



Intergovernmental Organisation
for International Carriage
by Rail

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Intergovernmental Organisation
for International Carriage by Rail (OTIF)
Gryphenhübeliweg 30, CH - 3006 Berne
Phone : + 41 31 359 10 10
Fax : + 41 31 359 10 11
E-mail : info@otif.org
Internet : www.otif.org

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Work of OTIF'S General Organs

Administrative Committee

111th Session

Berne, 13/14 May 2009

For its 111th session, the Administrative Committee met in Berne on 13 and 14 May 2009 under the chairmanship of Spain.

At a session with a particularly heavy agenda, the Committee's discussions focussed mainly on the financial outcome for 2008, personnel matters and the preparation of the 9th General Assembly.

In **the financial area**, the Committee approved the 2008 Financial Management Report. On the basis of the approved accounts, the Committee set the Member States' definitive contributions for 2008 at SFr. 3,099,660.-. It also noted OTIF's general financial situation, which it judged to be satisfactory, and the situation with regard to investments.

The Committee also approved the 2008 Annual Report.

With regard to personnel, the Committee approved a number of amendments to the Staff Regulations of the Organisation's Secretariat. It also decided firstly to reinforce the human resources in the Secretariat so that

the Organisation can meet the challenges it has and will have in the near future and secondly to ask the 9th General Assembly to take the necessary decisions to confirm and support the decisions it took in this area.

In the context of preparing the **9th General Assembly**, the Committee dealt with the following matters, among others: election of the Secretary General for the period from 1 January 2010 to 31 December 2012, report on the activities of the Committee in the period between 1 October 2006 and 30 September 2009, composition of the Committee for the period between 1 October 2009 and 30 September 2012 and maximum amount that the Organisation's expenditure may reach between 2010 and 2012.

To conclude, the Committee encouraged the Secretary General to do everything possible to ensure that **Serbia** meets its financial obligations towards the Organisation.

The 112th session of the Administrative Committee will be held on 25 and 26 November 2009. This will be the first session of the Administrative Committee with the composition decided by the 9th General Assembly.

(Translation)

Legal matters concerning COTIF

Revision of COTIF

Revision Committee

24th Session

Berne, 23-25 June 2009

This was the first session of the Revision Committee for around ten years. The main purpose of the meeting was to align Appendices E (CUI), F (APTU) and G (ATMF) of COTIF with developments that have taken place in EC law in the meantime. However, the Committee had first to adopt updated Rules of Procedure for itself. It also took the opportunity of eliminating the “gold franc” by amending the provisions of Article 9 (Unit of account) of the Convention, which falls within its competence, and of deleting text from Article 27 (Auditing of accounts) to relieve itself from having to hold a meeting for every minor amendment to these very detailed provisions.

For the amendments to CUI, the Committee was able to base itself on the results of a “CUI group” made up of representatives of the European Commission and the OTIF Secretariat and legal experts from the Member States of the European Union (EU) and Switzerland. In the course of several meetings the CUI group identified contentious areas of incompatibility between EC law and the CUI and drafted appropriate proposals to resolve them.

Similarly, the “Schweinsberg group” set up in 2004, which all the Member States of OTIF, the European Commission and the sector organisations were able to attend, undertook to align the APTU and ATMF technical Appendices with the EC legal instruments, which had been considerably extended since they were adopted, particularly those relating to railway safety and interoperability. As might be expected, the main focus of this work was to make it even clearer when EC law takes precedence over COTIF with regard to the technical provisions for railway material operating in international traffic and when it does not, and which technical approvals and certificates must be mutually recognised.

The Revision Committee followed the proposals of the two working groups to a large extent and in addition to the amended texts, it agreed on a corresponding Explanatory Report. As this also concerned provisions

on the scope of application, for example, which falls within the competence of OTIF’s General Assembly, its vote on the Report will have to be awaited. The General Assembly will have the opportunity of taking such a vote at its 9th session on 9 and 10 September 2009.

If it is possible to start the process of bringing the amendments into force in October 2009, they could take effect on 1 October 2010. However, the Appendices will only take full effect when the problems of incompatibility are successfully resolved, thus leading to the withdrawal of the reservations lodged by numerous Member States not to apply them.

(Translation)

Publications and interesting links

Bulletin des transports et de la logistique, Paris, n° 3268/2009, p. 252-254 – Limitations d’indemnités. Panorama (M. Tilche)

Idem, n° 3270/2009, p. 282-284 – Conteneurs. Limites d’indemnités (M. Tilche)

Idem, n° 3271/2009, p. 297/298 – Déclaration d’intérêt spécial. A quoi bon ? (M. Tilche)

Idem, n° 3276/2009, p. 376/377 – Accident. Sort des « autres frais » (M. Tilche)

CIT-Info (Comité international des transports ferroviaires / Internationales Eisenbahntransportkomitee / International Rail Transport Committee, CIT) <http://www.cit-rail.org>, éditions/Ausgaben/editions 3/2009, 4/2009, 5/2009

DVZ - Deutsche Verkehrszeitung, Hamburg, Nr. 63/2009, S. 1 – Neues Recht für den Seetransport. Die Rotterdam Rules“ sollen Haag-Visby-Regeln ersetzen (P. Wörnlein)

Transportrecht, Hamburg, Nr. 4/2009, S. 145-149 – Implementation des Budapester Übereinkommens über den Vertrag für die Güterbeförderung in der Binnenschifffahrt (CMNI) (Th. Hacksteiner); S. 162-167 – Haftung bei der Personenbeförderung. Rechtliche Entwicklungen im Bereich der internationalen Personenbeförderung (K.F. Haak)

Idem, Nr. 5/2009, S. 213-215 – Passagierrechte und technische Defekte. Die Rechtsprechung des EuGH zu Art. 5 Abs. 3 VO 261/2004. Zugleich eine Anmerkung zum Urteil vom 22.12.2008, Rs. C-549/07 (Ch. Giesecke)

Idem, Nr. 6/2009, S. 233-239 – Neue Rechtsprechung zur Verjährung im Transportrecht (K.-H. Thume); S. 245-251 – Der Ausfall eines Zuges im internationalen Zugverkehr (W. Kunz)

Transport of Dangerous Goods

Working Party on the Transport of Dangerous Goods (WP.15, UN/ECE)

86th session

Geneva, 5-8 May 2009

The 86th session of WP.15 was held from 5-8 May 2009 in Geneva. Twenty-four States, the European Commission and 6 non-governmental organisations were represented.

