



Bulletin



OTIF

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

Unified railway law to connect Europe, Asia and Africa



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2018 sees the 125th anniversary of the entry into force of CO-TIF, which was the first international convention concerning international rail transport and more broadly, the first international convention relating to transport. From the end of the 19th to the beginning of the 21st century, OTIF endeavoured to promote an open concept of international transport by effectively assimilating technical and legal developments into a continuous dialogue with our public and private partners.

To bring this long history to life, a number of activities have taken place this year in the OTIF Secretariat, e.g. the resumption of contact with Lebanon, which will again become an active member of OTIF, and the republication of the first version of the “Provisions relating to articles admitted for transport under certain conditions”, which

is none other than the forerunner of the Regulations concerning the International Carriage of Dangerous Goods by Rail (RID).

This issue of the Bulletin republishes an article by Marc Allégret that was first published in 1994. This is a valuable text in terms of understanding how OTIF came about and the challenges it faces. There is also a history of Appendices F and G, the APTU and ATMF UR, from 1995 to the present. Lastly, OTIF’s concept of legislative harmonisation based on partnership is described, both as an essential component of OTIF’s past and as a concept for the future.

I hope you enjoy reading this issue of the Bulletin.

François Davenne

OTIF'S GENERAL ASSEMBLY: THE MAIN ITEMS ON THE AGENDA

On 25 and 26 September 2018, the Member States of OTIF will meet in Berne for the General Assembly. In addition to the 50 Member States and the European Union, the Secretariat of OTIF has invited all the international rail sector associations and organisations to attend as observers.

The Assembly will give its view on the proposals the Revision Committee examined in February 2018 concerning amendments to the Convention concerning International Carriage by Rail (COTIF). If all the amendments are adopted, this will enable the provisions of COTIF to be adapted more quickly to innovations in the rail sector. Contracts of international carriage of goods (CIM UR) will accompany

the moves towards digitalisation in rail transport. It will be ensured that OTIF's technical rules (ATMF UR) are compatible with European Union directive 2008/57/EC on interoperability. By creating a new appendix on the safe operation of trains (EST), OTIF will develop interoperability beyond the EU, the crossing of borders by complete trains and the optimisation of authorisation procedures.

The General Assembly will also give its view on setting up a working group of legal experts, whose task will be to examine cross-cutting legal issues in connection with international transport and to become a forum for the harmonisation of railway law.

The General Assembly will then vote

on amending its rules of procedure, particularly with a view to clarifying the provisions on how regional organisations exercise their right to vote. Since the agreement signed between the European Union and OTIF, and in view of potential future agreements, for example with the Gulf Cooperation Council, the General Assembly's rules of procedure must be clear in terms of how regional organisations exercise the right to vote.

At the end of the first day, Tuesday 25 September, delegates and a number of guests are invited to attend a cocktail buffet to celebrate 125 years of unified railway law and more particularly, the anniversary of the first provisions for goods in international rail transport (CIM UR and RID).



OTIF: A CONCEPT OF LEGISLATIVE HARMONISATION BASED ON PARTNERSHIP

OTIF is developing in terms of both its geographical and regulatory scope, so it is interesting to take a look at the relations between it and its partners. The Organisation's *raison d'être*, "unified railway law to connect Europe, Asia and Africa", underpins this logic of partnership. If OTIF is to develop as a global forum for railway law, suitable procedures for cooperation must be put in place. It is particularly important to maintain the liberal formula underlying our work with associations representing the railway sector, i.e. a clear separation between the state level of OTIF and the position of the economic actors.

The international organisations working in technical areas are struggling with a twofold demand which, to some extent, is contradictory. On one hand, they have to establish rules that are sufficiently stable to allow the sector concerned to develop with a clear view of the medium term framework conditions. On the other, they have to react to technical developments that might happen very quickly. A good example of the problems that might be caused by this dual constraint is the difficulty the International Telecommunications Union encountered when the Internet took off in terms of re-establishing its key position alongside more reactive actors, such as the Internet Engineering Task Force (IETF) or private consortia, such as the World Wide Web Consortium (W3C).

This article looks at how, over time, OTIF has been able to manage this contradiction and the new challenges posed by the Organisation's geographical expansion.

OTIF's traditional partners: a liberal formula

Historically, OTIF has been based on a liberal formula, as shown in the article by Marc Allégret (see [page 7](#)). Since 1893, the Convention has been concerned with bringing states together around issues of liability which require instruments of a legislative nature. At the same time however, its specific application – the drafting of model contracts – has since 1902 been entrusted to an association, the CIT

(International Rail Transport Committee). This therefore confirms that it is in fact the sector which has the legitimacy to define the practical arrangements for implementing the uniform rules. At the same time, the problem of the carriage of dangerous goods, at a time when developments in the chemical industry have revealed the risks as well as the opportunities, has from the very beginning been dealt with as requiring a prescriptive public law approach.

Since it entered into force in 1893, the Convention has therefore supported a productive dialogue with the railway sector in all its diversity. It is interesting to note that with the notable exception of Germany, the railway sector of the time was itself based on a liberal model. The networks were owned by franchise holders to whom the state had delegated the operation and, in some cases, the construction of large parts of the infrastructure. In France, for example, there were no less than six major operators who shared the network under the authority of the Administration: there were companies for Paris-Lyon-Mediterranean, Orleans, the Midi, the North, East and West. It is no surprise therefore that OTIF focuses on drawing up high level legal rules, while giving the sector a major role.

Nevertheless, the logic of clear separation between the state level and operators, whether private or public, is not the only approach followed by international organisations. This is the solution used by OTIF and, on a larger scale, by the International Civil

Aviation Organization (ICAO), which engages with the organisation that represents the sector, the International Air Transport Association (IATA).

In the Universal Postal Union and the International Telecommunications Union, the operators are integrated into the decision-making process as full members. This situation is largely explained by the origins of these two sectors, where there has long been a public monopoly. This is also how OSJD is currently organised. The draft new convention currently being discussed proposes to distinguish more clearly between the state and private levels so as to move governance towards a solution that more closely resembles that of OTIF.

The Secretariat of OTIF is committed to its method of functioning. It enables the sector to use the legislative advances produced by states to find pragmatic solutions for its coordination requirements. The CUV Uniform Rules, for example, helped establish the General Contract of Use for Wagons (GCU) developed jointly by UIC, UIP and ERFA, which now provides effective regulation for the areas formerly governed by the RIV. This clear separation between the private and public spheres therefore helps accommodate the stability of the rules and the sector's ability to react.

For example, the current discussion on the CUV focuses on the question of the keeper's or a previous user's liability in the event of damage caused by a wagon. Article 7 § 2 of the CUV UR gives the parties the freedom to

agree their own rules. Based on this provision, the GCU presumes that the keeper is at fault if he has not correctly complied with his obligations in terms of the technical admission and maintenance of wagons. Should the legislator take this question up? If so, how? The states will have to decide by relying on their own analyses and the analysis by the various organisations in the sector. As the UIC represents railway undertakings and UIP the keepers, they have conflicting interests in this respect.

This example illustrates the three main advantages of distributing roles, as is the case in OTIF:

- **Flexibility:** actors can find solutions that are suitable for their specific problems within the existing framework, without systematically being obliged to go through the legislative process again, which can be very onerous;
- **Rapid adaptability:** appropriate solutions can be found much more quickly at grassroots level;
- **Neutrality:** if there is a discussion on the substance of key issues, using a decision-making process purely between states ensures that decisions are more neutral than if the operators themselves, who only represent part of the legitimate concerns, were involved in making the decision.

A new challenge: regional cooperation organisations

OTIF's current decision-making process is perfectly suited to the new context of the railways, which is char-

acterised by more open competition and a need for innovation. This is why the Secretariat is very careful not to over-regulate and to maintain its ability to act independently at legislative level in order to ensure the cohesiveness and development of international rail networks.

Consequently, the Secretariat is above all a forum and a facilitator whose role is to make it simpler and less costly to develop international traffic. To achieve this objective, the role of the technical standardisation bodies is particularly important, as they are in a position to propose solutions that can deliver large economies of scale. It is with this in mind that the Secretariat intends to strengthen cooperation with CEN, ISO and UIC so that, from the drafting stage of its technical rules, they can be applied over the widest possible area.

In this context, the increasingly important place of regional cooperation organisations in the rail sector significantly changes the prospects for promoting uniform law. Developments in OTIF since Marc Allégret wrote his article owe a great deal to the gradual formation of a European railway area. The influence of this model reaches far beyond Europe, as the states on the Arabian Peninsula are looking at setting up an interoperable network based on the European Union's TSIs in the framework of the Gulf Cooperation Council. The MoU signed between the Gulf Cooperation Council and OTIF in 2014 is part of this context.

In order that OTIF can continue to play its role as a forum, it must be capable of working with various regional organisations, each of which is charged with developing specific approaches,

but without recreating incompatibilities that might jeopardise international traffic. The liberal model of OTIF should be capable of dealing with these constraints, provided it maintains a clear separation between the responsibilities of states and those of the economic actors. This will gauge the Organisation's ability to integrate different standards in future:

- At the legal level, by enabling cooperation organisations in the sector to take OTIF's regulations as a basis, similarly to CIT for the CIM and CIV UR;
- For dangerous goods, by having references to international ISO standards, where possible, or to European standards (CEN) and Russian standards (GOST¹) in the context of the process of harmonisation with SMGS Annex 2 and perhaps in future by integrating the AAR standards, which could be used in the Gulf States.
- For the admission of rolling stock, the Uniform Technical Prescriptions (UTP) currently refer to CEN and ISO standards and the UIC leaflets. These references could be broadened to cover other matters and could be made more systematic in accordance with Article 5 of APTU, which enables OTIF's Committee of Technical Experts (CTE) to validate standards.

François Davenne

¹ The GOST standards or state standards cover all the commercial and industrial standards recognised in the Russian Federation. They are issued and managed by the Federal Agency for Technical Regulations and Metrology, the official Russian standardisation body and a member of the International Organization for Standardization (ISO).

² The Association of American Railroads brings together the main North American railway companies (Canada, United States and Mexico).

125 YEARS!

The International Convention of Berne or the International Convention on the Transport of Goods by Rail entered into force in 1893. Among other things, this Convention contained provisions for the international carriage of dangerous goods, which would later become the Regulations concerning the International Carriage of Dangerous Goods by Rail (RID).

