



Organisation intergouvernementale pour les transports internationaux ferroviaires
Zwischenstaatliche Organisation für den internationalen Eisenbahnverkehr
Intergovernmental Organisation for International Carriage by Rail

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(English only)

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(Geneva, 15 – 19 November 2021)

Subject: Report of the 4th meeting of the Joint Coordinating Group of Experts (7 and 8 September 2021)

Transmitted by the Secretariat



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OTIF/JCGE/2021-A

5 November 2021

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**TO THE MEMBER STATES AND ASSOCIATE MEMBERS OF OTIF, REGIONAL
ORGANISATIONS WHICH HAVE ACCEDED TO COTIF, AND TO INVITED
INTERNATIONAL ASSOCIATIONS**

Final Report of the 4th meeting of the Joint Coordinating Group of Experts

(Remote meeting, hosted by the OTIF Secretariat, Bern, 7 and 8 September 2021)

The OTIF Secretariat welcomed all delegates and opened the meeting, which was held remotely. The OTIF Secretariat informed the meeting that, according to the Rules of Procedure, it jointly provided the secretariat of the Joint Coordination Group of Experts (JCGE) together with DG MOVE. Hosting and reporting alternated between DG MOVE and the OTIF Secretariat. This session was hosted by the OTIF Secretariat, which would also draft the report.

Agenda item 1: Approval of the agenda

Document: TECH-21021-JCGE (Secretariat)

1. The provisional agenda contained in the invitation TECH-21021-JCGE of 6 July 2021 was adopted with the following amendments: France requested that ITEM 6 be dealt with on the first day, because the expert invited would only be available on that day. ERA requested that ITEM 4, ITEM 9, and point 4b on the definition of tank-wagon operator also be dealt with on the first day, because its representative would participate on that day only.
2. The following Member States participated in the 4th meeting of the JCGE (see also Annex I):
 - a. Albania, Austria, Belgium, France, Germany, Italy, Jordan, Lithuania, Luxembourg, Morocco, Netherlands, Romania, Spain, Sweden, Switzerland and the United Kingdom.
 - b. The European Commission and the European Union Agency for Railways (ERA) were also represented.
 - c. The following non-governmental international organisations were represented: European Chemical Industry Council (CEFIC), Community of European Railway and Infrastructure Companies (CER), Notified Bodies Rail Association (NB-RAIL), Association of the European Rail Industry (UNIFE), International Union of Railways (UIC), International Union of Wagon Keepers (UIP).

Agenda item 2: Appointment of chair or co-chairs

3. In accordance with Article 4 § 1 of the Rules of Procedure, the Secretariat of OTIF and the European Commission proposed Mr. Arne Bale (United Kingdom) as chair. Mr. Bale had been active in the field of dangerous goods for many years, had chaired the tank working group of the RID/ADR/ADN Joint Meeting and, as co-chair, had successfully chaired the RID/ATMF working group. He had also chaired the previous JCGE meetings.
4. Mr. Bale confirmed that he was prepared to chair this meeting as the sole chair.

Agenda item 3: Review of and report on the list of priority items agreed at the previous meeting (see also document OTIF/RID/CE/JCGE/2020-A/Add.1)

2 a - Vehicle authorisation process: responsibilities for conformity assessment (Notified Body for vehicles)

ITEM 4: 7.1.1. (NOTE)
Rapporteurs: ERA/DGMOVE

Informal document: INF. 7 (ERA)

5. ERA gave an overview of the developments and recommendations with regard to modifying the TSI WAG and TSI LOC&PAS in connection with derailment detection and prevention. The draft TSI requirements distinguished the following functions:
 - DPF – derailment prevention function. This detects a precursor to a derailment and sends a signal to the driver’s cab. The requirements on how the driver should deal with the signal are described in TSI LOC&PAS. No risk scenario is defined.
 - DDF – derailment detection function. This detects the derailment and sends a signal to the driver’s cab.
 - DDAF – derailment detection and actuation function. This detects a derailment and automatically activates the brakes, which cannot be overridden. Unlike DPF and DDF, the DDAF must be subject to risk assessment, as it can autonomously activate brakes, which is considered a risk in itself.

The recommendation is available on the ERA extranet space of the ERA Working Party.
6. The OTIF Secretariat noted that the draft TSI provisions would require that if a DD function were fitted, it would have to meet certain requirements. The proposed draft TSI requirements would be compatible with the current voluntary RID provisions (Note to RID 7.1.1), even if they were in future to mandate the use of a DD function for particular situations.
7. UIP agreed with the OTIF Secretariat. However, with more intelligent solutions on the market, a standard would be needed in order to communicate the signal passing through the different devices (Digital Automatic Couplers (DAC), direct detection by the locomotive, etc.). Dealing with the different systems and having a stable communication line that could work with the different devices should be discussed in future.
8. FR reminded the meeting that there were two levels of discussion. The first level was based on the current situation, where there would be no need to do anything because there was a note that already refers to the possibility of having DDD. It had previously been suggested that the DDD should be made obligatory on certain wagons and that the obligation should be linked to the hazard level of the dangerous products being carried. Furthermore, the cost/benefit analysis of mechanical detection devices had not resulted in a favourable outcome. With the automation of information exchange, a link could also be made between the derailment (detection) event and the information on the type of freight being transported, especially if this had consequences for the transport of dangerous goods.
9. ERA confirmed that the TSI amendment proposal was compatible with RID and that there would be no need to change it.
10. The chair noted the remarks. No decision/action was required by JCGE.