Instructions in writing

Interpretation of the new provisions

At the 84th session of WP.15, there had already been a discussion on the extent to which the model of the instructions in writing prescribed in ADR 5.4.3.4 may be altered. At that time, the majority of WP.15 had been of the view that the model provided should not be altered and that any additional information for the vehicle driver, e.g. emergency telephone numbers, should be shown on a separate supplementary sheet. Sweden re-opened this subject at this meeting in order to get answers from the other Member States on the following questions:

- Are different formats allowed for the instructions in writing, e.g. a folded pamphlet?
- Must the instructions in writing be printed in colour or are black and white photocopies sufficient?
- Is it permitted to include information such as emergency telephone numbers, logos and contact information in the instructions in writing?

WP.15 confirmed that the wording of 5.4.3.4 that has been in force since 1 January 2009 does not prescribe a particular format. Consequently, formats other than the A4 format may be used, provided the instructions in writing remain legible and the four-page layout is

maintained. It is essential that the instructions in writing be printed in colour in order that the danger labels can be identified. WP.15 confirmed its earlier decision that including additional information or a company logo is not allowed. These would have to be included in a separate document.

Including the marking for environmentally hazardous substances

Sweden also submitted a proposal to include the marking for environmentally hazardous substances in the list of danger labels contained in the instructions in writing in order to give the driver information on the dangerous properties and instructions on what to do. Various delegations opposed this proposal, as for substances of Class 9 (UN Nos. 3077 and 3082), whose main hazard is “environmentally hazardous”, this could lead to the danger label in accordance with model number 9 becoming redundant, and for substances in the other classes, for which “environmentally hazardous” is only a subsidiary hazard, it could lead to contradictory and inappropriate instructions on what to do in the event of a spillage of these substances.

Once the Joint Meeting has discussed the identification of environmentally hazardous substances and the provision of information in the transport document, Sweden will decide whether to submit a revised proposal.

Provision of a reference to the edition of ADR

Lastly, Sweden submitted a proposal to indicate in the instructions in writing which edition of ADR these instructions related to. When the instructions in writing were amended in future editions of ADR, this would make it easier to check whether drivers had the latest edition. This proposal was rejected, because such a requirement would mean that instructions in writing would also have to be reprinted even if no amendments at all had been made to a new edition of ADR.

This discussion is also important for the work of the RID Committee of Experts, as it is also planned to include requirements on instructions in writing for the first time in the 2011 edition of RID.

Training certificate for drivers of vehicles carrying dangerous goods

The United Kingdom submitted a document to revise Chapter 8.2 of ADR (Requirements concerning the training of the vehicle crew), firstly to permit restricted basic training courses and restricted tank specialization

training courses limited to specific dangerous goods or to a specific Class or Classes of dangerous goods, and secondly to create a standard model for the ADR driver training certificate, as had already been requested by the representatives of Portugal and IRU at the last meeting.

These amendments to Chapter 8.2 were largely adopted, although the discussion on individual issues, such as transitional provisions for old training certificates, will have to be continued at the next meeting.

Restrictions for the circulation in road tunnels of vehicles carrying dangerous goods

WP.15 noted the measures taken in various ADR Contracting States to categorise tunnels in accordance with 1.9.5 for which restrictions on circulation are to be laid down by the time the transitional provision in 1.6.1.12 expires on 31 December 2009.

Traffic restrictions for vehicles carrying dangerous goods

The representative of the Russian Federation informed the meeting that for the international transport of high consequence dangerous goods listed in 1.10.5 on the territory of the Russian Federation, for which a security plan has to be established, advance approval must be obtained from the Federal authorities.

Infectious substances

WP.15 took note of a document from the World Health Organization (WHO) on the classification of specimens and cultures containing the swine influenza virus A(H1N1). According to the document, specimens collected from humans or animals that are suspected to be infected with the swine influenza virus A(H1N1) should be shipped under UN No. 3373 Biological substance, category B, while virus cultures should be shipped under UN No. 2814 Infectious substance, affecting humans.
(Translation)

RID Committee of Experts Working Group on Tank and Vehicle Technology

Brussels, 11/12 June 2009

At the invitation of the Belgian Service Public Fédéral Mobilité et Transports, the 10th session of the RID Committee of Experts working group on tank and vehicle technology was held in Brussels on 11 and

12 June 2009. The main topics at this session were the fitting of derailment detectors to wagons carrying dangerous goods and monitoring the main brake pipe.

Derailment detectors

Dr Walter (Knorr-Bremse (Knorr Brakes)) informed the meeting about the tests on the EDT 101 derailment detector that had been carried out at the request of Sweden and Finland between January and April 2009 at low ambient temperatures. In the tests, five tank-wagons had been fitted with derailment detectors and a GPS/GSM unit. During the tests, the average temperature recorded was -15°C; temperatures of $\leq -25^{\circ}\text{C}$ were only reached on three days during the test period. A written report on the tests, during which no false tripping of the detectors was noted, will be finalised in autumn 2009 and submitted to the RID Committee of Experts.

The representative of Germany provided information on the discussions in the European Commission's Railway Interoperability and Safety Committee on the subject of derailment detection and on the discussion with members of the RID Committee of Experts of the draft report submitted by the European Railway Agency (ERA).

The representative of ERA pointed out that at the meeting held in Lille on 2 April 2009 with representatives of the European Commission, ERA and the RID Committee of Experts, the general approach of ERA's investigation had not been called into question, while there had been different views on ERA's recommendation. The European Commission's final decision on the report would now take place at political level, firstly in the Railway Interoperability and Safety Committee (12 June 2009) and secondly in the Transport of Dangerous Goods Committee (6 July 2009).

Among others, the following points were emphasised in the subsequent discussion:

- As there were only a few derailments where dangerous goods were involved, the database used was insufficient to provide reliable statistics.
- It was acknowledged that there was a certain contradiction in that ERA was not making a recommendation for the detection of derailments in the transport of dangerous goods, while at the same time, the TSI High Speed Rail System required the rapid detection of derailments.

- The causes of derailments should be investigated in parallel (e.g. condition of the infrastructure, condition of the rolling stock, human error). However, this went beyond the sphere of competence of the RID Committee of Experts and its working group.
- It was incomprehensible why fully developed technology could not be employed throughout Europe, even though it could already be demonstrated that this technology can reduce the extent of accidents (Cornaux/Switzerland).
- In addition to the Knorr-Bremse company, there were now two other suppliers of derailment detectors but these have not yet been UIC approved. In addition, a fourth supplier was intending to develop a derailment detector which, instead of measuring vertical oscillation, would measure the geometry of the tracks and wheels. This emerging competitive situation could lead to lower prices and earlier amortisation than assumed in the study.

