

OTIF



**ORGANISATION INTERGOUVERNEMENTALE POUR
LES TRANSPORTS INTERNATIONAUX FERROVIAIRES**

**ZWISCHENSTAATLICHE ORGANISATION FÜR DEN
INTERNATIONALEN EISENBAHNVERKEHR**

**INTERGOVERNMENTAL ORGANISATION FOR INTER-
NATIONAL CARRIAGE BY RAIL**

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TO THE GOVERNMENTS OF THE MEMBER STATES OF OTIF

**Final report of the 41st session of the
RID Committee of Experts on the
Transport of Dangerous Goods
(Meiningen, 15 - 18 November 2004)**

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ITEM 1: APPROVAL OF THE AGENDA

1. The agenda, which was amended in line with the availability and presence of various experts, was adopted.

ITEM 2: ELECTION OF BUREAU

2. Mr. Helmut Rein (Germany) and Mr. Wieger J. Visser (Railion Nederland) were re-elected Chairman and Vice-Chairman for this session.

ITEM 3: PRESENCE AND QUORUM

3. As 15 of the 42 Member States were represented, there was a quorum ($\frac{1}{3}$ of the Member States) and the RID Committee of Experts was able to proceed with its business.

ITEM 4: TANK AND VEHICLE TECHNOLOGY

Informal document: INF.2

4. Along with his informal document, the representative of Switzerland informed the meeting that his government had not lodged any objections to the amendments to RID in accordance with Article 21 § 2 of COTIF and that his government was particularly concerned to specify more wide-ranging technical requirements for tank wagons.

Energy absorption elements

Documents: A 81-03/507.2004 paragraphs 5 to 9
OCTI/RID/CE/41/4e) (UIC)

5. The representative of UIC clarified that this document had been submitted by the representative of Germany. The representative of UIP, who had taken part in the work of UIC's Technical and Research Commission, explained that the document set out the tentative final status of the discussions. Before UIC leaflet 573 was referred to in RID, experience with this leaflet in practice should awaited.
6. The RID Committee of Experts confirmed that it was possible to proceed on a provisional basis according to this status of the UIC leaflet, and noted that paragraph 6.1, first indent of the German version of the leaflet had still to be aligned with the French version (missing sentence: "Crash elements shall be provided with a device which makes the occurrence of plastic deformation visible (description and text to be proposed by working group 5 RIV)"). The UIC leaflet should again be placed on the agenda of the RID Committee of Experts in two years.
7. In connection with this, the representative of UIC informed the meeting of the intention of amalgamating various UIC leaflets and standards. It was decided to invite to the next meeting of the working group on tank and vehicle technology a competent person who was in a position to provide information on the subject of standardization. In addition, the RID Committee of Experts asked the Secretariat to ensure that once the European Railway Agency (ERA) became operational, a representative of ERA competent in the subject of dangerous goods took part in the meetings.

Derailment detectors

Documents: A 81-03/507.2004 paragraphs 10 to 17
OCTI/RID/CE/41/4c) (Germany)

8. As an introduction, the Chairman of the working group on tank and vehicle technology referred to the status of the discussions as summarized in paragraph 17 of the report in A 81-03/507.2004.
9. The representative of Germany introduced his document, which contained a proposal for a decision of principle concerning the future use of derailment detectors. He was of the view that two years should be sufficient to collect enough practical experience in Switzerland and to develop other technical systems further, so that a date of entry into force of 1 January 2009 could be envisaged.
10. The representative of UIC agreed that derailment detectors were useful if a single wheel set derailed, but asked the meeting to bear in mind that the causology that had been submitted to the working group on standardized risk analysis showed that in the 10 derailments listed, where there were major spillages of products, derailment detectors would have been useless. This should be taken into account in further discussions.
11. The representative of the Netherlands referred to an accident in his country in which the derailment of a wagon which caused major damage to the infrastructure had only been discovered coincidentally at a later stage owing to the subsequent independent re-railing of the wagon. This accident underlined the importance of detecting derailments, as failure to detect them could also have severe consequences for passenger traffic.
12. The representative of France proposed to amend the wording of the decision, firstly in order to permit other technical solutions for reducing the risk of derailment, e.g. hot-box detectors (see also the report of the working group in A 81-03/509.2003 paragraph 13a) and secondly in order to collaborate with other bodies dealing with the subject of derailment.
13. The representative of Belgium asked the meeting to remember that with the exception of complete train-loads, fitting individual wagons with derailment detectors was pointless, because wagons which did not have to be fitted with derailment detectors could cause derailments effecting the whole train of wagons. **It was also important that the different systems that might be used should be compatible. Fitting could only be prescribed with a transitional period of at least four years once the systems permitted had been established.**
14. The Chairman summarized that concurrence of the various technical solutions was absolutely vital. The decision of principle should provide the basic conditions for the development of alternative systems. If no alternative solution were found in practice within the specified timescale, the final decision could also be deferred. The work had to be carried out in conjunction with other European bodies in order to ensure as wide a dissemination as possible (also possibly wagons for non-dangerous goods).
15. The following wording of the decision of principle, amended on the basis of a proposal from France, was adopted (8 in favour, 0 against and 5 abstentions):

"The RID Committee of Experts is convinced of the need for measures to prevent derailments in the transport of dangerous goods. It will get in touch with the other competent bodies dealing with the subject of derailment in order to develop the best suitable measures. In connection with this, RID should include a general description of the objective, the entry into force of which is planned for 2009, subject to the resolution of technical problems."

Protective measures to prevent damage caused by the overriding of buffers

Documents: A 81-03/507.2004 paragraphs 18 to 34
OCTI/RID/CE/41/4a) (France)
OCTI/RID/CE/41/4b) (Germany)
OCTI/RID/CE/41/4d) (Switzerland)

Informal documents: INF.3 (France)
INF.4 (Belgium)

Preventing the overriding of buffers

16. The additional measure proposed in France's document OCTI/RID/CE/41/4a) to prevent the overriding of buffers (option 1(a)) was adopted owing to its advantageous cost/benefit ratio, even though a proposed text can only be submitted after the necessary tests have been carried out. In order to make clear that this measure was equivalent to the other alternatives, the four new alternatives that resulted were renumbered (see Annex 1).

