

**Promulgation**  
**of the Ordinance on the Transport of Dangerous Goods by Road, Rail and**  
**Inland Waterways (Recast)**

**Of 26 March 2021**

**(Federal Law Gazette I p. 481)**

Based on Article 5 of the Ordinance of 26 March 2021 (Federal Law Gazette I p. 475), the wording of the Ordinance on the Transport of Dangerous Goods by Road, Rail and Inland Waterways as set out below is promulgated in the version applicable as from 2 April 2021. The recast takes into account:

1. the version of the Ordinance promulgated on 11 March 2019 (Federal Law Gazette I p. 258),
2. Article 14 of the Act of 12 December 2019 (Federal Law Gazette I p. 2510) which entered into force on 1 January 2020 and
3. Article 1 of the Ordinance mentioned at the beginning which entered into force in part on 1 January 2021 and in part on 2 April 2021.

Berlin, 26 March 2021

The Federal Minister  
of Transport and Digital Infrastructure  
Andreas Scheuer

**Ordinance on the Domestic and International Transport of Dangerous Goods  
by Road, Rail and Inland Waterways  
(Ordinance on the Transport of Dangerous Goods by Road, Rail and Inland  
Waterways (GGVSEB))<sup>\*)</sup>**

**Contents**

- Section 1 Scope
- Section 2 Definitions
- Section 3 Acceptance for carriage
- Section 4 General safety obligations
- Section 5 Derogations
- Section 6 Responsibilities of the Federal Ministry of Transport and Digital Infrastructure
- Section 7 Responsibilities of the experts or agencies appointed by the Federal Ministry of Defence or by the Federal Ministry of the Interior, Building and Community
- Section 8 Responsibilities of the Federal Institute for Materials Research and Testing
- Section 9 Responsibilities of the inspection bodies recognised by the Federal Institute for Materials Research and Testing
- Section 10 Responsibilities of the Federal Office of Bundeswehr Equipment, Information Technology and In-Service Support
- Section 11 Responsibilities of the Federal Office for the Safety of Nuclear Waste Management
- Section 12 Complementary responsibilities of the Notified Bodies for tanks
- Section 13 Complementary responsibilities of the Notified Bodies for pressure receptacles
- Section 13a Responsibilities of the Designating Authority
- Section 14 Special responsibilities as regards carriage by road
- Section 15 Special responsibilities as regards carriage by rail
- Section 16 Special responsibilities as regards carriage by inland waterways

---

<sup>\*)</sup> This Ordinance serves to implement Commission Delegated Directive (EU) 2020/1833 of 2 October 2020 amending the Annexes to Directive 2008/68/EC of the European Parliament and of the Council as regards adaptation to scientific and technical progress (OJ L 408 of 4 December 2020, p. 1).

- Section 17 Obligations of the client of the consignor
- Section 18 Obligations of the consignor
- Section 19 Obligations of the carrier
- Section 20 Obligations of the consignee
- Section 21 Obligations of the loader
- Section 22 Obligation of the packer
- Section 23 Obligations of the filler
- Section 23a Obligations of the unloader
- Section 24 Obligations of the operator of a tank-container, portable tank, MEGC, bulk container or MEMU
- Section 25 Obligations of the manufacturer, remanufacturer and reconditioner of packagings, of the manufacturer and remanufacturer of IBCs and of the IBC inspection and test bodies
- Section 26 Other obligations
- Section 27 Obligations applicable to several participants as regards carriage by road and rail as well as inland waterways
- Section 28 Obligations of the driver as regards carriage by road
- Section 29 Obligations applicable to several participants as regards carriage by road
- Section 30 Obligations of the operator of a tank-wagon, demountable tank and battery-wagon as regards carriage by rail
- Section 30a Obligations of the entity in charge of maintenance as regards carriage by rail
- Section 31 Obligations of the railway infrastructure manager as regards carriage by rail
- Section 31a Obligations of the driver as regards carriage by rail
- Section 32 Obligations of passengers as regards carriage by rail
- Section 33 Obligations of the master as regards carriage by inland waterways
- Section 34 Obligations of the owner or operator as regards carriage by inland waterways
- Section 34a Obligations of the crew and other persons on board as regards carriage by inland waterways
- Section 35 Modal shift
- Section 35a Routes as regards carriage by road

Section 35b Dangerous goods whose carriage is subject to Sections 35 and 35a  
 Section 35c Exemptions from Sections 35 and 35a  
 Section 36 Inspection period for fire extinguishers  
 Section 36a Carriage of dangerous goods as official exhibits  
 Section 36b Carriage of elevated temperature liquids and solids  
 Section 37 Administrative offences  
 Section 38 Transitional provisions

Annex 1 (repealed)

Annex 2 Restrictions on parts 1 to 9 of ADR and parts 1 to 7 of RID for domestic transport operations as well as parts 1 to 9 of ADN for domestic and international transport operations for reasons of safety of the carriage of dangerous goods

Annex 3 Determination of the requirements to be met by specially equipped vehicles/wagons and containers/large containers under special provision VC3 in section 7.3.3 of ADR/RID for the carriage of elevated temperature liquids and solids of UN nos. 3257 and 3258

## **Section 1**

### **Scope**

(1) This Ordinance shall regulate the domestic and international transport of dangerous goods including the transport to and from Member States of the European Union (intra-Community transport):

1. by road (road transport);
2. by rail (rail transport); and
3. on all navigable inland waters (inland waterway transport)

in Germany, unless otherwise stipulated in this Ordinance. It shall not regulate the transport of dangerous goods by sea-going ships on maritime waterways and in adjacent seaports.

(2) This Ordinance:

1. as regards the transport operations mentioned in paragraph 1 sentence 1 nos. 1 and 2, shall also apply to vehicles and means of transport which belong to the Federal Armed Forces and foreign armed forces or for which the Federal Armed Forces or foreign armed forces are responsible; and
2. as regards the transport operations mentioned in paragraph 1 sentence 1 no. 3, shall not apply to the transport of dangerous goods on vehicles of the armed forces including all vehicles in the remit of the Federal Ministry of Defence insofar as this is necessary for the performance of the tasks incumbent on the Federal Armed Forces.

(3) The following provisions shall apply to the transport operations mentioned in paragraph 1 sentence 1

1. no. 1:
  - a) For domestic transport operations by road, the provisions of parts 1 to 9 of Annexes A and B to the Agreement of 30 September 1957 concerning the International Carriage of Dangerous Goods by Road (ADR) as amended by the revision of Annexes A and B of 4 July 2019 (Federal Law Gazette 2019 II p. 756; ) as last amended in accordance with the 28th ADR amending regulation of 14 October 2020 (Federal Law Gazette 2020 II p. 757) as well as the provisions of Annex 2 nos. 2 and 3 and Annex 3 to this Ordinance;
  - b) For international transport operations including intra-Community transport operations by road, the provisions of parts 1 to 9 of the ADR Agreement mentioned under a) as well as the provisions of Annex 3 to this Ordinance;

2. no. 2:

- a) For domestic transport operations by rail the provisions of parts 1 to 7 of the Annex to the Regulations concerning the International Carriage of Dangerous Goods by Rail (RID) – Annex C to the Convention concerning International Carriage by Rail (COTIF) of 9 May 1980 in the version promulgated on 16 May 2008 (Federal Law Gazette 2008 II p. 475, 899) as last amended in accordance with the 22nd RID amending regulation of 26 October 2020 (Federal Law Gazette 2020 II p. 856), as well as the provisions of Annex 2 nos. 2 and 4 and Annex 3 to this Ordinance;
  - b) For international transport operations including intra-Community transport operations by rail, the provisions of parts 1 to 7 of RID as well as the provisions of Annex 3 to this Ordinance; and
3. no. 3:
- a) For transport operations on all navigable inland waters, the provisions of parts 1 to 9 of the Regulations annexed to the European Agreement concerning the International Carriage of Dangerous Goods by Inland Waterways (ADN) of 26 May 2000 (Federal Law Gazette 2007 II p. 1906, 1908) as last amended in accordance with the 8th ADN amending regulation of 23 November 2020 (Federal Law Gazette 2020 II p. 1035), as well as the provisions of Annex 2 no. 5 to this Ordinance;
  - b) For transport operations on the Rhine, additionally the regulations adopted by the Central Commission for Navigation on the Rhine on 3 December 2009 as set out in Annex 2 no. 6 to this Ordinance.
- (4) As regards the application of parts 1 to 9 of ADR/ADN and parts 1 to 7 of RID, the term "Member State" shall apply instead of the term "Contracting Party" for domestic and intra-Community transport operations.

(5) The provisions stipulated in this Ordinance as regards parts 4 and 6 of ADR/RID shall, subject to the provisions of sections 4.1.1 to 4.1.4 and 6.1.1 to 6.1.6 of ADN, also be applied to inland waterway transport.

## **Section 2**

### **Definitions**

For the purposes of this Ordinance:

1. Consignor means the enterprise which consigns dangerous goods either on its own behalf or for a third party. If the transport operation is carried out under a contract for carriage, consignor means the consignor according to the contract for carriage. In the case of a tank vessel, when the cargo tanks are empty or have just been unloaded, the master is considered to be the consignor for the purpose of the transport document;
2. Filler means any enterprise which fills dangerous goods into:
  - a) a tank (tank-vehicle, demountable tank (road), tank-wagon, wagon with demountable tanks (rail), portable tank or tank-container);
  - b) an MEGC;
  - c) a large container or small container for carriage in bulk;
  - d) a bulk container;
  - e) a vehicle for carriage in bulk;
  - f) a battery-vehicle;
  - g) a MEMU;
  - h) a wagon for carriage in bulk;
  - i) a battery-wagon;
  - j) a vessel; or
  - k) a cargo tank.

Filler also means any enterprise which, being the direct possessor, offers the dangerous good to the carrier for carriage or carries it on its own behalf;

3. Loader means any enterprise which:

- a) loads packaged dangerous goods, small containers or portable tanks into or onto a vehicle (ADR), wagon (RID), conveyance (ADN), or a container; or
- b) loads a container, bulk container, MEGC, tank-container or portable tank onto a vehicle (ADR), wagon (RID), conveyance (ADN); or
- c) loads a vehicle or a wagon into or onto a vessel (ADN).

Loader also means any enterprise which, being the direct possessor, offers the dangerous good to the carrier for carriage or carries it on its own behalf;

- 4. Packer means any enterprise which puts dangerous goods into packagings, including large packagings and intermediate bulk containers (IBCs), or prepares packages for carriage. Packer also means any enterprise which has dangerous goods packed, or which changes packages or their marking or labelling, or has them or it changed;
- 5. Package means the complete product of the packing operation, consisting of the packaging or large packaging or IBC and its contents prepared for dispatch. The term includes receptacles for gases as well as articles which, because of their size, mass or configuration, may be carried unpackaged or carried in cradles, crates or handling devices. Except for the carriage of radioactive material, this term does neither apply to goods which are carried in bulk nor to goods carried in tanks or cargo tanks. On board vessels, the term “package” also includes vehicles, wagons, containers (including swap bodies), tank-containers, portable tanks, large packagings, IBCs, battery-vehicles, battery-wagons, tank-vehicles, tank-wagons and multiple-element gas containers (MEGCs);
- 6. Vehicles, as regards domestic and intra-Community transport, means – by derogation from the definition in ADR – the vehicles described in section 1.2.1 of ADR with a maximum design speed of more than 25 kilometres per hour including two- and three-wheel vehicles as well as self-propelled machines for agricultural, forestry, construction and other purposes as well as their trailers, and freight trams operating in a different rail network than the railway;



7. Dangerous goods means substances and articles whose transport is prohibited in accordance with part 2 table A of chapter 3.2 and chapter 3.3 of ADR/RID/ADN or permitted in accordance with the relevant requirements of ADR/RID/ADN;
8. Remanufacturer means any enterprise which manufactures remanufactured packagings, remanufactured large packagings and remanufactured IBCs in accordance with section 1.2.1 of ADR/RID;
9. Reconditioner means any enterprise which manufactures reconditioned packagings in accordance with section 1.2.1 of ADR/RID;
10. Client of the consignor means any enterprise which mandates a consignor to act as such and to consign dangerous goods on its own behalf or by means of a third person;
11. IBC means the intermediate bulk container described in section 1.2.1 of ADR/RID/ADN;
12. IMDG Code means the International Maritime Dangerous Goods Code as last amended by Resolution MSC.406(96) in the official German translation promulgated on 16 November 2016 (Federal Ministry of Transport Gazette p. 718);
13. MEGC means the multiple-element gas container described in section 1.2.1 of ADR/RID/ADN. This also includes UN MEGCs;
14. MEMU (mobile explosive manufacturing unit) means the unit described in section 1.2.1 of ADR, or a vehicle;
15. Ortsbewegliche-Druckgeräte-Verordnung means the Transportable Pressure Equipment Regulations of 29 November 2011 (Federal Law Gazette I p. 2349),

as last amended by Article 491 of the Ordinance of 31 August 2015 (Federal Law Gazette I p. 1474);

16. OTIF (Organisation intergouvernementale pour les transports internationaux ferroviaires) means the Intergovernmental Organisation for International Carriage by Rail;
17. UNECE means the United Nations Economic Commission for Europe;
18. GGVSee means the Verordnung über die Beförderung gefährlicher Güter mit Seeschiffen (Ordinance on the Transport of Dangerous Goods by Sea) of 7 December 2017 (Federal Law Gazette I p. 3862; 2018 I p. 131);
19. Transportable pressure equipment means the receptacles and tanks for gases specified in Article 2(1) of Directive 2010/35/EU as well as the other receptacles and tanks for gases specified in chapters 6.2 and 6.8 of ADR/RID;
20. Federal waterways means the waterways in accordance with section 1(1) and (4) of the Bundeswasserstraßengesetz (Federal Waterways Act) in the version promulgated on 23 May 2007 (Federal Law Gazette I p. 962, 2008 I p. 1980) as amended with the exception of the Elbe in the port of Hamburg.

### **Section 3**

#### **Acceptance for carriage**

Notwithstanding Section 5, dangerous goods shall be carried only if their carriage is not prohibited in accordance with sub-sections 2.2.1.2, 2.2.2.2, 2.2.3.2, 2.2.41.2, 2.2.42.2, 2.2.43.2, 2.2.51.2, 2.2.52.2, 2.2.61.2, 2.2.62.2, 2.2.8.2, 2.2.9.2, table A of chapter 3.2 and chapter 3.3 of ADR/RID/ADN or in accordance with Annex 2, and if the transport operation is carried out in compliance with the relevant provisions of ADR/RID/ADN.

### **Section 4**

#### **General safety obligations**

(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.

(2) If the dangerous goods carried present a special risk to others, especially if there is or may be a leakage of dangerous goods in case of an accident or of irregularities, and if this risk cannot be eliminated rapidly:

1. the driver in the case of carriage by road;
2. the concerned railway infrastructure manager in the case of carriage by rail or
3. the master in the case of carriage by inland waterways

shall immediately notify the competent authorities nearest to the location where the risk occurs or have them notified and shall provide them or have them provided with the necessary information. As regards carriage by rail, the carrier shall immediately notify the concerned railway infrastructure manager.

(3) If an infringement is identified which may affect safety during carriage:

1. the driver in the case of carriage by road;
2. the carrier in the case of carriage by rail; or
3. the master in the case of carriage by inland waterways

shall halt the consignment as soon as possible. He shall not resume the transport operation until the applicable provisions have been complied with or instructions or authorizations have been issued by the competent authorities.

## **Section 5**

### **Derogations**

(1) The authorities competent in accordance with Land law may:

1. as regards carriage by road, upon application, grant derogations from parts 1 to 9 – except chapters 1.8 and 1.10 – of ADR and from Sections 35 to 35b of the present Ordinance and from Annex 2 thereto;
2. as regards carriage by non-federally owned railways, upon application, grant derogations from parts 1 to 7 – except chapters 1.8 and 1.10 – of RID; and
3. as regards carriage by inland waterways on waterways which are not federal waterways, upon application, grant derogations from parts 1 to 9 – except chapters 1.8 and 1.10 – of ADN

for transport operations within Germany insofar as this is permitted under Directive 2008/68/EC of the European Parliament and of the Council of 24 September 2008 on the inland transport of dangerous goods (OJ L 260 of 30 September 2008 p. 13).

(2) As regards carriage by federal railways, the Federal Railway Authority may, upon application, grant derogations from parts 1 to 7 – except chapters 1.8 and 1.10 – of RID for transport operations within Germany insofar as this is permitted under Directive 2008/68/EC.

(3) As regards inland waterway transport on federal waterways, the Federal Waterways and Shipping Agency may, upon application, grant derogations from parts 1 to 9 of ADN – except section 1.5.2 of ADN, and chapters 1.8 and 1.10 of ADN – for transport operations within Germany insofar as this is permitted under Directive 2008/68/EC. For the federal waterways, these derogations include further decisions in accordance with Part 7 of ADN - with the exception of sub-section 7.2.2.6 and paragraphs 7.2.3.7.1 and 7.2.3.7.6 of ADN - required for the intended activities; in this respect, the decision is taken in consultation with the competent authority in accordance with Section 16 paragraph 6.

(4) To obtain a derogation in accordance with paragraphs 1 to 3 above, the applicant shall submit an expert opinion on the required safety precautions. This expert opinion shall include in particular a description of the remaining hazards and a justification why the granting of the derogation is considered acceptable despite the remaining hazards. The competent authority may require the applicant to have elaborated at his own expense and submit further opinions or may have the opinions elaborated in consultation with the applicant. In justified individual cases, the competent authority may dispense with the submission of an opinion.

(5) Derogations in accordance with paragraphs 1 to 3 above shall be issued in writing or electronically and shall be subject to revocation should the imposed safety precautions prove insufficient to limit the hazards emanating from the transport operation. The derogations stipulated in Article 6(2) of Directive 2008/68/EC shall be subjected to the procedure under Article 6(2) or (4) and shall have been authorized by the Commission; they shall be notified to the Federal Ministry of Transport and Digital Infrastructure. They shall be granted for a period not exceeding six years from the date of authorization by the Commission; for the extension of an authorization for a derogation, the procedure under Article 6(4) of Directive 2008/68/EC shall apply.

(6) The Federal Ministry of Defence or the bodies authorised by it may grant derogations from this Ordinance to the Federal Armed Forces, to civil enterprises performing statutory duties on their behalf, and to foreign armed forces if so required for defence purposes and if public safety is duly considered. Derogations in accordance with the first sentence above shall be granted to the Federal Intelligence Service (BND) if it acts within the framework of its functions for the Federal Ministry of Defence and insofar as security interests make this necessary.

(7) The Federal Ministries of the Interior, Building and Community, of Justice and Consumer Protection and of Finance as well as the Interior and Justice Ministers (Senators) of the Länder or the bodies authorised by them may, in their relevant remit, grant derogations for transport operations within Germany insofar as this is permitted under Directive 2008/68/EC. Paragraph 5 sentence 2 shall apply

accordingly. Irrespective of this, they may grant derogations from Sections 35 to 35b of the present Ordinance and from Annex 2 thereto.

(8) The

1. derogations granted for federal railways under paragraph 2 above shall also apply to other railways. The derogations granted by the Länder under paragraph 1 sentence 1 no. 2 shall, after consultations with the Federal Railway Authority, also apply to federal railways;
2. derogations granted for federal waterways under paragraph 3 shall also apply to other navigable waterways. The derogations granted by the Länder under paragraph 1 sentence 1 no. 3 shall, after consultations with the Federal Waterways and Shipping Agency, also apply to federal waterways,

unless the authority granting the derogation provides otherwise.

(9) If the Federal Republic of Germany has concluded agreements in accordance with section 1.5.1 of ADR/RID or agreements in accordance with section 1.5.1 of ADN in conjunction with Section 6 no. 1, domestic transport operations may be carried out in accordance with the provisions of these agreements.

(10) A derogation granted for a domestic transport operation shall also apply to transport on the German section of an intra-Community or international transport operation unless expressly provided otherwise in the derogation.

(11) In the case of a notice in accordance with paragraphs 1 to 3 above, it shall be sufficient to carry along a faxed document or printout of the notice issued and signed electronically and its digitized form on a storage medium, provided that this digitized form is such that it can be made readable if requested by authorized persons in the event of a check.

## **Section 6**

Responsibilities of the Federal Ministry of Transport and Digital Infrastructure

The Federal Ministry of Transport and Digital Infrastructure is responsible for:

1. the conclusion of agreements under section 1.5.1 of ADR/RID or agreements in accordance with section 1.5.1 of ADN and the notification of such agreements to UNECE/OTIF;
2. tasks under chapter 1.15 of ADN;
3. the recognition of inspection bodies under sub-section 1.16.4.1 of ADN;
4. the submission of a list of recognised technical codes under section 6.2.5 and sub-section 6.8.2.7 of ADR/RID
  - a) to the UNECE secretariat as regards carriage by road; and
  - b) to the OTIF secretariat as regards carriage by rail;
5. the examination and evaluation of the reports on notifications of occurrences involving dangerous goods under sub-section 1.8.5.1 of ADR/RID/ADN and, if necessary, their forwarding to the UNECE, OTIF or CCNR secretariat;
6. the establishment of provisions concerning pressure vessels under paragraphs 9.3.1.23.1, 9.3.2.23.5, and 9.3.3.23.5 of ADN;
7. the establishment of provisions concerning pressurized tanks, fittings and piping under paragraphs 9.1.0.40.2.7, 9.3.1.40.2.7, 9.3.2.40.2.7 and 9.3.3.40.2.7 of ADN; and
8. the delegation of the authority to issue the certificate of approval to an inspection body under paragraph 1.16.2.3 of ADN.

## **Section 7**

**Responsibilities of the experts or agencies appointed by the Federal Ministry of Defence or by the Federal Ministry of the Interior, Building and Community**

(1) For the Federal Armed Forces and foreign armed forces, the experts or agencies appointed by the Federal Ministry of Defence are responsible for:

1. tasks in accordance with parts 8 and 9 of ADR;
2. the approval, initial and periodic inspection and test of pressure receptacles in accordance with sub-sections 6.2.1.4 to 6.2.1.6 of ADR, inspection and testing of IBCs in accordance with sub-section 6.5.4.4 of ADR, the design type testing of portable tanks and UN MEGCs in accordance with paragraphs 6.7.2.18.1, 6.7.3.14.1, 6.7.4.13.1, and 6.7.5.11.1 in conjunction with chapter 4.2 and paragraphs 6.7.2.19.9, 6.7.3.15.9, 6.7.4.14.10 and 6.7.5.12.7 of ADR, the initial, periodic, intermediate periodic and exceptional inspection and testing of shells and items of equipment of portable tanks and UN MEGCs in accordance with chapter 6.7 of ADR, and the type approval and inspections and tests of tanks in accordance with sub-sections 6.8.2.3 and 6.8.2.4 of ADR;
3. the inspections and tests of tanks provided that these inspections and tests do not fall within the scope of the Ortsbewegliche-Druckgeräte-Verordnung;
4. the maintenance of a register under sub-section 1.10.1.6 of ADR of all valid training certificates for drivers; and
5. the certificate in accordance with Section 35 paragraph 4 and the routing in accordance with Section 35a paragraph 3

if so required for defence purposes.