5 b - Coordination processes between RID and general railway legislation for reporting accidents/incidents and statistics

ITEM 9: New Joint Meeting working group identifying interfaces with ERA tasks
Rapporteur: ERA, FR

Informal document: INF. 6 (ERA)

11. ERA presented the new recommendation for a European Union Regulation on Common Safety Methods on the assessment of safety level and safety performance (CSM ASLP), which considers the transport of dangerous goods. The recommendation had been submitted to the European Commission (see also https://www.era.europa.eu/library/era-recommendations_en).

It describes:

- Reporting of incidents and accidents in a structured and mandatory way - simple and detailed reporting, depending on gravity of occurrence
- Reporting of risk control measures, to avoid certain types of events from happening
- Application of safety management system and performance of Railway Operators
- Reporting of volume of transport operations
- Assessment of operators and role of ERA to aggregate safety performance indicators
- Establishment of group of analysts for collective learning and prevention of re-occurrence.
- Establishment of information sharing system (ISS), a platform for all parties concerned by the application of the CSM. The philosophy behind the ISS is that as much data as possible are shared, unless there is potential harm with regard to personal data, intellectual property or commercial interests
- Appendix A – Dataset on reporting
- Appendix D – Sharing rules which are compatible with EU legislation on data protection.

Full application of the EU Regulation is expected from mid-2025.

12. The chair opened the floor for remarks. The meeting took note of the information. No decision/action required by JCGE.

4 c - Operation and maintenance: telematics and the TAF TSI

ITEM 6: Possible interaction between TAF TSI and RID 1.4.2.2.5, 1.4.3.6 (b) and 5.4.0 to be analysed

Rapporteurs: DE, FR

Informal document: INF.8 (France)

13. FR introduced Mr. Jean-Philippe Méchin, who has been participating in the Digital Transport and Logistics Forum (DTLF) and who reported on the state of play.

FR reminded the meeting that the RID/ADR/ADN Joint Meeting has been discussing paperless data exchange for several years. There had been working groups that had looked at the benefits such technologies could provide, as well as the types of tools for the transmission of information that might concern, for example, the goods, the documentation, or an accident. The focus of discussion was on making the documentation required by Chapter 5.4 of RID paperless. This had resulted in the development of an architecture for data exchange. The RID/ADR/ADN Joint Meeting had approved the guidelines drawn up by the working group, which enable the voluntary use or acceptance by states of electronic transport documents. These guidelines were harmonised for all respective modes of transport and are available on the OTIF website (http://otif.org/fileadmin/new/3-Reference-Text/3B-RID/3Ba-RIDGuidelines/RID-20001-CE-e-guidelines_for_the_use_of_5_4_0_2.pdf). FR was in the process of implementing these

guidelines. DE, GB, and IT were considering the use of electronic documents and applying the guidelines.

The Electronic Freight Transport Information Regulation of 2020 (eFTI) would require states to exchange information digitally, including information on the transport of any goods. It did not contain any information on how this should technically be achieved. The Digital Transport and Logistic Forum (DTLF) had therefore been set up and had engaged numerous stakeholders from all modes of transport to find a common solution to implementing the eFTI Regulation.

FR (Mr. Méchin) informed the meeting of the latest developments since the entry into force of the eFTI Regulation in August 2020. Preparatory work had started for the 2020-2023 period. The main focus had been on electronic documents, harmonised data models and high-level requirements for the architecture model TP1 (access provider)/TP2 (content manager):

- The scope of data exchange is Business to Administration (B2A). Access rights are encrypted; data are managed by the content manager; authority can request access to the data.
- The data exchanged on dangerous goods are for safety and security purposes. Not all information required by eFTI is included, but there is also information that is important for the transport of dangerous goods outside the scope of eFTI
- In FR, a tool has been developed for control access for road checks. The development took 6 weeks and the tool is now in the process of being tested.
- Analyses have also been carried out on several data models.

The presentation by FR also included information on the FENIX project in order to show RID/ADR guidelines produced by the telematics working group that could be implemented within the eFTI framework.

14. The European Commission's DGMOVE clarified the following points:

- eFTI does not cover customs data requirements. There are requirements in the customs declarations. Some common data elements are required by both eFTI and Customs.
- DGMOVE is working on adopting specifications on how to enable the exchange of information electronically between businesses and authorities. The specifications will become delegated acts.
- The eFTI Regulation does not set up new information requirements. It looks at existing requirements at EU and national level. These included the Dangerous Goods Directive.
- The eFTI Regulation does not look at trade-based data models. It does however look at the UNCEFACT multimodal transport data model to help operators who need to exchange data between themselves and with the authorities.

15. FR reminded the meeting that the delegated acts adopted by the European Commission should take RID and other dangerous goods transport regulations into account. Every two years, the type of information that is exchanged may change. The architecture model may also therefore evolve over time. A mechanism to manage these changes would be required.

