



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

OTIF/JCGE/2019-A

13 March 2019

(English only)

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

Final report of the preparatory meeting of the Joint Coordinating Group of Experts

(Berne, 6 to 8 February 2019)

Agenda item 1: Approval of the agenda

Document: TECH-18036-JCGE (Secretariat)

1. The provisional agenda contained in the invitation TECH-18036-JCGE of 18 December 2018 was adopted. It was agreed to deal with agenda item 2 (Appointment of Chair of this meeting) after agenda item 3 (Working arrangements).
2. The following Member States participated in the work of the preparatory meeting of the Joint Coordinating Group of Experts (see also Annex I):

Austria, Belgium, France, Germany, Italy, Luxembourg, Netherlands, Romania, Switzerland and the United Kingdom.

The European Commission and the European Union Agency for Railways (ERA) were also represented.

The following non-governmental international organisations were represented: European Chemical Industry Council (CEFIC), International Union of Wagon Keepers (UIP), International Union of Combined Road-Rail Transport Companies (UIRR) and Association of the European Rail Industry (UNIFE).

Agenda item 3: Working arrangements

Document: Informal document INF.2

3. The Secretariat presented the draft Rules of Procedure contained in informal document INF.2. It was stressed that these Rules of Procedure had been drawn up on the basis of the conclusions of the RID/ATMF working group approved by the Committees and that elements from the Rules of Procedure of the RID Committee of Experts had also been taken into account.

Article 1 – Definitions

4. With regard to the definition of "sector organisations" in Article 1 § 1 (f) it was stressed that this was an exhaustive list which had been drawn up by the RID/ATMF working group, but which could be supplemented if necessary.
5. It was decided to delete the definition of "Secretariat" in Article 1 § 1 (p) in order to avoid duplicating Article 5.

Article 2 – Aim and actions

6. A proposal by the representative of the European Commission to include the obligations of the Committees in this Article was not supported, as the Rules of Procedure of the JCGE, which was a joint working group of the Committees, could only set out the Group's own obligations. It was stressed that for some time now, the RID Committee of Experts had no longer adopted technical vehicle provisions for RID, but had referred these subjects to the JCGE for discussion. It was also recalled that the conclusions of the RID/ATMF working group stipulated that the JCGE could be consulted by the Committees, but could not take any decisions that were binding on the Committees.
7. However, in Article 2 § 2 (a), in addition to items requiring coordination between dangerous goods law and general railway law and identified by the JCGE itself, the transfer of items from the Committees was added. In Article 2 § 2 (c), in addition to proposing modifications to the provisions of RID and to railway legislation, the possibility of proposing a process for similar items was also included.

Article 3 – Composition

8. The Group agreed that although the number of participants should be limited, there might well be cases where, depending on the agenda, several experts from a Member State or a sector organisation should be allowed to participate. A restriction was therefore included in Article 3 § 2 to say that "in general", the stipulated number of experts should not be exceeded.

Article 4 – Chair and conducting proceedings

9. The Group did not support the proposal by the representative of the European Commission that the chairpersons of the RID Committee of Experts and of the Committee of Technical Experts should co-chair the JCGE as well, as both chairpersons would have to agree to take on this additional work.
10. The Group considered it necessary also to provide for the possibility of JCGE meetings' being chaired by a single chair. This might be the case, for example, if one of the two co-chairs were unable to attend the meeting. This change entailed various consequential amendments to various Articles of the Rules of Procedure.
11. Article 4 § 2 was amended so that the two co-chairs were appointed at the beginning of each meeting and would remain in this role until the next meeting.

Article 8 – Deliverables

12. The draft Article 8 § 5 provided that advice be subject to approval by the JCGE before being sent to the Committees or their working groups. However, since the recommendations are only prepared by the secretariat in cooperation with the co-chairs after a meeting of the JCGE, this may lead to unnecessary delays. Consequently, the possibility of advice also being approved by written consultation was also included.

Article 9 – Languages

13. The representative of the European Commission proposed that, contrary to the draft Rules of Procedure, meetings of the JCGE should be held only in English, as it might be difficult to find suitable rooms in Brussels where simultaneous interpretation can be provided.
14. However, the representative of Germany, supported by the representatives of France, Austria and CEFIC, proposed to retain the language regime proposed in the draft Rules of Procedure, which had also proved its worth in the meetings of the RID/ATMF working group.

