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**COMMITTEE OF EXPERTS ON THE TRANSPORT OF
DANGEROUS GOODS AND ON THE GLOBALLY
HARMONIZED SYSTEM OF CLASSIFICATION
AND LABELLING OF CHEMICALS**

Sub-Committee of Experts on the
Transport of Dangerous Goods

Thirtieth session
Geneva, 4-12 (a.m.) December 2006
Item 5 of the provisional agenda

**GUIDING PRINCIPLES FOR THE MODEL REGULATIONS
ON THE TRANSPORT OF DANGEROUS GOODS**

Assignment of duties to persons involved in the transport of dangerous goods

Transmitted by the expert from Austria

Introduction

1. At its 29th session in July 2006 the Sub-Committee dealt with the proposal ST/SG/AC.10/C.3/2006/15 where the expert from Austria, quoting 1.1.1.3 of the Model Regulations in particular the last two sentences, suggested that – unless in certain special cases - assignment of responsibilities to particular persons should be avoided in the Model Regulations.
2. As the discussion revealed (see report ST/SG/AC.10/C.3/58 paras. 109 to 112) some experts shared the view that assignment of “responsibilities” or better “duties” in a multimodal instrument is likely to create conflicts with existing assignments in international or national instruments pertaining to the specific transport modes. Several experts felt nevertheless that it was useful to provide guidance in the Model Regulations on who has to do what, since this guidance may be used by regulators to assign duties to the various participants in a transport operation under each legal system.

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The Sub-Committee agreed that paragraph 1.1.1.3 might need to be revised in order to better reflect the principles to be followed but this could be done on the basis of a written proposal only.

3. The representative of Austria therefore proposes the following new text for 1.1.1.3:

Proposal

4. Reword 1.1.1.3 as follows

“Where in these Regulations a particular action is prescribed the duty for carrying out the action need not be specifically assigned to any particular person. Such assignment may vary according to the laws and customs of different countries and the international conventions into which these countries have entered. This does not preclude that these Regulations contain guidance for such assignment to be used by international and national legislators.”

Further Proceeding

5. If a wording along the lines of his proposal is adopted the expert from Austria would ask the opinion of the Sub-Committee on the further proceeding. For the moment assignment of duties to particular persons figures rather sparsely in the Model Regulations. To extend such assignment to many more provisions would mean a tremendous workload. The expert from Austria therefore could also imagine to create a special chapter for such assignment along the lines of the existing chapter 1.4 of RID/ADR/ADN. This would mean that the recommended duties of several defined (!) participants would be indicated in non-exhaustive lists so to have them in a more condensed way.
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