16. The European Commission confirmed that these issues would be looked at and that it was working together with the group of dangerous goods experts in the framework of the European Commission Expert Group. The European Commission proposed to report on progress at the next JCGE meeting.

17. The chair opened the floor for discussion. There were no other comments. The chair noted the proposal by the European Commission to report on progress at the next JCGE meeting and to add it to ITEM 6 as a rapporteur.

1 b - Design and construction of vehicles: specification method; functional/technical solutions

ITEM 1: 6.8.2.1.2

Informal document: INF. 4 (Belgium)

18. BE informed the meeting that it had sent ERA the following proposed addition to 4.2.2.2 in the Annex to the TSI Wagon (shown in bold text):

“The structure of a unit body, any equipment attachments and lifting and jacking points shall be designed such that no cracks, no significant permanent deformation or ruptures occur under the load cases defined in Chapter 5 of EN 12663-2:2010. (...)”

Any other stresses in addition to the cases described in Chapter 5 of EN 12663-2:2010 on the structure of a unit body, any equipment attachments and lifting and jacking points shall be taken into account.”

BE requested clarification or an update on the following questions:

- Was the amendment to point 2.3.4 of the Application Guide of the TSI WAG as proposed in INF. 4 still being envisaged?
- Had the process of revising EN 12663 already begun and would the case of tank-wagons be taken into account?

19. ERA confirmed that point 2.3.4 of the Application Guide had been amended to Version 3.0. This could be found on the ERA website: > *ERA Activities* > *Technical Specifications for Interoperability* > *Wagon TSI* > *Related Guidance*.

20. On the question of standard EN 12663, UIP informed the meeting that CEN had planned to start the revision this autumn and that dangerous goods tanks should be considered.

21. The chair noted that there were no further comments.

ITEM 2: 6.8.3.1.6

Tank-Wagon Protector

Rapporteur: UIP

Informal document: INF. 2 (UIP)

22. UIP informed the meeting that RID currently required a minimum distance of 300 mm between the headstock plane and the most protruding point at the shell extremity on tank-wagons. TE22 deals with crash buffers as a requirement for products with a higher hazard potential, e.g. flammable gases of Class 2. There were three complementary requirements for very high hazard potential goods, for example chlorine: 300mm, TE22 and TE25. A problem would arise if there were no requirements for intermodal transport. A few years ago, it had been said that intermodal transport did not have to be taken into account, because the volume of the tanks used in intermodal

transport is smaller, and intermodal wagons were not freely shunted. Furthermore, EN 12663 differentiates between freely movable and shuntable wagons. For flat wagons, which were used for container transport, class F2 was considered appropriate, because such wagons had a lower mass and were not approved for free shunting.

UIP reminded the meeting that this subject was also linked to ITEM 3 on the extra-large tank-containers. In addition, if Digital Automatic Couplers (DAC) were also included, then all the requirements which had been introduced for standard buffer systems and the question of protecting against the overriding of buffers would change.

There had been discussion on the fact that RID should only describe specific safety targets and the TSIs or the referenced standards should contain the specific requirements for dangerous goods wagons. In 2020, the RID Committee of Experts' standing working group had proposed a three-step approach to protection:

- Basic general requirements, e.g. 300mm distance for tanks for all dangerous goods
- Protection against the risk of buffer override, e.g. crash buffers (TE22) or catching devices (TE25)
- Passive protection to reduce the risk of penetration by buffers overriding or as a result of other impacts, e.g. head shields or stronger ends (TE25).

UIP was asked to submit a proposal. Before doing so, some questions relating to DAC and intermodal transport would need to be clarified.

- DAC would offer a new system for connecting wagons, which could lead to new risks. This had not been assessed in the carriage of dangerous goods.
- In intermodal transport, different modular systems had been introduced, including to use normal container wagons as tank-wagons, thus being suitable for any type of shunting. This would have consequences for TE22 and TE25.

UIP was of the view that the general requirement would not have any effect because it was based on old UIC requirements from before TE22 and TE25 existed. In the context of extra-large tank-containers (BTC) risk analyses, it had been established that the 300 mm distance alone did not provide any additional safety.

For TE22 and TE25, UIP maintained its position in support of a protective mechanism to reduce the risk of buffer override or which would enable a headshield to be fitted. A measure on how headshields can protect the tank ends should be introduced into TE25. UIP asked participants for their views on:

- How to proceed with DAC, and whether RID should be modified if DAC were to be introduced by 2030.
- What should be done with regard to operational issues, such as free shunting?

23. The chair confirmed the trend towards automatic coupling for freight transport. Automatic coupling was already in use in states that apply SMGS.

RID/ADR 4.3.2.3.2 deals with the operational provisions for intermodal tank-containers traffic. They are worded generally and there is a footnote that provides three examples of protection. This could be looked at in more detail in the context of achieving a level playing field between protective measures that are required for tank-wagons and those that are required for similar sized tank-containers for intermodal transport.

The RID Committee of Experts' standing working group had agreed to examine various protective measures. It decided that the safety objectives would be set out in RID and that the means to achieve these objectives should be reflected in other legislation, e.g. COTIF UTPs or EU TSIs.