(2) The experts or agencies appointed by the Federal Ministry of the Interior, Building and Community are responsible for:

1. tasks in accordance with parts 8 and 9 of ADR;



2. the type approval as well as the inspections and tests of tanks under sub-sections 6.8.2.3 and 6.8.2.4 of ADR as well as the inspection and testing of IBCs under sub-section 6.5.4.4 of ADR;
3. the maintenance of a register under sub-section 1.10.1.6 of ADR of all valid training certificates for drivers; and
4. the certificate in accordance with Section 35 paragraph 4 and the routeing in accordance with Section 35a paragraph 3

if so required within the remit of the Federal Ministry of the Interior, Building and Community.

(3) The responsibility of the agencies appointed in accordance with paragraphs 1 and 2 above shall also apply for control activities under section 9 paragraphs 1 and 2 of the Carriage of Dangerous Goods Act on properties of the Federal Armed Forces or foreign armed forces or on properties within the remit of the Federal Ministry of the Interior, Building and Community. In the case of transport of dangerous goods by road by the Federal Armed Forces or foreign armed forces, even if the Federal Armed Forces use civil enterprises, the agencies appointed in accordance with paragraph 1 above shall be authorized for controlling besides the competent authorities in accordance with Land law.

## **Section 8**

### **Responsibilities of the Federal Institute for Materials Research and Testing**

- (1) The Federal Institute for Materials Research and Testing is responsible for:
1. tasks in accordance with:
    - a) chapters 2.1 and 2.2 with the exception of paragraphs 2.2.62.1.12.1 and 2.2.9.1.11 note 4 of ADR/RID/ADN and the responsibilities assigned to the Federal Office of Bundeswehr Equipment, Information Technology and In-

Service Support under Section 10 and to the Federal Office for the Safety of Nuclear Waste Management under Section 11;

- b) chapter 3.3 of ADR/RID/ADN with the exception of the responsibilities assigned to the Federal Office of Bundeswehr Equipment, Information Technology and In-Service Support under Section 10;
- c) chapter 4.1 with the exception of packing instruction P200 in sub-section 4.1.4.1 of ADR/RID and the responsibilities assigned to the Federal Office of Bundeswehr Equipment, Information Technology and In-Service Support under Section 10;
- d) chapter 4.2 with the exception of sub-sections 4.2.1.8, 4.2.2.5, and 4.2.3.4 of ADR/RID;
- e) chapter 4.3 as regards paragraph 4.3.3.2.5 of ADR/RID in agreement with the National Metrology Institute of Germany (PTB);
- f) chapter 6.2 with the exception of sub-section 6.2.2.11 of ADR/RID and the responsibilities under no. 10 as well as Sections 13 and 13a;
- g) chapter 6.7 of ADR/RID;
- h) chapter 6.8 regarding the inspection and testing, allocation of the marks, and type approval of fixed tanks (tank-vehicles), demountable tanks, tank-containers and tanks swap bodies and the establishment of conditions in accordance with special provision TA2 in section 6.8.4 (c) of ADR/RID as well as the establishment of requirements for shell seams in accordance with paragraph 6.8.5.2.2 of ADR;
- i) chapter 6.9 of ADR/RID;
- j) chapter 6.10 of ADR/RID;

- k) chapter 6.11 of ADR/RID; and
- l) chapter 6.12 in conjunction with paragraph 7.5.5.2.3 and chapter 9.8 of ADR

if the respective task has not been assigned to another agency;

2. the testing and approval of designs for special form radioactive material under paragraph 5.1.5.2.1 in conjunction with sub-section 6.4.22.5 sentence 1, the certificate under sub-section 6.4.22.8 (a), the approval of package designs for non-fissile or fissile exempted uranium hexafluoride under paragraph 5.1.5.2.1 in conjunction with sub-section 6.4.22.1, the certificate under sub-section 6.4.22.8 (a), the testing and approval of designs for low dispersible radioactive material under paragraph 5.1.5.2.1 in conjunction with sub-section 6.4.22.5 sentence 2, and as regards the certificate under sub-section 6.4.22.8 (a) of ADR/RID in agreement with the Federal Office for the Safety of Nuclear Waste Management;
3. the testing, recognition of inspection bodies, allocation of the marks and design approval of packagings, IBCs, large packagings, salvage packagings and large salvage packagings in accordance with chapters 6.1, 6.3, 6.5, and 6.6 of ADR/RID as well as the approval of the repair of flexible IBCs as determined in section 1.2.1 of ADR/RID/ADN;
4. the recognition and supervision of quality assurance programmes for the manufacturing, remanufacturing, reconditioning, repair and testing of packagings, IBCs and large packagings as well as the recognition of supervisory bodies for testing the performance and efficiency of the quality assurance programmes under chapters 6.1, 6.3, 6.5, and 6.6 as well as the recognition of inspection bodies for the initial and periodic inspection and testing of IBCs under sub-section 6.5.4.4 of ADR/RID/ADN;

5. the issuance of the certificate approving a modification in accordance with paragraph 6.8.2.3.4 of ADR as well as for tank-containers and tank swap bodies in accordance with paragraph 6.8.2.3.4 of RID;
6. the approval of the conditions of carriage for gases stabilized by means of temperature control in accordance with sub-section 3.1.2.6 sentence 2 (c) of ADR/RID/ADN;
7. the approval and supervision of management systems for the design, manufacture, testing, documentation, use, maintenance and inspection of packages for radioactive material where a competent authority approval of the package design is not required under chapter 6.4 in conjunction with 1.7.3 of ADR/RID/ADN;
8. the testing of package designs for radioactive material where a competent authority approval of the package design is required under chapter 6.4 ADR/RID;
9. the supervision of management systems for the design, manufacture, testing, documentation, use, maintenance and inspection of packages for radioactive material where a competent authority approval of the package design is required under chapter 6.4 in conjunction with 1.7.3 of ADR/RID/ADN;
10. the recognition of a standard or a code in accordance with paragraph 6.2.1.1.9 and the recognition of technical codes under paragraph 6.2.1.3.6.5.4, section 6.2.5, paragraph 6.7.2.2.1 sentence 1, paragraph 6.7.3.2.1 sentence 1, paragraph 6.7.4.2.1 sentence 1, paragraph 6.7.4.7.4, paragraphs 6.7.5.2.9, 6.8.2.1.4, as well as sub-sections 6.8.2.7 and 6.8.3.7 sentence 1 of ADR/RID in agreement with the Federal Ministry of Transport and Digital Infrastructure;
11. the approval of the methods of segregation under sub-section 7.5.2.2 footnote a of ADR/RID, insofar as this does not concern the military sector;

12. the establishment of standards and conditions in accordance with provision VC3 in sub-section 7.3.3.1 of ADR; and
13. the issuance of special authorizations concerning transport in tank vessels under section 1.5.2 of ADN.

Sentence 1 no. 1 h) and no. 5 shall not apply if these tasks fall within the scope of the Ortsbewegliche-Druckgeräte-Verordnung.

(2) The approvals, agreements, recognition and authorizations mentioned in paragraph 1 sentence 1 no. 1 c), d) and f) to l), nos. 2 to 7, 11 and 13 may be granted subject to revocation, for a limited period of time and subject to conditions if this is necessary to ensure compliance with the provisions applicable to the transport of dangerous goods.

## **Section 9**

### **Responsibilities of the inspection bodies recognised by the Federal Institute for Materials Research and Testing**

The inspection bodies recognised by the Federal Institute for Materials Research and Testing in accordance with Section 12 paragraph 1 no. 8 of the GGVSsee are responsible for the design type test as well as the initial, periodic and exceptional inspections and tests of portable tanks and multiple-element gas containers (MEGCs) in accordance with chapter 6.7 of ADR/RID. Sentence 1 shall not apply if these inspections and tests fall within the scope of the Ortsbewegliche-Druckgeräte-Verordnung.

## **Section 10**

### **Responsibilities of the Federal Office of Bundeswehr Equipment, Information Technology and In-Service Support**

The Federal Office of Bundeswehr Equipment, Information Technology and In-Service Support is responsible, as far as the military sector is concerned, for tasks under:

1. chapter 2.2 of ADR/RID/ADN with regard to explosive substances and articles;
2. chapter 3.3 of ADR/RID/ADN with regard to explosive substances and articles;
3. chapter 4.1 of ADR/RID with regard to explosive substances and articles; and
4. sub-section 7.5.2.2 footnote a of ADR/RID with regard to explosive substances and articles.

## **Section 11**

### **Responsibilities of the Federal Office for the Safety of Nuclear Waste Management**

The Federal Office for the Safety of Nuclear Waste Management is responsible for:

1. the issuance of the multilateral approval required for the determination of the radionuclide values not listed in table 2.2.7.2.2.1 and of alternative radionuclide values in accordance with paragraph 2.2.7.2.2.2 of ADR/RID/ADN;
2. the approval of shipments of radioactive material under paragraph 5.1.5.1.2 of ADR/RID/ADN;
3. the shipment approval by special arrangement for the carriage of radioactive material under paragraph 5.1.5.1.3 in conjunction with section 1.7.4 of ADR/RID/ADN;
4. the receipt of the notification under paragraph 5.1.5.1.4 of ADR/RID/ADN;
5. the approval of designs for packages containing radioactive material and the design of fissile material excepted under paragraph 2.2.7.2.3.5 (f) in accordance with paragraphs 5.1.5.2.1 and 5.1.5.3.5, sub-sections 6.4.22.2 to 6.4.22.4 and

6.4.22.6 as well as the certificate under sub-section 6.4.22.8 (a) of ADR/RID;  
and

6. the approval of the radiation protection programme for the carriage of radioactive material by means of a special vessel under paragraph 7.1.4.14.7.3.7 of ADN.

## **Section 12**

### **Complementary responsibilities of the Notified Bodies for tanks**

(1) The Notified Bodies in accordance with section 16 of the Ortsbewegliche-Druckgeräte-Verordnung, which must be accredited for carrying out the tasks set out below in accordance with DIN EN ISO/IEC 17020:2012, are responsible for:

1. the design type test:
  - a) of portable tanks and UN MEGCs under paragraphs 6.7.2.18.1, 6.7.3.14.1, 6.7.4.13.1, and 6.7.5.11.1 in conjunction with chapter 4.2 and paragraphs 6.7.2.19.9, 6.7.3.15.9, 6.7.4.14.10, and 6.7.5.12.7 of ADR/RID;
  - b) of fixed tanks, demountable tanks (road), battery-vehicles, tank-wagons, demountable tanks (rail), battery-wagons, tank-containers, tank swap bodies and MEGCs under paragraph 6.8.2.3.1 in conjunction with chapter 4.3, and chapter 6.10 in conjunction with chapter 4.5 of ADR/RID; and
  - c) of fibre-reinforced tanks and tank-containers under sub-section 6.9.4.1 in conjunction with chapter 4.4 of ADR/RID in agreement with the Federal Institute for Materials Research and Testing;
2. the initial and periodic, intermediate, and exceptional inspections and tests of the shells and items of equipment of:
  - a) portable tanks and UN MEGCs under chapter 6.7 of ADR/RID;

- b) fixed tanks, demountable tanks (road), battery-vehicles, tank-wagons, demountable tanks (rail), battery-wagons, tank-containers, tank swap bodies and MEGCs under chapter 6.8 and chapter 6.8 in conjunction with chapter 6.10 of ADR/RID; and
  - c) fibre-reinforced plastic tanks (FRP tanks) under chapter 6.9 of ADR/RID;
3. the tasks under paragraphs 4.3.3.2.5, 6.7.2.6.3, 6.7.2.10.1, 6.7.2.19.10, 6.7.3.15.10, 6.8.2.2.10, 6.8.3.4.4, 6.8.3.4.7, and 6.8.3.4.8, section 6.8.4 (b) and (d) special provisions TT2 and TT7 – in agreement with the Federal Institute for Materials Research and Testing – as well as under paragraph 6.8.5.2.2 and the verification and confirmation of the ability of the manufacturer or the maintenance or repair shop to perform welding operations and the operation of a weld quality assurance system as well as the issuance of orders prescribing additional checks under paragraph 6.8.2.1.23 of ADR/RID;
  4. the test and inspection of the electrical equipment of the service equipment of tanks under sections 9.2.2 and 9.7.8 of ADR before the tanks are put into service under paragraph 6.8.2.4.1 of ADR and within the framework of the inspection and check of the tanks under paragraphs 6.8.2.4.2 and 6.8.2.4.4 of ADR as well as for non-mandatory informal amendments to number 11 of ADR certificates of approval in accordance with sub-section 9.1.3.1 of ADR;
  5. the design type test and the separate type approval of service equipment of tanks for which a standard is listed in the table in paragraph 6.8.2.6.1 in accordance with paragraph 6.8.2.3.1 sentence 9; for the separate type approval, the procedures stipulated in section 1.8.7 shall be applied; an in-house inspection service in accordance with sub-section 1.8.7.6 in conjunction with paragraph 1.8.7.7.5 shall only be approved for supervising the manufacturing of service equipment in accordance with sub-section 1.8.7.3 and their initial inspection and testing in accordance with sub-section 1.8.7.4 but not for the type approval in accordance with sub-section 1.8.7.2 and the periodic inspection in accordance with sub-section 1.8.7.5; the note to the definition of “applicant” in section 1.2.1 of ADR/RID shall not apply to this provision; and



6. a) the test for the approval of a modification in accordance with paragraphs 1.8.7.2.5 and 6.8.2.3.4 of ADR/RID; and
- b) the certificate approving a modification in accordance with paragraph 1.8.7.2.5 of ADR/RID.

Sentence 1 nos. 1 b) and 2 b) and nos. 5 and 6 shall not apply if these tasks fall within the scope of the Ortsbewegliche-Druckgeräte-Verordnung. The Notified Bodies in accordance with section 16 of the Ortsbewegliche-Druckgeräte-Verordnung that are not accredited in accordance with DIN EN ISO/IEC 17020:2012 but recognized as an inspection body by the Federal Institute for Materials Research and Testing in accordance with section 6 paragraph 5 of the Ordinance on the Transport of Dangerous Goods by Sea are also responsible for all above-mentioned tasks under chapter 6.7 of ADR/RID.

(2) The Federal Ministry of Transport and Digital Infrastructure shall establish an exchange of experience between the bodies responsible under paragraph 1 and Section 9 and the national accreditation body as well as the type approval authorities under Section 8 paragraph 1 sentence 1 no. 1 g) to l) and Section 15 paragraph 1 no. 10 in which these authorities and bodies must participate.

### **Section 13**

#### **Complementary responsibilities of the Notified Bodies for pressure receptacles**

(1) The Notified Bodies recognized in accordance with section 16 paragraph 1 of the Ortsbewegliche-Druckgeräte-Verordnung are responsible for:

1. issuing the certificate approving a modification in accordance with paragraph 1.8.7.2.5 of ADR/RID;
2. the tasks in accordance with sub-section 4.1.4.1 of ADR/RID packing instruction P200 with the exception of no. 9 in agreement with the Federal Ministry of Transport and Digital Infrastructure;

3. establishing the inspection periods in accordance with sub-section 4.1.4.1 packing instruction P200 no. 9 of ADR/RID in agreement with the Federal Institute for Materials Research and Testing;
4. the inspection, testing and approval of pressure receptacles in accordance with paragraph 6.2.1.4.1 of ADR/RID;
5. the recognition of the quality assurance system in accordance with paragraph 6.2.1.4.2 of ADR/RID;
6. the periodic inspections and tests in accordance with paragraphs 6.2.1.6.1 and 6.2.1.6.2 of ADR/RID; and
7. the proficiency test of a manufacturer in accordance with paragraph 6.2.1.7.2 of ADR/RID.

(2) For this, the Notified Bodies shall apply the procedures for conformity assessment and periodic inspection laid down in sections 1.8.7 and 1.8.8 of ADR/RID.

(3) Paragraph 1 no. 1 and nos. 4 to 7 as well as paragraph 2 shall not apply if these tasks fall within the scope of the Ortsbewegliche-Druckgeräte-Verordnung.

### **Section 13a**

#### **Responsibilities of the Designating Authority**

The Designating Authority within the meaning of section 2 no. 9 of the Ortsbewegliche-Druckgeräte-Verordnung is responsible for the registration of the identity marks or stamps of the inspection bodies in accordance with paragraph 6.2.2.7.2 (d), paragraph 6.2.2.7.7 (b), paragraph 6.2.2.9.2 (d) and paragraph 6.2.2.9.4 (b) as well as of the manufacturer's mark in accordance with paragraph 6.2.2.7.4 (n) of ADR/RID.

## Section 14

### Special responsibilities as regards carriage by road

(1) The Federal Office for Goods Transport is responsible for receiving the reports on occurrences during the carriage of dangerous goods in accordance with sub-section 1.8.5.1 of ADR and for submitting them to the Federal Ministry of Transport and Digital Infrastructure.

(2) The Federal Motor Transport Authority is responsible for the type approval of vehicles under sub-section 9.1.2.2 sentence 1 of ADR.

(3) The Chambers of Industry and Commerce are responsible for:

1. the approval and supervision of the training, the conduct of examinations and the issuance of the certificate of driver's training in accordance with section 8.2.2 of ADR, the training and examination language being German;
2. the conversion of the certificate of driver's training under section 8.2.2 of ADR in accordance with Section 7 paragraph 1 no. 1 and paragraph 2 no. 1 into a certificate in accordance with Section 14 paragraph 3 sentence 1 no. 1; and
3. the maintenance of a register under sub-section 1.10.1.6 of ADR of all valid training certificates for drivers with the exception of the training certificates specified under Section 7 paragraph 1 no. 4 and paragraph 2 no. 3.

Details as regards sentence 1 nos. 1 to 3 may be laid down in statutes by the Chambers of Industry and Commerce.

(4) The officially approved experts on motor vehicle traffic who have been designated by the competent superior Land authority or by an agency designated by that authority or who are working for an agency competent in accordance with Land law and the Technische Dienste (technical services) which have been designated at least for the testing of dangerous goods vehicles within the framework of the

designation for the testing of a vehicle installation are responsible for the first inspection under sub-section 9.1.2.1 sentence 2 to verify the conformity with the relevant requirements of chapters 9.2 to 9.8 and for the issuance of an ADR certificate of approval under sub-section 9.1.2.1 sentence 4 in conjunction with sub-section 9.1.3.1 of ADR.

(5) The persons authorized to perform the main inspections under section 29 of the Road Vehicles Registration and Licensing Regulations (StVZO) are responsible for the annual technical inspection and the extension of the validity date for ADR certificates of approval under sub-section 9.1.2.3 of ADR as well as for non-mandatory informal amendments to number 11 of ADR certificates of approval under sub-section 9.1.3.1 of ADR.

(6) The registration and licensing authorities in accordance with the Fahrzeug-Zulassungsverordnung (FZV, Vehicle Registration and Licensing Regulations) are responsible for amendments to nos. 4 and 5 of ADR certificates of approval under sub-section 9.1.3.1 of ADR.

## **Section 15**

### **Special responsibilities as regards carriage by rail**

- (1) The Federal Railway Authority is responsible for:
1. the issuance of an authorization to continue a transport operation under paragraph 1.4.2.2.4 of RID as regards federal railways;
  2. the receipt of information and notifications under sub-section 1.7.6.1 (b) (iv) and (c) of RID as regards federal railways;
  3. the implementation of the administrative controls relating to dangerous goods under section 1.8.1 of RID and the provisions of this Ordinance as regards federal railways;

4. the provision of administrative support under section 1.8.2 of RID as regards federal railways;
5. the receipt of reports on occurrences during the carriage of dangerous goods under sub-section 1.8.5.1 of RID and the submission of those reports to the Federal Ministry of Transport and Digital Infrastructure;
6. the establishment of additional provisions or special safety requirements under chapter 1.9 for the federal railways and the notification to the Intergovernmental Organisation for International Carriage by Rail (OTIF) of the restrictions on carriage under section 1.9.4 of RID for the federal railways, both in agreement with the Federal Ministry of Transport and Digital Infrastructure;
7. the prescription of tests for tank-wagons under paragraph 6.8.2.1.2 sentence 2 and the approval of the values of yield strength and tensile strength under paragraph 6.8.2.1.16 of RID;
8. the establishment of requirements for shell seams under paragraph 6.8.5.2.2 of RID;
9. the decision on derogations for return transport operations under paragraphs 4.3.2.3.7 (b), 6.7.2.19.6.1 (b), 6.7.3.15.6.1 (b) and 6.7.4.14.6.1 (b) of RID;
10. the type approval of tank-wagons and demountable tanks under chapter 6.8 of RID if these approvals do not fall within the scope of the Ortsbewegliche-Druckgeräte-Verordnung;
11. the granting of the approval under paragraph 6.8.3.2.16 of RID;
12. the establishment of the conditions for or the approval of a test programme in accordance with section 6.8.4 (c) special provision TA 2 of RID, both in agreement with the Federal Institute for Materials Research and Testing;

13. the issuance of the certificate approving a modification in accordance with paragraph 6.8.2.3.4 of RID for tank-wagons and demountable tanks if this task does not fall within the scope of the Ortsbewegliche-Druckgeräte-Verordnung;
14. the prosecution and punishment of administrative offences under Section 37 as regards federal railways; and
15. the establishment of standards and conditions in accordance with provision VC3 in sub-section 7.3.3.1 of RID.

(2) The approvals and recognition mentioned in paragraph 1 nos. 8 and 10 to 13 may be granted subject to revocation, for a limited period of time and subject to conditions if this is necessary to ensure compliance with the provisions applicable to the transport of dangerous goods.

(3) The authorities competent in accordance with Land law are responsible for transport operations by non-federally owned railways unless otherwise provided in this Ordinance.

## **Section 16**

### **Special responsibilities as regards carriage by inland waterways**

- (1) The National Metrology Institute of Germany (PTB) is responsible for:
  1. the type approval of flame-arresters under paragraph 1.6.7.2.2.2 of ADN (transitional provision concerning the definition of “flame-arrester”), of high-velocity vent valves under paragraph 1.6.7.2.2.2 of ADN (transitional provision concerning the definition of “high-velocity vent valve”), of the deflagration safety of the sampling opening under paragraph 1.6.7.2.2.2 of ADN (transitional provision concerning the definition of “sampling opening”), of the deflagration safety of the device for the safe depressurization of cargo tanks under paragraph 1.6.7.2.2.2 of ADN (transitional provision concerning the definition of “device for the safe depressurization of cargo tanks”) and of vacuum valves

under paragraph 1.6.7.2.2.2 of ADN (transitional provision concerning the definition of “vacuum valve deflagration safety”) as well as

2. the adoption of provisions for the opening pressure of safety valves of pressure tanks in accordance with the definition of “opening pressure” in section 1.2.1 of ADN.