So COTIF 1999 now has 125 years of history behind it and as many years of railway law developments and innovation before it!

Throughout 2018, the Secretariat of OTIF has undertaken a number of projects to celebrate this anniversary. In this Bulletin 3/2018, the Secretariat is pleased to offer its readers a re-published and amplified version of an article by Marc Allégret first published in the Bulletin of International Carriage by Rail in 1994, which at that time was only published in French and German.

The article is now available in English as well. It provides a very adept overview of the history of the CIM, CIV and COTIF conventions. The new, amplified version, with a contribution from the Secretary general, François Davenne, helps readers follow the history and move into the future.

History of the CIM, CIV and COTIF Conventions and of the international railway associations or bodies

Marc Allégret (honorary senior principal inspector of SNCF's legal directorate)

I. History of the Conventions of Berne

1. The origin of the international conventions concerning the carriage of goods (CIM) and passengers and luggage (CIV) by rail goes back a long way, to the end of the 19th century, following the creation of the railways in Europe.

2. In France, the railways came into being between 1827 and 1860: in 1827, the first line was built (for freight) between Saint-Etienne and Andrézieux (21 km), in 1837 (for passengers) at Paris-Saint-Germain and in 1839 at Paris-Versailles. An organic law of 15 June 1842 approved the so-called "étoile de Legrand" project (a collection of lines radiating out from Paris to the borders) and helped large companies to set up and build lines¹).

Between 1850 and 1870, an average of 700 kilometres of railway lines were built each year.

At the end of the Second Empire, the French network was already generally laid out as we know it today. In 1870, almost 18,000 kilometres of lines were being operated, including almost all the current high volume routes.

3. In other European countries, the rail networks were also being built throughout the first half of the 19th century.

4. However, as soon as they were built, the networks that met at each political border exchanged traffic

and immediately encountered the legal and practical difficulties occasioned by international transport, owing to the different laws and regulations governing transport in various states.

5. As a result, in June 1874 two Swiss lawyers, Georges de Seigneux (Geneva) and Hermann Christ (Basel), addressed a petition to the Swiss Confederation's Federal Assembly requesting that diplomatic negotiations be opened with a view to developing an international convention on the transport of goods by rail²).

These negotiations led to three preparatory conferences being convened in 1878, 1881 and 1886 and concluded with the signing of the first "International Convention on the Transport of Goods by Rail" in Berne on 14 October 1890. The convention entered into force between the following states on 1 January 1893: Austro-Hungary, Belgium, France, Germany, Italy, Luxembourg, the Netherlands, Russia and Switzerland.

In practice, this convention was referred to as the ICB (International Convention of Berne). It was the first ever international convention dealing with transport and was the only one to be signed in the 19th century.

In France, it was approved by the law of 29 December 1891 and was promulgated by a decree of 25 November 1892 (Official Journal of the French Republic, 30 November 1892, p. 5718 et seq.).

6. Article 59 of the ICB provided for periodic revision every three years (every five years as from

¹ See René Parès, *Le Chemin de fer en France, La documentation française*, 1974; Jean Falaize, *La naissance des Chemins de fer en France, La vie du Rail* No. 1841, 29 April 1982.

² See the text of the petition in the publication by Béla de Nánássy, *Introduction*, referred to in note 6.

1905) so that any improvements or modifications judged necessary could be made to the convention.

7. After 1893, the original convention was revised twice:

- The first time in Paris in 1896;
- The second time in Berne in 1905.

The text in force from 22 December 1908 was the text approved by the French law of 24 July 1907 (O.J. 26 July 1907) and promulgated by the decree of 17 October 1908 (O.J. 24 October 1908, p. 7277³).

8. The sphere of application of the 1890 convention gradually increased with the accession of the following countries: Denmark (1897), Romania (1904), Sweden (1907), Serbia (1910), Bulgaria (1911), Norway (1920), Poland and Czechoslovakia (1922).

9. After the First World War, the question of revising the ICB was again taken up on the initiative of France. On this basis, the 3rd revision, which took place in Berne in 1923-1924, concluded with the signing of:

- The International Convention on the Transport of Goods by Rail of 23 October 1924 (CIM), which entered into force on 1 October 1928;
- The International Convention on

the Transport of Passengers and Luggage by Rail of 23 October 1924 (CIV), which also entered into force on 1 October 1928. This was the first ever convention concerning passengers and luggage.

New states were called upon to join these conventions: Austria, Hungary, Finland, Spain, Portugal, the Kingdom of Serbs, Croats and Slovenes (which became Yugoslavia in 1931), Greece, Liechtenstein (Bulletin of International Transport 1928, p. 246), Turkey (accession in 1930, said Bulletin, 1930, p. 290); the three Baltic states, Estonia, Latvia and Lithuania and the Free City of Danzig, which was to disappear in the upheaval of the Second World War. In France, two laws of 27 August 1926 (O.J. 2 September 1926, p. 9890) had authorised ratification of the new conventions; the promulgation decrees of 9 March 1928 were published in the Official Journal of 20 April 1928 (CIV, p. 4530; CIM, p. 4540).

With regard to CIM, it is interesting to note that its Annex I (Provisions relating to articles admitted for transport under certain conditions), which was aimed particularly at dangerous goods, had been reviewed and amplified compared with Annex I of the ICB, and an important innovation was that a Committee of Experts was set up to keep it up to date (CIM, Art. 60 and Annex VII).

In addition, the enactment minutes of 18 October 1927 (point 2) stipulated specifically that the modified ICB of 14 October 1890 should be considered as revoked and replaced by the CIM of 23 October 1924 when the latter entered into force on 1 October 1928. Thus was adopted the rule that was to be followed subsequently, i.e. the entry into force of a new convention resulting from a revision procedure entails the revocation of the previous convention on the same date⁴).

10. Russia was a party to the 1890 convention, but after 1918, the USSR no longer continued to participate in the 1924 versions of CIM-CIV, nor in those that were developed subsequently.

11. The 4th revision carried out in Rome marked the beginning of the joint CIM-CIV revisions. It resulted in the signing on 23 November 1933 of the new CIM and CIV, which entered into force on 1 October 1938 (on this date, they replaced the previous CIM and CIV of 1924).

Of particular note in this revision was the drafting of the first "Regulations concerning the International Haulage of Private Owners' Wagons by Rail" (RIP), which formed Annex VII to the CIM of 23 November 1933.

The use of private owners' wagons on the railways first appeared in England (1830) and then in

³ See Maurice Loyau, *La Convention de Berne et la jurisprudence française de 1893 à 1911* (Sirey 1911).

⁴ For commentaries on the CIM and CIV of 1924, see: René Brunet, Paul Durand and Max de Fourcauld, *Les transports internationaux par voie ferrée*, (Sirey 1927). With regard to the CIM of 1924, see also: Maurice Travers, *Le droit commercial international*, volume V, section I (Sirey 1932) and II (Sirey 1933).

⁵ The legal situation of private owners' wagons was studied at the 7th symposium of the Institute of International Transport Law (IDIT) held in Rouen on 11 and 12 March 1982.

Seven national reports were presented. They were published in the *Bulletin of International Carriage by Rail* (see Marc Allégret, *The status of private owners' wagons in French law*: Bulletin of International Transport 1982, p. 57 and 1983, p. 37 - in Spanish law, by Ana Maria Quevedo Queipo de Llano: Bull. 1982, p. 73 and 1983, p. 122 - in Italian law, by Giuseppe Sessa: Bull. 1982, p. 82 and 1985, p. 35 in Swiss law and according to RIP by Marcel Ingold: Bull. 1982, p. 92 and 1983, p. 87 - in English law, by Michael Baker Bull. 1982, p. 100 and 1984, p. 76 - in Belgian law, by José Compère: Bull. 1982, p. 107 and 1985, p. 39 - in German law, by Rudolf Eiermann: Bull. 1982, p. 66 and 1983, p. 8).

In addition, the French report was published in the *Revue générale des Chemins de fer* (1983, p. 95 and corr. p. 245).

Germany and France during the second half of the 19th century⁵).

In France, ratification of the new CIM-CIV was authorised by the law of 19 July 1933 (O.J. 23 July 1935, p. 7970) and the promulgating decree of 12 January 1938 was published in the Official Journal of 24-25 January 1938 (p. 1076).

Application of the 1933 CIM-CIV was practically paralysed during the Second World War⁶).

12. After the end of the hostilities and the resumption of international traffic, a convention additional to the CIM of 23 November 1933 was signed in Berne on 13 May 1950 (Decree No. 50-1397, 4. Nov. 1950; O.J. 9 Nov. 1950, p. 11.461; Bull. Int. Transp. 1952, p. 36). It aimed to set up two expert committees, one responsible for revising the RIP (Annex VII to the 1933 CIM) and the other responsible for developing the new Regulations concerning the International Carriage of Containers by Rail (RiCo), which was to become Annex IX of CIM. The task entrusted to these two expert committees resulted in the entry into force of a new RIP and the first RiCo on 1 January 1953.

13. Moreover, the conventions were revised for the 5th time, after which two new CIM and CIV were signed in Berne on 25 October 1952.

In essence, this revision was marked by:

- 1) The accession of the United Kingdom of Great Britain and Northern Ireland, with special provisions included in the conventions to deal with the railways' liability for the maritime part of mixed rail-sea transport;
- 2) The pragmatic solution to the delicate diplomatic problem raised by Germany's separation into two states: the Federal Republic of Germany (FRG) recognised by states in the west, and the German Democratic Republic (GDR) recognised by states in the east. By virtue of an additional protocol signed by the other states on 11 April 1953, it became possible for "territorial parts" of a state to participate, insofar as these parts adopted the provisions of the 1952 CIM-CIV conventions by means of internal legislation;
- 3) Keeping the people's republics in the Union of Berne, as it was feared that the former might withdraw following the entry into force of SMGS and SMPS in 1951 (Agreements concerning International Goods and Passenger Traffic by Rail) between the USSR and these republics (see Nos. 33 to 38);
- 4) The participation in an advisory capacity, for the first time,

of international organisations with competences in the field of transport, such as the United Nations Economic Commission for Europe (UNECE) and the International Union of Railways (UIC), as well as organisations representing the users, such as the International Chamber of Commerce (ICC) and the International Union of Wagon Keepers (UIP).

