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Proposals for amendments to Annexes A and B of ADR: miscellaneous proposals

Addition of crew members to the requirements of 7.5.1.1 and 7.5.1.2 of ADR

Transmitted by the Government of the United Kingdom¹

1. The general provisions of 7.5.1 concerning loading, unloading and handling specifically list the driver in 7.5.1.1 and 7.5.1.2. And 7.5.1.3 precludes unloading for reasons of safety and security, unless otherwise specified in ADR if the above-mentioned inspections reveal deficiencies.
2. It has been drawn to the United Kingdom's attention by industry, that these requirements are no longer representative of practices in the carriage of dangerous goods. There are increasing levels of double manning of vehicles for various reasons across Europe including with two drivers, but a vehicle only legally has one driver at a time, the other usually on rest breaks and therefore being a crew member.
3. Thus, while 7.5.1.1 requires amongst other items security checks on driver, it does not explicitly require this of the crew. And 7.5.1.2 currently does not preclude unloading if the crew does comply with the requirements of ADR. The presence of this crew leaves the provisions of Chapter 7.5 out of sync with the security provisions contained within Chapter 1.10. Specifically those of 1.10.1.4, which require each crew member of the vehicle to carry with them a means of identification, which includes a photograph, during the carriage of dangerous goods.
4. To resolve this gap in the text of ADR, the United Kingdom proposes to include the crew members in the checks set out in 7.5.1.1 and 7.5.2.2.

¹ In accordance with the programme of work of the Inland Transport Committee for 2016-2017, (ECE/TRANS/2016/28/Add.1 (9.1)).

Proposal

5. Amend the text of 7.5.1.1 and 7.5.1.2 as follows (new text bold and underlined):

“7.5.1.1 The vehicle and its driver **including, if applicable, members of the vehicle crew**, as well as the large container(s), bulk-container(s), tank-container(s) or portable tank(s) if any, shall comply with the regulatory provisions (especially those concerning safety, security, cleanliness and satisfactory operation of the equipment used in loading and unloading) upon arrival at the loading and unloading sites, which include container terminals.

7.5.1.2 Unless otherwise specified in ADR, the loading shall not be carried out if:

(a) an examination of the documents; or

(b) a visual inspection of the vehicle or of the large container(s), bulk-container(s), tank-container(s) or portable tank(s) if any, as well as of their equipment used in loading and unloading,

shows that the vehicle, the driver, **including if applicable, members of the vehicle crew**, a large container, a bulk-container, a tank-container, a portable tank or their equipment do not comply with the regulatory provisions. The interior and exterior of a vehicle or container shall be inspected prior to loading to ensure that there is no damage that could affect its integrity or that of the packages to be loaded in it.”.

Justification

6. These proposals to extend the provisions of 7.5.1 to explicitly cover the crew will enhance security and ensure consistency with the security provisions contained within 1.10.1.4 of ADR.