Approval of the Rules of Procedure

15. When adopting the amended wording of the Rules of Procedure (see Annex 2), the representative of the European Commission made a reservation with regard to Article 5 § 2 (a) and Article 9 § 1, as these described tasks of DG MOVE and thus had budgetary implications.
16. It was agreed to apply the amended Rules of Procedure to this meeting and to fix the language arrangements according to Article 9 for the next meeting. In addition, it would be possible for the JCGE to amend its Rules of Procedure at any time should this prove necessary.

Agenda item 2: Appointment of Chair for this meeting

17. In accordance with Article 4 § 1 of the Rules of Procedure, the Secretariat of OTIF proposed Mr Arne Bale (United Kingdom) as co-chair. Mr Arne 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.

18. The representative of the European Commission explained that she had no proposal for a co-chair in the field of general railway legislation.
19. As no one from the plenary expressed interest in co-chairing the Group, Mr Arne Bale said he was prepared to chair this meeting as sole chair. However, he stressed that a co-chair should be available for future meetings.

Agenda item 4: Definition and prioritisation of the list of items

Documents: Informal document INF.1 (Secretariat)
Informal document INF.3 (ERA)

20. The Secretariat introduced informal document INF.1, which contained new items that the RID Committee of Experts' standing working group thought should be included in the list of items to be dealt with by the JCGE. These were in particular:
 - Extra-large tank-containers, which a German chemical company has recently started using for the carriage of dangerous goods, and the carrying wagons on which they are placed,
 - Obligations of the notified bodies according to TSI/UTP in the RID approval procedure,
 - Minimum energy absorption of the energy absorption elements for tank-wagons with an automatic coupling device.
21. The Secretariat pointed out that priority should at least be given to the issue of extra-large tank-containers, as this was a new technology for which there was a great deal of interest in the market. Consequently, legal certainty should be established as soon as possible.
22. The Group agreed that the highest priority should be given to issues relating to the extra-large tank-containers. Safety concerns had been expressed in the RID Committee of Experts' working group on tank and vehicle technology and had to be taken into account. On the other hand, the results of the risk analysis, which are expected to be available at the end of July 2019, should also be included in the discussion.
23. In informal document INF.3, ERA proposed three priority levels on the issues identified by the RID/ATMF working group:
 - Priority 1: Preventing reoccurrence of legal inconsistency
 - Priority 2: Solving current implementation problems for the existing EU/COTIF legislation
 - Priority 3: Cleaning backlog
24. The Group agreed with the priorities proposed by ERA, unless otherwise specified below. It also welcomed the table proposed by the Secretariat in which the individual items are grouped according to priorities. Columns for "Rapporteur", "Timeline" and "Status/Actions" were also included in this new table (see document OTIF/RID/CE/JCGE/2019-A/Add.1).

RID 6.8.2.1.2

25. 6.8.2.1.2 was assigned priority 1, as the discussions at the last session of the working group on tank and vehicle technology had shown that there were uncertainties in the approval process for tank-wagons (see informal document INF.1, paragraphs 31 to 36). This item should be combined with the item "Respective roles of the railway No Bo and the tank assessing experts + proper use of standards EN 14025 and EN 12663". The rapporteur on this point is Germany, which had agreed to carry out a fundamental analysis of the problem and submit a proposal to resolve the issue of how the approval procedure could be arranged in future.

RID 6.8.2.1.29

26. As proposed by ERA, this point was left under priority 3, although it would also have to be dealt with in relation to extra-large tank-containers.

RID 6.8.2.5.2

27. This item was moved to priority 3. Although it was recognised that some markings to be affixed to tank-wagons were already regulated in general railway law, there was no urgent need for action in this respect.

RID 6.8.3.1.6

28. It was recalled that the provision on fitting gas tank-wagons and battery-wagons with buffers with a minimum energy absorption capacity of 70 kJ from an earlier UIC leaflet was incorporated into RID after these requirements had not been taken into account in the TSI Wagons. However, this item was included in priority 1, as it could be regarded as a test case for further work. As this question was also related to the equipment of gas tank-wagons and battery-wagons with energy absorption elements, it was decided to deal with this item in conjunction with special provision TE 22, which had to be applied for toxic and flammable gases in addition to the provision of 6.8.3.1.6. The representative of UIP agreed to report on the current state of the art at the next JCGE session.

RID 6.8.4, TE 16

29. This special provision only concerns six entries in Table A of RID and there was some doubt as to whether tank-wagons with wooden components still exist. As proposed by ERA, this item was kept in priority 3.

RID 6.8.4, TE 17

30. This special provision also concerns only six entries in Table A of RID and the question arose as to whether demountable tanks are still used for carriage at all. As proposed by ERA, this item remained under priority 3.

