



INF. 5

19 November 2020

(English only)

RID: 12th Session of the RID Committee of Experts' standing working group
(Video-conference, 24 to 26 November 2020)

Subject: Comments on OTIF's document OTIF/RID/CE/GTP/2020/4

Proposal transmitted by the European Union Agency for Railways (ERA)

Introduction

1. ERA welcomes the information from OTIF concerning the progress of the work done by the RID/ADR/ADN Joint Meeting's informal working group on the testing and certification of tanks.
2. ERA considered with interest the progress made by this group and would like to comment on the possibility of further improving the proposal to achieve effective and well-controlled application of RID, within the EU, and to clarify further the legal interactions that need to be ensured with EU legislation applicable to the placing on the market of tank-wagons intended for the carriage of dangerous goods.

Background

3. Based on an analysis of document OTIF/RID/CE/GTP/2020/4, ERA considers that the above-mentioned legal interactions applicable within the EU need to be identifiable in RID, in order to ensure that mutual administrative support takes place smoothly between the competent authorities for the transport of dangerous goods (TDG CA) and the National Safety Authorities (NSA).
4. At the autumn 2017 session of the Joint Meeting, ERA submitted informal document [INF.26](#) providing elements of information to the RID/ADR/ADN informal working group on the testing and certification of tanks, and in particular provided an overview of the interactions that need to be dealt with.

5. In particular, paragraph 10 of this document explains the administrative processes that apply in the field of 'suspension, revocation and/or amendments of a vehicle/vehicle type authorisation within the EU', which are covered by Article 26 of Directive (EU) 2016/797, which is now fully in force in every EU Member State.
6. In accordance with the applicable legislation, ERA would like to propose the introduction of a footnote in 1.8.7.5.3 to provide clearer information concerning the interactions and the common understanding of the roles and responsibilities applicable within the EU in case of negative results of a tank assessment and the applicable legal follow-up that the authorities concerned must undertake.

Proposal

7. [RID only]

Insert a footnote after the words "....., inform its competent authority of any refusal".

The footnote would read:

^{footnote} In such a case the Competent Authority should also inform the National Safety Authority (NSA) of the RID Contracting State concerned, which is also a Member State of the European Union, with the aim of evaluating the follow-up actions to be applied by the NSA in accordance with Article 26 of Directive (EU) 2016/797 on the "non-compliance of vehicle or vehicle types with essential requirements" and Article 7(4) of Implementing Regulation (EU) 2018/545 on the "sharing of information related to technical and operational matters relevant for the issuing of a vehicle type authorisation and/or vehicle authorisation for placing on the market".

Justification

8. Within the EU, the setting of the TDG CA and NSA takes various forms, ranging from fully integrated authorities (for example TDG CA integrated within the NSA) to fully separated organisations. When necessary, the footnote would facilitate the implementation and traceability of well-defined follow-up actions by each authority.
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