Equivalent measures

17. Following a verbal proposal from the representatives of the Netherlands and Austria, the words "or equivalent" (measures) were deleted from the introductory sentence (see Annex 1). Experience with equivalent measures should, if necessary, be gained by means of multi-lateral special agreements in order to ensure an international high profile for national measures.

Increasing the wall thickness for very toxic gases

18. With regard to the additional sentence under paragraph (a) of Germany's proposal in OCTI/RID/CE/41/4b) (increasing the wall thickness to 18 mm for certain very toxic gases), the representative of Germany explained in reply to a question that the tank end (18 mm)/shell wall (12 mm) transition would not present any problems, because technical regulations for this case already prescribed certain angles.
19. In the opinion of the representatives of the Czech Republic and Belgium, an increased wall thickness should not be prescribed for these gases, and the measures should instead be restricted to alternatives (b) and (c). **The representative of Belgium was anxious that there would be too much rigidity (danger of cracks forming) and that there was a lack of tests for wall thicknesses of 18 mm.**
20. The RID Committee of Experts adopted the additional sentence by 7 votes in favour to one vote against and 7 abstentions.

Sandwich cover

21. In document OCTI/RID/CE/41/4a), the representative of France withdrew his reference to EN standard 13094 for measuring the specific energy absorption capacity. However, the representative of Germany requested that France's proposal be reinstated, as the value of 22 kJ referred to could only be achieved in the way described in the standard.
22. The reference to EN standard 13094 was adopted, with a minor modification to align the wording to take account of the fact that the standard in fact applies to metal tanks (see Annex 1).
23. With regard to excluding the risk of corrosion by construction measures (document OCTI/RID/CE/41/4b)), the representative of Switzerland explained why in his view, this measure should be officially approved (document OCTI/RID/41/4d)). Filling with polyurethane

foam had to be carried out under particular environmental conditions in order to prevent moisture being brought in. When filling, absolute care had to be taken to avoid hollow spaces and in particular that the connections were cleanly shut off. This played a particularly important role in the retrospective fitting of tank wagons for very toxic gases.

24. The representative of UIC explained that in this case, all that was needed was a minor adjustment to the design type approval in accordance with 6.8.2.3, in which the competent authority was already involved. **The RID Committee of Experts shared this view.**
25. In the light of this, the representative of Switzerland withdrew his supplementary proposal. The additional sentence under paragraph (b) in document OCTI/RID/CE/41/4b) was adopted.

Protective shield

26. With regard to the height of the protective shield, the representative of France withdrew his proposal in document OCTI/RID/CE/41/4a) to delete the words “either two thirds of the tank diameter or”.
27. With regard to the addition also proposed in France’s document, whereby the arresting device must not be placed more than 650 mm above the centre-line of the buffers, the chairman of the working group on tank and vehicle technology expressed the concern that this distance was too short and that the buffer would slip past the arresting device. If one assumed a **buffer head** height of 350 mm, in the event of complete overriding of the buffers, the top edge of the buffers would be at a height of 575 mm above the centre-line of the buffers, so that all that remained between the top edge of the **buffer head** and the arresting device would be a distance of 125 mm. In his view, if the arresting device was placed higher up, there was no danger of the protective shield buckling, as it had to be reinforced at the back.
28. The representative of France asked the meeting to bear in mind that an arresting device placed too high up might not prevent the overriding of buffers and that the reaction of the energy absorption elements, which were newly prescribed from 2005, also had to be taken into account. If the protective shield bent, the function of the arresting device was called into question.
29. The representative of UIP explained that the 6 mm thick protective shield practically represented a strengthening of the tank end and should prevent the tank end being penetrated. However, a thickness of 6 mm was not sufficient to prevent the protective shield bending. He proposed that it be specified in the second point of the second indent in Germany’s proposal OCTI/RID/CE/41/4b) that the arresting device must be placed at the top edge of the protective shield, the height of which would be reduced.
30. Germany’s proposal, with the addition proposed verbally by the representative of UIP, was put to the vote by the Chairman and adopted by 5 votes in favour, 2 votes against and 8 abstentions.
31. The clarification proposed by the representative of France in informal document INF. 3 concerning the respective width of the protective shield was adopted (see Annex 1).

Transitional provisions

32. The transitional provisions were aligned with the presentation in document OCTI/RID/CE/41/6f), with retrofitting of the devices to protect against the overriding of buffers newly proposed by France also being permitted. As these devices have not yet been defined, the amended wording was placed in square brackets for the time being (see Annex 1).

Measures for tank-containers

33. In informal document INF. 4, the representative of Belgium saw a need for the RID Committee of Experts also to deal with the retrofitting of tank-containers for very dangerous substances.
34. As tank-containers are multimodal transport devices, there was a discussion on which body should best deal with this matter:
 - the RID Committee of Experts, because wagons carrying containers could also be affected by the measures and because purely operational measures, such as loading in the middle of carrying wagons or the provision of barrier wagons, could also be expedient;
 - the RID/ADR Joint Meeting, because protection of the tank end to prevent damage from vehicles which collide with the tank is also necessary in road transport;
 - the UN Sub-Committee of Experts dealing with portable tanks.
35. In order not to restrict the discussion to particular measures from the outset, it was decided to deal with the subject initially in the working group on tank and vehicle technology under a special agenda item.

External/central solebars/self-supporting tank

Document: A 81-03/507.2004 paragraphs 37 to 41

36. The representative of UIC pointed out that the accident of 23 December 2003 in Himberg presented by the representative of Austria at the last meeting of the working group had provided evidence that it was possible that on tank wagons with central solebars, filling and discharge devices placed on the outside were less protected. In order to save the costs of a research project, there should be a systematic investigation of accidents involving tank wagons of the same type of construction. He requested that a standing agenda item for “accident reports” be provided for the RID Committee of Experts.
37. The representative of Austria added that an investigation could also be carried out using simulations. However, as this was a borderland between dangerous goods legislation and wagon legislation, he recommended that the future Committee of Technical Experts be involved in this work.
38. The RID Committee of Experts endorsed the working group’s decision to leave the subject for the time being until new information was available.