The CIM and CIV of 25 October 1952 entered into force on 1 March 1956 (on this date, they replaced the previous CIM and CIV of 23 November 1933).

In France, ratification of these versions was authorised by law No. 54-925 of 17 September 1954 (O.J. 18 September 1954, p. 8927) and they were published by decree No. 55-836 of 2 April 1955 (O.J. 27-28 June 1955, p. 6399)^{7, 8, 9}.

14. The 6th revision of the conventions concluded with the signing of two new CIM and CIV in Berne on 25 February 1961.

As for the previous conventions of 1952, the participation of the two German states was dealt with by means of an additional protocol dated 25 February 1961.

Following ratification by the states, the CIM and CIV of 25 February 1961 entered into force on 1 January 1965, on which date they replaced the CIM and CIV

⁶ With regard to the 1933 CIM, see:

- Béla de Nánássy, *Le droit international des transports par chemins de fer*, commentary on CIM of 23 November 1933 (French Translation by E. Ruffy, with a preface by Paul Durand, Rittmann and Bauer S.A., Basel, 1946);

- Maurice Travers, *Le droit commercial international*, volume V, section III (Sirey 1938).

The text of the 1933 CIM is reproduced Article by Article in Béla de Nánássy's publication and in Maurice Travers's publication (section III, Appendix I, p. 654 et seq.). In addition, the texts of the 1933 CIM and CIV were also reproduced in an annex to the Bulletin of International Transport in 1934 and 1935.

⁷ The proceedings of the 5th Revision Committee, which detail the work of the Committees and the Revision Committee, were published in two hefty volumes in 1954 by the Central Office for International Carriage by Rail (OCTI).

⁸ In 1960, OCTI also published "Notes on the modifications to CIM made by the 5th Revision Committee of 1952" (Doc. OC/CIM-Rev. VI/I, Sion, Sept. 1960), which updated and supplemented the 1946 French translation of professor Béla de Nánássy's publication.

⁹ In 1956, Paul M.F. Durand published: "Les transports internationaux (ferroviaires et mixtes) Étude comparée des nouvelles conventions de Berne mises en application le 1er mars 1956", with a preface by Louis Armand (Sirey 1956).

of 1952.

In France, they were published by decree No. 65-350 of 23 April 1965 (O.J. 11 May 1965, p. 3704)^{10),11)}.

Under the 1961 CIM/CIV, the area of application of the conventions was extended to states in the Near and Middle East and North Africa, with the accession of the following countries:

- Morocco: 1 January 1965;
- Syria: 7 May 1965;
- Iraq: 24 August 1965;
- Tunisia: 21 November 1965;
- Iran: 9 March 1968;
- Algeria: 30 October 1969.

(Bull. Int. Transp. 1969, p. 21 and 170)¹²⁾.

Ireland acceded to the conventions on 1 February 1970 (Bull. Int. Transp. 1969, p. 225).

15. However, in 1972 the data on German participation were modified, partly because of the policy of normalising relations between the two German states (Treaty of 8 November 1972 on the basis of relations between the Federal Republic of Germany and the German Democratic Republic, see French Yearbook of International Law, CNRS 1972, p. 514), and partly, at a more general level, because of the policy of normalising East-West relations (recognition of GDR by France on 22 December 1972, see French Yearbook of International Law,

1974, p. 1067).

This led the GDR and FRG to submit formal requests for accession to the CIM-CIV of 25 February 1961. These requests were eventually accepted and the two German states became full contracting states to the CIM and CIV of 1961 from 1 April 1973 (see Bull. Int. Transp. 1973, official part, p. 42).

16. In addition, it should also be recalled that the additional convention to the CIV of 25 February 1961 concerning the liability of the railway for death of or injury to passengers, signed in Berne on 26 February 1966 and ratified by more than 15 states, entered into force on 1 January 1973 (Bull. Int. Transp. 1973, p. 7 and, for France, decree No. 73-593 of 25 June 1973: O.J. 4 July 1973, p. 7172)¹³⁾.

17. The 7th revision of the conventions resulted in the signing of two new CIM and CIV in Berne on 7 February 1970¹⁴⁾.

Once the ratifications had been deposited, a Diplomatic Conference held in Berne from 5 to 9 November 1973 set the date for the new CIM-CIV of 1970 to enter into force on 1 January 1975 (on this date, they replaced the previous CIM-CIV of 1961).

On this occasion, the Conference noted that as the two German states had acceded to the 1961 conventions (see No. 15) and had also indicated their intention to

accede to the 1970 conventions, the system adopted by means of the additional protocol of 25 February 1961 for German participation had become null and void (Bull. Int. Transp. 1973, p. 194).

The new CIM-CIV conventions of 7 February 1970, whose ratification by France had been authorised by law No. 72-601 of 5 July 1972 (O.J. 8 July 1972, p. 7111) were published by decree No. 75-786 of 7 August 1975 (O.J. 25-26 August 1975, p. 8745).

18. The additional convention (AC) to CIV (see No. 16) had been prorogated and adapted to the CIV of 7 January 1970 (see protocol II, 9 November 1973: O.J. 3-4 May 1976, p. 2645) with a date of entry into force of 1 January 1975¹⁵⁾.

19. On 1 January 1975, the Contracting States were as follows: Algeria, Austria, Belgium, Bulgaria, Czechoslovakia, Denmark, Finland, France, Germany (Federal Republic), German Democratic Republic, Greece, Hungary, Iran, Iraq, Ireland, Italy, Liechtenstein, Luxembourg, Morocco, Netherlands, Norway, Poland, Portugal, Romania, Spain, Sweden, Switzerland, Syria, Tunisia, Turkey, United Kingdom and Yugoslavia.

20. At a later stage, as Lebanon had deposited its instruments of ratification of CIM 1970 with the Government of Switzerland, CIM became legally applicable

10 The proceedings of the 6th Revision Committee were published by OCTI in two volumes in 1962.

11 For an analysis of the new CIM and CIV of 1961, see Paul M. F. Durand (Rev. trim. dr. com. 1964, p. 255; J.C.P. 65, I, 1891).

12 See "Les conventions internationales de Berne concernant les transports par Chemins de fer: histoire, principes, application en Afrique du Nord," by Claude Anglade (Bull. Int. Transp. 1967, p. 199).

13 It was particularly difficult to draft the AC to the CIV. With regard to the initial studies, the Georges Caillau report is useful (Unidroit 1955, Et XXXIV. Doc. 5).

14 The proceedings of the 7th Revision Committee were published by OCTI in two volumes in 1972.

15 With regard to the AC to the CIV, a very comprehensive commentary was published by G. Mutz in German: "Die Haftung der Eisenbahn für Tötung und Verletzung von Reisenden im internationalen Eisenbahnpersonenverkehr nach dem Zusatzübereinkommen zur CIV" (The liability of the railway for death of and injury to passengers in the international carriage of passengers by rail in accordance with the additional convention to the CIV). Éditions GOE, Vienna 1977; there is no English translation.

for Lebanon from 1 January 1980 (Bull. Int. Transp. 1979, p. 111).

21. On 22 February 1983, Lebanon also deposited its instruments of ratification of CIV 1970 with the Government of Switzerland, with effect from 1 April 1983 (Bull. Int. Transp. 1983, p. 21).

22. The USSR, which, at the invitation of Switzerland, was represented by an observer at the 7th Revision Committee, did not sign the 1970 CIM-CIV. It therefore remained outside the scope of application of the Conventions of Berne (see No. 10).

23. The area of application of the CIM and CIV conventions of 7 February 1970 thus expanded to cover all the countries of Europe (except Albania and the USSR), the countries of the Middle East: Turkey, Syria, Lebanon, Iraq, Iran, and the three Maghreb states: Morocco, Algeria and Tunisia¹⁶).

24. The early work of the authors cited above: Loyau (see note³), Brunet, Durand, de Fourcault (note⁴), Travers (notes⁴ and ⁶), Béla de Nánássy (note⁶), Paul M.-F. Durand (note⁹) is of interest. On one hand, they analyse and follow the development of ideas and texts, and on the other, the observations they contain are still of value in that the provisions they deal with have not since been modified. In terms of the latter point, the work of Professor Béla de Nánássy in particular provides a remarkable academic commentary.

25. The work concerning the 8th revision of the CIM-CIV was spread over four years (1976-1980).

It was marked by a major reform of the structure of the conventions, which consisted of splitting the provisions of the two conventions of 7 February 1970 between an institutional convention of a permanent nature, grouping together the organic provisions concerning relations between states, and two appendices to this convention containing the provisions of transport law per se, which were called the “CIV Uniform Rules” and the “CIM Uniform Rules”.

This reform had three objectives:

- a) To institutionalise the so-called Union of Berne and give it a “constitution”; since 1890, the date of the ICB, it had brought together the States parties to the successive versions of the CIM and CIV;
- b) To eliminate the disadvantages resulting from the principle of periodic revisions (after five years in force) of the entire CIM and CIV conventions and from the rule brought in and subsequently maintained under the 1927 protocol concerning the 1924 CIM, according to which the implementation of new conventions had the effect of revoking previous versions in their entirety (see CIM and CIV, 25 October 1952, Art. 67 and 66 – CIM and CIV, 25 February 1961, Art 69 and 68 - CIM and CIV, 7 February

1970, Art. 69 and 64);

- c) To enable the provisions of transport law to be adapted to the needs of day-to-day practice by providing a suitable system for amending the texts.

In parallel with this institutional reform of course, the provisions of rail transport law for goods and passengers were also revised.

It was under these conditions that the 8th CIM/CIV Revision Committee led to the signing of the “Convention concerning International Carriage by Rail (COTIF)” on 9 May 1980 in Berne. The Convention contained 28 Articles dealing with the setting up and functioning of the Intergovernmental Organisation for International Carriage by Rail (OTIF). Annexed to the Convention were:

- a Protocol on the Privileges and Immunities of OTIF (9 Articles);
- Appendix A: “Uniform Rules concerning the Contract of International Carriage of Passengers by Rail (CIV)”, 62 Articles, including the provisions of the earlier additional convention;
- Appendix B: “Uniform Rules concerning the Contract of International Carriage of Goods by Rail (CIM)”, 66 Articles with 4 annexes concerning dangerous goods (RID), private wagons (RIP), containers (RiCo) and express parcels (RIEx).

