

INF. 7

24 November 2017

**8th Session of the RID Committee of Experts' standing
working group**

(Utrecht, 22 to 24 November 2017)

**Study on national provisions concerning the carriage of
dangerous goods by rail**

Transport of dangerous goods

« National requirements »

concerning :

- operational routeing of dangerous goods**
- information of dangerous goods required by the RU (Railway Undertakings)**

Plan

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PJ : Appendix “Texts of the reference” EU + RID (under development, English only).

I. Definitions

The “national requirements” which are applied by the railway undertakings.

The concept of “national requirements” indicates in a generic way any provision which deviates from those envisaged by the EU law or international. These are additional to this legislation. A national requirement can in certain cases being regarded as a “national rule” within the meaning of the EU law.

(see next slide).

I. Definitions

The present study does not relate to the “national rules” within the meaning of directives 2004/49/CE and 2016/798/UE (Safety). It does not interfere with the works in progress (regulation (EU) 2015/995).

(Art. 3 – Définitions). “national rules’ means all binding rules adopted in a Member State, irrespective of the body issuing them, which contain railway safety or technical requirements, other than those laid down by Union or international rules, and which are applicable within that Member State to railway undertakings, infrastructure managers or third parties;”.

For the national rules in the field “Safety”, see article 8 of the directive.

II. Basis of the « national requirements» (NR)

A national requirement answers in theory specific national regulations not envisaged by the EU or international law. The application of a national requirement can be imposed on the RU (or recommended) via:

- a legislative text
- a conventional bilateral (or multilateral) agreement between States or competent authorities
- a convention interns in a State involving various national actors whose RU and infrastructure managers (IM)
- a multilateral contract (GCU* for example) between actors (RU, Keeper,...)
- a “recommendation” published by one NSA (National Safety Authority)
- a reference document of the rail network (established by the manager of infrastructure).
- ...

* GCU - General Contract of Use for Wagons

III – Perimeter of the study - Framework.

- ✓ Initial perimeter of the study (2015, GTP-RID INF 16) :
 - ✓ - **operational routeing of dangerous goods**
 - ✓ - **information of dangerous goods required by the RU**
 - ✓ - Contrôle carried out by by States (RID 1.8.1)
 - ✓ - Other topics:
 - ~~✓ - Safety adviser~~
 - ~~✓ - Risks evaluation~~
 - ~~✓ - Security - Chapter 1.10 du RID~~
 - ✓ - **Safety measures to be taken (emergencies)**
 - ~~✓ - Transport of waste (dangerous goods)~~

The useful explanations are given during the meeting.

IV – Studied processes

1. Operational process of the routing of the wagons including the management of the emergencies.

- ✓ Composition of the trains, circulation,
- ✓ Choice of route – Schedules
- ✓ Speed limit, because of the “danger” of certain dangerous goods or of the characteristics of the infrastructure and of its equipment,
- ✓ Restrictions relating to the circulation,
- ✓ Restrictions relating to the temporary stays (shunting operations, time limit of the temporary stay,...)
- ✓ Exchange of wagons (between RU)/”interchange points”
- ✓ Checks/frontier checks
- ✓ Station of destination and delivery with the customers,
- ✓ Measures to be taken (emergencies/incident/accident).

IV - Studied processes

2. Information required by the RU upstream and during the process of routing of the wagons including the management of the emergencies.

- ✓ Pre-operational information – Transport planning
- ✓ planning of the operations upstream (temporary stays,...)
- ✓ Documentation of transport
- ✓ Information required to the driver (by RU/carrier)
- ✓ Information required to the IM (normal exploitation/emergency) for the circulation of the train,
- ✓ Information required to the IM (normal exploitation/emergency) during the temporary stays of the wagons (marshalling yards),
- ✓ Information required to RU contracting or sub-contracting
- ✓ Information required to the emergency services.

V – Anomalies (internal with national framework)

Example of report of divergences in the application of the same national provision

- ✓ RID 1.4.2.2.7. Obligations of the carrier with respect to the driver. The example shows that a national provision can be formulated in a different way in various opposable documents at the RU :

-« *Nature des MD-emplacement des wagons dans le train + consignes écrites.*
-*N° wagon. rang des wagons dans le train. N° ONU.*
-*N° wagon. n° identification danger. N° ONU. Nième de tête.*
-*Wagon n° N° d'identification du danger.... numéro ONU.... nième de tête.... + "mention liste jointe" si plusieurs wagons MD dans le train »*

(Not taken into account in the present study). This kind of anomaly (and of redundancy) is treated at the national level.