RID 6.8.4, TE 22

31. As explained in paragraph 28, this item should be dealt with together with 6.8.3.1.6 as priority 1. Special provision TU 38 of 4.3.5, which describes the measures to be taken after plastic deformation of energy absorption elements, should also be taken into account.
32. Special provision TE 22 also contains information on the energy absorption of tank-wagons with automatic coupling devices. Paragraphs 40 to 42 of informal document INF.1, in which an increase of the energy absorption value from 130 kJ to 140 kJ is proposed, should be taken into account.

RID 6.8.4, TE 25

33. Special provision TE 25 contains provisions to protect against the overriding of buffers or to limit the damage caused by the overriding of buffers. As proposed by ERA, this item remained in priority 3. When dealing with this item, it would also be necessary to discuss how to proceed with tank-wagons that are not equipped with buffers.

Extra-large tank-containers

34. Items relating to extra-large tank-containers would be dealt with under priority 1 (see paragraph 22). Under this item all the questions set out in paragraphs 8 to 12, 20 to 22, 35 to 40, 46 to 50 and 27 to 30 of informal document INF.1 must be taken into account.

RID 7.1.1

35. This item, which concerns the equipment of wagons with derailment detection devices, was moved from priority 3 to priority 1, as ERA had already agreed to develop a TSI for this purpose. No further discussion on this item in the JCGE was considered necessary. However, at the next JCGE meeting ERA and DG MOVE would provide an update on the measures taken.

Working group on inspection and certification of tanks

36. Priority 1 for this item was confirmed, as the conclusions of this informal working group would be presented to the RID/ADR/ADN Joint Meeting in March 2019.

Impact assessment

37. As there is no obligation to carry out a risk analysis and the JCGE cannot take any further action on this point, the point was moved to priority 3.

Train composition

38. This item, which concerns the harmonisation of national provisions on train composition, was kept under priority 2.

Telematics and TAF TSI

40. This item would remain as priority 1 due to ongoing parallel activities. It was noted that a guideline for the use of RID/ADR/ADN 5.4.0.2 was currently being developed within the framework of the working group on telematics of the RID/ADN/ADN Joint Meeting, the purpose of which is to support the development of a harmonised system for the use of electronic transport documents during the carriage of dangerous goods. The working group on telematics would meet again on 6 and 7 June 2019 to complete work on this guideline.
40. In the framework of this working group, the European Union also presented an overview of a proposal for a Regulation of the European Parliament and of the Council on electronic freight transport information (eFTI).
41. The representative of UIP pointed out that the TAF TSI was currently being revised and would also contain other information in future, such as whether the train contained wagons with derailment detectors.

Maintenance process and rules

42. This item would be included under priority 1 at ERA's request.

Safety responsibilities

43. As proposed by ERA, this item was assigned priority 1. At the request of UIP, the TSI Operation should also be taken into account.

Change to the railway system

44. The Group agreed to assign this item priority 1, as this would avoid inconsistencies from the outset. Since this item did not contain any problems to be resolved in column 2, it could appear as a placeholder at the beginning of the priority table for any problems that may arise in the future.

Reporting of accidents and incidents

45. Although this item had priority 1, it did not have to be dealt with by the JCGE for the time being because an informal working group of the RID/ADR/ADN Joint Meeting had been set up for this purpose.

National provisions

46. This item remained under priority 2 and should be dealt with together with the item on train composition, as it also concerns the harmonisation of national rules (see paragraph 38). It was pointed out that the representative of UIC had informed the RID Committee of Experts' standing working group of an ongoing study on national provisions concerning the carriage of dangerous goods by rail (see OTIF/RID/CE/GTP/2017-A, paragraphs 76 and 77). UIC was asked to report on the current status of this study at the next JCGE meeting.
47. The representative of France referred to the importance of national provisions. If a safety provision was not adopted at international level, it would have to be possible to take national measures in order to be able to maintain the required level of safety on certain sections of the railway network. As alternative lines were not always available, this was of particular importance, as the removal of national measures for reasons of harmonisation could lead to a traffic ban.

