

CHAPTER 1.4

SAFETY OBLIGATIONS OF THE PARTICIPANTS

1.4.1 General safety measures

1.4.1.1 The participants in the carriage of dangerous goods shall take appropriate measures according to the nature and the extent of foreseeable dangers, so as to avoid damage or injury and, if necessary, to minimize their effects. They shall, in all events, comply with the requirements of ADN in their respective fields.

1.4.1.2 When there is an immediate risk that public safety may be jeopardized, the participants shall immediately notify the emergency services and shall make available to them the information they require to take action.

1.4.1.3 ADN may specify certain of the obligations falling to the various participants.

If a Contracting Party considers that no lessening of safety is involved, it may in its domestic legislation transfer the obligations falling to a specific participant to one or several other participants, provided that the obligations of 1.4.2 and 1.4.3 are met. These derogations shall be communicated by the Contracting Party to the secretariat of the United Nations Economic Commission for Europe which will bring them to the attention of the Contracting Parties.

The requirements of 1.2.1, 1.4.2 and 1.4.3 concerning the definitions of participants and their respective obligations shall not affect the provisions of domestic law concerning the legal consequences (criminal nature, liability, etc.) stemming from the fact that the participant in question is e.g. a legal entity, a self-employed worker, an employer or an employee.

1.4.2 Obligations of the main participants

NOTE 1: Several participants to which safety obligations are assigned in this section may be one and the same enterprise. Also, the activities and the corresponding safety obligations of a participant can be assumed by several enterprises.

NOTE 2: For radioactive material see also 1.7.6.

1.4.2.1 Consignor

1.4.2.1.1 The consignor of dangerous goods is required to hand over for carriage only consignments which conform to the requirements of ADN. In the context of 1.4.1, he shall in particular:

- (a) ascertain that the dangerous goods are classified and authorized for carriage in accordance with ADN;
- (b) furnish the carrier with information and data and, if necessary, the required transport documents and accompanying documents (authorizations, approvals, notifications, certificates, etc.), taking into account in particular the requirements of Chapter 5.4 and of the tables in Part 3;
- (c) use only packagings, large packagings, intermediate bulk containers (IBCs) and tanks (tank-vehicles, demountable tanks, battery-vehicles, MEGCs, portable tanks, tank-containers, tank wagons and battery wagons) approved for and suited to the carriage of the substances concerned and bearing the markings prescribed by one of the international Regulations, and to use only approved vessels or tank-vessels suitable for the carriage of the goods in question;

- (d) comply with the requirements on the means of dispatch and on forwarding restrictions;
- (e) ensure that even empty uncleaned and not degassed tanks (tank-vehicles, demountable tanks, battery-vehicles, MEGCs, portable tanks, tank-containers, tank wagons and tank vehicles) or empty uncleaned vehicles, wagons and large and small bulk containers are appropriately marked and labelled and that empty uncleaned tanks are closed and present the same degree of leakproofness as if they were full.

1.4.2.1.2 If the consignor uses the services of other participants (packer, loader, filler, etc.), he shall take appropriate measures to ensure that the consignment meets the requirements of ADN. He may, however, in the case of 1.4.2.1.1 (a), (b), (c) and (e), rely on the information and data made available to him by other participants.

1.4.2.1.3 When the consignor acts on behalf of a third party, the latter shall inform the consignor in writing that dangerous goods are involved and make available to him all the information and documents he needs to perform his obligations.

1.4.2.2 *Carrier*

1.4.2.2.1 In the context of 1.4.1, where appropriate, the carrier shall in particular:

- (a) ascertain that the dangerous goods to be carried are authorized for carriage in accordance with ADN;
- (b) ascertain that all information prescribed in ADN related to the dangerous goods to be carried has been provided by the consignor before carriage, that the prescribed documentation is on board the vessel or if electronic data processing (EDP) or electronic data interchange (EDI) techniques are used instead of paper documentation, that data is available during transport in a manner at least equivalent to that of paper documentation;
- (c) ascertain visually that the vessels and loads have no obvious defects, leakages or cracks, missing equipment, etc.;
- (d) *(Reserved)*;
- (e) verify that the vessels are not overloaded;
- (f) *(Reserved)*;
- (g) provide the master with the required instructions in writing and ascertain that the prescribed equipment is on board the vessel;
- (h) ascertain that the marking requirements for the vessel have been met;
- (i) ascertain that during loading, carriage, unloading and any other handling of the dangerous goods in the holds or cargo tanks, special requirements are complied with.

Where appropriate, this shall be done on the basis of the transport documents and accompanying documents, by a visual inspection of the vessel or the containers and, where appropriate, the load.

1.4.2.2.2 The carrier may, however, in the case of 1.4.2.2.1 (a) and (b), rely on information and data made available to him by other participants.

1.4.2.2.3 If the carrier observes an infringement of the requirements of ADN, in accordance with 1.4.2.2.1, he shall not forward the consignment until the matter has been rectified.