(2) The Federal Waterways and Shipping Agency is responsible for:

1. tasks under chapter 1.16 with the exception of sub-sections 1.16.2.3 and 1.16.13.2 sentences 2 and 3 of ADN;
2. the approval and monitoring of training courses and examinations under sub-section 8.2.2.6 as well as the recognition of documents under sub-sections 8.2.1.9 and 8.2.1.10 of ADN;
3. granting persons the authorization to inspect:
  - a) the insulation resistance of the fixed electrical installations and equipment and their earthing under sub-section 8.1.7.1 of ADN and
  - b) installations and equipment intended for the use in explosion hazardous areas, “limited explosion risk” type equipment, installations and equipment complying with sub-sections 9.3.1.51, 9.3.2.51 and 9.3.3.51 and autonomous protective systems or the compliance of documents with the situation on board under sub-section 8.1.7.2 of ADN;
4. granting persons the authorization to check and inspect the fire-extinguishing appliances and hoses and the hoses used for loading and unloading under sub-sections 8.1.6.1 and 8.1.6.2 of ADN;
5. the determination whether electrical equipment, measuring, regulation and alarm apparatus and motors under paragraph 1.6.7.2.2.2 (transitional provision concerning paragraphs 9.3.1.53.1, 9.3.2.53.1 and 9.3.3.53.1 of ADN)

- are checked and approved with respect to the safety of operation in an explosive atmosphere;
6. the stamping of the documents concerning the electrical equipment under paragraph 1.6.7.2.2.2 (transitional provision concerning sub-section 8.1.2.3 (r), (s), (t) and (v) of ADN) and the stamping of the documents to be carried on board under sub-sections 8.1.2.2 and 8.1.2.3 of ADN;
  7. the maintenance of a register of all valid certificates for experts under sub-section 1.10.1.6 of ADN;
  8. the receipt of reports on occurrences during the carriage of dangerous goods under sub-section 1.8.5.1 of ADN and the submission of those reports to the Federal Ministry of Transport and Digital Infrastructure;
  9. the approval of qualified persons or companies under sub-section 3.2.3.1 table C column (20) no. 12 (q) and no. 33 (i) .2 of ADN;
  10. the approval of alternative constructions and requesting additional calculations and proof under paragraph 9.3.4.1.4 of ADN;
  11. equivalents and derogations under section 1.5.3 of ADN;
  12. the approval of cargo handling plans in accordance with sub-section 3.2.3.1 table C column (20) no. 12 (p) of ADN when UN 1280 and UN 2983 are carried;
  13. the certification of the similarity of the particulars contained in the copy of the certificate of approval on the plate of a pusher barge and those in the original certificate in accordance with sub-sections 8.1.2.6 and 8.1.2.7 of ADN; and
  14. the establishment of service requirements in accordance with the transitional provisions concerning paragraphs 9.3.1.17.1 and 9.3.3.17.1 in paragraph 1.6.7.2.2.2 of ADN.



The approvals and authorizations mentioned in nos. 3, 4, 9, 10 and 12 of the first sentence may be granted subject to revocation, for a limited period of time and subject to conditions if this is necessary to ensure compliance with the provisions applicable to the transport of dangerous goods.

(3) The competent authority for granting persons the approval to declare and certify the condition of being gas-free under paragraphs 7.2.3.7.1.6 sentence 3 and 7.2.3.7.2.6 sentence 3 of ADN is:

1. the Federal Waterways and Shipping Agency for the federal waterways and
2. the respective agency competent in accordance with Land law for all other navigable waterways.

The approval is deemed to be granted for commercial chemists who have been publicly appointed and sworn in by a chamber of industry and commerce (öffentlich bestellte und vereidigte Handelschemiker) and have a specialist qualification for determining gas conditions on watercraft and issuing gas condition certificates (Gaszustandsbescheinigungen). The approval may be granted subject to revocation, for a limited period of time and subject to conditions if this is necessary to ensure compliance with the provisions applicable to the transport of dangerous goods.

(4) The Federal Waterways and Shipping Agency for the federal waterways, and the respective agency competent in accordance with Land law for all other navigable waterways, is responsible for the prosecution and punishment of administrative offences under Section 37.

(5) The Federal Waterways and Shipping Agency is responsible for:

1. the issuance of certificates under sub-sections 8.2.1.2 and 8.2.2.8 of ADN; and
2. the organization of examinations under sub-section 8.2.2.7 of ADN.

(6) The Waterways and Shipping Office in its respective district for the federal waterways, and the respective agency competent in accordance with Land law for all other navigable waterways, is responsible for:

1. tasks under part 7 of ADN with the exception of the tasks under paragraph 3 and Section 11 paragraph 6;
2. the authorization of work on board requiring the use of an open flame or electric current or liable to cause sparks under section 8.3.5 of ADN;
3. the receipt of notifications on increased concentrations of hydrogen sulphide under sub-section 3.2.3.2 table C column (20) no. 28 (b) of ADN when UN 2448 is carried;
4. the monitoring under paragraph 1.8.1.1.1 and the prohibition of the use of a vessel for the carriage of dangerous goods under sub-section 1.16.13.2 of ADN; and
5. the receipt of information and communications under sub-section 1.7.6.1 (b) (iv) and (c) of ADN.

A competent authority under sentence 1 nos. 4 and 5 above as well as sub-section 7.1.5.5 of ADN is also the respective agency competent in accordance with Land law. The authorization mentioned under no. 2 may be granted subject to revocation, for a limited period of time and subject to conditions if this is necessary to ensure compliance with the provisions applicable to the transport of dangerous goods.

(7) The respective agency competent in accordance with Land law is responsible for checks under sub-section 1.8.1.4 of ADN.

(8) The German Social Accident Insurance Institution for Commercial Transport, Postal Logistics and Telecommunications is responsible for checking the stability documents under paragraph 9.2.0.94.4 of ADN in accordance with IMO Resolution A.749 (18) including its Annex "Code on Intact Stability for All Types of

Ships” in the version promulgated on 18 March 1999 (Federal Ministry of Transport Gazette p. 164).

## **Section 17**

### **Obligations of the client of the consignor**

(1) As regards carriage by road and rail as well as inland waterways, the client of the consignor shall:

1. ascertain before commissioning the consignor that the dangerous goods are classified in accordance with part 2 of ADR/RID/ADN and are accepted for carriage under Section 3;
2. ensure that the information under sub-sections 5.4.1.1, 5.4.1.2 and paragraphs 5.5.2.4.1, 5.5.2.4.3 and 5.5.3.7.1 of ADR/RID/ADN, with the exception of the name and address of the consignor under 5.4.1.1.1 (g) of ADR as regards carriage by road, is provided to the consignor in writing or electronically and, if substances are carried by road which are subject to Section 35 paragraph 4 sentence 1 or Section 35a paragraph 1 or paragraph 4 sentence 1, advert him in writing or electronically to the consideration of these Sections; and
3. ensure that in case of transport under chapter 3.4, the consignor is informed of the dangerous good in limited quantities stating the gross mass and, in case of transport under chapter 3.5, the consignor is informed of the dangerous good in excepted quantities stating the number of packages, with the exception of carriage under sub-section 3.5.1.4 of ADR/RID/ADN.

(2) As regards carriage by rail, the client of the consignor shall ensure that the information under paragraph 1.1.4.4.5 of RID is provided to the consignor in writing or electronically.

(3) As regards carriage by road as well as inland waterways, the client of the consignor shall ensure that the consignor is provided with the required

information for temperature control under sub-section 7.1.7.3 of ADR/ADN prior to the start of the transport operation.

## **Section 18**

### **Obligations of the consignor**

(1) As regards carriage by road and rail as well as inland waterways, the consignor shall:

1. when issuing the transport order, inform the carrier and, if the dangerous goods have been imported via German sea ports, inland ports or airports, the loader who first offers the dangerous goods for carriage by road vehicles, rail or inland vessels or who undertakes the carriage by road or inland waterways himself:

- a) of the dangerous good by means of the information under paragraph 5.4.1.1.1 (a) to (d) of ADR/RID/ADN or paragraph 5.4.1.1.2 (a) to (d) of ADN
- b) and, if goods are carried by road which are subject to Sections 35 and 35a, advert him to the consideration of these Sections

in writing or electronically; for transport operations under chapters 3.4 and 3.5 of ADR/RID/ADN, a general reference to the dangerous good in limited and excepted quantities shall be required;

- 2. in advance of carriage under section 3.4.12 of ADR/RID/ADN, inform the carrier in a traceable form of the total gross mass of the dangerous goods to be consigned in limited quantities;
- 3. ascertain before issuing the transport order and before handing over dangerous goods for carriage that the dangerous goods are classified in accordance with part 2 of ADR/RID/ADN and are accepted for carriage under Section 3;

4. ensure that the particulars laid down in a derogation, an agreement under section 5 or an exemption ordinance under section 6 of the Carriage of Dangerous Goods Act (Gefahrgutbeförderungsgesetz) are entered into the transport document;
5. ensure that only packagings, large packagings, IBCs, tanks, MEMUs or vessels are used which are approved for and suited to the carriage of the respective goods under table A in chapter 3.2 of ADR/RID, sub-section 1.1.4.3 of ADR/RID, or under table A in chapter 3.2 and additionally, in the case of carriage by tank vessels, table C of ADN;
6. ensure that the competent authority is notified under paragraph 5.1.5.1.4 of ADR/RID/ADN;
7. have a copy of the instructions under paragraph 4.1.9.1.9 and a copy of the required certificates under paragraph 5.1.5.2.2 and, upon request, make documentary evidence available to the competent authority under paragraph 5.1.5.2.3 of ADR/RID/ADN;
8. ensure that a transport document under section 5.4.1 is provided to carry on board which contains the information, instructions and notifications required in accordance with section 5.4.1, the applicable special provisions in chapter 3.3 as well as paragraphs 5.5.2.4.1, 5.5.2.4.3 and 5.5.3.7.1 of ADR/RID/ADN, sub-section 6.7.1.3 of ADR/RID and the remarks in column (20) of table C in sub-section 3.2.3.2 of ADN;
9. ensure that the certificates under paragraph 5.4.1.2.5.4 of ADR/RID/ADN are made available to the carrier prior to loading and unloading;
10. ensure that the required accompanying documents under the applicable special provisions of chapter 3.3 of ADR/RID/ADN, paragraph 4.1.3.8.2 of ADR/RID, sub-section 5.4.1.2 and section 5.4.2 of ADR/RID/ADN are enclosed with the transport document;

11. inform the loader in writing or electronically of the fumigation of units; and
12. retain a copy of the dangerous goods transport document and additional information and documentation as specified in ADR/RID/ADN for a minimum period of three months from the end of the transport operation in accordance with sub-section 5.4.4.1 of ADR/RID/ADN.

(2) As regards carriage by road, the consignor shall ensure that:

1. the derogation under Section 5 paragraph 1 no. 1, Section 5 paragraph 6 or Section 5 paragraph 7 is handed over to the carrier prior to the start of the transport operation; and
2. the carrier is provided with the required information for temperature control under sub-section 7.1.7.3 of ADR prior to the start of the transport operation.

(3) As regards carriage by rail, the consignor shall:

1. comply with the provisions for carriage as colis express (express goods) under chapter 7.6 of RID;
2. ensure that even empty uncleaned wagons, large containers, and small containers for carriage in bulk as well as bulk containers display:
  - a) placards under sub-section 5.3.1.6 of RID;
  - b) the orange-coloured plates under paragraph 5.3.2.1.7 with the exception of paragraph 5.3.2.1.5 of RID;
  - c) marks under section 5.3.6 of RID; and
  - d) shunting labels under section 5.3.4 of RID;

and

3. ensure that the transport document contains the information specified under paragraph 1.1.4.4.5 of RID.
  - (4) As regards carriage by inland waterways, the consignor shall ensure:
    1. that the derogation under Section 5 paragraph 1 no. 3 or Section 5 paragraph 3 is handed over to the carrier or master prior to the start of the transport operation;
    2. that even uncleaned and not degassed empty tank-vehicles, tank-wagons, vehicles with demountable tanks, wagons with demountable tanks, battery-vehicles, battery-wagons, MEGCs, MEMUs, tank-containers and portable tanks as well as uncleaned empty vehicles, wagons and containers for carriage in bulk display:
      - a) placards under paragraph 5.3.1.6.1 of ADN; and
      - b) the orange-coloured plates under paragraph 5.3.2.1.7 of ADN.
- and
3. that the carrier is provided with the required information for temperature control under sub-section 7.1.7.3 of ADN prior to the start of the transport operation.

## **Section 19**

### **Obligations of the carrier**

- (1) As regards carriage by road and rail as well as inland waterways, the carrier:
  1. shall inform the consignor under sub-section 1.7.6.1 (a) (i) of ADR/RID/ADN of the non-compliance with any limit applicable to radiation level or contamination;

2. shall, if he observes an infringement of the requirements of ADR/RID/ADN specified in paragraph 1 nos. 1 and 5 and paragraphs 2 to 4, not forward the consignment until the requirements have been fulfilled;
3. shall ensure that tanks are not offered for carriage under sub-section 4.3.3.6 (f) of ADR/RID;
4. shall retain a copy of the dangerous goods transport document and additional information and documentation as specified in ADR/RID/ADN for a minimum period of three months from the end of the transport operation in accordance with sub-section 5.4.4.1 of ADR/RID/ADN;
5. shall ensure that the documents associated with the carriage of cargo transport units that have been fumigated and have not been completely ventilated before carriage include the information specified in paragraph 5.5.2.4.1 ADR/RID/ADN; and
6. shall ensure that the documents associated with the carriage of vehicles, wagons or containers containing or having contained dry ice (UN 1845) or substances used for cooling or conditioning purposes and have not been completely ventilated before carriage include the information specified in paragraph 5.5.3.7.1 of ADR/RID/ADN.

(2) As regards carriage by road, the carrier shall:

1. comply with the prohibition of any other use under special provision TU 15 of section 4.3.5 of ADR;
2. provide to the vehicle crew the instructions in writing under sub-section 5.4.3.2 of ADR before the commencement of the journey and ensure that each member of the vehicle crew concerned understands and is capable of carrying out these instructions properly;



3. ensure that the provisions concerning carriage in bulk in vehicles or containers under the applicable provisions of chapters 3.3 and 7.3 and the provisions concerning carriage in tanks under section 7.4.1 of ADR are complied with;
4. ensure that the provisions concerning the limitation of quantities carried under paragraph 7.5.5.2.1 and sub-section 7.5.5.3 of ADR are complied with;
5. ensure that:
  - a) the accompanying documents under sub-section 8.1.2.1 (a) and sub-section 8.1.2.2 (a) and (c), and, for domestic transport operations in demountable tanks, the certificate on the tests, inspections and checks of the demountable tank under paragraph 6.8.2.4.5 and sub-section 6.9.5.3 if the transitional provision under sub-section 1.6.3.41 of ADR is used; and
  - b) the derogation under Section 5 paragraph 1 no. 1, paragraph 6 or 7  
  
are handed over to the driver before the commencement of the journey;
6. ensure that only drivers holding a valid certificate under sub-section 8.2.2.8 of ADR are deployed;
7. ensure that portable tanks are not offered for carriage under sub-section 4.2.3.8 (f) of ADR;
8. ensure that for fixed tanks, demountable tanks, and battery-vehicles the tank record is maintained, retained, handed over to a new carrier, submitted to the competent authorities upon request and made available to the expert under paragraph 4.3.2.1.7 of ADR;
9. equip the transport unit with fire-fighting equipment under section 8.1.4 of ADR;
10. meet the inspection periods under sub-section 8.1.4.4 of ADR in conjunction with Section 36 or the approved national standards;

11. affix to the vehicle the required placards under section 5.3.1, the orange-coloured plates under section 5.3.2, the marks under sections 3.4.15, 5.3.3 and 5.3.6, and shall ensure that in the cases described in section 3.4.13 in conjunction with section 3.4.14 the marks under section 3.4.15 of ADR are affixed;
12. ensure that only tanks are used whose shell thickness complies with the requirements under paragraph 4.3.2.3.1 in conjunction with paragraphs 6.8.2.1.17 to 6.8.2.1.21 of ADR;
13. ensure that even in between test dates fixed tanks, demountable tanks, battery-vehicles and vacuum-operated waste tanks comply with the requirements on construction, items of equipment and marking under sub-sections 6.8.2.1, 6.8.2.2, 6.8.2.5, 6.8.3.1, 6.8.3.2, and 6.8.3.5 and the applicable special provisions in section 6.8.4 (e), sections 6.10.1, 6.10.2 and 6.10.3 as regards the substances indicated in the ADR certificate of approval in accordance with sub-section 9.1.3.1, or in the certificate under paragraphs 6.8.2.4.5 and 6.8.3.4.18 of ADR, with the exception of the substances and gases carried which are to be indicated by the filler;
14. ensure that subject to the provisions of paragraphs 6.8.2.4.4 and 6.8.3.4.14 of ADR an exceptional check of the fixed tank and the battery-vehicle is carried out when the safety of the tank or its equipment may have been impaired;
15. provide the driver with the required equipment for load securing;
16. equip the transport unit in accordance with section 8.1.5 of ADR;
17. ensure that for vehicles:
  - a) which are approved under sub-section 9.1.2.1 sentence 4, when carrying dangerous goods specified under no. 10 of the ADR certificate of approval under sub-section 9.1.3.5, the requirements concerning the construction

and items of equipment of the vehicles under section 9.2.1 of ADR in conjunction with the additional requirements under chapters 9.3 to 9.8 of ADR; and

- b) which are not subject to approval under sub-section 9.1.2.1 sentence 4, the requirements concerning the construction and items of equipment of the vehicles under the applicable special provisions of section 7.3.3, sub-section 9.2.1.1 sentence 2 and chapters 9.4 to 9.6 of ADR

are complied with;

18. ensure that the requirements concerning the supervision of vehicles under chapter 8.4 in conjunction with chapter 8.5 of ADR and, for domestic transport operations, also the provision on the parking of vehicles requiring obligatory marking in accordance with Annex 2 no. 3.3 of this Ordinance are complied with; and
19. ensure that fixed tanks, battery-vehicles, demountable tanks, MEGCs, portable tanks and tank-containers are not used if the deadline of their next test has expired.

(3) As regards carriage by rail, the carrier:

1. shall ensure that the manager of the railway infrastructure he uses has rapid and unrestricted access at any time during carriage to the information which enables him to fulfil the requirements of sub-section 1.4.3.6 (b) of RID;
2. shall ensure that in accordance with sub-section 1.10.1.4 of RID each crew member of a train carrying dangerous goods carries with them during carriage means of identification, which includes their photograph;
3. shall ensure that the accompanying documents specified in Section 18 paragraph 1 nos. 8 and 10 are available during carriage and are presented to competent persons for inspection upon request;

4. shall ensure that the provisions concerning protective distance under section 7.5.3 of RID are complied with;
5. shall provide to the driver before the start of the journey the instructions in writing in a language that he can read and understand under sub-section 5.4.3.2 of RID;
6. shall inform the driver of the dangerous goods on board and their position on the train before the train starts its journey under paragraph 1.4.2.2.7 in conjunction with sub-section 5.4.3.3 of RID;
7. shall ensure that the equipment prescribed in the instructions in writing under sub-section 5.4.3.4 of RID is carried in the driver's cab;
8. shall ensure that for piggyback transport operations the orange-coloured plates or the placards or the mark are affixed to the trailer under paragraph 1.1.4.4.3 of RID; and
9. shall, when he takes over dangerous goods at the point of departure, under paragraph 1.4.2.2.1 (c) of RID, ascertain visually that the wagons and loads have no obvious defects, leakages or cracks, missing equipment, etc.;
10. shall, when he takes over dangerous goods at the point of departure, under paragraph 1.4.2.2.1 (f), ascertain that the placards, marks and orange-coloured plates prescribed for the wagons in chapter 5.3 of RID have been affixed; and
11. shall ensure that the information made available in accordance with paragraph 1.4.2.2.8 of RID also covers the tank and its equipment.

(4) As regards carriage by inland waterways, the carrier:

1. shall ascertain that the vessel is permitted for the carriage of the dangerous goods under section 7.1.2 or 7.2.2 of ADN;

2. shall ensure that for each crew member means of identification, which includes a photograph, is on board under sub-section 1.10.1.4 of ADN;
3. shall provide to the master before the commencement of the journey the instructions in writing under section 5.4.3 of ADN in the languages that the master and the expert can read and understand;
4. shall ensure that the master is provided with the required information for temperature control under sub-section 7.1.7.3 of ADN prior to the start of the transport operation;
5. shall ensure that:
  - a) the crew complies with the requirements concerning loading, carriage, unloading and other handling of cargo under part 7, with the exception of the requirements concerning the classification of tank vessels, instructions on use, notice boards, equipment and methods for temperature control; and
  - b) the loading instrument required under paragraphs 9.3.1.13.3, 9.3.2.13.3 and 9.3.3.13.3 of ADN is used;
6. shall ensure that the requirements concerning the limitation of the quantities carried under sub-section 7.1.4.1 of ADN are complied with;
7. shall ensure that the documents under sub-sections 8.1.2.1 to 8.1.2.3 of ADN are handed over to the master;
8. shall ensure that vessels are used only if the responsible master or, where such a master has not been appointed, any master in accordance with sub-sections 7.1.3.15 and 7.2.3.15 holds a valid certificate in accordance with sub-sections 8.2.1.2, 8.2.1.5 or 8.2.1.7 of ADN; and

9. shall ascertain in accordance with paragraph 1.4.2.2.1 (d) of ADN that during loading and unloading a second means of evacuation is available, when the landside installation is not equipped with a second necessary means of evacuation.

## **Section 20**

### **Obligations of the consignee**

(1) As regards carriage by road and rail as well as inland waterways, the consignee:

1. has the obligation under paragraph 1.4.2.3.1 of ADR/RID/ADN:
  - a) not to defer, or refuse, acceptance of the goods without compelling reasons; and
  - b) to verify after unloading and before return or reuse that the requirements of ADR/RID/ADN concerning him have been complied with; and
2. shall inform the consignor under sub-section 1.7.6.1 (a) (ii) in conjunction with (c) of ADR/RID/ADN of the non-compliance with any limit applicable to radiation level or contamination.

(2) As regards carriage by road, the consignee may, under paragraph 1.4.2.3.2 of ADR, if the verification under paragraph 1 no. 1 b) above brings to light an infringement of the requirements of ADR in the case of a container, return the container to the carrier only after the infringement has been remedied.

(3) As regards carriage by rail, the consignee may, under paragraph 1.4.2.3.2 of RID, only return or reuse a wagon or container once the requirements of RID concerning unloading have been complied with.

(4) As regards carriage by inland waterways, the consignee may, if the verification in accordance with paragraph 1 no. 1 b) above brings to light an

infringement of the requirements of ADN, return the container, vehicle or wagon to the carrier only after the infringement has been remedied.