24. ERA supported specifying the high-level objectives in RID. The new CSM ASLP recommendation would define the methodology for describing risk-control measures, which are supposed to prevent or mitigate undesirable events. TE22 and TE25 were such risk control measures. They could therefore be described with a clear objective and in more detail in the TSIs.

ERA also informed the meeting that in the current draft for the Digital Automatic Coupling system (DAC), several requirements for energy absorption and passive safety had been included. Four categories of DAC were possible, one of which is specific to passive safety. These would be discussed further at the next ERA DAC meeting.

25. UIP agreed that a high-level solution could be considered to reflect the fact that dangerous goods tanks must be protected in a certain way. The detailed requirements could be described under the responsibility of the railway undertakings within the frameworks of the CSM ASLP. UIP suggested that some specific technical measures might still be necessary to allow different operational regimes (different RUs) to use the wagons.

UIP stressed that a wagon keeper would need to know in which way a wagon should be built, bearing in mind that different measures might in place (for example, CH would retain its measures with regard to the transport of chlorine and DE would apply its own measures).

26. The chair concluded that it had previously been agreed to describe the high-level objectives in RID, and the way of achieving these should be specified in the UTP and EU TSIs. There would not be a straight risk assessment. Both RID and UTP/TSI requirements would have to be complied with. The initial discussion at the last RID Committee of Experts' standing working group had concerned a three-tier approach: requirements for all dangerous goods, requirements for medium hazard goods (e.g. flammable gases), and requirements for high hazard goods (e.g. chlorine and toxic gases).
27. The chair noted that there were no further remarks, but that this discussion was very important and would remain on the agenda. It would also be dealt with at the RID Committee of Experts' standing working group in November.
28. UIP took note of the remarks and proposed to prepare a document for the RID Committee of Experts' standing working group in November.

4 b - Operation and maintenance: actors and terminology: e.g. carrier vs RU, tank-wagon operator vs keeper

Definition of tank-wagon operator

Rapporteur: ERA

Informal document: INF. 1 (ERA)

29. ERA submitted a document concerning the definition of tank-wagon operator, in which it suggested replacing 'tank-wagon operator' by 'keeper'. The interaction between the different railway actors was very complex; ERA had therefore developed a guide explaining these

interactions, indicating who would be responsible for what. ERA had concluded that there was a simple and consistent way to improve the terminology used in RID, as follows:

- Amend the definition of tank-wagon operator
- Footnote 5 to be replaced by a simpler note. An equivalent note could be developed by OTIF for COTIF.
- Refer to the existing definition of keeper in 1.2.1
- Add “keeper” to 1.4.2.2.8,
Add new footnote to 1.4.3.5,
- Replace “operator” by “keeper” in 4.3.2.1.7
- Delete “or name of operator” in 6.8.2.5.2.

30. The chair asked ERA if the proposed amendment to 6.8.2.5.2 would also concern RID 6.8.3.5.11.

31. BE had substantial comments on the document, which could not be discussed in the short time available, and because ERA would not be present on the second day. BE said it would send its comments in writing.

32. AT made the following remarks on 1.4.2.2.8 and 4.3.2.1.7:

“The clear responsibility of the RU should not be placed on the keeper, as the keeper does not usually operate a safety management system (SMS) and is not subject to the supervision of the national (railway) safety authorities.

Transferring the responsibility of the RU to the keeper through bilateral contracts between the operator (RU) and the keeper would not always work well.

On the other hand, a mandatory SMS for keepers of railway vehicles would be a good way to raise the safety level in the sector.

This would apply *mutatis mutandis* to the proposed amendment to 4.3.2.1.7.”

33. The OTIF Secretariat proposed that the discussion should be continued on the second day of the meeting, and that all comments should be collected and submitted as part of the report, so that ERA could respond to them. ERA agreed with this proposal.

34. The chair concluded that all comments would be collected on the second day of the meeting and would be included in the report.

35. Following the discussion on the second day, there was general agreement that a reference in RID to the keeper in accordance with EU law was necessary, but that more work was necessary to achieve this. The general view was that ERA’s proposal created confusion with regard to the role of the actors concerned. The following comments were submitted by BE, AT, DE, UIC, UIP, NB-Rail and the OTIF Secretariat:

- The purpose of RID 1.2.1 is to define terms which are used in RID. These definitions are not always in line with the definitions used in other legal instruments and it might be difficult to align definitions of terms which are used in different scopes of application. There would not be much benefit in adapting the syntax.
- Many railway entities have many legal roles, depending on which legislation is applicable. This does not mean that all terms need to be defined identically in all legislation. A tank-

wagon operator can be a keeper and could be an RU and have other roles, and would have different obligations when performing the role of keeper or RU.

