Economic and Social Council

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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**
Bern, 23–27 March 2015
Item 4 of the provisional agenda
Interpretation of RID/ADR/ADN

Loader and unloader

Transmitted by the Government of Spain[1, 2]

Summary

Executive summary:	Clarify the definition of loader and unloader, comparing the definitions in 1.2.1 and the note under 7.5.
Action to be taken:	Modification of note under the heading of chapter 7.5 in RID/ADR.
Related documents:	OTIF/RID/CE/GTP/2014/17

Introduction

1.   The RID meeting in its November 2014 session in Madrid discussed document OTIF/RID/CE/GTP/2014/17. Inter alia, the differences between the definitions of loader and unloader given in chapter 1.2.1 and the note under chapter 7.5 were highlighted:

"In his document, the representative of Sweden pointed out that in conformity with the definition of loader in 1.2.1, bulk containers, MEGCs, tank-containers and portable tanks

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should also be listed in the loader's obligations in 1.4.3.1.1. (c) in addition to the wagons and small and large containers that were already referred to. The same was true of 7.5.1.2, where small containers and MGECCs should be added.

Although the working group supported this part of the proposal in principle, it asked the representative of Sweden to submit it to the Joint Meeting, as it did not concern rail transport alone. In particular, the Joint Meeting should check whether it was necessary to add "or onto (a wagon/a vehicle)" to 1.4.3.1.1 (c). It should also check whether the Note at the beginning of RID Chapter 7.5 and the beginning of ADR 7.5.1 would still be necessary if the proposed addition were inserted."

2. The first part of what the RID expert group asked to be looked at by the Joint Meeting has been brought forward by Sweden in ECE/TRANS/WP.15/AC.1/2015/6.

In the present proposal, Spain would like to further examine the necessity of maintaining the note at the beginning of chapter 7.5/7.5.1.

Background

3. The definition for loader and unloader in 1.2.1 (after the amendments done in the last RID meeting) are the following (RID text):

"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 <u>or road vehicle</u> onto a wagon;

"Unloader" means any enterprise which:

    (a)   Removes a container, bulk-container, MEGC, tank-container, or portable tank <u>or road vehicle</u> 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.

4. The note under chapter 7.5 (RID)/section 7.5.1 (ADR) is:

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

    7.5.1 *(ADR)*   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.

5. The note under 7.5.1 was introduced into ADR in 2007. The original proposal and the discussions that took place at that time (TRANS/WP15/74/INF9, TRANS/WP.15/AC.1/2003/70, TRANS/WP15/77/INF12, TRANS/WP.15/181, TRANS/WP.15/2005/1, ECE/TRASN/WP.15/186) suggest that this note was introduced to make clear that container terminals were subject to 7.5.1 of ADR.

The note was included into RID in 2009, as it was thought that this text, adopted for road transport only, was equally applicable to rail transport (OTIF/RID/CE/2007/21), and has not been changed since its adoption.

The definitions in chapter 1.2.1 were included into RID/ADR 2011. Before 2011 the definition under 1.2.1 was simply "loader means any enterprise which loads dangerous goods into a wagon or large container"; no definition for unloader was given.

6.   In between the present definition for loader given in 1.2.1 and the one in 7.5/7.5.1 present several differences:

      I.   The loader for packed dangerous goods is only included in 1.2.1, but not into 7.5/7.5.1

      II.   There are more means of containment included in 1.2.1 than in 7.5/7.5.1

      III.   The actions which are considered loading/unloading are much more precisely described under 1.2.1.

Analysis

7.   The note under 7.5/7.5.1, while being compatible with the definition given in 1.2.1, suggests that the definitions of 1.2.1 are restricted for chapter/section 7.5/7.5.1 to only that part that is stated in the note. When the note was written, in 1.2.1 a very generic definition was given; and therefore the beginning of the note "Within the meaning of this section" was not restrictive. But in the present text 1.2.1 defines much more precisely what is meant by loader/unloader, and the same text can be interpreted as a restriction to the general definition. Additionally, in Spain some loading entities at rail container terminals have interpreted that, as they fulfil loading activities which are described in the note under 7.5, they have to fulfil only the part corresponding to 7.5.

8.   As having two different definitions may cause different interpretations, Spain wants to ask the Joint Meeting to check if the note under 7.5/7.5.1 was left there on purpose or if it was forgotten to delete it when the current definition of loader/unloader was introduced.

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