## **Section 21**

### **Obligations of the loader**

(1) As regards carriage by road and rail as well as inland waterways, the loader:

1. may only hand over dangerous goods to the carrier for carriage if they are accepted for carriage under Section 3;
2. shall, when handing over packed dangerous goods or uncleaned empty packagings for carriage, examine the packaging for evidence of incompleteness or damage or for dangerous residues adhering to the outer surface. He shall not hand over a package the packaging of which is clearly incomplete or damaged, especially if the dangerous good leaks or there is a risk of its leaking, or to the outer surface of which dangerous residues adhere until the defect has been repaired. This also applies to carriage under chapters 3.4 and 3.5 of ADR/RID/ADN;
3. shall ensure that a package from which a part of the dangerous good contained in it has been removed is loaded only if the packaging complies with the provisions of sub-section 4.1.1.1 of ADR/RID;
4. shall ensure that the provisions concerning empty packagings under sub-section 4.1.1.11 in conjunction with sub-section 4.1.1.1 of ADR/RID are complied with;
5. shall ensure that a warning mark under paragraphs 5.5.2.3.1 and 5.5.3.6.1 of ADR/RID/ADN is applied;
6. shall ensure that the marking provisions under sections 3.4.13 to 3.4.15 ADR/RID/ADN are complied with;

7. shall ensure that the maximum number of packages under section 3.5.5 of ADR/RID/ADN is not exceeded; and

8. shall ensure that the measures in accordance with sub-section 5.5.3.5 of ADR/RID/ADN are taken where dry ice in unpackaged form is used.

(2) As regards carriage by road, the loader shall:

1. inform the driver of the dangerous goods by means of the information in accordance with paragraph 5.4.1.1.1 (a) to (d) of ADR and, if substances are carried by road which are subject to Section 35 paragraph 4 sentence 1 or Section 35a paragraph 1 or paragraph 4 sentence 1, advert him in writing or electronically to the consideration of these Sections. For carriage under chapters 3.4 and 3.5 of ADR, only a general reference to the dangerous good in limited or exempted quantities is required;
2. ensure that the provisions concerning vehicles carrying tank-containers, portable tanks, and MEGCs under section 7.4.1 of ADR are complied with;
3. ensure that the provisions concerning labels and marks under sub-section 5.1.3.1 in conjunction with chapter 5.2 of ADR are complied with;
4. ensure that containers containing packages bear placards under sub-section 5.3.1.2, orange-coloured plates under paragraph 5.3.2.1.4 and the mark under section 5.3.6 of ADR;
5. ensure that only containers which comply with the technical requirements under sections 7.1.3 and 7.1.4 of ADR are used; and
6. ensure that for tank-containers and MEGCs the provisions under paragraph 4.3.2.3.2 and for portable tanks the provisions under sub-section 4.2.1.2, 4.2.2.3 and 4.2.3.3 and for UN MEGCs under sub-section 4.2.4.3 of ADR are complied with.



- (3) As regards carriage by rail, the loader shall:
1. ensure that the provisions concerning labels and marks under sub-section 5.1.3.1 in conjunction with chapter 5.2 of RID are complied with;
  2. ensure that:
    - a) placards under sub-sections 5.3.1.2, 5.3.1.3, and 5.3.1.5 as well as under paragraph 1.1.4.4.4 for piggyback transport, shunting labels under section 5.3.4 as well as the mark under section 5.3.6 of RID are affixed to large containers and wagons containing packages, bulk containers as well as carrying wagons;
    - b) orange-coloured plates under paragraph 5.3.2.1.1 sentence 1 indent 9 and paragraph 5.3.2.1.2 of RID are affixed to a wagon or container; and
    - c) orange-coloured plates under paragraph 5.3.2.1.5 as well as for piggyback transport the marks or orange-coloured plates under paragraph 1.1.4.4.4 of RID are affixed to carrying wagons;
  3. ensure that only containers are used which comply with the technical requirements under sections 7.1.3 and 7.1.4 of RID;
  4. ensure that when loading dangerous goods into or onto wagons or into containers or when loading containers, bulk containers, MEGCs, tank-containers or portable tanks onto a wagon the requirements concerning:
    - a) carriage in packages under chapter 7.2 of RID; and
    - b) loading and handling under chapter 7.5 of RIDare complied with; and

5. ensure that for tank-containers and MEGCs the provisions under paragraph 4.3.2.3.2 and for portable tanks the provisions under sub-section 4.2.1.2, 4.2.2.3 and 4.2.3.3 and for UN MEGCs under sub-section 4.2.4.3 of RID are complied with.

(4) As regards carriage by inland waterways, the loader shall:

1. inform the master of the dangerous good by means of the information specified in paragraph 5.4.1.1.1 (a) to (d) of ADN. For carriage in limited or exempted quantities under chapters 3.4 and 3.5 of ADN, only a general reference to the dangerous good is required;
2. ensure that:
  - a) placards under sub-section 5.3.1.2 and the mark under section 5.3.6 of ADN are affixed to containers, MEGCs, bulk containers, tank-containers and portable tanks;
  - b) placards are affixed to vehicles carrying containers, MEGCs, bulk containers, tank-containers or portable tanks under sub-section 5.3.1.3 sentence 1 of ADN;
  - c) placards are affixed to vehicles for carriage in bulk, tank-vehicles, battery-vehicles and vehicles with demountable tanks under sub-section 5.3.1.4 of ADN;
  - d) placards are affixed to vehicles carrying packages only under sub-section 5.3.1.5 of ADN; and
  - e) placards are affixed even to uncleaned and not degassed empty tank-vehicles, tank-wagons, vehicles with demountable tanks, wagons with demountable tanks, battery-vehicles, battery-wagons, MEGCs, MEMUs, tank-containers and portable tanks as well as uncleaned empty vehicles,

wagons and containers for carriage in bulk under paragraph 5.3.1.6.1 of ADN;

3. ensure that the requirements concerning loading, carriage, and handling under section 7.1.4 of ADN are met; and
4. ascertain in accordance with paragraph 1.4.3.1.1 (f) of ADN that during loading the landside installation is equipped with one or two means of evacuation.

## **Section 22**

### **Obligation of the packer**

(1) As regards carriage by road and rail as well as inland waterways, the packer shall comply with:

1. the provisions on packing, placement in overpacks and marking under sections 3.4.1 to 3.4.11 of ADR/RID/ADN;
2. the provisions on packing, placement in overpacks and marking under sections 3.5.1 to 3.5.4 of ADR/RID/ADN;
3. the provisions concerning the use and leakproofness test after filling of pressure receptacles, packagings including IBCs and large packagings under sections 4.1.1 to 4.1.9 and paragraphs 6.2.6.3.2.1 and 6.2.6.3.2.2.2 of ADR/RID as well as the applicable special provisions of chapter 3.3 of ADR/RID/ADN;
4. the requirements for mixed packing under:
  - a) paragraph 1.1.4.2.1 (b) of ADR/RID in a transport chain including maritime or air carriage; and
  - b) section 4.1.10 of ADR/RID;
5. the provisions on the marking and labelling:

- a) of packages under paragraph 1.1.4.2.1 (a) of ADR/RID/ADN in a transport chain including maritime or air carriage; and
- b) of packages under section 5.1.4, paragraph 5.1.5.4.1, sections 5.2.1, 5.2.2, sub-section 5.5.3.4 as well as the applicable special provisions of chapter 3.3 of ADR/RID/ADN;

and he shall

6. secure packages within the overpacks.

(2) As regards carriage by road, the packer shall comply with the provisions on:

- 1. the use of overpacks under section 5.1.2 of ADR; and
- 2. the labelling of overpacks containing radioactive material under paragraph 5.2.2.1.11 of ADR.

(3) As regards carriage by rail, the packer shall comply with the provisions on:

- 1. the use of overpacks under section 5.1.2 of RID; and
- 2. the labelling of overpacks containing radioactive material under paragraph 5.2.2.1.11 of RID.

### **Section 23**

#### **Obligations of the filler**

(1) As regards carriage by road and rail as well as inland waterways, the filler:

- 1. may only hand over dangerous goods to the carrier for carriage if they are accepted for carriage under Section 3;

2. shall not hand over to the carrier tanks under sub-section 4.2.2.8 (c) and (d), 4.2.3.8 (c) to (e) as well as 4.3.3.6 (c) to (e) and (g) of ADR/RID;
3. may fill portable tanks and UN MEGCs under sub-section 4.2.1.1, sub-section 4.2.2.2 in conjunction with paragraph 4.2.2.7.1, sub-section 4.2.3.2 in conjunction with paragraph 4.2.3.6.1, sub-section 4.2.4.1 in conjunction with paragraph 4.2.4.5.1 of ADR/RID with dangerous goods authorized for carriage in these tanks only when the date of the next test has not expired;
4. shall ensure that the leakproofness of the closures of tanks and UN MEGCs is checked and that tanks are not carried when leaking under paragraph 4.2.1.9.6 (c) and sub-section 4.2.2.8 (b), sub-section 4.2.3.8 (b), sub-section 4.2.4.6 (a) and sub-section 4.3.3.6 (b) of ADR/RID;
5. may fill tanks whose date of the next test has not expired with the dangerous goods admissible under paragraph 4.3.2.1.5 only if these dangerous goods may be carried in tanks in accordance with paragraph 4.3.2.1.1 of ADR/RID;
6. shall ensure that the permissible filling ratio or the permissible mass of filling per litre of capacity or the permissible gross mass under paragraphs 4.2.1.9.1.1, 4.2.1.13.13, 4.2.2.7.2, 4.2.2.7.3, sub-section 4.2.2.8 (a), paragraphs 4.2.3.6.2, 4.2.3.6.3, 4.2.3.6.4, sub-section 4.2.3.8 (a), paragraphs 4.2.4.5.2 and 4.2.4.5.3, the applicable special provisions in sub-section 4.2.5.3, the provisions in sub-section 4.3.2.2, paragraphs 4.3.3.2.3 and 4.3.3.2.5, sub-section 4.3.3.6 (a) or the applicable special provisions in section 4.3.5 of ADR/RID is complied with;
7. shall ensure that after filling tanks the leakproofness of the closures and equipment is verified in accordance with the applicable special provisions in chapter 3.3 of ADR/RID/ADN and the provisions of paragraph 4.2.4.5.5 or that all closures are in the closed position and there is no leakage in accordance with paragraph 4.3.2.3.3 of ADR/RID;

8. shall ensure that no dangerous residues of the filling substance adhere to the outside of the tank under paragraph 4.2.1.9.6 (b) or paragraph 4.3.2.3.5 of ADR/RID;
9. shall ensure that in accordance with sub-section 4.2.1.6 or paragraph 4.3.2.3.6 of ADR/RID adjoining tank compartments are not filled with substances which may react dangerously with each other;
10. shall ensure under paragraph 4.3.2.3.7 of ADR/RID that tanks, battery-vehicles, battery-wagons and MEGCs are not filled or offered for carriage after the deadline for the test or inspection has expired;
11. shall ensure that in the event of a change of use of tanks emptying, cleaning and degassing operations under paragraph 4.3.3.3.1 of ADR/RID are carried out;
12. shall ensure that the name of the refrigerated liquefied gas carried is marked on portable tanks under paragraph 6.7.4.15.2 of ADR/RID;
13. shall ensure that the proper shipping name of the substances and gases carried is inscribed on fixed tanks, demountable tanks, tank-wagons, tank-containers, MEGCs, battery-vehicles and battery-wagons and, for gases assigned to an n.o.s. entry, additionally the technical name under paragraphs 6.8.3.5.6, 6.8.3.5.11 and 6.8.3.5.12 and the marks under the applicable special provisions in section 6.8.4 (e) of ADR/RID;
14. shall ensure that charged MEGCs are not offered for carriage in accordance with sub-section 4.2.4.6 (b) to (d) of ADR/RID; and
15. shall fill tanks only if both they and their equipment are technically in a satisfactory condition.

(2) As regards carriage by road, the filler:

1. shall inform the driver of the dangerous goods by means of the information in accordance with paragraph 5.4.1.1.1 (a) to (d) of ADR and, if substances are carried by road which are subject Section 35 paragraph 4 sentence 1 or Section 35a paragraph 1 or paragraph 4 sentence 1, advert him in writing or electronically to the consideration of these Sections;
2. shall inform the driver of the hazard identification numbers for the orange-coloured plates under 5.3.2 of ADR;
3. shall ensure that tank-containers, portable tanks, MEGCs, and containers containing dangerous goods in bulk display:
  - a) placards under sub-section 5.3.1.2 of ADR;
  - b) the orange-coloured plate under section 5.3.2 of ADR;
  - c) - except for MEGCs - the mark under section 5.3.3 of ADR; and
  - d) the mark under section 5.3.6 of ADR;
4. shall ensure that the provisions concerning loading under sub-section 7.5.1.2 of ADR are complied with;
5. shall comply with the prohibition of smoking under sections 7.5.9 and 8.3.5 of ADR;
6. shall ensure that paragraphs 2 and 3 of the additional requirement S2 in chapter 8.5 of ADR are complied with;
7. shall ensure that the driver is instructed in accordance with Annex 2 no. 3.2 first sentence prior to the first operation of the filling device;

8. shall ensure that the applicable special provisions in chapter 3.3 and the provisions under chapter 7.3 of ADR concerning carriage in bulk are complied with;
9. shall ensure that for vehicles, portable tanks, or tank-containers the precautions against electrostatic charges under section 7.5.10 of ADR are taken;
10. may, in accordance with paragraph 4.3.2.1.1, fill tanks with dangerous goods for which they have been approved under paragraph 4.3.2.1.5 only if the validity of the ADR certificate of approval of the vehicles used has not expired in accordance with sub-section 9.1.3.4 of ADR;
11. shall ascertain that the provisions concerning carriage in tanks under section 7.4.1 of ADR are complied with; and
12. shall ensure that the provisions concerning the use of flexible bulk containers under sub-section 7.3.2.10 of ADR are complied with.

(3) As regards carriage by rail, the filler shall:

1. ensure that before and after the filling of liquid gas tank-wagons the provisions concerning control measures under paragraphs 4.3.3.4.1 and 4.3.3.4.3 of RID are complied with;
2. ensure that:
  - a) placards under sub-sections 5.3.1.2 and 5.3.1.4 of RID;
  - b) shunting labels under sub-section 5.3.4.1 of RID;
  - c) the orange-coloured plate under paragraph 5.3.2.1.1 sentence 1 and paragraph 5.3.2.1.2 of RID;
  - d) the mark under section 5.3.3 of RID; and



e) the mark under section 5.3.6 of RID

are applied;

3. shall ensure that the provisions concerning carriage in bulk under chapter 7.3 of RID are complied with;
4. shall ensure that the provisions concerning loading under sub-sections 7.5.1.1 and 7.5.1.2 of RID are complied with;
5. shall ensure and document under chapter 3.3 special provision 665 sentence 1 (b) sentence 2 of RID that the maximum permissible temperature of the cargo is not exceeded during or immediately after loading; and
6. shall ensure that the provisions concerning the use of flexible bulk containers under sub-section 7.3.2.10 of RID are complied with.

(4) As regards carriage by inland waterways, the filler shall:

1. inform the master of the dangerous good by means of the information specified in paragraph 5.4.1.1.1 sentence 1 (a) to (d) and paragraph 5.4.1.1.2 sentence 1 (a) to (d) of ADN;
2. ensure that tank-containers, portable tanks, MEGCs and containers containing dangerous goods in bulk display:
  - a) the placards under sub-section 5.3.1.2 of ADN;
  - b) the orange-coloured plate under sub-section 5.3.2.1 of ADN;
  - c) - except for MEGCs - the mark under section 5.3.3 of ADN; and
  - d) the mark under section 5.3.6 of ADN;

3. ensure that a tank vessel is filled only with the dangerous goods in accordance with the vessel substance list under paragraph 1.16.1.2.5 and that the date under paragraph 1.16.1.2.1 sentence 3 of ADN in the vessel's certificate of approval has not expired;
4. ascertain in accordance with paragraph 1.4.3.3 (q) and (x) of ADN that during loading the landside installation is equipped with one or two means of evacuation;
5. guarantee and document in accordance with sub-section 1.4.3.3 (v), when special provision 803 in section 3.3.1 of ADN applies, that the maximum permissible temperature is not exceeded during loading, and provide to the master the instructions mentioned in special provision 803 (d);
6. ascertain in accordance with sub-section 1.4.3.3 (u) of ADN that during the entire duration of the loading operation a permanent and appropriate supervision is assured;
7. complete in accordance with sub-section 1.4.3.3 (m) his section of the checklist referred to in sub-section 7.2.4.10 of ADN prior to the loading of the cargo tanks of a tank vessel;
8. ascertain in accordance with sub-section 1.4.3.3 (r) that, when prescribed in paragraph 7.2.4.25.5 of ADN, there is a flame-arrester in the vapour return piping to protect the vessel against detonations and flame-fronts from the landward side; and
9. ascertain that the loading flows conform to the loading and unloading instructions referred to in paragraphs 9.3.2.25.9 or 9.3.3.25.9 of ADN that need to be carried on board and that the pressure at the connecting-point of the vapour return piping and the venting piping is not greater than the opening pressure of the high velocity vent valve.

## **Section 23a**

### **Obligations of the unloader**

(1) As regards carriage by road and rail as well as inland waterways, the unloader shall:

1. ascertain under paragraph 1.4.3.7.1 of ADR/RID/ADN that the correct goods are unloaded by comparing the relevant information in the transport document with the information on the package, container, tank, MEMU, MEGC, vehicle, wagon or conveyance;
2. check under paragraph 1.4.3.7.1 of ADR/RID/ADN before and during unloading whether the packagings, the tank, the vehicle, the wagon, the conveyance or the container have/has been damaged to an extent which would endanger the unloading operation; if this is the case, he shall ascertain that the unloading is not carried out until appropriate measures have been taken;
3. under paragraph 1.4.3.7.1 of ADR/RID/ADN immediately following the unloading of the tank, vehicle, wagon, conveyance or container:
  - a) remove any dangerous residues which adhere to the outside of the tank, vehicle, wagon, conveyance or container after the process of unloading; and
  - b) ensure the closure of valves and inspection openings;
4. ensure under paragraph 1.4.3.7.1 of ADR/RID/ADN that the prescribed cleaning and decontamination of the vehicles, wagons, conveyances or containers is carried out;
5. ensure under paragraph 1.4.3.7.1 of ADR/RID/ADN that the vehicles, wagons, conveyances, containers, MEGCs, MEMUs, tank-containers and portable tanks, once completely unloaded, cleaned, degassed and decontaminated, no longer display placards, marks and orange-coloured plates in accordance with

chapters 3.4 and 5.3 of ADR/RID/ADN; and

6. remove the warning mark under paragraph 5.5.2.3.4 of ADR/RID/ADN once the fumigated cargo transport unit has been ventilated and unloaded.

(2) As regards carriage by road, the unloader shall ensure that

1. for vehicles, portable tanks, or tank-containers the precautions against electrostatic charges under section 7.5.10 of ADR are taken;
2. paragraphs 2 and 3 of the additional requirement S2 in chapter 8.5 are complied with;
3. prior to the first operation of the filling device the driver is instructed in accordance with Annex 2 no. 3.2 second sentence in conjunction with the first sentence; and
4. the provisions concerning unloading under sub-section 7.5.1.3 of ADR are complied with.

(3) As regards carriage by rail, the unloader shall ensure that the provisions concerning unloading under sub-section 7.5.1.3 of RID are complied with;

(4) As regards carriage by inland waterways, the unloader shall:

1. ascertain in accordance with paragraph 1.4.3.7.1 (g) of ADN that during unloading the landside installation is equipped with one or two means of evacuation; and
2. under paragraph 1.4.3.7.1 of ADN concerning the unloading of cargo tanks:
  - a) complete his section of the check list referred to in sub-section 7.2.4.10 of ADN prior to the unloading of the cargo tanks of a tank vessel;

- b) ascertain that, when it is necessary to connect the vapour return piping to the venting piping and when explosion protection is necessary in accordance with column (17) of table C of sub-section 3.2.3.2 of ADN, there is a flame-arrester in the vapour return piping to protect the vessel against detonations and flame-fronts from the landward side;
- c) ascertain that the unloading flows conform to the instructions on loading and unloading flows referred to in paragraphs 9.3.2.25.9 or 9.3.3.25.9 of ADN that need to be carried on board and that the pressure at the connecting-point of the vapour return piping and the venting piping is not greater than the opening pressure of the high velocity vent valve;
- d) 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;
- e) ascertain that during the entire duration of the unloading operation a permanent and appropriate supervision is assured; and
- f) ascertain that, during unloading by means of the on-board pump, it is possible for the shore facility to switch the pump off.

## **Section 24**

### **Obligations of the operator of a tank-container, portable tank, MEGC, bulk container or MEMU**

As regards carriage by road and rail as well as inland waterways, the operator of a tank-container, portable tank, MEGC, bulk container or MEMU shall ensure that:

1. even in between test dates tank-containers, portable tanks, MEGCs, bulk containers and flexible bulk containers comply with the provisions concerning use, construction, items of equipment and marking under sub-section 4.2.1.2,

- 4.2.2.3, 4.2.3.3, 4.2.4.3, paragraph 4.3.2.3.2, sections 6.7.2, 6.7.3, 6.7.4, 6.7.5, sub-sections 6.8.2.1, 6.8.2.2, 6.8.2.5, 6.8.3.1, 6.8.3.2, 6.8.3.5 and the applicable special provisions in section 6.8.4 (e), sections 6.9.2, 6.9.3, 6.9.6, sub-sections 6.11.3.1, 6.11.3.2 and 6.11.3.4 and sections 6.11.4 and 6.11.5 of ADR/RID with the exception of the substances and gases being carried which are to be indicated by the filler;
2. subject to the provisions of paragraphs 6.7.2.19.7, 6.7.2.19.11, 6.7.3.15.7, 6.7.4.14.7, 6.7.4.14.12, 6.8.2.4.4, 6.8.3.4.14, and sub-section 6.9.5.2 of ADR/RID, an exceptional inspection and test is carried out;
  3. only tank-containers, portable tanks, or MEGCs are used whose shell thickness complies with the requirements specified in paragraph 4.3.2.3.1, sub-sections 6.7.2.4, 6.7.3.4, 6.7.4.4 and paragraphs 6.8.2.1.17 to 6.8.2.1.20 of ADR/RID;
  4. MEGCs are not offered for filling under paragraph 4.2.4.5.6 of ADR/RID;
  5. the pressure-relief devices of portable tanks are inspected under paragraph 4.2.1.17.1 of ADR/RID;
  6. for tank-containers and MEGCs the tank record is maintained, retained, handed over to a new owner or operator, submitted to the competent authority upon request and made available to the expert under paragraph 4.3.2.1.7 of ADR/RID; and
  7. MEMUs are examined and tested in accordance with paragraph 6.12.3.2.6 of ADR.

## **Section 25**

### **Obligations of the manufacturer, remanufacturer and reconitioner of packagings, of the manufacturer and remanufacturer of IBCs and of the IBC inspection and test bodies**

(1) As regards carriage by road and rail as well as inland waterways, the manufacturer or remanufacturer:

1. may affix the marks under section 6.1.3, sub-sections 6.2.2.7, 6.2.2.8, 6.2.3.9, 6.2.3.10, sections 6.3.4, 6.5.2, and 6.6.3 of ADR/RID to mass- or individually produced packagings, receptacles, IBCs and large packagings only if these correspond to the approved design type and meet the incidental requirements specified in the approval;
2. shall inform the issuing competent authority of modifications to the approved design type under paragraph 6.2.2.5.4.10 (a) of ADR/RID;
3. shall provide to the packer instructions on filling and closing the packages under paragraph 12 of packing instruction P650 in sub-section 4.1.4.1 of ADR/RID; and
4. shall deliver to the owner of a salvage pressure receptacle a copy of the approval certificate in accordance with paragraph 6.2.3.11.3 of ADR/RID.

