



INF. 3

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(English only)

RID: 17th session of the RID Committee of Experts' working group on tank and vehicle technology

(Ludwigshafen, 14 to 16 October 2019)

Subject: Extra-large tank-containers and innovative container carrying wagons as an innovative system for rail freight

UIP Position Paper

Introduction

1. The International Union of Wagon Keepers (UIP) is fully committed to the development of innovative solutions supporting the deployment of a more sustainable, efficient and safe railway system. In this context, we welcome the introduction by BASF of a new type of tank-container, the so-called "BASF class tank-containers" (B-TC). With a maximum volume of 73,000 litres and a payload of 66 metric tons, the capacity of the 45 and 52-foot B-TC is double today's typical 20 and 30-foot tank-containers and offers rail freight the possibility of making the transport of dangerous goods by rail even more efficient and of addressing the economic and practical requirements of the industry.
2. Following discussions started in the RID Committee of Experts' standing working group in 2017, some safety concerns have been raised on **the differences in the technical provisions that apply to the construction and approval of tank-containers and tank-wagons**.
3. In addition, questions have been raised on the specifications used for the construction of dedicated innovative container carrying wagons as **some design characteristics are not explicitly covered in the current TSI WAG (321/2013) or in harmonised standards** and could be considered as significant changes.
4. Based on this, BASF offered to produce a voluntary risk assessment report within the meaning of the Common Safety Methods on Risk Evaluation and Assessment (402/2013).

Considerations

5. Although the results of the risk analysis have not been officially presented, UIP **asks the competent RID committees to give the following elements careful consideration**, as the discussions have shown that this innovative system introduces **a significant change** to the usual technical, operational and organisational rules for rail transport:
 - To ensure the acceptance of technical and operational risks associated with this innovative system while maintaining the overall safety level of the railway system, **a proper risk assessment within the meaning of the Common Safety Methods on Risk Evaluation and Assessment should be mandatory** for any company planning to use B-TCs and special-purpose innovative container carrying wagons.
 - As UIP is neither an accredited nor a recognized CSM risk assessment body, it will **not evaluate how the risk management process has been applied or whether the risks introduced have been correctly addressed or are tolerable**. This remains the responsibility of the proposer, the independent risk assessment body and Member States, within their competences as defined in Art. 4 of the Safety Directive (2016/798) and Art. 3 of Appendix C of COTIF (RID).
 - For this innovative system to be used “on a large scale” and in open traffic by all actors, in the same way as a tank-wagon, **the loopholes in both the interoperability and dangerous goods regulations need to be closed**. Notwithstanding the validity of the authorisation that has been issued both for the wagons and the B-TCs, it has been made clear during the exchange of views **that specific design features and organisational arrangements apply which are not included in today’s legal framework**.

Proposals

6. At European level, it is the role of Member States *“to ensure that all applicable legislation is enforced in an open and non-discriminatory manner, fostering the development of a single European rail transport system”*. UIP supports the objective of combining the flexibility of road with the economies of rail on long journeys for large volumes but **calls for the development of a fair level playing field for all types of rail freight traffic**.
7. We cannot ignore the increasing trend towards intermodal transport, but as described in the “ERA report on facilitation of combined transport”, several barriers and shortcomings still needs to be addressed if we want to ensure the smooth and safe integration of intermodal transport into rail operations. By definition, **regulatory loopholes lead to technical trade-offs and a distortion of competition**.
8. At the same time, feedback obtained over the years on the use of tank-wagons for the transport of dangerous goods has played a key role in the development of RID and should not be ignored. Such feedback has led to the changes that are now enshrined in RID 6.8.2, TE22 and TE25. In this sense, it is of the **utmost importance to consider operational experiences when trying to assess whether an equivalent level of safety between existing and innovative systems can be demonstrated**. Some elements presented and discussed at meetings of the RID committees demonstrate that mere legal compliance with existing provisions would not be enough to achieve the essential requirements and the intended safety level.

9. On the basis of the above:
- **We see BASF's innovative proposal as a chance to review the technical requirements enshrined in RID based on a more holistic and less prescriptive approach.**
 - **We call on the RID Committee to seek the creation of a homogeneous and non-discriminatory regulatory framework for both conventional and intermodal transport of dangerous goods.**
 - **When establishing rules, procedures or means of compliance, we ask the RID Committee to take into account feedback on using tank-wagons for the carriage of dangerous goods.**
10. UIP is ready to support all efforts in this sense and strongly believes that **a consistent and non-discriminatory safety framework must be implemented in order to avoid the emergence of a patchwork of national restrictions in the individual Member or Contracting States.**
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