The Protocol and the CIV and

¹⁶ For commentaries on CIM 1970, see the publication by Josef Wick: *Le droit international des transports par chemins de fer*, French translation by J. Favre and M. Ingold, 1976 (Éditions Imprimerie Nouvelle E.G. Chave S.A., Neuchâtel, Switzerland).

¹⁷ The proceedings of the 8th CIM/CIV Revision Committee were published by OCTI in three volumes.

¹⁸ With regard to the 8th revision, see the commentaries by Matyassy-Mutz (COTIF), Ingold (CIM UR), Amberg, Yéretzian in Bull. Int. Transp. 1981, p. 1, 40, 84 and 112 and Allégret in Bull. Transp. Paris, 1980, p. 334 (COTIF), 374, 402, 561 and 574 (CIM UR) and 1981, p. 175, 206, 238 and 388 (CIV UR).

For an academic and jurisprudential analysis of COTIF and the CIM and CIV UR, see M. Allégret, *Transports internationaux ferroviaires*, Extract from *Juris-Classeur commercial*. Paris, Litec, 1989 (obser, in Bull. Int. Transp. 1989, p. 43).

CIM Uniform Rules, including their annexes, were an integral part of the Convention^{17), 18)}.

26. In France, law No. 82-520 of 21 June 1982 authorised the approval of COTIF (O.J. 22 June 1982, p. 1958).

Following this law, France deposited its instrument of approval with the Government of Switzerland on 3 September 1982 (Bull. Int. Transp. 1982, p. 127).

As the number of ratifications required under Article 24 of COTIF was reached, the Swiss Government convened a diplomatic conference in Berne from 15 to 17 February 1984 and set the date of entry into force of COTIF at 1 May 1985 (Bull. Int. Transp. 1984, p. 33-34), the date on which the CIM and CIV of 7 February 1970 and the additional convention to the said CIV should be considered as revoked^{19), 20)}.

27. The 33 Signatory States to COTIF all deposited their instruments of ratification or approval with the Swiss Government:

Denmark (18 June 1981), German Democratic Republic, Hungary, Spain, Netherlands,

Bulgaria, Yugoslavia, France, Czechoslovakia, Austria, United Kingdom, Belgium, Romania, Luxembourg, Switzerland and Lebanon (1 December 1983) (cf protocol of 17 February 1984 concerning the implementation of COTIF), Tunisia (2 July 1984), Finland (15 August 1984), Norway (12 September 1984), Iraq (8 November 1984) (see Bull. Int. Transp. 1984, p. 74, 101 and 121); Poland (7 January 1985), Liechtenstein (30 January 1985), Federal Republic of Germany (27 February 1985), Italy (1 March 1985), Sweden (25 March 1985), Iran (12 April 1985), Turkey (20 June 1985) and Syria (11 October 1985) (see Bull. Int. Transp. 1985, p. 1, 33 and 57).

- OCTI circular, 14 November 1985 for Syria), Portugal (7 July 1986: Bull. Int. Transp. 1986, p. 77), Ireland (9 September 1986: Bull. Int. Transp. 1986, p. 101), Morocco (2 June 1987: Bull. Int. Transp. 1987, p. 53), Algeria (28 November 1991: Bull. Int. Transp. 1992, p. 1).

28. Following the fall of the Berlin wall on 9 November 1989 and German reunification (ac-

cession of the GDR to the FRG), there was only a single sovereign state within OTIF from 3 October 1990 (Germany) (Bull. Int. Transp. 1990, p. 93)²¹⁾.

29. In addition, there had been several more accessions to COTIF:

Albania (1 May 1985: Bull. Int. Transp. 1984, p. 73), Principality of Monaco (1 February 1990: Bull. 1990, p. 1-2)²²⁾, Croatia (1 December 1992: Bull. 1992, p. 107) and Slovenia (1 February 1993: Bull. 1993, p. 65).

30. From 1 January 1993, the accession procedures of the Czech Republic and the Slovak Republic (formerly Czechoslovakia) were underway.

31. Influence of CIM

CIM was the first international convention concerning the carriage of goods and its origins go back to 1890.

It is interesting to observe the influence it has had on other single mode transport conventions.

The authors of the Warsaw aviation treaty of 12 October 1929 took CIM as their basis, along with the International Convention

19 In France, COTIF, the Protocol on OTIF's Privileges and Immunities, Appendix A (CIV UR) and Appendix B (CIM UR) were published in the O.J. "édition Lois et décrets" of 3 September 1987. The four annexes to the CIM UR (RID, RIP, RICO and RIE) and the protocol implementing COTIF were published in the O.J. "édition des documents administratifs" of 3 September 1987.

20 Modification of the texts: According to COTIF, modifications to the provisions of the CIM and CIV UR that establish the fundamental principles of transport law must be ratified by the Member States (COTIF, Art. 19 § 2 and Art. 20); in contrast, modifications to the other provisions of the CIM and CIV UR, including their annexes, are subject to a so-called simplified revision procedure which does not require ratification by the Member States (COTIF, Art. 19 § 3 and 4 and Art. 21). The possibility of a so-called simplified revision procedure for certain provisions of CIM/CIV was adopted at the 5th CIM/CIV revision (see No. 13) based on a proposal from UIC, with support from France and Switzerland.

21 German reunification had been the subject of a treaty to settle the German question signed in Moscow on 12 September 1990 by France, the United Kingdom, the United States, the USSR, the GDR and the FRG (French law No. 90-1139 of 26 December 1990 authorising the ratification: O.J. 28 December 1990; Decree No. 91-391 of 24 April 1991: O.J. 26 April 1991).

Under this treaty, the four victorious powers (United States, France, United Kingdom and USSR) ended their rights and responsibilities over Berlin and the whole of Germany, thus restoring full sovereignty to Germany.

The outer borders of the unified Germany were to be the borders of the Federal Republic of Germany and the German Democratic Republic (a treaty between the unified Germany and Poland signed in Warsaw on 14 November 1990 confirmed the existing border).

22 The railway lines between France and the Principality of Monaco are operated by SNCF. More recently, a convention between the Principality of Monaco and SNCF of 20 December 1988 instructed SNCF to continue the operation of railway lines crossing the Principality: the franchise was renewed for a period of 25 years from 1 January 1983 (see Decree No. 89-180, 20 March 1989: O.J. 24 March 1989).

of 25 August 1924 for the Unification of Certain Rules of Law relating to Bills of Lading. Similarly, CIM was clearly the basis of the CMR when the development of road transport at international level generated the need for a convention between states. This was a good legislative technique, as it concerned the two conventions dealing with the land transport of freight. CMR can be considered as a sister to the CIM²³.

32. CIM was also a source of inspiration when drafting or amending national legislations: this was how the provisions of CIM were introduced into (or influenced) the texts concerning domestic rail freight transport in Switzerland, Germany²⁴, Austria²⁵, the Netherlands²⁶, Italy²⁷, Norway²⁸ and Poland²⁹.

Problem of the coexistence of CIM/CIV and SMGS/SMPS Agreements

33. As has been said, the USSR did not accede to CIM and CIV (see Nos. 10 and 22) or to COTIF. On the other hand, together with the people's republics (except Yugoslavia), it was a signatory to SMGS (Agreement concerning International Goods Traffic by Rail)³⁰ and SMPS (Agreement concerning International Passenger Traffic by Rail)^{31, 32}.

34. In law, SMGS takes the form of an agreement between railway administrations, whereas CIM is a diplomatic convention between states. In fact, as Paul Durand has pointed out (study cited in note³⁰), bearing in mind the political regime of the people's republics, the difference was theoretical rather than practical.

35. The creation and then the implementation of SMGS and SMPS in 1951 between countries such as Bulgaria, Hungary, Poland, Romania and Czechoslovakia might have led to fears that these states would withdraw from the so-called Union of Berne. However, this did not happen and the countries in the East that were signatories to the CIV and CIM of 1933 all acceded to the subsequent versions of CIV and CIM of 1952, 1961, 1970 and to COTIF 1980.

36. The result of the dual nature of relations between states and the coexistence of CIM-CIV and SMGS-SMPS was that:

- 1) In their relations with the USSR, the people's republics applied SMGS and SMPS;
- 2) In their relations with Western Europe, they applied CIM and CIV;
- 3) In relations between themselves, they applied SMGS and

SMPS.

37. From the legal point of view, the question arose as to whether it was possible for the countries in the East that were linked by the 1933 CIM-CIV to conclude agreements between themselves that derogated from the CIM and CIV. This question was not resolved.

38. After the upheavals in Central and Eastern Europe, several states denounced the SMGS and SMPS Agreements:

- Hungary, with effect from 1 January 1991 (SMGS/SMPS)
- Czechoslovakia, with effect from 1 January 1991 (SMGS only)
- Romania, with effect from 1 January 1993 (SMGS only)
- Poland, which denounced SMGS several times and then reversed its decision.

In addition, following the reunification of Germany, the GDR's accession to SMGS/SMPS came to an end.

It can therefore be seen that there has been a significant reduction in the scope of application of SMGS/SMPS and corresponding expansion in the scope of application of COTIF, as the Central European states now apply COTIF to traffic between their countries.

23 See Paul M.F. Durand, "Étude comparative de la Convention de Berne", 25 October 1952 and the Geneva Convention of 19 May 1956, Rev. trim. dr. com. 1956, p. 603 – R. Bronner and M. Allégret, "Le droit applicable aux transports internationaux de marchandises": JCP 1986, éd. E, II, 14770.

24 EVO: Eisenbahn-Verkehrsordnung: Rail Transport Regulations

25 H. Graf, Droit de transport ferroviaire en Autriche: Bull. transp. int. 1978, p. 96 - M. Killmeyer, same study: Bull. Int. Transp. 1988, p. 113.

26 M. J. Druijff, Rail Transport in the Netherlands: Bull. Int. Transp. 1962, p. 154, with an Annex 1.

27 E. Poli and M. Romitelli, The new internal Italian rail transport regulations: Bull. Int. Transp. 1962, p. 258, with an Annex 2: Conditions and tariffs for the carriage of goods in Italy, published 1 October 1961.

