



Bulletin

OTIF

Organisation intergouvernementale pour les transports internationaux ferroviaires
Zwischenstaatliche Organisation für den internationalen Eisenbahnverkehr
Intergovernmental Organisation for International Carriage by Rail

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EDITORIAL

Dear Readers,

This is my last editorial for the Bulletin as Secretary General of OTIF. My term of office at OTIF and my active service as an official of the German Ministry of Transport come to an end on 31 December 2024.

I have enjoyed almost six wonderful and exciting years in which I was able to steer the fortunes of OTIF. First and foremost, I would like to thank my colleagues in the secretariat. Without exception, all the staff in the secretariat see their work for OTIF not just as a job, but as a life calling. Where else could you find this type of commitment?

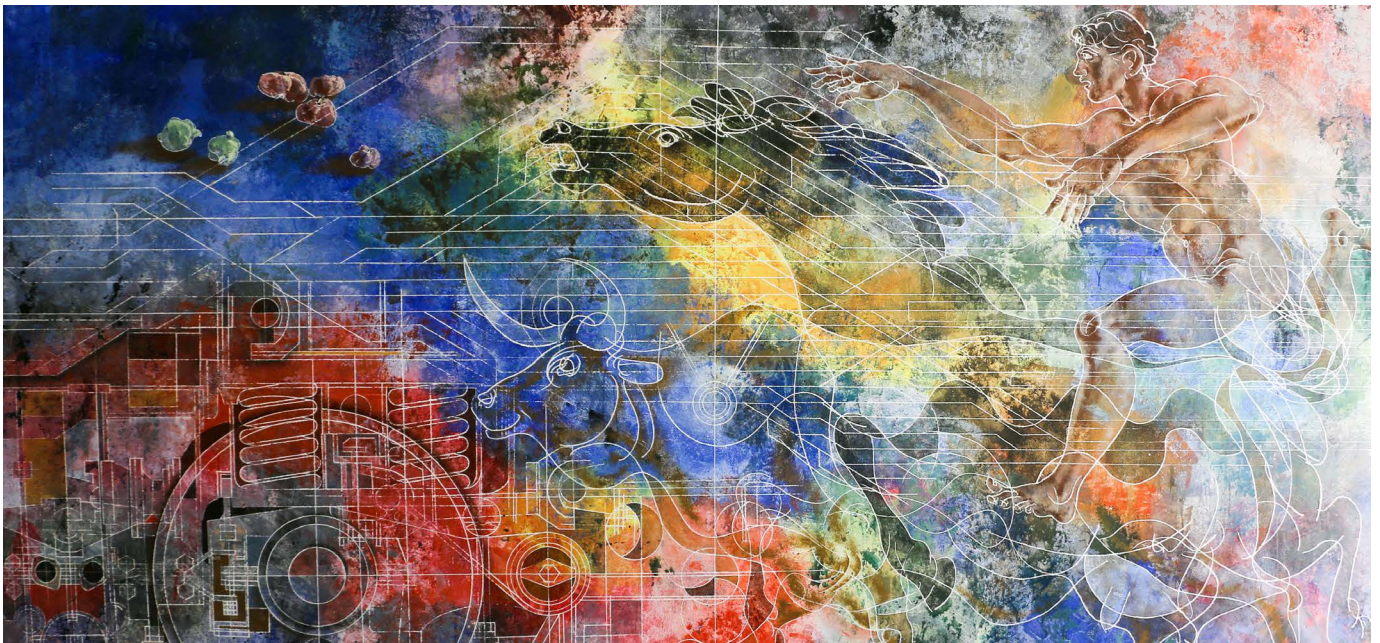
From my many years of experience as a ministry official, I know how difficult it is for managers to fulfil the justified demands of individual members of staff in their day-to-day work. Nevertheless, this objective was at least as important to me as achieving good results in the work.

I am also grateful for the opportunity to have provided OTIF with a long-term strategy. You will find my reasons for doing so in this Bulletin. Positive events also include the renovation and expansion of the headquarters building and the entry into force of the Luxembourg Protocol. There were certainly some obstacles, such as the challenges posed by the COVID pandemic and the dramatic changes in the geopolitical situation.

I would also like to thank you, our readers, for your interest in the work of OTIF and in international rail transport. I should like to wish my successor, Aleksandr Kuzmenko, all the very best and every conceivable success.

Goodbye!

Wolfgang Küpper
Secretary General



Hans Erni, mural, approximately 20m2, 1965, entrance to the Secretariat

OTIF GENERAL ASSEMBLY: THE MAIN DECISIONS

The 16th General Assembly of the Intergovernmental Organisation for International Carriage by Rail was held in Berne on 25 and 26 September 2024.

45 Member States took part in this 16th session, including the Republic of Moldova, which took part for the first time as a new Member State. The European Union, a regional organisation that acceded to OTIF in 2011, also participated. China and Turkmenistan took part as observer states. Lastly, two international associations were represented: the International Rail Transport Committee (CIT) and the International Coordinating Council on Trans-Eurasian Transportation (CCTT).

This 16th General Assembly was chaired by Mr Szymon Grygiel, the representative of Poland, and was marked by a number of highlights. Firstly, the General Assembly elected Mr Aleksandr Kuzmenko (Lithuania) Secretary General for the



period from 1 January 2025 to 31 December 2027 and designated the members of the Administrative Committee for the period from 1 October 2024 to 30 September 2027. Austria will chair the Administrative Committee.

The General Assembly then adopted the long-term strategy for OTIF proposed by the current Secretary General, Mr Wolfgang Küpper (see article on p. 10).

Secondly, the General Assembly decided to postpone its decision on China's application to become an associate member until an extraordinary session in the first quarter of 2026.

On the second day (26 September 2024), the General Assembly took a number of decisions. Firstly, it set the maximum annual amount for the Secretariat's expenditure for the period 2025-2030. Secondly, on the basis of the work carried out by the ad hoc Committee on Legal Affairs and International Cooperation, whose mandate it renewed until 2030, the General Assembly adopted the decision concerning permanent representatives to OTIF and the decision on the symbols, name and acronym of the Intergovernmental Organisation for International Carriage by Rail (see article on p. 12). In addition, it approved the preparation of modifications to COTIF with the aim of introducing substantive and procedural provisions on sanctions, such as the exclusion of a Member State, to ensure compliance with the obligations laid down in COTIF, which are essential for achieving OTIF's objectives.

Lastly, the General Assembly

The General Assembly designated the members of the Administrative Committee for the period from 1 October 2024 to 30 September 2027:

Members	Deputy Members
Algeria	Estonia
Germany	North Macedonia
Albania	Luxembourg
Austria	Serbia
Finland	Slovenia
Georgia	Ukraine
Greece	Portugal
Italy	Tunisia
Latvia	Croatia
Pakistan	Spain
Netherlands	Belgium
Poland	Romania
Czech Republic	Bulgaria
United Kingdom	France
Switzerland	Norway
Türkiye	Azerbaijan

agreed to hold its next ordinary session in September 2027.

For more information, see: [Final Document](#).

At the end of the first day, the Swiss Confederation and the

Secretariat of OTIF hosted a reception for participants. The Secretary General of OTIF, Mr Wolfgang Küpper, took this opportunity to wish Ms Iris Gries and Ms Françoise Jäggi all the best on their retirement. He praised their unstinting

commitment to the OTIF Secretariat. Mr Küpper then gave the floor to the Secretary General elect, Mr Aleksandr Kuzmenko, who expressed his enthusiasm and his vision for OTIF in the coming years.

WORLD POST DAY 2024 – A SPECIAL CELEBRATION

Every year on 9 October, the Universal Postal Union celebrates World Post Day. This year however, the festivities were more important, as the Universal Postal Union was celebrating its 150th anniversary.

Alongside the UPU's other partner organisations, such as the World Trade Organization, the World Customs Organization, the International Telecommunication Union and the International Civil Aviation Organization, the Secretary General of OTIF was invited to take the floor.

His message was as follows:

"It is a great honour and pleasure for me to give this brief testimony on the occasion of UPU's 150th anniversary and at the World Post Day 2024.

I am the Secretary General of OTIF, the 130 year old younger sister of UPU, which is as well seated here in Berne.

UPU and OTIF have a long history of cooperation and share common goals.

Your anniversary slogan, "Enabling communication and empowering peoples across nations" is also OTIF's DNA, but in the field of rail transport.

Allow me to briefly introduce OTIF, in

a nutshell.

OTIF is responsible for the international carriage by rail, which means that it offers the legal framework for cross-border transport under one single contract.

Other key activities are the safe transport of dangerous goods by rail and the development of technical interoperability of international rail transport.

One of OTIF's major challenges is the development of Euro-Asian container transports by rail. The share of rail transport, being cheaper than air transport and faster than maritime transport, is growing steadily.

Together with other international

organisations and associations we are working in the "UPU Rail Forum" to shift mail (e.g. e-commerce) to rail.

From a transport perspective and also from a postal perspective, one of the most important challenges is climate change!

The need for sustainability and greening is unbroken. Our two organisations are strongly committed to achieving the UN Sustainable Development Goals.

Megatrends such as urbanisation and demographic change of our societies are here to stay as well. These trends are accompanied by a rapid digitalisation.

Achieving sustainable transport



goals will require decarbonisation and modal shift to cleaner modes. This also means a strong need for multilateralism. The existing problems can only be solved on an international, worldwide level.

We are aware that postal services and rail transport are essential services.

I am very proud and grateful for the long-standing cooperation between UPU and OTIF.

I am also very proud to have recently signed a new Memorandum of Understanding between our two organisations in June.

The purpose of this Memorandum of Understanding is to provide a framework within which the organizations may cooperate on issues of common interest. In particular, UPU and OTIF may examine and explore ways and means of developing and facilitating the transport of international mail by

rail, particularly through countries, which are members of both organisations.

I look forward to bringing this MoU to life in the years to come.

Thank you and happy birthday to you, UPU!"

COURTESY VISIT

At the invitation of H.E. Mr Manuel A. J. Teehankee, Ambassador and Permanent Representative of the Philippines to the World Trade Organization, OTIF Secretary General Mr Wolfgang Küpper and his elected successor, Mr Aleksandr Kuzmenko, visited Geneva on 14 October 2024. They met Mr JV Ejercito, a senator from the Philippines, and Ms Sheryl Vargas, his executive coordinator.

Mr Küpper and Mr Kuzmenko presented OTIF and its mission. They also showed how accession to the Convention concerning International Carriage by Rail (COTIF) could bring real added value and facilitate not only international rail transport, but also multimodal rail-ship-train transport.

The Secretary General warmly thanked Mr Teehankee and Mr Ejercito for their welcome and the quality of the discussions.



WELCOME!

Mr Steve Davey joined the OTIF Secretariat on 5 August 2024 as Senior Legal Adviser in the Legal Department.

A graduate in law and business management, Mr Davey has also been admitted as a Solicitor of the Supreme Court of England and Wales.

With over 15 years' experience, Mr Davey has worked for the UK's main infrastructure manager, Network Rail. He most recently headed the group's legal team, where he was responsible for European affairs and was the UK rail industry's legal representative at OTIF.

At European level, collaboration and multilateral negotiations are two of

his many areas of expertise.

Mr Davey also represented his employer on the European Association of Railway Infrastructure Managers (EIM) and RailNetEurope (RNE). He worked on the Brexit dossier for the rail sector (financial and legal impact assessment). Lastly, he had to manage a large budget, set up complex commercial agreements and lead a multidisciplinary team. As well as providing legal advice on railway law, he has been involved in research and development.

In the Legal Department of the OTIF Secretariat, Mr Davey will be carrying out a wide range of legal tasks and will be responsible in particular for matters relating to the Uniform Rules concerning the

Contract of Use of Infrastructure in International Rail Traffic (CUI). The Legal Department welcomes his arrival and the OTIF Secretariat wishes him a warm welcome.