The representative of ERA explained that in its report, ERA was not calling the derailment detector into question, but had emphasised that before derailment detectors were made mandatory, derailment prevention would have to be better investigated. As railway undertakings would have to carry out a risk assessment, this could lead to the voluntary fitting of derailment detectors at national level. This was possible under conditions to be laid down by the national safety authority.

The working group agreed that there must be no further technical discussion in the working group so that the political decision to be taken by the RID Committee of Experts could be prepared.

Monitoring the main brake pipe/air brake check

In a presentation, Dr Walter (Knorr-Bremse) described various accidents caused by a defective or nonexistent brake check.

He explained that at present, there were several technical possibilities for ruling out human error in this respect.

- a) An end of train device on the last wagon could be connected to the main brake pipe. In particular, this would measure the pressure in the main brake pipe and in an emergency, it could also be activated by the locomotive driver to vent the

main brake pipe. Problems with this were the weight of the device (approx. 15 kg), reconsignment (return) and the risk of theft;

- b) Sensors in the locomotive braking system that measure the volume flow rate in the main brake pipe when applying and releasing the brakes, and a software algorithm that estimates the length of the main brake pipe or the number of wagons from this measurement;
- c) Electronically controlled wagon brakes, which have already been introduced in North and South America, South Africa and Australia, but for which the prerequisite is an electricity supply on the wagons.

Owing to the problems referred to above, his view was that at present, measurement of the volume flow rate in the main brake pipe was preferable.

The representative of Germany had summarised in a document the findings so far of the working group on monitoring the main brake pipe and had collated a summary of accidents that had occurred in Germany between 1997 and 2008, the causes of which were defective brake checks.

He asked the other States also to supply their accident data and asked ERA to take this matter on. Against the background that technical solutions existed and had been implemented in other parts of the world, it would not be possible to pass it off politically if equivalent technologies were not employed in Europe.

The representative of the European Railway Agency (ERA) explained that for further developments in the technical safety of the European railway system, the requirements of the Safety Directive would have to be observed. According to the Directive, rail transport undertakings and infrastructure managers would have to operate a safety management system to monitor safety themselves. At national level, the safety authority and the accident investigation body would have to consider how safety can be improved on the basis of the reports on safety that have to be produced each year.

It emerged from further discussions that for ERA, a majority vote by the RID Committee of Experts, which is responsible for safety in the carriage of dangerous goods by rail, and the EU Member States represented in it, was apparently not sufficient for a mandate for further investigations. In accordance with its regulation, ERA would need a mandate from the European Commission or, as it is a Railway System issue, from

the Railway Interoperability and Safety Committee. The Member States were therefore called upon by the Chairman to demand that technical measures to prevent human error in brake checks be pursued via their representatives in the Transport of Dangerous Goods Committee.

Any other business

The representative of Belgium presented an accident report which was the result of a derailment that occurred on 9 July 2008. Among other things, the cause of the accident was the wrong position of the braking method lever on one wagon (“EMPTY” instead of “LOADED”). She recalled the accident report from Sweden on a derailment that had occurred in Ledsgård on 28 February 2005, which had also been caused by the braking method lever being in the wrong position. She added that the damage caused by the derailment of two wagons could have been prevented by a derailment detector.

(Translation)

UN Sub-Committee of Experts on the Transport of Dangerous Goods

35th Session

Geneva, 22 - 26 June 2009

The 35th session of the UN Sub-Committee of Experts on the Transport of Dangerous Goods was held from 22 to 26 June 2009 under the chairmanship of Mr R. Richards (USA) and the deputy chairmanship of Mr C. Pfauvadel (France). 26 States and 26 non-governmental organisations were represented. This was the first session of the 2009/2010 biennium. Decisions concerning harmonisation taken in this biennium will be included in the 2013 editions of RID/ADR/ADN.

Interpretation of packing instructions P 902 and LP 902

Packing instructions P 902 and LP 902 apply to the carriage of UN 3268 Air bag inflators, air bag modules or seat-belt pretensioners. The packagings prescribed must meet the test requirements for packing group III and prevent movement of the articles and inadvertent operation. However, both these packing instructions also contain a relaxation of the rules, whereby the articles may also be carried unpackaged in dedicated handling devices, wagons/vehicles or containers when moved from where they are manufactured to an assembly plant.

As the places of manufacture and assembly are often very far apart, Sweden called into question the possibility of carrying these articles unpackaged. However, the working group on explosives saw no problems with this relaxation, as special provisions 280 and 289, which ensure the same level of safety as for packed articles, must still be applied. The working group nevertheless recognised that the presentation of both packing instructions could be improved by including headings.

Information required in the dangerous goods transport document when transporting fireworks

As a result of the firework accident in Enschede (Netherlands) in 2000, a requirement was included in RID/ADR that when transporting fireworks, the transport document must indicate the competent authority that has recognised the firework classification. However, checks carried out in various European ports after this requirement entered into force have shown that transport documents contain this information even though no classification has been carried out or the consignments have been marked with the lowest hazard (1.4G), despite their actual classification (see also Bulletin 3/2008, p. 32).

To reduce the danger of falsely declared consignments, based on a proposal by Germany and the United Kingdom, a requirement was included to indicate a specific classification reference in the transport document.

Packing instruction P 010 – use of pressure receptacles

On the basis of a proposal from the European Chemical Industry Council (CEFIC), the use of pressure receptacles was permitted in the new packing instruction P 010, which applies to all chlorosilanes, as was already possible in accordance with the packing instructions that applied previously. As packing instruction P 010 was newly included in the 2009 editions of RID/ADR/ADN in the context of harmonisation and the current version of RID/ADR/ADN does not therefore permit carriage in pressure receptacles, Belgium had initiated multilateral special agreements RID 3/2009 and M 207 to ensure the continued practice in parallel for European land transport. The agreements have so far been signed by Germany, France, Austria, Switzerland, Slovenia and the United Kingdom (see also Bulletin 1/2009, p. 3).

UN 3028 BATTERIES, DRY, CONTAINING POTASSIUM HYDROXIDE SOLID, electric storage

The Sub-Committee noted that the wording of special provision 304 in chapter 3.3 gave rise to many misunderstandings relating to the precise scope of UN No. 3028 (Batteries, dry, containing potassium hydroxide solid, electric storage), given that this special provision mentioned types of battery that did not correspond to the original definition. It was decided to adopt amended wording as proposed by the Secretariat to make clear that the entry applied only to the transport of non-activated batteries containing dry potassium hydroxide which would be activated prior to use by the addition of water.