Telematics

Document: A 81-03/507.2004 paragraphs 53 to 56

39. The Chairman pointed out that various solutions were already available on the market. However, the problem was that for commercial reasons, there would not be any which were restricted to dangerous goods. Thus transmission of data specific to dangerous goods could only be ensured in connection with other applications. He proposed to continue pursuing the subject and to define the requirements from the perspective of dangerous goods in order to find a solution together with ERA. The subject would therefore remain on the agenda in order to report annually on progress.

40. The representative of the Czech Republic pointed out that there were already TSIs (Technical Specifications for Interoperability) dealing with the subject of telematics. However, the only point relevant to dangerous goods contained in these TSIs was the UN number. The Secretariat was asked to check whether these TSIs could be made available on the OTIF website.

Tank wagon handbook

Document: A 81-03/507.2004 paragraph 57

41. The representative of UIC pointed out that without support, he was not in a position to continue pursuing this subject. He was asked to present a rough structure of the handbook to the next meeting of the working group on tank and vehicle technology, in which specific tasks could be allocated.
42. The delegates of the RID Committee of Experts did not make any comments on paragraphs 42a and 42b (Checklist), 43 to 45 (Air brake check), 46 (Guard distance between the tank end and buffer beams, 51 to 52 (Assessment of the documents from the Association of American Railroads (AAR)) and 58 to 64 (Any other business) of the report in A 81-03/507.2004.

Safety in rail tunnels

43. The Chairman reminded the meeting that after the 40th session of the RID Committee of Experts (see report in A 81-03/501.2004 paragraphs 126 to 130), this matter had been discussed at the fifth meeting of the working group on tank and vehicle technology (see report in A 81-03/507.2004 paragraphs 47 to 50). The working group had established that the measures concerning the dangerous goods field could be accepted.
44. The Vice-Chairman of the multidisciplinary working group (Mr. Bieger, Germany) provided information on the current status of the work on the TSIs on safety in tunnels, into which the UN/ECE's document TRANS/AC.9/9 had been incorporated. He pointed out that the TSIs were **law** and document TRANS/AC.9/9 was a recommendation. In the course of the work, justification had to be provided for every point which was not taken over from the UN/ECE document. In connection with this, the "detection of derailments" measure had been completely removed as it did not relate specifically to tunnels, but concerned the entire network. In contrast to this, the measure whereby the infrastructure manager had to be informed about dangerous goods before carriage in order subsequently to inform the emergency services, was laid down. In conclusion, he explained that the draft had again been discussed on 30 November 2004 and would be looked at together with the emergency services in February **2005**.
45. The Chairman raised the question of whether the carrier's obligations should also include the obligation to provide the infrastructure manager with the information in the consignment note in order to ensure that the infrastructure manager was at all times aware of which dangerous goods a train was carrying.
46. Mr. Bieger informed the meeting that originally, the question had been raised of closing tunnels to certain dangerous goods or building **twin bore** tunnels. In the TSIs, the closure of tunnels had deliberately not been prescribed because the railways were considered to be very safe. It was therefore important for those involved to receive information quickly in the event of an incident. It was not a matter of giving advance notification of all the dangerous goods being carried, but of being able to retrieve information as soon as possible in the event of an incident (e.g. in larger transport undertakings, uniform emergency numbers under which information could be retrieved; in smaller undertakings, advance notification by fax). According to the TSIs, carriers and infrastructure managers had to determine jointly where

information on the goods loaded was available in the event of an incident. He proposed including a formulation such as this in RID.

47. The representative of France explained that information on dangerous goods was useful in two cases: firstly, in accidents, and secondly when certain traffic requirements applied to the carriage of dangerous goods. For the first case, the recommendation in the UN/ECE's report followed the same logic as 1.4.1.2 of RID. For the second case, in France, the carrier had to notify the infrastructure manager of whether a train was a full train load of dangerous goods. Lastly, he underlined that the reliability and speed of information in an accident could be an advantage of rail transport.
48. It emerged from further discussions that:
 - in various States, there already existed an obligation on the part of the carrier to provide advance information to the infrastructure manager (Belgium, Netherlands, Switzerland);
 - in some States, the emergency services are not interested in being informed in advance of all the dangerous goods being carried (Austria);
 - among other things, for reasons of confidentiality, it had to be established which data had to be transmitted (UN number, number of packages, mass?).
49. The representative of Belgium and the representative of Switzerland said they were prepared to submit a proposed text to the next session of the RID Committee of Experts, taking into account the wording in the TSIs.

Future work of the working group on tank and vehicle technology

50. The Chairman explained that the real task of the working group – **to consider and propose measures to enhance safety as a result of certain accidents** – had virtually been concluded. However, he proposed that the working group be maintained in order to support the work of the RID Committee of Experts from a technical point of view. This standing working group could then meet subject to the tasks it was assigned. He would discuss with the Secretariat how this working group could best be organized in order to be able to propose a new working method for the next RID Committee of Experts.
51. Setting up a standing working group such as this received unanimous support, with one abstention.
52. At the invitation of Germany, the next meeting of the working group on tank and vehicle technology would be held at the end of April/beginning of May, still on the basis of the existing mandate.
53. Based on a proposal from the representative of France, the following items were included on the agenda of this meeting in addition to the items already decided:
 - Repair of tank wagons (document OCTI/RID/CE/41/6i)
 - Methods of measurement for the effectiveness of sandwich covers (new proposal from France)
 - Transitional provisions for existing tank wagons (see paragraph 32).

As the subject of drip leaking was referred back to the working group on tank and vehicle technology by the Joint Meeting's working group on tanks (see paragraph 61 of the report in TRANS/WP.15/AC.1/96), this subject would again have to be placed on the agenda.

In dealing with the final report of the German working group on tank and vehicle technology, the RID Committee of Experts had reserved for itself the handling of certain subjects (telematics, reducing the speed of whole train loads of dangerous goods, by-passing built-up areas and stations, managing emergencies and dangerous goods atlas) (see report in A 81-03/502.2002 paragraphs 51 to 55 and 65). The working group on tank and vehicle technology retained the task of developing a principle for decision on these more wide-ranging proposals, which should be discussed at the next session of the RID Committee of Experts.