28 O. Heier, Principles of Norwegian Transport Legislation: Bull. Int. Transp. 1963, p. 114, with an Annex 1.

29 W. Bras, The New Polish Transport Law: Bull. Int. Transp. 1986, p. 3.

30 The acronym SMGS (initially MGS) corresponds to the name of the Agreement in Russian. With regard to the original SMGS, see the study by Paul M. F. Durand: Clunet 1954, p. 690. - The text in force on 1 January 1960 is reproduced in the Bull. Int. Transp. 1960. - See also comments by J. Benes: Bull. Int. Transp. 1972, p. 256. - K. Spera, Comparison between the CIM UR and SMGS: Bull. Int. Transp. 4/1993, p. 179

31 With regard to SMPS, see Bull. Int. Transp. 1959, p. 247-248 and 1965, p. 159.

32 The Organization for Co-operation between Railways (OSJD) brought together the railways that had acceded to SMGS and SMPS.

II. The international railway associations or bodies

39. The move towards the European unification of rail transport, which spearheaded the CIM and CIV conventions, was also marked by the setting up of specialised international associations or bodies.

40. The need to create these associations or bodies responsible for examining transport problems from their various perspectives, whether technical, economic, administrative, financial, legal or customs-related, became apparent as soon as the European networks came into contact with each other and exchanged traffic at the borders of their respective countries.

In this respect, reference is generally made to the first German project, the Union of Central European Railway Administrations (Verein Mitteleuropäischer Eisenbahnverwaltungen – VMEV), usually referred to simply as the Verein, which was set up in 1846 between Prussia, the other German states, Austro-Hungary, Luxembourg and the Netherlands.

41. After 1870, the need to unify the rules fixing the condition for the mutual acceptance of rolling stock took a more specific form in 1882-1886 with the adoption of the first standards on the Technical Unity (TU) of the railways, which were revised in 1907, 1912 and 1938³³. The aim of Technical Unity was to lay down the rules the railways and vehicles had to comply with in order that international transit could take place.

These regulations constitute an intergovernmental agreement. The provisions they contained were made applicable in France by a decree by the Minister of Public Works of 29 March 1939 (O.J. 31 May 1939, p. 4208).

The Swiss government manages the TU. However, from 1929, it was the International Union of Railways (UIC) that carried out all the studies and tests for the TU and this practice was reinforced after the Second World War³⁴.

42. In addition, the networks that took part in the mutual exchange of railway material in international traffic had to agree provisions to supplement the rules of the Technical Unity. This was the idea behind the International Union of Wagons (RIV Union), an international, non-governmental association set up in Stresa (Italy) in 1921. The Regulations concerning the reciprocal use of wagons in international traffic (Regolamento internazionale Veicoli – RIV, the initial letters of the title in Italian) were developed under the auspices of the RIV Union.

In law, RIV is a multilateral convention between the railways involved in international traffic, which governs the reciprocal use of wagons, loading gear, containers and pallets³⁵. The provisions of RIV are legally enforceable on railway users insofar as they are carried over into or referred to in the tariffs or conventions³⁶.

Since 1 January 1980, the International Union of Wagons has been integrated in the UIC: the active

organ is the RIV bureau, part of the UIC General Secretariat and General Directorate in Paris.

43. The same developments took place in terms of passenger coaches and luggage vans: in 1921, the International Union of coaches and luggage vans (RIC Union) was set up in Berne. It was an international, non-governmental association which developed the International Coach Regulations (Regolamento Internazionale Carrozze – RIC). Like RIV, in law RIC is a multilateral convention between railways.

Since 1 January 1980, the International Union of coaches and luggage vans has also been integrated in the UIC: the active organ is the RIC bureau, part of the UIC General Secretariat and General Directorate in Paris.

44. The International Rail Transport Committee (CIT) was founded in 1902, shortly after the ICB came into force. CIT held its inaugural meeting in Florence in March 1903. It is an international, non-governmental organisation whose aim is to develop international rail transport law on the basis of CIM and CIV. It brings together the railway networks, shipping companies and road haulage firms that are involved in CIM and CIV traffic. Its activities are mainly of a legal nature. It develops implementation and enforcement provisions in connection with international traffic. Since 1921, it has been managed by the Swiss Federal Railways.

45. The International Union of

33 See Bull. Int. Transp. 1940, p. 34-35, to which is annexed the text of the T.U. of 1938. – Study by Gaston Meyrat: Bull. Int. Transp. 1941, p. 466.

34 For an exhaustive study on the TU, see Gustav Kafka: Bull. Int. Transp. 1982, p. 128.

35 See study by José Compère: Bull. Int. Transp. 1982, p. 108 - Rep. min. written question No. 67-175: O.J. Deb.- Nat. Assembly 23 Sept. 1985, p. 4501.

36 To avoid empty runs, in March 1951 SNCF and DB concluded the EUROP convention concerning the joint use of a fleet of 100,000 wagons marked EUROP. The results were such that in March 1953, they concluded an extended EUROP convention which brought in other European networks. With regard to the EUROP convention, see the Bondon commentaries (Revue générale des chemins de fer 1954, p. 243), Dreyer (Bull. Int. Transp. 1953, p. 82) and J. Compère (Bull. 1982, p. 110, 111).

Railways (UIC) was set up in Paris on 1 December 1922 on the initiative of the then Executive Committee of the French Railways. It was set up following the economic conference of Portofino (Italy) of October-November 1921 and a resolution of the Intergovernmental Transport Conference held in Genoa in May 1922 under the auspices of the League of Nations. The purpose of this new association was “the unification and improvement of the conditions for establishing and operating rail-

ways with a view to international traffic”. In law, UIC is an international non-governmental organisation whose members are railways networks. Its headquarters are in Paris (14, rue Jean Rey, 15th arrond.) and it works in a number of different fields: technical (the biggest sector, see No. 41), economic, financial, cybernetic, IT, statistics, etc. Its decisions are set out in a set of leaflets which constitute the UIC Code.

46. The Central Office for Inter-

national Carriage by Rail (OCTI), which has its origins in the ICB of 1890 (Art. 57) has always been the active organ of the so-called Union of Berne. Since COTIF entered into force, it has been one of the organs of the Intergovernmental Organisation for International Carriage by Rail (OTIF). It celebrated its centenary in 1993 (see Bull. Int. Transp. 1/1993) and has a wide range of tasks.

Marc Allégret

The present ...

Between 1980 and 1994, the world of railways underwent some profound changes, as described in the article by Marc Allégret. These changes have raised the question of whether the international railway law as codified in COTIF 1980 still meets the requirements of these new situations and whether it is able to provide satisfactory solutions to new issues the sector has.

One of these questions, which is still very much relevant, is which method of organisation is preferable for the regulation of the sector, particularly with regard to the link to the numerous governmental and non-governmental competent organisations. The article on page 5, which describes the partnership-based approach to the harmonisation of railway law supported by OTIF, provides an overview of the solutions that have been put in place or are in the course of being developed. This question has become particularly significant since the accession of the European Union to COTIF, which has meant redefining the consultation process since 2011. It should also be noted that Marc Allégret’s article makes no mention of the European Union, which is understandable, as the article was written before the 1996 transport

white paper, which led to profound changes for the Member States of OTIF and of the European Union.

To come back to developments in the Central Office³ itself, it sought to consolidate its position in the process of legal harmonisation in the rail sector. With COTIF 1999 and the success of its project to modify COTIF 1980, the Central Office was able to put in place a complete legal system that satisfies the requirements of the parties concerned.

The revision work, which lasted about four years, was completed successfully with the signing of the Vilnius Protocol at the closing of the 5th General Assembly on 3 June 1999. This work was carried out over the course of 21 sessions (100 days in all) of the Revision Committee and led to the adoption of amendments in the institutional area as well as in the area of international transport law. The result of this ambitious reform was to place OTIF at the centre of developments in the sector.

In terms of technical regulations, the role of COTIF has been reinforced. Firstly, the subject of dangerous goods is separated from that of freight contracts (CIM) in an independent appendix (Appendix C) that does justice to the public law nature of these pro-

visions, which are indispensable for the safe transport of these particular goods. Secondly, this is also a time when the European Union is beginning to structure its concept of interoperability and to rethink safety issues. As a result, the technical compatibility of rolling stock outside the territory of the EU must continue to be ensured. The technical admission of railway material (validation of technical standards and the adoption of uniform technical prescriptions – APTU – and the technical admission of railway material used in international traffic – ATMF) has therefore become a topic that OTIF deals with and which is governed by the new Appendices F and G.

Once these questions of principle had been resolved, it was up to a joint working group (the so-called “Schweinsberg” group, in tribute to its main proponent, Ralf Schweinsberg, the Deputy Director of EBA) to draft the roadmap for the future work, which resulted in the harmonisation between the EU’s TSI and OTIF’s UTP that exists today.

In terms of the uniform rules, the conditions for contracts of carriage of passengers (CIV) and goods (CIV) have been clarified and modernised. The revision also resulted in the adoption of new appendices concerning the accessories to international rail transport:

³ Until the Vilnius Protocol entered into force on 1 July 2006, the Central Office for International Carriage by Rail acted as the secretariat of the Organisation.

- The use of vehicles in international rail traffic (CUV), which now forms the legal basis of the GCU (General Contract of Use for Wagons), the successor to the RIV referred to in Marc Allégret's article.
- The use of railway infrastructure in international traffic (CUI); with the full involvement of the European Union, OTIF was a pioneer in defining, in 1999, the framework conditions for liability for international contracts of use of railway infrastructure (international train paths, even before they came into existence).

It was therefore entirely logical to consider the European Union's accession to COTIF. Without going into the long process that led to the accession in 2011, there are two ideas that sum up the situation:

- The partnership created by the accession owes its coherence to the fact that on the one hand, OTIF provides the EU with its contractual framework for international rail transport (CIV/CIM) and its technical rules for the carriage of dangerous goods (RID) and on the other, OTIF's technical rules are devel-

oped on the basis of the framework defined by the EU;

- It strengthens the appeal of OTIF by demonstrating the Secretariat's ability to provide an effective and rigorous forum to define shared railway law; the Administrative Arrangements signed with DG MOVE and the European Railway Agency in 2013 are an example of successful cooperation between organisations with related competences.

This new appeal is also evident in the strengthening of relations with OSJD, with whom a common position has existed since 2003 on the initiative of both organisations, giving rise to the development of a common CIM/SMGS consignment note. This cooperation is being further enhanced: regular joint meetings and cross-participation in the various bodies are now a reality.