Several experts considered that other batteries containing dry potassium hydroxide, meaning most common batteries found in retail outlets, posed no particular danger during transport either when conditioned for distribution or when used and collected for recycling or disposal.

To take account of the needs of maritime transport, according to which nickel-metal hydride batteries must be stored away from sources of heat, the new UN number 3496 BATTERIES, NICKEL-METAL HYDRIDE was included with a reference to the new special provision 117 to be developed by IMO.

Watt-hour marking on lithium ion batteries

As a prerequisite for the exemption of lithium ion batteries with a rating of not more than 100 watt-hours, special provision 188 requires that these batteries be marked with the rating. However, batteries manufactured before 1 January 2009 may be carried until 31 December 2010 without this marking.

The UN Sub-Committee of Experts now considered this transitional provision to be too restrictive, because among other things, this would make it more difficult to send batteries back in the event of a guarantee claim. It was also pointed out by way of an example that the subsequent marking of IBCs with the maximum permissible stacking load is only prescribed if the IBC is reconditioned or repaired.

Devices using lithium batteries which are intentionally active in transport

The exemption in special provision 188 only applies to batteries contained in equipment if the batteries are protected against damage and short-circuiting and if inadvertent operation of the equipment is prevented. In

response to a proposal from Switzerland, paragraph (e) of special provision 188 was expanded to indicate that the requirement does not apply to devices which are intentionally active in transport and which are not capable of generating a dangerous evolution of heat (e.g. radio frequency identification (RFID) transmitters, watches, sensors). This was based on guidelines that ICAO has already developed on this issue.

In the meantime, Switzerland has also submitted a proposal to the Joint Meeting, WP.15 and the RID Committee of Experts to include this clarification in the 2011 editions of RID/ADR/ADN.

Marking of large packagings

In contrast to chapters 6.1 and 6.3 for packagings and chapter 6.5 for IBCs, chapter 6.6 on the construction and testing of large packagings does not contain any provisions on the minimum size of markings and where they should be affixed. As proposed by Sweden, a minimum height requirement (12 mm) as in chapters 6.1, 6.3 and 6.5, with a transitional measure to apply to large packagings manufactured from 1 January 2014, was adopted.

Marking of packages

Although 5.2.1.2 (a) of the UN Model Regulations contains the requirement that package markings must be “clearly visible and legible”, there has not so far been any requirement concerning the minimum height of markings. Sweden had already proposed in 2004 to prescribe a minimum height requirement of 12 mm, as for packaging markings, but at the time, this was rejected on the grounds that this might entail additional costs for the industry without guaranteeing that this condition would have any advantages for the emergency services.

Convinced that the package marking is an important piece of information for the emergency services, and against the background of the fact that the IATA dangerous goods regulations also prescribe a minimum height, Sweden again introduced this proposal at this meeting, along with a transitional provision up to 31 December 2013. This proposal was adopted.

However, Sweden was unsuccessful with its logical proposal to align the example of a package marking in 5.2.1.1 (proper shipping name followed by the UN number) with the sequence of the information in the transport document specified in 5.4.1.4.1 (1. UN number, 2. proper shipping name).

Publications and interesting links

Gefährliche Ladung, Hamburg, Nr. 4/2009, S. 38-39 – Durch sensibles Gebiet – Verkehrsführung für Gefahrgut-Transporte (J. Wolf)

Idem, Nr. 4/2009, S. 44-47 – Genfer Frühlingstag – Gemeinsame RID/ADR/ADN-Tagung (Genf, 23. bis 26. März 2009) (J. Conrad)

Idem, Nr. 6/2009, S. 16-17 – Telematik im Anmarsch (S. Klein)

Idem, Nr. 6/2009, S. 32-35 – Wichtige Modifikationen – 86. Tagung der WP.15 (Genf, 5. bis 8. Mai 2009) (J. Conrad)

Idem, Nr. 7/2009, S. 26-27 – Vor 40 Jahren ... – Explosion auf dem Bahnhof Hannover-Linden (K. Ridder)

Der Gefahrgut-Beauftragte, Hamburg, Nr. 3/2009, S. 8-10 – RID/ADR 2009, Teil 6 – Prüfvorschriften (J. Conrad)

Idem, Nr. 3/2009, S. 4-5 – Gemeinsame Tagung – Harmonie im Quartett (J. Conrad)

Idem, Nr. 7/2009, S. 1-3 – WP.15 – Feinschliff fürs ADR (J. Conrad)

Idem, Nr. 7/2009, S. 8-9 – Schweiz – Hohe Sicherheitsanforderungen (H. Stoll, P. Kuhn)

TSI Locomotives and Passenger Rolling Stock) for consultation of the non-EC OTIF Member States.

In reply to the OTIF circular dated 31 March 2009 the non-EC OTIF MS nominated coordinators, whose role will be to take care of the internal (national) consultation procedure. The OTIF Secretariat started this procedure of consulting the non-EC OTIF MS on the draft TSIs as a pilot scheme.

The first step of this procedure was the workshop on the TSIs, which aimed to provide the coordinators and experts from the non-EC OTIF MS with basic information about European Community legislation concerning the railway sector, the relevant TSIs and the consultation procedure itself.

Several places were considered as for the venue for the workshop and many OTIF MS offered to host it. In the end the workshop took place at the kind invitation of the Ministry of Sea, Transport and Infrastructure in Zagreb (Croatia). The idea of arranging the workshop in the “local” area was appreciated, as this reduced travel costs and made it possible for more representatives from the area to participate. The workshop was attended not only by government representatives, but also by representatives from the users of the OTIF regulations, such as the railway undertakings and railway industry; transport academics also participated actively. In total 47 people from Bosnia-Herzegovina, Croatia, FYR of Macedonia, Montenegro and Switzerland took part. CER took part in the workshop as an international organisation with members from 72 European railway and infrastructure companies from both EC and non-EC countries.

The language of the workshop was English, as this is the working language of ERA. OTIF provided simultaneous translation into/from Croatian, which also allowed experts from the successor States of Yugoslavia with less or no knowledge of English to participate.

The aim of providing basic information about the legal framework of railway interoperability and drafting TSIs, and especially information about the structure and content of all the relevant TSIs, was met. This information was provided to participants in presentations excellently prepared by representatives of ERA.

