



OTIF/RID/CE/GTP/2019/2

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RID: 11th Session of the RID Committee of Experts' standing working group
(Vienna, 25 - 29 November 2019)

Subject: Definition of operator of a tank-wagon

Proposal transmitted by Belgium

SUMMARY

Explanatory summary Adapt the definition of operator of a tank-wagon

Related document: ECE/TRANS/WP.15/AC.1/2019/30

Introduction

1. On the basis of document ECE/TRANS/WP.15/AC.1/2019/30 submitted by ITCO (International Tank Container Organisation), the Joint Meeting in September 2019 adopted the following definition in Chapter 1.2:

[Text to be adopted for RID 2021]

“*Tank-container or portable tank operator*” means any enterprise in whose name the tank-container or portable tank is operated;”

ITCO did not propose any amendment to the definition of operator of a tank-wagon.

2. The definition of operator of a tank-wagon is as follows:

[RID 2019]

“**Operator of a tank-wagon**”⁶ means any enterprise in whose name the tank-wagon is registered or approved for transport;

⁵ In the case of a tank-wagon the term "operator" is equivalent to the term "keeper" as defined in Article 2, n) of Appendix G to COTIF (ATMF) and in Article 3s of the Rail Safety Directive (Directive 2004/49/EC of the European Parliament and of the Council of 29 April 2004 on safety on the Community's railways and amending Council Directive 95/18/EC on the licensing of railway undertakings, and Directive 2001/14/EC on the allocation of railway infrastructure capacity and the levying of charges for the use of railway infrastructure and safety certification) and in Article 2s of Directive 2008/57/EC of the European Parliament and of the Council of 17 June 2008 on the interoperability of the rail system within the Community."

3. Belgium has noticed that in footnote 5, the references to the Directives need to be updated.

Directive 2004/49/EC on safety on the Community's railways will be revoked on 16 June 2020 and is replaced by Directive 2016/798/EU on railway safety and Directive 2008/57/EC on the interoperability of the rail system within the Community will be revoked on 16 June 2020 and is replaced by Directive 2016/797/EU on the interoperability of the rail system within the European Union.

4. The definitions of keeper in the above-mentioned directives are as follows:

Directive 2016/798/EU on railway safety:

Art.3.19: "Keeper" means the natural or legal person that, being the owner of a vehicle or having the right to use it, exploits the vehicle as a means of transport and is registered as such in a vehicle register referred to in Article 47 of Directive (EU) 2016/797;

Directive 2016/797/EU on the interoperability of the rail system within the European Union:

Art.2.21: "Keeper" means the natural or legal person that, being the owner of a vehicle or having the right to use it, exploits the vehicle as a means of transport and is registered as such in a vehicle register referred to in Article 47;

Appendix G of COTIF (ATMF):

Art.2n: "Keeper" means the person or entity that, being the owner of a vehicle or having the right to use it, exploits the vehicle as a means of transport and is registered as such in the vehicle register referred to in Article 13.

5. In view of these definitions, Belgium is of the view that the definition of operator of a tank-wagon could be aligned with the definition of operator of a tank-container or portable tank adopted for RID 2021, while keeping the existing note, but updated.

Proposal

6. In 1.2.1, replace the definition of "operator of a tank-container, portable tank or tank-wagon" with the following definition:

“**Operator of a tank-container, portable tank or tank-wagon**⁵ means any enterprise in whose name the tank-container, portable tank or tank-wagon is operated;

⁵ In the case of a tank-wagon the term "operator" is equivalent to the term "keeper" as defined in Article 2, n) of Appendix G to COTIF (ATMF) and in Article 3.19 of Directive 2016/798/EU on railway safety and Article 2.21 of Directive 2016/797/EU on the interoperability of the rail system within the European Union.”