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**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**

Geneva, 15–25 September 2015

Item 3 (a) of the provisional agenda

**Proposals for amendments to RID/ADR/ADN:  
pending issues****Loader and unloader****Transmitted by the Governments of Sweden and Spain<sup>1,2</sup>***Summary*

<b>Executive summary:</b>	The aim of this proposal is to align the texts concerning loaders obligations for different means of containments in Chapters 1.2, 1.4 and 7.5 and to clarify the relation between “loader” and “loading” and “unloader” and “unloading”.
<b>Action to be taken:</b>	Amend the proposed texts.
<b>Related documents:</b>	OTIF/RID/CE/GTP/2014/17 (Sweden) ECE/TRANS/WP.15/AC.1/2015/6 (Sweden) ECE/TRANS/WP.15/AC.1/2015/7 (Spain) ECE/TRANS/WP.15/AC.1/2015/INF.46 (Sweden and Spain) ECE/TRANS/WP.15/AC.1/2015/INF.47 (Sweden and Spain)

<sup>1</sup> 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).

<sup>2</sup> Circulated by the Intergovernmental Organisation for International Carriage by Rail (OTIF) under the symbol OTIF/RID/RC/2015/37.

## Introduction

1. At the Joint-meeting in March 2015, Sweden presented document ECE/TRANS/WP.15/AC.1/2015/6 and suggested to amend the obligations for the loader in 1.4.3.1 and 7.5, in order to specify all the different means of containment that are defined in section 1.2.1.
2. At the same meeting Spain presented document ECE/TRANS/WP.15/AC.1/2015/7, which analysed the differences for the concept of loader/loading and unloader/unloading between the note under 7.5/7.5.1 and the definitions under 1.2.1.
3. During the joint discussion of these documents it became apparent that the clarification stated in the note under 7.5/7.5.1 might be applicable in other parts of the text. To achieve clarity in relation with the concept of loader and unloader, it was suggested that a link between loader and loading and unloader and unloading was needed.
4. Since the March session a modified proposal has been prepared by Sweden and Spain and circulated to interested delegations for their further comments and suggestions. Additional written comments have been received from the OTIF Secretariat.

## Analysis

5. The definitions for loader and unloader given in 1.2.1 are (changes adopted at the fourth session of the RID Committee of Experts' standing working group (November 2014) are underlined or stricken out and are only valid for RID):

### "1.2.1 Definitions

"Loader" means any enterprise which:

- (a) Loads packaged dangerous goods, small containers or portable tanks into or onto a wagon/vehicle or a container; or
- (b) Loads a container, bulk-container, MEGC, tank-container, ~~or~~ portable tank or road vehicle onto a wagon/vehicle.

"Unloader" means any enterprise which:

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

6. The correlation between loader and loading could be considered as quite straightforward, but this correlation is not as clear for unloader and unloading, because in the definition of unloader the verb "unloading" is only used in one of the three indents. In fact, the note under 1.4.3.7 ("NOTE: In this sub-section, unloading covers removal, unloading, and discharging as indicated in the definition of unloader in 1.2.1.") seems to corroborate this.
7. A possible solution would be to include the following wording as new definitions for loading and unloading in 1.2.1:

“Loading” means all actions carried out by the “loader”.

“Unloading” means all actions carried out by the “unloader”.

8. The terms loading and unloading are widely used in RID/ADR, while in fact loader and unloader are only used a few times. In most occasions, when loading and unloading is used, this refers to all the actions stated in the respective definition, which means (a) – (b) under “loader” and (a) – (c) under “unloader”.

9. For the term “loading”, the only way to differentiate between the actions stated in (a) and (b) under the definition of “loader” is to include additional text, which has been done in the present text in different parts of RID/ADR.

10. In the present text, the term “unloading”, depending on the circumstances, is used in the provisions to refer to parts of these activities or to all of them.

11. The terms “unloads” and “unloading” have been searched out and analysed to see if “unloads”/“unloading” covers all actions stated in (a) - (c) under the definition of unloader, as shown in the Annex. Several consequential amendments could be done to improve clarity, but are not thought to be strictly necessary:

- 1.2.1: in the definition of *Vacuum-operated waste tank*, replace “loading” with “filling” and “unloading” with “discharging”
- 1.2.1: in the definition of *Filler* replace “loads” with “fills”
- P 650, 4.1.1.1, 4.1.3.8.1, 4.1.5.2 (c), 6.7.2.2.12 (d), 6.7.3.2.9 (d), 6.7.4.2.12 (d), 6.7.5.2.2, 6.7.5.2.8 (d), 6.11.4.2: replace “loading”/“loadings” with “force”/“forces” or “load”/“loads”, as appropriate
- 5.5.2.3.4: include “the fumigated goods or materials” before “unloaded”
- 7.3.3.2.3: for AP4, replace “loading and unloading” by “filling and discharging”
- ADR 7.5.7.4: replace “unloading” with “removal”

However, some of these changes are on text coming from the UN-Recommendations and therefore should be dealt with by the United Nations Sub-Committee of Experts on the Transport of Dangerous Goods first.

## Proposals

12. The suggested amendments consist of the following four proposals:

- text in 1.2.1 to include definitions for “loading” and “unloading”,
- text intended to simplify 1.4.3.1, and 1.4.3.7,
- amendments to Chapter 7.5, to specify all the different means of containment that are defined in section 1.2.1, and
- optional consequential amendments.

In the proposals, new text is in italics/stricken out and shaded in grey.