DEPOSITARY NOTIFICATIONS

Since September 2024 ([Bulletin 3/2024](#))

NOT-24068	30.10.2024	Depositary Notification – Entry into force of the modifications to RID (Annex to Appendix C of the Convention) adopted by the 58 th session of the RID Committee of Experts
NOT-24069	19.11.2024	Decision on permanent representatives to OTIF
NOT-24070	1.12.2024	Entry into force of the provisions adopted by the Committee of Technical Experts at its 16 th session held on 11 and 12 June 2024

RAILWAY LINES AND MARITIME AND INLAND WATERWAY SERVICES: IMPROVED PRESENTATION

The application of the Uniform Rules concerning the Contract of International Carriage of Passengers by Rail (CIV Uniform Rules) and the Uniform Rules concerning the Contract of International Carriage of Goods by Rail (CIM Uniform Rules) may either be limited to certain railway lines (Article 24 § 2 of COTIF), depending on the reservations made by the Member States, or extended to maritime and inland waterway services (Article 24 § 1 of COTIF).

To do this, the Member States of OTIF may ask the Secretary General to enter the lines concerned either in the CIV list or in the CIM list of railway lines, or in the CIV list or in the CIM list of maritime and inland waterway services.

The Secretariat manages these lists, particularly their presentation and publication.

The Legal Department recently carried out some work to restructure the presentation and publication of these lists.

After consulting the Member States concerned, the result of this restructuring is available on OTIF's website under:

- [Railway Contract Law](#) > [CIV List of Railway Lines](#) and [CIM List of Railway Lines](#)
- [Railway Contract Law](#) > [CIV List of Maritime and Inland Waterway Services](#) and [CIM List of Maritime and Inland Waterway Services](#).

The aim of the restructuring was to simplify the presentation and make the lists easier to read.

The Secretariat welcomes this restructuring and very much hopes that the lists will be more accessible, readable, comprehensive and manageable.

A few words about the restructured chapters:

- The cover page specifies the opening date of the restructured chapter, modifications to it and any corrections.
- A table of contents allows users to consult the line of particular interest to them more quickly.
- The lines are presented in the chronological order in which they appear in the chapter, starting with the first chapter published on 1 July 2006.
- All the information concerning

a line is shown in a table, from the most recent to the oldest.

Which Member States have included services in the lists of maritime and inland waterway services?

The OTIF Member States that have entered services in the CIV list of maritime and inland waterway services are: Austria, Belgium, Denmark, Finland (until 27 May 2015), France, Germany, Ireland, Italy, Morocco, the Netherlands, Norway, Spain, Sweden, Switzerland, Türkiye and the United Kingdom.

The OTIF Member States that have entered services in the CIM list of maritime and inland waterway services are: Algeria, Belgium, Denmark (until 12 June 2015), Finland (until 16 May 2015), France, Germany, Ireland, Italy, Lithuania (between 1 July 2006 and 7 January 2014, then between 15 February 2014 and 24 April 2017), Poland, Romania, Russia (between 1 February 2010 and 24 April 2017, then from 19 July 2019), Sweden, Switzerland, Türkiye and the United Kingdom.

DANGEROUS GOODS DAY (GEFAHRGUTTAG) IN HANNOVER

As part of the International Motor Show “IAA Transportation”, a “Dangerous Goods Day” took place in Hannover on 19 September 2024. The meeting on “current developments in regulation for dangerous goods and the increasing safety of vehicles for transport of dangerous goods” was organised by the German Association of the Automotive Industry (VDA) and Germany’s Federal Ministry for Digital and Transport (BMDV).

After a brief welcome by the organisers, Ms Gudula Schwan, Head of the “Transport of Dangerous Goods” Division at the BMDV, presented the amendments to the Regulation concerning the International Carriage of Dangerous Goods by Rail (RID) and the Agreement concerning the International Carriage of Dangerous Goods by Road (ADR) that will come into force on 1 January 2025.

Mr Jochen Conrad, Head of OTIF’s Dangerous Goods Department, was the second speaker. He described the future amendments that are likely to be included in the dangerous goods regulations for the various modes of transport in 2027 and provided insights into the current discussions. These relate in particular to issues concerning the classification of dangerous goods,

the consideration of technical innovations and the transport of hydrogen, which is becoming much more important as a result of the energy transition necessitated by climate change.

Numerous speakers took the floor during the course of the day, including Dr Anita Schmidt, Head of the “Safety of Dangerous Goods Packagings and Batteries” department at the German Federal Institute for Materials Research and Testing (BAM). She explained the new global classification system for lithium batteries, which is intended

to take greater account of the risk posed by individual batteries. Her colleagues from BAM also reported on ongoing research into the ageing behaviour of lithium batteries, early warning systems for the thermal runaway of lithium batteries and the options for optimising the carriage of critically defective lithium batteries.

With over 500 participants, the Dangerous Goods Day was a complete success and demonstrated the importance of the topics presented for the industry concerned.



PARAGUAY ACCEDES TO THE LUXEMBOURG PROTOCOL

Paraguay has become the first South American state to accede to the Luxembourg Protocol on Matters specific to Railway Rolling Stock.

The instrument of accession was deposited on 27 November 2024 at the headquarters of UNIDROIT, which performs the depositary functions. It will take effect on 1 March 2025.

As a reminder, the Luxembourg Protocol on Matters specific to Railway Rolling Stock, which

entered into force on 8 March 2024, concerns any rolling stock that can move on rights of way or directly on, over or under guide rails. Among other things, the Luxembourg Protocol covers locomotives, passenger trains and freight wagons, as well as tramways and underground railways, people movers at airports, gantry cranes and rail cranes at ports.

Accession to the Luxembourg Protocol paves the way to

increased private sector financing opportunities for railway rolling stock.

Countries wishing to obtain information on the procedure for accession, approval or ratification or on the benefits of the Protocol can send their questions to OTIF, the Secretariat of the Luxembourg Protocol Supervisory Authority (info.supervisoryauthority@otif.org).

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OTIF'S NEW WEBSITE IS NOW ONLINE!

Since 5 December 2024, OTIF's new website has replaced the old one at www.otif.org. The site will be completed and tested by 31 January 2025.

Based on the results of a user

survey, the new site is designed to be more user-friendly. The breakdown of information has been redesigned. In addition, pages such as "International cooperation" and "Depositary notifications" have been added.

The Secretary General is delighted to invite you to visit www.otif.org.

OTIF'S NEW LONG-TERM STRATEGY: AN IMPORTANT NAVIGATION TOOL FOR THE FURTHER DEVELOPMENT OF OTIF

Introduction

On 25 September 2024, OTIF's 16th General Assembly unanimously adopted the long-term strategy proposed by the Secretary General¹. This was preceded by intensive discussions at the 15th General Assembly, in the Administrative Committee and in particular in the ad hoc Committee on Legal Affairs and International Cooperation, as well as various consultations within OTIF (members) and externally (international organisations and sector).

Why is this strategy necessary?

Responsibility for the strategic development of OTIF undoubtedly lies with the General Assembly. According to the COTIF Convention, the General Assembly is primarily responsible for important administrative tasks (e.g. election of the Secretary General, determination of the financial framework, recomposition of the Administrative Committee).

The agendas of the General Assembly, which takes place every three years, are already very full with these important tasks and do not really allow for a discussion of strategic topics or a specific view of "the big picture".

When I took up my post as Secretary General of OTIF in April 2019, I was therefore confronted with the following questions, among others:

- In which direction should I steer OTIF?



- How can OTIF actively play its role in the concert of international organisations responsible for (rail) transport?
- Should OTIF continue to grow, and why?
- What takes priority: focusing on the full implementation and application of OTIF law or rather its further development?
- Have the European Union's membership of OTIF and OTIF's new "bridging function" in the field of technical interoperability proved their worth?
- Are the interests of non-EU members taken into account sufficiently?
- What about the institutional level playing field in terms of competition between modes of transport? Must the apparent superiority of competing modes of transport (air, sea and road transport) be accepted as a

reality? Can or must OTIF even comment on this?

- Should OTIF and OSJD be established in future as independent specialised organisations or agencies under the umbrella of the UN?
- How should the relationship between OTIF and OSJD develop?
- Should the Rail Facilitation Committee set up as a result of the Vilnius reform be revived?

OTIF's two-year work programme did not provide me with any answers to these questions, as the purpose of the work programmes is to identify very relevant and important topics for the individual business areas and work of OTIF's departments, but not to define strategic guidelines.

A look back at the past provided

¹ https://otif.org/fileadmin/docs/Activities/Governance_and_revision_of_COTIF/General_Assembly/Langfriststrategie-der-OTIF.pdf

me with some assistance. The establishment of OTIF, an international organisation with legal personality and independence, in the 1980s was an important milestone in the further development of the history of the former “Berne Union”.² This process of emancipation from the former Central Office (OCTI) to OTIF is by no means complete.

The Vilnius reform undoubtedly gave OTIF a further important strategic impetus.³ In this case, the decisive impetus came from outside. Due to the comprehensive structural reforms of the railways in Europe introduced by Directive No 91/440/EEC, there was a considerable need for reform of COTIF in order to ensure that it was compatible with the innovations.

In my view, OTIF has mastered this balancing act very successfully without, for example, abandoning OTIF’s neutrality with regard to the structure of its Member States’ railway markets (traditional state railways or privately owned companies).

Conclusion

More than 20 years after this fundamental reform of OTIF, an assessment of its position is therefore overdue, not least because of the changed political framework conditions for international rail transport, which are no longer based solely on market forces but on the contribution of international rail transport to the creation of a sustainable transport system.

What is the main content of the adopted strategy?

The structure and main content of the long-term strategy are

summarised below. However, the strategy is basically self-explanatory.

The **period covered** by the long-term strategy has been set until 2040. The strategy will be revised every six years in line with the frequency of the ordinary General Assembly.

The strategy has a three-part **structure**:

It begins with the **vision**:

“As an international forum, OTIF should play a central role to make rail transport the backbone of a sustainable and seamless international transport system.”

This is followed by the **mission**, i.e. the main objective of the long-term strategy. It contains a quote from Article 2 of COTIF, as follows:

“Promote, improve and facilitate, in all respects, international traffic by rail.”

The actual, substantial content is described by the five equally important **strategic objectives**, which set out the specific measures to achieve the objective and the expected result by the time of the next review (in 2030).

Strategic objective No. 1:
Ensure the effective and uniform application of OTIF law

Strategic objective No. 2:
Expand the application of OTIF law over the widest possible geographical area

Strategic objective No. 3:
Ensure that OTIF law remains relevant over time

Strategic objective No. 4:
Enhance OTIF’s leading role in

international rail transport and contribute to finding synergies with other relevant international organisations and associations

Strategic objective No. 5:
Contribute to the harmonisation and unification of international railway law systems

What is next for the strategy?

My successor’s task will be to ensure the necessary correlation and interdependence of the strategy and the two-year work programmes in practice. For example, each new work programme will have to be measured against the strategy by referring to the individual strategic objectives and the measures proposed to achieve them. I would very much welcome it if the new task were not seen as an additional bureaucratic measure and extra work, but as a useful addition.

In my view, it would be very helpful if the European Union, as an active regional organisation within OTIF, would not only concentrate on its important task of completing the Single European Railway Market (SERA), but would also recognise the strategic role of international rail transport and develop a strategy for this. A European Union international railway strategy should also explicitly include the global role of OTIF that has been alluded to, and the role of OSJD.

The long-term strategy also explicitly provides for coordination of the strategy with the Member States’ national railway strategies.

Summary and thanks

OTIF’s work is an indispensable building block for the further development of international rail

² See Burgmann (Bulletin for International Carriage by Rail 1995, pp. 152-169, German and French only).

³ See Isliker (Eisenbahn Technische Rundschau 2003, pp. 595-600, German only). See also the special edition of the Bulletin of International Carriage by Rail, “20th Anniversary of the Vilnius Protocol” (https://otif.org/fileadmin/new/5B-Media/5B-Bulletin/2020/Bulletin_Symposium_EN.pdf).

transport. The growing importance of rail transport in terms of establishing sustainable transport systems offers a unique opportunity for the creation of a global organisation to harmonise further the legal framework for international rail transport.