(2) As regards carriage by road and rail as well as inland waterways, the reconditioner may affix the marks under section 6.1.3 to reconditioned packagings only if the packages have been reconditioned in accordance with the recognized quality assurance programme under sub-section 6.1.1.4 of ADR/RID, and if the incidental requirements specified in the approval certificate are complied with.

(3) The body which carries out inspections and tests of IBCs under paragraph 6.5.4.4.1, 6.5.4.4.2 or 6.5.4.5.2, for carriage by road and rail as well as inland waterways, may affix the marks under paragraphs 6.5.2.2.1 and 6.5.4.5.3 of ADR/RID to IBCs only if the incidental requirements specified in the approval certificate of this body are complied with.

## **Section 26**

### **Other obligations**

(1) Anyone who offers uncleaned and not degassed empty tanks for carriage, consigns them, or undertakes their carriage shall ensure that:

1. no dangerous residue of the filling substance adheres to the outside of the tanks under paragraph 4.3.2.4.1 of ADR/RID;
2. empty tanks not cleaned and not gas-free are closed in the same manner and are leakproof to the same degree as if they were full under paragraph 4.3.2.4.2 and sub-section 4.2.1.5 of ADR/RID; and
3. the placards and marks required under sub-section 5.3.1.6 and sections 5.3.2, 5.3.4 and 5.3.6 of RID are affixed.

(2) If a visual inspection of a tank under paragraph 1 no. 2 above reveals no obvious leakages, it may be assumed that filling and discharge devices not operated during the previous emptying operation continue to be leakproof.

(3) The manufacturer of articles of UN 3164 for which special provision 371 in chapter 3.3 of ADR/RID/ADN is relevant shall, in accordance with paragraph 2 sentence 1 of this special provision, produce technical documentation of the design type, manufacture as well as the tests and their results prior to handing these articles over for carriage.

(4) The loader, filler, carrier as regards carriage by road and rail, the operator of a container and driver as regards carriage by road as well as the operator of a wagon or large container as regards carriage by rail, when carrying elevated temperature liquids and solids of UN nos. 3257 and 3258 in accordance with special provision VC3 in section 7.3.3 of ADR/RID shall comply with the provisions of Section 36b.

(5) The operator of a reception facility for gases and vapours from empty or unloaded cargo tanks and piping for loading or unloading of a tank vessel shall:



1. ensure that his personnel is trained in accordance with sub-section 1.3.2.2 of ADN;
2. under paragraph 1.4.3.8.1 (a) complete his section of the checklist referred to in 7.2.3.7.2.2 sentence 2 of ADN prior to the degassing of empty or unloaded cargo tanks and piping for loading and unloading of a tank vessel at a reception facility; and
3. under paragraph 1.4.3.8.1 (b) ascertain that, when prescribed in paragraph 7.2.3.7.2.3 of ADN, there is a flame arrester in the piping of the reception facility which is connected to the degassing vessel, to protect the vessel against detonations and passage of flames from the side of the reception facility.

## **Section 27**

### **Obligations applicable to several participants as regards carriage by road and rail as well as inland waterways**

(1) The loader, filler, carrier, unloader, consignee as regards carriage by road and rail as well as inland waterways, the railway infrastructure manager as regards carriage by rail, and the reception facility operator as regards carriage by inland waterways shall ensure that in accordance with sub-section 1.8.5.1 of ADR/RID/ADN a report is submitted at the latest one month after the occurrence to:

1. the Federal Office for Goods Transport as regards carriage by road;
2. the Federal Railway Authority as regards carriage by rail; and
3. the Federal Waterways and Shipping Agency as regards carriage by inland waterways.

(2) As regards carriage by road and rail as well as inland waterways, the carrier, consignor and consignee shall, in accordance with sub-section 1.7.6.1 (b) of ADR/RID/ADN, in the event of a non-compliance with any limit applicable to radiation level or contamination investigate the non-compliance and its causes, circumstances

and consequences and take appropriate action to remedy the causes, circumstances and consequences and prevent a recurrence of similar circumstances to those that led to the non-compliance, and shall ensure that:

1. for carriage by road the authority competent in accordance with Land law;
2. for carriage by federal railways the Federal Railway Authority and by non-federally owned railways the authorities competent in accordance with Land law; and
3. for carriage by inland waterways the competent authority under Section 16 sentence 1 no. 5

is informed.

(3) The participants in the carriage of dangerous goods by road, rail and inland waterways shall, commensurate with their responsibilities:

1. comply with the security provisions under chapter 1.10 and ensure that in particular the areas, sites, vehicle depots, berthing areas and marshalling yards specified in sub-section 1.10.1.3 of ADR/RID/ADN are properly secured, well lit and, where possible and appropriate, not accessible to the general public; and
2. ensure that:
  - a) security training is provided under sub-section 1.10.2.3 of ADR/RID/ADN; and
  - b) the records on the training of the employee under sub-section 1.10.2.4 of ADR/RID/ADN are kept for five years after their compilation.

(4) The clients of the consignor, consignors, packers, loaders, fillers, carriers, unloaders and consignees engaged in the carriage of high consequence dangerous goods by road, rail and inland waterways shall adopt, implement and comply with

security plans under paragraph 1.10.3.2.1 which at least meet the requirements specified in paragraph 1.10.3.2.2 of ADR/RID/ADN. This shall not apply to clients of the consignor or consignees that are involved as private individuals.

(4a) The parties involved in the carriage of high consequence dangerous goods by road and rail as well as inland waterways in accordance with paragraph 4 above shall ensure that the competent police authority is notified immediately if they lose vehicles, wagons, conveyances or containers with high consequence dangerous goods or these goods themselves. The same shall apply if they are retrieved. If explosive substances and articles listed in table 1.10.3.1.2 and radioactive material mentioned in paragraphs 1.10.3.1.3 to 1.10.3.1.5 of ADR/RID/ADN are lost, a separate notification in accordance with sentence 1 above is only required if the competent police authority has not already been included in the respective notification in accordance with section 26 paragraph 1 of the Sprengstoffgesetz (Explosives Act) or section 167 paragraph 1 sentences 1 and 2 of the Strahlenschutzverordnung (Radiation Protection Ordinance). The police authority that receives a notification in accordance with sentences 1 to 3 above shall immediately inform the Federal Criminal Police Office (BKA) and the Federal Office of Civil Protection and Disaster Assistance (BBK) thereof.

(5) The participants in the carriage by road and rail as well as inland waterways shall ensure that:

1. the persons involved in the carriage of dangerous goods are trained under chapter 1.3 of ADR/RID/ADN, with the exception of, as regards carriage by road, the driver who holds a driver training certificate in accordance with sub-section 8.2.2.8 of ADR; and
2. the records on the training of the employee under section 1.3.3 of ADR/RID/ADN are kept for five years after their compilation.

(6) The participants in the carriage by road and rail as well as inland waterways shall ensure that:

1. in accordance with sub-section 5.5.2.2 of ADR/RID/ADN, persons engaged in the handling of fumigated cargo transport units; and
  2. in accordance with paragraph 5.5.3.2.4, persons engaged in the handling or carriage of vehicles, wagons or containers in which dry ice (UN 1845) is carried or containing substances used for cooling or conditioning purposes
- have received training.

(7) As regards carriage by inland waterways, the carrier and the master shall, under paragraph 1.4.2.2.1 (f) of ADN, ensure that, within the explosion hazardous areas on board the vessel, only electrical and non-electrical installations and equipment that meet, as a minimum, the requirements for use in the relevant zone are used.

## **Section 28**

### **Obligations of the driver as regards carriage by road**

As regards carriage by road, the driver shall:

1. not carry a package the packaging of which is clearly incomplete or damaged, especially if the dangerous good leaks or if there is a risk of its leaking;
2. comply with the restrictions on carriage under section 8.6.4 of ADR;
3. if he fills the tank-vehicle, demountable tank, tank swap body or battery-vehicle himself, comply with the permissible filling ratio or the mass of contents per litre of capacity and the permissible filling temperature, indicated by the filler, under sub-section 4.3.2.2, paragraphs 4.3.3.2.3 and 4.3.3.2.5 or the applicable special provisions in section 4.3.5 of ADR; for liquids with the exception of gases, he shall not exceed a filling ratio of 85 per cent if the filler cannot indicate the permissible filling rate and if the rate cannot be taken from an applicable special provision;

4. comply with the provisions on:
  - a) the operation of tanks under sub-section 4.3.2.3 with the exception of paragraphs 4.3.2.3.1, 4.3.2.3.2, 4.3.2.3.3 sentences 4 and 5, 4.3.2.3.6 and 4.3.2.3.7, and sub-section 4.3.2.4, paragraphs 4.3.3.3.2 and 4.3.3.3.3, and special provisions TU 13 and TU 14 in section 4.3.5 of ADR; and
  - b) the additional requirements of chapter 8.5 of ADR applicable to him;
5. if he fills the tank, the tank-vehicle or the MEGC himself, check the leakproofness of the closures after filling under paragraph 4.3.2.3.3 sentences 4 and 5 of ADR;
6. affix the placards under sub-sections 5.3.1.3 to 5.3.1.6 and remove them from or cover them on vehicles under paragraph 5.3.1.1.6 of ADR;
7. affix or uncover the marks under section 3.4.15, the orange-coloured plates under section 5.3.2 and the mark under sections 5.3.3 and 5.3.6 to or on transport units and vehicles, remove or cover the marks under section 3.4.15 and the plates under paragraph 5.3.2.1.8, and remove the mark under sections 5.3.3 and 5.3.6 of ADR;
8. take the actions prescribed in the instructions in writing under sub-section 5.4.3.4 of ADR;
9. ascertain that a warning mark is affixed to the vehicle, container, or tank under paragraphs 5.5.2.3.1 and 5.5.3.6.1 of ADR;
10. carry with him during carriage:
  - a) the accompanying documents under sub-sections 8.1.2.1 and 8.1.2.2 (a) and (c), and, for domestic transport operations in demountable tanks, the certificate on the tests, inspections and checks of the demountable tank

under paragraph 6.8.2.4.5 if the transitional provision under sub-section 1.6.3.41 of ADR is used;

- b) the certificate of driver's training under 8.2.2.8 of ADR;
- c) the fire-fighting equipment under sub-sections 8.1.4.1, 8.1.4.2 and 8.1.4.4 first sentence of ADR;
- d) the items of equipment under section 8.1.5 of ADR; and
- e) the derogation under Section 5 paragraph 1 no. 1, paragraph 6 or 7

and present them to competent persons for inspection if requested to do so;

11. comply with the requirements concerning the supervision of vehicles under chapter 8.4 in conjunction with chapter 8.5 of ADR and, for domestic transport operations, the provisions of Annex 2 no. 3.3 to this Ordinance;
12. under paragraph 4.2.1.9.6 (b) or paragraph 4.3.2.3.5 of ADR, remove dangerous residue of the filling substance adhering to the outside of the tank or have it removed if he fills the tank-vehicle, demountable tank, battery-vehicle, tank-container, portable tank, or MEGC himself;
13. while participating in road traffic with transport units subject to marking requirements, refrain from consuming alcoholic beverages and not commence the journey with such goods if he is under the influence of such beverages resulting in a BrAC of 0.249 mg/l or a BAC of 0.49 per mille or less;
14. ensure that the connecting pipes and the filling and discharge pipes are empty during carriage under paragraph 4.3.4.2.2 of ADR;
15. if he fills or empties the tanks himself, earth the vehicle, portable tank, or tank-container before and after filling it with or emptying it of the substances specified in section 7.5.10 of ADR in order to prevent electrostatic charges; and

16. comply with the requirements in chapter 8.3 of ADR.

## **Section 29**

### **Obligations applicable to several participants as regards carriage by road**

(1) As regards carriage by road, the loader and the driver shall comply with the provisions concerning loading and handling under sub-sections 7.5.1.2, 7.5.1.4 and 7.5.1.5, and sections 7.5.2, 7.5.5, 7.5.7, with the exception of the second sentence of sub-section 7.5.7.4 for the driver, as well as sections 7.5.8, and 7.5.11 of ADR.

(2) As regards carriage by road, the loader, carrier, driver, unloader and consignee shall comply with the provisions concerning:

1. shading from direct sunlight and from the effect of heat sources as well as placement in adequately ventilated areas under special provision 314 (b) in section 3.3.1 or sub-section 7.1.7.1 of ADR;
2. temperature control under sub-sections 7.1.7.2, 7.1.7.3 and 7.1.7.4 of ADR;
3. carriage in packages under chapter 7.2 of ADR;
4. the prohibition of smoking under section 7.5.9 in conjunction with section 8.3.5 of ADR; and
5. the prohibition of smoking, fire and naked flame under paragraph 3 of additional requirement S1 in chapter 8.5 of ADR and, for domestic transport operations, under Annex 2 no. 3.1 to this Ordinance.

(3) As regards carriage by road, the loader, driver and unloader shall comply with the provisions under section 7.5.4 of ADR on precautions with respect to foodstuffs, other articles of consumption and animal feeds.

(4) As regards carriage by road, the loader, carrier and driver shall comply with the provisions on:

1. the loading of packages in open or ventilated vehicles or open or ventilated containers or on affixing the mark under special provision CV36 in section 7.5.11 of ADR; and
2. the carriage of aluminium smelting by-products or aluminium remelting by-products under special provision CV37 in section 7.5.11 of ADR.

### **Section 30**

#### **Obligations of the operator of a tank-wagon, demountable tank and battery-wagon as regards carriage by rail**

As regards carriage by rail, the operator of a tank-wagon, demountable tank, and battery-wagon shall ensure that:

1. only tanks-wagons, demountable tanks, and battery-wagons are used whose shell thickness complies with the requirements specified in paragraph 4.3.2.3.1 in conjunction with paragraphs 6.8.2.1.3, and 6.8.2.1.17 to 6.8.2.1.20 and the applicable special provisions in section 6.8.4 of RID;
2. even in between test dates tank-wagons, demountable tanks, and battery-wagons comply with the provisions concerning construction, items of equipment, and marking under sub-sections 6.8.2.1, 6.8.2.2, 6.8.2.5, 6.8.3.1, 6.8.3.2, and 6.8.3.5 and the applicable special provisions in section 6.8.4 of RID, with the exception of the substances and gases carried which are to be indicated by the filler;
3. in cases in accordance with the provisions of paragraphs 6.8.2.4.4 and 6.8.3.4.14 of RID, an exceptional inspection and test is carried out on the tank-wagons, demountable tanks, and battery-wagons when the safety of the tank or of its equipment may have been impaired;



4. for tank-wagons, demountable tanks, and battery-wagons, the tank record is maintained, retained, handed over to a new owner or operator, submitted to the competent authority upon request and made available to the expert and the entity in charge of maintenance (ECM) under paragraph 4.3.2.1.7 of RID;
5. a tank-wagon, a demountable tank or a battery-wagon is not used when the date of the next test has expired; and
6. the information made available in accordance with paragraph 1.4.3.5 (e) of RID also covers the tank and its equipment.

### **Section 30a**

#### **Obligations of the entity in charge of maintenance as regards carriage by rail**

- (1) The entity in charge of maintenance (ECM) shall ensure that:
  1. in accordance with sub-section 1.4.3.8 (a), even in between test dates, the maintenance of tanks and their equipment is carried out in such a way as to ensure that, under normal operating conditions, the tank-wagon satisfies the provisions concerning construction, items of equipment and marking in accordance with sub-sections 6.8.2.1, 6.8.2.2, 6.8.2.5, 6.8.3.1, 6.8.3.2 and 6.8.3.5 and the applicable special provisions in section 6.8.4 of RID, with the exception of the substances and gases carried which are to be indicated by the filler;
  2. the information specified in sub-section 1.4.3.8 (b) of RID also covers the tank and its equipment; and
  3. in accordance with sub-section 1.4.3.8 (c) of RID, the maintenance activities concerning the tank and its equipment are recorded in the maintenance file.

(2) Insofar as the tank-wagon operator transfers the organization of tests and inspections to the ECM, the ECM shall ensure that:

1. a tank-wagon is not used if the date of the next test or inspection has been exceeded; and
2. in the cases in accordance with the provisions of paragraph 6.8.2.4.4 of RID, an exceptional check is carried out on the tank-wagon if the safety of the tank or of its equipment may be impaired.

### **Section 31**

#### **Obligations of the railway infrastructure manager as regards carriage by rail**

As regards carriage by rail, the concerned railway infrastructure manager:

1. shall ensure that his personnel is trained in accordance with sub-section 1.3.2.2 of RID; and
2. shall:
  - a) ensure that internal emergency plans for marshalling yards are drawn up under chapter 1.11 of RID; and
  - b) ensure that he has rapid and unrestricted access to the information under sub-section 1.4.3.6 (b) of RID.

### **Section 31a**

#### **Obligations of the driver as regards carriage by rail**

As regards carriage by rail, the driver shall, in accordance with sub-section 5.4.3.3 of RID, before the start of the journey, consult the instructions in writing for details on the measures to be taken in the event of an accident or incident.

### **Section 32**

#### **Obligations of passengers as regards carriage by rail**

As regards carriage by rail, a passenger may only carry dangerous goods as hand luggage or registered luggage or have them carried in or on board motor vehicles (car on train) if the requirements under sub-section 1.1.3.8 of RID are complied with.

### **Section 33**

#### **Obligations of the master as regards carriage by inland waterways**

As regards carriage by inland waterways, the master:

1. shall comply with the general safety measures under section 1.4.1 of ADN;
2. shall ensure that the vessel or tank vessel is not overloaded or the individual cargo tank is not overfilled and that it is loaded in accordance with specifications of the stability booklet or the loading instrument in accordance with paragraphs 9.3.1.13.3, 9.3.2.13.3 and 9.3.3.13.3 of ADN;
3. shall ascertain visually that the vessel or tank vessel and the cargo have no obvious defects, leakages, or cracks and that no items of equipment are missing;
4. shall ensure that each crew member concerned understands and is capable of carrying out the instructions in writing under section 5.4.3 of ADN;
5. shall take the actions prescribed in the instructions in writing under section 5.4.3 of ADN;
6. shall ensure that the requirements concerning loading, carriage, unloading, and other handling of cargo under part 7 of ADN are complied with, with the exception of the requirements concerning the classification of tank vessels, instructions for use, notice boards, equipment and methods for temperature control;

7. shall check whether the owner or operator has fulfilled his obligations under Section 34;
8. shall carry with him during carriage:
  - a) the accompanying documents under sub-sections 8.1.2.1 to 8.1.2.3 of ADN; and
  - b) the derogation under Section 5 paragraphs 1 and 3and present them to competent persons for inspection if requested to do so;
9. shall ensure that the requirements of chapter 8.3 of ADN are complied with, with the exception of the requirements on notice boards;
10. shall, if he observes an infringement of the above requirements under nos. 1 to 9, not forward the consignment until the requirements have been complied with;
11. shall, under paragraph 1.4.2.2.1 (k), complete his section of the checklist referred to in 7.2.3.7.2.2 sentence 2 of ADN prior to the degassing of empty or unloaded cargo tanks and piping for loading and unloading of a tank vessel to a reception facility; and
12. shall, under paragraph 1.4.2.2.1 (l), complete his section of the checklist referred to in sub-section 7.2.4.10 of ADN prior to the loading and unloading of the cargo tanks of a tank vessel.

### **Section 34**

#### **Obligations of the owner or operator as regards carriage by inland waterways**

As regards carriage by inland waterways, the owner or, if the vessel has been chartered by an operator, the operator shall ensure that:

1. the requirements of part 7 of ADN concerning the classification of tank vessels, instructions for use, notice boards, and equipment are complied with;
2. the requirements of chapter 8.1 of ADN are complied with;
3. an expert under sub-sections 8.2.1.2, 8.2.1.5, and 8.2.1.7 of ADN is on board;
4. the requirements of chapter 8.3 of ADN on notice boards are complied with;
5. the rules of part 9 of ADN are complied with;
6. the classification society updates the vessel substance list in accordance with paragraph 1.16.1.2.5 within the period specified in sub-section 1.6.1.1 of ADN;
7. the vessel is subjected to a special inspection in accordance with section 1.16.9 of ADN in the cases mentioned therein; and
8. the vessel record is maintained, retained and updated under sub-sections 9.1.0.1, 9.3.1.1, 9.3.2.1 and 9.3.3.1 of ADN.

#### **Section 34a**

#### **Obligations of the crew and other persons on board as regards carriage by inland waterways**

The crew as well as all other persons on board shall follow the instructions of the master. Within the framework of sentence 1, the crew shall contribute to complying with the present Ordinance.

#### **Section 35**

#### **Modal shift**

(1) The dangerous goods mentioned in Section 35b shall be carried by rail or inland waterways as set out therein if:

1. the loader and the filler at the beginning and the unloader at the end of the transport operation have a railway siding or port suitable for that purpose;
2. the transport operation can be carried out by rail or inland waterways; and
3. the total transport route within the scope of this Ordinance is more than 200 kilometres long.

(2) Where the conditions in accordance with paragraph 1 nos. 1 and 2 are not fulfilled, the dangerous goods mentioned in Section 35b shall be carried in multimodal transport as set out therein if:

1. the total transport route within the scope of this Ordinance is more than 400 kilometres long, and
2. the transport operation can be carried out by rail or inland vessel on the larger part of the route.

In this case, the carrier shall, prior to the commencement of the transport operation, enter into the transport document the name of the railway stations or port facilities that he will use within the framework of the transport operation as well as the following statement: "Carriage under Section 35 paragraph 2 of GGVSEB".

(3) Modal shift in accordance with paragraphs 1 and 2 is not obligatory if the distance by rail or waterways is at least twice as long as the actual distance by road. As regards multimodal transport, the distance of the initial and final journeys by road shall be taken into account.

(4) Where the conditions for modal shift in accordance with paragraph 1 nos. 1 and 2 and paragraph 2 sentence 1 no. 2 are not fulfilled and the transport operation therefore is to be carried out by road, a certificate in writing or an electronic certificate shall be required. The certificate shall be issued for the respective mode of transport upon request by the Federal Railway Authority or the Waterways and Shipping Agency. This certificate may be granted subject to revocation, for a limited

period of time and subject to conditions if this is necessary to ensure compliance with the provisions applicable to the transport of dangerous goods. The carrier shall ensure that the certificate in accordance with the sentence 1 above is provided to the driver before the commencement of the transport operation. The driver shall carry it on board the vehicle during carriage and present it to competent persons if requested to do so.

(5) In the case of the certificate in accordance with paragraph 4 sentence 1, it shall be sufficient to carry along a faxed certificate or printout of the certificate granted and signed electronically and its digitized form on a storage medium, provided that this digitized form is such that it can be made readable if requested by authorized persons in the event of a check.

### **Section 35a**

#### **Routes as regards carriage by road**

(1) Transport operations involving dangerous goods mentioned in Section 35b that are in part or completely carried out by road shall be carried out on motorways as set out therein.