- The amended definition of tank-wagon operator says nothing. This is also the case for the current definition of tank-container operator. The proposed definition of keeper is clearer in this context.
- If the new participant “keeper” is introduced, clear obligations according to RID should be allocated to him in 1.4.3, as this is already the case for the tank-wagon operator.
- Reference to two participants (operator and holder) should be avoided. If the term keeper were included, it should appear in all places and the obligations of the operator should be assigned to the keeper.
- The proposed new footnote 5 to the definition of “tank-wagon operator” leads to confusion. In EU legislation, the term “operator” is used, but not the term “tank-wagon operator”.
- In the proposed new definition of keeper, the term “vehicle” is used, which is defined as a road vehicle in RID. The correct term in accordance with RID would be “wagon”.
- The Note proposed for 1.4.3.5 should be inversed: “When the performance of (an) activity(ies) necessary to fulfil the provisions of section 1.4.3.5 are procured to another participant, the keeper shall ensure the fulfilment of the procured activities through a contractual arrangement.”
- 4.3.2.1.7 contains text for tank-wagons and tank-containers. The replacement of “operator” by “keeper” would have an impact on ADR as well.
- The amendment proposed for 4.3.2.1.7 would lead to the problem that for RID Contracting States not applying Appendices F and G of COTIF, they would not have to retain the tank record.
- The amendment in 6.8.2.5.2 would also be necessary in 6.8.3.5.11. However, in these two paragraphs, the term “vehicle keeper marking” has been introduced to take EU legislation into account. Again, for those RID Contracting States not applying Appendices F and G of COTIF, the term “operator” must be kept.
- The meeting welcomed the fact that the definition of "carrier" does not need to be adapted.

36. The chair informed the meeting that ERA’s proposal would also be discussed at the RID Committee of Experts’ standing working group meeting in November and that there might be additional individual comments and proposals from experts who deal with this subject.

ITEM 3: Other input since 2017: BASF study on extra-large tank-containers
Rapporteurs: CEFIC/UIP

Informal document: INF. 3 (UIP)

37. UIP suggested a threshold of 40,000 litres, with a lower volume for a standard container and a larger volume for extra-large tank-containers (BTC). UIP and CEFIC had discussed the wall thickness and free shunting and related requirements. 3G deceleration can occur in practice when shunting BTC, but RID/ADR only considers forces that occur at 2G deceleration. Flat wagons are not usually built for free shunting, or at least only to a limited extent. The risks inherent in free shunting was not just the forces, but the fact that collisions could occur at speeds of over 20km/h. The same risks could be observed for rail tank-wagons. TE22 (crash buffers) was not suitable for intermodal transport. The questions that arose therefore were as follows:
- Which wagons can be used in combination with BTC?
 - Should a specific class of wagons be defined in EN 12663?
 - Buffer plates may be a solution, but where should they be specified?
 - The wagons would become longer. Could TE25 deal with this in RID by requiring stronger tank ends?

- Should there be degree of filling requirements for BTC?

38. CEFIC supported the report by UIP and informed the meeting that, together with UIP, it would prepare a proposal for the RID Committee of Experts' standing working group in November.
39. The chair responded that with regard to the principle of definition, the proposal submitted to the RID/ADR/ADN Joint Meeting had been accepted in principle. He reminded the meeting that some experts felt that the gross weight, rather than the capacity, should be the focus.

On the issue of the protection of tankcontainers, 4.3.2.3.2 had to be complied with. Whether this was correct or whether more details were required should be further investigated.

With regard to the degree of filling and whether it should be limited to less than 20% or more than 80%, this was more an issue for road transport. However, this question should be considered at the next RID Committee of Experts' standing working group.

2 b - Vehicle authorisation process and actors involved (competent authority)

ITEM 5: Conclusions of the Joint Meeting's informal working group on the inspection and certification of tanks

Rapporteurs: Chair, OTIF Secretariat

40. The chair informed the meeting that the informal working group had been tasked with drafting text to harmonise the requirements and rules for the inspection and certification of tanks for all classes of dangerous goods based on the current ones that apply to gases of Class 2.

The informal working group had met three times since the last JCGE meeting in September 2020. It had more or less completed its work and the results were contained in document 2021/23/Rev.1 (<https://unece.org/sites/default/files/2021-07/ECE-TRANS-WP15-AC1-2021-23r1e.pdf>), which had been submitted to the forthcoming RID/ADR/ADN Joint Meeting at the end of September and beginning of October, together with document 2021/34 from Switzerland explaining the amendment planned for entry into force in RID and ADR on 1 January 2023. (<https://unece.org/sites/default/files/2021-06/ECE-TRANS-WP15-AC1-2021-34e.pdf>)

Taking account of the view of the RID Committee of Experts' standing working group regarding the entry into service verification (which is a new requirement), the text had been drafted in such a way that the competent authority may occasionally require an entry into service verification of a tank to verify conformity with the applicable requirements. This is accompanied by a footnote (specifically for RID) stating that:

“For those tank-wagons that have received a vehicle authorisation from the European Union Agency for Railways (ERA) [...], this authorization shall be sufficient and no entry into service verification should be required to confirm the conformity of the tank for the purpose of registering the tank-wagon in the National Vehicle Register (NRV).”

This text is contained in the new 6.8.1.5.5, which describes how to apply this rule in accordance with RID 1.8.7.5.

This was a good example of good cooperation between RID experts and experts in general railway law.

4 e - Operation and maintenance safety responsibilities

ITEM 8: Safety responsibilities of the actors as defined in Directive 2008/68/EC and Chapter 1.4 of RID, in relation to new Safety Directive (EU) 2016/798.