OTIF's new role as the secretariat of the Supervisory Authority under

the Luxembourg Protocol is likely to act as a catalyst in this respect. This task has already resulted in strong interest in OTIF's traditional instruments (laying the foundations for ensuring legal and technical interoperability and safety in international rail transport).

The long-term strategy provides OTIF with a navigation tool that

allows it actively to determine its own further development. In my view, whether the strategy presented already covers all key areas is of secondary importance. I would like to thank everyone who made the adoption of the long-term strategy possible and supported it.

Wolfgang Küpper

ACTIVITIES OF THE AD HOC COMMITTEE ON LEGAL AFFAIRS AND INTERNATIONAL COOPERATION: 2021 – 2024

The mandate of the ad hoc Committee on Legal Affairs and International Cooperation was extended for a period of six years until 2030. The following provides a brief summary of the ad hoc Committee's activities during its first mandate and its perspectives going forward.

At its 16th session on 25 and 26 September 2024, the General Assembly noted the report on the activities of the ad hoc Committee on Legal Affairs and International Cooperation in 2021-2024. It recognised the importance of continuing the Committee's work and extended its original three-year mandate for a six-year period until 1 October 2030.

This decision acknowledges that the merger of the former ad hoc Committee on Cooperation and the Working Group of Legal Experts into the ad hoc Committee on Legal Affairs and International Cooperation in 2021 was successful, greatly facilitating the management of both areas of activity and further strengthening the close links between the two areas.

The ad hoc Committee on Legal Affairs and International Cooperation (hereafter ad hoc Committee) was instructed to report to the next ordinary session of the General Assembly on its activities in 2025-2027.

Sessions and structure of the ad hoc Committee

Between 2021 and 2024, the ad hoc Committee held six sessions.

The Committee is presided over by a Bureau consisting of the Chair and two Vice-Chairs. The Bureau ensures the conduct and coordination of the work and consisted of Germany (Chair), the United Kingdom (Vice-Chair) and France (Vice-Chair).

To ensure that the ad hoc Committee functions properly and that members are well-informed and represented, the OTIF Member States and the regional economic integration organisation that have acceded to COTIF appoint one or more representatives as focal points to the ad hoc Committee.

The Committee's Editorial Working Group edits (but does not modify the substance of) the decisions to ensure that the three OTIF working language versions are of good quality and are consistent.

At its 1st session, the ad hoc Committee adopted a work programme for a three-year period (2022-2024). The Work Programme was divided into three parts, each corresponding to one of the areas of activity: legal affairs, international cooperation and the long-term strategy.

Legal affairs: monitoring and evaluation of legal instruments

Participation and representation of Member States: permanent representatives to OTIF

The former Working Group of Legal Experts monitored and assessed the general legal requirements and OTIF's rules and practice with regard to the participation and representation of OTIF Member States. In the absence of specific rules on the establishment of permanent representatives to the Organisation, the ad hoc Committee decided to prepare a draft decision on this

topic, taking into account legal guidelines used by the Secretariat for the nomination of permanent representatives. The ‘[Decision on permanent representatives](#)’ was adopted and the ‘[Explanatory notes on the decision on permanent representatives](#)’ were approved by the General Assembly at its 16th session.

Monitoring and assessment of implementation of COTIF

In 2019 and 2021, the Secretary General circulated a questionnaire on the implementation of and reservations to COTIF. The purpose of the exercise was to ensure that the Convention, including its appendices, is fully implemented in the OTIF Member States. At its 1st session, the ad hoc Committee considered the results of the questionnaire. The Vilnius Protocol had been fully implemented in all Member States that replied to the questionnaire, which was also estimated to be the case in all Member States that had approved the amendments adopted by the 12th and 13th sessions of the General Assembly with regard to those amendments. However, in many Member States, the amendments adopted by the Revision Committee or the RID Committee of Experts had not been implemented either fully or partially. Notably, significant progress had been made with the Member States that had been in contact with the Secretariat to launch or complete their national procedures regarding the above amendments.

In addition, the ad hoc Committee had been regularly informed of the progress made by the members of OTIF in approving the modifications to COTIF adopted by the General Assembly at its 12th and 13th sessions and, at its 16th session, the General Assembly urged OTIF Member States that have not yet approved the modifications adopted

by the General Assembly at its 12th and 13th sessions to do so.

Interfaces between customs and transport regulations

The ad hoc Committee had set an objective to assess interfaces between customs and transport regulations and, if necessary, propose follow-up actions with regard to customs matters relating to the carriage of goods by rail. Following a consultation initiated by the Secretariat and an in-depth discussion of its results at the Committee's 2nd session, it was decided that the relevant provisions of the CIM UR do not need to be modified.

The digitalisation of international transport, particularly freight transport documents

At its 2nd session, the ad hoc Committee considered a preliminary inception paper on the digitalisation of international transport, particularly freight transport documents. It presented an overview of OTIF's recent work on the electronic consignment note and the relevant provisions of other conventions on the contract of carriage, as well as some relevant developments in the EU. Following the discussion on the basis of the preliminary inception paper, the ad hoc Committee instructed the Secretariat to carry out a survey of OTIF members on the national law that is applicable to electronic railway transport documents on one hand and stakeholders on using electronic railway transport documents in national and international rail transport on the other.

Following the results of the survey, the OTIF Secretariat's Legal Department prepared an inception paper on the digitalisation of international transport, particularly

freight transport documents. The inception paper provided the necessary background information and analysis to assess the suitability of the regulation of the international contract of carriage of goods under the CIM UR for paperless transport. At its 5th session, the ad hoc Committee considered the inception paper and instructed the Secretariat to prepare an analytical working document setting out possible modifications to the CIM UR to facilitate the use of electronic railway transport documents. The Secretariat intends to submit an analytical working document for consideration at the 7th session.

Bill of lading

The ad hoc Committee wished to consider introducing the possibility of using transport documents with a document of title function for the carriage of goods under the CIM UR. A relevant survey initiated by the Secretariat revealed that the views of the Member States on the need to regulate the use of a negotiable transport document for the carriage of goods under the CIM UR, either in the CIM UR themselves or in another international convention, were divided. At the same time, three industry respondents were opposed to this.

In view of the results of the survey, the ad hoc Committee instructed the Secretariat to participate in UNCITRAL's work on negotiable multimodal transport documents and to report back to the ad hoc Committee on this matter. At the 6th session of the ad hoc Committee, UNCITRAL informed the ad hoc Committee of its work on negotiable cargo documents.

Liability for loss or damage caused by a vehicle (Article 7 of the CUV UR)

At the 5th session of the ad hoc

Committee, Switzerland submitted a request from its Parliament to initiate, with the assistance of the Secretariat, a survey among the members of OTIF on the rules applicable in their internal law with regard to liability and insurance in the event of damage caused by a vehicle. The background to this specific request was the rail accident that occurred in the Gotthard base tunnel on 10 August 2023. The members of the ad hoc Committee welcomed this request from Switzerland, and the Secretariat prepared a survey in close cooperation with the Swiss Federal Office of Transport (FOT).

At its 6th session, the ad hoc Committee considered a report summarising the responses to the survey. It should be noted that the survey relates directly to the topic 'Liability for loss or damage caused by a vehicle (Article 7 of the CUV UR)' in the Committee's 2022-2024 work programme.

Database of case law and bibliography

At its 1st session, the ad hoc Committee considered an inception paper on case law and bibliography prepared by the Legal Department outlining the tools used by several international organisations to analyse the practical application of their regulations by national judicial authorities, such as compendia, online databases, open access periodicals, and others.

One of the objectives of setting up a database is to ensure that there is a system to monitor the application of COTIF in internal legal orders. A systematic approach instead of a case-by-case approach will allow monitoring and assessment according to contemporary requirements. In addition, judicial authorities, rail law professionals, lawyers and researchers will have access to a

database of relevant documents, which will help them apply COTIF. Moreover, the possibility for any interested individual to contribute will make it possible to rectify any errors and increase the reliability of the data. As an objective and natural outcome, the database will contribute to promoting the uniform application of COTIF and reduce the risk of differing interpretations.

Delegates at the ad hoc Committee broadly supported the development of such a database. The Secretariat has not yet developed a detailed concept and has not yet started consultations. However, it is planned to carry out these activities in the next few years.

Adoption, authentication, certified copies and publication of COTIF

At its 2nd session, the ad hoc Committee considered an inception paper on the adoption, authentication, certified copies and publication of COTIF. The inception paper presented and assessed relevant law and practice in light of treaty law. The inception paper only considered law and practice relating to COTIF 1999 within the competence of the General Assembly and the Revision Committee.

The ad hoc Committee instructed the Secretariat to prepare guidelines on the procedures to be followed by the General Assembly and Revision Committee for the modification of COTIF 1999, which it then adopted at its 3rd session. The '[Guidelines on the application of procedures for the modification of COTIF](#)' were endorsed by the General Assembly at its 16th session and will also be submitted to the Revision Committee for consideration and endorsement.

Suspension and termination of COTIF and/or membership of OTIF with regard to a particular Member State

The ad hoc Committee has been considering possible amendments to COTIF with the aim of introducing rules concerning the suspension and termination of COTIF and/or membership of OTIF with regard to a particular Member State. It developed basic regulatory principles to guide its further work and submitted them to the General Assembly for consideration.

At its 16th session, the General Assembly approved the following basic regulatory principles to guide the work of the ad hoc Committee on the topic:

- sanctions for the breach of OTIF rules should only be imposed if expressly provided for by COTIF,
- the Convention should oblige Member States to respect [not to undermine] the physical and functional integrity of the rail infrastructure of other Member States,
- COTIF should not set out sanctions for a breach of international law in general,
- the General Assembly should be responsible for deciding whether the relevant rules have been breached,
- the General Assembly should decide on the application of sanctions, the restoration of rights and the readmission of expelled Member States by a qualified two-thirds majority of Member States represented at the time of the vote,
- a non-exhaustive list of circumstances precluding the wrongfulness of an act should be expressly included in COTIF,

- the readmission of expelled members should only be considered and accepted by the General Assembly under specific conditions, possibly only after a certain period of time (e.g. one year), and in any case only if the breach of OTIF rules that gave rise to the sanction is effectively rectified.

Legal affairs: legal advice

Mutual recognition of entity in charge of maintenance (ECM) certificates

At its 39th session, the Working Group Technology (WG Tech) (19-20 November 2019) requested the former Working Group of Legal Experts to examine certain questions concerning the mutual recognition of entity in charge of maintenance (ECM) certificates in the context of the ATMF UR. At its 3rd session, the former Working Group of Legal Experts included a corresponding topic in its work programme. The issue was taken over by the ad hoc Committee, which, at its 1st session, examined the legal aspects involved in the request and formulated an advisory opinion.

Use of gender-neutral language in OTIF

The ad hoc Committee considered the possible scope of the use of gender-neutral language in the context of OTIF in light of international practice and OTIF members' responses to a survey. Following a consultation of OTIF members, the Secretariat published '[Guidelines on the use of gender-neutral language](#)', which the General Assembly took note of at its 16th session.

Use of electronic signatures in official communications between OTIF and its members

The ad hoc Committee examined

the legal requirements for the use and acceptance of electronically signed documents in official communications between OTIF and its members. Following consideration of a corresponding inception paper by the Legal Department, the ad hoc Committee adopted the 'Recommendation on the use of electronic signatures in official communications between OTIF and its members', which was endorsed by the General Assembly at its 16th session. According to the recommendation, official communications between OTIF and its members should be divided into two categories:

'qualified' communications, which currently require original paper documents (instruments) that are signed by a pre-determined state authority attesting the intention of the state to be bound or expressing its official position;

'simple' communications, where scanned copies, e-mails and documents signed with electronic images of signatures are accepted.

Electronic signatures should be accepted for 'simple' communications only.

Application of the CUI UR to service facilities

The ad hoc Committee examined the issue of the application of the CUI UR to service facilities. This was included in the Work Programme on the basis of a request from CIT, which the Secretariat submitted to the 1st session of the ad hoc Committee. At its 5th session, the ad hoc Committee adopted the [advisory legal opinion on the interpretation of the CUI UR](#), which the General Assembly took note of at its 16th session. This topic is considered in more detail in a separate article in this edition of the Bulletin.