VI – Table of references – EU + RID

OPERATIONS AND THEMES	NORMAL EXPLOITATION			EMERGENCY SITUATION		
	STI OPE	STI TAF	2008/68/CE et RID	STI OPE	STI TAF	2008/68/CE et RID
1. OPERATIONAL ROUTEING	4.2.2.4.1 4.2.3.4.3		2008/68/CE Art.5 RID 1.9	4.2.3.7		
Composition of the trains	4.2.2.5		RID 7.5.3			
Circulation of the trains	3.1.7		RID 1.9			
Temporary stays of the wagons	3.1.7		RID 1.9 - RID 1.11			RID 1.11
2. INFORMATION REQUIRED BY THE RU	4.2.3.4.3	1.3 ; 2.1	RID 5.4.		1.3 ; 2.1	5.4.
2.1 – WITH DRIVER OF TRAIN	4.2.3.4.3		RID 5.4.3 et 1.4.2.2.6			
BEFORE DEPARTURE OF THE TRAIN	4.2.3.4.3					
Composition of the trains			RID 1.4.2.2.7			
Circulation of the trains (dont arrêts)						
Temporary stays of the wagons						
2.2 –WITH THE IM (Infrastructure manager)	4.2.2.7.2 4.2.3.4.3	4.2.1.2	RID 1.4.2.2.5 et 1.4.3.6	4.2.3.4.3	4.2.11.1	RID 1.11 – et RID 1.4.3.6
2.2.1. BEFORE DEPARTURE OF THE TRAIN		4.2.3.2				
Composition of the trains						
Circulation of the trains (of which stops)						
Temporary stays of the wagons		4.2.7	RID 1.11 (Triages)		4.2.7	RID 1.11 (Triages)
2.2.2. DURING THE TRANSPORT			RID 1.4.2.2.5	4.2.3.7		
Composition of the trains			RID 1.4.2.2.5			
Circulation of the trains (of which stops)						
Temporary stays of the wagons		4.2.7	RID 1.11 (Triages)		4.2.7	RID 1.11 (Triages)
2.3 –WITH ANOTHER RU (Contracting, sub-contracting)		4.2.1.2 4.2.8			4.2.8 4.2.11.1	

VII – Contexts of the « national requirements » (NR)

Certain national requirements exist without being justified. Others are it legally in reference to the RID 1.9 and/or Article 5 of directive 2008/68/CE, on the basis of national legal regulation coming under the following fields:

- Transports, rail transport in particular,
- Civil safety,
- Environmental protection (naturalness and urban)
- Security/"frontier checks", ...

In several States, national requirements are defined and justified on the basis of “evaluation of the risks” envisaged by the national legislation.

Certain national requirements raise of the “national rules” (directive 2004/49/CE and 2016/798/UE (Safety)).

VIII – Analysis of impact of the NR- Results

Each line of the table V (Table of reference) is examined in relation to the impact of the national requirements on:

- ✓ The interoperability and practical conditions of the railway operating (forced on circulation/temporary stays, client relationships,...),
- ✓ The safety of the exploitation (forced on the system of safety management, possible transfers of risks,...)

In order to simplify the presentation and to facilitate the comprehension of the challenges, the results are gathered for each of the 2 processes around the topics :

- **Composition of the trains**
- **Circulation of the trains (including the stoppings of the train)**
- **Temporary stays of the wagons (marshalling yards, operations of wagons, “interchanging points” ...)**

The references relative to these 3 topics are presented in a way explicit and detailed in appendix to the present document.

VIII – Analysis of impact of the NR- Results (under development)

1. OPERATIONAL ROUTEING

1.1. Composition of the trains

1.2. Circulation of the trains (including the stoppings of the train)

1.3. Temporary stays of the wagons (marshalling yards, operations of the wagons, interchanging points...)

VIII – Analysis of impact of the NR- Results

2. INFORMATION REQUIRED BY THE RU

2.1. With the driver of train, before the departure of the train

2.1.1. Composition of the trains

2.1.2. Circulation of the trains (including the stoppings of the train)

2.1.3. Temporary stays of the wagons

VIII – Analysis of impact of the NR- Résultats

2.2. INFORMATION REQUIRED BY THE RU

2.2.1. With the IM, before the departure of the train

2.2.1.1. Composition of the trains

2.2.1.2. Circulation of the trains (including the stoppings of the train)

2.2.1.3. Temporary stays of the wagons

VIII – Analysis of impact of the NR- Résultats

2. INFORMATION REQUIRED BY THE RU

2.2.2. to the IM during the routeing of the wagons

2.2.2.1. Composition of the trains

2.2.2.2. Circulation of the trains (including the stoppings of the train)

2.2.2.3. temporary stays of the wagons

VIII – Analysis of impact of the NR- Résultats

2. INFORMATION REQUIRED BY THE RU

2.3. Another RU (contracting, sub-contracting)

2.3.1. Composition of the trains

2.3.2. Circulation of the trains (including the stoppings of the train)

2.3.3. Temporary stays of the wagons

IX - Systematic synthesis of the results

(under development)

The results relative to the 2 processes “operational routeing” and “information required by the RU” are gathered under the three topics :

1. Composition of the trains
2. Circulation of the trains (including the stoppings of the train
3. Temporary stays of the wagons



Thank you for your attention