ITEM 5: Working group on standardized risk analysis

54. The Chairman of the working group (Mr. Hundhausen, Germany) reminded the meeting that at the first meeting of the working group (Bonn, 22 and 23 April 2004), Switzerland, the Netherlands, the United Kingdom and France had presented the risk analysis applied in their States. The working group had thought it useful to have available an accident database and transport data in order to ascertain the frequency of accidents. Criteria for minimum standards and the **uncertainty** of risk analysis would have to be incorporated into the working group's enquiries (see also the report in A 81-03/504.2004).
55. He then gave a brief report on the second meeting of the working group (Bonn, 21 and 22 October 2004), the report of which would shortly be placed on OTIF's website, document number A 81-03/510.2004 (www.otif.org/html/e/rid_CExp_RID_gt_analyse_risque_rapport2004.php). He highlighted the following main results of the working group:
- By the end of December 2004, France, the Netherlands and Switzerland would produce a condensed version of the risk analysis applied in their States. These documents would then be placed on OTIF's website (www.otif.org/html/e/rid_CExp_RID_gt_analyse_risque_doc2004.php).
 - A small subgroup would meet **mid-January** to determine the points these different methods have in common and to develop a minimum standard (guide, guidelines).
 - The third meeting of the working group, which will check the consolidated document produced by this subgroup, is planned for 3 and 4 May 2005. It will decide whether guidelines are sufficient or whether the guidelines must be supplemented by a research project.
56. With regard to funding, the Chairman of the working group informed the RID Committee of Experts that the European Commission had put out to public tender a 3.5 million € research project, which was aimed primarily at security, but which could also include a section for safety and risk analysis. The successful tenderer would also have to assume co-ordination of the research project.

Document: OCTI/RID/CE/41/5a) (Secretariat)

57. A representative of the Secretariat introduced this document which, on one hand, reproduced the relevant paragraphs of the report of the last Joint Meeting (Geneva, 13 – 17 September 2004) and on the other, the relevant paragraphs of the report of the last meeting of WP.15 (Geneva, 25 – 28 October 2004). He reminded the meeting that in an indicative vote, the Joint Meeting had voted in favour of setting up a joint informal working group comprised of the different modes (12 votes in favour, 1 vote against) and that the aim of this working group was set out in paragraph 74 of the report of the Joint Meeting.

58. Without closing the door to the setting up of such a working group under the auspices of the Joint Meeting, the Chairman of WP.15 had explained that OTIF should send UN/ECE an official request setting out the aims, the likely points of interest of this work for ADR, the working methods, work programme and expected results (see paragraph 75 of the report of WP.15).
59. The Secretariat was of the view that WP.15's position in the light of the lack of interest evinced by WP.15 and the rejection expressed clearly by various delegations tended to draw a polite, but diplomatic line under the non-adoption.
60. The Chairman summed up the discussion as follows:
- All those delegations which had expressed a view had supported continuing the work, so the working group could hold its next meeting. As a first step, guidelines would be produced containing the main considerations on carrying out risk analysis and based on risk analysis which was already carried out in some States.
 - The secretariat work of the Association for Reactor and Plant Safety (GRS) was ensured for the first half of 2005 by a research project funded by the Federal Ministry of Transport, Construction and Housing (BMVBW).
 - UIC had offered its assistance in completing the statistics on accidents in rail transport.
 - The following steps (scenarios, assessment) were more complex and could only be tackled with additional funding. The working group was therefore asked to investigate other opportunities for funding and to ensure co-operation with the EU (UIC and France have announced that they might be able to consider financial participation under certain conditions). The working group was also asked to submit draft guidelines to the next session of the RID Committee of Experts and to report on which further steps should be aimed at and how this work could be funded.
 - The Secretariat was mandated to inform the Joint Meeting and WP.15 of the progress of the work and the further steps planned.

ITEM 6: OTHER PROPOSALS

Corrigenda for the 2005 edition

Documents: Erratum 2 (draft)

Informal documents: INF.5 (Secretariat)
INF.6 (Secretariat)

61. A member of the Secretariat gave a brief introduction to corrigendum 2 and informal document INF. 5, which took into account, inter alia, the corrections to ADR set out in informal document INF. 24 (and Add.) at the last Joint Meeting and those set out in informal document INF. 8 (and Add.) at the last session of WP.15. The additional amendments dealt with at this meeting would still be incorporated into corrigendum 2 before it was officially sent to all the Member States.
62. Informal document INF. 6 contained corrections of typing errors in the German edition of RID 2005.
63. At the request of the representative of Austria, Annex 2 of this report contains comments from the legal service of OTIF on the question of the time at which corrigenda to RID enter into force.

Packing instruction P 620

Document: OCTI/RID/CE/41/6a) (Secretariat)

64. The **proposal** was adopted without discussion and **the amendment** was included in corrigendum 2 to the 2005 edition of RID (see Annex 1).

Special provision W 6

Document: OCTI/RID/CE/41/6b) (Secretariat)

65. The **proposal** was adopted and **the amendment** was included in corrigendum 2 to the 2005 edition of RID (see Annex 1).
66. In relation to the justification set out by the Secretariat, the representative of the Netherlands criticized the fact that in justifications for corrections of errors, account was still being taken of the legal position before restructuring.
67. The representative of UIC suggested carrying out an analysis from a technical safety point of view of all similar provisions, with the help of the systematic list he had produced.

UIC leaflet 471-3 O, point 5

Documents: OCTI/RID/CE/41/6e) (UIC)
OCTI/RID/CE/41/6e)/Add.1 (Secretariat)

68. The representative of UIC introduced his document and stressed that publication of the revised UIC leaflet could be arranged as soon as the RID Committee of Experts had agreed the amended wording.
69. The representative of Germany suggested also including portable tanks under point 5.10. As portable tanks were not listed in the underlying provision of 5.4.1.2.2 (c) either, the representative of Germany was asked to submit this question to the Joint Meeting's tank working group.
70. The RID Committee of Experts decided to refer to this amended UIC leaflet in corrigendum 2 with the new wording contained in document OCTI/RID/CE/41/6e)/Add.1 (see Annex 1).

Transitional provisions in 1.6.3.26 and 1.6.3.27

Document: OCTI/RID/CE/41/6f) (Secretariat)

71. The second alternative proposed in the document was adopted for inclusion in corrigendum 2, with the addition that in 1.6.3.27 (b), battery wagons would also be mentioned in addition to tank wagons (see Annex 1).
72. In connection with this transitional provision, it was again highlighted that the tank wagons and battery wagons covered in 1.6.3.27 (b) need not be retrofitted.