Agenda item 5: Discussion on list of items

48. This agenda item was dealt with together with agenda item 4.

Agenda item 6: Next steps

49. The Secretariat was asked to forward to the participants, together with this report, the new list of items to be dealt with by the JCGE, arranged according to priorities and containing the rapporteurs and the actions proposed so far (see also paragraph 24; see document OTIF/RID/CE/JCGE/2019-A/Add.1).
50. The proposal made by the representative of Romania to include a definition of "rapporteur" in the Rules of Procedure was not considered necessary by the Group, as this term was self-explanatory.
51. ERA and DG MOVE were invited to indicate at the next meeting whether they are dealing with specific items.
52. The representative of Luxembourg proposed that each meeting of the JCGE should include an agenda item under which priorities could be updated.
53. The Secretariat stated that it would include a separate area for the JCGE on its website.

Agenda item 7: Next meeting


54. The Group agreed to hold the next JCGE meeting in Berne from 9 to 11 September 2019. The meeting would start at 14.00 on 9 September and would end at 13.00 on 11 September.

Agenda item 8: Any other business

55. No discussions were held on this agenda item.


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Rules of Procedure of the Joint Coordinating Group of Experts (JCGE)
as adopted at the preparatory meeting of the Joint Coordinating Group of Experts
(Berne, 6 to 8 February 2019)

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The terms used to describe persons are general and may be understood as referring to both males and females.

Article 1 Definitions

For the purpose of these Rules, the term

- (a) "JCGE" shall apply to the Joint Coordinating Group of Experts;
- (b) "Member State" shall apply to one of the Member States or Associate Members of OTIF;
- (c) "OTIF" shall apply to the Intergovernmental Organisation for International Carriage by Rail;
- (d) "DG MOVE" shall apply to the Directorate-General for Mobility and Transport of the European Commission;
- (e) "ERA" shall apply to the European Union Agency for Railways;
- (f) "Sector organisations" shall apply to the following international associations: International Union of Railways (UIC), Community of European Railway and Infrastructure Companies (CER), International Union of Wagon Keepers (UIP), Association of the European Rail Industry (UNIFE), International Union of Combined Road-Rail Transport Companies (UIRR) and the European Chemical Industry Council (CEFIC);
- (g) "Representative" shall apply to the physical person nominated by the authority responsible for legislation concerning the transport of dangerous goods by rail or by the authority responsible for legislation concerning railway interoperability and safety in a Member State or by a sector organisation;
- (h) "Committees" shall apply to the RID Committee of Experts and the Committee of Technical Experts of OTIF and to the Committee on the transport of dangerous goods and the Railway Interoperability and Safety Committee (RISC) of the European Commission;
- (i) "RID" shall apply to the Regulation concerning the International Carriage of Dangerous Goods by Rail;
- (j) "UTP" shall apply to the Uniform Technical Prescriptions of OTIF;
- (k) "TSI" shall apply to the Technical Specifications for Interoperability of the European Union;
- (l) "Working languages" shall apply to the working languages of OTIF, i.e. German, English and French;
- (m) "Items" shall apply to matters of substance related to interfaces between RID and general railway law (railway legislation concerning interoperability and safety), which require analysis and coordination by the JCGE;
- (n) "Convention" shall apply to the 3 June 1999 Protocol version of the Convention concerning International Carriage by Rail (COTIF) of 9 May 1980;
- (o) "Secretary General" shall apply to the Secretary General in accordance with Article 13 § 1 g) of the Convention.

Article 2

Aim and actions

- § 1 The aim of the JCGE is to contribute to consistent legislative development between RID and general railway law (railway legislation concerning interoperability and safety) and to avoid conflicting requirements for vehicles and rail operations in respect of the carriage of dangerous goods by rail.
- § 2 To achieve this aim, the JCGE may use the following process:
- (a) Receive items from the committees or identify items;
 - (b) Examine the items and, if necessary, propose solutions to ensure compatibility and consistency between RID and general railway law (railway legislation concerning interoperability and safety);
 - (c) Issue advice to the committees in respect of the items and concerning appropriate interfaces between RID and general railway law (railway legislation concerning interoperability and safety), with the purpose of:
 - Proposing modifications to the provisions of RID (protection objectives),
 - Where applicable, proposing a process for similar items,
 - Proposing modifications to railway legislation concerning interoperability and safety (technical provisions to implement the protection objectives),
 - Identifying the applicability/impact of the proposed modifications,
 - Taking into account the multimodal aspects of the proposed modifications.