Legal protection of OTIF's name, abbreviation, logo and works

The ad hoc Committee examined the legal requirements to ensure legal protection of OTIF's name, abbreviation, logo and works and to determine measures to this effect. Based on an inception paper prepared by the Secretariat's Legal Department providing the necessary background information and analysis on possible actions, the ad hoc Committee approved two draft proposals for decisions, one on the symbols, name and abbreviation of OTIF, and one on copyright and open access, as well as the corresponding explanatory notes. The decisions were adopted by the General Assembly at its 16th session.

The General Assembly formally adopted the symbols of OTIF and expressly delegated to the Secretary General the task of determining the conditions for their use. It should also be noted that the name, abbreviation and emblem (logo) of OTIF were registered with the Secretariat of the World Intellectual Property Organization (WIPO) under Article 6ter of the Paris Convention for the Protection of Industrial Property and communicated to the states parties to the Paris Convention and the members of the World Trade Organization (WTO) in March 2024.

The name and abbreviation of the Organisation and symbols of OTIF must be used in good faith and in conformity with the Convention; in particular, the legal status of OTIF as an independent intergovernmental organisation, its reputation and its credibility must be respected and must not be compromised. Use of the official emblem (logo), special emblems (logos) and the official flag by non-commercial or commercial entities will require the prior written and specific authorisation of the Secretary General or a designated

member of the Secretariat. The public authorities of OTIF members may use the official emblem (logo), special emblems (logos) and the official flag without prior authorisation. Regarding the protection of OTIF's work and its copyright policy, the 16th General Assembly acknowledged the need to ensure the broadest possible awareness and use of OTIF's law and its works in general among OTIF members, as well as the need to retain appropriate control over them to prevent adverse effects caused by unfair use.

The following general principles were established for the copyright and open access policy to be adopted by the Secretary General:

- The copyright restrictions on works of OTIF must not undermine the right of OTIF members to make fair and full use of them;
- Unless otherwise indicated or in the cases provided below, all works of OTIF are protected by copyright with open access, subject to appropriate attribution indicating the title, OTIF as the owner and the source where a particular work can be found. As a general rule, the use of OTIF works for commercial purposes will require the prior written authorisation of the Secretary General or a designated member of the Secretariat;
- As a general rule, the Convention will be in the public domain and will be excluded from the copyright protection. The OTIF organ responsible for adopting Annexes to the Convention's Appendices may, when adopting an Annex, decide to impose certain copyright restrictions, but only those which do not restrict open access to the Annex but which may, for example, restrict commercial use.

The General Assembly adopted an approach similar to those of other international organisations. In line with "Creative Commons" licensing, instead of requiring explicit authorisation from OTIF, the only requirement is that the works be quoted accurately. As some of the Secretariat's publications might have to be copyrighted or even restricted to OTIF members, documents will be classified accordingly, to differentiate between different levels of copyright protection. In its decision, the General Assembly, as the Organisation's highest decision-making organ, confirmed that OTIF reserves the exclusive rights on use of its name, emblem, abbreviation and flag.

International cooperation

Monitor and support cooperation with international organisations and associations

The ad hoc Committee was regularly informed about cooperation with international organisations. In particular, it approved the new draft MoU between OTIF and UNESCAP, which was signed in early 2024, and it approved the new MoU between OTIF and UPU, which was signed in June 2024.

Enhancing stakeholder involvement within OTIF

The ad hoc Committee set the objective of developing an inclusive and transparent stakeholder involvement policy in order to promote COTIF, develop railway law and monitor and assess existing legal instruments. In addition, it wished to prepare guidelines on cooperation with international intergovernmental organisations. To this end, at its 2nd and 3rd sessions, the ad hoc Committee adopted [a recommendation on](#)

[involving stakeholders in OTIF's work](#), as well as the '[Guidelines on cooperation with international intergovernmental organisations](#)', which were both endorsed by the General Assembly at its 16th session.

Furthermore, the ad hoc Committee decided to grant standing observer status to a number of international organisations (UNCITRAL, UNESCAP, UNECE, GCC, ECO, WCO, OSJD, UPU, TRACECA).

Handbook on international rail freight transport and its implementation and application by international associations

The ad hoc Committee set the objective of clarifying the roles and responsibilities of international associations with regard to the implementation and application of COTIF, thus promoting and facilitating the uniform implementation and application of COTIF. Following the ad hoc Committee's instructions, the Secretariat's Legal Department prepared, in cooperation with CIT, ERFA, RNE, UIC and UIP, the '[Handbook on International Freight Transport by Rail \(Contract Law and Operational Instruments and Tools\)](#)', which was published on 15 October 2024.

The handbook outlines the railway law established by COTIF and describes the different roles and responsibilities of international associations supporting the application of COTIF in the day-to-day business of international rail transport. It should serve as a practical reference for OTIF members, states interested in acceding to COTIF and, primarily, their respective railway sectors.

Long-term strategy

The ad hoc Committee assisted the Secretary General in the preparation of a long-term strategy based on the decision of the General Assembly at its 15th session, advising on the elements to be included in OTIF's long-term strategy: its vision, mission and strategic objectives. The ad hoc Committee considered and revised the final draft of the long-term strategy, which was

adopted by the General Assembly at its 16th session. The long-term strategy is considered in more detail in a separate article in this edition of the Bulletin.

Concluding remarks

The ad hoc Committee has taken over and successfully continued the work of the former ad hoc Committee on Cooperation and

the former Working Group of Legal Experts. Although the ad hoc Committee has achieved a great deal in implementing its work programme, a number of issues are still under consideration and some will be addressed in future years.

Emilia Carcabassi

CONTRIBUTIONS FROM REPRESENTATIVES OF THE MEMBERS OF THE BUREAU

During its last mandate, one of the points the work of the ad hoc Committee on Legal Affairs and International Cooperation focused on was the development or modernisation of internal procedural rules. As a result, the election of the Secretary General, the possibility of appointing permanent representatives and the use of electronic signatures in correspondence with members are now based on a new and solid foundation. I am convinced that this will promote the functioning of OTIF and facilitate cooperation between the Secretariat and members.

After this important inward look, the ad hoc Committee will focus its attention more externally during the next mandate, specifically on the application of railway contract law. To this end, the Secretariat has already initiated consultation on the possible need to amend the CIV, CIM, CUV and CUI Appendices. I am looking forward to the results and to the subsequent discussions with users and the legal work on the Appendices in the Committee.



Kerstin Leuftink, Chair of the ad hoc Committee on Legal Affairs and International Cooperation, delegate of Germany

The UK very much values the work carried out by the ad hoc Committee on Legal Affairs and International Cooperation, which is a function integral to OTIF's legal system, ultimately to support the aim of facilitating international rail traffic. Taking part in this Committee also allows us to strengthen and develop international cooperation with other international organisations and associations to increase the impact OTIF has.

The ad hoc Committee made progress on a number of wide-ranging and diverse topics, as part of its most recent Work Programme, including a number of initiatives aimed at improving, strengthening and expanding the Convention and its appendices, which the UK fully supports. Of course, I have particularly valued the Committee's work to establish a series of regulatory principles, recently adopted by the 16th General Assembly, as a first step to establishing new rules concerning the suspension of COTIF and OTIF membership. This work will support our shared objectives to ensure that Member States respect the physical and functional integrity of the rail infrastructure of other Member States, so that all Member States can benefit from the environmental and economic impacts that international traffic provides. Whilst this work is still in its early stages, I welcome the extension of the Committee's mandate until 2030 to allow us to continue this important work to develop concrete amendment proposals.

All this work could not have been done without the dedicated support of the staff in the Legal Department, whose expertise has been invaluable, especially in supporting me in my role as vice-chair. I very much look forward



to continuing to play an active role in supporting the Committee's work.

Andrea Pearson, Vice-Chair of the ad hoc Committee on Legal Affairs and International Cooperation, delegate of the United Kingdom

France wishes to thank the ad hoc Committee on Legal Affairs and International Cooperation for the work it has done during its first mandate. Over the last three years, it has fulfilled its role as legal advisor to the Organisation's various organs.

In this respect, it is worth mentioning the key role played by the ad hoc Committee in defining a long-term strategy for OTIF, which was adopted at the 16th General Assembly. It acted as a source of proposals and led to the emergence of a consensus around the five strategic objectives set and the specific proposals and measures needed to achieve them.

The ad hoc Committee also provided advice on various subjects concerning rail transport operations, such as the digitalisation of transport documents and the application of the CUI UR to service facilities, as well as on the internal functioning of the Organisation.

The work programme of this first mandate was very ambitious and as it was not possible to deal with all the topics, it was necessary to extend the mandate of the ad hoc Committee, which will also enable it to continue work on the suspension and termination of COTIF and/or membership of OTIF with regard to a particular Member State.

France would like to thank OTIF's Legal Department for its expertise and support in the work carried out by the ad hoc Committee and for the assistance provided to the members of the Bureau. France will again



be pleased and interested to participate in the work of the ad hoc Committee from 2025.

Ophélie Riquet, Vice-Chair of the ad hoc Committee on Legal Affairs and International Cooperation, delegate of France

APPLICATION OF THE CUI UR TO SERVICE FACILITIES

This article is a summary of the work and conclusions of the ad hoc Committee on Legal Affairs and International Cooperation (ad hoc Committee) in relation to the application of the CUI UR to service facilities.

In its 2022-2024 Work Programme, the ad hoc Committee set an objective of examining the issue of the application of the CUI UR to service facilities. The ad hoc Committee considered whether or not the CUI UR apply to service facilities, and if they do, then to what extent. This topic was originally included in the Work Programme following a request from CIT.

At its 4th session, the ad hoc Committee considered an inception paper prepared by the Legal Department setting out some general considerations that are necessary in order to address this question. In relation to the application of the CUI UR to service facilities, the inception paper considered the interpretation of COTIF and the relevance of the principles of interpretation of international treaty law generally.

The ad hoc Committee instructed the Secretariat to prepare a draft legal opinion for consideration at its 5th session following three important general principles or themes that emerged from the inception paper:

- the CUI UR must be interpreted on the basis of their character of international law and the need to promote uniformity;
- the CUI UR must be interpreted in accordance with the ordinary meaning to be given to their terms in light of their purpose, historical context and system;

- the internal law of OTIF members should serve as context, but should not be the subject of an advisory legal opinion.

The Legal Department produced an advisory legal opinion on the application of the CUI UR to service facilities. That advisory legal opinion examined the scope of the CUI UR contained in Article 1 § 1 of the CUI UR and the importance of the definition of 'railway infrastructure' in Article 3. It went on to consider the history and context of the law in this area, looking in detail at the terms 'railway infrastructure', 'international railway traffic' and 'service facilities'. It concluded that:

1. The CUI Uniform Rules apply to any contract of use of railway infrastructure for the purposes of international carriage within the meaning of the CIV Uniform Rules and the CIM Uniform Rules. The CUI Uniform Rules do not affect the public law applied in OTIF Member States concerning railway infrastructure and access to it and are complementary to that law.
2. International use of infrastructure occurs in two cases: where there is international infrastructure capacity or successive national infrastructure available to allow a train to run between two OTIF Member States.
3. In order to avoid conflicts between two different legal

regimes and to enable the proper application of the CUI UR, it is necessary to ensure a harmonised and complementary interpretation of the CUI UR with the relevant public law applied in OTIF Member States.

A definition of railway infrastructure in the CUI UR which goes beyond the corresponding definition in the internal law of an OTIF Member State would create a situation in which the scope of the contract of use under the CUI UR would extend beyond the railway infrastructure over which access is granted and would therefore be contradictory.

Consequently, the determination of what constitutes 'railway infrastructure' for the purposes of the CUI UR must be carried out in two stages. Firstly, it is the public law applied in the OTIF Member State which must be looked at to determine what constitutes railway infrastructure and what the conditions of access to it are. Secondly, only railway infrastructure as defined in the applicable public law of an OTIF Member State and meeting the requirements of Article 3(a) of the CUI UR can be the subject of a contract of use under the CUI UR.