(2) Paragraph 1 shall not apply where:

1. the distance to be covered on the motorway is at least twice as long as the distance to be covered on other suitable roads; or
2. the use of the motorway is excluded or restricted under the provisions of the Straßenverkehrs-Ordnung (Road Traffic Regulations) or the Ferienreiseverordnung (Holiday Traffic Regulations).

(3) The route off motorways is upon request determined in writing or electronically by the authority competent in accordance with Land law for an individual journey or, in the case of comparable facts of the matter, for a limited or unlimited number of journeys. The routeing may also be effected by general order. In

the case of closures, using the signed diversion routes does not require a new routeing.

(4) The carrier may carry the dangerous goods only if a routeing has been granted. He shall ensure that the routeing is provided to the driver before the commencement of the journey. The driver shall comply with the routeing and shall carry it on board the vehicle during carriage and present it to competent persons if requested to do so.

(5) In the case of a routeing in accordance with paragraph 3 sentence 1, it shall be sufficient to carry along a faxed document or printout of the notice granted and signed electronically and its digitized form on a storage medium provided that this digitized form is such that it can be made readable if requested by authorized persons in the event of a check.

**Section 35b**  
**Dangerous goods**  
**whose carriage is subject to Sections 35 and 35a**

Sections 35 and 35a shall apply to the dangerous goods mentioned below as follows:

**Table**

Serial no.	Class/division	Substance or article	Applicability of Sections 35 and 35a	Carriage in		Comments
				tanks from	packages from	
1	1.1	Explosive substances and articles	Sections 35 and 35a	Not allowed	1000 kg net explosive mass	See exemptions in accordance with Section 35c paragraph 9.
	1.2	Explosive substances and articles	Sections 35 and 35a	Not allowed	1000 kg net explosive mass	



			35a			
	1.5	Explosive substances and articles	Sections 35 and 35a	1000 kg net explosive mass	1000 kg net explosive mass	Carriage in tanks allowed only for UN nos. 0331 and 0332 (See exemptions in accordance with Section 35c paragraph 9)
2	2	Flammable gases (classification codes including only the letter F)	Sections 35 and 35a	9000 kg net mass	Not applicable	Sections 35 and 35a shall only apply to carriage in tanks (see exemptions in accordance with Section 35c paragraphs 1 and 5 to 8)
3	2	Toxic gases (classification codes including letter(s) T, TF, TC, TO, TFC or TOC)	Sections 35 and 35a	1000 kg net mass	Not applicable	Sections 35 and 35a shall only apply to carriage in tanks
4	3	Flammable liquids of packing groups I and II with the exception of UN nos. 1093, 1099, 1100, 1131 and 1921	Section 35a	3000 litres for packing group I  6000 litres for packing group II	Not applicable	Section 35a shall only apply to carriage in tanks (see exemption in accordance with Section 35c paragraph 3)
5	3	UN nos. 1093, 1099, 1100,	Sections 35	3000 litres	Not applicable	Sections 35 and 35a shall

		1131 and 1921 of packing group I	and 35a			only apply to carriage in tanks
6	4.1	Desensitized explosives of UN nos. 3364, 3365, 3367 and 3368	Sections 35 and 35a	Not allowed	1000 kg net mass	
7	4.2	UN no. 3394	Sections 35 and 35a	3000 litres	Not applicable	Sections 35 and 35a shall only apply to carriage in tanks
8	4.3	UN nos. 1928 and 3399 of packing group I	Sections 35 and 35a	3000 litres	Not applicable	Sections 35 and 35a shall only apply to carriage in tanks
9	5.1	Oxidizing liquids of packing group I of the UN nos. 1745, 1746, 1873 and 2015	Sections 35 and 35a	3000 litres	Not applicable	Sections 35 and 35a shall only apply to carriage in tanks
10	6.1	Toxic liquids of packing group I	Sections 35 and 35a	3000 litres	Not applicable	Sections 35 and 35a shall only apply to carriage in tanks
11	8	Corrosive liquids of packing group I of UN nos. 1052, 1739, 1744, 1777, 1790, 1829 and 2699	Sections 35 and 35a	3000 litres	Not applicable	Sections 35 and 35a shall only apply to carriage in tanks

The specified quantities refer to a transport unit. If various goods of class 1 are carried in quantities of less than 1000 kg net explosive mass in a transport unit,

Sections 35 and 35a shall be applied if the sum of the net explosive masses of these goods in the transport unit is 1000 kg or more.

**Section 35c**  
**Exemptions from Sections 35 and 35a**

(1) Sections 35 and 35a shall not apply to transport operations involving flammable gases in accordance with serial no. 2 in the table in Section 35b if tanks are used:

1. that are constructed as double-wall tanks with vacuum insulation;
2. the aggregate wall thickness of whose outer metal wall and inner tank is not lower than the minimum wall thickness in accordance with paragraph 6.8.2.1.18 of ADR;
3. the wall thickness of whose inner tank is not lower than the minimum wall thickness in accordance with paragraph 6.8.2.1.19 of ADR; and
4. whose inner tanks are made from austenitic chrome-nickel or chrome-nickel-molybdenum steels.

(2) For tanks under paragraph 1, this has to be confirmed in the ADR certificate of approval in accordance with sub-section 9.1.3.1 of ADR or in a special certificate of the tank manufacturer or an expert or a technical service in accordance with Section 14 paragraph 4. Certificates under exemption no. 40 (S) of the Dangerous Goods Exemption Ordinance (GGAV) as well as exemption 13 (S) of the GGAV shall continue to apply.

(3) Section 35a shall not apply to transport operations involving flammable liquids under serial number 4 in the table in Section 35b if carriage is performed in:

1. cylindrical tanks of an unreduced shell thickness under chapters 6.7 or 6.8 of ADR which are designed for a calculation pressure of not less than 0.4 MPa (4 bar) or have been tested with a test pressure of not less than 0.4 MPa (4 bar);
2. tanks whose level of safety is 50 per cent higher than that of a tank made from mild steel in accordance with paragraph 6.8.2.1.18 of ADR (no. 12 in figure 21 of research report 203 "Sicherheitsniveau von Transporttanks für Gefahrgut" (Safety level of transport tanks for dangerous goods)<sup>1)</sup> and the official notice on the application of research report 203<sup>2)</sup>) if the parameter  $f_3$  for determining the risk figure is not less than 0.5 and the level of safety has been certified by the body responsible for the design type test in accordance with Section 12;
3. tanks made with double walls under paragraph 6.8.2.1.20 (b) nos. 2 and 3 left column; or
4. tanks made with double walls under paragraph 6.8.2.1.20 right column, in demountable tanks under paragraph 6.8.2.1.20 (b) last sentence left column or in vacuum-operated waste tanks under chapter 6.10 of ADR.

(4) For tanks under paragraph 3 nos. 1 to 3, this has to be confirmed in the ADR certificate of approval in accordance with sub-section 9.1.3.1 of ADR or in a special certificate of the tank manufacturer or an expert or a technical service in accordance with Section 14 paragraph 4. Certificates under exemption no. 47 (S) of the GGAV as well as exemption 14 (S) of the GGAV shall continue to apply.

(5) Section 35 shall not apply to transport operations involving flammable gas mixtures of UN no. 1965 (serial no. 2 of the table in Section 35b) if the total transport route within the scope of this Ordinance is not more than 300 kilometres long.

(6) Sections 35 and 35a shall not apply to transport operations involving flammable gas mixtures of UN no. 1965 (serial no. 2 of the table in Section 35b) in tanks under section 1.2.1 of ADR up to 11000 kg net mass in the transport unit if the

<sup>1</sup>Research report 203 has been deposited with the Bundesanstalt für Materialforschung und -prüfung, 12205 Berlin, Unter den Eichen 87.

<sup>2</sup>The official notice was published in the Federal Ministry of Transport Gazette 2002 issue 16 p. 522.

vehicles are equipped with an anti-lock braking system (ABS) in accordance with section 41 paragraph 18 or section 41b of the German Road Vehicles Registration and Licensing Regulations (StVZO) and this is noted in the ADR certificate of approval under sub-section 9.1.3.1 of ADR.

(7) Sections 35 and 35a shall not apply to transport operations involving flammable gas mixtures of UN no. 1965 (serial no. 2 of the table in Section 35b) in tanks under section 1.2.1 of ADR of more than 11000 kg to 22000 kg net mass in the transport unit if the vehicles are equipped with an anti-lock braking system (ABS) in accordance with section 41 paragraph 18 or section 41b of the German Road Vehicles Registration and Licensing Regulations (StVZO) and with Electronic Stability Control (ESC) and this is noted in the ADR certificate of approval under sub-section 9.1.3.1 of ADR.

(8) Section 35 paragraph 2 shall not apply to transport operations involving flammable gases of UN nos. 1038, 1961, 1966, 1972, 3138 und 3312 (serial no. 2 of the table in Section 35b).

(9) Sections 35 and 35a shall not apply to transport operations to the place of use, if the total transport route within the scope of this Ordinance is not more than 300 kilometres long, of explosive substances and articles (serial no. 1 of the table in Section 35b):

1. of UN nos. 0065, 0082 and 0241 (division 1.1) and of UN nos. 0331 and 0332 (division 1.5) if proof of compliance in accordance with section 5 of the Sprengstoffgesetz (Explosives Act) has been furnished for these explosive substances and articles and if these explosives substances and articles have an impact sensitivity of more than 30 joule and a friction sensitivity of more than 280 newton when the test procedures<sup>3</sup> are applied; and
2. of UN no. 0081 (division 1.1):

---

<sup>3</sup>Test procedures in accordance with Part A.14 of the Annex to Commission Regulation (EC) No 440/2008 of 30 May 2008 laying down test methods pursuant to Regulation (EC) No 1907/2006 of the European Parliament and of the Council on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) (OJ L 142 of 31 May 2008, p. 1) in the latest version published in the Official Journal of the European Union.

- a) of up to 1000 kg net explosive mass in the transport unit if the vehicles are equipped with an anti-lock braking system (ABS) in accordance with section 41 paragraph 18 or section 41b of the German Road Vehicles Registration and Licensing Regulations (StVZO); or
- b) of up to 3000 kg net explosive mass in the transport unit if the vehicles are equipped with an anti-lock braking system (ABS) in accordance with section 41 paragraph 18 or section 41b of the German Road Vehicles Registration and Licensing Regulations (StVZO) and with Electronic Stability Control (ESC)

and this is noted in the ADR certificate of approval in accordance with sub-section 9.1.3.1 of ADR. The exemptions in accordance with sentence 1 no. 1 and no. 2 a) or b) can be invoked simultaneously. Section 35b sentence 3 shall not be applied.

## **Section 36**

### **Inspection period for fire extinguishers**

The inspection period in accordance with sub-section 8.1.4.4 sentence 2 of ADR for fire extinguishers manufactured in Germany shall be two years from the date of manufacture and, thereafter, from the date of the next inspection indicated on the fire extinguisher.

## **Section 36a**

### **Carriage of dangerous goods as official exhibits**

Where necessary for tactical reasons in an investigation or for the performance of an official task, dangerous goods to which special provision 274 is assigned in column 6 of Table A of Chapter 3.2 may be carried by road or rail by police authorities of the Federal Government and the Länder as well as by customs or judicial authorities, and by private enterprises acting on their behalf, without the proper shipping names being supplemented with the technical name of the good in

accordance with paragraph 3.1.2.8.1 of ADR/RID. This shall also apply to the particulars in a transport document in accordance with paragraph 5.4.1.1.1 (b) of ADR/RID.

### **Section 36b**

#### **Carriage of elevated temperature liquids and solids**

For the carriage of elevated temperature liquids and solids of UN nos. 3257 and 3258 in specially equipped vehicles/wagons and containers/large containers under special provision VC3 in section 7.3.3 of ADR/RID, the provisions set out in Annex 3 shall apply.

### **Section 37**

#### **Administrative offences**

(1) An administrative offence under section 10 paragraph 1 no. 1 (b) of the Carriage of Dangerous Goods Act shall be deemed to have been committed by anyone who, either intentionally or negligently:

1. contrary to Section 4 paragraph 2, does not, or not in good time, notify an authority or a rail infrastructure manager or does not, or not in good time, have it notified, and does not provide information to it or does not have information provided to it;
2. contrary to Section 4 paragraph 3, does not, or not in good time, halt the consignment or resumes the transport operation;
3. contrary to Section 17:
  - a) paragraph 1 no. 1, does not, or not in good time, ascertain the classification and acceptance for carriage;
  - b) paragraph 1 no. 2, does not ensure that the information mentioned therein is provided in writing or electronically or that the consideration of a provision mentioned therein is adverted to in writing or electronically;
  - c) paragraph 1 no. 3, does not provide information on a dangerous good;

- d) paragraph 2, does not ensure that the information specified therein is provided in writing or electronically; or
  - e) paragraph 3, does not ensure that information specified therein is provided;
4. contrary to Section 18:
- a) paragraph 1 no. 1, does not provide the relevant information at all, or does not provide it correctly, completely or in the prescribed manner;
  - b) paragraph 1 no. 2, does not inform the carrier, provides him with information that is incorrect, or does not inform him in a timely manner;
  - c) paragraph 1 no. 3, does not, or not in good time, ascertain the classification and acceptance for carriage;
  - d) paragraph 1 no. 4, does not ensure that a particular is entered into the transport document;
  - e) paragraph 1 no. 5, does not ensure that only a packaging or large packaging, IBC or tank or MEMU or vessel mentioned therein is used;
  - f) paragraph 1 no. 6, does not ensure that the competent authority is notified;
  - g) paragraph 1 no. 7, does not have a copy of the certificates, or instructions or does not make available documentary evidence, or provides documentary evidence that is incomplete;
  - h) paragraph 1 no. 8, does not ensure that a transport document which contains the required information, instruction or notification is provided to carry on board;
  - i) paragraph 1 no. 9, does not ensure that a required certificate is made available;
  - j) paragraph 1 no. 10, does not ensure that a required accompanying document is made available;
  - k) paragraph 1 no. 11, does not inform the loader of the fumigation at all, or does not inform the loader correctly, not in the prescribed manner or not in a timely manner;
  - l) paragraph 1 no. 12, does not retain, or retains for less than three months, a copy of the transport document, the information or documentation;



- m) paragraph 2 no. 1, does not ensure that the derogation is handed over prior to the start of the transport operation;
  - n) paragraph 2 no. 2, does not ensure that information specified therein is provided;
  - o) paragraph 3 no. 1, does not comply with a provision for carriage as colis express;
  - p) paragraph 3 no. 2, does not ensure that a placard, the orange-coloured plate, the mark and the shunting label are displayed;
  - q) paragraph 3 no. 3, does not ensure that the transport document contains the specified information;
  - r) paragraph 4 no. 1, does not ensure that the derogation is handed over prior to the start of the transport operation;
  - s) paragraph 4 no. 2, does not ensure that a placard and the orange-coloured plate are displayed; or
  - t) paragraph 4 no. 3, does not ensure that information specified therein is provided;
5. contrary to Section 19 paragraph 1:
- a) no. 1, does not inform the consignor at all, or does not inform the consignor correctly or in a timely manner;
  - b) no. 2, forwards a consignment which does not fulfil the requirements;
  - c) no. 3, does not ensure that a tank is not offered for carriage;
  - d) no. 4, does not retain, or retains for less than three months, a copy of the transport document, the information or documentation;
  - e) no. 5, does not ensure that the documents include the required information; or
  - f) no. 6, does not ensure that the documents contain the required information;
6. contrary to Section 19 paragraph 2:
- a) no. 1, does not comply with the prohibition of any other use;
  - b) no. 2, does not, or not in good time, provide to the vehicle crew the instructions in writing, and does not ensure that each member of the

vehicle crew understands and is capable of carrying out these instructions properly;

- c) no. 3, does not ensure that a provision referred to therein concerning carriage in bulk and in tanks is complied with;
- d) no. 4, does not ensure that a provision referred to therein concerning the limitation of quantities is complied with;
- e) no. 5, does not ensure that an accompanying document, the certificate, or a derogation is handed over before the commencement of the journey;
- f) no. 6, does not ensure that only drivers holding a valid certificate are deployed;
- g) no. 7, does not ensure that a portable tank is not offered for carriage;
- h) no. 8, does not ensure the tank record is maintained, retained, handed over, submitted, or made available;
- i) no. 9, does not equip the transport unit with fire-fighting equipment;
- j) no. 10, does not meet an inspection period;
- k) no. 11, does not affix to the vehicle a placard, an orange-coloured plate or a mark or does not ensure that a mark mentioned therein is affixed;
- l) no. 12, does not ensure that a tank is used which complies with the requirements referred to therein;
- m) no. 13, does not ensure that a tank or a vehicle complies with a requirement on construction, items of equipment, and marking referred to therein;
- n) no. 14, does not ensure that an exceptional inspection and test is carried out;
- o) no. 15, does not provide the driver with the required equipment;
- p) no. 16, does not equip the transport unit;
- q) no. 17, does not ensure that a provision referred to therein is complied with;
- r) no. 18, does not ensure that a requirement or provision referred to therein is complied with; or
- s) no. 19, does not ensure that a fixed tank, battery-vehicle, demountable tank, MEGC, portable tank or tank-container is not used;

7. contrary to Section 19 paragraph 3:
- a) no. 1, does not ensure that the manager has access to information;
  - b) no. 2, does not ensure that each crew member carries with them means of identification which includes their photograph;
  - c) no. 3, does not ensure that an accompanying document is available and is presented;
  - d) no. 4, does not ensure that a provision referred to therein is complied with;
  - e) no. 5, does not provide an instruction in writing at all, or does not provide such an instruction correctly, completely, in the prescribed manner, or in good time;
  - f) no. 6, does not inform the driver at all, or does not inform the driver correctly, completely or in a timely manner;
  - g) no. 7, does not ensure that the required equipment is carried in the driver's cab;
  - h) no. 8, does not ensure that the plates or placards mentioned therein or a mark mentioned therein are affixed;
  - i) no. 9, does not ascertain that a wagon or cargo does not have defects, leakages or cracks, or that no item of equipment is missing;
  - j) no. 10, does not ascertain that a placard, mark or orange-coloured plate is affixed; or
  - k) no. 11, does not ensure that the information mentioned therein covers the tank or its equipment;
8. contrary to Section 19 paragraph 4:
- a) no. 1, does not ascertain that the vessel is permitted for the carriage of dangerous goods;
  - b) no. 2, does not ensure that for each crew member means of identification which includes a photograph is on board;
  - c) no. 3, does not provide to the master before the commencement of the journey the instructions in writing in languages that the master and the expert can read and understand;
  - d) no. 4, does not ensure that information specified therein is provided;

- e) no. 5, does not ensure that a provision referred to therein is complied with;
  - f) no. 6, does not ensure that a provision referred to therein is complied with;
  - g) no. 7, does not ensure that a document is handed over to the master;
  - h) no. 8, does not ensure that a vessel is used only when the requirement specified therein is complied with; or
  - i) no. 9, does not ascertain that a second means of evacuation is available;
9. contrary to Section 20:
- a) paragraph 1 no. 1 a), defers or refuses the acceptance of the good;
  - b) paragraph 1 no. 1 b), does not, or not in good time, verify that the requirements have been complied with;
  - c) paragraph 1 no. 2, does not, or not in good time, inform the consignor of the non-compliance with a limit;
  - d) paragraph 2, returns a container;
  - e) paragraph 3, returns or reuses a wagon or a container; or
  - f) paragraph 4, returns a container, vehicle, or wagon;
10. contrary to Section 21:
- a) paragraph 1 no. 1, hands over goods;
  - b) paragraph 1 no. 2, hands over a package for carriage;
  - c) paragraph 1 no. 3, does not ensure that a package is loaded only if the packaging complies with the provisions referred to therein;
  - d) paragraph 1 no. 4, does not ensure that a provision referred to therein is complied with;
  - e) paragraph 1 no. 5, does not ensure that a warning mark is applied;
  - f) paragraph 1 no. 6, does not ensure that a provision concerning marking referred to therein is complied with;
  - g) paragraph 1 no. 7, does not ensure that the maximum number of packages is not exceeded;
  - h) paragraph 1 no. 8, does not ensure that a measure referred to therein is taken;

- i) paragraph 2 no. 1 sentence 1, does not provide the relevant information at all, or does not provide it correctly, completely or in the prescribed manner;
- j) paragraph 2 no. 2, does not ensure that a provision referred to therein is complied with;
- k) paragraph 2 no. 3, does not ensure that a provision referred to therein is complied with;
- l) paragraph 2 no. 4, does not ensure that a placard, a plate or a mark is affixed;
- m) paragraph 2 no. 5, does not ensure that a container is used which complies with the requirements specified therein;
- n) paragraph 2 no. 6, does not ensure that a provision referred to therein is complied with;
- o) paragraph 3 no. 1, does not ensure that a provision concerning labels and marks is complied with;
- p) paragraph 3 no. 2, does not ensure that a placard, shunting label, mark, or an orange-coloured plate is affixed;
- q) paragraph 3 no. 3, does not ensure that a container is used which complies with the requirements specified therein;
- r) paragraph 3 no. 4, does not ensure that a provision specified therein concerning carriage in packages or loading and handling is complied with;
- s) paragraph 3 no. 5, does not ensure that a provision referred to therein is complied with;
- t) paragraph 4 no. 1 sentence 1, does not provide the relevant information, or provides information that is incorrect or incomplete;
- u) paragraph 4 no. 2, does not ensure that a placard or the mark is affixed;
- v) paragraph 4 no. 3, does not ensure that a requirement referred to therein is met; or
- w) paragraph 4 no. 4, does not ascertain that the landside installation is equipped with one or two means of evacuation;

11. contrary to Section 22:

- a) paragraph 1 no. 1 or 2, does not comply with a provision referred to therein on packing, placement in overpacks and marking;
  - b) paragraph 1 no. 3, does not comply with a provision on use and testing referred to therein;
  - c) paragraph 1 no. 4, does not comply with a requirement for mixed packing referred to therein;
  - d) paragraph 1 no. 5, does not comply with a provision for the marking and labelling referred to therein;
  - e) paragraph 1 no. 6, does not secure packages within overpacks; or
  - f) paragraph 2 or 3, does not comply with a provision referred to therein;
12. contrary to Section 23 paragraph 1:
- a) no. 1, hands over goods;
  - b) no. 2, hands over a tank;
  - c) no. 3, fills a tank;
  - d) no. 4, does not ensure that the leakproofness of a closure is checked and that a tank is not carried when leaking;
  - e) no. 5, fills a tank;
  - f) no. 6, does not ensure that the filling ratio, mass, or gross mass is complied with;
  - g) no. 7, does not ensure that the leakproofness of the closures and equipment is verified or that all closures are in the closed position and there is no leakage;
  - h) no. 8, does not ensure that no dangerous residues adhere to the tank;
  - i) no. 9, does not ensure that adjoining tank compartments are not filled with dangerous substances which react dangerously with each other;
  - j) no. 10, does not ensure that a tank, battery-vehicle, battery-wagon or MEGC is not filled or offered for carriage;
  - k) no. 11, does not ensure that an emptying, cleaning and degassing operation is carried out;
  - l) no. 12, does not ensure that the name is marked;
  - m) no. 13, does not ensure that a name or a mark is inscribed;
  - n) no. 14, does not ensure that the MEGC is not offered for carriage; or
  - o) no. 15, fills a tank;