Rapporteur: UIP

41. UIP reported that in 2020, the Joint Network Secretariat (JNS) had to deal with the new issue of the Great Belt accident in Denmark, which was related to hinges and how trailers are secured on wagons. Consequently, the JNS had stopped its work on ITEM 8 and had reconvened in July 2021. It could be anticipated that by the end of 2021, JNS might have a report on how they see the different roles of the different actors in terms of loading, particularly in combined transport, along the supply chain, and in terms of safety responsibilities. UIP would provide feedback when reports and more information became available.
42. The chair concluded that this topic should be kept open and that developments should be monitored.

5 c - Coordination processes between RID and general railway legislation. National rules and their legal justification (RID/Railway Safety Directive) and the possibility of either harmonising or removing them.

Rapporteur: UIC

ITEM 10:

43. UIC reminded the meeting that it had carried out internal work with its members on national provisions. National provisions were not necessarily national rules, but they might still be relevant in terms of railway operations internationally. UIC has not published this report, because when the European Commission initiated its work on national rules, UIC did not wish to interfere in the flow of information from national authorities (UIC is a global railway association). Recently, some national rules had been revoked and new ones had appeared. UIC stressed that some of the new provisions were linked to risk assessments by national authorities, IMs or RUs, which might decide that additional measures would need to be taken. Such measures might not be legitimised or validated by an official body or would not necessarily appear in the national rules database set up at EU level. The question remained as to what would be considered as a national rule. This was beyond the scope of UIC's work.
44. The European Commission explained that it had been working on removing national rules and hoped to be able to present the result at the next JCGE meeting. DG MOVE and ERA had only been able to analyse those rules which had been notified. Experience had shown that there could be additional national rules which were not notified. DG MOVE said it would therefore appreciate receiving (confidentially, if necessary) the results of UIC's investigation. DG MOVE and ERA could be rapporteurs for this ITEM at the next JCGE meeting as long as the information was made available to them.
45. UIC would hold a meeting in November 2021 on the transport of dangerous goods and discuss the request, and see what contribution UIC could make to move this topic forward.

46. NB-Rail said that at European level, all notified rules are currently registered in the Single Reference Database (SRD), which replaced NOTIF-IT. There was an understanding that local rules imposed by Infrastructure Managers do not need to be notified, so Infrastructure Managers would be obliged to provide information on them through their Safety Management Systems (SMS).
47. GB had had experience with streamlining national rules and offered its support and advice on the topic.
48. BE pointed out that there might be national rules which would not be within the scope of the EU Safety Directive but which would have a legal basis elsewhere (e.g. Chapter 1.9. of RID or based on a few paragraphs of RID which give some room for manoeuvre at national level).
49. The chair concluded that this item should be kept open and under review and noted the European Commission's offer to be the rapporteur for this item.

4. Update of priority items list

50. The OTIF Secretariat informed the meeting that the priority list had been updated following the discussions on the various items and the conclusions of the JCGE meeting. The priority items had been grouped into three categories:
- (TOP) Priority 1: Preventing reoccurrence of legal inconsistency
 - Priority 2: Solving current implementation problems for the existing EU/COTIF legislation
 - Priority 3: Cleaning backlog.

The Secretariat added that the table is a live document and modifications are shown in "track changes". The document would be given a new reference. Updates would mainly be made in the Status/Action column of the table (far right).

51. The chair confirmed that none of the items discussed today had been completed. He pointed out that as this was a video-conference, it might be difficult to read the document on the screen. He therefore proposed that the Secretariat should update the table and circulate it with the draft report for comments. The new item raised by the European Commission would be added to ITEM 10 in the table.

Post meeting remark by the Secretariat: items listed under 1b as priority 3 relate to the discussions regarding TE22 and TE25.

5. Any other business

New ITEM proposed by the European Commission (DGMOVE)

52. The European Commission informed the meeting that this issue was identified during its work on doing away with national rules. A contracting state (IT) had introduced a rule on a safety checklist for dangerous goods. The consequence was that freight wagons entering IT had been stopped to go through the checklist at the border. The EC had discussed the case with a group of experts, but there were uncertainties with regard to the interpretation of RID 1.4.3.3, 1.4.3.7 and 1.4.2.2. The EC asked if such a checklist needed to be documented and whether similar checklists were

also required by other states. The EC suggested exploring the possibility of harmonising the checklists at EU level and of lifting the national rule.

53. The chair explained that RID does not require that the checklist be filled out, presented, or carried with the wagon. It should be used to assist the loader and the filler in meeting their obligations. Since this issue involved national rules, it was proposed that it be dealt with under ITEM 10 of the agenda. The chair opened the floor for discussion
54. UIP, BE and CEFIC supported the remark by the chair.
55. IT reminded the meeting that, together with OTIF, they had found a good solution. For IT, the rule was more flexible. IT was currently discussing this issue with the EC. The main concern for IT was that the checklist is the tool that provides evidence that checks have been carried out.
56. The EC said that responsibility for carrying out the checks was governed by RID. However, the traceability of was not established at EU level. If traceability were included in RID provisions, there would be no need for a national rule.