The advisory legal opinion and its conclusions were adopted by the ad hoc Committee at its 5th session on 8 November 2023 and noted by

the General Assembly at its 16th session on 26 September 2024.

The Secretariat of OTIF would particularly like to thank the ad

hoc Committee's registered stakeholders who produced papers and provided input into this topic.

For more information on this article

or any of the matters contained in it, please email the Legal Department at law@otif.org.

Steve Davey

HANDBOOK FOR THE IMPLEMENTATION AND APPLICATION OF THE APTU AND ATMF UNIFORM RULES

On 12 June 2024, the Committee of Technical Experts approved the first version of the handbook for the implementation and application of the APTU and ATMF Uniform Rules. This article explains the purpose of this handbook on technical interoperability and describes its content.

The aim of the handbook is to outline the requirements for implementing and applying Appendix F to COTIF (the APTU UR) and Appendix G to COTIF (the ATMF UR) for international transport by rail, and to describe the requirements for their implementation and the various roles and responsibilities in connection with their application. It is intended to serve as a practical reference for OTIF members and for states interested in acceding to COTIF, particularly for the authorities, entities and actors in their respective railway sectors.

The handbook is of an informative nature. It does not contain binding provisions and does not establish any rights or obligations for any party, nor does it change the legal situation. It is not a formal interpretation of COTIF, but provides practical guidance for the legal implementation of the APTU and ATMF UR and on how the provisions should be applied.

The structure of the handbook allows easy navigation to the sections of interest. After a general introduction in **chapter 1**,



chapter 2 explains the respective scopes of the APTU and ATMF UR and describes the obligations that Contracting States have when implementing these COTIF Appendices.

Chapter 3 explains how the OTIF rules correlate with other laws, including guidance on the correlation with EU law. It explains that, although the substance of EU rules, such as TSIs, and COTIF rules, such as UTPs, may

be the same, the scopes are quite different. For example, UTPs aim to ensure that vehicles can be used in international traffic, whereas TSIs do not distinguish between domestic and international traffic. If manufacturers wish to sell products in a particular state, this would not be covered by the scope of COTIF, so they have to comply with the rules applicable in the relevant state.

Chapter 4 describes how the

Committee of Technical Experts (CTE) works and takes decisions and how these decisions are administered afterwards, including the process resulting in entry into force of UTPs. The CTE is competent to adopt binding international law in the scope of the APTU and ATMF UR. According to established practice, the CTE meets once per year. This session is usually prepared during three sessions of the working group Technology (WG Tech). All OTIF members are invited to participate in both the CTE and WG Tech, as are several international associations. Only OTIF Member States that apply the APTU and ATMF UR may vote.

Chapter 5 explores the different types of rules that apply to different parts of the railway system, in particular to vehicles, and how these rules correlate. There are high-level essential requirements, UTP requirements, specific cases, national technical requirements, standards, etc. This legal framework is quite complex for several reasons. Firstly, rules must be sufficiently flexible to be compatible with national railway systems that are technically different due to the uncoordinated historical development of rail systems. Secondly, the aim of the rules is to foster innovation and avoid locked-in technologies, and are therefore described in terms of functions and performance, as far as possible. Thirdly, the rules are defined in such a way that independent third-party assessing entities can assess conformity. This promotes the independent and unbiased evaluation of conformity.

Chapter 6 is a key chapter of the handbook, as it details the procedures and responsibilities for the admission of vehicles, which is the core purpose of the APTU and ATMF UR. The result of these procedures is that a competent authority admits a vehicle for use in international traffic. Before

admission, the manufacturer, the applicant and assessing entities have their respective tasks and responsibilities. A key element is third-party conformity assessment by assessing entities. Assessing entities are independent from railway undertakings and from manufacturers. The use of third-party assessment is particularly useful in a competitive railway system, where several railway undertakings order different kinds of rolling stock from several suppliers. Assessing entities provide an independent and unbiased evaluation of conformity that is internationally accepted. The system allows technical know-how to be concentrated within the assessing entities and avoids all railway undertakings and competent authorities being required to maintain such resources. Successful application of all the procedures results in the admission of a vehicle to a particular “area of use”, meaning the networks on which it may be used. The handbook explains the roles of applicant, competent authority, assessing entity, risk assessment body and manufacturer. Both the admission of new vehicles and the renewal or upgrade of existing vehicles are addressed. The commonalities and differences between the competences of OTIF assessing entities and EU notified bodies are also explained.

Chapter 7 concerns vehicle registers and lists the information that needs to be registered, the purpose of this information and those who should have access to it. It explains the legal value of the registered data and the alignment between OTIF’s and the EU’s vehicle register rules. Information that is registered includes the identification of the keeper, owner and ECM of each vehicle, the status of its admission and the type according to which the vehicle is built. Access to this information on each vehicle is essential as it is

considered as *prima facie* evidence of its admission to international traffic.

Chapter 8 outlines the requirements for the external marking of vehicles, with illustrated examples of vehicle markings. It includes information about the composition of the 12-digit “EVN” vehicle number. The EVN’s digits provide information about the type of vehicle, the country in which it is registered and the vehicle’s technical characteristics. It is mandatory to affix an EVN on each vehicle, as well as to indicate the vehicle keeper in the form of a vehicle keeper marking (VKM). There are also optional markings that may be applied if a vehicle meets certain conditions and markings that are agreed between sector organisations on the basis of multilateral contracts.

Chapter 9 highlights the roles and responsibilities for the use of vehicles. Railway undertakings provide railway services and for this purpose they operate trains. The primary responsibilities of railway undertakings relate to the safe use of vehicles, within their limit and conditions of use. Keepers must ensure that vehicles comply with the rules, that each vehicle has an ECM assigned to it and that the vehicles are registered. Infrastructure managers must provide complete and accurate information to railway undertakings on the infrastructure and the route characteristics, including changes to these characteristics. The handbook also summarises the information that these entities have to share with one another.

Chapter 10 summarises the legal requirements in relation to vehicle maintenance. Each vehicle must have an entity in charge of maintenance (ECM) assigned to it. ECMs must be certified to confirm that they have the correct competences, skills and procedures to carry out tasks for which they

are responsible. ECM certificates are awarded by ECM certification bodies, who in turn are either accredited or recognised. The OTIF rules do not define when or how vehicles must be maintained, but instead define in a systematic manner the responsibilities of

each actor, including the different functions to be fulfilled by ECMs and the administrative procedures leading to certification and registration of ECMs.

The handbook ends with a list of links to relevant parts of OTIF's

website, so that readers can easily navigate to further information, working documents and registers. The handbook is accessible [here](#).

**Technical Interoperability
Department**

64th SESSION OF THE UN SUB-COMMITTEE OF EXPERTS ON THE TRANSPORT OF DANGEROUS GOODS

The 64th session of the UN Sub-Committee of Experts was the third session in the 2023/2024 biennium. The decisions of the UN Sub-Committee of Experts are incorporated into the 24th revised edition of the UN Model Regulations and form the common basis for all the mode-specific dangerous goods regulations. In the context of harmonising RID/ADR/ADN with the UN Recommendations on the Transport of Dangerous Goods, these decisions will later be carried over into the 2027 editions of RID, ADR and ADN.

The 64th session of the UN Sub-Committee of Experts was held from 24 June to 3 July 2024. It was chaired by Mr Duane Pfund (United States of America) and 26 states, 6 governmental organisations and 23 non-governmental organisations were represented at it. As all the decisions of the UN Sub-Committee of Experts have repercussions for the dangerous goods provisions of the various modes, the Intergovernmental Organisation for International Carriage by Rail (OTIF) was represented as a modal organisation.

Classification

Considering invasive alien species as environmentally hazardous living organisms

The Convention on Biological Diversity entered into force on 29 December 1993 and is considered the most important multilateral treaty for the conservation of global

biodiversity. This treaty recognises invasive alien species as a major threat to biodiversity and the Parties are encouraged to prevent the introduction of, control or eradicate those alien species which threaten ecosystems, habitats or species.

The Secretariat of the Convention on Biological Diversity requested the UN Sub-Committee of Experts to assist in developing a system for classifying and labelling invasive alien species as environmentally hazardous living organisms in the UN Model Regulations.

The UN Sub-Committee of Experts was of the view that the UN Model Regulations are not a suitable framework for resolving this issue, as animals or plants are considered alien in parts of the world, but native in others. The issue should therefore be dealt with at national or regional level. In addition, provisions for safe transport could be drafted, but this would not solve the problem of accidental or

unintentional transport.

Clarification of the indicative list of Category A infectious substances

In view of the recent, emerging international health situations, the need for a flexible and dynamic indicative list of Category A infectious substances has become apparent. This is evidenced by the number of requests received by the World Health Organization (WHO) for guidance on the transport of the implicated pathogens, including their classification.

Canada and the WHO requested that a framework be created to enable international and national health authorities to have the necessary flexibility to deal with emerging health situations.

The UN Sub-Committee of Experts decided to reword the text before the table in 2.2.62.1.4.1 and to

incorporate the previous Note 2, which pointed out that the table was not complete, into the text of the regulations. This text now specifies that for emerging health situations, more up-to-date information on the applicable categories can be obtained from the intergovernmental organisations responsible for human and animal health and from the relevant national authorities.

Transport of liquid organic hydrogen carriers

Hydrogen will play an important role in decarbonising energy systems. In addition to carrying hydrogen under high pressure as a gas or in refrigerated liquefied form, there is also the option of the hydrogen molecules being chemically bound to organic liquid carrier substances, so-called liquid organic hydrogen carriers (LOHC). One of the substances to which hydrogen can be chemically bound is benzyltoluene, which is assigned to the entry UN 3082 Environmentally hazardous substance, liquid, n.o.s. of Class 9. Up to 700 litres of hydrogen can be chemically bound in one litre of benzyltoluene.

Special reaction conditions are necessary to release the chemically bound hydrogen later. In the case of benzyltoluene, the chemical bonds are released with the help of a catalytic system at temperatures of 250°C. This means that the chemically bound hydrogen cannot be released under normal conditions of carriage, so this type of transport has major safety advantages compared with carriage under high pressure or in a refrigerated liquefied state. However, for safety during carriage, it must be noted that in the process of binding hydrogen to the hydrogen carrier (hydrogenation), traces of hydrogen in physically dissolved form, i.e. not chemically bound, can remain in the hydrogen carrier. These traces of hydrogen

that are only physically dissolved may potentially be released during transport.

Tests in Germany under extreme test conditions have shown that there is only a very low risk of explosive atmospheres forming. Nevertheless, a limit value of 0.5 litres per kg of benzyltoluene for the physically dissolved hydrogen should be proposed.

The UN Sub-Committee of Experts recognised the potential for transporting hydrogen and welcomed the pragmatic approach. However, it also recognised the need to extend the approach to other possible hydrogen carriers. The UN Sub-Committee of Experts will continue the discussion on this topic and will also discuss the question of whether a separate UN number should be provided for hydrogen carriers.

Heating machines

Refrigerating machines are assigned to UN numbers 2857 or 3358 and are exempted from the dangerous goods regulations if they comply with the requirements of special provision 119 or 291. Heat pumps work on the same principle as refrigerating machines, except that in this case, it is not the aim to produce cold, but heat. As the hazards during transport are identical, the same conditions of carriage should also apply. For this purpose, a Note was already included in the 2023 editions of RID/ADR/ADN in special provisions 119 and 291, according to which, for the purposes of carriage, heat pumps may be considered as refrigerating machines.

At an earlier session of the UN Sub-Committee of Experts, it had been proposed that the Note in RID/ADR/ADN also be included in special provisions 119 and 291 of the UN Model Regulations. However, most delegations

favoured the inclusion of a new UN number for heat pumps with corresponding special provisions.

At this meeting, the UN Sub-Committee of Experts decided to include heating machines in the proper shipping name of the existing UN numbers 2857 and 3358 and to define heating machines in special provisions 119 and 291. Both special provisions will also stipulate that for machines that are used to perform both heating and cooling functions, either the proper shipping name “REFRIGERATING MACHINES” or “HEATING MACHINES” may be used.