Transitional provision in 1.6.3.18

Document: OCTI/RID/CE/41/6k) (Belgium)

73. To justify her proposal, the representative of Belgium explained that in inspections in her country, tank wagons were still being seen which were not marked with the proper shipping names of the substances permitted for carriage. The present wording of the transitional pro-

vision could lead to tank wagons not being marked with the names of the substances or with the applicable special provisions TC, TE and TA.

74. The representatives of Austria and the branch of industry concerned (UIP) saw no need for clarification, as the industry involved was clear about the amendments.
75. The majority of the RID Committee of Experts was of the view that it was sufficient to put a clarification in the report, according to which tank wagons for which the transitional provision was used must **stay** marked with the proper shipping names of the substances permitted for carriage and to have an official proposal for the 2007 edition. The representative of Belgium was therefore asked to submit a document to the Joint Meeting which also took account of tank-containers.

Interpretation of RID/ADR

Document: OCTI/RID/CE/41/6I) (Secretariat)

76. This document contained comments from WP.15 on certain question of interpretation which also concerned RID. The RID Committee of Experts took the following views on these questions concerning transport operations prior to or following carriage by air or sea.

Marking of packages

77. The RID Committee of Experts shared the view of WP.15 and explained that it was not prohibited to affix additional markings in accordance with RID/ADR, but that this was not an obligation.

Limited quantities

78. The Chairman noted that in this case, it was a matter of replacing the marking (diamond shaped) of RID/ADR with markings in accordance with the IMDG Code or the ICAO Technical Instructions ("LIMITED QUANTITIES").
79. The RID Committee of Experts was of the view that these questions of interpretation should be dealt with by the Joint Meeting for all inland transport modes jointly on the basis of a written proposal. In discussion, the following particular points were raised:
 - If a substance is carried in limited quantities in accordance with the IMDG Code or the ICAO Technical Instructions, it may also be carried by road or rail beforehand or subsequently in accordance with the limited quantity provisions.
 - It is not clear whether the exemptions in accordance with the IMDG Code and the ICAO Technical Instructions are exemptions in accordance with Chapter 3.4 of RID/ADR and to what extent packages must meet the requirements of Chapter 3.4 of RID/ADR.
 - If according to the provisions of the IMDG Code or the ICAO Technical Instructions it is possible completely to exempt substances of classes 1 to 8 which are nevertheless classified as dangerous according to RID/ADR, the relief available under 1.1.4.2.1 does not apply and the provisions of RID/ADR must be observed.
 - It is not possible to see from the transport document whether substances are being carried in limited quantities.

Excepted quantities and consumer commodities

80. The representative of Austria noted that the concept of consumer commodities was unknown in RID/ADR, as **it was not a recognized legal concept in this context**.
81. The RID Committee of Experts considered that this question required further clarification, which should be discussed in the Joint Meeting. These were completely different systems which were not covered by 1.1.4.2.1.

Aquatic and marine pollutants

82. The representative of Germany was of the view that differences between **aquatic** and marine pollutants would remain until the criteria of GHS (Globally Harmonized System for the classification and labelling of chemical products) were implemented for all the transport modes. These criteria would be incorporated into the IMDG Code in 2007 with a transitional period up to 2008. Until then, one would have to live with this unsatisfactory situation.

Protection against theft

83. The representative of Germany had submitted to WP.15 a question on 1.10.3.3. It was not clear whether the vehicle alone was to be protected or whether protection was required for both the vehicle and the load. WP.15 had explained that both the vehicle and the load had to be protected. A suitable correction was included in the draft corrigendum to the 2005 edition of ADR in order to align the German and French versions with the English version.
84. As theft of a train or wagon could be ruled out, the meeting agreed that protection of the load against theft must be ensured.
85. The Chairman noted that the aim was to prevent use of the goods for improper purposes, so theft should not just be considered as "removal". He was of the view that systematic protection was also possible in relation to the load (e.g. stabling only in areas which were under surveillance or use of closure systems which would take a lot of time to open (e.g. securing the discharge pipes by bolting them)).
86. The representative of Austria added that the question of measures to protect against theft should be addressed in the contracts that exist for example between the infrastructure manager and the carrier or between the carrier and the wagon owner.
87. The representative of France raised the question of whether the protection against theft prescribed under 1.10.3.3 was sufficient if wagons were stabled in marshalling yards for which security and good lighting according to the rules in accordance with 1.10.1.3 were required. The Chairman confirmed this was so.
88. Finally, the RID Committee of Experts adopted the inclusion of this correction (in 1.10.3.3, replace "or" by "and") in the corrigendum (see Annex 1).

Proposals for entry into force on 1 January 2007

1.10.4

Document: OCTI/RID/CE/41/6c) (Secretariat)

89. The Secretariat's proposal to align the wording of 1.10.4 with ADR in order to avoid discrimination against the railways, was welcomed by a majority. However, as at the last session of WP.15, the representative of Poland had announced that he would prepare a proposal for an amendment for the next RID/ADR Joint Meeting, particularly to deal with the problem of mixed loading, the adopted text was placed in square brackets for the time being.

Specialized training for locomotive drivers

Document: OCTI/RID/CE/41/6d) (Switzerland)

90. The RID Committee of Experts saw no need for clarification with the help of a note, as Chapter 1.3 contained training provisions and no operational procedures to be applied. It nevertheless decided to modify slightly the beginning of the first indent of paragraph 1.3.2.2.2 (a) (see Annex 1).

Chapter 1.9

Document: OCTI/RID/CE/41/6g) (UIC)

91. The problem outlined by the representative of UIC concerning the differentiation between restrictions on carriage and special operational provisions in Chapter 1.9 was generally acknowledged. However, as the wording of 1.9.5 was taken from the RID Framework Directive and the European Commission had announced a joint RID/ADR/ADN Framework Directive, it was decided to establish the final wording and its new location in RID on the basis of this new Framework Directive. The document was therefore deferred to the next meeting.