On the other hand, it might be unnecessary to include a contracting state's national rule in RID, because this might create an extra burden for other contracting states. This would set a precedent for the inclusion of other states' national rules in RID.

57. NB-RAIL explained that such rules could either be notified by the state or they could be identified by railway operators and the risks could be managed in a harmonised way. If the latter approach were taken, there would be no need for a national safety rule.
58. UIP informed the meeting of an ERA working party that was dealing with acceptable means of compliance (AMOC) for checks before departure. This topic should be addressed there. There were still no rules for checks and tests before the departure of trains, and traceability could be discussed in that scope of work. The working party would start its work in September and the topic should be put on its agenda.
59. GB agreed with UIP and NB-Rail. There were other ways of requesting additional checks. For example, National Safety Authorities often have a catch-all obligation, whereby they can request additional checks. The actors themselves might also decide to take a particular course of action by means of "acceptable means of compliance".
60. The chair concluded that this item should be kept on the agenda pending the outcome of discussions between the European Commission and IT. Consideration could then be given to whether the legislative text should be amended. This issue could also be introduced at the newly set up ERA Working Party on acceptable means of compliance.

Informal document. INF 5 (Belgium)

61. BE submitted a question of interpretation concerning paragraph 2.8. of the application guide for the granting of single safety certificates, which talks about RID, and says that the safety certification body has to consult the competent authorities of RID. When ERA issues the certificate, it should consult the National Safety Authority (Competent Authority) of the contracting state in the area of operation.

BE requested an explanation on the scope of the consultation. Part A concerned the international part, and Part B was an issue for each country:

“Where the applicant has indicated dangerous goods as part of the scope of operations the SCB (safety certificate body) should be aware that it must consult with the competent authority for the carriage of dangerous goods by rail as to compliance with the relevant legislation. Where ERA is the SCB this consultation will be carried out via the relevant NSA(s) for the area of operation.”

Before the EU 4th Railway Package, there had been a distinction between the assessment for part A of the certificate and the assessment for part B of the certificate. For part A, NSA BE verified the process that was to ensure training, tests before departure, the instructions in writing and the safety advisor, etc. BE was of the view that the process for ensuring training, tests before departure, the instructions in writing and the safety advisor, etc. had only to be checked once (not by each NSA(s) for the area of operation). For part B, NSA BE verified the process for transmitting information according to 1.4.2.2.5 and for reporting according to 1.8.5.

BE had noticed that the assessment of several single safety certificates with an area of operation including BE was ongoing. Up to now, BE had not received from ERA (as the SCB) any questions about the transport of dangerous goods, in spite of the fact that the scope of operation of these railway undertakings includes dangerous goods.

BE requested clarification of the meaning of paragraph 2.8, the practical arrangements for implementation it, and the scope of the verification to be carried out by the NSA(s).

62. DGMOVE had not yet analysed the question from BE. As a preliminary remark, under the framework of the EU's 4th Railway Package, National Safety Authorities could check national rules only. All general provisions would have to be checked by ERA when it issues the certificate, and only national specificities, which are based on national rules, should be addressed by the NSA, which would then transmit the information to ERA. The EC suggested a bilateral discussion.
63. The chair concluded that BE, DGMOVE and ERA should discuss this issue and invited them to update the next RID Committee of Experts' standing working group.

6. Next meeting

It was agreed to hold the next JCGE meeting on 6 September 2022, starting at 09.00 CEST and ending at 18.00 CEST, with a one-hour lunch break.

The meeting would be followed by WGTECH on 7 and 8 September 2022.

Annex I**Albanie/Albanien/Albania**

Mme./Fr./Ms. Eva **Brinja** Sector of Railway Transport Policies
Ministry of Infrastructure and Energy

Allemagne/Deutschland/Germany

M./Hr./Mr. Philipp **Unger** Expert
Eisenbahn-Bundesamt

M./Hr./Mr. Valerie **Voth** Expert
Eisenbahn Bundesamt

Autriche/Österreich/Austria

M./Hr./Mr. Othmar **Krammer** Leiter der Gefahrgutabteilung
Bundesministerium für Klimaschutz, Umwelt,
Energie, Mobilität, Innovation und Technologie

M./Hr./Mr. Thomas **Helnwein** Dipl.-Ing. Expert
Bundesministerium für Klimaschutz, Umwelt,
Energie, Mobilität, Innovation und Technologie

Belgique/Belgien/Belgium

Mme/Fr./Ms Caroline **Bailleux** Ing. Expert RID/matériel roulant
Service public fédéral Mobilité et Transports
Service de Sécurité et Interopérabilité des
chemins de fer

M./Hr./Mr. Luc **Opsomer** Ing. Expert matériel roulant ferroviaire
Service de Sécurité et d'Interopérabilité des
chemins de fer

Finlande/Finnland/Finland

M./Hr./Mr. Jouni **Karhunen** Special Adviser
Finnish Transport and Communications Agency
Traficom

France/Frankreich/France

M./Hr./Mr. Claude **Pfauvadel** Chef de la Mission du transport de matières
dangereuses
Ministère de l'Ecologie, du Développement durable et
de l'Energie
Direction générale de la prévention des risques
Service des risques technologiques
Sous-direction des risques accidentels