Magnetic resonance imaging (MRI)

Magnetic resonance imaging (MRI) is used by medical professionals around the world to diagnose a variety of conditions, such as torn ligaments or tumours. It is also used to examine the brain and spinal cord.

A major manufacturer has recently developed a new type of MRI. It uses new, superconducting magnets. These electromagnets contain helium, which has to be cooled to almost absolute zero in order to achieve the superconductivity of the coils.

Older MRI types contain between 125 and 250 kg of refrigerated liquefied helium and are carried under the entry UN 1963 Helium, refrigerated, liquid. The new type of MRI contains significantly less helium with a maximum of 1.5 kg of compressed helium. Both types of MRI scanners also contain small lithium metal cells or batteries. Several competent authorities have discussed how to classify this new type of MRI scanners, as the UN number 1963 is no longer appropriate.

The UN Sub-Committee of Experts rejected a proposal to use UN numbers 2857 and 3358, as the purpose of helium is not to generate cold, which is provided outside the appliance. It decided to use the entry UN 3538 Articles containing non-flammable, non-toxic gas, n.o.s. for MRI scanners and to assign a new special provision to this UN number, which states that MRI scanners come under this UN number, which specifies requirements for the gas retaining components and which, as in special provision 119 (see above) assigned to UN number 2857, provides for an exemption if the mass of the non-flammable, non-toxic gas contained is less than 12 kg.

New products in the liquid petroleum gas industry

Liquefied petroleum gas (LPG) has been a commercial fuel for just over a century. It consists of mostly propane and butane, and, until a few years ago, was only produced through petroleum refining or natural gas processing.

Today, in the context of the energy transition and with the aim of decarbonisation and moving away from fossil fuels, the liquefied petroleum gas industry is now also including propane and butane of biological or renewable origin in its product range.

In addition, the LPG industry has started to include in its offerings other products of biological or renewable origin or made from recycled carbon, which have a lower carbon footprint. The use of dimethyl ether (DME), which can also be obtained from non-fossil and/or renewable or recycled carbon sources, is also of major importance in this respect. Renewable dimethyl ether (rDME) is a cost-efficient and clean-burning fuel that can be blended with LPG. Dimethyl ether/liquid petroleum gas mixtures with

a maximum DME percentage mass of 12% can be used in the existing LPG infrastructure.

The UN Sub-Committee of Experts adopted a special provision proposed by the LPG industry, which will be assigned to UN numbers 1075 (Petroleum gases, liquefied) and 1965 (Hydrocarbon mixture, liquefied, n.o.s.) and which permits up to 12% by mass of dimethyl ether.

Sodium ion batteries installed in cargo transport units

Sodium ion batteries are widely used in many fields, including the energy storage industry, due to their good low-temperature performance, low price and abundant mineral resources.

The UN Sub-Committee of Experts decided to include the additional proper shipping name “Sodium ion batteries installed in cargo transport units” in the existing entry UN 3536, which is intended for portable energy storage devices containing lithium batteries. It was not considered necessary to include a new UN number, as the conditions of carriage for both energy storage systems are identical. This decision requires consequential amendments in various special provisions.

Marking

Equipment containing both lithium batteries and button cell batteries

Paragraph (f) (i) of special provision 188 contains an exception, according to which packages containing only button cell batteries installed in equipment (including circuit boards) do not have to be marked with the battery mark. This exception clearly applies to packages containing small devices, such as digital watches, calculators

or car keys, where the energy source consists of a single button cell.

However, the question arises as to what to do about notebooks that contain both a lithium ion battery for the main power supply and a lithium metal button cell in the mainboard. Is it sufficient to indicate UN number 3481 for the lithium ion battery on the mark or must UN number 3091 for the lithium metal button cell also be indicated?

The UN Sub-Committee of Experts decided to waive the UN number for the button cell in this case, provided that it is a single button cell. The UN Sub-Committee of Experts also decided not to extend the limitation of cells and batteries per package and per consignment provided for in paragraph (f) (ii) of special provision 188 to button cells, again on condition that each piece of equipment contains only one button cell.

Packagings

Metal on metal contact between explosives and packagings

As a special provision for packing goods of Class 1, 4.1.5.11 stipulates that metallic components of articles containing explosives must be prevented from making contact with metal packagings. However, packing instruction P 130, which applies to UN numbers 0012 (cartridges, small arms) and 0014 (cartridges, small arms, blank), allows outer packagings of metal without inner or intermediate packagings being prescribed. There is also no requirement that the individual metal articles must be prevented from making contact with each other. Following a preliminary discussion in the working group on explosives, the UN Sub-Committee of Experts adopted the inclusion of a special packing provision which, for articles of UN numbers 0012 and 0014,

allows that metal packagings need not be coated and that no spacers or cushioning material need be placed between the individual articles.

Re-testing of packagings and intermediate bulk containers

6.1.5.1.3, 6.3.5.1.3 and 6.6.5.1.3 specify that the tests specified in 6.1.5, 6.3.5 and 6.6.5 must be carried out on production samples at intervals established by the competent authority. The English text of this provision could be interpreted to mean that the competent authority can also determine that not all tests have to be carried out. This could be the case for tests where experience has shown that it is very unlikely that the test will be failed. This might be the case, for example, for the stacking test for metal packagings or the compatibility test for plastics packagings.

The UN Sub-Committee of Experts decided to amend the above paragraphs to refer only to the tests considered appropriate by the competent authority.

Handling and stowage

Stacking of packages

Intermediate bulk containers (IBC) and large packagings must

be marked with a pictogram showing the maximum permissible applicable stacking load. No such mark is required for packagings in accordance with Chapter 6.1. The direction and height of the stacking load of packagings can only be determined if the stacking test method described in 6.1.5.6.2 is known.

The UN Sub-Committee of Experts decided to include a requirement in the loading provisions that packagings may only be stacked on the side for which the stacking test was carried out. A Note adds that this is usually the top of the packaging. However, the UN Sub-Committee of Experts also agreed that this should be part of the training for loading personnel.

Interpretation

Carriage of different gases within a single bundle of cylinders

The representative of the United Kingdom asked the UN Sub-Committee of Experts whether a bundle of cylinders may only contain a single gas. He cited various parts of the regulations and referenced standards that could be read to mean that several gases may be carried within a bundle of cylinders.

There was consensus within the UN

Sub-Committee of Experts that only one gas may be carried in a bundle of cylinders at the same time, but that a bundle of cylinders may have several manifolds.

Next session

The 65th session of the UN Sub-Committee of Experts will be held in Geneva from 25 November to 3 December 2024. At this meeting, work on the 24th revised edition of the UN Model Regulations will be finalised.

Jochen Conrad

RID/ADR/ADN JOINT MEETING

(Geneva, 10 to 13 September 2024)

The RID/ADR/ADN Joint Meeting in September 2024 was the second meeting of the 2024/2025 biennium, at which decisions were taken for the 2027 editions of RID, ADR and ADN.

The Joint Meeting of the RID Committee of Experts and the Working Party on the Transport of Dangerous Goods of the United Nations Economic Commission for Europe was shortened by one day due to the number of documents submitted.

Delegates from 24 states that apply RID, ADR and/or ADN, the European Union and 13 non-governmental organisations took part in the discussions. Zimbabwe was also represented as an observer.

Tanks

The documents on tank issues were dealt with by the working group on tanks, which had already met on 9 September 2024. 29 experts from 14 states and 6 non-governmental organisations took part in the work of this working group.

Replacement of pieces of equipment in the context of maintenance

During the service life of a tank, there may, for various reasons, be slight deviations from the valid type approval of the tank. In the context of maintenance, pieces of equipment must be replaced due to wear, leaks or other damage. It may be that the pieces of equipment described in the type approval are no longer available and replacement parts with similar technical specifications must be fitted. Although RID/ADR 6.8.2.3.3 permits certain deviations from the type approval, these deviations must be described in the type approval

certificate. Service equipment is not currently referred to in the possible deviations.

In a document, UIP pointed out to the Joint Meeting that standard EN 12972 on testing, inspection and marking of tanks referred to in RID/ADR allows the use of alternative service equipment if no change is made to the technical specification of the equipment and it is fitted in the same place. In this case, no new approval is required.

The Joint Meeting decided also to mention alternative service equipment with equivalent specifications in RID/ADR 6.8.2.3.3. However, since in accordance with 6.8.2.3.3 the limited deviations must be clearly described in the type approval certificate, the contradiction between RID/ADR 6.8.2.3.3 and standard EN 12972 is only partially resolved.

Burst pressure of bursting discs for tanks for the carriage of gases

New provisions were included in 6.8.3.2.9.2 of RID/ADR 2023 for the burst pressure of bursting discs which must be fitted to hermetically sealed tanks. France pointed out that bursting discs with a burst pressure of between 1.0 and 1.1 times the test pressure at 20°C were not available on the market.

The Joint Meeting agreed to increase the maximum burst pressure to 1.15 times the test pressure. In reply to the question as to whether the resulting burst pressure was too high, particularly with regard to preventing a BLEVE,

it was explained that in the event of a fire and a rise in temperature, the burst pressure drops.

Application issues with the safety valve mark in accordance with 6.8.3.2.9.6

The Netherlands pointed out that the provisions for the safety valve mark in 6.8.3.2.9.6, which were introduced into RID/ADR in 2023, would lead to misunderstandings among some users.

The Joint Meeting asked the RID Committee of Experts' standing working group and WP.15 to include an interpretation on the OTIF and UNECE websites clarifying that the safety valve mark must not be affixed to tanks for the carriage of refrigerated liquefied gases or to battery-wagons/battery-vehicles and multiple-element gas containers (MEGCs), the elements of which are pressure receptacles. Both bodies would decide on this at their meetings in November.

For the 2027 edition of RID/ADR, efforts should be made to restructure 6.8.3.2 by subdividing the provisions for compressed, liquefied and dissolved gases and refrigerated liquefied gases and those for battery-wagons/battery-vehicles and MEGCs.

Standards

Standard EN ISO 11623:2023

Standard EN ISO 11623:2023 (Gas cylinders – Composite cylinders and tubes – Periodic inspection

and testing) is referenced in the 2025 editions of RID, ADR and ADN. This standard refers to standard ISO 23876, which allows the pressure test to be replaced by a non-destructive examination. However, standard ISO 23876 is not referenced in RID/ADR/ADN.

The Joint Meeting decided to include the same Note for standard EN ISO 11623:2023 as was already adopted by the UN Sub-Committee of Experts for the ISO edition of this standard. This Note states that the pressure test shall not be replaced by a non-destructive examination technique. However, non-destructive examinations are possible as part of the production process monitoring.

Column (3) in the tables of standards

The working group on standards had discussed whether column (3) in the tables of standards referred to in RID/ADR in Chapters 6.2 and 6.8 is still necessary. This column lists the requirements of RID/ADR with which the respective standard complies. The members of the working group on standards confirmed that when applying the standards referred to, they considered not only the RID/ADR references listed in column (3), but the entire regulations.

The Joint Meeting agreed with the conclusion of the working group on standards that column (3) in the tables of standards, which was still justified at the time standards were introduced into RID/ADR, was no longer necessary. It decided to delete column (3) and all references to this column in RID/ADR.

Pending issues

Definition of liquefied petroleum gas

The European Liquefied Petroleum Gas Association had submitted a

proposal no longer to use the term “liquefied petroleum gas” in the English version and the term “gaz de pétrole liquéfié” in the French version, due to the references to “petroleum”, in order to emphasise that the individual liquefied [petroleum] gas components may also not be of fossil origin. It was also proposed that the definition of liquefied petroleum gas should reflect a decision of the last meeting of the UN Sub-Committee of Experts and to allow the admixture of up to 12% dimethyl ether (see Bulletin 4/2024, p. 24).

The Joint Meeting adopted the alignment of the definition of liquefied petroleum gas with the special provision adopted by the UN Sub-Committee of Experts for UN numbers 1965 and 1075. However, it was not prepared to make any further amendments to the definition at this time. In particular, there was criticism that although the term “liquefied petroleum gas” was to be deleted, the abbreviation “LPG” was to be retained. The derivation of the abbreviation would not then be evident.

