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**Working Party on the Transport
of Dangerous Goods**

**Joint Meeting of the RID Safety Committee
and the Working Party on the Transport of
Dangerous Goods**
(Geneva, 14-24 March 2000)

RESTRUCTURING OF RID/ADR

**TRANSPORT OF EMPTY WAGONS/VEHICLES, CONTAINERS, TANKS,
BATTERY-WAGONS/BATTERY-VEHICLES
AND MEGC, UNCLEANED, WHICH DO NOT CONFORM
TO THE PROVISIONS OF RID/ADR**

Transmitted by the Government of Germany */

SUMMARY

Executive summary

Empty wagons/vehicles, containers, tanks, battery-wagons/battery-vehicles and MEGC, uncleaned, which do not conform to the provisions of RID/ADR should be transported for necessary cleaning/repair work to be carried out with adequate safety being observed during transport.

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Measures to be taken

Inclusion of new paragraphs 4.3.2.4.3, 5.4.1.1.6 and addition to sub-section 7.5.8.1. Present paragraph 4.3.2.4.3 to be renumbered 4.3.2.4.4.

Related documents

Document OCTI/RID/GT-III/1999/4/Rev.1, TRANS/WP.15/AC.1/1999/4/Rev.1 (Chapter 4.3), OCTI/RID/GT-III/1999/10, TRANS/WP.15/AC.1/1999/10 (Chapter 5.4) and OCTI/RID/GT-III/1999/35, TRANS/WP.15/AC.1/1999/35 (Part 7).

Introduction:

At the last Joint Meeting, the proposal submitted by the United Kingdom contained in document OCTI/RID/GT-III/1999/29, TRANS/WP.15/AC.1/1999/29 which related to the consignee's duties in Part 1 of the restructured ADR was not adopted. This proposal triggered off among other things lengthy discussions on what should be done if the consignee establishes that, for example, the tank or an item of equipment is defective and, as a result, no longer complies with the provisions of RID/ADR (see also paragraphs 13 to 15 of the final report).

In practice, damage (e.g. leaking valves) is frequently established, in particular when rail tank wagons and tank containers are discharged. In these cases, it is not possible to comply with the provisions of RID/ADR because neither the consignee (who becomes the consignor in the case of subsequent carriage) nor the carrier are able to carry out the necessary repair. Although these empty uncleaned tanks do not comply with the provisions of RID/ADR, it should be possible to transport them to the nearest suitable cleaning facilities/repair shop subject to certain conditions being observed.

There is another problem where a wagon/vehicle or container has to be cleaned in accordance with sub-section 7.5.8.1 after dangerous goods have escaped and has to be carried to some cleaning facilities because the consignee is not in a position to do the cleaning himself. In this case, RID/ADR does not at present include any provisions stipulating the conditions for such transport operations.

It is the aim of the proposal to establish the legal basis for these transport operations. For systematic reasons, Germany proposes to include a regulation to this effect in Chapters 4.3 and 7.5 and an amendment, which results from the regulation, in Chapter 5.4.

Proposal:

1. Inclusion of a new paragraph 4.3.2.4.3 as follows:

“Where empty tanks, battery-wagons / battery-vehicles and MEGC, uncleaned, are not closed in the same manner and are not leakproof in the same degree as though they were full and where the provisions of RID/ADR cannot be complied with, they shall be transported, with due regard to adequate safety, to the nearest suitable cleaning facilities / repair shop.

Transport is adequately safe if suitable measures have been taken ensuring equivalent safety commensurate with the provisions of RID/ADR and preventing the uncontrolled escape of contents.”

The present paragraph 4.3.2.4.3 will be renumbered 4.3.2.4.4.

2. Addition of the following two sentences to paragraph 7.5.8.1:

“If it is not possible to do the cleaning locally, the wagon / the vehicle or container shall be transported, with due regard to adequate safety, to the nearest suitable cleaning facilities.

Transport is adequately safe if suitable measures have been taken to prevent the uncontrolled release of the dangerous goods that have escaped.”

3. In addition, it is suggested replacing the heading of paragraph 5.4.1.1.6 by the following new one and including the following new paragraph at the end:

**“Special provisions for empty packages, wagons/vehicles, containers, tanks battery-wagons/
battery-vehicles and MEGC, uncleaned”**

“If empty tanks, battery-wagons / battery-vehicles and MEGC are transported to the nearest suitable cleaning facilities / repair shop in accordance with the provisions of paragraph 4.3.2.4.3 or sub-section 7.5.8.1, the following additional entry shall be made in the consignment note/transport document: “Carriage in accordance with paragraph 4.3.2.4.3? or ?Carriage in accordance with sub-section 7.5.8.1.”

Justification:

Safety By requiring adequate safety to be observed during transport, the personnel involved will be under an obligation to take equivalent measures to ensure safe transport.

Practicability This regulation opens up the possibility which up to now was not provided for in RID/ADR to transport, with due regard to adequate safety, empty wagons/vehicles, containers, tanks, battery-wagons/battery-vehicles and MEGC, uncleaned, to the nearest suitable repair shop if no cleaning/repair facilities can be found locally.

The entry in the consignment note/transport document is intended to inform all those involved in the transport operation (including the authorities responsible for the checks) on the derogations and to prevent any unnecessary delays during transport.