13. contrary to Section 23 paragraph 2:
- a) no. 1, does not provide the relevant information at all, or does not provide it correctly, completely or in the prescribed manner;
  - b) no. 2, does not provide the hazard identification number(s);
  - c) no. 3, does not ensure that a placard, an orange-coloured plate and the mark are displayed;
  - d) no. 4, does not ensure that a provision concerning loading is complied with;
  - e) no. 5, does not comply with the prohibition of smoking;
  - f) no. 6, does not ensure that an additional requirement referred to therein is complied with;
  - g) no. 7, does not ensure that the driver is instructed in the prescribed manner;
  - h) no. 8, does not ensure that a provisions specified therein concerning carriage in bulk is complied with;
  - i) no. 9, does not ensure that a precaution against electrostatic charges is taken;
  - j) no. 10, fills a tank;
  - k) no. 11, does not ascertain that the provisions referred to therein have been complied with; or
  - l) no. 12, does not ensure that a provision referred to therein is complied with;
14. contrary to Section 23 paragraph 3:
- a) no. 1, does not ensure that a provision concerning control measures referred to therein is complied with;
  - b) no. 2, does not ensure that a placard, a shunting label, the orange-coloured plate, and the mark are applied;
  - c) no. 3, does not ensure that a provision referred to therein is complied with;
  - d) no. 4, does not ensure that a provision concerning loading is complied with;
  - e) no. 5, does not ensure that the temperature is not exceeded; or

- f) no. 6, does not ensure that a provision referred to therein is complied with;
15. contrary to Section 23 paragraph 4:
- a) no. 1, does not provide the relevant information or provides information that is incorrect or incomplete;
  - b) no. 2, does not ensure that a placard, an orange-coloured plate and the mark are displayed;
  - c) no. 3, does not ensure that a tank vessel is filled only with dangerous goods accepted for carriage and that the date in the certificate of approval has not expired;
  - d) no. 4, does not ascertain that the landside installation is equipped with one or two means of evacuation;
  - e) no. 5, does not guarantee that the temperature is not exceeded;
  - f) no. 6, does not ascertain that supervision is assured;
  - g) no. 7, does not complete his section of the check-list at all, or does not complete said section correctly, completely or in a timely manner;
  - h) no. 8, does not ascertain that there is a flame-arrester; or
  - i) no. 9, does not ascertain that the loading flows conform to the loading and unloading instructions and that the pressure at the connecting-point does not exceed the opening pressure of the high-velocity vent valve;
- 15a. contrary to Section 23a
- a) paragraph 1 no. 1, does not ascertain that the correct goods are unloaded;
  - b) paragraph 1 no. 2, does not perform a check or does not ascertain that appropriate measures have been taken;
  - c) paragraph 1 no. 3 a), does not remove dangerous residues or does not remove them in good time;
  - d) paragraph 1 no. 3 b), does not ensure the closure or does not ensure it in good time;
  - e) paragraph 1 no. 4, does not ensure that the cleaning or decontamination is carried out;



- f) paragraph 1 no. 5, does not ensure that a placard, a mark, or an orange-coloured plate is no longer displayed;
  - g) paragraph 1 no. 6, does not remove the warning mark;
  - h) paragraph 2 no. 1, does not ensure that a precaution against electrostatic charges is taken;
  - i) paragraph 2 no. 2, does not ensure that an additional requirement referred to therein is complied with;
  - j) paragraph 2 no. 3, does not ensure that the driver is instructed in the prescribed manner;
  - k) paragraph 2 no. 4 or paragraph 3, does not ensure that a provision referred to therein is complied with;
  - l) paragraph 4 no. 1, does not ascertain that the landside installation is equipped with one or two means of evacuation;
  - m) paragraph 4 no. 2 a), does not complete his section of the check list or does not complete it in good time;
  - n) paragraph 4 no. 2 b), does not ascertain that there is a flame-arrester;
  - o) paragraph 4 no. 2 c), does not ascertain that the pressure at the connecting-point does not exceed the opening pressure of the high-velocity vent valve;
  - p) paragraph 4 no. 2 d), does not ascertain that the gaskets consist of the specified materials;
  - q) paragraph 4 no. 2 e), does not ascertain that supervision is assured; or
  - r) paragraph 4 no. 2 f), does not ascertain that the discharge pump can be switched off;
16. contrary to Section 24:
- a) no. 1, does not ensure that a tank-container, portable tank, MEGC, bulk container or flexible bulk container complies with the requirements on use, construction, items of equipment, and marking referred to therein;
  - b) no. 2, does not ensure that an exceptional inspection and test is carried out;
  - c) no. 3, does not ensure that only a tank-container, portable tank, or MEGC is used which complies with the requirements specified therein;
  - d) no. 4, does not ensure that an MEGC is not offered for filling;

- e) no. 5, does not ensure that a pressure-relief device is inspected;
  - f) no. 6, does not ensure that the tank record is maintained, retained, handed over, submitted, or made available; or
  - g) no. 7, does not ensure that MEMUs are examined and tested;
17. contrary to Section 25:
- a) paragraph 1 no. 1, affixes a mark mentioned therein;
  - b) paragraph 1 no. 2, does not inform the authority or provides information that is incorrect;
  - c) paragraph 1 no. 3, does not provide the instructions;
  - d) paragraph 1 no. 4, does not deliver to the owner of a salvage pressure receptacle a copy of the approval certificate;
  - e) paragraph 2, affixes a mark mentioned therein; or
  - f) paragraph 3, affixes a mark mentioned therein;
18. contrary to Section 26:
- a) paragraph 1 no. 1, does not ensure that no dangerous residue of the filling substance adheres to the tank;
  - b) paragraph 1 no. 2, does not ensure that the tank is closed and leakproof;
  - c) paragraph 1 no. 3, does not ensure that a placard or a mark is affixed;
  - d) paragraph 3, produces technical documentation that is incorrect or incomplete or does not produce technical documentation in good time;
  - e) paragraph 4, does not, or not correctly, comply with a provision mentioned therein;
  - f) paragraph 5 no. 1, does not ensure that the personnel is trained;
  - g) paragraph 5 no. 2, does not complete a section of the check-list mentioned therein at all, or does not complete said section correctly, completely or in good time; or
  - h) paragraph 5 no. 3, does not ascertain that there is a flame-arrester;
19. contrary to Section 27:
- a) paragraph 1, does not ensure that a report is submitted in good time;

- b) paragraph 2, does not investigate, does not take appropriate action or does not ensure that a competent authority is informed;
  - c) paragraph 3 no. 1, does not comply with a security provision;
  - d) paragraph 3 no. 2 a), does not ensure that such training is provided;
  - e) paragraph 3 no. 2 b), does not ensure that the records are kept for five years;
  - f) paragraph 4, does not adopt, implement, or comply with security plans;
  - g) paragraph 4a sentence 1, also in conjunction with sentence 2, does not ensure that a notification is given;
  - h) paragraph 5 no. 1, does not ensure that such training is provided;
  - i) paragraph 5 no. 2, does not ensure that the records are kept for five years;
  - j) paragraph 6, does not ensure that the persons have received training;  
or
  - k) paragraph 7, does not ensure that only an installation or equipment mentioned therein is used;
20. contrary to Section 28:
- a) no. 1, carries a package;
  - b) no. 2, does not comply with a restriction on carriage mentioned therein;
  - c) no. 3, does not comply with the filling ratio, the mass, or the filling temperature;
  - d) no. 4, does not comply with a provision on the operation of tanks and the additional requirements mentioned therein;
  - e) no. 5, does not check the leakproofness;
  - f) no. 6, does not affix, remove, or cover a placard;
  - g) no. 7, does not, or not correctly, affix a mark or plate mentioned therein, or does not, or not correctly, uncover it or does not, not correctly or not completely remove it or does not, not correctly or not completely cover it;
  - h) no. 8, does not take action;
  - i) no. 9, does not ascertain that a warning mark is affixed;

- j) no. 10, does not carry with him or does not present, or not in good time, an accompanying document, a certificate, fire-fighting equipment, an item of equipment, or the derogation;
  - k) no. 11, does not comply with a requirement concerning supervision mentioned therein;
  - l) no. 12, does not remove dangerous residue of the filling substance or does not have it removed;
  - m) no. 13 does not refrain from consuming alcoholic beverages or commences the journey while under the influence of such beverages as mentioned therein;
  - n) no. 14, does not ensure that a connecting pipe or tube is empty;
  - o) no. 15, does not earth a tank; or
  - p) no. 16, does not comply with a requirement mentioned therein;
21. contrary to Section 29:
- a) paragraph 1, does not comply with a provision concerning loading and handling mentioned therein;
  - b) paragraph 2, does not comply with a provision mentioned therein;
  - c) paragraph 3, does not comply with a provision on precautions mentioned therein;
  - d) paragraph 4 no. 1, does not comply with a provision on loading or the mark; or
  - e) paragraph 4 no. 2, does not comply with a provision concerning carriage;
22. contrary to Section 30:
- a) no. 1, does not ensure that a wagon or tank is used which complies with the requirements specified therein;
  - b) no. 2, does not ensure that a wagon or a tank complies with the requirements on construction, items of equipment, and marking referred to therein;
  - c) no. 3, does not ensure that an exceptional inspection and test is carried out;

- d) no. 4, does not ensure the tank record is maintained, retained, handed over, submitted, or made available;
  - e) no. 5, does not ensure that a tank-wagon, a demountable tank or a battery-wagon is not used; or
  - f) no. 6, does not ensure that the information mentioned therein covers the tank or its equipment;
- 22a. contrary to Section 30a:
- a) paragraph 1 no. 1, does not ensure that the maintenance of a tank or its equipment is carried out in a way mentioned therein;
  - b) paragraph 1 no. 2, does not ensure that the information mentioned therein also covers the tank and its equipment;
  - c) paragraph 1 no. 3, does not ensure that a record is kept;
  - d) paragraph 2 no. 1, does not ensure that a tank-wagon is not used;
  - e) paragraph 2 no. 2, does not ensure that an exceptional check is carried out;
23. contrary to Section 31:
- a) no. 1, does not ensure that his personnel is trained;
  - b) no. 2 a), does not ensure that an internal emergency plan is drawn up; or
  - c) no. 2 b), does not ensure that he has access to information;
- 23a. contrary to Section 31a, does not consult an instruction in writing at all or does not consult such an instruction in good time;
24. contrary to Section 32, carries a dangerous good on board or has it carried;
25. contrary to Section 33:
- a) no. 1, does not comply with the safety measures;
  - b) no. 2, does not ensure that a vessel or tank vessel is not overloaded or that a cargo tank is not overfilled;

- c) no. 3, does not ascertain that the vessel or tank vessel or the cargo does not have defects, leakages or cracks, or that no items of equipment are missing;
  - d) no. 4, does not ensure that each crew member concerned understands and is capable of carrying out the instructions in writing;
  - e) no. 5, does not take action;
  - f) no. 6, does not ensure that a requirement referred to therein is complied with;
  - g) no. 7, does not check whether the owner or operator has fulfilled his obligations;
  - h) no. 8, does not carry with him or does not present at all, or not in good time, an accompanying document or the derogation;
  - i) no. 9, does not ensure that a requirement referred to therein is complied with;
  - j) no. 10, forwards a consignment;
  - k) no. 11, does not complete a section of the check-list mentioned therein at all, or does not complete said section correctly, completely or in good time; or
  - l) no. 12, does not complete a section of the check-list mentioned therein at all, or does not complete said section correctly, completely or in good time;
26. contrary to Section 34:
- a) nos. 1, 2, 4, and 5, does not ensure that a requirement referred to therein is complied with;
  - b) no. 3, does not ensure that an expert is on board;
  - c) no. 6, does not ensure that such an update is effected;
  - d) no. 7, does not ensure that the vessel is subjected to a special inspection; or
  - e) no. 8, does not ensure that a vessel record is maintained, retained and updated in accordance with a provision mentioned therein;
- 26a. contrary to Section 34a sentence 1, does not follow the instructions of the master;

27. contrary to Section 35:
- a) paragraph 2 sentence 2, does not enter information or a statement into the transport document;
  - b) paragraph 4 sentence 3, does not ensure that a certificate is provided; or
  - c) paragraph 4 sentence 4, does not carry a certificate on board or does not present it at all or not in good time;
28. contrary to Section 35a:
- a) paragraph 4 sentence 1, carries a dangerous good;
  - b) paragraph 4 sentence 2, does not ensure that a routeing is provided; or
  - c) paragraph 4 sentence 3, does not, or not correctly comply with a routeing, does not carry such a routing on board or does not present it at all or not in good time.
- (2) Article 32 of the Revised Convention for the Navigation on the Rhine of 17 October 1868 (Federal Law Gazette 1969 II p. 597) as amended by its Additional Protocol No. 6 of 21 October 1999 (Federal Law Gazette 2002 II p. 1772, 1773) with regard to fines on the Rhine of up to twenty-five thousand euros remains unaffected.

## **Section 38**

### **Transitional provisions**

- (1) Until 30 June 2021, dangerous goods may be carried in accordance with the provisions of this Ordinance in the version in force until 31 December 2020.
- (2) For the carriage of machinery or equipment not specified in ADR/RID and which happen to contain dangerous goods in their internal or operational equipment in accordance with the transitional provision in sub-section 1.6.1.46 of ADR/RID, the rule set out in Annex 2 no. 2.1 b) of this Ordinance in the version applicable until 31 December 2018 shall continue to apply for domestic transport

operations by road with vehicles registered in Germany and for domestic transport operations by rail.



**Annex 1**

(deleted)

**Annex 2**

**Restrictions on parts 1 to 9 of ADR and parts 1 to 7 of RID for domestic transport operations as well as parts 1 to 9 of ADN for domestic and international transport operations for reasons of safety of the carriage of dangerous goods**

1. (repealed)

2. **The following restrictions on parts 1 to 7 of ADR/RID shall apply to domestic transport operations by road with vehicles registered in Germany, and to domestic transport operations by rail:**

**2.1 Rules on the exemptions related to the nature of the transport operation under sub-section 1.1.3.1 of ADR/RID:**

a) For the application of a), the following rule shall apply:

For explosive substances of class 1 divisions 1.1 to 1.4, the total net explosive mass per transport unit/wagon shall not exceed 3 kg. For explosive articles of class 1 divisions 1.1 to 1.3, the gross mass per transport unit/wagon shall not exceed 5 kg, and for division 1.4, it shall not exceed 50 kg. For self-reactive solids and liquids, solid desensitized explosives and substances related to self-reactive substances of class 4.1, substances of class 4.2 and substances of class 4.3 packing groups I and II, respectively, substances of class 5.1 packing group I and substances of class 5.2, the net mass of each substance shall not exceed 1 kg. For the substances and articles of class 1 to 9 not mentioned in sentences 1 to 3 above, the maximum quantities specified in sub-section 1.1.3.6 of ADR/RID shall not be exceeded.

b) (repealed)

- c) For the application of c), the following rule shall apply:
- aa) For explosive substances of class 1 divisions 1.1 to 1.4, the total net explosive mass per transport unit/wagon shall not exceed 3 kg. For explosive articles of class 1 divisions 1.1 to 1.3, the gross mass per transport unit/wagon shall not exceed 5 kg, and for division 1.4, it shall not exceed 50 kg. For self-reactive solids and liquids, solid desensitized explosives and substances related to self-reactive substances of class 4.1, substances of class 4.2 and substances of class 4.3 packing groups I and II, respectively, substances of class 5.1 packing group I and substances of class 5.2, the net mass of each substance shall not exceed 1 kg.
  - bb) For carriage under sub-section 1.1.3.1 c) of ADR/RID, the following provisions shall additionally be complied with:
    - The “General packing conditions” under sub-sections 4.1.1.1, 4.1.1.2, 4.1.1.6, and 4.1.1.7 of ADR/RID.
    - For substances and articles of class 2, the general packing provisions under sub-section 4.1.6.8 of ADR/RID.

## **2.2 Rules on the transitional provisions under sub-sections 1.6.3.4 and 1.6.3.5 of ADR/RID:**

- a) The margin nos. 211 184, 211 185 sentence 1 and the margin no. 211 186 of the Ordinance on the Transport of Dangerous Goods by Road (Gefahrgutverordnung Straße) applicable to domestic transport operations in the version promulgated on 18 July 1995 (Federal Law Gazette I p. 1025); and
- b) the provisions of the Annex Appendix XI paragraph 1.8.4 sentences 3 and 4 and paragraph 1.8.5 of the Ordinance on the Transport of Dangerous Goods by Rail (Gefahrgutverordnung Eisenbahn) applicable to domestic transport operations in the version promulgated on 15 December 1995 (Federal Law Gazette I p. 1852)

shall continue to apply for domestic transport operations.

**3. The following provisions of and restrictions on parts 8 and 9 of ADR shall apply for domestic transport operations by road with vehicles registered in Germany:**

**3.1 Prohibition of fire and naked flame**

The use of fire or of naked flames shall be prohibited during handling operations in the vicinity of vehicles or containers and inside the vehicles or containers.

**3.2 Provision of information to the crew by the filler and unloader**

If the driver undertakes the filling of the tank, the filler shall instruct him in the operation of the filling device, unless the device is an integral part of the vehicle. The same shall apply as regards the discharge device for the transport company which acts as unloader. This instruction shall be documented in writing. Regarding the retention of this documentation, section 1.3.3 of ADR in conjunction with Section 27 paragraph 5 no. 2 of GGVSEB shall apply accordingly.

**3.3 Supervision of vehicles and containers**

In addition to chapter 8.4, all vehicles and containers requiring orange-coloured plates shall be supervised in line with the provisions in section 8.4.1 of ADR. The same shall apply to trailers of a transport unit subject to marking requirements which are parked separately from the motor vehicle if these trailers are loaded with dangerous goods in quantities subject to marking requirements. The second sentence shall not apply to the supervision of trailers containing UN 1202.

**4. The following provisions of and restrictions on parts 1 to 7 of RID shall apply for domestic transport operations by rail:**

4.1 References to international freight law in parts 1 to 7 of RID shall not apply to domestic transport operations. For domestic transport operations, the applicable national freight law as well as carriers' conditions of carriage in agreement with it shall apply.

#### 4.2 Carriage of dangerous goods in passenger trains

The carriage of dangerous goods in passenger trains is prohibited subject to the provisions in letters a) and b) below.

- a) The provisions or safety requirements stipulated in sub-sections 1.1.2.2 and 1.1.2.3 in conjunction with chapters 7.6 and 7.7 of RID shall also be complied with in the case of domestic carriage.
- b) By derogation from sub-sections 1.1.2.2 and 1.1.2.3 in conjunction with chapters 7.6 and 7.7 of RID, the carriage of dangerous goods in passenger trains is permitted in shuttle rail transport between Niebüll and Westerland (Sylt) via the Hindenburgdamm, provided that the following provisions are met:
- aa) The following goods are permitted for carriage by the following means of transport:

Dangerous goods of classes 1.4 and 2 to 9	Carriage in packages in closed and sheeted road vehicles
a) dangerous goods of class 2, groups A, O und F, without toxic subsidiary hazard, b) dangerous goods of class 3 packing, group II and III, without toxic subsidiary hazard, c) dangerous goods of class 8 packing, group II and III, without toxic subsidiary	Carriage in tanks (road tank vehicles, road vehicles with demountable tanks and road vehicles with tank-containers)

hazard; and d) dangerous goods of class 9 packing, group II and III	
---	--

bb) Dangerous goods shall be carried in piggyback transport in compliance with the provisions in sub-section 1.1.4.4 of RID.

cc) Intermediate wagons or elements of a permanently coupled unit:  
 If the goods are carried on individually coupled freight wagons, there shall be at least one unladen freight wagon or a freight wagon carrying only road vehicles without dangerous goods between the freight wagons laden with road vehicles carrying dangerous goods and the other freight wagons with passenger cars or buses carrying passengers.

If the goods are carried on permanently coupled units, there shall be at least two empty elements or two elements carrying only road vehicles without dangerous goods, or one element each of these alternatives between the elements of the unit onto which road vehicles carrying dangerous goods are loaded and the other elements with passenger cars or busses carrying passengers.

Only one transport unit subject to marking requirements may be carried either at the beginning or at the end of a passenger train.

dd) Instructions in writing:  
 Instructions in writing shall be carried on board the road vehicles in accordance with the provisions in section 5.4.3 of ADR.

ee) Exclusion from carriage:  
 Road vehicles with dangerous goods in packagings, including IBCs and large packagings, road tank vehicles and road vehicles with demountable tanks shall be excluded from carriage where, during the

duration of the transport operation, winds of Beaufort force 10 or more are to be expected.

ff) Road vehicles with uncleaned empty tanks:

The above provisions shall also apply to the carriage of road vehicles with uncleaned empty tanks.

gg) Information to be entered in the transport document:

In accordance with the Sylt Shuttle Tarif, the indication of the dangerous good in the transport document shall meet the requirements of RID.

**5. The following provisions of and restrictions on parts 1 to 9 of ADN shall apply for domestic and international transport operations by inland waterways:**

5.1 An approval under requirement ST01 in sub-section 7.1.6.11 of ADN shall not be required.

**6. Derogations from parts 1 to 9 of ADN as regards transport operations on the Rhine**

6.1 By derogation from sections 7.1.5.1 and 7.2.5.1 of ADN, vessels which carry dangerous goods or which have not been degassed shall not be included in pushed convoys whose dimensions exceed 195 x 24 m.

**6.2 The following transitional provisions shall apply for the carriage of the substances listed below:**

6.2.1 The following substances may be carried in a closed type N tank vessel with a minimum high-velocity vent valve setting of 6 kPa (0.06 bar) (cargo tank test pressure of 10 kPa (0.10 bar)):

- a) All substances for which at least an open type N tank vessel, an open type N tank vessel with flame-arrester, or a closed type N tank vessel with a high-velocity vent valve setting of 10 kPa (0.10 bar) is required in table C of chapter 3.2 of ADN.
- b) The vessel listed below held a specific authorization for certain

substances on 31 December 1986 and, due to its structure, i.e. double bottom and double-hull spaces, is approved for carriage of the substances included in the separate list.

Name of the vessel	ENI	Substance list no.
T.M.S. PIZ EVEREST	0232 6324	1

**6.2.2** The following substances may be carried in a closed type N tank vessel with a minimum high-velocity vent valve setting of 10 kPa (0.10 bar) (cargo tank test pressure of 65 kPa (0.65 bar)):

- a) All substances for which at least an open type N tank vessel, an open type N tank vessel with flame-arrester, or a closed type N tank vessel with a high-velocity vent valve setting of 10 kPa (0.10 bar) is required in table C of chapter 3.2 of ADN.

If the high-velocity vent valve is modified for a pressure of 50 kPa (0.50 bar), all substances may be carried for which a valve setting of 50 kPa (0.50 bar) is required in table C of chapter 3.2 of ADN.