Pressure receptacles constructed in accordance with standard EN 17339

The construction of pressure receptacles, particularly those for high pressures, has changed considerably in the past. While these used to consist of a single one-piece metal receptacle, non-metallic receptacles or receptacles made of welded metal (liners) are now used, which are completely wrapped in composite materials. It is primarily the composite overwrap that bears the pressure load. This design leads to a weight advantage when using liners made of plastic (polyamide or polyethylene) and also allows higher pressures. The relevant standard for the construction of such pressure receptacles is EN 17339 (Transportable gas cylinders -

Fully wrapped carbon composite cylinders and tubes for hydrogen). Pressure receptacles made of composite materials are also used as elements of battery-wagons/ battery-vehicles and MEGCs.

A minimum pressure of between 5 and 20 bar must be maintained so that the liner of the pressure receptacle cannot detach from the overwrap.

For the purposes of assembly, periodic inspection, maintenance or disposal, pressure receptacles intended for the carriage of hydrogen are filled with a less hazardous gas and pressurised to support the liner.

The Joint Meeting adopted a proposal from the European Cylinder Manufacturers Association to allow pressure receptacles approved in accordance with standard EN 17339 and intended for the carriage of UN 1049 Hydrogen, compressed, to be filled and carried with UN 1066 Nitrogen, compressed, with an internal pressure to support the pressure receptacle liner for the purposes of assembly, periodic inspection, maintenance or disposal. Nevertheless, all applicable provisions of RID/ADR/ADN must be complied with.

Reports of informal working groups

Informal working group on e-learning

The informal working group on e-learning held several meetings in order to allow elements of e-learning, i.e. learning at a freely chosen place and time, for the training of vehicle drivers in accordance with ADR 8.2.2 and for the training of experts in accordance with ADN 8.2.2.

In the margins of the last Joint Meeting, the working group had

already agreed on a text proposal for ADR. This envisages the inclusion of definitions of “e-learning” and “remote training”. Both forms of training require the use of information and communication technologies and allow the physical separation of trainees and trainers. In the case of e-learning, the trainee is free to choose the time of the training, whereas for remote training, the training takes place at the same time for all course participants. Remote training is permitted for both initial and refresher training. E-learning is also permitted for refresher training, although the entire theoretical part of the training may not be taught in this way. However, the practical individual exercises as part of the initial training and refresher training may not be carried out as remote training or e-learning. The competent authority that supervises the training courses and examinations must also be granted the right of access to remote training and e-learning.

At its last meeting, the informal working group discussed whether the amendments proposed for ADR could also be carried over for ADN. ADN already has the special feature that the theoretical part of the basic and specialization courses may be carried out using training by correspondence, although what is meant by this is not defined.

If the ADN Safety Committee is of the view that training by correspondence should be retained alongside the new forms of training (remote training and e-learning), a definition should also be included for this form of training, which is already practised. In contrast to e-learning, training by correspondence would take place without the use of information and communication technologies.

As the entire theoretical training of ADN experts has so far been allowed to be carried out using training by correspondence as part of the basic and specialization

courses, this would also apply to remote training and e-learning, in contrast to ADR driver training. As in ADR, however, the practical exercises may only be carried out as in person training.

ADN stipulates that training by correspondence must be carried out within a period of nine months. If this provision is to be maintained, it would also have to be provided for e-learning as part of refresher training.

The Joint Meeting welcomed the results of the informal working group, but was of the view that ADN should stipulate a period of nine months for all types of training.

The amendments proposed for ADR and ADN will now be submitted to WP.15 and the ADN Safety Committee for decision.

Future work

The Joint Meeting held discussions on various topics at this meeting, but these could not be finalised. These include the following issues in particular, which are to be resolved in the course of this biennium:

- Extension of the option provided for in packing instruction P 200 to extend the inspection period for cylinders to 15 years to large cylinders made of seamless steel and to large cylinders and cylinders used in battery-wagons/ battery-vehicles for the carriage of helium, compressed (UN number 1046) and hydrogen, compressed (UN number 1049);
- Inclusion of provisions for heating equipment on RID/ADR tanks;
- Questions in connection with tanks approved both as portable tanks and RID/ADR tank-containers;

- Possible exemptions for “last mile” transport from distribution centres or retail outlets to the end consumer;
- Carriage of used articles, machinery and apparatus containing residues which cannot be removed for the intended carriage;
- Provisions for pressure receptacles approved by the United States Department of Transportation with regard to their disposal in an RID/ADR/ ADN Contracting State;
- Interpretation of the consignor's obligation to appoint a dangerous goods safety adviser for each mode of transport in the case of intermodal transport;
- Continuation of the informal working group on improving the report for occurrences in the transport of dangerous goods;
- Clarification of references to the competent authority in RID/RID/ ADN;
- Various issues in connection with the carriage of waste.

Next session

The next Joint Meeting will be held in Berne from 24 to 28 March 2025 and will continue work on the 2027 editions of RID/ADR/ADN.

The ad hoc working group on the harmonisation of RID/ADR/ADN with the UN Recommendations on the Transport of Dangerous Goods, which is developing proposals to integrate the amendments from the 24th revised edition of the UN Model Regulations into RID/ADR/ADN, will meet in Geneva on 15 and 16 April 2025.

Jochen Conrad

TRANSBOUNDARY MOVEMENT OF WASTES: CURRENT LEGAL SITUATION AND DEVELOPMENTS (PART 3)

European Union law on the transboundary movement of wastes

The third part of the series of articles on transboundary movements of waste focuses on the relevant regulations in the European Union (EU), in particular the new Regulation (EU) 2024/1157 on shipments of waste⁴.

How the new EU Regulation on shipments of waste came about

On 6 December 1984, the Council of the European Communities issued Directive 84/631/EEC on the supervision and control within the European Community of the transfrontier shipment of hazardous waste. This Directive was a precursor to the later, more comprehensive regulations and represented an important step in the harmonisation of EU Member States' national provisions in the area of waste management. Two subsequent regulations, one from 1993 (Regulation (EEC) No 259/93)⁵ and another from 2006 (Regulation (EC) No 1013/2006)⁶, implemented the obligations of the Basel Convention (1989) on the Control of Transboundary Movements of Hazardous Wastes and their Disposal on the one hand, and the provisions of the OECD⁷ Council Decision (2001) on the Control of Transboundary Movements of

Wastes Destined for Recovery Operations on the other.

Since the EU Regulation on shipments of waste was issued in 2006, the export of wastes from the EU to third countries, especially non-OECD countries, has increased by 78% and amounted to 35 million tonnes in 2023⁸. During this period, it was often not possible to ensure sustainable waste management in the target countries due to a lack of detailed regulations.

Within the EU, on the other hand, the transition to a circular economy has been hampered by outdated administrative procedures for the transboundary movement of wastes.

Another serious problem was the increase in illegal waste transactions both in the EU and in third countries, with organised criminal networks predominantly using legal business structures for their illegal activities.

In view of these challenges, the European Commission (hereinafter: Commission) recognised the urgent need to revise and modernise Regulation (EC) No 1013/2006. With the revision of the Regulation, the Commission also intended to contribute to fulfilling the obligations

of the European Green Deal, the new Circular Economy Action Plan, the Action Plan to Combat Environmental Pollution and the new EU strategy to combat organised crime.

On 17 November 2021, the Commission adopted a proposal for a new regulation on shipments of waste. On 16 November 2023, a political agreement was reached between the European Parliament and the Council on the future new regulation. The new EU Regulation on shipments of waste (Regulation (EU) 2024/1157) came into force on 20 May 2024.

Scope

The Regulation applies to shipments of waste between EU Member States (or with transit through the EU) and to shipments of waste imported into the EU from third countries and waste exported from the EU to third countries. In addition to radioactive waste, only a few specific types of waste listed in Article 2 of the Regulation are excluded from the scope of application.

⁴ Regulation (EU) 2024/1157 of the European Parliament and of the Council of 11 April 2024 on shipments of waste, amending Regulations (EU) No 1257/2013 and (EU) 2020/1056 and repealing Regulation (EC) No 1013/2006.

⁵ Council Regulation (EEC) No 259/93 of 1 February 1993 on the supervision and control of shipments of waste within, into and out of the European Community.

⁶ Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste.

⁷ Organisation for Economic Co-operation and Development.

⁸ Source: Eurostat.

Main objectives

Regulation (EU) 2024/1157 on shipments of waste, like its predecessor regulations, ensures that the EU fulfils its obligations under multilateral environmental agreements (Basel Convention and OECD Council Decision).

In addition to the main objective of protecting the environment and human health from negative impacts that may result from shipments of waste and their management, the new Regulation pursues the following specific objectives, among others:

- Establishing control mechanisms and improving the traceability of waste shipments within the EU;
- Promoting shipments of waste for recovery operations between EU Member States;
- Ensuring that the EU does not export its waste problems to third countries;
- Improving cooperation and coordination in enforcing provisions to prevent illegal shipments of waste within the EU and from the EU to third countries.

Important regulatory areas of Regulation (EU) 2024/1157

Facilitating the shipment of waste that is returned to the circular economy in the EU

Shipments of waste between EU Member States for recycling and reuse play a crucial role in the EU's transition to a circular economy and in securing the supply of raw

materials, and are also encouraged and facilitated by this Regulation. On the other hand, shipments of waste destined for disposal will only be permitted in exceptional cases.

Procedure of prior notification and consent

For all wastes destined for disposal, hazardous wastes, mixed municipal waste and certain other wastes⁹ destined for recovery, the procedure of prior written notification and consent applies. This means that an operator planning such shipments needs the prior consent of all authorities of the countries concerned (from the country of origin to the country of destination, including transit countries) before the shipment can take place.

Shipments of waste destined for disposal

The country of destination may give its consent to shipments of waste destined for disposal only in exceptional cases, in particular if the notifier demonstrates that the waste cannot be recovered in a technically feasible and economically viable manner and cannot be disposed of in a technically feasible and economically viable manner in the country where it was generated or must be disposed of due to other legal obligations. All the conditions to be met in such a case are set out in Article 11 of the Regulation.

Shipments of waste subject to the general information requirements

Shipments of non-hazardous waste listed in Annexes III¹⁰, IIIA and IIIB of the Regulation and destined for

recovery are only subject to the general information requirements of Article 18 of the Regulation. The operators involved in the shipment must complete the form in Annex VII of the Regulation with the relevant information and ensure that the information is also available electronically during transport to all other persons involved in the shipment, the competent authorities concerned and the control bodies. The person who arranges the shipment must enter all the basic information about the waste to be shipped, such as quantity, origin, carrier, recovery facility and recovery process, before the shipment begins. The recovery facility must confirm receipt of the waste on the one hand and completion of recovery on the other by completing the relevant sections of the form.

Pre-consented recovery facilities

In order to facilitate shipments of waste for recovery, recovery facilities may submit a request for pre-consent to the competent authority. Among other things, the request must contain copies of the permits pursuant to Directive 2008/98/EC¹¹, a description of the technology employed to ensure the environmentally sound recovery of waste and a list and the total quantity of waste for which the pre-consent is requested. If the request is approved by the competent authority, the recovery facility will be granted pre-consent with a validity of 10 years. During this period, the competent authority must conduct at least one inspection of the recovery facility. The competent authority is also obliged to inform the Commission and, where applicable, the OECD Secretariat that pre-consent has been granted.

⁹ See Article 4 (2) of the Regulation.

¹⁰ So-called "green" listed waste.

¹¹ Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives.

Digitalisation of procedures

In general with this Regulation, the EU wishes to modernise the procedures for waste shipments and move from a paper-based to an electronic approach. To this end, the Commission will set up a central system for the electronic transmission and exchange of information. This system will be a hub that will enable the exchange of all relevant information and documents in real time. EU Member States can operate their own available systems or software; they only need to ensure that these systems and software are interoperable with the Commission's central system.

The central system will also include a website for the creation and processing of relevant information and documents that can be used by competent authorities, inspection bodies and economic operators that do not use electronic data exchange systems or software.