At the end of the workshop, participants concluded that their knowledge of the TSI principles and the specific regulations being planned had been substantially improved.

Subjects in the Technical/Approval Field

Consultation of the non-EC OTIF Member States concerning draft TSIs

OTIF workshop

Zagreb, 2-5 June 2009

After long efforts, the OTIF Secretariat achieved the possibility for the non-EC OTIF Member States (MS) to be involved in the consultation procedure on TSIs. This procedure was announced at the 3rd session of the Committee of Technical Experts (Berne, 11/12.2.2009).

At the beginning of March 2009 the OTIF Secretariat received from the European Commission three TSIs for conventional rail (TSI Energy, TSI Infrastructure and

All documents and presentations from the workshop in Zagreb can be downloaded from the OTIF website¹.

Co-operation with International Organisations and Associations

United Nations Economic Commission for Europe (UN/ECE)

63rd Session

Geneva, 30 March – 1 April 2009

In the course of a general debate and three subsequent panel discussions, the UN Economic Commission for Europe, which only meets every 2 years, looked at Europe's general economic situation in the wake of the financial and economic crisis. The general debate, in which mainly Ministers and Secretaries of State took part, provided some really interesting information on the very different political strategies being used in various Member States to mitigate or combat the effects of this crisis.

In the three panel discussions, the participants focussed on issues of improved economic integration in Europe, improving the use of innovative economic policies and economic cooperation.

Participants in the panel discussions were also comparatively high-ranking. Also for this rather protocolary reason, but mainly because of the very interesting selection of topics, the Secretary General took part in this session of the ECE on 30 March 2009.

With a view to OTIF's aims and activities, the message of the contributions from speakers in the general discussion was a clear, common call for trade facilitation. These speakers included the Director of the European Department of the International Monetary Fund, Mr Belka, the Swiss Secretary of State for Economic Affairs, Mr Gerber, and the Deputy Foreign Minister of the Russian Federation, Mr Yakovenko. The International Monetary Fund insisted on the facilitation of cross-border traffic. In these contributions, as in the panel discussions looking at these issues, it was emphasised that the facilitation of cross-border trade and hence of cross-border traffic can be achieved at relatively low financial cost and administrative effort, which, in view of the decisions taken across the globe to

provide financial support for economic development, the banking sector and important branches of industry, depends entirely on the political will, which should be relatively easy to summon up. The result for OTIF is a situation in which it too must make use of the instruments it has available to facilitate cross-border rail transport. Thus the very first thing that must happen is that the Rail Facilitation Committee referred to in Article 13 of COTIF 1999 must start its work in 2010, as already decided by the Administrative Committee in November 2008. According to a report presented by the Director of the WTO's Development Division, investing 1 Dollar in trade facilitation (e.g. by the increased use of IT supported processes) can lead to an increase in trade of 1,500 Dollars.

The warning against protectionist tendencies given by many of the speakers, particularly Switzerland, also points in the same direction, as in the rail sector too, a lot of obstacles to cross-border traffic can be traced back precisely to such protectionist practices and legislation. OTIF will also be required to act because of the views of many of those involved in the discussion – although these can only be considered as assumptions at the moment – on the situation that will arise from the politico-economic point of view once the most pressing effects of the current crisis have been overcome. Everybody who spoke on this aspect was of the view that this “global economy” will have nothing or very little in common with the one that existed before the crisis began. There would be no going back to square one; economic and trade policies at global, regional and national level will instead have to operate, prove themselves and stabilise in a very different environment. Against the background of the fundamental aims of OTIF and the opportunities it has to act, these expectations also mean that there must be increased effort aimed at facilitating cross-border rail transport. Because one of the few certainties in the current situation is that easier cross-border rail transport will contribute to improving the situation, irrespective of what the situation will be after the global financial and economic crisis has run its course.

(Translation)

International Transport Forum 2009

Leipzig, 26-29 May 2009

This year's Transport Forum was chaired by Turkey and again took place in Leipzig. 52 Ministers of Transport and another 800 delegates, including the Secretary General, took part in the annual conference. Delegates came from governments, international and national

¹ <http://www.otif.org/en/technology/consultations-workshops-and-presentations.html>

organisations and associations, and from private industry. The main speakers were the new US Transportation Secretary, LaHood, the Vice-President of the European Commission, Transport Commissioner Tajani and the former President of the EBRD, Attali.

The congress was headlined “Transport for a Global Economy: Challenges & Opportunities in the Downturn”. In 13 workshops, round tables and panels, participants discussed major issues of transport policy, with a particular focus on the effects the global financial and economic crisis is having on international flows of trade and transport. As in 2008, the event was extremely well organised, as were the peripheral activities. This again enabled the main aim of the event to be achieved in full, i.e. to bring together leading representatives of the various transport sector areas for expert discussions and informal networking. However, it was noticeable that the composition of some of the round table discussions was too dissimilar with respect to the rank, perspective and professional competence of the various participants. At a round table, it makes little sense to bring together the Minister of Transport of the Russian Federation and the representative of a European freight railway. It was also noticeable that the European Commission was not represented in any of the expert discussion groups. At future meetings, the expert discussions could also be more strongly focused and hence more beneficial for participants if the representatives of the various stakeholders in the railway sector would refrain from representing exclusively interest-focused views of which everybody is aware. In future, the meeting should be bolder in bringing in competence related to the specific field and in being less politically oriented. It will therefore come as no surprise that the Ministers’ “key messages” adopted at the end of the conference held no surprises. Detailed information can be found on the International Transport Forum website¹.

(Translation)

Organization for Cooperation of Railways (OSJD)

Conference of Ministers

XXXVIIth Meeting

Astana, 4/5 June 2009

The deputy Secretary General took part in the meeting of the top decision-making body of this Organisation, which is held annually and to which OTIF was again invited as in previous years. In his welcoming speech, the Minister of Transport of Kazakhstan highlighted the great efforts being made by his country to increase and improve international rail freight traffic, particularly with China, but also with the countries surrounding the Caspian Sea. At the same time, the Kazakh railway material industry is undergoing considerable expansion. After the report on its activities and the accountancy commission’s report were adopted without discussion, the work of the OSJD/ERA contact group on “the relationship between the 1435 mm and the 1520 mm railway systems between the EU and non-EU” was highlighted as being particularly important and useful, and it was suggested that China should also take part in this work in future. The work on implementing extensive plans for improving OSJD Corridors 2, 3, 4, 6, 10 and 12 will be continued next year in relation to Corridors 5, 7, 8 and 13. With regard to the work of the working group led by Russia on improving the OSJD basic documents, particularly the draft OSJD statutes, the members of OSJD that are also members of the EC consider that they are obliged to avoid incompatibilities with EC law. However, the relevant coordination procedure will only be clarified when preparing the Diplomatic Conference to adopt the basic documents. Other issues dealt with included interim reports on the revision of SMPS and SMGS, adoption of the work programme for 2010 and after, members’ unpaid contributions, the OSJD Committee budget for 2009 and 2010 and the decision that the Committee’s headquarters should continue to be Warsaw. The XXXVIIIth Conference of Ministers will be held in the Czech Republic on 17/18 June 2010. As before, the preparatory meeting of the accredited representatives of the members of the Conference of Ministers will be held on the two days preceding the Conference itself.