M./Hr./Mr. Jean-Philippe **Méchin** ITS Project Manager
Cerema - Pôle d'activités Les Milles
(invited expert)

Italie/Italien/Italy

M./Hr./Mr. Rocco **Cammarata** Head of Technical Standards of Vehicles Office
Agenzia Nazionale per la Sicurezza delle Ferrovie

Jordanie/Jordanien/Jordan

M./Hr./Mr. Abdullah **Alhumede** Planning, Training and Institutional Development
Manager
Jordan-Ma'an-Aqaba Railway Corporation

Lituanie/Litauen/Lithuania

Mme./Fr./Ms Jurgita **Norkienė** Adviser of Water and Railway Transport Policy Group

Maroc/Marokko/Morocco

M./Hr./Mr.	Aziz El Fail	Chef de Département Qualité, Sécurité d'Exploitation Ferroviaire, SST et Environnement ONCF
./Hr./Mr.	Mohamed Talbi	Technicentre de Maintenance industrielle Meknes ONCF
M./Hr./Mr.	Abdelhamid Ezzhar	Chef de Service Ingénierie et Performances SAFI-Matériel Frêt ONCF

Pays-Bas/Niederlanden/Netherlands

M./Hr./Mr.	Arjan Walsweer	Policy advisor transport of dangerous goods National Institute for Public Health and the Environment (RIVM) - Centre for Safety of Substances and Products (VSP) - Department of Nanotechnology, Occupational Health and Transport Safety
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Roumanie/Rumänien/Romania

M./Hr./Mr.	Dragoş Floroiu	Scientific Secretary Romanian Railway Authority - AFER
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**Royaume-Uni/
Vereinigtes Königreich//
United Kingdom**

M./Hr./Mr. Arne **Bale**

Chief Consultant, Dangerous Goods
Socotec UK

M./Hr./Mr. Vaibhav **Puri**

Director Sector Strategy and Transformation
Rail Safety and Standards Board (RSSB)

Suède/Schweden/Sweden

Mme./Fr./Ms Maria **Lidström**

Legal adviser
Swedish Transport Agency

Suisse/Schweiz/Switzerland

Mme./Fr./Ms Linda **Ay**

Project Manager Safety and Interoperability
Département fédéral de l'Environnement, des
Transports, de l'Energie et de la Communication
DETEC - Office fédéral des transports OFT - Section
Scientific Bases

Mme./Fr./Ms Valérie **Blanchard
Bakx**

Head Development of dangerous goods
regulations
Département fédéral de l'Environnement, des
Transports, de l'Energie et de la Communication
DETEC - Office fédéral des transports OFT -
Section Environnement

**I. Organisation régionale d'intégration économique
Regionale Organisation für wirtschaftliche Integration
Regional economic integration organisation**

Union européenne/Europäische Union/European Union

**Commission européenne/
Europäische Kommission/
European Commission**

M./Hr./Mr.	Roberto Ferravante	Senior Expert European Commission - Directorate General for Mobility and Transport Unit C4 Road Safety
M./Hr./Mr.	Mircea Ionescu	Policy Officer European Commission - Directorate General for Mobility and Transport Unit C4 Road Safety
Mme./Fr./Ms	Alice Polo	Policy Officer European Commission - Directorate General for Mobility and Transport Unit C4 – Rail Safety and Interoperability
Mme./Fr./Ms	Lia Potec	Policy Officer European Commission - Directorate General for Mobility and Transport Unit D – Maritime Transport and Logistics

**II. Organisations et associations internationales non-gouvernementales
Nichtstaatliche internationale Organisationen und Verbände
International non-governmental Organisations or Associations**

CEFIC

M./Hr./Mr. **Jörg Roth** Mitarbeiter Wissenschaft, Technik und Umwelt
Verband der chemischen Industrie e.V.
Bereich Umweltschutz, Anlagensicherheit,
Verkehr

CER

M./Hr./Mr. **Gilles Quesnel** Directeur
Interopérabilité et Normalisation (SNCF)
CER / SNCF

NB Rail

M./Hr./Mr. **Francis Parmentier** General Manager
NB Rail

UIC

M./Hr./Mr. **Joost Overdijkink** Senior Chargé de Mission Transports de
Marchandises Dangereuses / RID

M./Hr./Mr. **Jean-Georges Heintz** Expert, RID

UIP

M./Hr./Mr. Rainer **Kogelheide** Selbständiger Berater des Verbandes

UNIFE

M./Hr./Mr. Tomasz **Szmidt** Chief Designer
Wagony Swidnica / Greenbrier Europe

**III. Secrétariat
 Sekretariat
 Secretariat**

M./Hr./Mr. Bas **Leermakers** Head of Technical Interoperability
Department

Mme/Fr./Ms Maria **Price** Expert, Technical Interoperability Department

M./Hr./Mr. Jochen **Conrad** Head of Dangerous Goods Department

Mme/Fr./Ms Katarina **Burkhard** Expert, Dangerous Goods Department

**IV. Interprète
 Übersetzer
 Interpreter**

M./Hr./Mr. David **Ashman**