COTIF's geographical scope of application has also expanded, as OTIF now has 49 Member States⁴. Jordan has been an Associate Member of OTIF since 2010. Two important MOUs have also been signed with China in 2016 and the Gulf Coopera-

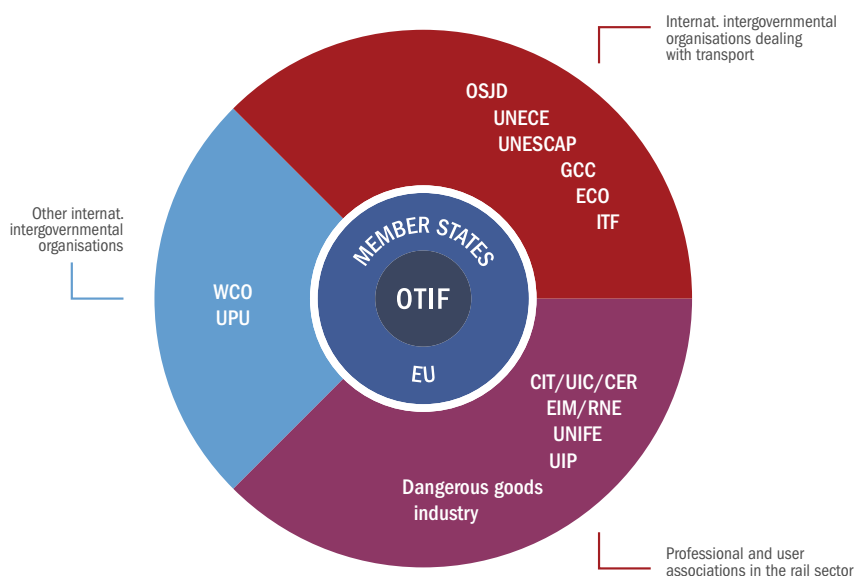
tion Council in 2014.

During its approximately twenty years in force (1985 to 2006), COTIF 1980 was only amended four times: partly as a result of decisions adopted by the Revision Committee in 1989 and 1990, and partly as decided by the General Assembly in the 1990 Protocol and the Vilnius Protocol of 1999.

Since it entered into force in 2006, COTIF 1999 has already been amended three times, firstly by the Revision Committee in 2009 and 2014 and then by the General Assembly in 2015. A new cycle of revisions is currently underway (26th session of the Revision Committee in February 2018 and 13th General Assembly in September 2018). The rhythm of revisions is therefore increasing and becoming more regular and closer together than in the past, so that the railway sector can remain flexible and continuously adaptable.

The Secretariat of OTIF would like to take this opportunity to express its grateful thanks to Mr Allégret for his involvement in increasing the awareness of OTIF, COTIF and international rail transport law, not just through the studies he has written for the Bulletin of International Carriage by Rail, but also in other scientific publications, such as the JurisClasseur Transport.

François Davenne



⁴ Albania, Algeria, Armenia, Austria, Azerbaijan, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iran, Iraq, Ireland, Italy, Latvia, Lebanon, Liechtenstein, Lithuania, Luxembourg, the former Yugoslav Republic of Macedonia, Monaco, Montenegro, Morocco, Netherlands, Norway, Pakistan, Poland, Portugal, Romania, Russia, Spain, Serbia, Slovakia, Slovenia, Sweden, Switzerland, Syria, Tunisia, Turkey, Ukraine and the United Kingdom. At present, the membership of Iraq, Lebanon and Syria is suspended because international rail traffic with these States has been interrupted.

ITF SUMMIT 2018 ON TRANSPORT SAFETY AND SECURITY

This year, the annual summit of the International Transport Forum (ITF) focused on safety and security. It was held in Leipzig, Germany from 23 to 25 May 2018.

During the “focus” session, the Secretary General of OTIF, Mr Davenne, gave a speech entitled “improving safety - a system-wide approach”. COTIF puts in place a framework to ensure the safety of international rail transport using the concept of the safety management system. Mr Davenne presented the challenges for rail safety at international level.

He also played an active role in the workshop organised by the UNECE



and UIC. He highlighted the role the railways have as the “backbone” for seamless mobility.

In parallel, the Black Sea Economic

Cooperation Organization and its Secretary General, His Excellency Ambassador Michael B. Christides, had invited OTIF to be present on their stand throughout the summit.

video: <https://youtu.be/sk9RtXTSUKc>

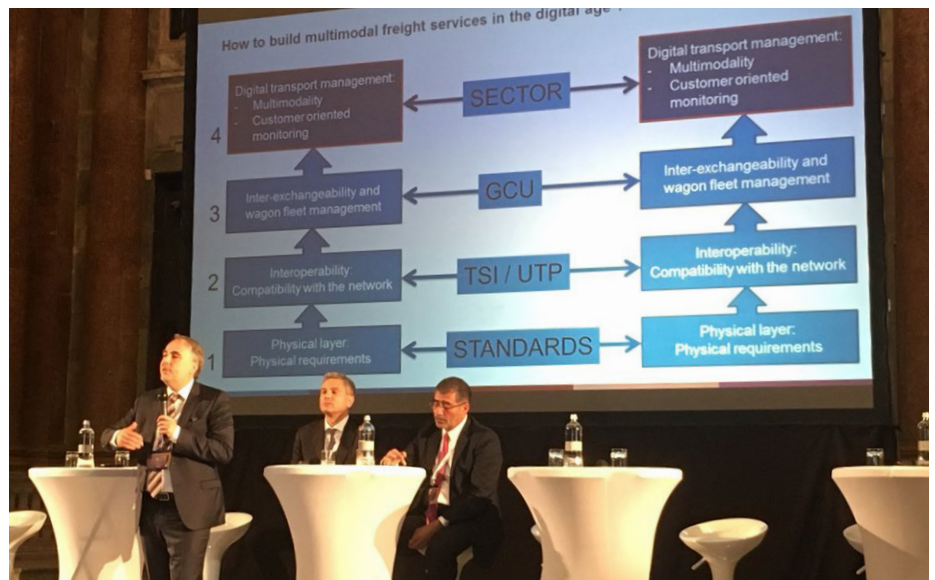
OTIF – A PARTNER IN UIC’S GLOBAL RAIL FREIGHT CONFERENCE (GRFC) 2018

The 6th edition of UIC’s Global Rail Freight Conference (GRFC) was held in Genoa, Italy, from 26 to 28 June. The Conference was organised by the International Union of Railways (UIC) in close cooperation with Italian Railways (FS Italiane) and under the patronage of the Region of Liguria.

The Secretariat of OTIF was a partner in the event.

The flow of goods between Asia, Europe and the Middle East continues to grow and rail freight corridors are being developed in Africa. Actors in the rail freight, logistics and, more broadly, the transport sectors are focusing on and developing effective and sustainable transport solutions. The theme of this 6th edition was therefore “modal integration at the service of global distribution”.

The Secretary General of OTIF, Mr



François Davenne, gave a speech on 27 June 2018 and presented a method for setting up a multimodal freight service in the age of digitalisation.

The International Convention on the Transport of Goods by Rail entered

into force 125 years ago. Together with the CIM Uniform Rules, it enables the seamless international carriage of goods by rail and sea. The Secretariat of OTIF underpinned this logic by its strong support for the UIC’s 6th Global Rail Freight Conference.

RESULTS OF THE 11th SESSION OF THE COMMITTEE OF TECHNICAL EXPERTS

Amidst the ongoing development of a new Appendix H (EST UR), which has now reached decision-making level at the General Assembly, the Committee of Technical Experts convened on 12 and 13 June in Bern to discuss strategic subjects in the scope of the APTU UR and ATMF UR. What will be the way forward concerning harmonisation of infrastructure requirements and the further development of vehicle requirements?

The Committee of Technical Experts (CTE) held its eleventh session on 12 and 13 June 2018 in Bern. 30 OTIF Contracting States, the European Union, OSJD, GCC, CER, NB Rail and UNIFE were represented.

The meeting focused on:

1. Developments since the last session of CTE in 2017
2. A proposal to amend UTP GEN-B
3. The approval of strategies and the way forward for the development of
 - a. provisions concerning infrastructure,
 - b. vehicle admission requirements and
 - c. facilitation of route compatibility checks
4. Adoption of the 2018/2019 work programme.

The status update of national technical requirements was presented and there was agreement on the importance of making such information publicly available. Transparency about national technical requirements applicable in each state is required not only in Article 12 of APTU, but is also important e.g. for manufacturers, keepers and railway undertakings in order to plan their businesses. CTE also requested WG TECH to analyse the need for further action, including possible modification of the provisions of APTU Articles 12 and 13 (publication and alignment of national technical requirements).

With regard to developments in the

Contracting States' National Vehicle Registers (NVR), CTE invited the European Union to present developments in the future European Vehicle Register (EVR) at the next WG TECH, including measures to ensure that the non-EU NVR and EVR remain connected.

CTE noted developments in the EU on rail freight noise abatement and the possible modifications this would bring to the Noise TSI. EU plans may restrict the use of freight wagons which are equipped with cast iron brake blocks on parts of the networks where noise is an issue for the people living close to the lines. The relevance and consequences of these developments will continue to be followed at WG TECH.

Proposals for the modification of UTP GEN-B concerning the definition of subsystems were discussed. The proposals concerned only modest changes to make clear that infrastructure may be covered by technical prescriptions, but only to the extent of interfaces with vehicles. Infrastructure requirements not related to compatibility with vehicles are not in the scope of COTIF and are therefore subject to the provisions applicable in each state. As the European Union was not able to vote on this agenda item at this CTE, it was decided to vote using the written procedure.

Until now, COTIF's technical provisions have dealt mainly with vehicles. CTE agreed to develop provisions covering infrastructure in order to promote compatibility between neighbouring lines and networks, without compromising the coherence between international lines and domestic networks.

30 of the 42 Contracting States were present or represented, which was more than half of the Contracting States, so there was a quorum to take decisions. There were delegations representing the European Union and the European Union Agency for Railways.

In addition to Contracting States, representatives of China, the Gulf Cooperation Council and Qatar were also present in an advisory capacity at the invitation of the Secretary General. The fact that they were present as the CTE is starting to create a concept of interoperability that is valid outside the European Union is evidence of the operational nature of the cooperation agreements the Secretariat signed with China and the GCC in 2014 and 2016 respectively.

The following organisations and associations were also represented: CER, UNIFE and NB-Rail.

The Committee elected Switzerland, in the shape of Roland Bacher, as chair of this session. Switzerland has therefore chaired all 10 sessions of the CTE so far.

