

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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Subject: Effects of the entry into force of the new COTIF for Member States which have
not ratified the 1999 Protocol

Information from the OTIF secretariat

The revision of COTIF by the 5th General Assembly in Vilnius was carried out maintaining continuity of the law. According to Article 20 § 3 of COTIF 1980, when the decisions of Vilnius enter into force, **the application of the CIV and CIM Uniform Rules is suspended** in respect of traffic with and between those Member States which, one month before the date fixed for such entry into force, have not yet deposited their instruments of ratification, acceptance or approval. Such suspension will not apply to Member States which notify the Central Office that, without having deposited their instruments of ratification, acceptance or approval, they will apply the amendments decided upon by the General Assembly (i.e. application de facto).

In the OTIF Secretariat's opinion, suspension of the application of the CIM Uniform Rules also entails suspension of the application of the Annexes to the CIM Uniform Rules, in particular **RID**.

The application of RID as an executive order to Article 4 (d) and Article 5 § 1 (a) of CIM is therefore suspended for those States which have not ratified the 1999 Protocol. However, for the Member States of the European Community, the "RID Framework Directive" still applies (Directive 96/49/EC of the Council on the approximation of the laws of the Member States with regard to the transport of dangerous goods by rail), so that in substance, the requirements of RID are mandatory for these States. The extent to which, for other Member States of OTIF, a suitable legal basis exists which would allow the carriage of dangerous goods by rail, would have to be judged in accordance with their respective national laws.

In conclusion, it must be pointed out that both suspension of the application, and application de facto, would only result in numerous legal uncertainties and problems.

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