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INLAND TRANSPORT COMMITTEE

Working Party on the Transport of Dangerous Goods

Joint Meeting of the RID Committee of Experts and the
Working Party on the Transport of Dangerous Goods

Bern, 8-11 September 2009 and
Geneva, 14-18 September 2009
Item 3 of the provisional agenda

REPORTS OF INFORMAL WORKING GROUPS

Report of the informal group on the safety obligations of unloaders

Submitted by the Government of Spain^{1, 2}

SUMMARY

Executive summary:	Request to add a note applicable to all participants under chapter 1.4 of RID and ADR explaining that any participant may assume the duties of other participants
Action to be taken:	Add a note in Chapter 1.4
Related documents:	ECE/TRANS/WP.15/AC.1/2009/15 Informal document INF.22 submitted at the March 2009 session of the Joint Meeting

¹ In accordance with the programme of work of the Inland Transport Committee for 2006-2010 (ECE/TRANS/166/Add.1, programme activity 02.7 (c)).

² Circulated by the Intergovernmental Organisation for International Carriage by Rail (OTIF) under the symbol OTIF/RID/RC/2009/13.

Introduction

1. During the session of the informal working group on the safety obligations of unloaders held in Spain in February 2009, it was agreed that other participants may assume the role of unloader at any point in time. The unloader duties may be assumed by any participant, e.g. a carrier or a consignee, who, at a specific moment, performs the function of unloader. The informal working group considered that it would be clearer if this could be explained in a note at the end of the definition. Since this concerns all participants, it was decided to propose that the Joint Meeting consider the possibility of adding a general note applicable to all participants under Chapter 1.4. To avoid problems, the text should be similar to the one that could be drafted for unloaders, i.e., "the unloader may be one of several entities that are already defined by the ADR", modified so that it can be applied to all participants.

2. During the session held in Geneva in March 2009, the representative of Spain offered to submit a document with a proposal containing such note.

Proposal

3. After the heading "**1.4.2 Obligations of the main participants**" insert the following:

"NOTE 1: The safety obligations assigned to a particular participant in this section may [, by mutual agreement between the respective participants,] be carried out by another participant. The same legal person or entity may thus assume the safety obligations of more than one participant in the carriage of dangerous goods."

The existing NOTE would become NOTE 2.

Justification

4. Adding the note clarifies the text contained in Chapter 1.4. Sometimes, duties assigned to different participants are assumed by only one person or entity performing the role of several participants. The note makes it clear that assuming duties means assuming the role. It happens also that the duties are shared, so the note is necessary to clarify that one participant may be one or more entities or persons.
