



OTIF/RID/CE/GTP/2022/9

7 October 2022

Original: French

RID: 15th Session of the RID Committee of Experts' standing working group
(Berne/hybrid meeting, 23 and 24 November 2022)

Subject: Declarations of occurrences involving dangerous goods

Proposal transmitted by Belgium

SUMMARY

Explanatory summary: Reporting criteria of 1.8.5.3 and model report of 1.8.5.4
Comments on informal document INF.8 (ERA) from the
RID/ADR/ADN Joint Meeting in September 2022

Measure to be taken: Discussion

Related documents: Informal document [INF.8](#) (Joint Meeting, September 2022)

Introduction

1. At the RID/ADR/ADN Joint Meeting held in Geneva from 12 to 16 September 2022, the European Union Agency for Railways (ERA) submitted informal documents INF.8 and INF.9. Owing to the lack of time, these documents were not discussed at the Joint Meeting and a working group will be organised by ERA on 14 or 15 December 2022.
2. Informal document INF.8 proposes amendments to RID 1.8.5.
3. In order to prepare the December working group as well as possible, Belgium is of the view that it would be useful to start a preliminary discussion on this document at the RID Committee of Experts' standing working group.

Comments transmitted by Belgium

4. Belgium supports the principle of a report comprised of several parts (simple report / detailed report / common rail part / specific dangerous goods (DG) part), where the common rail part will be harmonised with the structure of the (future) [CSM ASLP regulation](#), which avoids the duplication of reports to operators.
5. Belgium also supports the principle of the possibility of introducing the data from the specific DG part into the ISS (Information Sharing System).
6. With regard to the proposed amendments to the model report in 1.8.5.4 (see annex II of informal document INF.8), ERA took into account the results of the Joint Meeting's informal working group on improvement of the report on occurrences and in particular the proposals contained in informal document [INF.47](#) submitted to the Joint Meeting in September 2020. The Joint Meeting has not yet discussed this (multimodal) proposal in detail. Belgium does not have any particular comments at this stage.
7. ERA's informal document INF.8 included a table showing the differences in the criteria triggering the obligation to make a report in the (future) CSM ASLP regulation on the one hand and in RID 1.8.5.3 on the other. ERA proposes to align the criterion on damage costs and to align the definition of "injury".

Belgium's thoughts on this are as follows:

In RID 1.8.5.3, the criteria for triggering a report are directly linked to the presence and effects of dangerous goods. In RID 1.8.5.3, the criterion "personal injury" refers to death or injury relating directly to the dangerous goods. The criterion "material or environmental damage" does not include damage to the means of transport or to the infrastructure. The criteria "loss of product" and "involvement of authorities" do not really have an equivalent in the CSM ASLP regulation. Therefore, even if the "cost" and "injury" criteria were aligned, questions remain.

8. As a result, Belgium believes that the issue of the criteria triggering reporting (simple and/or detailed) should be analysed in depth.

Article 4 of the CSM ASLP regulation defines the criteria for simple and detailed reporting:

Art.4.2 Each railway operator involved in an occurrence shall report in accordance with Appendix A:

(a) a 'Simple Reporting'

- i. of any accidents with a serious¹ or significant² consequence, within 72h,*
- ii. of any accidents with a consequence above 5000 euros and of any category B event types, at the latest 72h after the end of the applicable reporting period;*

¹ 'serious consequence event' means an event resulting in the death of at least one person or serious injuries of five or more persons, or damage to rolling stock, infrastructure or environment that is equivalent to EUR 2 million or more.

² 'significant consequence event' means an event resulting in at least one seriously injured person, or damage to rolling stock, infrastructure or environment that is higher than EUR 150 000 but less than EUR 2 million.

(b) a 'Detailed Reporting' and a 'Reporting of the Occurrence Scenario' of any accidents with serious or significant consequence, within 2 months.

These criteria apply regardless of whether or not dangerous goods are involved.

Belgium's understanding is that when the operator encodes his simple report, he will have to tick a box if the criteria of RID 1.8.5.3 are met:

Is it a Dangerous Goods occurrence in accordance with applicable legislation? Yes / No	If Yes, please complement your report in accordance with applicable Transport of Dangerous Goods legislation.
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In this case (if one or more of the criteria of 1.8.5.3 are met), there will be an obligation to report in accordance with RID 1.8.5.

9. Several cases may arise depending on the criteria encountered. Belgium's understanding is as follows (based on the texts and current proposal):

	CSM ASLP	Criteria according to RID 1.8.5.3	Simple report	Detailed report	Comment/question
1.	Significant consequence event	No	Yes (within 72 h), no specific DG part	Yes, no specific DG part	
2.	Significant consequence event	Yes	Yes (within 72 h), including specific DG part	Yes, including specific DG part	
3.	Non-significant consequence event with damage > € 5000	No	Yes (1x/3 months?), no specific DG part	No	It might be an incident involving dangerous goods but not meeting the criteria of 1.8.5.3; in this case, there would be a simple report, without a specific DG part (despite the involvement of dangerous goods).
4.	Non-significant consequence event with damage > € 5000	Yes	Yes (1x/3 months?) + specific DG part (within 72 h)	Yes according to RID (including specific RID part), no according to the CSM ASLP regulation	RID stipulates full reporting even if it is not a significant consequence event in the meaning of the CSM ASLP. In this case, the CSM ASLP regulation only requires the simple part, within 72 hours of the end of the reporting period.

Conclusion

10. Belgium is of the view that the standing working group should deal as a priority with the issue of triggers that lead to a report and would like to hear the views of other participants, particularly with regard to the various cases described in paragraph 9.
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