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

Bern, 23-27 March 2015

Item 5 (b) of the provisional agenda

Proposals for amendments to RID/ADR/ADN: new proposals

Obligations of the loader

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

Summary

Executive summary:	The aim with this proposal is to align the texts concerning loaders and unloaders obligations for different types of transport units in Chapter 1.2, 1.4 and 7.5 in RID/ADR.
Action to be taken:	Amend the proposed texts..
Related documents:	None.

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/2015/6.

Introduction

1. At the fourth Session of the RID Committee of Experts' standing working group in Madrid, 17 to 20 November 2014, Sweden presented document OTIF/RID/CE/GTP/2014/17 "Loaders and unloaders obligations".
2. The discussions at the meeting resulted in support for the proposals in principle, but a decision must be taken at the Joint Meeting since some of the amendments also concern text in ADR. Therefore, Sweden was invited to transmit the document to the Joint Meeting.

Background

3. Checks during enforcement at loading and unloading companies at road-rail terminals in Sweden have revealed that loaders and unloaders often only fulfils obligations for container handling, but not the visual inspection of road vehicles. The requirements concerning loaders obligations, according to sub-section 1.4.3.1.1, do not explicitly mention loading of a road vehicle (trailer) onto a wagon. However, in sub-section 7.5.1.2 of RID/ADR, the requirement of a visual inspection of the road vehicle prior to loading is included.

4. During the last RID Committee of Experts' standing working group in November 2014 it was decided to supplement obligations for the loader and unloader to include loading or removal of road vehicles onto or from wagons. Therefore the following amendments were adopted in sub-sections 1.2.1 and 1.4.3.1.1 (**adopted text underlined and bold**):

5. 1.2.1 Definitions

6. "Loader" means any enterprise which:

(a) Loads packaged dangerous goods, small containers or portable tanks into or onto a wagon or a container; or

(b) Loads a container, bulk-container, MEGC, tank-container, ~~or~~ portable tank **or road vehicle** onto a wagon;

7. "Unloader" means any enterprise which:

(a) Removes a container, bulk-container, MEGC, tank-container, ~~or~~ portable tank **or road vehicle** from a wagon; or

(b) Unloads packaged dangerous goods, small containers or portable tanks out of or from a wagon or a container; or

(c) Discharges dangerous goods from a tank (tank-wagon, demountable tank, portable tank or tank-container) or from a battery-wagon or MEGC or from a wagon, large container or small container for carriage in bulk or a bulk-container.

8. 1.4.3.1 Loader

9. 1.4.3.1.1: In the context of 1.4.1, the loader has the following obligations in particular:

(a) He shall hand the dangerous goods over to the carrier only if they are authorized for carriage in accordance with ADR;

(b) He shall, when handing over for carriage packed dangerous goods or uncleaned empty packagings, check whether the packaging is damaged. He shall not hand over a package the packaging of which is damaged, especially if it is not leakproof, and

there are leakages or the possibility of leakages of the dangerous substance, until the damage has been repaired; this obligation also applies to empty uncleaned packagings;

(c) He shall, when loading dangerous goods in a vehicle, or a large or small container, **or when loading a road-vehicle onto a wagon** complies with the special requirements concerning loading and handling;

The rest of the sub-section remained unchanged.

10. During the RID meeting discussions also took place concerning discrepancies stated in the obligations of the loaders in Chapter 1.4 when comparing these with the definitions in Chapter 1.2. The table below shows the differences in the text in different parts of RID/ADR.

1.2 Loader loads a:	1.4.3.1 Loader	7.5.1.2
Wagon / Vehicle (<i>RID/ADR</i>)	Wagon / Vehicle (<i>RID/ADR</i>)	Wagon / Vehicle (<i>RID/ADR</i>)
Container	Large container	Large container
Small container	Small container	
Bulk-container		Bulk-container
MEGC		
Tank-container		Tank-container
Portable tank		Portable tank
Road vehicle (only RID)		Road vehicle (<i>only RID</i>)

11. The outcome of the discussions were that there was support in principle to add bulk containers, MEGCs, tank-containers and portable tanks in the obligations of the loader in 1.4.3.1.1 (c) in addition to the wagons and small and large containers which are already referred to. In sub-section 7.5.1.2 small containers and MEGCs should be added.

12. It was also suggested that the Joint meeting should check whether it was necessary to add “or onto (a wagon/a vehicle) to 1.4.3.1.1 (c). As well the meeting should also check whether the Note at the beginning of Chapter 7.5 of RID and sub-section 7.5.1 of ADR would still be necessary if the proposed addition was inserted.

13. In the proposal, it is suggested to amend the obligations for the loader in sub-sections 1.4.3.1 and as well sub-section 7.5, in order to specify all the different means of containment that are defined in section 1.2.1. The wording “or onto” is put in square brackets. As well the initial Note in chapter 7.5 in RID and in sub-section 7.5.1 in ADR has to be discussed and therefore is put in square brackets.

Proposal

14. Amend sub-section 1.4.3.1.1 (c) in RID and ADR as follows (changes underlined and bold)

1.4.3.1 Loader

1.4.3.1.1 In the context of 1.4.1, the loader has the following obligations in particular:

- (a) He shall hand the dangerous goods over to the carrier only ...;
- (b) He shall, when handing over for carriage packed dangerous goods ...;
- (c)(*ADR*)He shall, when loading dangerous goods in [**or onto**] a vehicle, or a large or small container **or when loading a bulk-container, MEGC, tank-container or portable tank** in [**or onto**] a vehicle, comply with the special requirements concerning loading and handling;
- (*RID*) He shall, when loading dangerous goods in [**or onto**] a wagon, or a large or small **container or when loading a bulk-container, MEGC, tank-container, portable tank or road vehicle** in [**or onto**] a wagon,

comply with the special requirements concerning loading and handling;

- (d) He shall, when he hands dangerous goods over for ...;
- (e) He shall, when loading packages, comply with

15. Amend the Note in chapter 7.5 and the text in sub-section 7.5.1.2 in RID as follows (changes underlined and bold)

7.5 [NOTE: Within the meaning of this Chapter, placing a container, bulk-container, tank-container, portable tank or road vehicle onto a wagon is considered as loading, and removing it is considered as unloading.]

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

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

shows that the wagon, a small or large container, a bulk-container, a tank-container, a MEGC, 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.

16. Amend sub-section 7.5.1 in ADR as follows (changes underlined and bold)

7.5.1 General provisions concerning loading, unloading and handling

[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.]

7.5.1.1 The vehicle and its driver, as well as the **small or** 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 :

- (a) an examination of the documents; or
- (b) a visual inspection of the vehicle or of the **small or** 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 small or** 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.