(Translation)

¹ <http://www.internationaltransportforum.org>

Other Activities

1st International Forum of Mediterranean Carriers

Aleppo, 26-28 April 2009

This conference was held at the invitation of Syrian Railways (CFS) and was attended by the Ministers of Transport of Syria, Iraq and Jordan, the Directors General of the railways of Turkey, Iraq, Syria and Jordan as well as a number of port directors, customs administration chairmen, international chambers of commerce and various transport industry associations. The Secretary General's presentation, which again looked at the role of facilitation in border crossing in international rail transport, was one of more than 25, most of which illustrated the structure and working methods of the institutions represented. He highlighted the problem area of "corruption/fraud/theft", which met with particular interest, and which is certainly also considered by official State authorities to be one of the core problems in the way of efficient border control procedures in many States in the region and beyond.

Although a final document was signed by the most important participants at the end of the conference, it is characterised by the fact that owing to the national political structures within Syria, it could only be adopted once all the parties concerned had included in it the points which were important to them or had deleted from it points which troubled them. In view of the fact that both road and rail transport undertakings on the one hand, and customs authorities on the other, made important contributions to the conference, it is no surprise that this final document only sets out the "smallest common denominator". The Director General of Syrian Railways announced that a follow-up event is to be organised in 2010.

(Translation)

Secretary General's visit to Jordan

Amman, 29 April - 1 May 2009

From events held in May 2008 in connection with the UIC Regional Assembly for the Middle East (RAME), the Kingdom of Jordan's intention of modernising and extending the railway network that exists at present and to expand it by creating a high-performance connection to Iraq became known. Jordan had also indicated that its national railway law, which originates from the 1950s,

would also be reformed. In so doing, the main focus would be to shape this national railway law in such a way that it will later fit in to the framework of international liability regimes. In view of Syria's and Iraq's membership of OTIF, it could only be assumed that what was meant by such an international legal regime was COTIF.

For this reason, in a letter in October 2008, the Secretary General offered the Jordanian authorities his advisory services in support of all the work that will have to be done in connection with this. On the occasion of his visit to Aleppo (Syria) from 26 to 29 April 2009, the opportunity arose of travelling afterwards to Amman for relevant discussions. The Jordanian Ministry of Transport reacted to such a proposal with an immediate invitation to the Secretary General and let it be known in advance that against the background of the developments and intentions described, Jordan was interested in acceding to OTIF as an associate member.

In the discussions the Secretary General had in Amman with the Secretary General of the Jordanian Ministry of Transport, among others, it quickly became clear that in Jordan, the decision of principle to apply for associate membership had already been taken. The discussions therefore focused mainly on questions of procedure, aspects of the membership contribution and on converting associate membership to full membership in future. The information provided in this respect obviously encouraged the Jordanian delegation's plans to accede to such an extent that in the discussion at which he received the Secretary General, the Jordanian Minister of Transport decided there and then that all the work necessary to achieve this should be got underway at national level immediately.

Jordan's plans for expanding the network are aimed at a network which ultimately covers about 1,600 km, connecting the border with Syria to the Red Sea port of Aqaba, via Amman, and creating lines to the borders with Iraq and Saudi-Arabia. The project is to be finalised by 2013. It seems that total funding of 6.4 billion dollars has already been secured and the overall project has the full support of the King of Jordan.

The Secretary General was informed that the final government decision on Jordan's accession to OTIF might possibly be taken in time for the instrument of accession to be deposited before OTIF's General Assembly in Berne on 9/10 September 2009.

(Translation)

Workshop on “Rail Transport between Europe and Asia”

Istanbul, 9/10 June 2009

In Tehran in 2005, contact was established between the Secretaries General and the Secretariats of OTIF and the Economic Cooperation Organization (ECO), which led to the development of cooperation. This enabled a joint workshop to be organised to look at the subject of “rail transport between Europe and Asia”. The workshop was aimed at Member States from both organisations and was held in Turkey, one of the States that is a member of both organisations. The workshop took place on 9 and 10 June in Istanbul at the kind invitation and with considerable organisational support from Turkish State Railways (TCDD).

In order to develop cooperation between OTIF and ECO and to put it into more concrete terms, a suitable Memorandum of Understanding was signed at the opening of the workshop.

More than 50 participants from 8 States took part in the workshop. Representatives from States such as Pakistan and Jordan were taking part in an OTIF event for the first time. The programme for the seminar was designed so that firstly, the two organisations’ areas of activity and documents that are important for the Central Asian region and for transport between Europe and Asia were presented, and secondly, the problems of the States in the region that could be resolved with the assistance of the two organisations were set out. The International Rail Transport Committee (CIT) and the International Union of Railways (UIC), which have themselves developed General Conditions for the purpose of the uniform application of some Appendices of COTIF, also sent speakers to the workshop.

ECO gave a presentation on the container and passenger train services which are initially running on a trial basis on the Istanbul-Almaty (Turkey-Iran-Turkmenistan-Uzbekistan-Kazakhstan) and Islamabad-Tehran-Istanbul (Pakistan-Iran-Turkey) lines, and which ECO initiated. The complete programme and all the presentations are available on OTIF’s website¹.

At the workshop and in the margins, there were lively discussions and new contacts were established. The organisations that arranged the workshop hope that the approaches to solutions resulting from the workshop, e.g. with regard to extending the uniform legal regime of

COTIF to the whole of the new route between Islamabad, Tehran and Istanbul, will be pursued by the States concerned.