Article 3

Composition

- § 1 The JCGE shall be composed of the representatives and staff members of DG MOVE, ERA and OTIF.
- § 2 The JCGE shall be composed of persons who have expertise in the field of legislation concerning the transport of dangerous goods by rail (dangerous goods expert) or in the field of railway legislation concerning interoperability and safety (railway expert). In general, the maximum number shall be:
- One dangerous goods expert and one railway expert for each Member State represented;
 - One dangerous goods expert and one railway expert for each sector organisation represented;
 - One dangerous goods expert and one railway expert representing ERA for a relevant TSI;
 - One dangerous goods expert and one railway expert from the Secretariat of OTIF;
 - One dangerous goods expert and one railway expert from DG MOVE.
- § 3 Member State authorities responsible for legislation concerning the transport of dangerous goods by rail or legislation concerning railway interoperability and safety, and sector organisations, shall notify the Secretariat in writing of their representatives, specifying their name and functions.

Article 4
Chair and conducting proceedings

- § 1 The meetings shall be conducted by two co-chairs:
- One co-chair proposed by the Secretariat of OTIF with a background in the carriage of dangerous goods by rail and
 - One co-chair proposed by DG MOVE with a background in general railway law (railway legislation concerning interoperability and safety).
- Alternatively, the meeting may be conducted by one chair, proposed by either DG MOVE or the Secretariat of OTIF.
- § 2 The JCGE shall approve the chair or the co-chairs at each meeting. The chair or the co-chairs remain in their role until the following meeting.
- The chair or the co-chairs shall support the Secretariat in
- (a) Preparing advice and technical reports in accordance with Article 8;
 - (b) Monitoring the follow-up to advice in the committees or their working groups and reporting to the JCGE.
- § 3 The chair or the co-chairs shall ensure that discussions take place in accordance with these Rules of Procedure, give the floor and announce decisions.
- § 4 Decisions related to advice shall be taken by consensus, where possible.

Article 5
Secretariat

- § 1 The Secretariat of the JCGE shall be provided by DG MOVE and the Secretary General of OTIF.
- § 2 DG MOVE and OTIF shall provide administrative and logistical support for each meeting on an alternating basis, in particular:
- (a) In coordination with the chair or the co-chairs, draft and send the participating representatives a technical report and advice;
 - (b) Make all the necessary arrangements for the organisation and holding of meetings, including the meeting venue.

Article 6
Meetings

- § 1 JCGE meetings shall be convened on an ad-hoc basis.
- § 2 Unless the JCGE decides otherwise, its meetings shall not be open to the public.

Article 7
Invitation, agenda and documents

- § 1 At the latest two months before the meeting opens, the Secretary General of OTIF, in coordination with the chair or the co-chairs and DG MOVE, shall send the representatives, the Secretariat of OTIF, DG MOVE and ERA:
- an invitation showing the place, date and time of the opening of the meeting;
 - the provisional agenda, including a list of items submitted by the committees for discussion and analysis.

These documents shall be sent to representatives, DG MOVE and ERA electronically.

- § 2 The documents relating to the meeting shall be placed on the website of OTIF.
- § 3 At the request of the committees or their working groups, additional items may be added to the agenda before it is adopted on the day of the meeting.

Article 8
Deliverables

- § 1 The JCGE has two types of deliverables:
- (a) Technical reports summarising discussions concerning the items at the JCGE meetings. If no consensus can be reached on the technical reports, the majority view of the JCGE shall be indicated and, where necessary, diverging views included;
 - (b) Advice from the JCGE to the committees or their working groups, including, where relevant, proposals for legislative modifications. Advice shall take into account the technical reports.
- § 2 The JCGE technical reports and advice shall be drafted by the Secretariat in coordination with the chair or the co-chairs.
- § 3 The draft technical reports and advice shall be sent to the participants for review not later than two months after the meeting.
- § 4 Within two weeks of the day the draft technical report and advice are sent, representatives shall notify the Secretariat in writing of any corrections they wish to make to the text.
- § 5 The advice shall be subject to approval by the JCGE before being sent to the committees or their working groups. This may also be done by written consultation.
- § 6 The Committees or their working groups may require that the JCGE advice be revised.

Article 9
Languages

- § 1 Representatives of the JCGE may speak in any of the working languages. If a speaker speaks in German or French, his statements shall be interpreted simultaneously, orally and in substance, into English. Statements made in English shall not be interpreted into German or French.
- § 2 Invitations, working documents, technical reports, draft advice and room documents shall be prepared in English only.

§ 3 Advice sent to the committees or their working groups shall, after the substance has been approved by the JCGE on the basis of the English version, be translated by OTIF into all three working languages.

Article 10
Date of Application

These Rules of Procedure shall be applied from 7 February 2019.

Bern, 7 February 2019

On behalf of the Joint Coordinating Group of Experts (JCGE)

The chair or co-chairs:

(Name)

(Name)