1.4.2.2.4 *(Reserved)*

1.4.2.2.5 *(Reserved)*

1.4.2.3 *Consignee*

1.4.2.3.1 The consignee has the obligation not to defer acceptance of the goods without compelling reasons and to verify, before, during or after unloading, that the requirements of ADN concerning him have been complied with.

In the context of 1.4.1, he shall in particular:

- (a) *(Deleted)*;
- (b) carry out in the cases provided for by ADN the prescribed cleaning and decontamination of the vessels;
- (c) *(Deleted)*;
- (d) ascertain that provision has been made in the fore and aft sections of the vessel for its evacuation in the event of an emergency;
- (e) *(Deleted)*;
- (f) *(Deleted)*;
- (g) *(Deleted)*;
- (h) *(Deleted)*.

1.4.2.3.2 *(Deleted)*

1.4.2.3.3 *(Deleted)*

1.4.3 *Obligations of the other participants*

A non-exhaustive list of the other participants and their respective obligations is given below. The obligations of the other participants flow from section 1.4.1 above insofar as they know or should have known that their duties are performed as part of a transport operation subject to ADN;

1.4.3.1 *Loader*

1.4.3.1.1 In the context of 1.4.1, the loader has the following obligations in particular:

- (a) He shall hand the dangerous goods over to the carrier only if they are authorized for carriage in accordance with ADN;
- (b) He shall, when handing over for carriage packed dangerous goods or uncleaned empty packagings, check whether the packaging is damaged. He shall not hand over a package the packaging of which is damaged, especially if it is not leakproof, and there

are leakages or the possibility of leakages of the dangerous substance, until the damage has been repaired; this obligation also applies to empty uncleaned packagings;

- (c) He shall, when loading dangerous goods in a vessel, a vehicle, a wagon, or a large or small container, comply with the special requirements concerning loading and handling;
- (d) He shall, after loading dangerous goods into a container comply with the requirements concerning danger markings conforming to Chapter 5.3;
- (e) He shall, when loading packages, comply with the prohibitions on mixed loading taking into account dangerous goods already in the vessel, vehicle, wagon or large container and requirements concerning the separation of foodstuffs, other articles of consumption or animal feedstuffs;
- (f) He shall ascertain that provision has been made in the fore and aft sections of the vessel for its evacuation in the event of an emergency;
- (g) *(Reserved)*

1.4.3.1.2 The loader may, however, in the case of 1.4.3.1.1 (a), (d) and (e), rely on information and data made available to him by other participants.

1.4.3.2 *Packer*

In the context of 1.4.1, the packer shall comply with in particular:

- (a) the requirements concerning packing conditions, or mixed packing conditions and,
- (b) when he prepares packages for carriage, the requirements concerning marking and labelling of the packages.

1.4.3.3 *Filler*

In the context of 1.4.1, the filler has the following obligations in particular:

Obligations concerning the filling of tanks (tank-vehicles, battery-vehicles, demountable tanks, portable tanks, tank-containers, MEGCs, tank wagons and battery wagons):

- (a) He shall ascertain prior to the filling of tanks that both they and their equipment are technically in a satisfactory condition;
- (b) He shall ascertain that the date of the next test for tanks has not expired;
- (c) He shall only fill tanks with the dangerous goods authorized for carriage in those tanks;
- (d) He shall, in filling the tank, comply with the requirements concerning dangerous goods in adjoining compartments;
- (e) He shall, during the filling of the tank, observe the maximum permissible degree of filling or the maximum permissible mass of contents per litre of capacity for the substance being filled;
- (f) He shall, after filling the tank, check the leakproofness of the closing devices;

- (g) He shall ensure that no dangerous residue of the filling substance adheres to the outside of the tanks filled by him;
- (h) He shall, in preparing the dangerous goods for carriage, ensure that the orange plates and placards or labels prescribed are affixed in accordance with the requirements of chapter 5.3 concerning tanks.

Obligations concerning the bulk loading of dangerous solids in vehicles, wagons or containers:

- (i) He shall ascertain, prior to loading, that the vehicles, wagons and containers, and if necessary their equipment, are technically in a satisfactory condition and that the carriage in bulk of the dangerous goods in question is authorized in these vehicles, wagons or containers;
- (j) He shall ensure after loading that the orange plates and placards or labels prescribed are affixed in accordance with the requirements of Chapter 5.3 applicable to such vehicles, wagons or containers;
- (k) He shall, when filling vehicles, wagons or containers with dangerous goods in bulk, ascertain that the relevant provisions of Chapter 7.3 of RID or ADR are complied with.

