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Working Party on the Transport of Dangerous Goods

Geneva, 11-15 September 2006
Agenda item 5

PROPOSALS OF AMENDMENTS TO RID/ADR/ADN */

Definition of the safety obligations of unloaders

Transmitted by the Governments of Austria, Germany and Spain

Summary:	Several proposals have been submitted with the intention of clarifying the safety obligations of unloaders in Chapter 1.4. The principle of introducing a new participant – the unloader – with a definition and obligations has been approved (see ECE/TRANS/WP.15/AC.1/102, par. 52). Bearing in mind the most recent comments made, the Government of Spain is once again submitting a proposal.
Action to be taken:	Add a new definition in 1.2.1 as well as a new 1.4.3.x and adapt 1.4.2.3.

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Introduction

1. The obligations of the unloader are not clearly defined in Chapter 1.4. The proposal submitted by Spain in September 2004 was intended to clarify this issue. According to the data on incidents during carriage, the origin of a considerable percentage of these can be found in a clumsy manoeuvre during unloading.
2. In view of the comments made, a new definition is proposed, where it is envisaged to cover both unloader of packages and unloader/discharger of bulk or tanks.
3. The obligations of the unloader cover also, where appropriate, those of the discharger and the cleaner.
4. Bearing in mind the areas where the unloader's and the consignee's duties would now overlap, the duties of the consignee are adapted accordingly.

Proposals

(a) **Add a new definition in paragraph 1.2.1:**

“**Unloader**” means any enterprise which unloads packaged dangerous goods from a vehicle/wagon or a large container or which discharges dangerous goods from a tank (tank-vehicle, demountable tank, portable tank or tank-container) or from a battery-vehicle or MEGC and/or from a vehicle, large container or small container for carriage in bulk;“

(b) **Add a new paragraph 1.4.3.x:**

“1.4.3.x Unloader

1.4.3.x.1 In the context of 1.4.1, the unloader shall in particular:

- (a) check, before unloading, the good(s) concerned and its (their) documentation;
- (b) when unloading the packed dangerous goods or uncleaned empty packagings, check whether the packagings may cause a leakage of the dangerous substance carried or whether they have been damaged to an extent which would endanger the unloading operation. In these instances the unloading shall not be carried out until the appropriate emergency measures have been taken;
- (c) immediately following the discharging of the tank, vehicle/wagon or container;
- (d) clean any residues which have impregnated or soiled the outside of the tank, vehicle/wagon or container during the process of discharging;

- (e) ensure the closure of valves and inspection openings;
- (f) carry out in the cases provided for by RID/ADR the prescribed cleaning and decontamination of the wagons/vehicles or containers;
- (g) ensure that the wagons/vehicles, containers or tanks, once completely unloaded, cleaned and decontaminated, no longer bear danger markings conforming to Chapter 5.3.

1.4.3.x.2 The unloader may, however, in the case of 1.4.3.x.1 (d) and (e), rely on information and data made available to him by other participants.

1.4.3.x.3 If the unloader makes use of the services of other participants (cleaner, decontamination facility, etc.) he shall take appropriate measures to ensure that the requirements of RID/ADR have been complied with."

(c) **Paragraph 1.4.2.3 shall read as follows:**

"1.4.2.3 The consignee has the obligation not to defer acceptance of the goods without compelling reasons.

A <RID only: wagon or> container may only be returned or reused once the requirements of the ADR/RID concerning the unloader have been complied with."
