

**OTIF**



**ORGANISATION INTERGOUVERNEMENTALE POUR  
LES TRANSPORTS INTERNATIONAUX FERROVIAIRES**

**ZWISCHENSTAATLICHE ORGANISATION FÜR DEN  
INTERNATIONALEN EISENBAHNVERKEHR**

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

**OTIF/RID/CE/2008/21**

5 October 2008

Original: English

**RID: 46<sup>th</sup> Session of the Committee of Experts on the Transport of Dangerous Goods**  
(Hamburg, 21 - 23 October 2008)

**Subject: ERA advice to the RID Committee of Experts on the new provision 6.8.2.1.29**

### **Preliminary comment**

This advice has taken into consideration the agreement and adoption by the RID Working Group on Tank and Vehicle Technology of a text for the UK derogation concerning the application of the new provision 6.8.2.1.29.

### **Advice**

As a general principle ERA considers that it is preferable to keep the specific requirements for dangerous goods together with the related derogations only in the RID, as long as they do not contradict the EU legal framework, including the Technical Specifications for Interoperability, in order to facilitate the application of the regulations.

For the technical requirements applicable to wagons, all interoperability requirements for the design are set out in the WAG TSI. There is already a reference to RID in the WAG TSI for those requirements related to the transport of dangerous goods. Therefore a direct link already exists between these two pieces of legislation.

Concerning the new provision 6.8.2.1.29, if the derogation is adopted by the RID Committee of Experts (the derogation has already been adopted by the Working Group on Tank and Vehicle Technology), it is necessary to take into consideration the following points when the present text of the provision is amended:

1. The CR Infrastructure TSI has no relevance for the present provision, because it is related to the design of the wagon. Therefore it is not correct to refer to the CR Infrastructure TSI.

For reasons of cost, only a limited number of copies of this document have been made. Delegates are asked to bring their own copies of documents to meetings. OTIF only has a small number of copies available.

2. The proposed derogation impacts directly, and solely, on the RID provision, therefore it is preferable to specify in RID the conditions under which the new provision applies.
3. It is not possible to use Article 6 of the new framework Directive on the inland transport of dangerous goods (Directive 2008/68/EC) to describe such a derogation; the scope of the proposed derogation goes further than the restrictive conditions set down in this directive.
4. A technical derogation could be described in RID, together with the provision itself, either by:
  - giving a reference to the minimum loading gauge to which the provision would apply, for example, smaller than the G1 gauge of the WAG TSI,or
  - referring to a precise UK gauge, as the maximum permitted loading gauge as a derogation to the provision.
5. Because it is possible to describe a derogation of general application in precise technical terms, it would seem unnecessary to describe a geographical scope of application

With regard to these points ERA advises that the text adopted in the annex to the minutes of the 9<sup>th</sup> meeting of the Working Group on Tank and Vehicle Technology should be amended.

---