

**OTIF**



**ORGANISATION INTERGOUVERNEMENTALE POUR  
LES TRANSPORTS INTERNATIONAUX FERROVIAIRES**

**ZWISCHENSTAATLICHE ORGANISATION FÜR DEN  
INTERNATIONALEN EISENBAHNVERKEHR**

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

**INF. 4**

8 November 2007

Original: German

**RID: 44<sup>th</sup> Session of the Committee of Experts on the Transport of Dangerous Goods  
(Zagreb, 19 - 23 November 2007)**

**Subject: Notification of the amendments adopted by the RID Committee of Experts**

**Information transmitted by the Secretariat of OTIF**

With a view to the implementation of the 2009 amendments to RID, the legal service of the Secretariat of OTIF was asked to check the question of whether, after the entry into force of COTIF 1999 on 1 July 2006, the reduced five month notification period applies to all Member States or whether the longer eleven month notification period still applies to those States that have not yet ratified the 1999 Protocol.

As can be seen under paragraph 3 (f) of the opinion of the OTIF Secretariat's legal service set out below, those States which have not yet ratified the 1999 Protocol and which are represented by a delegation at the 44<sup>th</sup> session of the RID Committee of Experts are asked explicitly to agree to the reduced notification period of five months.

This would enable the standards listed in square brackets in the 2009 amendments to RID (see document OTIF/RID/CE/2007/27) to be referenced, provided that the Joint Meeting's examination of the standards in March 2008 confirms that the definitive standards accord with the drafts already approved by the Joint Meeting and provided the definitive standards are published before May 2008 (see paragraph 24 a) of the report of the last Joint Meeting OTIF/RID/RC/2007-B – ECE/TRANS/WP.15/AC.1/108).

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.

1. According to the second sentence of Article 35 § 3 of COTIF 1999, amendments decided upon by the RID Committee of Experts enter into force for all Member States on the first day of the sixth month following that during which the Secretary General has given notice of them to the Member States. This means that the notification from the Secretary General concerning the amendments adopted by the Committee of Experts for a date of entry into force of 1 January 2009 must be made by 31 July 2008 at the latest.
2. According to Article 21 § 2 of COTIF 1980 that was in force before 1 July 2006, the decisions of the Committee of Experts entered into force for all Member States on the first day of the twelfth month following the month during which the Central Office had given notice of them to the Member States. This meant that the Central Office's notification of the amendments adopted by the Committee of Experts for entry into force on 1 January of a particular year had to be made no later than 31 January of the preceding year.
3. With regard to the question the legal service has been asked to examine as to whether for those Member States according to COTIF 1980 that have not acceded to the 1999 Protocol (currently seven, of which four are Member States of the European Union), notification of the amendments would still have to be made within the deadline described in paragraph 2, the following should be noted:
  - (a) The notification referred to is made under the simplified amendment procedure with a view to any objections that might be lodged.
  - (b) The amendments adopted by the Committee of Experts for a date of entry into force of 1 January 2009 concern provisions of the Annex to the Regulation concerning the International Carriage of Dangerous Goods by Rail (RID – Appendix C to the Convention).
  - (c) According to Article 35 § 6 of COTIF 1999, when determining the number of objections, Member States which do not have the right to vote are not taken into account in the procedure for amending Appendix C, i.e. there is a link between the right to object and the right to vote.
  - (d) With regard to the procedure following the entry into force of the 1999 Protocol on the question of the right to vote in each of the organs of OTIF, OTIF's 7<sup>th</sup> General Assembly established that "the right to vote can only be granted to States that have not ratified, accepted or approved the 1999 Protocol or have not acceded to it to the extent that the discussions in these organs concern provisions that it would be possible to amend on the basis of the enabling power in accordance with COTIF 1980".
  - (e) As the condition quoted concerns the provisions referred to in b), as it was already possible to amend these under COTIF 1980 (as Annex I to Appendix B), it must be assumed that the States referred to at the beginning do in principle have the right to vote and to object<sup>1</sup> and notification of these States would have to be considered within the period in accordance with Article 21 § 2 of COTIF 1980.
  - (f) In order to preclude any uncertainty, it is proposed that express agreement to notification within the period referred to in paragraph 1 be obtained from those States referred to at the beginning that will participate in decision-making in accordance with paragraph (b) in the Committee of Experts.

---

<sup>1</sup> For two of these States however, their membership of OTIF and hence their right to vote is currently suspended.