

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: OTIF Member States / RID Contracting States

Proposal transmitted by the Secretariat

Introduction

1. Russia's accession to COTIF, which will probably take effect on 1 February 2010, will mean that for the first time, OTIF will have a Member State which has made a declaration in accordance with Article 42 of COTIF not to apply RID.
2. Where reference is made in RID to the "Member States of COTIF", it is not explained that they must also apply RID. This may be particularly relevant in those cases where the Member States' competent authorities are granted certain rights that have consequences for other Member States (e.g. issuing training certificates for safety advisors, approval of an alternative packaging by the competent authority of the first Member State reached by the consignment).
3. For this reason, RID must be amended in various places to ensure that the rights and obligations assigned to the Member States only concern those States that actually apply RID.
4. This problem also arises in Appendices F and G of COTIF, among others, concerning technical provisions and the technical approval of railway material. For this purpose, these Appendices contain a definition of "Contracting State" which differentiates between Member States and States that have made a declaration not to apply the particular Appendix.

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5. According to Article 33 § 5 of COTIF, the RID Committee of Experts takes decisions on proposals aiming to modify the Regulation concerning the International Carriage of Dangerous Goods (RID). This includes both the text of Appendix C and the Annex in accordance with Article 6 of Appendix C (RID itself). Article 33 § 5 of COTIF also says that one third of the States represented on the Committee may require proposals submitted to the RID Committee of Experts to be submitted to the General Assembly for decision.

Proposals concerning Appendix C

6. In Article 1 § 1 (a), replace "Member States" with:

"the RID Contracting States".

7. Insert a new Article "1bis" as follows:

"Article 1bis Definitions

For the purpose of this Regulation and its Annex, "RID Contracting State" means a Member State of the Organisation which has not made a declaration in respect of this Regulation in accordance with Article 42 § 1, first sentence, of the Convention."

8. In Article 3, replace "Member State" with:

"RID Contracting State".

Proposals concerning the Annex to Appendix C (RID)

9. On the title page, replace "Member States of COTIF" with:

"RID Contracting States".

10. Throughout the text, replace "Member State" and "COTIF Member State" or "Member State of COTIF" with:

"RID Contracting State".

(This amendment concerns the following paragraphs etc.: 1.1.4.1.1, 1.1.4.5.2 (x 3), 1.2.1 definition of "Applicant" (x 2) and "Approval" (x 2), 1.4.1.3 (x 3), 1.5.1.1 (x 2), 1.6.1.3, 1.6.2.7, 1.6.3.35, 1.6.4.34, 1.8.1.1, 1.8.2.1, 1.8.2.2 (x 5), 1.8.2.3, 1.8.3.2, 1.8.3.5, 1.8.3.7, 1.8.3.8, 1.8.3.13, 1.8.3.15, 1.8.4 (x 2), 1.8.5.1 (x 2), 1.8.5.2 (x 2), 1.9.1 (x 4), 1.9.4 (x 2), 1.9.5 (x 2), 2.2.1.1.3 (x 2), 2.2.2.1.5 under the heading "Flammable gases" (x 2), 2.2.41.1.13 (x 2), 2.2.52.1.8 (x 2), 3.3.1 special provisions 239 (x 2) and 645, 4.1.1.16, 4.1.3.7, 4.1.3.8.1 footnote 2 (x 2), 4.1.4.1 packing instructions P 101 (x 2), P 200 (9), P 620 footnote a (x 2), P 650 footnote a (x 2), 4.1.7.2.2 (x 2), 4.1.8.7 (c) footnote 3 (x 2), 4.1.10.4 special provision MP 21 (a) (iii) footnote 4 (x 2), 4.2 Note 2, 6.2.3.6.2 (x 2), 6.4.22.6 (x 5), 6.8.2.4.6, 6.8.4 special provision TA 2 (x 2), 7.3.3 special provisions VW 12 (x 2) and VW 13 (x 2).)