The admission of infrastructure would remain a national competence. Based on the strategy adopted by CTE, WG TECH would develop proposals, taking into account the European Union's TSI.

CTE agreed on the strategy concerning the facilitation of route compatibility checks by railway undertakings and

requested WG TECH to develop with ERA a list of vehicle and infrastructure parameters to be checked by railway undertakings and the procedures to be applied to such checks. CTE also invited the European Union to keep CTE and WG TECH informed of the development and implementation of the registers for checking compatibility between vehicles and infrastructure in the EU.

CTE decided on seven principles underpinning further development of the COTIF technical provisions to promote application as widely as possi-

ble and make the provisions interesting for application by states which do not currently apply them, while maintaining compatibility with EU law.

At the meeting the EU proposed to update a number of document references in the UTP TAF so that the UTP would refer to the latest versions of these documents. The proposal was made at the meeting, so an immediate decision could not be taken. The proposal will therefore be subject to a vote using the written procedure.

Switzerland gave a presentation on

extra-large tank-containers intended to be carried on flat wagons. The issue, which had previously been discussed at the RID Committee of Experts, was whether the existing rules dealt sufficiently with the safety of this type of transport. CTE requested that the Joint Coordinating Group of Experts examine the case and present its views.

For more information: WWW.OTIF.ORG > Technology > Committee of Technical Experts.

Bas Leermakers

THE HISTORY AND DEVELOPMENT OF APTU AND ATMF

Defining requirements for vehicles in international traffic has long been in the remit of railway undertakings. This changed with COTIF 1999 and its APTU and ATMF Appendices, which made the admission of railway vehicles a task of governments. However, although they were adopted in 1999, they only entered into force in 2006. In the meantime, the European Community (which later became the European Union) also developed its railway legislation to a considerable extent. This article explores the history and development of COTIF's technical appendices.

Historical background

More than a century ago, in 1893, several European countries⁵ established an agreement between their governments to facilitate international freight traffic. This agreement, also known as the *CIM Convention or the Convention of Berne*, for the first time established international freight traffic rules between states.

To supplement the CIM a new convention governing the international transport of passengers and luggage by rail, the CIV Convention, entered into force in 1928. Both the CIM and CIV Conventions were regularly updated until 1980.

The Convention concerning International Carriage by Rail (COTIF), which was adopted in 1980 and entered into force in 1985, set up a new legal

regime for the carriage of passengers and goods in international traffic by rail. It introduced Appendix A – CIV and Appendix B - CIM, which had four annexes, one of which was the “Regulation concerning the International Carriage of Dangerous Goods by Rail” (RID).

However, by 1995, the political, economic, legal and technical conditions governing international rail transport were no longer the same as in 1980. The changes that had taken place raised the question of whether international railway law, as codified in COTIF 1980, was still adequate for these new situations. With the aim of developing and harmonising the railway regulations that are of importance for international rail transport, the Central Office prepared draft amendments to COTIF 1980 and the CIV, CIM and RID regulations that existed at that time, and drafted new

appendices to COTIF (CUV, CUI, APTU and ATMF).

After four years of drafting, the 5th General Assembly (1999) adopted a comprehensive revision of COTIF 1980 in the form of the 1999 Protocol (Vilnius Protocol), which entered into force on 1 July 2006. This led to a completely new version of COTIF that also included the APTU and ATMF Appendices.

APTU and ATMF Appendices

Before APTU and ATMF were introduced, the conditions for accepting railway vehicles into international traffic, including the technical specifications, were organised among rail companies in the form of the RIC and RIV agreements, which were coordinated by UIC.

With the introduction of APTU and

⁵ Austro-Hungary, Belgium, France, Denmark, Germany, Italy, Luxembourg, the Netherlands, Russia and Switzerland

ATMF, the international acceptance of railway vehicles became a competence of state authorities rather than railway companies. The provisions included the mutual recognition of technical approvals between national authorities. APTU and ATMF set out the general principles and responsibilities, but the content and how to implement the rules in practice still had to be developed in detail.

APTU defined the procedure for the validation of *Technical Standards and Uniform Technical Prescriptions* and ATMF defined the principles, objectives and procedures for the technical admission of railway vehicles and other railway material.

Several years elapsed between the adoption of APTU and ATMF in 1999 and their entry into force in 2006. In the meantime, the European Community developed its railway legislation to a considerable extent, with the result that inconsistencies arose between European law and APTU and ATMF. As a result of these inconsistencies, in 2006 the Member States of the European Community submitted declarations in accordance with Article 42 of COTIF not to apply the APTU and ATMF Appendices⁶, because full compatibility between the OTIF and EU legal systems had not yet been achieved. To resolve the situation, modifications to APTU and ATMF were required.

The first set of amendments to the APTU and ATMF Appendices

First “Schweinsberg group”, 2004-2006

A specific working group, the so-called “Schweinsberg group”⁷, was set up in 2004 to analyse the problems resulting from the inconsistencies between European railway law and APTU/ATMF and to find possible solutions. By June 2006, the group had analysed

the approval procedure for vehicles in the European Community and the admission procedure in accordance with ATMF and concluded that there was a lack of compatibility between these two systems. It drafted proposals for amendments to APTU and ATMF and proposed transitional solutions for rolling stock marked in accordance with RIV and RIC. The group concluded that mutual acceptance would require equivalence between the technical requirements of the Technical Specifications for Interoperability (TSIs) and the corresponding APTU Annexes, which later became the Uniform Technical Prescriptions (UTPs).

The proposals to amend APTU and ATMF were submitted to the 2nd session of the Committee of Technical Experts (CTE) in June 2007, which decided that the APTU and ATMF needed to be revised in order to be simplified, to take into account developments in European law and to include entities in charge of vehicle maintenance (ECMs). At the same session, the CTE also set up a working group to deal with legal questions (WG LEGAL) in connection with the amendments to APTU and ATMF.

The ad hoc working group for legal questions (WG LEGAL), 2007

WG LEGAL started its work by discussing the conditions under which the OTIF admission and authorisation of vehicles according to European law could be deemed to be equivalent (current Article 3a of ATMF). Furthermore, WG LEGAL also discussed the broader link between the European Interoperability Directive and the APTU and ATMF Appendices. With regard to the format of the UTPs, WG LEGAL came to the conclusion that a simple reference to the TSI would not be acceptable and instead suggested a two-column format; identical/equivalent provisions would be shown across the whole width of the page (both columns),

whilst provisions specific to COTIF 1999 would be shown in the left-hand column and the corresponding European legislation (TSI and/or others) would be shown in the right-hand column, but only for information. This way, both sets of provisions could be shown in the same document (Article 8 § 9 of APTU).

The UTPs would be equivalent, in terms of their technical content, with the TSIs developed in the EU. The UTP requirements therefore had to cover exhaustively all parameters that are necessary for interoperability in international traffic.

With regard to the further revision of APTU and ATMF, WG LEGAL suggested that the Schweinsberg group should be reactivated and given the task of looking at whether further amendments to APTU and ATMF which might result from the outcome of developments in the EU provisions, were necessary.

The second Schweinsberg group, 2008-2009

The Schweinsberg group analysed developments in the European legislation, especially the new Interoperability Directive (2008/57/EC), and the preparation of the new elements in the Safety Directive (2004/49/EC) that introduced the concept of ECM. The principle of mutual acceptance was another new feature of the revised Interoperability Directive. In order to achieve equivalence between European law and COTIF, the Schweinsberg group suggested the following amendments to ATMF and APTU:

- for vehicles fully in conformity with the provisions of the UTPs, the full mutual acceptance of vehicles under both European legislation and COTIF would be ensured, provided a number of precise conditions

⁶ The EU Member States started lifting their reservations against the APTU and ATMF Appendices in July 2011 and this process was completed by July 2016. Since then, all EU Member States have applied APTU and ATMF.

⁷ Named after Mr Ralf Schweinsberg, Vice-President of the German Eisenbahn-Bundesamt, who chaired the subgroup

were met (Article 3a § 1 and 2 and Article 6 § 3 of ATMF). For vehicles not fully in conformity with these provisions, checks that had already been carried out should not be repeated, but should be mutually accepted. In addition, it would be possible to admit vehicle types (Article 6 § 5 of ATMF).

- Introduction of the concept of ECM (Article 15 of ATMF) and the requirement that before being admitted to operation, each vehicle would be required to have an ECM assigned to it (Articles 2 and 15 of ATMF). ECMs for freight wagons had to be independently certified.
- Transitional provisions were also suggested, including grandfather rights for RIV, RIC and other vehicles admitted and marked according to bilateral or multilateral agreements between the Contracting States and notified to the Organisation (Article 19 of ATMF).

APTU:

The modifications included the introduction of the two-column layout in UTPs (Article 8 § 9 of APTU).

At the 2nd session of the CTE (in 2007) the representative of the European Community said that before amending APTU and ATMF to make them compatible with the European regulations, the first step should be to include a satisfactory disconnection clause in the future accession agreement (which was eventually concluded between OTIF and the European Union in 2011) and then, as a second step, the EU would have to agree a final position on the changes to the European regulations proposed by the European Commission in December 2006 (which was adopted by June 2008).

At the 3rd session of the CTE (in 2009), all the proposals to amend APTU and ATMF were reviewed and it was agreed that these should now be submitted to the Revision Committee for adoption.

The 24th session of the Revision Committee

The 24th session of the Revision Committee held in 2009 followed the suggestions from the CTE. It also replaced the concept of “Annexes of APTU” with the concept of “UTPs”.

The modifications to APTU and ATMF entered into force on 1 December 2010.

The second set of amendments to APTU and ATMF

Unlike OTIF regulations, the European regulations contained overarching safety management principles in the Safety Directive 2004/49/EC and its amendments. These provide that Railway Undertakings (RUs) and Infrastructure Managers (IMs) have shared responsibility for the safe operation of the railway system. This was increasingly important with the introduction of new TSIs, which assumed systematic safety management and, in return, permitted a degree of technical freedom. In order to define responsibilities in a way that would allow UTPs to be fully equivalent to TSIs, the ATMF needed some additional safety management principles.

