



INF. 13

9 November 2017

Original: German

RID: 8th Session of the RID Committee of Experts' standing working group
(Utrecht, 20 to 24 November 2017)

Subject: Non-adoption of the 2017 amendments to SMGS Annex 2

Information from the Secretariat

1. In document OTIF/RID/CE/GTP/2016/11 for the 7th session of the RID Committee of Experts' standing working group, the Secretariat of OTIF and Latvia informed the Member States that at the meeting of the OSJD Commission for Transport Law in the area of requirements for the carriage of dangerous goods held on 6 and 7 October 2016, the 2017 amendments to SMGS Annex 2 were not adopted.
2. The reasons they were not adopted were that, for the OSJD organs, the principle of unanimity applies, as well as Russia's position, which was that the text of SMGS Annex 2 should no longer contain any references to EU Directives and EN standards.
3. As a result, the Secretariat of OTIF made efforts to ensure that another meeting of the OSJD Commission for Transport Law in the area of requirements for the carriage of dangerous goods was held in February 2017, in order to ensure that the 2017 amendments enter into force in good time.
4. However, it was not possible to achieve a different result at the extraordinary session of the OSJD Commission for Transport Law in the area of requirements for the carriage of dangerous goods (Warsaw, 17 February 2017).
5. At the meetings of the OSJD's temporary working group (Warsaw, 23 – 26 May 2017) and the OSJD Group of Experts on Provisions for the Carriage of Dangerous Goods (Riga, 22 – 25 August 2017), the SMGS Contracting States that are also RID Contracting States submitted several compromise proposals. The aim of the proposals was to limit the application of EN standards and EU Directives in the form of Notes, as follows:

- Application of EN standards and EU Directives only if this is provided for in national legislation; or
 - Application of EN standards only in those SMGS Contracting States that are also RID Contracting States, and application of EU Directives only in the EU Member States.
6. From 17 to 19 October 2017, the meeting of the OSJD Commission for Transport Law in the area of requirements for the carriage of dangerous goods was held in Warsaw, the purpose of which was to enable the 2017 amendments to SMGS Annex 2 to enter into force late, on 1 July 2018. There was a vote on adopting the draft amendments incorporating the compromise proposals. Unfortunately, the Russian Federation did not alter its position and, with support from China, Mongolia and Tajikistan, voted against adopting the 2017 amendments. This means that in 2018, the 2015 edition of SMGS Annex 2 will still apply in the OSJD Member States.
 7. The Russian Federation insisted that before further EN standards could be included in the text of SMGS Annex 2, experts from OSJD would have to check whether these standards were suitable for use on the territory of the OSJD states. However, this would be very difficult, as in most cases there is no Russian translation of these standards.
 8. In addition, it would also have to be checked whether there are any equivalent GOST standards or other regional standards that could be referenced in SMGS Annex 2.
 9. It was decided that standards experts from the OSJD Member States would be invited to the meetings of the temporary working group and the OSJD Group of Experts in 2018 in order to carry out these checks.
 10. The representatives of the OTIF Secretariat asked the OSJD Member States to make progress as quickly as possible so as not to jeopardise adoption of the 2019 amendments to SMGS Annex 2, which, in line with the cycle of amendments, was scheduled for October 2018.
-