Carriage of deeply refrigerated liquefied gases

Document: OCTI/RID/CE/41/6h) (UIC)

92. Using an actual case that occurred in practice, the representative of UIC explained the need for the provision in 5.4.1.2.2 (d) for portable tanks as well.
93. The representative of Austria referred to the handling of his document OCTI/RID/CE/40/6e) on this subject at the 40th session of the RID Committee of Experts (see report in A 81-03/501.2004 paragraphs 82 to 84) and again proposed to deal with the problem in the Joint Meeting's working group on tanks.
94. UIC's proposal, which was taken on by the representative of the Netherlands, was put to the vote and adopted by 11 votes in favour to 3 votes against and one abstention.

Mutual recognition of experts

Document: OCTI/RID/CE/41/6i) (Switzerland)

95. The RID Committee of Experts considered that the problems identified by Switzerland needed to be looked at further. In principle, producing a catalogue of common criteria was welcomed, although open formulations in the regulations would have to be completed beforehand. However, it must be remembered that differing interpretations could not be put aside by means of a catalogue.
96. The Chairman proposed that for the next exchange of experience on special agreement RID 4/2002, documents should be submitted which supported the examples quoted in document OCTI/RID/CE/41/6i).
97. With regard to reducing the interval between tests and inspections referred to by the representative of UIC, which the chemical industry had requested in conjunction with SQAS, a proposal should be submitted to the next session of the RID Committee of Experts containing technical justification and relevant evidence in support of this request. However, it was emphasized that the inspection carried out by the expert only represented a momentary record of conformity with the rules and a forecast up to the next inspection. For this reason, RID imposed obligations on the various participants in order to ensure that during carriage, the con-

dition continued to be in accordance with the provisions. In addition, it should also be checked whether the text in 7.5.1.2 and 7.5.1.3 of ADR could also be taken over for RID.

98. Notifying the identity of wagons which had not passed the inspection to a central body and transmitting these data to other experts, as suggested by Switzerland, could come up against problems of data protection, and the administrative work involved should also not be disregarded.

Indication of a responsible person in the documentation

Document: OCTI/RID/CE/41/6j) (UIC)

99. Introducing his document, in which it was proposed to name a person to contact when carrying all types of dangerous goods, the representative of UIC explained that defining the obligations for the person responsible in connection with Class 6.2 should be carried out by the UN Sub-Committee of Experts.
100. The representative of Austria replied that it was not necessary to assign obligations to the person responsible because this was somebody who was in a position to provide information concerning substances of Class 6.2 and in particular concerning the risks of these substances.
101. UIC's proposal received no support in the RID Committee of Experts because this was **an issue of monitoring of movements of freight** and was not therefore specific to dangerous goods.

ITEM 7: ENTRY INTO FORCE OF THE NEW COTIF

Document: OCTI/RID/CE/41/7a) (Secretariat)

102. A member of the Secretariat explained this document, which set out the difficulties which would arise when the new COTIF entered into force for traffic with those States which were not members of the European Union or the European Economic Area, had not yet ratified the new COTIF and had not declared to the Secretariat that they would apply the new Convention de facto.
103. In reply to a question from the representative of UIC, a member of the Secretariat explained that the European Commission had already stated that in the Committee of Technical Experts **on Appendices F and G of the new COTIF**, it would exercise the right to vote for all the EU Member States provided the subject being dealt with came within the exclusive competence of the European Union. In view of the uniform vote envisaged in the Committee of Technical Experts, the EU Member States would have a majority. The new Railway Agency would be developing technical approval provisions which would be submitted to the Committee of Technical Experts after approval within the European Commission.

Document: OCTI/RID/CE/41/7b) (Secretariat)

104. The RID Committee of Experts mandated the Secretariat to notify in the form of a corrigendum the amendments necessary to RID in connection with the new COTIF after the entry into force of the new Convention. The Member States were requested to inform the Secretariat of any other adaptations that might be necessary.
105. The Secretariat's mandate specifically excluded the amendments to Chapter 7.7 (hand luggage and luggage). UIC was asked to prepare an initial incentive paper for developing provisions on this matter. Until then, the current text would be replaced by "(reserved)" after the new COTIF entered into force.

Aligning Annex 2 of SMGS with RID 2001

106. The representative of Poland explained that OSZhd's work to align Annex 2 of SMGS with the structure of RID had been concluded. If no objections were lodged by the end of February, the new Annex 2 could enter into force on 1 July 2005 with a one year transitional period. In January 2005, work would also begin on aligning with the 2005 edition of RID.

CLOSURE OF THE MEETING

107. The agenda of the next RID Committee of Experts which, at the invitation of Spain, would be held in Madrid, will include the following items, among others:
- Harmonization with the 14th edition of the UN Model Regulations
 - Adoption of the 2004 and 2005 decisions of the Joint Meeting
 - Accident reports (as a standing agenda item; as soon as the corresponding database has been prepared, the Secretariat will notify the Member States of the form in which accident data should be transmitted)
 - Status telematics
 - OCTI/RID/CE/41/6g)
108. The Chairman said goodbye to Mr. Wieger J. Wisser (UIC), who had given his services for decades to safety in the carriage of dangerous goods by rail. He referred in particular to the fact that despite ceasing the chairmanship of the RID/ADR Joint Meeting, he had committed himself energetically (**correction from Mr. Visser: "with suitable desperation" ;-)** to bringing the restructuring of RID/ADR to a successful conclusion. He thanked him for his willingness to be available to provide information in future as well.
109. The Chairman closed the 41st session of the RID Committee of Experts and thanked Mr. W. Küpper for his excellent interpreting, and the Secretariat for preparing the extensive documentation.
110. Lastly, he thanked the representative of Germany and the Meiningen Steam Locomotive Works for their excellent organization of the meeting.

Adopted texts

Additions to corrigendum 2

1.4.2.2.1 Amend **the beginning of** footnote (5) to read:

"⁵⁾ **Edition** of the UIC leaflet applicable as from 1 January 2005. **The UIC leaflets are published by the ...**"

(Reference document: OCTI/RID/CE/41/6e) and Add.1)

1.6.3.26 To read as follows:

"(Reserved)".