The ad-hoc subgroup for safety, 2012-2013

The 5th session of the CTE held in 2012 concluded that it was necessary to develop OTIF regulations in the domain of safety management. On its initiative the 17th WG TECH established the ad-hoc subgroup for safety, chaired by the representative of the European Commission, Patrizio Grillo. The aim of the subgroup was to analyse what was needed and the possibilities in terms of developing certain safety management principles in OTIF’s regulations. The ad-hoc subgroup recommended a step by step approach, where the first step would be to revise the UTP WAG by including provisions relating to train composi-

tion and responsibilities concerning the safe use of wagons. As a second step, it advised including the safety management principles in ATMF. The 6th CTE endorsed the ad-hoc safety subgroup’s conclusions and implemented the first step by adopting a revised UTP WAG.

The ad-hoc subgroup for ATMF, 2013-2014

At its 6th session held in 2013, the CTE initiated the next step, which was aimed at revising ATMF in relation to safety aspects. In order to facilitate the work an ad-hoc subgroup was established to revise ATMF, chaired by Michael Schmitz from Germany. The work was based on the results and recommendations of the ad-hoc subgroup for safety. The new group recommended several amendments, including a new Article 15^a concerning the responsibilities for train composition and operation and modifications to bring ATMF into line with the latest developments in European law.

The 7th session of the CTE held in 2014 endorsed the proposed changes to ATMF and submitted them to the 25th Revision Committee for decision.

The 25th session of the Revision Committee

The 25th session of the Revision Committee held in 2014 followed the suggestions made by the 7th CTE. With regard to APTU, the 25th Revision Committee also adopted minor amendments to maintain consistency between APTU and ATMF.

Some of the Articles subject to the proposed modifications were in the remit of the General Assembly and so could not be amended by the Revision Committee, even though they were mainly editorial and consisted essentially of deleting the term “other railway material”.

The modified APTU and ATMF entered into force on 1 July 2015.

The 12th General Assembly

The 12th session of the General Assembly held in 2015 approved the proposed amendments.

The entry into force of these amendments is still pending Member States' approval in accordance with Article 34 of the Convention.

The third set of amendments to APTU and ATMF

After the adoption of the fourth railway package in the European Union in 2016, and in particular the recast Interoperability Directive (EU) 2016/797 and the recast Safety Directive (EU) 2016/798, the European Union changed several provisions which had previously been harmonised with APTU and ATMF. On the basis of an analysis carried out by the European Commission and the OTIF Secretariat, the WG TECH prepared modifications to APTU and ATMF to ensure continued harmonisation with European law.

The modification of ATMF

The modification of ATMF was necessary in order to harmonise some terminology with new European law and to take into account some procedural changes within the European Union, particularly the fact that the EU Agency for Railways (ERA) would be competent, under certain conditions, to issue vehicle authorisations for placing on the market of vehicles, especially if

the area of use of the vehicle covers the networks of more than one State. This makes ERA, de facto, the competent authority for OTIF Contracting States that are also members of the European Union (Article 5 of the ATMF UR).

Another modification was required as a result of the introduction in European law of the concept of "area of use" of a vehicle. The "area of use" indicates the networks within two or more states where the vehicle can be used. In the context of ATMF, a vehicle will either be admitted in accordance with Article 6 § 3 and have an area of use that includes all Contracting States or will be admitted on the basis of Article 6 § 4 on a state-by-state basis. In the latter case, the area of use is gradually extended with each admission. In order to avoid ambiguities, Articles 6, 10 and 11 of ATMF would have to be modified.

The modification of Article 13 of ATMF enabled joint vehicle registers to be set up by a group of states, i.e. a single European Vehicle Register in the European Union, which is provided for in Article 47 of Interoperability Directive (EU) 2016/797, provided that the information it contains is accessible to the other OTIF Contracting States. Other modifications were of a less substantial nature.

The modification of APTU

The modification of APTU concerned two elements of Article 8. The amend-

ments were required in order to ensure continued harmonisation with EU law. In particular, the new points require future UTPs to define requirements that apply if existing subsystems are renewed or upgraded and they require that the parameters subsystem be checked by the RU to ensure compatibility between vehicles and the routes on which they are to be operated.

At the 10th session of the CTE held on 13 - 14 June 2017, the proposals for modification were endorsed and subsequently submitted to the Revision Committee for adoption. In addition to modifications of substance, there were some proposals of an editorial and/or linguistic nature.

The 26th session of the Revision Committee

The 26th session of the Revision Committee held on 27 - 28 February 2018 adopted the modification as proposed.

In his capacity as depositary, on 20 March 2018, the Secretary General notified the OTIF Member States of the amendments. In accordance with Article 35 § 3 of COTIF, these amendments will enter into force on 1 March 2019, unless one quarter of the Member States formulate an objection by 20 July 2018 (Article 35 § 4 of COTIF).

*Dragan Nešić
Bas Leermakers*

RID COMMITTEE OF EXPERTS' STANDING WORKING GROUP, 9th SESSION, BERNE, 28 AND 29 MAY 2018

The main focus of the 9th session of the standing working group was to conclude the work on the 2019 amendments to RID. To this end, the standing working group had before it the draft notification texts, which already included the decisions of the last RID/ADR/ADN Joint Meeting.

Work of the RID/ADR/ADN Joint Meeting

The working group approved all the final amendments adopted by the last RID/ADR/ADN Joint Meeting in March (see Bulletin 2/2018, p. 14-18) for the 2019 editions of RID, ADR and ADN.

Continued use of tank-wagons for the carriage of gases of Class 2

At the previous session of the standing working group, Austria had provided information on targeted inspections in which serious defects on gas tank-wagons had been detected. It was agreed that the measures taken at national level and by the international associations would be presented at the next session of the standing working group in order that a decision could be taken on how to proceed (see Bulletin 1/2018, p. 16 and 17).

The representatives of Switzerland, Germany and the Netherlands informed the standing working group of the measures taken in their countries. The representative of Austria thanked the Member States for their feedback and noted that carrying out targeted inspections and the publicity from the inspection results had led to a discernible improvement in the situation. In 2018, there had also been a significant reduction in the number of defects noted in Austria.

The importance of a reciprocal exchange of information on the results of inspections was highlighted. Even though a general improvement in the situation had been noted, targeted

inspections in this area should be continued. It was recalled that gas tank-wagons could only continue to be used under the transitional provisions if their equipment satisfied the provisions of Chapter 6.8.

Checklists for the filling and emptying of tank-wagons for liquids

At its last meeting, the standing working group had agreed to complete the current checklists for the filling and emptying of tank-wagons for liquids in order to cover as many of the filler's and unloader's obligations as possible, as in the new checklists for gas tank-wagons (see Bulletin 1/2018, p. 16).

The informal working group entrusted with this task, which met in The Hague on 28 February and 1 March 2018, submitted its report and revised checklists for the filling and emptying of tank-wagons for liquids. As the European Association of the Oil Refining Industry had submitted extensive comments on these new checklists, the standing working group decided only to refer to these new checklists in the 2021 edition of RID and to ask the informal working group to take account of the comments submitted as far as possible.

Extra-large tank-containers

The working group noted the report of the working group on tank and vehicle technology, which had held a meeting on 30 and 31 January 2018 to discuss the issue of extra-large tank-containers (see Bulletin 2/2018, p. 12-14). It also noted

14 States, the European Union, the European Union Agency for Railways (ERA) and 5 non-governmental organisations were represented at this meeting.

the report of the RID/ADR/ADN Joint Meeting's working group on tanks, which dealt with various issues specific to tanks.

As the working group on tank and vehicle technology had asked that BASF carry out a risk assessment using the Common Safety Method on Risk Evaluation and Assessment (CSM), the representative of the European Chemical Industry submitted a presentation setting out the procedure, the content, the timetable and the various work packages of the risk assessment.

He said he would submit an interim report to the 10th session of the standing working group in November 2018. The final report is expected in March 2019.

RID Committee of Experts

Directly after the meeting of the standing working group, the 55th session of the RID Committee of Experts was held on 30 May 2018 in order to adopt the amendments proposed at the seventh (Prague, 22 to 24 November 2016), eighth (Utrecht, 20 to 24 November 2017) and ninth sessions of the RID Committee of Experts' standing working group to enter into force on 1 January 2019. The consolidated version of these approved amendments has been published on OTIF's website since the beginning of

July 2018 (www.otif.org / Dangerous goods/Notification texts).

The RID Committee of Experts also adopted new Rules of Procedure in which the voting rights of the European Union and a written voting procedure are described. The latter was

also considered necessary as the RID Committee of Experts only meets every two years.

Next session

The 10th session of the RID Commit-

tee of Experts' standing working group will be held in Poland in the week from 19 to 23 November 2018.

Jochen Conrad

CALENDAR OF OTIF'S MEETINGS IN 2018

DATE	EVENT	ORG	LOCATION
17 - 21 September	RID/ADR/ADN Joint Meeting	UNECE	Geneva - Switzerland
25 - 26 September	13 th General Assembly		Berne - Switzerland
19 - 20 November	RID Committee of Experts' working group on tank and vehicle technology	Poland	Poland
21 - 23 November	10 th session of the RID Committee of Expert standing working group	Poland	Poland
27 - 28 November	Standing working group technology, 36 th session		to beconfirmed

EVENTS WITH OTIF PARTICIPATION IN 2018

DATE	EVENT	ORG	LOCATION
25 September	IAA – Symposium « Gefahrguttag »	Bundesministerium für Verkehr und digitale Infrastruktur (Verband der Automobilindustrie (VDA))	Hanover - Germany
10 - 11 October	5. Österreichische Gefahrgut-Konferenz 2018	Austrian Chamber of Commerce	Wien - Austria
11 - 12 October	XVIII International Scientific-Expert Conference on Railway – Railcon '18	University of Niš, Faculty of Mechanical Engineering	Niš - Serbia
16 - 17 October	Railway PRO Investment – Summit 2018	Communication platform "Railway Pro", Club Feroviar, Romanian Railway Industry Association (AIF)	Bucharest - Romania
16 - 19 October	OSJD Commission for Transport Law in the field of provisions for the carriage of dangerous goods	OSJD	Warsaw - Poland
6 - 9 November	(WP. 15) Working Party on the Transport of Dangerous Goods (105 th session)	UNECE	Geneva - Switzerland
7 - 9 November	Railway Interoperability and Safety Committee (RISC)	European Commission	Brussels - Belgium
26 November - 4 December	UN Sub-Committee of Experts on the Transport of Dangerous Goods	United Nations	Geneva - Switzerland

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Thank you for your continued interest.

The Bulletin editor

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