



INF. 2

22 October 2021

(English only)

RID: 13th Session of the RID Committee of Experts' standing working group
(Geneva, 15 – 19 November 2021)

Subject: List of RID interpretations and register of decisions

Proposal transmitted by the Netherlands

Introduction

1. For the autumn 2021 session of the Joint Meeting, the Netherlands submitted informal document INF.3 asking about the rationale behind special provision TT 4 of RID 6.8.4 (d). This provision has been in RID for a long time but we were not able to track down the reasoning behind it. Based on this example, we realised that it can be difficult, if not impossible, to discover the reasoning behind decisions that were made in the past, especially if the discussion did not lead to the regulations being amended.
2. Since 2004, the OTIF secretariat has documented decisions and summarises the discussions in the reports. However, it is difficult for those not present at a meeting to comprehend the full extent of a particular discussion. It can also be difficult to trace back the documents on a particular topic if it is not known when the discussion took place. In addition, reports of discussions that took place before 2004 cannot be traced back on the OTIF website.
3. A lot of knowledge of the changes and discussions behind these changes, especially those from before the period when the Secretariat started publishing the reports, is only in the collective minds of the members of the working group. This knowledge and experience is lost the moment these members leave the working group.

4. As can be seen with the question of how special provision TT 4 is to be interpreted, knowledge on the discussion and the rationale behind the discussion is sometimes necessary in order to implement a provision correctly. We would therefore like to discuss whether there is a more structured way of documenting the rationale behind future amendments to RID and the interpretation of issues that do not lead to a change in RID¹. A list such as that used for the interpretation of ADR might be a first step. However, we might be able to go a step further by developing a systematic approach to storing information and making it easier to find.
5. Since 2016, the UNECE has published a list of ADR interpretations adopted by the Working Party on the Transport of Dangerous Goods (WP.15). This list only includes interpretations that do not lead to clarification by means of an amendment to the text of ADR. Interpretations that subsequently lead to an amendment to ADR are not mentioned. OTIF does not currently publish such a list.
6. Another example is the system of unified interpretations (UIs) used by the IMO. In IMO practice, UIs are approved by the respective committees to ensure the uniform application of technical requirements or to provide more specific guidance on certain provisions. The UIs are published as circulars from the committees, inviting member governments to apply the UIs as appropriate or to use them as guidance and to bring them to the attention of all parties concerned.
7. Although we are of the opinion that the legislation should be written in such a way that the meaning and aim is clear to everyone, so that interpretations are no longer necessary, this is not always possible. A similar question was raised by the United States of America in the UN Sub-Committee of Experts on the Transport of Dangerous Goods meeting (ST/SG/AC.10/C.3/2020/73). There was general support for this proposal in the Sub-Committee (see report ST/SG/AC.10/C.3/114).
8. To ensure that the rationale behind discussions in the working group is retained, it would be very useful to have a system in which records of new discussions on the interpretation of particular provisions of RID can be found quickly. In future, this would not only reduce the time needed to find the shared understanding of an interpretation, it would also avoid remarks made in previous discussions being overlooked.
9. The Netherlands invites the RID Committee of Experts' standing working group to discuss the following suggestions.

Discussion

10. Is the working group of the opinion that it would be helpful to publish a list on the OTIF website of interpretations that do not result in amendments to RID, like the ADR list on the UNECE website?
11. Is the working group of the opinion that it would be useful to have a systematic approach to recording the rationale behind amendments to RID and other related discussions, whether or not the discussions resulted in amendments, and is it prepared to explore further how this goal might be achieved?

¹ Although it is helpful if information from the past is documented, this is not the goal of this document, because this would probably take too much time and effort.