

OTIF/RID/CE/GTP/2018/3

7 March 2018

Original: German

**RID:** 9<sup>th</sup> Session of the RID Committee of Experts' standing working group  
(Berne, 28 - 30 May 2018)

**Subject:** Adapting the provisions of RID 1.4.2.2.8 to the current version of ATMF

**Proposal transmitted by the Secretariat**

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#### SUMMARY

***Explanatory summary:***

RID 1.4.2.2.8 requires the carrier to provide the entity in charge of maintenance (ECM) with information, whereas Article 15 § 3 ATMF says the carrier can provide this information to the ECM himself or via the wagon keeper.

***Decision to be taken:***

Amend RID 1.4.2.2.8

***Related documents:***

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#### Introduction

1. In connection with the inclusion of obligations for the entity in charge of maintenance (ECM) in 1.4.3.8, an additional obligation for the carrier was included in 1.4.2.2.8 of the 2017 edition of RID, which reads as follows:

**"1.4.2.2.8** The carrier shall ensure that the information to be made available to the entity in charge of maintenance (ECM) as defined in Article 15 § 3 of ATMF – Appendix G to COTIF – and in Article 5 of Annex A to ATMF also covers the tank and its equipment."

2. Article 15 § 3 of the Uniform Rules concerning the Technical Admission of Railway Material used in International Traffic (ATMF), which is referred to in RID 1.4.2.2.8, currently reads as follows:

“§ 3 The keeper shall make available to the ECM, as far as necessary for maintenance, the elements relating to the instructions concerning servicing, constant or routine monitoring, adjustment and maintenance.

The ECM must ensure, either directly or via the keeper, that reliable information about maintenance and restrictions affecting operations, necessary and sufficient to support safe operations are available for the operating railway undertaking.

The operating railway undertaking must in due time, either directly or via the keeper, provide the ECM with information on operation of the vehicles (including mileage, type and extent of activities, incidents/accidents) for which the ECM is in charge.”

3. In an earlier version of ATMF (the version in force from 1 December 2010 until 30 June 2015), Article 15 § 3 read as follows:

“§ 3 An operating railway undertaking is responsible for the safe operation of its trains and shall ensure that vehicles carried are properly maintained. Therefore, the ECM must ensure that reliable information about maintenance processes and data are available for the operating railway undertaking, and the operating railway undertaking must in due time provide the ECM with information and data concerning its operation of the vehicles and other railway material for which the ECM is in charge. In both cases the information and data in question shall be specified in the Annex indicated in § 2.”

4. The two versions of Article 15 § 3 of ATMF both require railway undertakings to provide the ECM with information. Without changing this responsibility for the railway undertaking, the current version mentions the possibility that this information may be provided either directly to the ECM or via the keeper.
5. Article 18 of the General Contract of Use for Wagons (GCU), which governs the contractual relations between the rail transport undertaking and wagon keeper, says that when damage to a wagon is discovered, the railway undertaking must draw up a wagon damage report (as per Appendix 4 GCU) and send it to the keeper without delay. According to footnote 5 in RID 1.2.1, the term “operator of a tank-wagon” is equivalent to the term “keeper” as defined in ATMF.
6. The question has arisen as to whether the provisions of RID 1.4.2.2.8 can also be met by sending the keeper a damage report in accordance with Appendix 4 of the GCU.

## Proposal

7. In order to ensure legal certainty and for the avoidance of doubt with regard to using a damage report in accordance with Appendix 4 of the GCU, it is proposed that RID 1.4.2.2.8 be amended to align it with the current wording of Article 15 § 3 of ATMF (additional text is underlined):

**“1.4.2.2.8** The carrier shall ensure that the information to be made available to the entity in charge of maintenance (ECM), either directly or via the operator of the tank-wagon, as defined in Article 15 § 3 of ATMF – Appendix G to COTIF – and in Article 5 of Annex A to ATMF also covers the tank and its equipment.”