

NEW LEGISLATION IMPOSES NEW RULES FOR CARGO SECURING AND WEIGHT DISTRIBUTION

We find that that the cargo securing rules can be considered as 'excessive' and 'time-consuming' by the involved parties. Often-heard arguments are: "the good are heavy enough, they will never move" or "we have already done such a shipment hundreds of times and nothing has happened so far". The cargo securing rules are there for a reason... a lost load on the road is a matter we are confronted with numerous times. The lost load could be a bicycle, a load of cargo buckles or leaked silicone on the road surface of the highway.

A good stowage is first of all a key-element for the safety of the driver, because in the event of trouble, the driver is often the first victim. For example, if a sheet is badly stowed (in metal, wood,...) a "guillotine effect" may occur, where the sheets can cut through the drivers cabin after a sudden brake manoeuvre. Also the safety of the other road users, the vehicle and the transported goods is endangered, to say nothing of the traffic chaos after an accident like this.

The European Directive 2014/47/EU on the technical roadside inspection of the roadworthiness of commercial vehicles circulating in the Union provides for a shared responsibility for the different parties that are involved (transporter, loader, shipper, driver,...) about the packaging of the goods, the usage of the appropriate vehicle and the accustomed stowage. The sixth state reform complicates the situation, as the competence on a few of the traffic legislation has been transferred to the regions. This resulted in the fact that each region has made its own text and interpretation:

- The Flemish version of article 45bis stipulates for example that the person that has to secure the load is the driver, unless otherwise agreed in writing. The loader 'is responsible' for the division of the load on the load-bed, unless otherwise agreed in writing;
- The Walloon and Brussels text does not foresee any comparable determination. They lift article 45bis of the traffic code and replace it by a new chapter in the region resolution / ordinance on the technical roadside inspection.

The three texts of the regions are mostly in line with each other, but there are minor differences. This document highlights its most important aspects.

As of today, the new legislation for cargo securing and weight distribution will be applicable to a few additional vehicle categories next to the vehicles of group C. The following categories were added for the Flemish Region:

- a. Category N2: motor vehicles designed and constructed primarily for the carriage of goods and having a maximum mass exceeding 3,5 tonnes, but not more than 12 tonnes;
- b. Category N3: motor vehicles designed and constructed primarily for the carriage of goods and having a maximum mass exceeding 12 tonnes;
- c. Category O3: trailers having a maximum mass exceeding 3,5 tonnes, but not more than 10 tonnes;
- d. Category O4: trailers having a maximum mass exceeding 10 tonnes;
- e. Category T: wheeled tractors with a maximum design speed exceeding 40 km/h.

The Walloon Region and Brussels Region add an additional four vehicle categories to the list above:

- a. Category N1: motor vehicles designed and constructed primarily for the carriage of goods and having a maximum mass of 3,5 tonnes;
- b. Category M2: motor vehicles designed and constructed primarily for the carriage of persons and their luggage comprising more than eight seating positions in additions to the driver's seating position, and with a maximum mass of 5 tonnes;
- c. Category M3: motor vehicles designed and constructed primarily for the carriage of persons and their luggage comprising more than eight seating positions in additions to the driver's seating position, and with a maximum mass exceeding 5 tonnes.

Different forces

The secured goods must be secured to the vehicle with a cargo securing system that can resist certain forces. These forces develop when the vehicle undergoes the following accelerations or decelerations:

- a. A forward deceleration of up to 0.8g;
- b. A backward acceleration of up to 0.5g;
- c. A sideways acceleration of up to 0.5g (on both sides).

For the Walloon Region and Brussels Region the following force is also applicable:

- d. 0.2g in all other directions.

The driver cannot leave until the cargo securing system is appropriate to resist the forces mentioned above that will have affect when the vehicle accelerates or decelerates.

Cargo securing system

The legislation also determines clear conditions the cargo securing system must meet:

- a. Function correctly;
- b. Be appropriate for the usage;
- c. Show no knots, nor show any damaged or weakened elements that will damage the cargo securing;
- d. Show no cracks, cuts or unraveled items;
- e. Be compliant with the European and International product standards.

Who is responsible for what?

As mentioned before, the responsibility is given to the different involved parties by the new legislation. As of today, next to the carrier, the loader, sender, shipper or packer can be appealed for:

- wrong packaging of the goods;
- wrong use of the appropriate vehicle;
- wrong usage of the cargo securing rules.

The clear definition of the different responsibilities of the different parties in the traffic chain is an important step ahead!

Driver

The driver can only depart with his vehicle after having executed the following checks:

1. Visual check of the back loading doors, the folding tailboard, the doors, the canvas, the spare wheel and other equipment that is linked to the usage of the vehicle;
2. Check if the load is no obstacle for the safe driving of the vehicle;
3. Check if the centre of gravity of the load is centred as much as possible on the vehicle.

Transporter

The transporter must grant access to all necessary documents of the loader to the authorised control services. Unless otherwise agreed in writing in advance, the following conditions must be fulfilled:

1. The vehicle must be appropriate for the load he has been signed up for;
2. The vehicle is clean and has no structural damage;
3. The transporter fixes the container of the chassis/frame?
4. The load is secured properly

Loader

The loader is responsible for:

1. Dividing the load on the load-bed;
2. Loading the goods in a way it is possible to apply the correct cargo securing;
3. Respecting the maximum mass and axle weights of the vehicle;
4. Giving the necessary information to the transporter, namely:
 - a. The nature of the load unit (only in the Flemish Region);
 - b. The mass of the load and of each load unit;
 - c. The position of the centre of gravity of each load unit if it's not completely centred;
 - d. The external measurements of each load unit;
 - e. The limitations they are faced with when piling and the direction that must be used during the transport;
 - f. The factor of friction of the goods, if it is not inserted in the annex of B of EN 12195:2010 or in the annex of the standards IMO/UNECE/ILO;
 - g. Any additional information that is required for correct cargo securing.

Shipper

The shipper foresees in all the necessary documents that contain at least:

1. A correct description of the goods;
2. The mass of the total load;
3. All information necessary for the correct packaging;
4. The notification to the packer and/or the transporter of the unusual transport parameters with individual packaging.

Packer

The packer must:

1. Make a description of the goods;
2. If there is a chance the goods can be damaged by the cargo buckles, give an alternative method to secure the goods. If these ask for any specific requirements to the vehicle, these must be mentioned.

