

4.9 SPECIAL CONDITIONS FOR THE HANDLING OF SECOND HAND VEHICLES

Article 4.9. 1. PERMISSION FOR PLACING VEHICLES ON THE QUAY

Prior to placing second hand vehicles on the quay, the stevedore must have obtained permission from the HMO.

Article 4.9. 2. LAY-OUT CONDITIONS FOR NEW TERMINALS FOR SECOND HAND VEHICLES

1. For the application of this terminal a “new terminal for second hand vehicles” means a terminal for second hand vehicles built on an existing terminal, whose pavement is to be renewed after the entry into force of this regulation. (with the exception of servicing, maintenance and repair works).
2. Vehicles may be stored only on sites equipped with waterproof hard surface, duly certified as such by the contractor who installed the surface.

All rainwater, whether or not mixed with other liquids, that ends up on the hard surface must be collected in a properly sized leak-proof drainage system.

The drainage system must be connected to a sufficient dimensioned hydrocarbon separator in relation to the connected surface area. The hydrocarbon separator may be connected via a system that collects most of the contamination flushed along with the first rainwater ("first flush").

The correct dimensioning of the drainage system, the hydrocarbon separator(s) and, where appropriate, the first flush system, must be certified by an independent expert.

The proper operation of the hydrocarbon separator must be demonstrated annually by a maintenance contract and a quarterly inspection. A logbook of the inspections must be kept at the disposal of the authorised inspectors.

Vehicles that cause or threaten to cause contamination shall be stored at a dedicated area on the terminal that

- Complies with Article 5.15.0.7 of Title II of the VLAREM
- is large enough to store all rejected vehicles, with a minimum of 100m²
- is fenced and locked

Article 4.9. 3. ORGANISATIONAL MEASURES AGAINST SURFACE WATER CONTAMINATION

The operator shall take maximum measures to prevent surface water contamination:

- The terminal must have a supply of absorbent materials suitable for clean-up of mineral oil spills at all times, at least sufficient to clean up 100 m² of contaminated area, i.e. to absorb 100 l of oil.
- The terminal must have means to cover rainwater manholes in the event of a spill. The required quantity shall depend on the lay-out of the terminal.
- The terminal must have a procedure documenting at least the following aspects:

- Storage location of absorbent materials and means and resources to cover the rainwater manholes
- Person responsible for applying the materials can be reached 24/7 (round the clock, year round)
- Procedure for application of the materials
- The removal of absorbents used (suitable containers, storage, disposal)
- Availability of absorbent materials (replacement after use, check for proper condition, etc.)
- Employees responsible for application of the absorbents receive appropriate instructions and training

The terminal operator proves (via an action plan) that the measures taken are adequate. This action plan shall show that the lay-out and operation of the terminal enables the implementation of the organisational measures.

Article 4.9. 4. CHECKING OF CONDITIONS FOR SECOND HAND VEHICLES + PI

The stevedore must check whether second hand vehicles meet the following conditions. Vehicles that do not meet these conditions must be rejected:

1. the vehicle must be drivable;
2. the vehicle must be capable of being towed safely;
3. the bonnet, the boot lid and the doors must be present; the front two doors, i.e. the driver's and passenger's doors, must be in working order and capable of being opened;
4. the vehicle must not leak (e.g. fuel, oil, battery fluid, coolant);
5. the driver's seat must be present and should be completely free, as should be the passenger's seat; if no passenger's seat is present, the place provided for this seat should also be completely free;
6. the vehicle should not show visible traces that they have been cut into pieces and subsequently welded together again;
7. there should not be any visible signs present that could indicate that the structure of the vehicle has been damaged;
8. there should not be any signs of major fire, structural damage, such as sagging chassis plates, substantial damage to the bodywork, missing or flat tyres, loose parts, etc.
9. every tanker and/or tank truck should be empty and, if used for ADR goods, be accompanied by a cleaning certificate;
10. refrigerated trucks should not have used a cooling liquid containing CFCs;

Article 4.9. 5. INFORMATION SECOND HAND VEHICLES ON QUAY

The following information has to be known to the terminal operator for every vehicle that is admitted to the terminal:

1. at the 6 last digits of the chassis number
2. name and address of the shipper or agent
3. company name of the carrier; and number plate of the delivery lorry/tractor unit

4. name and address of the forwarding agent, if applicable
5. name of the loading ship, if known
6. port of destination

Article 4.9. 6. DUTY OF TERMINAL OPERATOR

The terminal operator must, upon request, submit to an authorised regulatory government service a list of the vehicles present at the terminal that have been approved for shipment.

This list must contain the following information:

1. information defined in art. 4.9.5
2. date of delivery at the terminal
3. scheduled date of loading aboard ship, if available

Article 4.9. 7. REJECTED SECOND HAND VEHICLES + PI

Vehicles that are rejected by the terminal operator according to the provisions of article 4.9.4 are not admitted to the terminal site and must be removed immediately, after consultation with the shipper. These vehicles must be reported to the HMO.

Rejected vehicles may not be presented for shipment to any other terminal in the port unless their condition has been correctly amended in compliance with article 4.9.4., so that they do meet the acceptance criteria.

Article 4.9. 8. CONTAMINATION BY SECOND HAND VEHICLES

Any contamination must be cleaned up immediately in an appropriate and environment-friendly manner.

If, despite the measures taken, mineral oil ends up in the surface water nonetheless, the terminal operator shall promptly notify the HMO in accordance with Article 2.1.3.

Article 4.9. 9. ADDITIONAL CARGO + PI

Additional cargo is understood to mean all goods that are not part of the vehicle as such but which are shipped in or with the vehicle.

Additional cargo shall only be allowed if it can easily be accessed and inspected.

1. The following criteria need to be strictly complied with:
 - no additional cargo may be placed at the terminal
 - additional cargo must comply with all applicable national and international regulations
 - goods to be transported inside the vehicles must not appear on the list of prohibited items as determined by the HMO
 - additional cargo placed in the rear of the vehicle must be secured so as not to impede the movements of the driver.
 - for every vehicle loaded with additional cargo, a detailed loading list shall be drawn up with indication of all of the additional cargo items; general descriptions such as “personal goods” are not acceptable.

- a vehicle that is visually inspected by the terminal operator and whose additional cargo is found not to comply with the aforementioned rules, shall be considered a non-compliant vehicle and needs to be rejected

Article 4.9. 10. MOBILISATION OF VEHICLE

The terminal operator shall, upon request, immediately take all necessary action to mobilise the designated vehicle to allow all checks to be carried out.

Article 4.9. 11. WEIGH BILL FOR + 3.5 TONNES

Every lorry and/or vehicle of more than 3.5 tonnes including additional cargo must be accompanied by a weigh bill that is not older than 4 hours and includes the following information:

1. company that performed the weighing
2. date and time of the weighing
3. identification of the vehicle (including chassis number)
4. weight of the loaded vehicle

Article 4.9. 12. ACCESS FOR EMERGENCY SERVICES

Vehicles must be positioned so that they are at all times accessible to the fire brigade.

Article 4.9. 13. STAY PERIODS

The stay period has to be as short in time as possible and can be up to 60 calendar days maximum. This period can exceptionally, and always after approval of the HMO, be extended. Vehicles that have not been shipped after that period, have to be removed after consulting the shipping company.