

Economic Commission for Europe

Inland Transport Committee

Working Party on the Transport of Dangerous Goods

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Item 6 (b) of the provisional agenda

Miscellaneous proposals

20 October 2014

Comments on 1.4.2.2 Carrier obligations

Transmitted by the Government of Romania

1. The Romanian delegation analysed the requirements in sub-section 1.4.2.2 *Carrier* and is of the opinion that some aspects in the text could be improved.
2. First of all, we would like to suggest a rewording of the current paragraph (g) in 1.4.2.2. The amendments proposed suggest replacing the terms “*written instructions*” and “*driver*” with “*instructions in writing*” and “*vehicle crew*”. The editorial amendment is consistent with the current text of section 5.4.3 because:
 - there is special equipment for each member of the vehicle crew and
 - the members can choose as instructions are given in the appropriate language for each one of them (Proposal 1).
3. Secondly, with regard to the obligation of the carrier to provide instructions in writing, we would like to suggest two possible amendments in order to clarify the requirement (Proposal 2).
4. Comparing the ADR text of 1.4.2.2.1 (b) with some older editions, we find out that:
 - 1.4.2.2.1 (b) in ADR asks the carrier to “ascertain that (...) the prescribed documentation is on board of the transport unit”, but it is not clear enough if the instructions in writing are included in the prescribed documentation;
 - This requirement refers probably to any other document than the instruction in writing: transport documents, authorisations, approvals, notifications, certificates, etc (according to ADR 2007). This is also the logic of the text because the instructions in writing have another regime and purpose than any other document listed before and present on board the vehicle for the carriage of dangerous goods. This was clearly highlighted in 2009 by the new instructions which are no longer connected to a certain substance or UN number.
5. Furthermore, comparing the current texts of the sub-section 1.4.2.2 in ADR and RID, we found out that the RID text is more clearly worded with regard to the obligation of the carrier to provide the instructions in writing to the vehicle crew (driver in RID).
6. According to paragraph 1.4.2.2.6 in RID, “The carrier shall provide the driver with the instructions in writing as prescribed in 5.4.3”.
7. Both in RID and ADR, there is a similar obligation in 5.4.3.2:

ADR “These instructions shall be provided by the carrier to the vehicle crew in language(s) that each member can read and understand before the commencement of the journey. The carrier shall ensure that each member of the vehicle crew concerned understands and is capable of carrying out the instructions properly.”,

RID “Before the start of the journey, these instructions shall be provided by the carrier to the driver (s) in (a) language(s) that he (they) can read and understand. The carrier shall ensure that the driver understands the instructions and is capable of carrying them out properly. The carrier shall ensure that the driver understands the instructions and is capable of carrying them out properly.”,

8. However, we think that, in the logic of the agreement, as Chapter 1.4 is meant to stipulate the safety obligations of the participants, the sub-section 1.4.2.2 should stipulate clearly the obligation of the carrier to provide the instructions in writing to the vehicle crew. This is the carrier’s direct responsibility and should be stated clearly in 1.4.2.2, also.

9. The presence of a separate obligation for the carrier in this regard would facilitate the enforceability of ADR.

10. Therefore, we hereby wish to suggest two possible amendments to ADR, in order to make this text clearer. Proposal 2 – Option 2 is harmonized with the current text in RID.

Proposal 1

11. The text of the paragraph (g) in 1.4.2.2.1 should be amended to read as follows (stricken out text is to be replaced and new text is underlined):

(g) ascertain that the equipment prescribed in the ~~written instructions~~/instructions in writing for the ~~driver~~/vehicle crew is on board the vehicle.

Proposal 2

Option 1

12. Add a new paragraph (g) in 1.4.2.2.1, as follows:

1.4.2.2.1 (g) provide the vehicle crew with the instructions in writing as prescribed in 5.4.3;

Consequential amendment for the option 1

13. Renumber the current paragraph (g) as paragraph (h).

Option 2

14. Insert a new paragraph 1.4.2.2.6, as follows:

1.4.2.2.6 The carrier shall provide the vehicle crew with the instructions in writing as prescribed in 5.4.3.