(Reference document: OCTI/RID/CE/41/6f)

1.6.3.27 (a) To read as follows:

"Tank-wagons and battery-wagons

- for gases of Class 2 with classification codes containing the letter(s) T, TF, TC, TO, TFC or TOC, and
- for substances of classes 3 to 8 to which tank code L15CH, L15DH or L21DH is assigned in column (12) of Table A of Chapter 3.2,

constructed before 1 January 2005 and which do not conform to the applicable requirements of **special provision** TE 22 of 6.8.4 in force from 1 January 2005 may still be used. However, by 1 January 2011, they shall be fitted with the devices defined in special provision TE 22, which shall however be capable of absorbing at least 500 kJ of energy at each end of the wagon."

(Reference document: OCTI/RID/CE/41/6f)

1.6.3.27 (b) To read as follows:

"Tank-wagons and battery-wagons

- for gases of Class 2 with classification codes containing only the letter F, and
- for substances of classes 3 to 8 to which tank code L10BH, L10CH or L10DH is assigned in column (12) of Table A of Chapter 3.2,

constructed before 1 January 2007 and which do not conform to the applicable requirements of **special provision** TE 22 of 6.8.4 in force from 1 January 2007, may still be used.^(*)

^(*) (Footnote unchanged)".

(Reference document: OCTI/RID/CE/41/6f)

1.10.3.3 Amend "or its cargo" to read:

"and its cargo".

(Reference document: OCTI/RID/CE/41/6l)

Chapter 3.2
Table A

UN Number	Column	Amendment
UN 1442, UN 2427, PG II and III, UN 3211, PG II und III, UN 3213, PG II	16	Delete: "W6". <i>(Reference document: OCTI/RID/CE/41/6b)</i>

4.1.4.1
P 620

Delete additional requirement 4.

(Reference document: OCTI/RID/CE/41/6a)

7.2.4

Amend special provision W 6 to read as follows:

"(Reserved)".

(Reference document: OCTI/RID/CE/41/6b)

Amendments for a corrigendum to be published when COTIF 1999 enters into force

See document OCTI/RID/CE/41/7b) with the following amendment:

7.7

To read as follows:

"(Reserved)".

Amendments to enter into force on 1 January 2007

1.3.2.2.2 (a) Amend the beginning of the first indent to read:

"– **how to access the** necessary information ...".

(Reference document: OCTI/RID/CE/41/6d)

Insert a transitional provision as follows:

[1.6.3.x

Tank wagons and battery wagons

- for gases of Class 2 with classification codes containing the letter(s) T, TF, TC, TO, TFC or TOC, and
- for substances of classes 3 to 8 to which tank code L15CH, L15DH or L21DH is assigned in column (12) of Table A of Chapter 3.2,

constructed before 1 January 2007 and which do not conform to the applicable requirements of Special Provision TE xx of 6.8.4 (b) in force from 1 January 2007 may still be used.

Tank wagons and battery wagons for the carriage of gases UN 1017 chlorine, UN 1749 chlorine trifluoride, UN 2189 dichlorosilane, UN 2901 bromine chloride and UN 3057 trifluoroacetyl chloride, whose wall thickness of the ends does not meet the requirements of special provision TE xx (b), shall however be fitted with devices in accordance with special provision TE xx (a), (c) or (d) by 1 January 2015.]

(Reference document: OCTI/RID/CE/41/4a)

[1.10.4 To read as follows:

"The provisions of 1.10.1, 1.10.2 and 1.10.3 do not apply when the quantities carried in packages in a wagon or large container do not exceed those referred to in 1.1.3.6.3. In addition, the provisions of 1.10.1, 1.10.2 and 1.10.3 do not apply when the quantities carried in tanks or in bulk in a wagon or container do not exceed those referred to in 1.1.3.6.3."]

(Reference document: OCTI/RID/CE/41/6c)

Chapter 3.2

Table A

In column (13) insert "TE xx" against the following entries:

- Tanks for gases of Class 2 with classification codes containing the letters T, TF, TC, TO, TFC or TOC,
- Tanks for substances of classes 3 to 8 with tank code L15CH, L15DH or L21DH.

(Reference document: OCTI/RID/CE/41/4a)

5.4.1.2.2 (d) Insert after "tank wagons":

", portable tanks".

(Reference document: OCTI/RID/CE/41/6h)

6.8.4 (b) Insert the following new special provision TE xx (left-hand column only):

"Shells of tank wagons shall also be protected against the **overriding of buffers and derailment or, failing that, to limit damage when buffers override** by at least one of the **following measures**:

Measures to avoid overriding

(a) Device to protect against the overriding of buffers

(reserved)

Measures to limit damage when buffers override

(b) Increasing the wall thickness of the tank ends or using other materials with a greater energy absorption capacity.

In this case, the wall thickness of the tank ends shall be at least 12 mm.

However, the wall thickness of the ends of tanks for the carriage of gases UN 1017 chlorine, UN 1749 chlorine trifluoride, UN 2189 dichlorosilane, UN 2901

bromine chloride and UN 3057 trifluoroacetyl chloride shall in this case be at least 18 mm.

(c) Sandwich cover for tank ends

If protection is provided by a sandwich cover, it shall cover the entire area of the tank ends and shall have a specific energy absorption capacity of at least 22 kJ (corresponding to a wall thickness of 6 mm), which shall be measured in accordance with the method described in Annex B to EN standard 13094 "Tanks for the transport of dangerous goods - Metallic tanks with a working pressure not exceeding 0.5 bar - Design and construction". If the risk of corrosion cannot be eliminated by structural measures, it shall be made possible to undertake an inspection of the external wall of the tank end, e.g. by providing a removable cover.

(d) Protective shield at each end of the wagon

If a protective shield is used at each end of the wagon, the following requirements shall apply:

- the protective shield shall cover the width of the tank in each case, up to the respective height. In addition, the width of the protective shield shall, over the entire height of the shield, be at least as wide as the distance defined by the outside edge of the **buffer heads**;
- the height of the protective shield, measured from the top edge of the **headstock**, shall cover
 - either two thirds of the tank diameter
 - or at least 900 mm and shall in addition be equipped **at the top edge** with an arresting device for climbing buffers;
- the protective shield shall have a minimum wall thickness of 6 mm;
- the protective shield and its attachment points shall be such that the possibility of the tank ends being penetrated by the protective shield itself is minimized.

