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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

Twenty-ninth session
Geneva, 3-12 (a.m.) July 2006
Item 7 of the provisional agenda

**MISCELLANEOUS PROPOSALS OF AMENDMENTS TO THE MODEL
REGULATIONS ON THE TRANSPORT OF DANGEROUS GOODS**

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

Transmitted by the expert from Austria

Introduction

1. The UN Model Regulations should be implemented by provisions of international or national law which in the interest of harmonization should be as much as possible in line with the original text of the Model Regulations. The UN Model Regulations themselves are however not legally binding. Therefore it is not necessary to determine in the UN Model Regulations obligations of participants in the transport of dangerous goods.
2. This is reflected also in 1.1.1.3 where the following is stated:

“In certain parts of these Regulations, a particular action is prescribed, but the responsibility for carrying out the action is not specifically assigned to any particular person. Such responsibility may vary according to the laws and customs of different countries and the international conventions into which these countries have entered. For the purposes of these Regulations, it is not necessary to make this assignment, but only to identify the action itself. It remains the prerogative of each government to assign this responsibility.”

3. Bearing in mind in particular the last two sentences of 1.1.1.3 the expert from Austria is of the opinion that assignment of responsibilities to particular persons should in general be avoided in the Model Regulations.
4. Furthermore the expert of Austria would at least for some provisions in the Model Regulations where such assignment has been made like to discuss changes of text in order to remove that assignment. In doing so he would like to propose to exclude from this discussion provisions relating to infectious substances, radioactive materials and security because of the particularities of these areas. Assignment of responsibilities to competent authorities or bodies acting on their behalf or to manufacturer's quality control systems should also not be changed in this context.
5. The following proposal aims at defining the provisions to be discussed and proposing text changes where the provision in the present form seem particularly not to be in line with the principle in 1.1.1.3.

Proposal

Provision	Topic	Person(s)	Proposal	Remarks
2.0.0 (see also 3.1.1.2, 6 th sentence)	classification	consignor	delete	redundant for the c.a., not in line with 1.1.1.3 for consignor
2.0.4.1	classification	consignor	delete "the consignor's"	
3.3.1 SP 297	dry ice	consignor, operator(s)	no change	could be seen just as a reference to air mode legislation; "operator" not defined in the Model Regulations;
4.1.2.4	IBC marking	owner, party	replace "owner of the IBC" and "party" by "person"	not in line with 1.1.1.3
4.1.3.6.7, 4.1.6.1.5	pressure receptacles	filler, consignor	change text: "Prior to filling, an inspection of the pressure receptacle shall be performed and it shall be ensured that the pressure receptacle is authorized for the substances to be transported and that the provisions of these Regulations have been met. Shut-off valves shall be closed after filling and remain closed during transport. When the pressure receptacles are offered for transport and during transport it shall be verified that the closures and equipment are not leaking."	not in line with 1.1.1.3

Provision	Topic	Person(s)	Proposal	Remarks
4.1.3.8.2	large and robust articles	consignor	change text of last sentence: “In addition it shall be ensured that a copy of any such approval is transported with the large and robust articles.”	not in line with 1.1.1.3
4.1.4.2 IBC 520 Additional Requirements 2.	organic peroxides	consignor	change text of 3 rd sentence: “Where an organic peroxide is to be consigned in an IBC in accordance with this instruction, it shall be ensured that: [rest unchanged]”	not in line with 1.1.1.3
4.2.1.7	portable tanks	owner	delete “and the owner” and last sentence	not in line with 1.1.1.3 and “owner” not defined in the Model Regulations
4.2.1.8, 4.2.2.5, 4.2.3.4	portable tanks	consignor, consignee, agent	delete “and readily provided by the consignor, consignee or agent, as appropriate”	not in line with 1.1.1.3 and “agent” not defined in the Model Regulations
4.2.1.9.1	portable tanks	shipper	change text: “Prior to filling, it shall be ensured that the appropriate portable tank is used and that the portable tank is not loaded with substances which in contact with the materials of the shell, gaskets, service equipment and any protective linings, are likely to react dangerously with them to form dangerous products or appreciably weaken these materials. Where appropriate the manufacturer of the substance in conjunction with the competent authority shall be consulted for guidance on the compatibility of the substance with the portable tank materials.”	not in line with 1.1.1.3 and “shipper” not defined in the Model Regulations
4.2.2.7.1; 4.2.3.6.1	portable tanks	shipper	change the beginning of the text: “Prior to filling it shall be ensured that ... [rest unchanged]”	not in line with 1.1.1.3 and “shipper” not defined in the Model Regulations
4.2.4.5.5	portable tanks	shipper	delete: “by the shipper”	not in line with 1.1.1.3 and “shipper” not defined in the Model Regulations
5.4.1.1	documentation	consignor	replace “consignor” by “person”	

Provision	Topic	Person(s)	Proposal	Remarks
5.4.1.3	documentation	consignor, consignee, initial carrier	no change; should be solved separately	it should be discussed to create a “dangerous goods <u>shipping</u> declaration” containing solely information on the dangerous goods consignments to be transported and a reference to the modal specific transport document e.g. air waybill n°
5.4.1.6.1	documentation	consignor	replace “consignor” by “person authorized to sign”	not in line with 1.1.1.3
5.4.1.6.2	documentation	carrier	delete “to the carrier”	not in line with 1.1.1.3
Figure 5.4.1	documentation	shipper, consignor, sender, freight forwarder, haulier, driver, company	no change; should be solved separately	see 5.4.1.3
6.2.2.1.1 Note 2	UN pressure receptacles	manufacturer, owner, user	change the text at the end: “on the test information supplied with the request for extension”	not in line with 1.1.1.3 and no definitions in the Model Regulations
6.2.2.6.6 last sentence	UN pressure receptacles	owner	delete	not in line with 1.1.1.3 and “owner” not defined in the Model Regulations
6.2.4.2.2.3	aerosol dispensers	filler	change the beginning of the text: “Prior to filling it shall be ensured that ... [rest unchanged]”	not in line with 1.1.1.3 and “filler” not defined in the Model Regulations
6.5.4.4.3	IBC	owner	replace “kept by the owner of the IBC” by “available”	not in line with 1.1.1.3 and “owner” not defined in the Model Regulations