(Translation)

Case Law

Cour d’Appel de Rouen

Ruling of 15 November 2007¹

- 1 **The contract of carriage of the passenger, who arrived safely at his destination and alighted from the train, came to an end, the carrier cannot be held liable under the contract for the passenger, who afterwards boarded the train again to fetch the luggage he had forgotten and who injured himself when alighting from the train again, which by then was moving.²**
2. **On the tort (non-contractual) basis of Article 1384 of the French Civil Code, SNCF is subject to a presumption of liability for the train that is in its care and which is the direct cause of the accident. SNCF can only be relieved from liability if it can prove that the accident was caused exclusively by the victim or that the accident was due to *force majeure* or circumstances that were unavoidable and unforeseeable. As the warning signs and announcements prove, such actions on the part of a passenger are in no way unforeseeable. The court judged SNCF’s share of liability to be 20%.**

Cf. Article 1384 of the French Civil Code.

Facts and proceedings:

On 16 November 2001, Mr D. was the victim of an accident that occurred at SNCF station B. Having taken his seat on board the train from Paris to Le Havre heading for B., he alighted from the train at his station and then after walking some way along the platform, noticed that he had left his briefcase in the compartment

¹ <http://www.otif.org/en/news/training-course.html>

¹ R.G. : 06/03264

² The same question concerning the point in time at which the contract of carriage expires also arises in connection with a contract of carriage of passengers in international rail transport according to CIV.

he had just left; he therefore boarded the train again, which then began to leave the station for Le Havre; he then rushed to the locked train door, which had been blocked by a system operated by the guard before the train departed, forced the lock and finding himself on the first step, fell onto the platform, the train having picked up speed.

In an action dated 1, 3 and 10 December 2004, Mr D. summoned SNCF, Mutuelle SMAPRI (insurance company) and the Bolbec Caisse Primaire d'Assurance de Maladie (CPAM) (health insurance company), substituted by the Le Havre branch, to appear before the Tribunal de Grande Instance de Rouen (court of first instance).

In a ruling of 9 June 2006, the Tribunal de Grande Instance de Rouen dismissed Mr D.'s claims on the grounds, in respect of the contractual basis, that the contract of carriage had terminated when he alighted from the train and that as passenger D. had arrived safe and sound at his destination, SNCF's contractual liability could not be invoked on the contractual and quasi-delictual basis of Article 1384 of the Civil Code, that only the passenger's unwarranted and improper determination to force the blocked door when the train moved off was the sole cause of the injury, this action being of an unavoidable and unforeseeable character for SNCF; the Le Havre CPAM's claims were also dismissed; the decision was declared binding on the Mutuelle SMAPRI.

Mr D. appealed against this decision.

He requested the Court to reverse the decision and to:

1. declare SNCF liable for the accident and the injuries sustained:
 - primarily on the basis of contractual liability (Art. 1147 and 1148 of the Civil Code), as carrying out the contract of carriage includes for the carrier the obligation to convey the passenger safe and sound to his destination with his luggage.

He maintains that the fact of the passenger's boarding the stationary train again to fetch his luggage keeps him within the contractual sphere of his contract of carriage; that the carrier cannot be relieved of liability unless it proves that exclusive fault on the part of the victim has the character of *force majeure*, which is

not the case; that the Cour de Cassation (French Supreme Court of Appeal), which (in another case) dealt with similar facts, was able to decide "*that after having established that the system for closing the doors of the train makes it possible for a passenger to alight from the train during a short lapse of time in the 5 to 6 seconds following departure and the time at which the train reaches a speed of 7 km/h, the ruling upholds that for the victim, the fact of having alighted from the moving train did not, as far as SNCF was concerned, constitute an unforeseeable fact which, bearing in mind the system put into place, remained possible, although dangerous*". (Civ. 2^{ème}, 23.01.03/2).

- on the basis, in addition, of liability in tort (Art. 1384, first paragraph of the Civil Code), a presumption of liability in respect of the train which was in the care of SNCF and which was the direct cause of the accident and from which SNCF cannot be relieved except by proving sole fault on the part of the victim having the character of *force majeure*, or by proving that an inevitable and unforeseeable fault was the sole cause of the injury,

2. consequently order SNCF to pay him the following sums:

- 2,000 € for temporary total incapacity
- 90,000 € for permanent partial incapacity
- 7,500 € for the suffering endured (5/7)
- 900 € for aesthetic injury (1/7)

3. also in addition, if his fault contributed to effecting the injury, to declare that it is only of a nature to reduce his compensation by a 30% proportion of the injury sustained.

Lastly, he seeks compensation of 1,500 € by virtue of Article 700 of the new Code of Civil Procedure (NCCP).

The Le Havre CPAM refers to Mr D.'s conclusions to uphold SNCF's liability, both on the basis of the contract and of tort, and requests that SNCF be ordered:

- to reimburse its debt, the final total of which is 131,912.62 €, of which 77,543.02 € is for hospital, medical, pharmaceutical and transport and miscellaneous fees to be recovered for temporary financial losses and 54,369.60 € for future costs to be recovered for permanent financial losses, with interest at the legal rate to run from the date of the claim submitted to the Tribunal de Grande Instance on 30 September 2005;
- to pay it the full settlement of 910 € and on the basis of Article 700 of the NCCP a sum of 2,109.80 € consisting of 609.80 € for the initial proceedings and 1,500 € for the appeal procedure.

SNCF concluded in favour of confirmation of the ruling made.

It pointed out that as Mr D. had alighted from the train, the contract of carriage had expired and he was no longer within the sphere of the contract; he cannot therefore claim a ruling based on Article 1147 of the Civil Code, as SNCF had met the safety obligation it has, given that he arrived at his destination safe and sound; with regard to the basis of liability in tort – the only liability likely to be applicable – it maintains that Mr D.’s improper and reckless behaviour, which infringed the rules officially prohibiting him from alighting from a moving train, is the sole cause of the injury and constitutes a fact which is both unforeseeable and unavoidable for SNCF, which therefore relieves SNCF of liability.

SNCF requests that Mr D. be ordered to pay it compensation of 1,500 € on the basis of Article 700 of the NCCP, plus costs.

The Mutuelle SMAPRI was summoned to the solicitor’s office in accordance with Article 656 et seq. of the NCCP.

For the complete record of the parties’ arguments, refer to their written documents: those of the claimant, Mr D., notified on 22 May 2007, those of SNCF notified on 20 April 2007, those of the Le Havre CPAM notified on 20 March 2007; these arguments will be examined in the discussion.

Grounds

Concerning liability:

Firstly, the legal basis that applies must be determined and it must be explored whether the contract of carriage in respect of the passenger, Mr D., from Paris Saint Lazare to B. expired between the parties when the passenger actually alighted from the train, this passenger having walked some way along the station platform before realising that he had forgotten his luggage, which made him decide to board the train again to fetch it.