The wall thicknesses specified in (b), (c) and (d) above relate to reference steel. If other materials are used, except if mild steel is used, the equivalent thickness shall be calculated in accordance with the formula in 6.8.2.1.18. The values of R_m and A to be used shall be specified minimum values according to material standards."

(Reference documents: OCTI/RID/CE/41/4a) and 4b), INF.3)

Comments from the OTIF Secretariat's legal service on the entry into force of the Secretariat's corrigenda to the notification texts

1. RID in accordance with COTIF 1980 and Appendix C in accordance with the Vilnius Protocol form an integral component of the Convention. Both COTIF 1980 and the 1999 Vilnius Protocol version of COTIF provide a simplified procedure for amending the requirements of RID. This procedure diverges considerably from the usual procedures under international law for creating rights and obligations for the Contracting States: this is because the amendments to the Convention adopted by the RID Committee of Experts enter into force for **all** Member States unless a third of the Member States (COTIF 1980) or a quarter of the Member States (COTIF 1999) lodge an objection within the period provided for this purpose. **This** means that the amendments adopted by the RID Committee of Experts are binding upon a Member State under international law, even if this Member States voted against the decision at the time it was taken by the Committee of Experts and has lodged an objection within the deadline against a decision which has nevertheless been taken. Provisions such as these in a contract under international law must always be interpreted restrictively as exceptions.
2. COTIF 1980 and the 1999 Vilnius Protocol version of COTIF prescribe that the Central Office (COTIF 1980) or the Secretary General (COTIF 1999) must notify the Member States of the amendments adopted by the RID Committee of Experts. This notification is a prerequisite for the entry into force of the decisions. Neither COTIF 1980 nor COTIF 1999 contain provisions concerning any corrections of errors by the Central Office/the Secretary General. However, experience shows that in long texts, various types of error are unavoidable both in the decision-making process and in the notifications to the Member States.
3. Essentially, the following types of error can be distinguished:
 - (a) Obvious mistakes in syntax, printing, spelling, punctuation, numbering etc.;
 - (b) Discrepancies between the notified text and the reported decisions of the Committee or any other documents concerning the content of the decisions;
 - (c) Differences between different versions of authentic texts.
4. The Central Office/the Secretary General does not itself take the initiative, nor does it take the initiative at the suggestion of a Member State, to publish corrigenda to the notified texts. In so doing, the Central Office /Secretary General has to check carefully whether an error falls into one of the categories listed above, or not, and whether an error materially changes the content of a decision or not. A correction without a new ruling procedure can only be considered if the error does not materially change the content. According to Article 79 § 2 of the Vienna Convention on the Law of Contracts, which sets out the customary international law in this respect, in the event of a correction, the corrected text enters into force **ab initio**, i.e. at the same date as was agreed when the original text was adopted.
5. As the Depositary for contracts under international law, the Secretary General of the United Nations applies a simplified correction procedure in exceptional cases, e.g. in the case of the Annexes to the Agreement concerning the Adoption of Uniform Technical Prescriptions for Wheeled Vehicles, Equipment and Parts which can be Fitted and/or be Used on Wheeled Vehicles and the Conditions for Reciprocal Recognition of Approvals Granted on the basis of these Prescriptions, dated 20 March 1958 ("Geneva Agreement on homologation"). Like the technical Annex to RID, these Annexes are of a very technical nature, with a lot of figures and formulae. Thus it often arises that corrections are necessary. In addition, there is the fact that as in RID, no authorized text actually exists and the texts **are** first adopted in a working group. The simplified procedure is approximately equivalent to the procedure applied by the Secretary General of the United Nations as Depositary for authorized copies. However, it must be






emphasized that this simplified procedure is only applied in the case of corrections to the Annexes to the Convention referred to and that the corrections may not constitute an **amendment** (see paragraph 60 of the summary of the practice of the United Nations Secretary General as the Depositary of Multilateral Agreements, ST/LEG/7/Rev.1, New York, 1999).







6. If an error does not materially change the content of a decision, the question of the entry into force of corrigenda to notified texts of RID has no role to play in applying the texts, as a material amendment, and hence legal consequences, are not involved. However, there is a different position in cases where the Committee of Experts has mandated the Central Office/the Secretary General to undertake corrections to errors which are purely errors of form, e.g. for systematic reasons (classification of substances) or other grounds, as is partly the case when correcting Table A of the technical **Annex** to RID (see final report of the 37th session of the RID Committee of Experts, Nuremberg, 26 – 30 June 2000, A 81 – 03/507.2000).
7. As neither COTIF 1980 nor the 1999 version of COTIF contain provisions concerning the correction of any errors by the Central Office/Secretary General and moreover – as has already been mentioned above – since provisions on legislating by majority decision in a contract under international law must always be interpreted restrictively as exceptions, the question arises as to how far delegation of the right to correct material errors is permissible under the law, if at all. If need be, it could be argued on the basis of the international legal principle of Estoppel that all Member States have accepted this procedure and thus can no longer raise any objections to it.
8. For the cases of material corrections referred to, i.e. amendments, international law does not usually recognize a simplified procedure for a correction by the Depositary or the Secretariat of an international governmental organisation. However, where such a procedure is provided for under RID, it is the view of the legal service that for the entry into force of such "corrections", the principle of entry into force **ab initio should not apply**. On the one hand, the general legal principle applies that legal provisions cannot have a retroactive effect without sufficient legal basis. On the other, the respective provisions of national law which apply to national promulgation have to be taken into account as a prerequisite for validity and the entry into force of legal provisions, which as a rule will prohibit such "corrections" being able to come into force retroactively, i.e. ab initio.
9. As a rule, the national provisions concerning promulgation which apply in each case do not provide for any gap in the legislation between promulgation and entry into force, i.e. the applicability of legal provisions. The question of gaps in the legislation is usually reserved for the actual legislator himself. Owing to the lack of provisions concerning gaps in the legislation, there could be legal problems with regard to the time at which the legal provisions are valid for those who have to implement them, and these problems would have to be resolved by the courts or administrative authorities, but could not be dealt with either through RID or through the mandate of the RID Committee of Experts. In this case, the legal consequences would also derive from the respective national laws, as RID generally leaves penalties up to them.

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