### Proposal 1

13. In 1.2.1 Definitions include the following new definitions:

*“Loading” means all actions carried out by the loader.*

*“Unloading” means all actions carried out by the unloader.*

## Proposal 2

14. Amend sub-section 1.4.3.1.1 (c) in RID/ADR as follows:

~~“(c)(RID) He shall, when loading dangerous goods in a wagon, or a large or small container, comply with the special requirements concerning loading and handling;~~

~~“(c)(ADR) He shall, when loading dangerous goods in a vehicle, or a large or small container, comply with the special requirements concerning loading and handling;”~~

15. In 1.4.3.7 in RID/ADR delete the Note after the heading:

“1.4.3.7 Unloader

~~NOTE: In this sub-section, unloading covers removal, unloading, and discharging as indicated in the definition of unloader in 1.2.1.”~~

Amend 1.4.3.7.1 (c) to read:

“(c) comply with all relevant requirements concerning unloading *and handling*”

## Proposal 3

16. In RID Chapter 7.5 delete the Note after the heading:

~~“[NOTE: Within the meaning of this section, placing a container, bulk container, tank container or portable tank onto a vehicle is considered as loading, and removing it is considered as unloading.]”~~

Amend RID 7.5.1.2 to read:

“7.5.1.2 Unless otherwise specified in RID, the loading shall not be carried out if:

- an examination of the documents; or
- a visual inspection of the wagon or of the **large** container(s), bulk container(s), *MEGC(s)*, tank-container(s), portable tank(s) or road vehicle(s), if any, as well as of their equipment used in loading and unloading,

shows that the wagon, a **large** container, a bulk-container, *a MEGC*, a tank-container, a portable tank, a road vehicle or their equipment do not comply with the regulatory provisions.

The interior and exterior of a wagon or container shall be inspected prior to loading to ensure that there is no damage that could affect its integrity or that of the packages to be loaded in it.”

17. In ADR 7.5.1, delete the Note after the heading:

~~“[NOTE: Within the meaning of this section, placing a container, bulk container, tank container or portable tank onto a vehicle is considered as loading, and removing it is considered as unloading.]”~~

Amend ADR 7.5.1.1 and 7.5.1.2 to read:

“7.5.1.1The vehicle and its driver, as well as the **large** container(s), bulk-container(s), *MEGC(s)*, tank-container(s) or portable tank(s) if any, shall comply

with the regulatory provisions (especially those concerning safety, security, cleanliness and satisfactory operation of the equipment used in loading and unloading) upon arrival at the loading and unloading sites, which include container terminals.

7.5.1.2 Unless otherwise specified in ADR, the loading shall not be carried out if:

- (a) an examination of the documents; or
- (b) a visual inspection of the vehicle or of the ~~large~~ container(s), bulk container(s), ~~MEGC(s)~~, tank-container(s) or portable tank(s) or if any, as well as of their equipment used in loading and unloading,

shows that the vehicle, the driver, a ~~large~~ container, a bulk-container, ~~a MEGC~~, a tank-container, a portable tank or their equipment do not comply with the regulatory provisions. The interior and exterior of a vehicle or container shall be inspected prior to loading to ensure that there is no damage that could affect its integrity or that of the packages to be loaded in it.”

### Proposal 4 Consequential amendments (optional)

18. Amend 1.2.1 Definitions in RID/ADR as follows:

“*Filler*” means any enterprise which ~~loads fills~~ dangerous goods into a tank...

“Vacuum-operated waste tank” means a fixed tank, demountable tank, tank-container or tank swap body primarily used for the carriage of dangerous wastes, with special constructional features and/or equipment to facilitate the ~~fillingloading~~ and ~~discharging unloading~~ of wastes as specified in Chapter 6.10. A tank which fully complies with the requirements of Chapter 6.7 or 6.8 is not considered to be a vacuum-operated waste tank.”

19. Amend 6.11.4.2 to read:

“6.11.4.2 These bulk containers shall designed and constructed so as to be strong enough to withstand the shocks and ~~forces loadings~~ normally encountered during carriage including, as applicable, transshipment between modes of transport.”

20. Amend AP4 in 7.3.3.2.3 to read:

“AP4: Closed wagons/vehicles and closed containers shall be equipped with hermetically closed openings used for ~~loading and unloading~~ *filling and discharging* to prevent the exit of gas and exclude the ingress of moisture.”

21. Amend sub-section 7.5.7.4 in ADR as follows:

“7.5.7.4 The provisions of 7.5.7.1 also apply to the loading, stowage and ~~unloading~~ *removal* of containers, tankcontainers, portable tanks and MEGCs on to and from vehicles.”

22. The following paragraphs refers to the UN-Recommendations, therefore the proposed amendments should first be adopted at the UN-Subcommittee.

Amend the following paragraphs, changing “loading”/“loadings” with “force”/“forces” or “load”/“loads”:

#### 4.1.1.1 (UN/RID/ADR)

“...which shall be strong enough to withstand the shocks and ~~forcesloadings~~ normally encountered during carriage...”

4.1.3.8.1 (UN/RID/ADR)

“(a) Large and robust articles shall be strong enough to withstand the shocks and *forces loadings* normally encountered during carriage...”

P650 (UN/RID/ADR)

“The packaging shall be of good quality, strong enough to withstand the shocks and *forces loadings* normally encountered during carriage...”

4.1.5.2 (c) (UN/RID/ADR)

“(c) The packages will withstand any *loading* imposed on them...”

5.5.2.3.4 (UN/RID/ADR)

“When the fumigated cargo transport unit has been ventilated and the fumigated goods or materials unloaded, the fumigation warning mark shall be removed.”

6.7.2.2.12 (d), 6.7.3.2.9 (d), 6.7.4.2.12 (d) and 6.7.5.2.8 (d) (UN/RID/ADR)

“(d) Vertically downwards: twice the MPGM (total *loading* including the effect of gravity) multiplied...”

6.7.5.2.2 (UN/RID/ADR)

“... The design shall take into account the effects of dynamic *forces loadings* and fatigue.”

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