The corollary of the transport of persons is the transport of the hand luggage that accompanies them, which therefore has a contractual basis, even if it does not lead to separate or additional remuneration. Therefore a Court of Appeal, approved by the French Supreme Court of Appeal, was able to decide that the contract of carriage only expired when a passenger carried by coach had taken possession of his luggage again (Cour de Cassation, chambre civile, 1-2.3.1993).

However, it must be noted that in the case invoked by Mr D., the French Supreme Court of Appeal upheld that *“the judges were able to deduce that when the accident happened, Mrs S. had to be considered as not having finished alighting from the vehicle since, as she was alighting, she had to go back and fetch (her luggage) that was still inside the coach, that the carrier, which did not maintain that Mrs S. was at fault by going back to collect her luggage herself, was still under an obligation to achieve a given result concerning the safety of its passenger”*.

In the facts of the aforementioned ruling, there was continuity in the passenger’s behaviour, who had rightly gone back to fetch her luggage which was still inside the coach, before alighting from the coach. Therefore the contract of carriage only expired when she had fetched the luggage that was travelling with her and the carrier was still under an obligation to achieve a given result with regard to the passenger being carried.

The situation is different in the case where the passenger, once arrived at his destination, has left the train and walked on the station platform before realising that his luggage was still in the train.

He therefore took the initiative to board the train again without being authorised to do so, while the train was preparing to continue its journey to Le Havre after stopping at B. station to allow passengers going to this destination to get off the train.

It follows that by getting back into the train - which was preparing to leave for another destination – to fetch his luggage, Mr D. no longer had a valid ticket, which could not continue to be valid solely because when he left the train, the luggage that was in his care and which was to accompany him, was still in the train.

The carrier cannot therefore be held liable for the accident that occurred in accordance with contractual liability, as Mr D.'s contract of carriage had expired when he arrived safe and sound at his destination.

With regard to the basis of tort in accordance with Article 1384 of the Civil Code, it must be recalled that the accident occurred when Mr D., having forced the door, fell from the moving train; that SNCF is subject to a presumption of liability owing to the fact that the train was in its care, and was the direct cause of the accident, and SNCF can only be relieved of this liability if it provides proof of exclusive fault on the part of the victim having the character of *force majeure* or if it proves that the accident was an unavoidable and unforeseeable event which was the sole cause of the injury.

In this case, SNCF maintains that the sole cause of the accident was fault on the part of Mr D., who infringed the safety instructions given by SNCF by forcing open the train door, which can only be blocked once the train has reached a certain speed, and that this fault was unavoidable and unforeseeable as far as SNCF was concerned.

The fault committed by Mr D., which, after forcing open the door of the moving train – which two other passengers on the train (Mr L. and Mrs L.) were able to observe – consisted in getting off the moving train regardless of the written safety rules, which give instructions not to open the doors until the train stops, is established.

With SNCF, it may be supposed that the doors cannot be totally blocked as soon as the train departs and that the progressive locking system put into place as the train picks up speed is the most suitable for all passengers, i.e. the remote-control opening and closing of doors as soon as the train leaves, followed by blocking of the doors at 7 km/h and locking of the doors at 15 km/h.

That under these conditions, the behaviour of a passenger who succeeds, by use of a certain amount of force, in opening the door just after the train leaves, is unavoidable, as there are no technical means of mitigating the folly of a careless and reckless passenger

just at the moment when the train moves off and when the doors have not yet been blocked.

Nevertheless, such behaviour is in no way unforeseeable, as witness the written instructions telling passengers that they may not open the doors before the train stops or indeed the oral announcements that are made when the train slows down and when it is possible, although dangerous, to open the doors, as they are no longer blocked, to remind passengers that they may only get off the train once it has come to a complete standstill in the station.

SNCF has not therefore shown that as far as it is concerned, the fault committed by Mr D. has the character of *force majeure* and that it was also unavoidable and unforeseeable.

However, as the fault of recklessness demonstrated by the passenger, who was 68 years old at the time of the accident, consisted of forcing open the train door and “jumping” from the moving train, ignoring the most elementary caution and the instructions given by SNCF, it must be concluded that both parties are liable, Mr D. being 80% liable and SNCF being 20% liable.

With regard to the injuries:

Mr D.'s insurance expert prepared a report dated 1 December 2003 from which it emerges that there was:

- temporary total incapacity from 6 November 2001 to 7 March 2002, the date on which the injuries were confirmed being 21 November 2003;
- permanent partial incapacity of 45%;
- sufferings endured estimated at 5/7;
- an aesthetic injury of 1/7.

As SNCF has not come to a conclusion on the assessment of the injury, it is invited to do so in the context of reparation in order to observe the adversarial principle.

On these grounds:

Reversing the ruling handed down,

In view of Article 1384 of the Civil Code,

- Declares that SNCF is 20% liable for the train accident which happened to Mr D. on 6 Novem-

ber 2001, as the fault on the part of the victim contributed 80% towards his own injury;

- Defers judgement on Mr D.'s compensation claims and the Le Havre CPAM's claims for reimbursement;
- Invites SNCF to come to a conclusion on compensation for the injury suffered by the victim for the reparations hearing on 15 January 2008, until which the case is adjourned;
- Defers judgement on the other claims until a ruling has been made on the whole case, and sets the costs aside.

(Direct communication)

(Translation)

Last but not least

In the good old days

The sole (and according to the comedians, the preferred) columnist for this section of the Bulletin will soon be retiring. He will use this occasion to take a look back.

In the 80s, in the good old days of harmonisation between RID and ADR and when the RID/ADR Joint Meeting only paid a small amount of attention to what was happening in the UN Sub-Committee of Experts, a working group was asked to look at the new headings (UN Nos.) in the existing classes, especially in the former Appendix VIII, to decide which substances could be carried in tanks, which the UN Model Regulations did not yet deal with at that time, and to assign a hazard identification number to them, the famous Kemmler code. It should be pointed out that in order to obtain a UN No. for a specific substance, an annual transport volume of 2000 tonnes had to be demonstrated. For a certain substance, the name of which your columnist forgets (it must have been resin or rubber), delegates wondered whether transport in tanks was justified, because it was not really known what this substance was for. One delegate said it was used in making the teats on babies' milk bottles, and so in his view, transport in tanks was not justified. Another delegate replied that the substance was also used to make condoms...whereupon the working group decided that transport in tanks was in fact justified!!

(Translation)