- b) The vessel listed below held a specific authorization for certain substances on 31 December 1986 and, due to its structure, i.e. double bottom and double-hull spaces, is approved for carriage of the substances included in the separate list.

Name of the vessel	ENI	Substance list no.
T.M.S. EILTANK 9	0430 4830	5

**6.2.3** The following substances may be carried in a type C tank vessel with a minimum high-velocity vent valve setting of 9 kPa (0.09 bar):

All substances for which at least a type N tank vessel or a type C tank vessel with a high-velocity vent valve setting of 10 kPa (0.10 bar) is required in table C of chapter 3.2 of ADN.

**6.2.4** The following substances may be carried in a type C tank vessel with a minimum high-velocity vent valve setting of 35 kPa (0.35 bar):

All substances for which at least a type N tank vessel or a type C tank vessel with a high-velocity vent valve setting of 35 kPa (0.35 bar) is required in table C of chapter 3.2 of ADN.

If the high-velocity vent valve is modified for a pressure of 50 kPa (0.50 bar), all substances may be carried for which a valve setting of 50 kPa (0.50 bar) is required in table C of chapter 3.2 of ADN.

**Substance list no. 1:**

UN number	Class and classification code	Packing group	Name and description
1114	3, F1	II	BENZENE
1134	3, F1	III	CHLOROBENZENE (phenyl chloride)
1143	6.1, TF1	I	CROTONALDEHYDE, STABILIZED
1203	3, F1	II	MOTOR SPIRIT or GASOLINE or PETROL, WITH MORE THAN 10 % BENZENE
1218	3, F1	I	ISOPRENE, STABILIZED
1247	3, F1	II	METHYL METHACRYLATE MONOMER, STABILIZED
1267	3, F1	I	PETROLEUM CRUDE OIL WITH MORE THAN 10 % BENZENE
1267	3, F1	II	PETROLEUM CRUDE OIL WITH MORE THAN 10 % BENZENE
1268	3, F1	I	PETROLEUM DISTILLATES, N.O.S. WITH MORE THAN 10 % BENZENE or PETROLEUM PRODUCTS, N.O.S. WITH MORE THAN 10 % BENZENE



1268	3, F1	II	PETROLEUM DISTILLATES, N.O.S. WITH MORE THAN 10 % BENZENE or PETROLEUM PRODUCTS, N.O.S. WITH MORE THAN 10 % BENZENE
1277	3, FC	II	PROPYLAMINE (1-aminopropane)
1278	3, F1	II	1-CHLOROPROPANE (propyl chloride)
1296	3, FC	II	TRIETHYLAMINE
1578	6.1, T2	II	CHLORONITROBENZENES, SOLID, MOLTEN (p-CHLORONITROBENZENE)
1591	6.1, T1	III	o-DICHLOROBENZENE
1593	6.1, T1	III	DICHLOROMETHANE (methyl chloride)
1605	6.1, T1	I	1,2-DIBROMOETHANE
1710	6.1, T1	III	TRICHLOROETHYLENE
1750	6.1, TC1	II	CHLOROACETIC ACID SOLUTION
1831	8, CT1	I	SULPHURIC ACID, FUMING
1846	6.1, T1	II	CARBON TETRACHLORIDE
1863	3, F1	I	FUEL, AVIATION, TURBINE ENGINE, WITH MORE THAN 10% BENZENE
1863	3, F1	II	FUEL, AVIATION, TURBINE ENGINE, WITH MORE THAN 10% BENZENE
1888	6.1, T1	III	CHLOROFORM
1897	6.1, T1	III	TETRACHLOROETHYLENE
1993	3, F1	I	FLAMMABLE LIQUID, N.O.S. WITH MORE THAN 10 % BENZENE
1993	3, F1	II	FLAMMABLE LIQUID, N.O.S. WITH MORE THAN 10 % BENZENE
2205	6.1, T1	III	ADIPONITRILE
2238	3, F1	III	CHLOROTOLUENES ( m-, o- or p-CHLOROTOLUENE)
2263	3, F1	II	DIMETHYLCYCLOHEXANES (cis-1,4-DIMETHYLCYCLOHEXANE)
2263	3, F1	II	DIMETHYLCYCLOHEXANES (trans-1,4-DIMETHYLCYCLOHEXANE)
2266	3, FC	II	DIMETHYL-N-PROPYLAMINE

2312	6.1, T1	II	PHENOL, MOLTEN
2333	3, FT1	II	ALLYL ACETATE
2733	3, FC	II	AMINES, FLAMMABLE, CORROSIVE, N.O.S. (2-AMINOBTANE)
2810	6.1, T1	III	TOXIC LIQUID, ORGANIC, N.O.S. (1,1,2-trichloroethane)
2874	6.1, T1	III	FURFURYL ALCOHOL
3295	3, F1	I	HYDROCARBONS, LIQUID, N.O.S. WITH MORE THAN 10 % BENZENE
3295	3, F1	II	HYDROCARBONS, LIQUID, N.O.S. WITH MORE THAN 10 % BENZENE
3455	6.1, TC2	II	CRESOLS, SOLID, MOLTEN

**Substance lists no. 2 to 4**

(deleted)

**Substance list no. 5:**

UN number	Class and classification code	Packing group	Name and description
1134	3, F1	III	CHLOROBENZENE (phenyl chloride)
1218	3, F1	I	ISOPRENE, STABILIZED
1247	3, F1	II	METHYL METHACRYLATE MONOMER, STABILIZED
1277	3, FC	II	PROPYLAMINE (1-aminopropane)
1278	3, F1	II	1-CHLOROPROPANE (propyl chloride)
1296	3, FC	II	TRIETHYLAMINE
1547	6.1, T1	II	ANILINE
1750	6.1, TC1	II	CHLOROACETIC ACID SOLUTION
1831	8, CT1	I	SULPHURIC ACID, FUMING
2238	3, F1	III	CHLOROTOLUENES ( m-, o- or p- CHLOROTOLUENE)

2263	3, F1	II	DIMETHYLCYCLOHEXANES (cis-1,4-DIMETHYLCYCLOHEXANE)
2263	3, F1	II	DIMETHYLCYCLOHEXANES (trans-1,4-DIMETHYLCYCLOHEXANE)
2266	3, FC	II	DIMETHYL-N-PROPYLAMINE
2333	3, FT1	II	ALLYL ACETATE
2733	3, FC	II	AMINES, FLAMMABLE, CORROSIVE, N.O.S. (2-AMINOBTANE)
3446	6.1, T2	II	NITROTOLUENES, SOLID, MOLTEN (o-NITROTOLUENE)

**Annex 3**

(ad Section 36b)

Determination of the requirements to be met by specially equipped vehicles/wagons and containers/large containers under special provision VC3 in section 7.3.3 of ADR/RID for the carriage of elevated temperature liquids and solids of UN nos. 3257 and 3258

**1. Scope**

Elevated temperature substances of UN nos. 3257 and 3258 may be carried in bulk in specially equipped vehicles/wagons or containers/large containers if the following conditions are met:

1.1 Elevated temperature liquids of UN no. 3257 are, in particular:

- liquid aluminium;
- bitumen;
- liquid iron;
- hot paraffin (wax).

1.2 Elevated temperature solids of UN no. 3258 are, in particular:

- hot slabs (massive metals as semi-finished products);
- steel coils (hot rolled);
- aluminium dross if this good does not exceed the limit value for the evolution of gas of 1 litre per kilogram of mass per hour in accordance with paragraph 2.2.43.1.5 (b) of ADR/RID,

provided that the temperature at the start of the transport operation is 240 °C or higher.

**2. General requirements to be met by containments and their load securing**

2.1 The containments for the dangerous goods (e.g. sand bed with hydraulically-moveable protective cover for the carriage of hot massive metals, coil trays for the carriage of coils, vats with fire-resistant lining for the carriage of liquid metals, buckets placed in solid structures with an enclosing protective cover in an inert gas atmosphere for the carriage of hot aluminium dross, see also

Appendix 1) shall be so insulated that the surface temperature does not exceed 130 °C during carriage or shall be positioned in a way that coming into contact with the containments is impossible. The regulation in no. 5.13 of this Annex is exempted. In no case shall the function of the vehicle/wagon, notably that of the brake lines and the electrical cables, be affected by the surface temperature.

- 2.2 The containments shall be fastened to the vehicle/wagon in accordance with the principles of load securing laid down in sub-section 7.5.7.1 of ADR/RID. Hot goods must be placed into and carried in their containments so that the relative position of the goods to their containments does not change during normal carriage (examples: sand bed with cross bracings for slabs, coil trays, carriage in bulk in containers).
- 2.3 It is not necessary to affix placards in accordance with chapter 5.3 of ADR/RID to the containments if such placards have already been affixed to the vehicle/wagon.

### **3. Fire and explosion protection**

Any risk of fire from a thermal impact of the substance on the containment, the vehicle/wagon or load securing equipment as well as any risk of explosion, for example because of vapours being released or chemical reactions of gases that have evolved, shall be avoided (for example by means of inert gas).

### **4. Additional requirements for the carriage of liquid metals in vats**

#### **4.1 Construction, inspection and tests of vats**

Vats constructed on or after 1 September 2016 shall be designed and constructed in accordance with the state of the art and appropriate technical regulations (EN 14025:2013 or equivalent level of safety). The compliance of the design with the constructive requirements of the applied technical regulation shall be verified within the framework of a type test by a body in accordance with Section 12 of the Ordinance on the Transport of Dangerous Goods by Road, Rail and Inland Waterways (GGVSEB). As regards the requirements for the documents to be examined, reference is made to the

provisions of EN 12972:2007. A qualified test report on the result of the type test shall be issued by the body in accordance with Section 12 of GGVSEB that was entrusted with the test. A copy of the type test report shall be enclosed with the records of any manufactured vat in accordance with no. 4.7 of this Annex.

When dimensioning the vats and fastening them to the vehicle/wagon, the hydrostatic pressure and the surging of the liquid metal shall be considered. For this purpose, accelerations as described in paragraph 6.8.2.1.2 of ADR and stresses as described in paragraph 6.8.2.1.2 of RID shall be taken as a basis. This requirement also applies to vats manufactured before the above date.

The closures of the vats shall also be designed based on appropriate technical regulations and shall be leakproof if the filled vat is overturned.

The filling and discharge openings must be protected by constructional measures, e.g. by collars, deflectors, cages or equivalent constructions (see examples in Appendix 2). The protective device on the top side of the vat needs to be designed to support static stress that is equivalent to twice the mass of the filled vat.

Plastic deformation of the protective device as a result of such stress is permissible, provided that the protection of the filling and discharge openings remains intact. The retrofitting of existing vats with the protective device was to be concluded by 30 June 2018.

The responsibility for verifying the constructive design, dimensioning and execution of the required protective device of each vat rests with the bodies in accordance with Section 12 of GGVSEB. A qualified test report shall be issued and, if necessary, an exceptional check in accordance with no. 4.5 of this Annex shall be carried out after installation. The test report on the protective device and possibly also on the exceptional check shall be enclosed with the vat record in accordance with no. 4.7 of this Annex.

#### 4.2 Initial inspection and tests of vats before being put into service

Before they are put into service, the vats are to be examined by a body in accordance with Section 12 of GGVSEB on the basis of EN 12972:2007.

The inspection shall include at least:

- a check of compliance of the design documents or expert opinions, taking into account the qualified test report on the type test;
- a check of the design characteristics;
- an examination of the internal and external conditions;
- a hydraulic pressure test at a test pressure of 4 bar; the vats must still be without fire-resistant lining or coating;
- a leakproofness test and a check of the satisfactory operation of the items of equipment.

The hydraulic pressure test and the leakproofness test can also be performed with a replacement gasket.

#### 4.3 Intermediate inspection and tests of vats

Following the initial inspection and each periodic inspection in accordance with no. 4.4 of this Annex, intermediate inspections by a body in accordance with Section 12 of GGVSEB – except for the hydraulic pressure test and the internal inspection of the metallic surface – shall be carried out. The intermediate inspection shall include the

- examination of the external condition, this also includes the integrity of the flange and cover connections;
- measurement of the wall thickness;
- non-destructive testing of all accessible weld seams.

The maximum test period for the intermediate inspection is six years. The intermediate inspection shall also include the inspection of the internal condition by a qualified person under the responsibility of the operator of the vat.

#### 4.4 Periodic inspection and tests of the vats

Each time the fire-resistant lining (brick lining) is renewed, but no later than after twelve years, a periodic inspection by a body in accordance with Section 12 of GGVSEB shall be carried out. The scope of this inspection is equivalent to that referred to in no. 4.3 of this Annex but includes an additional hydraulic pressure test at a test pressure of 4 bar as well as a visual inspection of the internal metallic surface of the vat. The hydraulic pressure test can also be performed with a replacement gasket.

#### 4.5 Exceptional check of the vats

If the safety of the vats may have been impaired by a repair, an alteration or accident, an exceptional check by a body in accordance with Section 12 of GGVSEB in application of paragraph 6.8.2.4.4 of ADR/RID shall be carried out.

#### 4.6 Marking of the vats

In application of the provisions of paragraph 6.8.2.5.1 of ADR/RID, a plate shall be attached to the vats (marked with “P” for inspections and tests in accordance with paragraphs 6.8.2.4.1 and 6.8.2.4.2 of ADR/RID; marked with “L” for the inspection in accordance with paragraph 6.8.2.4.3 of ADR/RID).

#### 4.7 Keeping a vat record (maintenance and inspection book)

The results of all inspections and tests and the documents used for the initial inspection and testing are to be kept with the cup record by the operator of the vat.

#### 4.8 Carriage of the vats

The following additional requirements are laid down for vehicles for carriage by road:

- As of 1 July 2017, motor vehicles (tractor unit or rigid truck) shall be equipped with electronic stability control (ESC); as of 1 January 2021, this holds equally true for semi-trailers or trailers.
- The vats shall be loaded on the vehicle/wagons so that, for example, the function of brake lines and electrical lines cannot be affected.



- The orientation of the vats shall be such that the discharge openings face in or away from the direction of travel.

#### 4.9 Requirements to be met by drivers

For the carriage of liquid metals in vats, in addition to the basic training course in accordance with sub-section 8.2.1.2, drivers shall have a training certificate of the specialization training course for carriage in tanks in accordance with sub-section 8.2.1.3 of ADR or have received complementary instruction by a qualified person. This instruction shall include the following key issues:

- particular behaviour of carrier vehicles with vats;
- general principles of the physics of driving (driving stability/tilting behaviour, particularly: centre of gravity, surging);
- limits of driving stability controls (ESC) and
- special measures that are to be taken in the event of an accident.

The instruction is to be documented by the carrier in written or electronic form indicating the date, duration and essential content.

### **5. Special provisions for the carriage of liquid iron in torpedo or tubular ladle cars (ladle) by rail**

5.1 Ladles shall be made of a sheet metal and suitable fire-resistant lining. The sheet metal covering of the ladle shall be constructed as a self-supporting system with two supports.

5.2 Ladles, their filling openings and their structural equipment shall be designed to withstand, without loss of content, the static and dynamic stresses as laid down in paragraph 6.8.2.1.2 of RID under normal conditions of carriage.

5.3 The permissible stress in the sheet metal covering of the ladle at maximum operating load must not exceed  $6/10$  of the maximum yield stress ( $0.6 R_e$  at  $20\text{ °C}$  and  $0.75 R_e$  at  $250\text{ °C}$ , whichever is the lower).

5.4 The sheet metal covering of the ladles shall have a sufficient number of evaporation holes with a maximum diameter of 10 mm.

- 5.5 The fire-resistant superstructure shall be in accordance with the state of the art. Any renewal and repair of the fire-resistant superstructure is to be documented by the operator or manufacturer.
- 5.6 The properties of the fire-resistant materials used for lining the ladles shall be monitored by the operator or supplier by performing corresponding inspections within the framework of quality assurance. For the support structures of the ladles, only tested materials shall be used. Proof of such tests shall be provided in the form of an inspection certificate and declaration. TRT 042 (Federal Ministry of Transport Gazette 2003, no. 7, p. 178) shall apply *mutatis mutandis*.
- 5.7 Welding operations on the sheet metal covering, in particular on supporting structures, shall only be performed by qualified welding companies and recognized welders under the supervision of an authorized welding supervisor. The requirements laid down in paragraph 6.8.2.1.23 of RID shall apply *mutatis mutandis*.
- 5.8 Before being put into service for the first time, ladles shall be examined.
- 5.9 Ladles shall be subjected to periodic inspections. These shall include:
- measurement of the wall thickness;
  - crack testing near the points of support;
  - structural examination.
- 5.10 Periodic inspections shall be carried out after eight years at the latest. Each time the fire-resistant lining (wear and permanent lining) is renewed, an internal inspection of the metallic surface shall be carried out.
- 5.11 If the safety of the ladle may have been impaired by a repair, an alteration or accident, an exceptional check shall be carried out.
- 5.12 All aforementioned inspections, checks, tests and examinations shall be carried out by a body in accordance with Section 12 of GGVSEB. Certificates

showing the results of these inspections, checks, tests and examinations shall be issued by the inspection bodies and kept by the operator.

- 5.13 During carriage, the surface temperature of the outer metal container must not exceed 250 °C in the readily accessible section.
- 5.14 The fire-resistant lining of the ladles shall be inspected by the operator before the first use.
- 5.15 The heating shall be done and supervised based on a heating plan and the chosen stone quality as well as type of lining.
- 5.16 Prior to each use, the proper condition of the ladles shall be verified by the operator or filler. If need be, improvements shall be made. Such action shall be documented.
- 5.17 The filling openings of the ladles shall be sealed with a cover during carriage.

Appendix 1

Bild 1

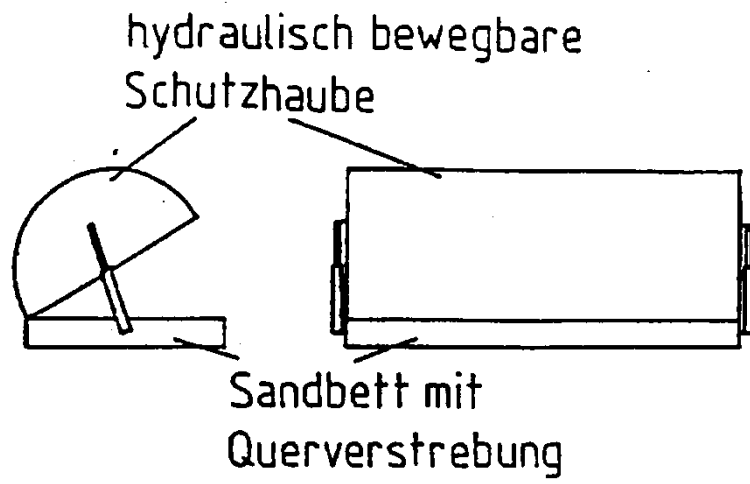
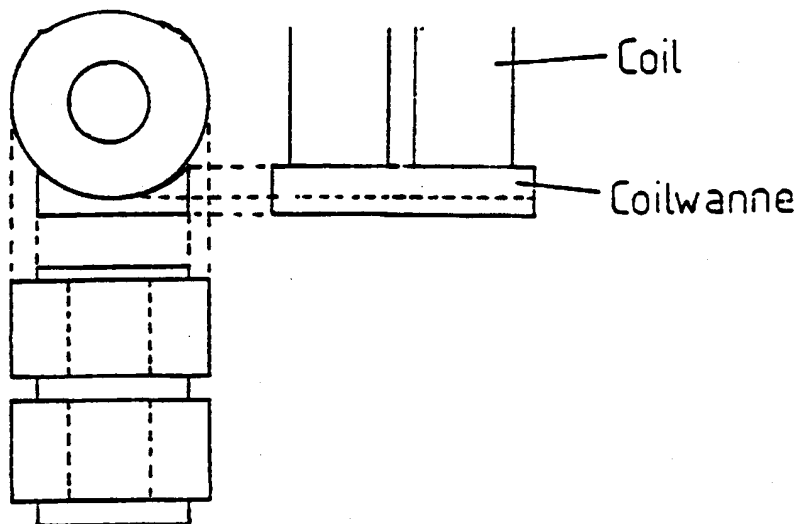
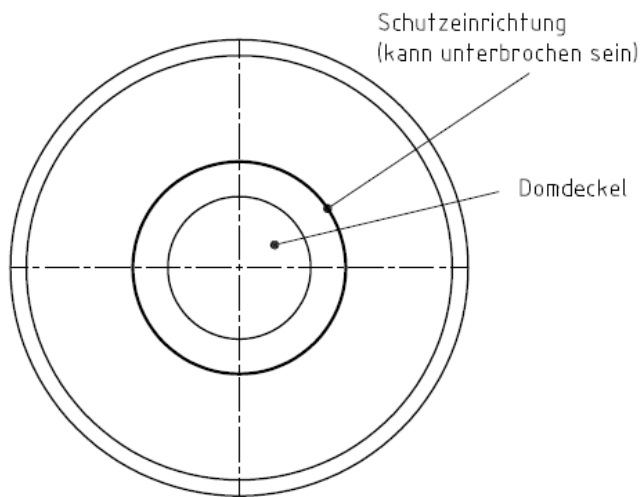
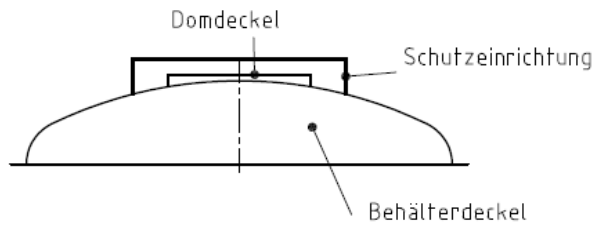


Bild 2

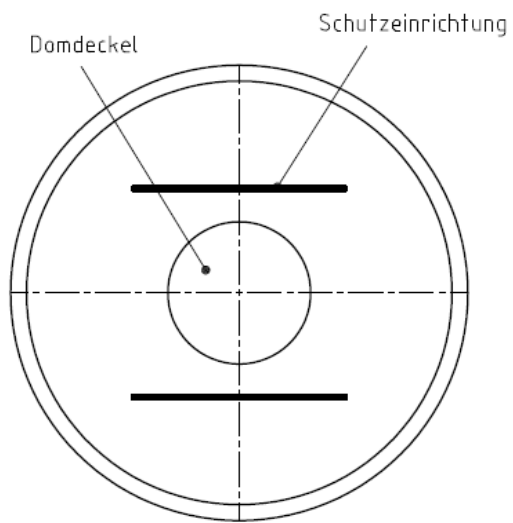
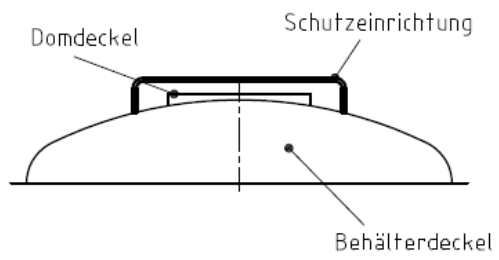


Appendix 2

Schutzeinrichtung "Kragen"



## Schutzeinrichtung "Abweiser"



## Schutzeinrichtung "Käfig"

