, if necessary, the required transport documents, taking into account in particular the requirements of Chapter 5.4.

2. For each dangerous substance, material or article offered for carriage, according to paragraph 5.4.1.1.1 (g) and (h) of RID/ADR, the dangerous goods transport document shall contain the following information: the name and address of the consignor and the name and address of the consignee(s). In ADR only, with the agreement of the competent authorities of the countries concerned by the carriage, when dangerous goods are carried to be delivered to multiple consignees who cannot be identified at the start of the carriage, the word “Delivery Sale” may be introduced instead.

* 2020 (A/74/6 (Sect.20) and Supplementary, Subprogramme 2).

** Circulated by the Intergovernmental Organisation for International Carriage by Rail (OTIF) under the symbol OTIF/RID/RC/2020/38.

3. Paragraph 5.4.1.1.6.2.3 in ADR only indicates that, when empty means of containment, uncleaned, which contain the residue of dangerous goods of classes other than Class 7, are returned to the consignor, the transport document prepared for the full capacity carriage of these goods may also be used. In such cases, the indication of the quantity of dangerous goods that are transported have to be eliminated (by effecting it, striking it out or any other means) and replaced by the words “EMPTY, UNCLEANNED RETURN”.

4. Paragraph 5.4.1.1.6.2.3 solves for ADR only the case when the means of containment is returned to the initial consignor, which is the most usual case for example for gas bottles. Nevertheless, the Spanish authority has received some questions related to the identity of the consignor and consignee during the carriage of empty uncleaned tanks (international carriage so that the rules for national transport are not valid), on the return trip when these tanks are not returned to the first consignor, but brought to a different place to take up a different load or to return to the basis of the carrier.

Analysis

5. If a full tank is transported from A to B (international transport) and then the same tank but empty and uncleaned, is transported from B to C, to take up a new load at C, or just to return to the basis of the carrier in C:

(a) Who should issue the new transport documents or modify them, for the trip from B to C?

(b) Who is the new consignor and consignee in this follow-up trip?

6. Spain would like to have the view on the Joint Meeting on this case, basing the answer on RID/ADR and not on the national rules.

7. There could be different options:

a) Even if the consignor has not contracted the return transport, the first consignor and consignee continue to be responsible, similarly as in 5.4.1.1.6.2.3. Consignor and consignee from the trip from A to B remain in the transport document for the trip from B to C, even if geographically this information is not correct. It is unclear who would have to amend the transport document to change the quantities. The consignor, or carrier, has to modify the initial transport document to strike out the quantity of material carried;

b) Even if the consignor has not contracted the return transport, it may be considered that the first consignor should remain also responsible according to paragraph 1.4.2.1.1 (e), since the residues are still in the tank. Nevertheless, the consignee of the trip from A to B has no further responsibilities. It is unclear who would be named as consignee in the trip from B to C, and who has to modify the transport document;

c) The first consignor and consignee have no responsibilities any more, as their responsibilities end with the unloading of the load. If the driver continues with the empty uncleaned tank, a new transport process from B to C begins under his responsibility. The carrier should issue a new transport document. Consignor and consignee are the carrier, in this case;

d) If the driver goes from B to C, and the tank is loaded again in C, it may be considered that the new consignor from C onwards has to assume his responsibilities according to paragraph 1.4.2.1.1 (e), being both the consignor from C onwards and the consignee from B to C. In this case, who should modify the transport document, who would be introduced as consignor and which would be the driver's responsibilities?

Proposal

8. Spain invites the Joint Meeting of the RID Committee of Experts and the Working Party on the Transport of Dangerous Goods, to exchange views on possible situations that

may be found during the carriage of empty uncleaned tanks, and clarify the responsibilities for each situation.