Obligations concerning the filling of cargo tanks:

- (l) *(Reserved)*;
- (m) He shall complete his section of the check list referred to in 7.2.4.10 prior to the loading of the cargo tanks of a tank vessel;
- (n) He shall only fill cargo tanks with the dangerous goods accepted in such tanks;
- (o) He shall, when necessary, issue a heating instruction in the case of the carriage of substances whose melting point is 0 °C or higher;
- (p) He shall ascertain that during loading the trigger for the automatic device for the prevention of overfilling switches off the electric line established and supplied by the on-shore installation and that he can take steps against overfilling;
- (q) He shall ascertain that provision has been made in the fore and aft sections of the vessel for appropriate means for its evacuation in the event of an emergency;
- (r) He shall ascertain that, when prescribed in 7.2.4.25.5. there is a flame-arrester in the gas discharge pipe or the compensation pipe to protect the vessel against detonations and flame-fronts from the landward side;
- (s) He shall ascertain that the loading flows conform to the loading instructions referred to in 9.3.2.25.9 or 9.3.3.25.9 and that the pressure at the crossing-point of the gas discharge pipe or the compensation pipe is not greater than the opening pressure of the high velocity vent valve;
- (t) He shall ascertain that the joints provided by him for the connecting flange of the ship/shore connections of the loading and unloading piping consist of a material which is not susceptible to be damaged by the cargo or causes a decomposition of the cargo nor forms harmful or dangerous components with it;

- (u) He shall ascertain that during the entire duration of loading or unloading a permanent and appropriate supervision is assured.

Obligations concerning the bulk loading of dangerous solids in vessels:

- (v) *(Reserved)*;
- (w) He shall only load the vessel with dangerous goods the bulk carriage of which is authorized in that vessel;
- (x) He shall ascertain that provision has been made in the fore and aft sections of the vessel for appropriate means for its evacuation in the event of an emergency.

1.4.3.4 *Tank-container/portable tank operator*

In the context of 1.4.1, the tank-container/portable tank operator shall in particular:

- (a) ensure compliance with the requirements for construction, equipment, tests and marking;
- (b) ensure that the maintenance of shells and their equipment is carried out in such a way as to ensure that, under normal operating conditions, the tank-container/portable tank satisfies the requirements of ADR, RID or the IMDG Code until the next inspection;
- (c) have an exceptional check made when the safety of the shell or its equipment is liable to be impaired by a repair, an alteration or an accident.

1.4.3.5 *(Reserved)*

1.4.3.6 *(Reserved)*

1.4.3.7 *Unloader*

NOTE: In this sub-section, unloading covers removal, unloading and discharging as indicated in the definition of unloader in 1.2.1.

1.4.3.7.1 In the context of 1.4.1, the unloader shall in particular:

- (a) Ascertain that the correct goods are unloaded by comparing the relevant information on the transport document with the information on the package, container, tank, MEMU, MEGC or conveyance;
- (b) Before and during unloading, check whether the packagings, the tank, the conveyance or container have been damaged to an extent which would endanger the unloading operation. If this is the case, ascertain that unloading is not carried out until appropriate measures have been taken;
- (c) Comply with all relevant requirements concerning unloading;
- (d) Immediately following the unloading of the tank, conveyance or container:
 - (i) Ensure the removal of any dangerous residues which have adhered to the outside of the tank, conveyance or container during the process of unloading; and

- (ii) By unloading of packages, ensure the closure of valves and inspection openings;
- (e) Ensure that the prescribed cleaning and decontamination of the conveyances or containers is carried out;
- (f) Ensure that the containers, vehicles and wagons, once completely unloaded, cleaned and decontaminated, no longer bear danger markings conforming to Chapter 5.3;

Additional obligations concerning the unloading of cargo tanks

- (g) Complete his section of the check list referred to in 7.2.4.10 prior to the unloading of the cargo tanks of a tank vessel;
- (h) Ascertain that provision has been made in the fore and aft sections of the vessel for appropriate means for its evacuation in the event of an emergency;
- (i) Ascertain that, when prescribed in 7.2.4.25.5, there is a flame-arrester in the gas discharge pipe or the gas return pipe to protect the vessel against detonations and flame-fronts from the landward side;
- (j) Ascertain that the unloading flows conform to the loading instructions referred to in 9.3.2.25.9 or 9.3.3.25.9 and that the pressure at the connecting-point of the gas discharge pipe or the gas return pipe does not exceed the opening pressure of the high velocity vent valve;
- (k) Ascertain that the gaskets provided by him for the connecting flange of the ship/shore connections of the loading and unloading piping consist of a material which will not be damaged by the cargo nor causes a decomposition of the cargo nor forms harmful or dangerous components with it;
- (l) Ascertain that during the entire duration of unloading a permanent and appropriate supervision is assured;
- (m) Ascertain that, during unloading by means of the on-board pump, it is possible for the shore facility to switch it off;

Additional obligations concerning the bulk unloading of dangerous solids in vessels

- (n) Ascertain that provision has been made in the fore and aft sections of the vessel for appropriate means for its evacuation in the event of an emergency.

1.4.3.7.2 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 ADN have been complied with.