The central system is not only available for the exchange of information and documents for shipments between EU Member States, but can also be used for shipments within the EU with transit through third countries, export from the EU, import into the EU and transit through the EU, if the competent authorities in third countries connect to the system via software or via the website described above.

The interoperability of this central system with the system for electronic freight transport information in accordance with Regulation (EU) 2020/1056¹² and the European Union Single Window Environment for Customs¹³ is to be ensured.

By 21 May 2025 at the latest, the Commission will adopt implementing acts laying down the necessary requirements for the interoperability of systems and all other requirements, including those relating to security aspects, data governance and confidentiality of data.

Improved transparency

In order to improve transparency, the Commission will publish on its website the information from the central system on notifications of shipments and on shipments of "green" listed waste subject to the general information requirements, and update it on a monthly basis.

Classification issues

Article 29 of the Regulation governs classification issues. When deciding whether an object or substance resulting from a production process, the primary aim of which is not the production of that object or substance, is to be considered as a by-product rather than waste and when deciding whether waste which has undergone a recycling or other recovery operation is no longer considered to be waste, reference is made to Directive 2008/98/EC¹⁴. The Regulation now lays down requirements that must be met in order for an object or substance to be considered as used goods and not waste.

It also specifies how to proceed if the competent authorities of dispatch and destination cannot agree on the classification. If they cannot agree on whether the object or substance is to be considered as waste or non-waste, it is treated as if it were waste for the purpose

of the shipment. If they cannot agree on whether the waste is to be classified as waste listed in Annexes III, IIIA, IIIB or IV, its shipment must in any case be subject to the procedure of prior written notification and consent. If there is no agreement on the classification of the waste treatment operation as being recovery or disposal, the provisions regarding disposal apply. To summarise, it can be said that stricter provisions apply in the event of non-agreement.

In order to ensure a harmonised classification of waste in the EU Member States, the Commission may adopt implementing acts to establish detailed criteria for distinguishing between used goods and waste. On the other hand, it is authorised to adopt delegated acts to supplement the Regulation by establishing the criteria for the classification of waste as waste in Annexes III, IIIA, IIIB and IV (e.g. contamination thresholds).

Stricter provisions for the export of waste from the EU to third countries

Export of waste destined for disposal

Exports from the EU of waste destined for disposal in third countries are prohibited (Article 37). This prohibition does not apply to exports to EFTA¹⁵ countries which are also Parties to the Basel Convention if the importing EFTA country has given its consent to the import and if environmentally sound management of the waste is ensured in that country.

¹² Regulation (EU) 2020/1056 of the European Parliament and of the Council of 15 July 2020 on electronic freight transport information.

¹³ See Regulation (EU) 2022/2399 of the European Parliament and of the Council of 23 November 2022 establishing the European Union Single Window Environment for Customs and amending Regulation (EU) No 952/2013.

¹⁴ Articles 5 and 6 of the Directive.

¹⁵ European Free Trade Association.

Exports of waste for recovery in OECD countries

The procedural framework for shipments of waste between EU Member States also applies to exports of waste from the EU to OECD countries, with some adaptations and additional requirements.

These exports are subject to special monitoring by the Commission to ensure that

- they do not lead to significant environmental or human health damage in the country of import,
- they do not cause substantial adverse effects on the collection and management of waste generated in that country,
- the waste in question is recovered in an environmentally sound manner and
- the waste is not shipped onwards to third countries (non-OECD countries).

Where the country of import does not provide sufficient evidence that these conditions have been met, the Commission is empowered to adopt delegated acts to supplement the Regulation by prohibiting the export of the waste concerned to this country.

Exports of waste for recovery to non-OECD countries

In principle, exports of hazardous waste to countries outside the OECD are prohibited (Article 39).

Exports of non-hazardous waste destined for recovery are only permitted to those non-OECD countries that notify the Commission of their willingness to import EU waste and only if it can be proven

that these countries have sufficient infrastructure for the environmentally sound management of waste. To this end, the Commission publishes a list of countries to which exports are authorised. The Commission updates the list on a regular basis, but at least every two years.

Articles 41 to 43 govern the procedure for the inclusion of non-OECD countries in the list.

To be included, countries must submit a request in which they indicate their willingness to receive the non-hazardous waste specified in the request from the EU and provide detailed information on the national waste management strategy and the applicable national legal framework for waste management. In addition, information must be provided on legislation to protect the environment and human health in waste management, the ratification and implementation of the relevant multilateral environmental agreements, the enforcement mechanisms of national legislation, in particular inspection and monitoring measures, and a list of the facilities authorised to recover the waste concerned.

The request must be submitted using the form set out in Annex VII of the Regulation and contain all the information and required evidence specified therein.

After receiving the requests, the Commission assesses whether all requirements for inclusion in the list have been met. When assessing the requests, the relevant requirements of the various EU legislation to ensure environmentally sound waste management as well as international technical guidelines and guidance documents adopted under the Basel Convention are taken into account. The list of points of reference for the assessment performed by the Commission is set out in Annex IX to the Regulation.

Obligations on exporters

All EU companies that export waste to countries outside the EU must prove that environmentally sound management of this waste is ensured in the intended facilities in the country of destination. For this purpose, they must ensure that the facilities are subject to an external audit. The external auditor must meet the requirements set out in Annex X, Part A and be authorised or accredited by an official national body to carry out such audits.

The Commission will set up a publicly accessible register of audited facilities that meet the criteria and keep it up to date.

Additional restrictions on the export of plastic waste

The Regulation makes the shipment of plastic waste subject to a special regime. The additional provisions aim to end the environmental degradation and pollution in third countries caused by plastic waste produced in the EU. These third countries often do not have the capacity and standards to manage this waste sustainably. At the same time, stricter controls are to be introduced for those transboundary shipments of such waste that are still permitted.

If the export of plastic waste from the EU to third countries is authorised, it is subject to the procedure of prior written notification and consent.

In the case of exports of plastic waste to OECD countries, the countries of import must ensure that plastic waste is recycled in an environmentally sound manner and that residual waste arising from the recycling process is managed in an environmentally sound manner. In particular, the open burning of such waste and its dumping in uncontrolled landfills should

be prohibited. The countries of import must also take measures to prevent the import of plastic waste from the EU from undermining the environmentally sound management of domestic plastic waste and the onward shipment of plastic waste to third countries (non-OECD countries).

The Commission is to prepare a report by May 2026 assessing whether OECD countries that import significant quantities of plastic waste from the EU fulfil the above requirements (Article 45 (5)).

From 21 November 2026, a complete prohibition on exports of plastic waste from the EU to non-OECD countries will apply. No earlier than 30 months after this date, i.e. on 21 May 2029 at the earliest, non-OECD countries interested in importing plastic waste for recycling can submit a request to the Commission in which they indicate their willingness to accept such waste. For inclusion in the list of non-OECD countries to which exports are authorised, the requesting country must fulfil additional requirements in the case of plastic waste. It must demonstrate that it has a comprehensive waste management system which ensures effective separate collection of plastics and that the existing legal framework for waste management includes a prohibition on open burning and uncontrolled landfilling of waste as well as the incineration and landfilling of separately collected plastic waste. The legal framework for waste management must also include provisions on enforcement, inspection and penalties designed to ensure compliance with the provisions. Lastly, evidence is also required that imports of plastic waste from the EU do not have any adverse effects on the management of plastic waste generated in the country. The request to import plastic waste may only relate to non-hazardous plastic waste (Article 42 (4)).

Combating illegal waste shipments

Three sections of the Regulation are dedicated to measures for its enforcement.

In the first section (Articles 60 - 63), states are required to ensure the enforcement of the Regulation by means of inspections and penalties. The EU Member States must ensure that, in respect of their entire geographical territory, one or more inspection plans are established. Inspection plans must be based on a risk assessment covering specific waste streams and sources of illegal shipments and on the results of previous inspections. Intelligence data and data on investigations by police and customs authorities as well as reliable information from natural or legal persons on possible illegal waste shipments are also taken into account. The inspection plans must be notified to the Commission by the EU Member States for the first time one year after the Regulation comes into force and every three years thereafter. In addition, the EU Member States must lay down the rules on penalties applicable to infringements of this Regulation. The penalties should be effective, proportionate and dissuasive. The relevant rules and all amendments must also be notified to the Commission.

The second section (Articles 64 - 66) governs enforcement cooperation at national level and between EU Member States. An EU waste shipment enforcement group will be established to strengthen cooperation and coordination in order to prevent illegal shipments. The group will consist of up to three representatives per EU Member State and will be co-chaired by a representative of the Commission and by a representative of an EU Member State elected by the group. The group will be a forum for sharing information relevant to the prevention and detection of illegal

shipments, risk-based assessments carried out by the authorities, and best practices in the EU Member States.

The third section (Articles 67 - 71) governs actions to be performed by the Commission. To support and complement the enforcement activities of the EU Member States, the Commission is empowered to carry out inspections and coordinating actions in respect of illegal shipments. This applies in particular to illegal shipments which are of a complex nature and might have serious adverse effects on human health or the environment, and where at least two countries are involved. The Commission may initiate actions on its own initiative, on the request of the authorities of one or more Member States, or on a complaint if there is sufficient suspicion that there is an illegal shipment. The Commission may, as a matter of its internal organisation, entrust certain enforcement actions foreseen by this Regulation to the European Anti-Fraud Office (OLAF).

Timetable for application

Although the new Regulation came into force on 20 May 2024, it will be applied gradually. Most of the rules must be applied from 21 May 2026. Two other key dates are 21 November 2026, when the prohibition on exports of plastic waste from the EU to non-OECD countries will apply, and 21 May 2027, when most other rules on exports of waste from the EU, including the prohibition on exports of waste destined for recovery to a non-OECD country not on the list of authorised countries, will apply.

Katarina Burkhard

CALENDAR OF OTIF'S MEETINGS IN 2025

DATE	EVENT	ORG	LOCATION
24 - 28 March	RID/ADR/ADN Joint Meeting	UNECE	Berne - Switzerland
8 - 10 April	7 th session of the ad hoc Committee on Legal Affairs and International Cooperation		Berne - Switzerland
15 - 16 April	Ad hoc Working Group on the Harmonization of RID/ADR/ADN with the United Nations Recommendations on the Transport of Dangerous Goods	UNECE	Geneva - Switzerland
23 April	2 nd session of the Supervisory Authority		Berne - Switzerland
27 - 28 May	Administrative Committee	★	Vienna - Austria
17 - 18 June	17 th session of the Committee of Technical Experts		Berne - Switzerland (HYBRID MEETING)
19 June	Working Group WG TECH. 55 th Session		Berne - Switzerland (HYBRID MEETING)

EVENTS WITH OTIF PARTICIPATION IN 2025

DATE	EVENT	ORG	LOCATION
30 January	Summit on Capacity Regulation	Rail Net Europe	Vienna - Austria (HYBRID MEETING)
11 - 14 February	Working Group on Annex 2 to SMGS "Provisions for the Carriage of Dangerous Goods"	OSJD	Warsaw - Poland
17 - 18 February	International Dangerous Goods Days	Storck Publishers Hamburg	Hamburg - Germany
19 - 20 February	Railway Interoperability and Safety Committee (RISC)	European Commission	Brussels - Belgium
19 - 20 February (tbc)	CIV Working Group	CIT	Berne - Switzerland (HYBRID MEETING)
17 - 21 March	Working Group VI: Negotiable Cargo Documents: 46 th session	UNCITRAL	New-York - USA

★ Federal Ministry of Climate Action, Environment, Energy, Mobility, Innovation and Technology (A)

EVENTS WITH OTIF PARTICIPATION IN 2025

DATE	EVENT	ORG	LOCATION
18 - 19 March	UIC Group of Experts on the Carriage of Dangerous Goods	UIC	Katowice - Poland
5 - 9 May	Working Party on the Transport of Dangerous Goods, WP.15 (117 th session)	UNECE	Geneva - Switzerland
14 - 15 May (tbc)	CIV Working Group	CIT	Berne - Switzerland (HYBRID MEETING)



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The Bulletin editor

